Article 3:
General Development Standards

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Chapter 9.30 Dedications and Infrastructure Improvements

Sections:

9.30.010 – Purpose and Intent
9.30.020 – Applicability
9.30.030 – Dedication of Street and/or Highway Right-of-Way
9.30.040 – Installation of Street Improvements
9.30.050 – Delayed Improvements - Bonding
9.30.060 – Waiver of Requirements - Procedures
9.30.070 – Department Determination
9.30.080 – Utility Undergrounding

9.30.010 – Purpose and Intent

This Chapter regulates and controls dedications and the installation of infrastructure improvements. The regulations are intended to preserve the public health, safety, and general welfare; to promote orderly growth and development; and to ensure the provision of adequate traffic and pedestrian circulation, utilities, flood control, trails, bike lanes and related infrastructure improvements and services.

9.30.020 – Applicability

The requirements of this Chapter shall apply to all subdivision, single-parcel, commercial and industrial development. Single family residential infill development is subject to dedication of necessary easements only.

9.30.030 – Dedication of Street and/or Highway Right-of-Way and Infrastructure Easements

A. **Dedications Required to Comply With Approved Plans or Ordinances**. Prior to final inspection of structures, at the discretion of the Director, the dedication of a road, street or highway right-of-way including roadway, trail or bike lane right-of-way, flood control or drainage, public utilities or easement for other infrastructure may be required to comply with the General Plan, an adopted specific plan, master infrastructure plan, or the provisions of any specific ordinance that has established a future right-of-way line.

B. **Dedications Required in Absence of Approved Plans or Ordinances.** Where approved plans or ordinances do not exist, the required dedications may be required for specific plans and planned development projects and shall be as follows:

1. Proposed development adjacent to trail and bike lane systems may be required to dedicate land for trail and bike access points, as determined by the Director.

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2. The dedication or offers of dedication of trail and bike lane easements where appropriate may be required for establishing a planned trails system alignment or where an established trail is jeopardized by impending development.

9.30.040 – Installation of Street and Infrastructure Improvements

A. Installation of Street and Infrastructure Improvements. Prior to final inspection of any building, structure or improvement resulting in an increase or change of vehicular traffic, increases in run-off, or increases in demand on infrastructure systems such that the construction of street or infrastructure improvements are necessary for the purposes of protecting public safety and health, the installation of street improvements and infrastructure shall be required in accordance with the following and other current adopted standards, subject to the review of the Director. "Street improvements" include any or all curb and gutter, sidewalks, street lights, concrete driveway approaches, drainage structures, paving, back-filling and preparation of the road surface to rough grade for the placement of paving and other necessary improvements as determined by the Director.

1. Proof of legal and physical access is required.

a. Physical access is a route which is traversable in a standard (two-wheel drive) sedan. Proof of physical access shall be determined by the Director..

b. Legal access is:

1) A dedicated right-of-way;

2) A dedication to the Town of Yucca Valley and to the public in general, an easement for public road, highway and public utility purposes of a width as established by the Circulation Element of the General Plan. The easement or road constructed on the dedicated land shall not become a Town roadway until and unless the Council, by appropriate resolution, has caused the road to be accepted into the Town Maintained Road System.

3) An existing traveled way that is substantially in compliance with Town road standards, where a prescriptive right by the user has been established for the public use by court decree.

4) Private road easement

c. When all feasible efforts to establish legal access in accordance with 9.30.040 (A)(1)(b)have been exhausted, the lot is an existing legally created parcel, and the property owner has physical access, the Director, may waive the requirement for legal access on the condition that the property owner enters into an agreement in the form required by the Town which includes the property owner's: (1) representation that the owner has a right to physical access; (2) acknowledgement that proof of legal access has not been provided to the Town's satisfaction; and, (3) agreement to disclose to any subsequent owners that legal access has not been established to the satisfaction of

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the Town. Notation of said agreement and conditions of waiver shall also be included on the building permit.

2. Water.

a. Water purveyor. Required when in the service area of a water purveyor and the purveyor can supply the water.

b. Substantiated well water. If the subject parcel is not within the service area of a water purveyor, well water may be allowed if all required setbacks are met.

c. Well water within the boundaries of the Hi Desert Water District.

3. Sanitation.

a. Sewer. Project shall connect as required by the ordinances and policies of the Hi Desert Water District.

b. Septic systems: Allowed in compliance with the local Regional Water Quality Control Board regulations.

4. Fireflow. Adequate fireflow and fire safety measures in compliance with the most current regulations adopted by San Bernardino County Fire Department.

5. Street and Infrastructure Improvements. Street and infrastructure improvements shall be required for all residential and non-residential subdivisions (parcel maps and tract maps) and commercial and industrial projects in accordance with Table 3-1.

TABLE 3-1
STREET AND INFRASTRUCTURE IMPROVEMENTS

Standards	Residential (Lot sizes are the size of the resultant parcels after the subdivision)		Non-Residential
	Less than 1.0 acres	1.0 acres or larger (Or within Large Animal Overlay District) (1)	All Lot Sizes
Paved Access to nearest paved road	Yes (1)	No	Yes
Paved General Plan Roads Shown on the Circulation Plan Within or Abutting the Subdivision	Yes	Yes	Yes
Paved Internal Roadways, other than General Plan Roads	Yes (1)	No	Yes
Curbs and Gutters	Yes	No, except General Plan roads	Yes
Sidewalks	Yes (1) (2)	No, except General Plan roads	Yes(2)
Street Lights	Yes (1)	No, except General Plan roads	Yes

Notes:
(1)Residential Parcel Maps (4 lots or less) with resultant parcels greater than 1 acre and more than 500 feet from the nearest paved road may be exempted from this requirement.
(2)Sidewalks are required both sides of the road, except sidewalks are only required on one side of the roadway for Local Residential and Industrial Roads, not including roads shown on the General Plan Circulation Plan, where the resultant parcels after subdivision are 1acre or larger.

9.30.050 – Delayed Improvements - Bonding

Such dedications and installation of street and infrastructure improvements shall be required prior to the occupancy of the premises or commencement of the above- referenced uses. Where it is impractical to install the required improvements at the time of the proposed development, an agreement in writing shall be entered into with the Town to make such improvements, and a cash deposit, a surety bond or such other form of surety as may be acceptable to the Town in an amount equal to the estimated cost of the improvements as determined by the Director, shall be posted with the Town in lieu thereof, to guarantee the installation of such improvements. In the latter event, the actual installation of street improvements may be delayed until written demand therefore is made by the Town. If surety bonds are submitted, they shall be furnished by a surety company authorized to write such bonds in the State of California.

9.30.060 – Waiver of Requirements - Procedures

A. Requirements for all improvements in the public right-of-way will be specified by the Town. Request for a waiver of any of these requirements may be made to the Commission who shall have the authority to approve modifications or reject any of the requirements.

1. Prior to waiving or modifying any improvement requirement, the Commission shall find as follows:

a. That the waiver or modification of the required improvement would not adversely affect the public health and safety.

b. That neither the improvements being waived nor the modifications authorized delete improvements which are a necessary prerequisite to the orderly development of the surrounding area.

2. Prior to waiving any improvement requirement, the Commission may require a written agreement from the applicant, agreeing to participate in any street improvement program for the area in which the property is located, whether privately or publicly initiated. This agreement shall be recorded with the County Recorder.

3. Appeal of Action. Any decision by the Commission pertaining to a request to waive or modify required improvements may be appealed to the Council.

9.30.070 – Department Determination

Prior to final inspection of any such building or structure, the Department shall determine the following:

A. That all of the required dedications have been provided.

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B. That all of the required street improvements have either been installed or that a cash deposit, surety bond or other form of acceptable surety in an amount equal to the estimated cost of the street improvements has been posted with the Town to assure the installation of said street improvements.

9.30.080 – Utility Undergrounding

See Section 87.11 (Undergrounding Utility Districts) in Title 8 (Buildings and Construction) of the Yucca Valley Municipal Code.

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Chapter 9.31 General Development Standards

Sections:

9.31.010 – Purpose and Applicability
9.31.020 – Clear Sight Triangle
9.31.030 – Height Regulations and Exceptions

9.31.010 – Purpose and Applicability

A. **Purpose.** The purpose of this Chapter is to ensure that all development produces an environment of stable and desirable character that is harmonious with existing and future development, and protects the use and enjoyment of neighboring properties, consistent with the General Plan.

B. **Applicability.** The standards of this Chapter apply to all zones. These standards shall be considered in combination with the standards for each zone in Article 2 (Zoning Districts and Development Standards). Where there may be a conflict, the standards specific to the zone or specific land use shall override these general standards. All structures, additions to structures, and uses shall conform to the standards of this Chapter, as determined applicable by the Director.

9.31.020 – Clear Sight Triangle

A. **Visibility Required.** To safeguard against vehicular, bicycle, and pedestrian collisions caused by visual obstructions at street and alley intersections, and at any point where a driveway intersects a street or alley, there shall be no visual obstruction within the clear sight triangle established in this Section. Such space shall be kept free of buildings, structures, and landscaping that constitutes a visual obstruction. In hillside areas, clear sight triangle shall include such grading as may be necessary to provide for reasonable intersection visibility.

B. **Clear Sight Triangle Described.** The clear sight triangle is defined as:

1. The triangular-shaped area on a corner lot, or at a point where a driveway intersects a street, formed by measuring the prescribed distance from the intersection of the front (or rear) and street side property lines at an intersecting street or alley, and connecting the lines diagonally across the property making a 90-degree triangle; and

2. The triangular-shaped area on each side of any driveway intersecting a street or alley.

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Figure 3-1:
Clear Sight Triangle Graphic

[To be added]

C. Clear Sight Triangle Required Dimensions. Table 3-2 (Clear Sign Triangle Required Dimensions) identifies the required dimensions for a clear sight triangle:

TABLE 3-2:
CLEAR SIGHT TRIANGLE REQUIRED DIMENSIONS

Type of Intersection	Required Dimension for a Clear Sight Triangle	
	Standard Lot	Irregular Lot With No Intersection Visibility
Street Right-of-Way and Alley	15 ft.	17 ft.
Two Intersecting Alleys	15 ft.	17 ft.
Street Right-of-Way and Driveway	10 ft.	17 ft.
Street and Street	30 ft.	35 ft.

D. Maximum Height Requirement. The following shall not be erected, placed, or planted, or allowed to grow over 30 inches in height above the nearest street curb elevation within a clear sight triangle:

1. Fences and walls.
2. Signs, see also Section 9.36 (Sign Regulations).
3. Structures.
4. Mounds of earth.
5. Other visual obstructions.

E. Exceptions. The requirements for clear sight triangle shall not apply to:

1. Traffic safety devices.
2. Trees trimmed from the ground surface up to eight feet above the adjoining curb.
3. Utility poles.
4. Other utility installed or maintained devices allowed by this Development Code.
5. Free standing sign when the lower edge of the sign face is at least eight feet above grade and where there are no more than two posts or columns, each with a maximum width or diameter of 12 inches, supporting the sign.

F. Prohibited

1. Real Estate Signs
2. Sign Twirlers

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9.31.030 – Height Regulations and Exceptions

A. General Provisions. The maximum structure height development standards established by the zoning districts may be increased as specified by this section, provided such increase does not conflict with airport safety regulations or approved conditions of approval.

B. Permitted Structural Height Increases

1. Single-Family Dwelling Unit. Single-family dwelling units in zoning districts that impose a height limitation of 35 feet or less may exceed the height limit by up to 25%, when two side yards of at least 20 feet are provided.

2. Institutional Structures. Institutional structures in zoning districts that impose a height limitation of 35 feet or less may exceed the height limit by up to 25%, when the required front, side and rear yards are increased an additional one foot in excess of minimum requirements for each four feet in height above 35 feet.

3. Miscellaneous Structures. The maximum structure height specified in a zoning district may be exceeded by no more than 50 percent for structures identified in Table 3-3 (Structures That May Exceed Height Limit), subject to an approved Land Use Compliance Review:

TABLE 3-3: STRUCTURES THAT MAY EXCEED HEIGHT LIMIT	
a. Cupolas, domes, skylights, and gables. b. Ornamental towers and spheres. c. Church steeples and towers. d. Flag poles. e. Bird houses. f. Residential chimney, flues, smokestacks, and enclosures. g. Mechanical equipment and its screening. h. Elevator housing. i. Bulkhead and skylights. j. Monuments. k. Barns, silos, grain elevators, ~~windmills~~, and other farm buildings or structures in Open space, Residential Hillside Reserve, and Rural Living zoning districts. l. Noncommercial antennas up to 65 feet in residential zoning districts.	m. Fire or parapet walls. n. Fire and hose towers. o. Stairway housing. p. Water tanks and water towers. q. Cooling towers, gas holders, smokestacks, or other structures in industrial zoning districts which are required by permitted industrial processes. ~~r. Windmills and solar energy collectors in residential or commercial zoning districts.~~ s. Observation and carillon towers. t. Radio and television station towers. u. Distribution and transmission cables and towers v. Outdoor theater screens. w. Sign spires x. Penthouses. y. Other roof structures and mechanical equipment similar to those listed above.

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Chapter 9.32 Landscaping and Water Conservation

Sections:

9.32.010 – Purpose and Intent
9.32.020 – Applicability
9.32.030 – Exemptions to the Landscaping Requirements
9.32.040 – Modification to the Landscaping Requirements
9.32.050 – Landscape Documentation Package
9.32.060 – Landscaping Area Requirements
9.32.070 – Development Standards
9.32.080 – Irrigation Scheduling and Maintenance Required
9.32.090 – Landscape Certificate of Completion Submittal
9.32.100 – Non-potable/Recycled Water
9.32.110 – Storm Water Management

9.32.010 – Purpose and Intent

The Town promotes the value and benefits of landscapes while recognizing the need to use water and other resources as efficiently as possible. In compliance with applicable State standards and guidelines, this Chapter establishes minimum landscape standards for all uses for the purpose of enhancing the appearance of developments, reducing heat and glare, controlling soil erosion, conserving water, establishing a buffer and/or screen between residential and non-residential land uses, and ensuring the ongoing maintenance of landscape areas. Water conservation measures shall be addressed through landscape and irrigation design.

9.32.020 – Applicability

The Director may delegate authority for review, inspection -and approval of plans and installations, as well as other implementation of this Chapter to the local water purveyor in order to avoid duplication of processes and efforts specific to allowable water use, irrigation system design, metering requirements and other standards regulated by the local water purveyor .

A landscape document package shall be submitted for review and approval for the following projects:

A. All new and rehabilitated landscapes associated with homeowner installed residential uses (including single residential units/projects) with a total landscape area that is 5,000 square feet or greater.

B. All new and rehabilitated landscapes associated with any developer-installed residential uses (including single and multiple residential projects) with a total landscape area that is 2,500 square feet or greater.

C. All new and rehabilitated landscapes associated with any owner and/or developer installed commercial, institutional, and/or industrial uses with a total landscape area that is 2,500 square feet or greater.

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D. All new and rehabilitated landscapes within cemeteries. These projects need only prepare a water budget that specifies the facilities Maximum Applied Water Allowance (MAWA) and Estimated Annual Water Use (EAWU), and they must meet the provisions set forth in Sections 9.32.060 and 9.32.070 of this Chapter.

E. If existing physical constraints on the site (e.g., structures, parking, circulation, etc.) limit the amount of landscaping that can be provided, whatever additional landscaping the site can accommodate towards meeting the landscape area requirements of this Chapter shall be provided.

9.32.030 – Exemptions to the Landscaping Requirements

The following projects shall be exempt from landscaping requirements:

A. Those properties that have been registered as local, state, and/or federally historical sites.

B. Undisturbed portions of residential subdivisions, such as areas which are to remain natural for native plant protection and/or management, for the protection of a wildlife corridor, or for other natural resource management all of which will not require supplemental water or the approval as a viable landscape by the Director.

C. Undisturbed portions of nonresidential project sites.

D. Those properties that are currently in agricultural production are exempt from the requirements of this Chapter. Commercial agriculture production requiring more intense water usage shall be subject to separate water efficiency standards as regulated by the State of California and local water resource agencies.

E. Those properties that are part of an ecological restoration project(s) and do not require the use of a permanent irrigation system.

F. Those properties that are part of a mined-land reclamation project(s) and do not require the use a permanent irrigation system.

G. Those plant collections, as part of botanical gardens and arboretums that are open to the public.

9.32.040 – Modification to the Landscaping Requirements

A. **Director Approval.** The Director may approve modifications to the requirements of this Chapter. The modifications shall be limited to the following:

1. Minor modifications to the approved landscape documentation package that comply with the spirit and intent of the requirements, including, but not limited to, revising or substituting plant varieties, container sizes, plant locations, irrigation specifications, hardscape components, berm heights and/or locations, slope features, and other similar changes.

2. Any minor modifications of planting, installation, and/or soil preparation details as listed within the approved landscape documentation package.

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3. The occupancy of structures prior to the installation of landscaping due to exceptional and unforeseen circumstances when a bond or other surety is provided in compliance with SubSection 9.32.050 (C) (Statement of surety).

B. Conditions imposed in connection with modifications. In granting modifications to any approved landscape documentation package, the Director may impose conditions as deemed necessary to comply with the spirit and intent of these regulations.

9.32.050 – Landscape Documentation Package

A. Landscape Documentation Package Requirements. A landscape documentation package shall be submitted for review and approval for those projects specified in Subsection 9.32.020 (Applicability), consisting of the following:

1. Title Sheet. Pertinent project information (i.e. applicant contact information, representative contact information if applicable, assessor's parcel number, etc.) shall be included on a title sheet. The following statement is to be placed on the title sheet of the landscape documentation package:

> *I agree that this landscape documentation package complies with the landscaping requirements as outlined by Chapter 9.32 of the Town of Yucca Valley Development Code; as well as any other requirements as outlined in supporting documentation regarding water efficient-landscaping requirements provided by the Town of Yucca Valley.*

The Title sheet shall bear the signature of a licensed professional authorized to design landscape plans.

2. Demolition Plan. The landscape demolition plan, if applicable, shall show all landscape elements, and/or hardscape elements, that will affect the proposed landscaped areas, and identify each element to be removed or protected in place. Any existing regulated native species shall be identified and shall not be removed without a removal permit.

3. Construction Plan. The landscape construction plan shall detail the hardscape elements, i.e. sidewalks, mowcurbs, aesthetic elements, etc., that are proposed as part of the landscape design.

4. Water Budget. A project's water budget shall be based on the following calculations and shall be included on the irrigation plan:

a. Maximum Applied Water Allowance (MAWA): The MAWA for the project shall be calculated using the following formula:

MAWA (in gallons) = (ETo)(0.62)[(0.7 x LA) + (0.3 x SLA)]

Where:

1) ETo: The project area specific reference evapotranspiration rate (inches), as outlined in the California Irrigation Management Information System (CIMIS), other equivalent data, or soil moisture sensor data.

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2) 0.62: The conversion factor, which converts acre-inches per acre per year to gallons per square foot per year.

3) 0.70: The ET adjustment factor, that, when applied to the ETo, adjusts for plant factors and irrigation efficiency, which are two major influences upon the amount of water that needs to be applied to the project's landscaped areas. Those areas using non-potable/recycled water for irrigation purposes may use the ET adjustment factor, which shall not exceed of 1.0. The ET adjustment factor is figured by dividing the average site-wide plant factor, found in the Water Use Classifications of Landscape Species, third edition (WUCOLS III), with the average irrigation efficiency of 0.71, as defined by State law;

4) LA: The project's total landscaped area (including SLA) in square feet; and

5) SLA: The project's total special landscaped area (i.e. areas dedicated to edible plants, areas irrigated with non-potable/recycled water, and publicly accessible areas dedicated to active play such as parks, sports fields, golf courses, and where turf provides a playing field or where turf is needed for high traffic activities) in square feet.

b. Estimated Annual Water Use (EAWU). The EAWU for project specific hydrozones shall be calculated using the following formula:

EAWU (in gallons) = (ETo)(0.62)[((PF x HA)/IE) + SLA]

Where:

1) ETo: The project area specific reference evapotranspiration rate (inches), as outlined in the California Irrigation Management Information System (CIMIS), other equivalent data, or soil moisture sensor data.

2) 0.62: The conversion factor, which converts acre-inches per acre, per year to gallons per square foot, per year.

3) PF: The plant factor found in the Water Use Classifications of Landscape Species, third edition (WUCOLS III) publication, available from the Department of Water Resources. The plant factors range from: low (0 to 0.3), medium (0.4 to 0.6), and high (0.7 to 1.0).

4) HA: The hydrozone area in a square foot number based on water usage areas within the particular landscaping area (i.e. high, medium, and low, see above). If plants with low water requirements are used within a medium water use hydrozone (those plants that can also survive/flourish in a medium water use application), they shall be counted as a medium water use in the water budget calculations. The same requirement applies for those plants that can also be utilized in a high water use application.

5) IE: The irrigation efficiency of the projects irrigation systems. For the purposes of determining the EAWU, the average irrigation efficiency is assumed to be 0.71, based on State law. All project irrigation systems shall be designed, maintained, and managed to meet or exceed an average irrigation efficiency of 0.71, as defined by State law.

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6) SLA: The project's total special landscaped area (i.e. areas dedicated to edible plants, areas irrigated with non-potable/recycled water, and publicly accessible areas dedicated to active play such as parks, sports fields, golf courses, and where turf provides a playing field or where turf is needed for high traffic activities) in square feet.

7) The landscaping plans shall provide the EAWU (in the same units as the MAWA is provided) for each valve stationed on the project specific irrigation controller. The sum of the projected EAWU shall not exceed the projected MAWA for the project.

5. Landscape Planting Plan

a. Plant Groupings. Plants selected for the landscape planting plan shall have similar water needs and be grouped together in distinct hydrozones for water maximum efficiency.

b. Plant Hardiness. Plants selected for the landscape planting plan shall be selected based upon their adaptability to the climate in which the project is located, as well as the geologic and topographical conditions. Where possible, the preservation and protection of existing native plant species and natural areas shall be encouraged.

6. Landscape Irrigation Plan. The plan shall include all components of the irrigation system (i.e., valves, heads, sensors, etc.). The water budget information shall be used in the preparation of the irrigation plan and shall be included on the plan.

7. Hydrozone Plan. A separate hydrozone plan shall be prepared in conjunction with the irrigation plan calling out the distinct hydrozone plant groupings.

8. Landscape Grading Plan. If the proposed grading exceeds 50 cubic yards, the developer shall submit the most recent rough/precise grading plans and elevations for the project site. These plans shall bear the signature of a licensed professional authorized by law.

9. Soil Management Report. To help further reduce runoff and help encourage healthy plant growth, a project-specific soil management report with soil amendment recommendations shall be submitted as part of the landscape documentation package.

B. Review and approval. Prior to the issuance of permits, the developer shall submit a complete Landscape Documentation Package for review and approval.

C. Statement of Surety. When required by the Director, a statement of surety in the form of cash, performance bond, letter of credit, or certificate of deposit in an amount equal to 120 percent of the total value of all plant materials, irrigation equipment, installation, and maintenance shall be posted with the Town for a two-year period. The Director may require statements of surety for phased development projects, a legitimate delay in landscape installation due to seasonal requirements (including adverse weather conditions) and similar circumstances where it may not be advisable or desirable to install all of a project's landscaping before occupancy of a site.

D. Local Water Purveyor. If special provisions have been arranged for a local water purveyor to review and approve a specific project's landscape documentation package, a stamped set of plans approved by the local water purveyor shall be provided.

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9.32.060 – Landscaping Area Requirements

A. General requirements.

1. Setbacks. Setback and open space areas required by this Development Code shall be landscaped based on the requirements of this Chapter, except the portion where a sidewalk or driveway occur in the required setback. Required setbacks that are screened from public view in commercial and industrial zones, and are not adjacent to residentially-zoned property, are exempt from the provisions of this Chapter.

2. Unused Areas. Areas of a project site not intended for a specific use shall be landscaped based on the requirements of this Chapter, unless exempt in compliance with Subsection 9.32.030 (Exemptions from the Landscaping Requirements).

3. Parking Areas. Parking areas shall be landscaped in compliance with Chapter 9.33.110 (K) (Landscape Requirements for Parking Areas) and the water-efficient landscaping requirements of this Chapter.

B. Landscaping In Lieu of Parking Spaces. Landscaping may be provided in lieu of 10 percent of the total number of parking spaces required, provided the landscaping is arranged so that parking may be installed at a later date if a demand arises, and further provided, that the owner agrees to provide parking at the request of the reviewing agency.

9.32.070 – Development Standards

A. Design Standards. The elements within the landscape documentation package (i.e. planting, irrigation, construction, etc.) shall incorporate the following:

1. Cohesive Landscape Design. Landscaped areas shall be made an integral part of the overall project design and shall not be simply located in excess space after parking areas and structures have been planned on-site. Additionally, landscaped areas should have a coordinating design that blends with the architectural influence of the site. Larger developments may utilize a variety of themes throughout landscaped areas to distinguish key areas and elements within the development, yet these design concepts shall be consistent with the unifying concept established for the development.

2. Scale and Character. Landscape materials (i.e. planting and hardscape) shall be selected so that the scale and character are appropriate to the site architecture and/or use of the site.

3. Functional Landscapes. Landscaped areas shall be utilized to enhance and define entrances, sidewalks, and pedestrian areas. Additionally, landscaped areas shall be utilized to control microclimates as well as enhance views. Plant materials that provide seasonal color via flowers or foliage shall be provided as an accent to entrances and sidewalks, and shall be considered throughout the landscape.

4. Landscape Design Features. Aesthetic landscape design features such as sculptures, decorative paving, benches, trellises, arbors, etc. shall be strongly encouraged within landscaped areas. Aesthetic landscape design features do not include driveways, parking areas, and/or storage areas.

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5. Sidewalks. All sidewalks, where necessary and appropriate, shall be shown on the landscape plans (i.e. planting, irrigation, construction, etc.). This will ensure proper planting and irrigation design around proposed sidewalks.

6. Alternative Hardscape Materials. Decomposed granite, pea gravel, mulch, bark, recycled tire mulch, play area surfacing, and other similar materials may be used in functional activity areas (i.e., patios, rear entry walks, trails, etc.).

7. Water Features. If a water feature such as a pond or fountain is used within a project's landscape then the project's water budget calculations (MAWA) will need to include the surface area of the water feature with the evaporation rate equivalent to that of a high water use plant. Where available, if not utilized by the public as a recreation source, a non-potable/recycled water source shall be used for any decorative water features. Decorative water features shall be on a recirculating system and shall be maintained on a regular basis.

8. Screening. Planting material and/or hardscape material, such as block walls, wood fencing, vinyl fencing, etc., shall be required to screen storage areas, trash enclosures, parking areas, air conditioning units, and other such elements (except residential driveways). Additionally, any above ground public utilities, such as, but not limited to electrical substations, water storage facilities, and treatment plants shall also be provided with perimeter landscape screening to the extent possible.

9. Bio-swales. Where possible, bio-swales shall be incorporated into landscaped areas to help maintain, manage, and prevent run-off. All bio-swales shall be a mixture of hardscape materials, i.e. rocks, boulders, rip rap, and plant materials suitable for bio-swales; impermeable surfacing shall be avoided in all bio-swales.

10. High Maintenance Landscaping. High maintenance landscaped areas shall be kept to a minimum. If high maintenance landscaped areas are proposed as part of a project's landscaping, these areas shall be located near primary uses and high activity areas.

11. Maximum Height for Clear Sight Triangles. Any planting material and/or hardscape elements over 30 inches in height shall not be allowed within a clear sight triangle formed by the intersection of public rights-of-way, parking lot entrances and exits, pedestrian rights-of-way, driveways, or alleys as described in Subsection 9.31.020 (Clear Sight Triangles).

12. Phased development. Disturbed nonresidential project sites, including those that have been approved with phasing, where future development is intended within six months of approval, or intended to begin within six months after the completion of a previous phase shall be hydro-seeded with a non-irrigated mix of annuals and natives. Supplemental water shall be provided to the hydro-seeded areas to establish plant health. The hydro-seeded areas shall be maintained in a weed-free condition until development occurs on-site. The proposed hydro-seed mix shall be submitted for review and approval.

B. Planting Plan Requirements. Planting plans shall include the following:

1. Plant Material Varieties. Plant materials shall include water-conserving trees (deciduous and evergreen), shrubs, and groundcover that are attractive and useful for erosion control.

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The use of one predominant species shall be avoided to prevent spread of disease and pests.

2. Plant Materials. Plant materials shall be a cohesive mix of evergreen and deciduous trees, shrubs, groundcovers, succulents, and native plant material that are drought and infestation tolerant; turf is highly discouraged and shall be minimized and be placed in compliance with this Chapter. Appropriate desert plant materials shall be selected based on their appropriate plant hardiness climate zones as defined by Sunset Western Garden Book and their classifications per the Water Use Classifications of Landscape Species, third edition (WUCOLS III) publication, available from the Department of Water Resources.

3. Coordination of Plant Materials. Plant types shall be grouped together based on their water, soil, sun, and shade requirements, as well as their relation to natural watercourses on-site, existing vegetation that is to remain, and their relationship to building orientation. Plant types with different water needs shall be placed on separate irrigation valves within specific hydrozones. Plant types with similar classifications such as high and moderate, moderate and low, low and very low, per the WUCOLS III publication, shall be grouped together in planting areas.

4. Native and Drought-tolerant Plant Materials. Native and drought-tolerant plant materials capable of surviving with a minimal amount of supplemental water shall be utilized.

5. Landscaped Setbacks. The front yard and street side yard setback areas of a parcel shall be landscaped using xeriscape landscaping techniques, which combines drought tolerant plant and hardscape materials in a variety of aesthetically pleasing designs. For sites where no disturbance of land within setbacks is proposed, landscaping shall not be required.

6. Mulch. Where appropriate, use rock mulch including cobble stones, crushed rock, and similar gravels in place of organic mulch. Rock mulch can assist in dust control as well.

7. Dust Control. If grading takes place, then a dust control plan shall be submitted for review.

8. Shade Trees. Where appropriate, shade trees shall be provided for residential, commercial, institutional, and industrial buildings, parking lots, open space areas, etc. The trees shall be incorporated to provide natural cooling opportunities and water conservation.

9. Invasive Plants. The use of invasive plant materials shall be avoided in areas near parks, buffers, conservation areas/reserves, and other open space areas because of the potential to cause harm to environmentally sensitive areas.

10. Vines. To aid in the prevention of graffiti, self-clinging vines shall be planted to help ensure full coverage of the public-facing side of all walls.

11. Edible Plants. If edible plant material is proposed as part of the landscape design, it shall be clearly defined and kept separate from all other plant material. Non-potable/recycled water shall not be used to irrigate edible plant material areas.

12. Fire-prone Plants. Plant materials that are fire-prone and highly flammable shall be avoided.

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13. Plant Material Spacing. Trees proposed within the road right-of-way shall be planted 30 linear feet on-center from one another, unless another on-center spacing is specified within the project's conditions of approval. In open space areas, trees shall be planted in odd number groupings to allow for a more natural look and feel. The on-center spacing for shrub and groundcover materials shall be based on the size of the specific plant species at maturity. Careful consideration shall be given to proposed plant materials height and spreads so that at maturity they do not interfere with service lines, a driver's or pedestrian's view of public rights-of-way (e.g., the view of approaching, merging, or intersecting traffic, etc.), or otherwise impair public safety, or interfere with the safe operation of a motor vehicle on public streets.

14. Plant Material Container Sizes. Plant materials shall be provided in an array of several container sizes. Container sizes for plant material shall include some of the following:

a. Trees: 15 gallon, 24-inch box, 36-inch box, 48-inch box, and 52-inch box, 72-inch box, 96-inch box, and field dug.

b. Palms: six- to 15-foot brown trunk height (BTH).

c. Shrubs: one-gallon, two-gallon, five-gallon, and 15-gallon.

d. Groundcovers: flats and one-gallon.

15. Plant Solar Orientation. Plant materials shall be planted in a manner considerate of solar orientation to help maximize summer shade and water conservation.

16. Turf. Turf is prohibited for use as aesthetic landscaping in commercial and industrial projects. Turf is only allowed for limited uses within parks, sports fields, golf courses, and where turf provides a playing field or where turf is needed for high traffic activities. Where turf is installed, the use of warm season turf shall be strongly encouraged. Furthermore, unless subsurface or other low-flow or non-spray irrigation is proposed, all turf areas shall be a minimum 24 inches away from non-permeable surfaces as to minimize irrigation runoff and overspray.

17. Slope Design. Slopes with a 5:1 ratio or greater; cut slopes with a five-foot vertical height or greater; and fill slopes with a three-foot vertical height or greater shall be protected against damage from erosion. In addition to the stabilizing mulch, drought-tolerant plant material and hardscape features shall be utilized on slopes to promote water retention and erosion control. Decorative boulders and other suitable hardscape materials may be utilized on slopes, but the dominant visual character of the slope shall be made up of drought-tolerant plant materials. Shrubs shall be used in combination with lateral spreading groundcovers; trees shall be used where slope exceeds 15 feet vertical height. Trees and shrubs shall be planted in visually attractive groupings that provide a more natural appearance.

C. Irrigation Plan Requirements. Irrigation plans shall include the following:

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1. Efficiency. Irrigation systems shall be designed, installed, maintained, and managed to achieve the highest efficiency rate as possible, and shall meet and maintain an average efficiency rate of 0.71, as defined by State law. High efficiency methods of irrigation (i.e., drip irrigation, efficient rotators, rotary nozzles, micro sprays, etc.) are recommended within the irrigation design.

2. Water Pressure. Static water pressure, dynamic, or operating pressure and flow reading of the water supply shall be measured at the point of connection (POC). These pressure and flow measurements shall be conducted at the design stage to help aid in the design of the irrigation systems. If these measurements are not available at the design stage, the measurements shall be obtained at time of construction and the irrigation design adjusted accordingly. The design of the irrigation systems will ensure that each emission device is within the manufacturer's recommended dynamic pressure range for optimal performance.

3. Variables in Static Pressure. If the measured static pressure is above or below the required dynamic pressure for optimal performance of the irrigation system then pressure-regulating devices (i.e. inline pressure regulators, booster pumps, etc.) shall be specified and installed in order to meet the dynamic pressure required for optimal performance of the irrigation systems.

4. Matched Precipitation Rates. Irrigation heads (i.e. spray heads, rotors, etc.) and other emission devices shall have matched precipitation rates unless otherwise directed by the manufacturer's specifications.

5. Capacity. The capacity of the irrigation system shall not exceed the capacity required based on the water budget calculations for peak water demand, meter capacity, and/or the backflow preventer type and device capacity. If the project is served by a local water purveyor then it is recommended that the project developer contact the water purveyor and inquire about peak water demands (on the main water supply system) and any known water restrictions that could possibly impact the effectiveness of the irrigation systems.

6. Runoff and Overspray. Soil types and infiltration rates shall be taken into account when irrigation systems are designed and installed. Irrigation systems shall be designed and installed to prevent runoff, low head drainage, overspray, or other similar conditions where water flows onto adjacent property, non-irrigated areas, sidewalks, roadways, or structures. The use of check valves shall be required on all irrigation systems to prevent low head drainage. Proper irrigation design, equipment, and schedules, including repeating cycles, shall be used in order to match application rates and help minimize runoff.

7. Head to Head Coverage. Irrigation systems shall be designed to utilize head-to-head coverage with matched precipitation rate nozzles. Rotors and spray heads shall be zoned separately. When using rotors, half arc rotors and full rotors shall be zoned separately, unless matched precipitation rate nozzles are utilized.

8. Water Waste. Water waste is the result of inefficient irrigation due to runoff, overspray, low head drainage, and other similar conditions that causes flows to run onto adjacent non-irrigated areas, walks, roadways, parking lots, etc. It shall be the responsibility of the property owner to prevent water waste on their property by properly maintaining, managing, and replacing irrigation equipment per the regular maintenance schedule.

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Restrictions in regards to overspray may be considered and modified if the following occur:

a. The landscaped area is directly adjacent to a permeable surface and no runoff occurs; or

b. If the directly adjacent non-permeable surfaces have been designed and installed to drain entirely into a landscaped area on-site.

9. Meters. Meters shall be provided in accordance with Hi Desert Water District standards and requirements.

10. Valves. Separate valves shall be provided for those planting areas with similar water uses, so plantings with similar water needs are on the same irrigation valve. All turf areas shall be placed on a separate valve from non-turf areas. Where feasible, trees shall be placed on a separate deep root watering system with its own valve.

11. Equipment. All irrigation systems shall be equipped with the following:

a. "Smart" Irrigation Controller. All irrigation systems shall be equipped with a smart irrigation control, which automatically adjusts the frequency and/or duration of irrigation events in response to changing environmental conditions. Landscaped areas shall be zoned together in relation to moisture control zones, which shall be based on similarity of water needs (i.e. turf separate from shrubs and groundcovers, sun exposure areas separate from shade areas, top of slope separate from toe of slope, etc.).

b. Weather Sensing Devices. All irrigation systems shall be equipped with weather sensing devices (i.e. rain, wind, freeze, etc.), either integral or auxiliary, that suspend or alter system operations during unfavorable weather conditions.

c. Flow Sensor. A flow-sensing device is recommended for all irrigation systems so that irregular flows within the system can be detected and repaired.

d. Manual Shut-off Valves. All irrigation systems shall be equipped with manual shut-off valves (i.e. gate valve, ball valve, butterfly valve, etc.) that are located as close as possible to the irrigation systems point of connection (POC) and also where jointed transitions occur on the mainline to minimize water loss in case of an emergency and/or scheduled routine repair.

e. Pressure Regulator. All irrigation systems shall be equipped with a pressure regulator that regulates when the static pressure is above or below the recommended operating pressure for the designed irrigation system.

f. Backflow Preventers. All irrigation systems shall be equipped with a backflow prevention device in accordance with Hi Desert Water District and California Building Code standards and requirements.

g. Swing Joints/Riser Protection. In order to prevent damage that maybe caused to irrigation heads adjacent to hardscape and high traffic areas, all irrigation systems shall utilize swing joints and other riser protection.

12. Soils. Relevant information provided in the soil management report, such as soil types and infiltration rates shall be utilized when irrigation systems are designed.

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13. Non-permeable Surfaces. Conventional spray irrigation shall not be permitted within 24 inches of any non-permeable surface. Irrigation systems that are allowed within the 24-inch setback from a non-permeable surface range from drip, drip line, other low-flow or non-spray technology. If the landscape area is adjacent to permeable surfacing and no overspray or run off occurs then there shall be no restrictions on the irrigation system type.

14. Irregular Shaped Areas. Those areas that are long, narrow, and/or irregular shaped, including turf areas, less than eight feet in any direction shall be irrigated with low-volume irrigation or subsurface irrigation technology.

15. Irrigation on Slopes. Non-turf areas located on slopes greater than 25 percent shall be irrigated with a drip irrigation system or other low volume irrigation technology. This requirement may be modified and an alternative design and/or technology proposed if that design/technology demonstrates that no run-off or erosion will occur.

16. Mulched Planting Areas. In planting areas that utilize a form of mulch, the use of a low volume irrigation system shall be required in order to maximize water infiltration into the plants root zone.

17. Non-potable/Recycled water. Where available, the use of non-potable/recycled water to irrigate planting areas shall be utilized. If facilities are made available, water systems for common open spaces (i.e. parks, preserves, etc.) shall use non-potable/recycled water. If non-potable/recycled water is used for irrigation systems then all systems shall be designed to meet all applicable local agency and State codes regarding the use of non-potable/recycled water.

18. Hydrozones. Irrigation systems shall be zoned in accordance to plant water use, slope aspects, and sun/shade microclimates.

D. Hydrozone Plan. Each irrigation design plan shall include a separate hydrozone plan outlining the hydrozones that are valved separately within all landscaped areas.

E. Grading Plan Requirements. For the efficient use of water, grading of the project site shall be designed so that soil erosion, runoff, and water waste are minimized. As part of the landscape document package, if a project's grading exceeds 50 cubic yards, then the project developer shall submit the most recent rough and/or precise grading plan(s) that have been prepared and signed by a licensed professional as authorized by law.

F. Soil Management Report. A soil management report is required as part of the landscape documentation package when mass grading is not proposed. When mass grading is proposed, the soil management report shall be submitted with the certificate of completion.

1. Development of the Soil Management Report. The steps listed below are intended to help guide the developer in the preparation of the soil management report:

a. Perform a preliminary site inspection;

b. To obtain the necessary sample, determine the appropriate level of soil sampling and sampling method;

c. To determine the soil in the landscape area has sufficient depth to support proposed plants perform a soil probe test; and

d. Obtain appropriate soil sample.

2. Soil Sample(s). Once a soil sample(s) has been obtained from the project site it shall be submitted to the appropriate laboratory for analysis and recommendations. Minimum requirements for the soil analysis should include soil texture, infiltration rate determined by lab tests or soil texture infiltration rate table, pH, total soluble salts, sodium, and any recommendations.

9.32.080 – Irrigation Scheduling and Maintenance Required

A. Landscape Maintenance. All landscaped areas shall be properly maintained to ensure water use efficiency and overall plant health. A regular maintenance schedule shall be submitted to the Town and the local water purveyor, if applicable, with the Landscape Certificate of Completion for all projects subject to the provisions of this Chapter.

1. Responsibilities of Property Owners. Property owners shall be responsible for the installation and the regular maintenance and management of landscaped areas on their property and within the contiguous landscaped rights-of-way/parkways. Those rights-of way/parkways that are maintained by the Town shall not be the responsibility of the property owner.

2. Maintenance Practices. The following maintenance practices shall be part of the regular maintenance schedule and shall be performed on a regular basis to ensure water use efficiency and overall plant health:

a. For the overall health of plant material pruning, cultivating, weeding, fertilizing, watering, and replenishing mulch on a regular basis shall be part of a regular maintenance schedule. All pruning shall be in compliance with the adopted pruning standards of the Western Chapter of the International Society of Arboriculture.

b. The removal of dead, decayed, diseased, or hazardous trees and/or shrubs, weeds, and debris constituting unsightly appearance, dangerous to public safety and welfare or detrimental to neighboring properties or property.

c. Any dead or dying plant material shall be removed and replaced as quickly as possible. Any accumulation of leaves, twigs, bark, and other similar materials shall be removed on a regular basis. All landscaped areas shall be kept in a weed-free fashion at all times.

d. Litter removal from all landscaped areas shall be performed on a regular basis.

e. All turf areas shall be mowed, aerated, and dethatched on a regular basis to ensure the overall health of the turf.

f. Plantings shall be irrigated as often as necessary to maintain healthy growing conditions. Damage to the landscaping and irrigation systems shall be corrected as quickly as possible.

g. All irrigation systems, and components, shall be routinely inspected, adjusted, and repaired. Any obstructions to emission devices shall be removed. If repair to the irrigation equipment is

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necessary, the replacement parts shall conform to all standards that govern the original irrigation installation and/or approved landscaping plans.

h. Mulch shall be routinely replenished as part of the regular maintenance schedule. The depth, type, and replenishment frequency of all mulch within landscaped areas shall be listed as part of the regular maintenance schedule.

i. The operation of the irrigation systems outside of the normal watering window shall only be allowed for system auditing and maintenance.

j. The property owner is encouraged to implement sustainable and/or environmentally friendly practices for overall landscape maintenance. If sustainable and/or environmentally friendly landscape maintenance practices are utilized then those practices shall be outlined within the regular maintenance schedule.

3. Trimming to prevent encroachment or obstruction. Plant material (i.e. trees and shrubs), when established, shall be trimmed so that they do not encroach upon sidewalks, property lines, or streets. Plant materials shall not encroach, impede and/or interfere with vehicle or pedestrian traffic, or obstruct the illumination from any streetlight to the street or sidewalk. Refer to Subsection 9.31.020 (Clear Sight Triangle) concerning clear sight triangles and Section 9.07 and 9.09 (Permitted Projections into Required Setback Areas) concerning projections into yards.

4. Trees.

a. In residential subdivisions, the developer shall guarantee street trees for a minimum of one year after acceptance of the tract or until 80 percent of the units are occupied, whichever is later. Maintenance of all trees shall become the responsibility of the homeowner upon occupancy.

b. As necessary, all tree guys, stakes, etc. shall be adjusted on a regular basis and replaced in order to maintain a neat appearance and to prevent damage to trees. All tree guys, stakes, etc. shall be removed after the first growing season to ensure the continuing health of the plant.

B. Irrigation Schedule. An irrigation schedule shall be developed for all landscaped areas in order to ensure the efficient use of water. The site-specific irrigation schedule shall be developed, managed, and evaluated to utilize the least amount of water required to ensure plant health. The site-specific irrigation schedule shall meet the following criteria:

1. Two Separate Irrigation Schedules. Two site-specific irrigation schedules shall be prepared. The first schedule shall be for the initial establishment period of six months and the second schedule shall be for the established landscape, and shall incorporate the specific water needs of on-site plant material throughout the calendar year.

2. Watering Window for Conventional (overhead) Spray Systems. All conventional (overhead) spray systems shall be scheduled to run between the hours of 8:00 P.M. to 9:00 A.M. The project developer shall check with the local water purveyor, if applicable, to determine their suggested watering window, and the stricter of the two shall apply. The operation of the irrigation systems outside of the normal watering window shall only be allowed for system auditing and maintenance.

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3. Maximum Applied Water Allowance (MAWA). The total water applied to the site landscaping shall be less than or equal to the site-specific Maximum Applied Water Allowance (MAWA).

4. Copies of Irrigation Schedule. A copy of the project-specific irrigation schedule shall be located within the irrigation controller enclosure for maintenance purposes. Additionally, a copy of the schedule shall be given to the property owner prior to occupancy.

9.32.090 – Landscape Certificate of Completion Submittal

Prior to the issuance of the certificate of occupancy or final inspection for a project that is subject to the requirements within this Chapter; a Landscape Certificate of Completion shall be submitted to the Community Development Department certifying that the landscape has been installed in accordance with the approved project specific landscape documentation package. The Landscape Certificate of Completion shall be signed and dated by the licensed professional who prepared the plans and shall include the following information:

A. Date.

B. Project information to include project name, project applicant name, telephone and mailing address, project address, location, and Assessor's Parcel Number, and property owner name and mailing address.

C. A statement certifying that the landscaping has been installed in accordance with the approved project specific landscape documentation package.

D. Evidence that the party who is responsible for the installation of the irrigation systems has conducted a preliminary field inspection prior to backfilling, and that the irrigation systems are in working order (evidence of field inspection shall be attached).

E. An irrigation audit report indicating that a certified irrigation auditor has performed and completed an irrigation audit on the installed irrigation systems, and has ensured water efficiency, and that the irrigation systems are not in excess of the site-specific Maximum Applied Water Allowance (MAWA) per the water budget.

F. Documentation that the specified smart irrigation controller has been set according to the correct irrigation schedule.

G. Documentation that all on-site irrigation systems have been adjusted to maximize irrigation efficiency and eliminate irrigation runoff and overspray.

H. Documentation that a copy of both of the project specific irrigation schedules have been given to the property owner for future maintenance and management obligations.

I. If mass grading occurred on the site, a soil management report shall be included. Mass grading is defined as a reconfiguration of existing land form to where drainage patterns are altered and a substantial amount of clearing is done.
~~Mass grading is defined as the movement of earth by mechanical means to alter the topographic features of a site, including elevation and slope to prepare for the construction of facilities. Mass grading results in a flattened, featureless landscape or a terraced hill with uniform engineered 2:1 slopes. The soils are heavily disturbed and compacted in this process with any natural drainage~~

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~~features put into an underground culvert. Landform grading preserves and/or restores natural drainage features.~~

9.32.100 – Non-potable/Recycled Water

Where available, the installation of non-potable/recycled water irrigation systems (i.e., dual distribution systems, purple pipe, and interchangeable components) shall be required to allow for the current and future use of non-potable/recycled water.

9.32.110 – Storm Water Management

A. Stormwater management practices minimize runoff and increase infiltration which recharges groundwater and improves water quality. Implementing stormwater best management practices into the landscape and grading design plans to minimize runoff and to increase on-site retention and infiltration are encouraged.

B. Project applicants shall refer to the local agency or Regional Water Quality Control Board for information on any applicable stormwater ordinances and stormwater management plans.

C. Rain gardens, cisterns, and other landscapes features and practices that increase rainwater capture and create opportunities for infiltration and/or onsite storage are recommended.

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Chapter 9.33 Parking and Loading Regulations

Sections:

9.33.010 – Purpose and Intent
9.33.020 – Basic Requirements for Off-Street Parking and Loading
9.33.030 – Off-Street Loading Spaces Requirements
9.33.040 – Off-Street Parking Spaces Requirements
9.33.050 – Parking Spaces for People with Physical Disabilities
9.33.060 – Bicycle Parking
9.33.070 – Parking Area Design Standards
9.33.080 – Location and Design of Off-Street Loading Spaces
9.33.090 – Parking Area Plan Required
9.33.100 – Standards for Truck Parking
9.33.110 Parking Design Guidelines

9.33.010 – Purpose and Intent

A. Ensure that off-street parking and loading facilities are provided for new land uses, and for major alterations and enlargements of existing uses in proportion to the need for such facility created by each use.

B. Ensure that off-street parking and loading facilities are designed in a manner that will ensure efficiency, protect the public health, safety, and welfare, and where appropriate, insulate surrounding land uses from the adverse impacts of parking facilities and ingress/egress.

C. To ensure improved health, safety, and welfare for the motoring public through controlling areas to and from public roadways.

9.33.020 – Basic Requirements for Off-Street Parking and Loading

A. Off-street parking and loading facilities are required based on the following:

1. New Construction. For all new construction, off -street parking, loading, ingress and egress shall be provided in accordance with this chapter.

2. Expansion of Existing Structures. For any expansion/addition to an existing building that creates the need for additional parking facilities, parking shall be provided for the existing structure and the expansion area in accordance with this chapter.

3. Change in Use of an Existing Structure with Existing Parking. Parking shall be provided in accordance with this chapter for any change in use that results in the requirement for an increase in the number of parking spaces:

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a. No additional parking will be required where the total number of spaces required for the change in use is less than ten percent of the number of spaces required and existing for the use prior to such change. A change in occupancy is not a change of use unless the new occupant is considered a different land use classification than the former occupant

4. Change in use when no paved parking exists: Where a change in use requires additional parking on a site where there is no existing paved parking, fifty percent of the required number of parking spaces shall be improved in accordance with this chapter.

B. **Nonconforming Parking or Loading.** No existing use of land or structure shall be deemed to be nonconforming solely because of the lack of off-street parking or loading facilities required by this chapter, provided that facilities being used for off-street parking and loading as of the date of adoption of this chapter is not being reduced.

C. **Spaces required for Multiple Uses.** In the case of mixed occupancies for all new development, the total requirements for off-street parking shall be the sum of the requirements for the various uses computed separately. Development projects with uses having different peak hours may be eligible for a reduction in parking up to a maximum of 20 percent.

D. **Location and Ownership.** Parking required to serve a residential use shall be on the same site as the use served, except that subject to approval of the Director, parking for interim housing may be located on a different site under the same or different ownership provided it is adjacent to the use served. Parking required to serve a non-residential use shall be on the same site as the use served or different site under same or different ownership with an approved parking agreement. Any required landscape setback shall not be used to meet off-street parking requirements.

E. **Common Loading Facilities.** The off-street loading facilities required by this chapter may be satisfied by the permanent allocation of the prescribed number of spaces for each use in a common truck loading facility, provided that the total number of spaces shall not be less than the sum of the individual requirements.

F. **Computation of Spaces Required.** If, in the application of the requirements of this chapter, a fractional number is obtained, the number shall be rounded up or down to the nearest whole number.

G. **Mixed Use Developments.** For planned mix-use developments which consist of retail, office, and theater or hotel, or other similar combination of uses parking may be reduced by a maximum of 20 percent provided documentation is provided which demonstrates sufficient parking is being provided. Reduced parking would not be considered for development consisting of only retail and office.

9.33.030 – Off-Street Loading Spaces Requirements

A. The required number of loading spaces shall be provided in accordance with Table 3-4 (Required Loading Spaces).

B. References to spaces per square foot are to be computed on the basis of gross floor area unless otherwise specified, and shall include allocations of shared restroom, halls, and lobby area, but shall exclude area for stair or elevators.

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TABLE 3-4: REQUIRED LOADING SPACES	
Gross Floor Area	**Loading Spaces Required**
General Commercial and Institutional Uses	
Less than 5,000 sq. ft.	None required
5,000 to 20,000 sq. ft.	1 loading space
Each additional 20,000 sq. ft.	1 additional loading space
Professional Office Uses	
Less than 10,000 sq. ft.	None required loading space
10,000 to 99,999 sq. ft.	1 loading space
Each additional 100,000 sq. ft.	1 additional loading space
Manufacturing, Wholesale, Warehousing, and Other Industrial Uses	
Less than 20,000 sq. ft.	1 loading space
Each additional 20,000 sq. ft.	1 additional loading space

C. Loading spaces shall not be allocated or located in required parking areas or within minimum driveway aisles.

9.33.040 – Off-Street Parking Spaces Requirements

A. **Residential Parking Space Requirements.** The required number of parking spaces for residential uses is provided in Table 3-5 (Residential Parking Space Requirements).

TABLE 3-5: RESIDENTIAL PARKING SPACE REQUIREMENTS	
Use	**Parking Spaces Required**
Day Care Home, Large	1 space per 6 children, maximum enrollment based on maximum occupancy load.
Interim Housing	1 space per sleeping room plus 1 per 100 sq. ft. used for assembly purposes or for common sleeping areas.
Single-family Dwelling Unit	2 spaces within a garage or carport.
Second Dwelling Unit	1 per second unit; a minimum of 2 spaces covered per site (in association with primary unit).
Duplex Dwelling Unit	1 space per dwelling unit within a garage or carport.
Multi-Family	1.5 spaces for each unit containing 1 bedroom; 2 spaces for each unit containing two or more bedrooms. At least one of the spaces required for each unit shall be within a garage or carport.
Mobile Home Park	2 spaces per unit, 1 covered; tandem parking is permitted, plus 1 space per 8 units which must be designed for guest parking.
Residential Related	

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TABLE 3-5: RESIDENTIAL PARKING SPACE REQUIREMENTS	
Use	**Parking Spaces Required**
Residential Care	1 space per 3 licensed beds.
Bed and Breakfast	1 space per room available for rent in addition to that required for the primary residence.
Boarding House	1 space per sleeping room or 1 space per bed, whichever is greater.
Senior Housing	1 space per unit within a carport or garage.

B. Commercial Parking Space Requirements. The required number of parking spaces for commercial uses is provided in Table 3-6 (Commercial Parking Space Requirements).

TABLE 3-6: COMMERCIAL PARKING SPACE REQUIREMENTS	
Use	**Parking Spaces Required**
Commercial Retail and Services	
Ambulance Service	1 space per 500 sq. ft. plus 1 space per ambulance.
Animal Service:	
Animal Boarding	1 space per 400 sq. ft.
Animal Grooming	1 space per 400 sq. ft.
Animal Hospital	1 space per 400 sq. ft.
Auto Repair and Service	6 spaces plus 3 spaces per bay.
Automobile Sales, Boat Sales, Mobile Home Sales and Other Similar Uses	1 space per 2,000 sq. ft. of open area devoted to display or sales; provided that where such areas exceed 10,000 sq. ft., only 1 space need to provide for each 5,000 sq. ft. above the first 10,000 sq. ft. contained in such area.
Auto Rental	1 space per 300 sq. ft. of lot area, plus 1 per rental vehicle.
Auto Storage	1 space per 5,000 sq. ft. of lot area, plus a minimum of 2 spaces outside any perimeter fence or secure area.
Bingo Parlors	1 space per 2 seats.
Catering Services	1 space per 400 sq. ft.
Carwash:	
Full Service	1 space per 200 sq. ft. of sales, office, or waiting area; plus a 5 space stacking lane per washing station.
Self Service	1 space per stall, plus 2 space stacking lane in front of each stall.
Communications Facility	1 space per 500 sq. ft.
Daycare Center	1 space per each employee or teacher, and 1 space for each 5 children that the facility is designed to accommodate.
Fitness Center	1 space per 200 sq. ft. of gross floor area

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TABLE 3-6: COMMERCIAL PARKING SPACE REQUIREMENTS	
Use	**Parking Spaces Required**
Furniture Stores, Appliance Store, Home Improvement	1 space per 300 sq. ft.
Funeral and Interment Services	1 space per 50 sq. ft. of seating area.
Hotel/Motel	1 space per guest room, plus 1 space per 3 employees on largest shift, plus, 1 space per 50 sq. ft. of banquet seating area, plus parking for other uses and facilities as required by this schedule.
Lumber yards and Plant Nurseries; (non warehouse retail facilities)	1 space per 300 sq. ft. of interior space plus 1 space per 1,000 sf of outdoor or open area used for display or service
Maintenance and Repair (No Autos)	1 space per 400 sq. ft.
Restaurants (including cafés, night clubs, bars, taverns and other similar establishments)	1 space per 50 sq. ft. of seating area (Including outdoor dining)
Restaurants (Fast Food with Drive Through)	1 space per 50 sq. ft. of seating area (Including outdoor dining), plus a stacking area to accommodate a minimum of 10 cars for drive-through service independent of any on-site parking, parking maneuvering areas, and traffic ways. The drive-through lanes shall be protected and/or defined by a curbed landscape strip not less than 3 feet wide or the driveway shall be segregated to as to not interfere with pedestrian or vehicle traffic and parking as approved by the Commission.
Restaurants (Take Out Service – No Seating)	1 space per 250 sq. ft.
Retail Sales	1 space per 250 sq. ft.
Shopping Centers	1 space per 250 sq. ft.
Studio (art, dance, martial arts, music)	1 space per employee, plus 1 space per 2 students at maximum capacity based on occupancy of the building per California Building Code.
Swap Meet	1 space per 1,000 sq. ft. of lot area.
Theaters, Movie, or Live Performance	1 space per 4 fixed seats for up to 800 seats, plus 1 per 8 fixed seats for seats in excess of 800 seats.
Commercial Recreation	
Bowling Alleys	5 spaces per alley, 2 per pool/billiard table, plus 1 per 250 sq. ft. of public assembly and retail areas.
Driving Range	3 spaces plus 1 space per tee.
Golf Course	4 spaces per hole, plus as required for any accessory use.
Gymnasium	1 space per 600 sq. ft. of floor area plus 1 per employee.
Miniature Golf	3 spaces per hole, plus as required for any accessory use.

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TABLE 3-6: COMMERCIAL PARKING SPACE REQUIREMENTS	
Use	**Parking Spaces Required**
Pool/Billiards Hall	2 spaces per pool/billiard table, plus 1 space per 250 sq. ft. of public assembly area.
Tennis/Racquet Ball Courts	2 per court, plus as required for any accessory uses.
Skating Rink (ice or roller)	1 per 5 fixed seats, or 1 per 35 sq. ft. of seating area if there are no fixed seats; plus 1 per 250 sq. ft. of additional public assembly area and retail sales (excluding rink area)
Video Arcade, Internet café	1 space per 200 sq. ft. or 1 space per computer terminal, whichever is greater.
Offices	
General Office	1 space per 250 sq. ft., minimum of 4 spaces
Medical and Dental	1 space per 200 sq. ft., minimum of 4 spaces

C. Industrial Parking Space Requirements. The required number of parking spaces for industrial uses is provided in Table 3-7 (Industrial Parking Space Requirements).

TABLE 3-7: INDUSTRIAL PARKING SPACE REQUIREMENTS	
Use	**Parking Spaces Required**
Hazardous Waste Facility	1 space for each 4000 sq ft of outdoor storage of material or 1 space for 250 sq ft of office space or 1 space for each 500 sq ft of indoor storage, whichever is greater.
General Manufacturing and Industrial Uses	1 per 350 sq. ft. of industrial use plus 1 per 350 sq. ft. of office use plus 1 per vehicle operated in conjunction with the business
Mini-Storage/Public Storage	6 spaces plus 2 for caretaker ~~1 space for the exclusive use of the resident manager plus 4 up to 150 storage units/spaces, 6 for 151 to 500 storage units/spaces, 10 for 501 to 1,000 storage units/spaces, and one additional for each additional 500 storage units/spaces.~~
Recycling Facility (Large and Small Collection Facilities)	1 space for each 4,000 sq. ft. of outdoor storage of material or 1 space for 250 sq. ft of office space or 1 space for each 500 sq. ft. of indoor storage, whichever is greater.
Research and Development	1 per 500 sq. ft.
Salvage and Wrecking Yard	1 per 5,000 sq. ft. of lot area, plus 1 per 300 sq. ft. for office and sales area
Warehousing	1 per 1,000 sq. ft. plus 1 per 250 sq. ft. for auxiliary office and sales uses

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D. Public Facilities Parking Space Requirements. The required number of parking spaces for public facility uses is provided in Table 3-8.

TABLE 3-8:
PUBLIC FACILITIES PARKING SPACE REQUIREMENTS

Use	Parking Spaces Required
Places of assembly	1 space for every 4 permanent seats in principal assembly area or room. Where no permanent seats are provided, one space for every 30 sq. ft. of floor area in principal assembly room. 24 linear inches of bench or pew shall be considered a fixed seat.
Airports/Heliports	As specified by Conditional Use Permit (Section 9.63)
Convalescent hospitals, congregate care, assisted living facility ~~retirement, or rest homes and homes for mental patients~~	1 space per 4 ~~3~~ licensed beds plus one per employee on largest shift plus one per staff doctor
Retirement or Rest Homes	1 space per 3 beds plus one per employee on largest shift
Cultural Institutions/Museums	1 space per 300 sq. ft.
Hospitals	1 space per patient beds
Schools (Public/Private): Nursery/Preschool K to 8th Grades 9th to 12th Grades Community College, University	1 space per staff member, plus 1 space per 10 children 2 spaces per classroom 7 spaces per classroom 10 spaces per classroom 10 spaces per classroom, plus 1 space per faculty member and employee on the largest shift
Vocational, Trade, or Technical Schools	1 space per 1.3 faculty, support staff, students during largest attendance period.
Park Facilities	5 spaces per acre

9.33.050 – Parking Spaces for People with Physical Disabilities

A. All parking facilities shall comply with the requirements of the California Administrative Code (Title 24) and with the sign requirements of the California Vehicle Code, Section 22511.7. One space shall be provided for each dwelling unit designated for individuals with physical disabilities. Parking for individuals with physical disabilities shall be provided for all other projects on the basis of total parking provided on-site as shown in Table 3-9 (Required Number of Parking Spaces For People with Physical Disabilities).

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TABLE 3-9: REQUIRED NUMBER OF PARKING SPACES FOR PEOPLE WITH PHYSICAL DISABILITIES	
Number of Required Parking Spaces	**Required Disabled Parking Spaces**
1-25	1
26-50	2
51-75	3
76-100	4
101-150	5
151-200	6
201-300	7
301-400	8
401-500	9
Over 500	Add 1 space per each additional 200 spaces

B. **Disabled Parking Lot Dimensions.** Table 3-10 (Disabled Parking Space Dimensions) identifies the dimensions for disable parking areas.

C. One in every eight required accessible spaces, but not less than one, shall be served by an access aisle 96 inches wide minimum and shall be designed as "Van Accessible". See Table 3-10 for van accessible spaces parking dimensions.

TABLE 3-10: DISABLED PARKING SPACE DIMENSIONS				
Disabled Parking Space	**Parking Area**	**Loading Area/ Access Aisle**	**Total**	**Depth**
Each Parking Space	9 ft.	5 ft.	14 ft.	19 ft.
Two Adjoining Parking Spaces	9 ft. for each space (2 spaces)	5 ft. (shared)	23 ft.	19 ft.
Van Accessible Spaces	9 ft.	8 ft. (passenger side)	17 ft.	19 ft.

9.33.060 – Bicycle Parking

Bicycle racks may be required for all commercial, industrial, public, and semipublic projects. Bicycle parking would be in addition to automobile parking spaces pursuant to Chapter 9.41 (Trip Reduction Requirements).

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9.33.070 – Parking Area Design Standards

A. Each off-street parking stall shall consist of a minimum dimensions identified in Table 3-11 (Parking Spaces Dimensions), including standards spaces and compacts spaces.

TABLE 3-11:
PARKING SPACES DIMENSIONS

Parking Space	Width	Depth	Number of Required Spaces	Other Requirements
Standard Parking Space	9 ft.	19 ft.	See Tables 3-4 to 3-9	N/A
Compact Space	7 ½ ft.	15 ft.	In parking lots which exceed 10 spaces capacity and serve non-residential uses, 25 percent of the required spaces may be allocated for compact parking.	All compact spaces shall be clearly marked and be posted with signs stating "Compact Cars Only"

B. Any parking adjacent to any building or structure, wall, or fence shall have wheel stops not less than 6 inch in height and a distance not less than three feet from said building or structure, wall, or fence.

C. Individual parking stalls shall be clearly striped and permanently maintained with double or hairpin lines on the surface of the parking facility, with the two lines being located an equal nine inches on either side of the stall sidelines.

D. Minimum Aisle Widths.

1. One-Way Traffic. One-way access drives leading to aisles within a parking area shall be a minimum width of 12 feet, and within the aisles as shown in Table 3-12 (One-Way Traffic Standards).

TABLE 3-12:
ONE-WAY TRAFFIC STANDARDS

Parking Stall Angle (Degrees)	Minimum Aisle (Feet)
Parallel	12
1 to 45	14
46 to 60	17
61 to 90	26

2. Two-Way Traffic. The aisles and the two-way access drives leading to aisles within a parking area shall be a minimum width of 26 feet.

3. Drive aisle widths shall comply with all Fire Department requirements, which may result in modifications to the standards listed in Table 3-12.

E. All off-street parking and loading areas for commercial and industrial development and outdoor vehicle sales areas, including driveways, aisles, turning and maneuvering areas and parking spaces

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shall be paved with not less than two and one-half inches of asphalt concrete or an equivalent surfacing and shall be graded and drained so as to dispose of all surface water, and shall be maintained in good repair.

F. All parking areas shall be well lit with sufficient lighting to illuminate all areas for security and safety and shall comply with the provisions of Chapter 8.70 (Outdoor Lighting) of Title 8 (Buildings and Construction) of the Yucca Valley Municipal Code.

G. All street frontage parking shall have a three foot high wall, solid hedge or landscape berm or a combination thereof or an alternate buffer may be used subject to approval of the Director, to buffer off-street parking, loading areas, and outdoor sales display areas. The buffer shall be measured from the grade of the parking, loading, outdoor sales area and in the case of hedges, shall be situated at the rear of the landscape setback. This paragraph shall not apply to single family residence or a two- unit duplex.

H. Where more than twenty parking spaces are required in a commercial, office, or multifamily zone, the parking area shall be landscaped a minimum five percent of the net off-street parking area.

I. Drought tolerant, desert compatible shade trees and other landscape material shall be included in the parking lot design in order to reduce the visual effects of large asphalt areas and to assist in improving the appearance of the property from street frontage.

J. Parking area shall be maintained at all times in a clean, neat, and orderly condition.

K. All spaces in a parking facility, except single family and multifamily dwellings with up to two dwellings, shall be accessible and all circulation shall be internal without reentering a public right-of-way unless it is determined by the Director to be physically impossible to provide for such access. However, an alley may be used as maneuvering space for access to off-street parking. Off-street parking shall generally be located so as to be more convenient and accessible than on-street parking with respect to entrances of buildings and pedestrian circulation on the site served.

L. Nonresidential parking, loading, or sales areas which abut residential land use districts, shall be separated by a solid fence or wall six feet in height, measured from finish grade of parking lot. However, such fence or wall shall be reduced to a maximum four feet in height within the required front or street side yard. Where no front or street side yard is required, such wall or fencing shall be four feet high within 10 feet of the right-of-way.

M. In single family residential land use districts where the parcel abuts a paved street or road, the driveway shall be surfaced with a minimum of two inches of road mixed surfacing, except for single family residential uses on lots of 18,000 square-feet or larger, in which case the driveway shall be dust proof with materials which may include slag, gravel, or similar materials.

9.33.080 – Location and Design of Off-Street Loading Spaces

A. Each loading space shall not be less than 10 feet in width, 20 feet in length.

B. Required loading spaces shall not be within a building, but shall be on the site of the use served or on an adjoining site. On a site adjoining an alley, a required loading space shall be accessible from the alley unless an alternative access is approved by the Director. A required loading space shall be accessible without backing a truck across ~~street~~ property lines unless the Director determines that provision of turn-around space is feasible and approves alternative access. An occupied

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loading space shall not prevent access to a required off-street parking space. A loading area shall not be located in a required landscape setback.

C. Except in the Industrial District, a loading facility which serves a project(s) in excess of 50,000 square-feet that is visible from any public rights of way shall be screened from view.

9.33.090 – Parking Area Plan Required

Prior to the construction of an off- street parking area for a non-residential use or a multi-family dwelling with four or more units, a plan shall be submitted to the Planning Division for the purpose of indicating compliance with the provisions of this Chapter. This plan shall include:

A. The location and placement of required landscaped areas, including a computation of the required area;

B. A planting plan including a list of plants by name and size keyed to their location on the parking area;

C. Location and description of fencing and architectural screen walls;

D. Layout and method of irrigation of landscaped areas;

E. Location and placement of parking stalls, including bumpers, striping and circulation, and directional signs, and all dimensions to permit comparison with approved parking standards;

F. Placement and illumination data of parking area lights, including photometric study; and

G. Method of drainage.

9.33.100 – Standards for Truck Parking

Excluding pick-up trucks and sport utility vehicles, it shall be unlawful for any commercial vehicle having an unladen vehicle weight (as defined under the California Vehicle Code) of 10,000 pounds or more to be parked in a residential land use district except for Tow Trucks which comply with the following requirements.

A. **Tow Truck Operator.** A tow truck operator may apply for a Commercial Vehicle Parking permit subject to the following standards:

1. The tow truck must be registered to a permanent tow truck business located within a commercial or industrial land use district.

2. The tow truck shall be used for emergency calls only between the hours of 5 P.M. and 8 A.M. and on weekends and legal holidays. No parking shall occur at the residence between 8 A.M. and 5 P.M., except on weekends and legal holidays.

3. Trucks shall not be parked within the required front yard setback of the district in which it is located and must be parked a minimum of 15 feet from any side or rear property line.

9.33.110 – Parking Design Guidelines

A. **Purpose.** The following design guidelines are intended as reference to assist the designer in understanding the Town's goals and objectives for parking and loading design. These guidelines complement the mandatory parking and loading regulations contained in this chapter by providing

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good examples of potential design solutions and by providing design interpretations of various regulations.

The design guidelines are general and may be interpreted with some flexibility in their application to specific projects. The guidelines will be utilized to encourage the highest level of design quality while at the same time providing the flexibility necessary to encourage creativity on the part of project designers.

B. General Design Principles. A well designed parking facility depends on a variety of desirable elements, including:

1. Ease and convenience to all users;
2. The best utilization of available space;
3. Ease of access;
4. Good internal circulation;
5. Easy parking maneuvers;
6. Public transit;
7. Safety; and
8. Aesthetics.

C. Access.

1. Locate driveways with left-turn movements with special attention to spacing driveways relative to the nearest point of street traffic control, especially a signal. Left turn movements are relatively hazardous.

2. Locate driveways with right-turn entry movements with special attention to their location relative to street traffic control. Such movements which may impede through traffic shall be minimized.

3. Driveway design should be directly related to the layout of the parking area, amount of stacking distance (e.g., drive-in service facilities), type of loading facility, circulation pattern, building placement, and relation to the design of the public street, traffic control devices, traffic volumes and placement of other driveways.

4. Driveways "throat" distance should be sufficient to minimize any effect on traffic movements on adjacent streets.

5. Avoid locating entry and exit points where vehicles entering or leaving the site would conflict with large numbers of pedestrians.

6. The access points should be limited to minimize the number of potential conflict points with public streets.

7. Driveway distance should be sufficient to prevent vehicles from backing into the public street.

8. Access roads and aisles for parking should be kept at the maximum distance possible from residential units.

D. Parking Lot Layout.

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1. When possible, segregate employee parking from customer parking. Employees will generally walk further from parking to their work destinations than shoppers will walk from parking to stores.

2. Larger parking lots should be broken into smaller modules to reduce the size and visual impact of expansive parking areas or should be designed with additional shade trees/landscaping and other material to assist in minimizing the visual effect of large parking facilities.

3. Minimize the number of continuous parking spaces without interruption.

4. Consolidated parking lots for multiple uses are encouraged where practical.

5. Parking should be designed so that backing and turning movements associated with parking layout will not obstruct or conflict with traffic, either on-or-off-site.

6. Parking lots shall be designed with adequate room to allow vehicles to turn around within the parking lot and enter an adjoining street in a forward direction.

7. Parking shall be provided with curbs, wheel stops or other barriers to prevent vehicles from extending beyond the perimeter of the parking lot and to prevent vehicles from contacting a wall, a fence or a sidewalk.

8. Access aisles should be designed to allow the user to walk directly toward, rather than parallel to, the building front.

9. End islands should be used to enhance the functional and aesthetic qualities of a parking lot in the following ways:

a. Delineating on-site circulation roadways;

b. Ensuring adequate sight distance at the intersections of the parking aisles and driveways;

c. Defining the area and geometry of intersections of parking aisles and driveways;

d. Protecting the vehicles at the end of a parking bay; and

e. Providing aesthetic enhancement of the site design.

E. Parking Stalls.

1. In apartment parking lots, parking stalls should be located to protect the privacy of residents by providing buffers, e.g. fences, walls or landscaping, from the effects of engine noise, automobile headlights and vehicle emissions.

2. Apartment parking stalls should generally be located no further than 150 feet from the entrance to each dwelling unit to avoid cars from parking on the street and to provide convenient access for unit residents.

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3. Whenever possible all parking stalls should be aligned with the same orientation. Having one section at right angles to another tends to create confusion and can produce accident-prone intersections.

F. Loading.

1. Loading and unloading facilities should be located on site and not within public right-of-way. There shall be no backing of vehicles onto the public right-of-way from loading areas.

2. Loading areas should be screened from entrances and other highly visible areas of the site. Adequate turn around and backing areas shall be provided without disruption of circulation or parking facilities.

G. Lighting.

1. All parking lot and loading facility lighting shall be shielded in accordance with Chapter 8.70 (Outdoor Lighting) of Title 8 (Buildings and Construction) of the Yucca Valley Municipal Code so that substantially all the directly emitted light falls within the property line.

2. No illumination is to be designed or used which produces direct, or reflected light that interferes with the safe movement of motor vehicles on public streets including:

a. Any light fixture not designed for street illumination that produces light that could interfere with the operation of a motor vehicle;

b. Any light that may be confused with or construed as a traffic control device; or

c. Any animated, flashing, or changing intensity lights, except for temporary holiday displays.

H. Pedestrian.

1. A system of interior pedestrian paths or sidewalks integrated with the parking lot should link the different parts of the development with one another and with transit stops.

2. Provide clearly discernible pedestrian walkways where there is adequate vehicular sight distance. The use of textured or colored pavement and signage should be used.

I. Transit

1. Large scale commercial developments and employment centers should provide transit access as near as possible to the main entrance to the facility.

2. Transit stops should be designed as an integrated component of the site and feature pedestrian amenities and shelter. Secured transit information centers or kiosks with bus routes and schedule information should be provided if feasible.

3. Non-residential development should orient the front or main entrance to the facility toward major streets with transit facilities.

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4. Where parking areas separate the front or main entrance of the building from the transit facility, a separate pedestrian walkway or sidewalk may be required.

J. Bicycles.

1. Bicycle parking facilities should be located outside of a vehicular or pedestrian way and be protected and separated from motor vehicle traffic and parking lots by either a 5 foot separation distance or a curb or other physical barrier.

2. Bicycle parking facilities should be made out of a durable and strong material, be permanently anchored to the ground and be designed so as to allow bikes to be locked to it.

3. Bicycle parking facilities should be sufficiently illuminated.

K. Landscaping Requirements for Parking Areas.

1. Pre-cast and other masonry planters may be used to provide for some buffering for existing parking areas. Landscaping should be used to enhance the safety of parking lots by guiding the circulation of cars and people and by ensuring that the driver's vision is unobstructed.

2. Use of landscaping to control access to parking lots, to make traffic diverters prominent and to direct the flow of traffic within the lot.

3. Parking lots should be screened from surrounding public streets, sidewalks, parks and other public properties. Berms, walls, fences, plants, planters or similar means should be used to create the parking lot screen.

4. Whenever structures such as walls or fences are used to create a screen, plants should be located on the sides of the structure which can be seen from surrounding streets, sidewalks, parks and other public properties.

5. All areas within the perimeter of parking lots not used for parking, loading, circulation, transit or pedestrian facilities should be landscaped to minimize the feeling of expansive hard surfaced areas and to improve the parking lot appearance. Landscape design shall provide for adequate plant aeration and traffic safety.

6. Plant materials should be placed on islands, entry drives, pedestrian walls and along end islands which separate parking from drive aisles. Xeriscape landscaping shall be used.

7. Two feet at the end of landscape islands should be left unplanted. The use of cobbles, patterned concrete, or brick pavers should be considered in these end areas.

8. Protect the root zones of trees at maturity by retaining a planted area encompassing the drip line."

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Chapter 9.34 Performance Standards

Sections:

9.34.010 – Purpose
9.34.020 – Applicability
9.34.030 – Modification of Standards
9.34.040 – Air Quality
9.34.050 – Electrical Disturbances
9.34.060 – Fire Hazards
9.34.070 – Heat
9.34.080 – Noise
9.34.090 – Vibration
9.34.100 – Waste Disposal
9.34.110 – Hazardous Materials

9.34.010 – Purpose

This Chapter establishes performance standards to guard against the use of any property or structure in any zone in any manner which would create any dangerous, injurious, noxious, or otherwise objectionable fire, explosive, or other hazards; noise or vibration; smoke, dust, odor or other form of air pollution; heat, cold, dampness; electrical or other substance, condition or element in such a manner that adversely affects the health and safety of the public and the surrounding area or adjoining premises.

9.34.020 – Applicability

A. These performance standards shall apply to all uses in all zones, except for legal nonconforming uses which, based on a written opinion of the Town Attorney, have an established right not to comply with the provisions of this Chapter.

B. Compliance may be waived by the Commission if a condition created under prior ordinances physically precludes the reasonable application of the standards. Additional categorical exemptions from compliance with the performance standards are as follows.

1. Temporary Activity. Festivals and other special events with approved temporary use permits or other required permits, where such activities otherwise comply with other applicable provisions of this Development Code.

2. Emergency Activities. Any emergency activity on the part of the Town or a private party.

3. Construction Activity. Temporary construction activity is exempted except where such activity is explicitly regulated by other regulations of the Municipal Code.

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9.34.030 – Modification of Standards

A. **Modification by Specific Reference.** The provisions of this Division shall prevail should they conflict with the provisions of a land use zoning district or specific plan, unless the land use zoning district or plan standard specifically overrides or modifies the provisions of this Division by specific reference.

B. **Modification by Establishment of Overlay or Approval of Planned Development, Specific Plan or Variance.** An overlay, approved Planned Development, specific plan or approved Variance may modify the provisions of this Division.

9.34.040 – Air Quality

A. **Equipment permit and inspection requirements.** Required permits shall be obtained from the Mojave Desert Air Quality Management District. Before the equipment may be constructed, plans and specifications shall be submitted to the MDAQMD for approval.

B. **Permits from Air Quality Management Districts.** Permits shall be obtained from the Mojave Desert Air Quality Management District. If requested by the Director, uses, activities, or processes that require Air Quality Management District approval to operate shall file a copy of the permit with the Department within 30 days of its approval.

C. **Diesel Exhaust Emissions Control Measures.** The following emissions control measures shall apply to all discretionary land use projects approved by the Town on or after January 15, 2009:

1. On-Road Diesel Vehicles. On-road diesel vehicles are regulated by the State of California Air Resources Board.

2. Off-Road Diesel Vehicle/Equipment Operations. All business establishments and contractors that use off-road diesel vehicle/equipment as part of their normal business operations shall adhere to the following measures during their operations in order to reduce diesel particulate matter emissions from diesel-fueled engines:

a. Off-road vehicles/equipment shall not be left idling on site for periods in excess of five minutes. The idling limit does not apply to:

(1) Idling when queuing,

(2) Idling to verify that the vehicle is in safe operating condition,

(3) Idling for testing, servicing, repairing or diagnostic purposes,

(4) Idling necessary to accomplish work for which the vehicle was designed (such as operating a crane),

(5). Idling required to bring the machine system to operating temperature, and

b. Use reformulated ultra low-sulfur diesel fuel in equipment and use equipment certified by the U. S. Environmental Protection Agency (EPA) or that pre-dates EPA regulations.

c. Maintain engines in good working order to reduce emissions.

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d. Signs shall be posted requiring vehicle drivers to turn off engines when parked.

e. Any requirements or standards subsequently adopted by the Mojave Desert Air Quality Management District or the California Air Resources Board.

f. Provide temporary traffic control during all phases of construction.

g. Onsite electrical power connections shall be provided for electric construction tools to eliminate the need for diesel-powered electric generators, where feasible.

h. Maintain construction equipment engines in good working order to reduce emissions. The developer shall have each contractor certify that all construction equipment is properly serviced and maintained in good operating condition.

i. Contractors shall use ultra low sulfur diesel fuel for stationary construction equipment as required by Air Quality Management District (AQMD) Rules 431.1 and 431.2 to reduce the release of undesirable emissions.

j. Substitute electric and gasoline-powered equipment for diesel-powered equipment, where feasible.

3. Project Design. Distribution centers, warehouses, truck stops and other facilities with loading docks where diesel trucks may reside overnight or for periods in excess of three hours shall be designed to enable any vehicle using these facilities to utilize on-site electrical connections to power the heating and air conditioning of the cabs of such trucks, and any refrigeration unit(s) of any trailer being pulled by the trucks, instead of operating the diesel engines and diesel refrigeration units of such trucks and trailers for these purposes. This requirement shall also apply to Recreational Vehicle Parks (as defined in Section 9.68 of this title) and other development projects where diesel engines may reasonably be expected to operate on other than an occasional basis.

9.34.050 – Electrical Disturbances

No use shall be permitted where such use results in electric or electromagnetic interference that adversely affects the operation of any equipment other than that belonging to the creator of such interference, or that does not conform to the regulations of the Federal Communications Commission.

9.34.060 – Fire Hazards

This Section establishes standards for storage of solid materials susceptible to fire hazards and flammable liquids and gases where allowed in compliance with Article 2 (Land Use Zoning Districts and Allowed Land Uses).

A. Combustible Solids. Land uses that include the storage of solid materials susceptible to fire hazards shall be subject to the following storage standards in the indicated land use zoning districts.

1. Industrial (I) Zoning District.

a. Inside Storage. A structure utilized for the storage, manufacture, or use of flammable solid materials shall be located no less than 40 feet from any lot line and any other on-site structures or shall adhere to standards specified in Subsection 2, below.

b. Outdoor Storage. Outdoor storage of flammable solid materials shall be no less than 50 feet from any lot line and any other on-site structures.

2. All other manufacturing or industrial uses legally established within any other land use zoning district. The storage, manufacture, or use of highly flammable solid materials shall take place in enclosed spaces having fire resistance of no less than two hours and protected with an automatic fire extinguishing system and shall comply with San Bernardino County Fire Department requirements.

B. Flammable Liquids and Gases. Land uses that involve the storage of flammable liquids and gases shall be subject to the following standards when established within the land use zoning districts indicated.

1. Setbacks. Setback requirements for flammable liquids and gases shall be in accordance with Fire Department requirements.

2. Storage Capacity. The total storage capacity of flammable liquids and gases on a parcel shall not exceed the quantities indicated in Table 3-13 (Storage Standards for Flammable Liquids and Gases).

TABLE 3-13:
STORAGE STANDARDS FOR FLAMMABLE LIQUIDS AND GASES

Stored Substance	Zoning District	Maximum Capacity
Liquids	Industrial District	120,000 gallons
	All other manufacturing or industrial uses legally established within any other zoning district	60,000 gallons
Liquid Petroleum Gas	All manufacturing or industrial uses legally established within zoning district	Per Fire Department requirements
	All commercial uses legally established within zoning district	15,000 gallon per tank 20,000 gallon maximum aggregate total
	All agricultural uses legally established within zoning district	15,000 gallon per tank aggregate total
Gases other than	Industrial District	300,000 standard cubic feet above ground 600,000 standard cubic feet below ground

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TABLE 3-13: STORAGE STANDARDS FOR FLAMMABLE LIQUIDS AND GASES		
Stored Substance	**Zoning District**	**Maximum Capacity**
liquefied petroleum gas	All other manufacturing or industrial uses legally established within any other zoning district	150,000 standard cubic feet above ground 3000,000 standard cubic feet below ground

C. Liquefied Petroleum Gas (LPG).

1. General Requirements.

a. Agricultural, Commercial, Industrial, or Manufacturing Uses and Zoning Districts. Liquefied petroleum gas (LPG) storage and distribution facilities for agricultural, commercial, industrial, or manufacturing uses shall be allowed subject to a Conditional Use Permit in compliance with Division 2 (Land Use Zoning Districts and Allowed Land Uses). The location, installation, operation, and maintenance of LPG storage and distribution facilities shall be subject to:

(1) The standards in this Subsection.

(2) The conditions, requirements, and standards imposed by the Review Authority in compliance with this Chapter.

b. Residential Uses and Zoning Districts. Standards for residential uses and residential land use zoning districts for LPG storage shall be in accordance with Fire Department requirements.

c. Conflict Between Zoning District and Use Permit Requirements. In the event of a conflict between the provisions of this Subsection 9.34.060(C) (Liquefied Petroleum Gas [LPG]) and the provisions of a land use zoning district, including the requirement for a Conditional Use Permit, the provisions of this Section shall prevail and control.

2. Fire Protection Requirements for All Parcels.

a. Setbacks for LPG storage and distribution facilities from structures and property lines shall be those specified by Fire Department requirements.

b. LPG storage tanks shall be centrally located on the parcel to the satisfaction of the Fire Department.

3. Additional Fire Protection Requirements for Specific Types of Parcels. For parcels that have no more than one occupied structure less than 5,000 square feet in size and where the water system provides substandard flows per International Standards Organization (ISO) standards for structure protection, additional fire protection requirements shall be as follows:

TABLE 3-14: ADDITIONAL FIRE PROTECTION

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Parcel Size	LPG Storage Tank Standards	Fire Flow
10.1 acres or more	N/A	Fire flow shall be calculated for exposures only in compliance with the San Bernardino County Code Title 2, Division 3 (Fire Protection and Explosives and Hazardous Materials).
5.1 to 10 acres	A one-hour approved protective coating shall be applied to the LPG storage tank.	
2.5 to 5 acres	A two-hour approved protective coating shall be applied to the LPG storage tank.	

4. Additional fire protection requirements for any parcel with adequate fire flow available per ISO Standards:

a. Fire hydrant(s) shall serve the parcel in compliance with Fire Department requirements.

b. Fire flow shall provide for exposure protection (ISO Calculation) and LPG storage tank protection/suppression.

1) Sprinklers shall use calculations, as adopted by Fire Department requirements.

2) Hose lines shall use the formula: GPM = 5 times the square root of the tank capacity.

c. Additional Protection.

1) Where the Fire Chief determines that water can be applied to the tank or exposures by the Fire Department in required amounts in eight minutes or less, no additional protection shall be required.

2) Where the Fire Chief determines that water cannot be applied to the tank or exposures by the Fire Department in required amounts in eight minutes or less, one of the following protection measures shall be required:

a) One hour approved protective coating shall be applied to the LPG storage tank; or

b) A fixed spray water system shall be installed as approved by the Fire Department.

5. Additional fire protection requirements for any parcel not included in either Subsections 9.34.060(C)(3) or (4) above:

a. Either a one-hour or more protective coating shall be applied to the LPG storage tank, as required by the Fire Department, or a fixed spray water system shall be installed instead of coating the tank.

b. Fire flow shall be calculated for exposure only, in compliance with Fire Department requirements.

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9.34.070 – Heat

Land uses in industrial districts shall not emit heat that would cause a temperature increase on any adjacent property in excess of 10 degrees Fahrenheit, whether the change is in the air, on the ground, or in a structure.

9.34.080 – Noise

This Section establishes standards concerning acceptable noise levels for both noise-sensitive land uses and for noise-generating land uses.

A. Noise measurement. Noise shall be measured:

1. At the property line of the nearest site that is occupied by, and/or zoned or designated to allow the development of noise-sensitive land uses;

2. With a sound level meter that meets the standards of the American National Standards Institute (ANSI Section SI4 1979, Type 1 or Type 2);

3. Using the "A" weighted sound pressure level scale in decibels (ref. pressure = 20 micro newtons per meter squared). The unit of measure shall be designated as dB(A).

B. Noise Impacted Areas. Areas within the Town shall be designated as noise-impacted if exposed to existing or projected future exterior noise levels from mobile or stationary sources exceeding the standards listed in Subsection (D) (Noise standards for stationary noise sources) and Subsection (E) (Noise standards for adjacent mobile noise sources), below. New development of residential or other noise-sensitive land uses shall not be allowed in noise-impacted areas unless effective mitigation measures are incorporated into the project design to reduce noise levels to these standards. Noise-sensitive land uses shall include residential uses, schools, hospitals, nursing homes, religious institutions, libraries, and similar uses.

C. Noise Standards for Stationary Noise Sources.

1. Noise Standards. Table 3-15(Noise Standards for Stationary Noise Sources) describes the noise standard for emanations from a stationary noise source, as it affects adjacent properties:

TABLE 3-15:
NOISE STANDARDS FOR STATIONARY NOISE SOURCES

Affected Land Uses	7 AM to 10 PM Leq	10 PM to 7 AM Leq
Residential	55 dB(A)	45 dB(A)
Professional Services	55 dB(A)	55 dB(A)
Other Commercial	60 dB(A)	60 dB(A)
Industrial	70 dB(A)	70 dB(A)

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TABLE 3-15: NOISE STANDARDS FOR STATIONARY NOISE SOURCES		
Affected Land Uses	**7 AM to 10 PM Leq**	**10 PM to 7 AM Leq**

Leq = (Equivalent Energy Level). The sound level corresponding to a steady-state sound level containing the same total energy as a time-varying signal over a given sample period, typically 1, 8 or 24 hours.

dB(A) = (A-weighted Sound Pressure Level). The sound pressure level, in decibels, as measured on a sound level meter using the A-weighting filter network. The A-weighting filter de-emphasizes the very low and very high frequency components of the sound, placing greater emphasis on those frequencies within the sensitivity range of the human ear.

Ldn = (Day-Night Noise Level). The average equivalent A-weighted sound level during a 24-hour day obtained by adding 10 decibels to the hourly noise levels measured during the night (from 10 pm to 7 am). In this way Ldn takes into account the lower tolerance of people for noise during nighttime periods.

2. Noise Limit Categories. No person shall operate or cause to be operated a source of sound at a location or allow the creation of noise on property owned, leased, occupied, or otherwise controlled by the person, which causes the noise level, when measured on another property, either incorporated or unincorporated, to exceed any one of the following:

a. The noise standard for the receiving land use as specified in Subsection B (Noise-impacted areas), above, for a cumulative period of more than 30 minutes in any hour.

b. The noise standard plus five dB(A) for a cumulative period of more than 15 minutes in any hour.

c. The noise standard plus 10 dB(A) for a cumulative period of more than five minutes in any hour.

d. The noise standard plus 15 dB(A) for a cumulative period of more than one minute in any hour.

e. The noise standard plus 20 dB(A) for any period of time.

3. Noise Standards for Adjacent Mobile Noise Sources. Noise from mobile sources may affect adjacent properties adversely. When it does, the noise shall be mitigated for any new development to a level that shall not exceed the standards described in the following Table 3-17 (Noise Standards for Adjacent Mobile Noise Sources).

TABLE 3-16: NOISE STANDARDS FOR ADJACENT MOBILE NOISE SOURCES			
		Ldn (or CNEL) dB(A)	
Categories	**Uses**	**Interior**	**Exterior**
Residential	Single-Family, Multi-Family, Duplex, Mobile Homes	45	60
Commercial	Hotel, Motel, Transient Housing	45	60
	Commercial Retail, Bank, Restaurant	50	N/A

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TABLE 3-16: NOISE STANDARDS FOR ADJACENT MOBILE NOISE SOURCES			
Categories	**Uses**	**Ldn (or CNEL) dB(A)**	
		Interior	**Exterior**
	Office Building, Research and Development, Professional Offices	45	65
	Amphitheater, Concert Hall, Auditorium, Movie Theater	45	N/A
Institutional/Public	Hospital, Nursing Home, School Classroom, Religious Institution, Library	45	65
Open Space	Park	N/A	65

Notes:

(1) The indoor environment shall exclude bathrooms, kitchens, toilets, closets and corridors.

(2) The outdoor environment shall be limited to:

Hospital/office building patios

Hotel and motel recreation areas

Mobile home parks

Multi-family private patios or balconies

Park picnic areas

Private yard of single-family dwellings

School playgrounds

(3) An exterior noise level of up to 65 dB(A) (or CNEL) shall be allowed provided exterior noise levels have been substantially mitigated through a reasonable application of the best available noise reduction technology, and interior noise exposure does not exceed 45 dB(A) (or CNEL) with windows and doors closed. Requiring that windows and doors remain closed to achieve an acceptable interior noise level shall necessitate the use of air conditioning or mechanical ventilation.

CNEL = (Community Noise Equivalent Level). The average equivalent A-weighted sound level during a 24-hour day, obtained after addition of approximately five decibels to sound levels in the evening from 7 P.M. to 10 A.M. and 10 decibels to sound levels in the night before 7 A.M. and after 10 P.M.

D. Increases in Allowable Noise Levels. If the measured ambient level exceeds any of the first four noise limit categories in Subsection (C)(2), above, the allowable noise exposure standard shall be increased to reflect the ambient noise level. If the ambient noise level exceeds the fifth noise limit category in Subsection (C)(2), above, the maximum allowable noise level under this category shall be increased to reflect the maximum ambient noise level.

E. Reductions in Allowable Noise Levels. If the alleged offense consists entirely of impact noise or simple tone noise, each of the noise levels in Table 3-15 (Noise Standards for Stationary Noise Sources) shall be reduced by five dB(A).

F. Exempt Noise. The following sources of noise shall be exempt from the regulations of this Section:

1. Motor vehicles not under the control of the commercial or industrial use.

2. Emergency equipment, vehicles, and devices.

3. Temporary construction, maintenance, repair, or demolition activities between 7:00 A.M. and 10:00 P.M., except Sundays and Federal holidays.

G. Noise Standards for Other Structures. All other structures shall be sound attenuated against the combined input of all present and projected exterior noise to not exceed the criteria shown in Table 3-18 (Noise Standards for Other Structures).

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TABLE 3-17: NOISE STANDARDS FOR OTHER STRUCTURES	
Typical Uses	**12-Hour Equivalent Sound Level (Interior) in dBA Ldn**
Educational, institutions, libraries, meeting facilities, and similar.	45
General office, reception, and similar.	50
Retail stores, restaurants, and similar.	55
Other areas for manufacturing, assembly, testing, warehousing, and similar.	65

In addition, the average of the maximum levels on the loudest of intrusive sounds occurring during a 24-hour period shall not exceed 65 dB(A) interior.

9.34.090 – Vibration

A. **Vibration Standard.** No ground vibration shall be allowed that can be felt without the aid of instruments at or beyond the lot line, nor shall any vibration be allowed which produces a particle velocity greater than or equal to 0.2 inches per second measured at or beyond the lot line.

B. **Vibration Measurement.** Vibration velocity shall be measured with a seismograph or other instrument capable of measuring and recording displacement and frequency, particle velocity, or acceleration. Readings shall be made at points of maximum vibration along any lot line next to a parcel within a residential, commercial and industrial land use zoning district.

C. **Exempt Vibrations.** The following sources of vibration shall be exempt from the regulations of this Section.

1. Motor vehicles not under the control of the subject use.
2. Temporary construction maintenance or demolition activities between 7AM and 10PM.

9.34.100 – Waste Disposal

A. **Liquid Waste Disposal and Runoff Control.** No liquids of any kind shall be discharged into a public or private sewage or drainage system, watercourse, body of water, or into the ground, except in compliance with applicable regulations of the Town Municipal Code and related Federal regulations.

9.34.110 – Hazardous Materials

A. **Regulated by State of California and the U.S. EPA.** The use, handling, storage, and transportation of hazardous and extremely hazardous materials shall comply with the provisions of the California Hazardous Materials Regulations (California Administrative Code, Title 22, Division 4). The U.S. Environmental Protection Agency and the California Department of Health Services identify hazardous materials and prescribe handling, use, and disposal practices. The use,

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storage, manufacture, and disposal of hazardous materials shall be regulated and monitored according to the standards established by these agencies and any delegated government agencies.

B. **Combustibles and Explosives**.

1. The use, handling, storage, and transportation of combustibles and explosives shall comply with the provisions of Title 19 of the California Code of Regulations, Chapter 10 (Explosives).

2. No gasoline or other inflammables or explosives shall be stored unless the location, plans, and construction conform to the laws and regulations of the State of California and have the approval of the Town.

C. Maintenance of Equipment.

1. Objects such as vehicle motor parts containing grease, oil or other hazardous substances, and unsealed receptacles containing hazardous materials, shall not be stored in areas susceptible to runoff.

2. Any machine which is to be repaired or maintained in an uncovered outdoor area shall be placed on a pad of absorbent material to contain leaks, spills or small discharges.

3. Machinery and equipment, including motor vehicles, which are leaking significant amounts of oil or fluid must be repaired.

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Chapter 9.35 Property Maintenance Standards

Sections:

9.35.010 – Purpose
9.35.020 – Applicability.
9.35.030 – Relationship to Other Laws.
9.35.040 – General Maintenance Provisions
9.35.050 – Residential Structure Maintenance.
9.35.060 – Fencing and Walls.
9.35.070 – Visible Storage or Maintenance.
9.35.080 – Litter and Refuse.
9.35.090 – Parking Areas and Driveways.
9.35.100 – Landscaping and Vegetation.
9.35.110 – Maintenance Responsibility.

9.35.010 – Purpose

This Chapter sets forth comprehensive minimum maintenance standards for residential structures, yards, land, landscaping, facilities, and equipment for the purpose of protecting the health, safety, and welfare of the public, and helping to preserve property values.

9.35.020 – Applicability.

The provisions of this Section shall apply to all private and public residential property within the Town of Yucca Valley. Property maintenance standards shall apply to all residential development, whether constructed before or after the effective date of this Section.

9.35.030 – Relationship to Other Laws.

In the event of any inconsistency between this Section and any other provisions of this Development Code or other sections of the Municipal Code, including Chapter 6.08 (Maintenance of Abandoned Properties), Chapter 11.10 (Vehicle Abatement), Chapter 11.20 (Graffiti Removal), Chapter 11.60 (Dumping Waste; Nuisance Vehicles), and Chapter 11.70 (Litter and Loitering), or in the event that this Section conflicts with laws of the State or other Town ordinances, the higher standard – the standard that provides for a higher level of property maintenance – shall prevail, unless otherwise specified. This Section shall supplement and be an addition to the other relevant regulatory codes, statutes, and ordinances enacted by the Town of Yucca Valley, State of California, or any other legal entity or agency having jurisdiction.

9.35.040 – General Maintenance Provisions

A. **General.** All residential properties within the Town shall be kept and maintained in a clean, neat, orderly, operable, and usable condition that is safe both to occupants and passersby. This

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requirement applies to structures, portions of structures, paving, fences, walls, landscaping, water, earth, and any other structure or natural feature.

B. **Prohibition on Attractive Nuisances.** Any property which can be easily accessed by children must be kept clear of attractive nuisances that create a danger for children and other persons, including but not limited to inoperative vehicles, abandoned, neglected, or broken equipment, machinery, appliances, refrigerators or freezers; construction materials and construction equipment; and hazardous pools, ponds, and excavations.

9.35.050 – Residential Structure Maintenance.

All structures and paved areas shall be kept and maintained in a manner so as to not detract from the appearance of surrounding properties, and that protects the health, safety and welfare of the user, occupant, and the general public. All such structures and paved areas shall be deemed substandard and in violation of this Chapter when such structures or paved areas display evidence of dilapidated conditions including, but not limited to, the following:

A. Faulty, sagging, or leaking roof and roofs, missing roof tiles, or other visible roofing materials such that the roof is structurally unsafe or allows penetration of water to the sub-structural elements such as sheathing, roofing felt, rafters or ceiling, or exposed substructural elements to view;

B. Substantial areas of deteriorated structure siding materials including, but not limited to, dry rot, termite infestation, dented or rusting metal siding, broken or missing pieces of stucco, or other siding materials such that the building or structure is unsightly;

C. Broken or missing windows which constitute a hazard and an invitation to trespassers or vagrants;

D. Inadequate site drainage and/or standing water which causes hazardous or unsightly conditions, a breeding area for insects, or erosion of ~~adjacent to~~ structure foundations or soil;

E. Broken, ~~or~~ inoperable or abandoned sanitary and plumbing facilities and/or fixtures;

F. Broken or missing foundation;

G. Broken, damaged ~~torn,~~ or missing window screens, attic vent screens, or underfloor vents, rendering these items unusable and causing an attractive nuisance;

~~**H.** Broken, ripped, or torn window screens~~;

I. Structural defects such as warped, bowed or sagging structural members including, but not limited to, headers, sills, beams, eaves, doorways, door jambs, and similar structural or architectural elements;

~~**J.** Holes in siding areas~~;

K. Damaged woodwork or wall coverings, including but not limited to, unpainted surfaces, weathered or peeling paint, damaged brickwork, stonework or stucco, such that the affected area is in excess of the following

1. ~~.~~Ten percent of the total exposed material used for trim, fascia, rafters and rain gutters
2. Five percent of wall surfaces as measured along any single plane of the building/

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9.35.060 – Fencing and Walls.

All fences and walls shall be kept and maintained in a manner that does not detract from the appearance of the immediate neighborhood, and that protects the health, safety, and welfare of the user, occupant, and general public. Fences and walls shall be deemed substandard and in violation of this Chapter when they display evidence of dilapidation or other conditions, such as any or all of the following:

A. Sagging, broken, rotted, or defective support posts or other structural members;

B. Missing or broken fence boards;

C. Damaged or missing blocks from a block wall;

D. Substantial areas of deterioration including dry rot, broken or missing pieces of stucco, holes, or warped or leaning fence or wall areas;

E. Chain link fence material which is damaged or broken;

F. Portions of the fence or wall which are substantially defaced with graffiti;

G. Any condition of deterioration or any fault resulting in the fence or wall being structurally unsound or otherwise hazardous to property owners, occupants, or passersby;

H. Height extensions of walls or fences in violation of this Development Code.

9.35.070 – Visible Storage or Maintenance.

Storage and Maintenance to be Screened. Parking, storage, stockpiling, or maintenance of any of the following items on private property must be screened from any public right of-way and adjoining properties, except as provided in section C, below. Objects and activities will be considered "screened" when they are either 1) not visible from a public right-of-way or 2) behind a solid six-foot-high fence or wall.

A. **Furniture and Other Equipment.** Furniture or other equipment, including but not limited to couches and chairs, household appliances, sinks, heaters, boilers, tanks, other household equipment, or any parts thereof.

B **Materials.** Building materials, including but not limited to packing boxes, lumber, dirt piles, wood, landscape materials, or debris.

C. **Exceptions.** The following may be allowed in front yards under the noted circumstances:

1. Waste haulers and recycling containers may be placed for pickup in accordance with Chapter 9.07.120 of this code.

2. Portable on demand storage containers (PODS) used for the temporary storage of personal property owned or rented by the occupants may be allowed for a period not to exceed two weeks.

3. Building materials, vehicles, equipment, or construction tools may be placed in yards during construction with a valid building permit.

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4. Personal property owned or rented by the occupants may be repaired, washed, cleaned, and serviced, subject to any other relevant regulations, provided that vehicles are parked in a driveway and that all work is completed within 30 days.

5. Barbecues and furniture that is designed and intended for outdoor use may remain on a porch or patio.

9.35.080 – Litter and Refuse.

All yards, landscaped areas, and other areas of private property surrounding structures shall be kept free of trash, old building materials, junk, unregistered or inoperative vehicles, broken or discarded furniture, boxes, salvage materials, shopping carts, and other such material and equipment which, by its appearance, location or use, makes it incompatible with the principal use or other predominate principal uses in the immediate neighborhood.

9.35.090 – Parking Areas and Driveways.

A. All parking areas and driveways shall be kept and maintained so as to not detract from the appearance of surrounding properties, and to protect the health, safety and welfare of the user, occupant and general public. Such areas shall be kept in a neat and clean condition, free of inoperative vehicles, abandoned items, trash, debris or rubbish, furniture, equipment, play equipment, or similar materials, and free of potholes, sinkholes, standing water, cracks, and/or broken areas.

B. When any paved area, which includes sidewalks, driveways, and private roadways, is dilapidated, deteriorated or destroyed to such an extent as to no longer be effective it shall be deemed substandard and in violation of this Chapter.

9.35.100 – Landscaping and Vegetation.

A. All landscaped areas shall be kept and maintained in a manner that does not detract from the appearance of the surrounding properties, and that protects the health, safety, and welfare of the user, occupants, and general public.

B. Landscaped areas shall be kept in a neat and clean condition, free of weeds, debris and dead, diseased or dying vegetation, and broken or defective decorative elements of the landscaped area.

C. Vegetation in landscaped areas shall be mowed, groomed, trimmed, pruned, and watered as to keep the same in a healthy, growing condition. Irrigation systems shall be kept in good working condition and repair so as to prevent leaks or public health hazards.

D. Vegetative overgrowth shall not be permitted in a manner that is likely to harbor rodents, vermin, insects, or other nuisances; or impede, obstruct, or deny pedestrian or other lawful travel on sidewalks, walkways or other public rights-of-way.

9.35.110 – Maintenance Responsibility.

A. It shall be the responsibility of any owner of any structure, residence, property, grounds or lots to ensure or compel compliance with the property maintenance standards set forth in this Chapter.

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B. It shall be the responsibility of any owner, tenant, lessee, or occupant of any structure, residence, property, grounds or lots to remove debris and remove any vegetation that is in violation of this Chapter that has accumulated on any streets within the Town, if such person(s) placed the debris on such private property or streets, or otherwise owns, is occupying, or has custody or control over such private property or streets.

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Chapter 9.37 Soil Erosion and Dust Control

Sections:

9.37.010 – Purpose
9.37.020 – Applicability
9.37.030 – Exempt Activities
9.37.040 – Soil Erosion, Sediment and Dust Control Plans and Permits
9.37.050 – Wind-Borne Soil Erosion
9.37.060 – Erosion Control, Runoff Control, and Enforcement

9.37.010 – Purpose

The Chapter establishes uniform standards and processes for regulating development that disturbs the surface of lands. The intent of these provisions is to ensure conservation of soil, water, and other valuable natural resources, reduce erosion and maintain soil productivity, maintain healthy environments and air quality, and guide the planning and evaluation of proposed development.

9.37.020 – Applicability

Each Section in this Chapter describes activities that disturb land surfaces; identifies required permits and plans for the activities; and provides regulations to mitigate the adverse impact of the activities.

9.37.030 – Exempt Activities

The intent of this Section is not to invalidate existing discretionary permits, but rather to prevent or mitigate accelerated erosion. The following activities shall be exempt from the provisions of this Chapter.

A. **Activities not resulting in land disturbance.** Activities where the Director recognizes that no land disturbance will take place or otherwise determines activities to be exempt, including:

1. Change of use permits where there would be no expansion of land disturbing activities.

2. Construction within an existing structure.

B. **Agricultural activities.** Agricultural grading and routine agricultural activities (e.g., plowing, harrowing, discing, ridging, listing, land planning, and similar operations to prepare a field for a crop, including routine clearing to maintain existing rangeland, etc.)

C. **Land clearing activities for fire prevention.** Land clearing and vegetation clearance around structures as required by State and local fire codes and fire prevention guidelines. Land clearing shall be limited to that required to comply with applicable fire codes and regulations.

D. **Septic system and well installation and repair activities.** Activities in compliance with a valid permit for septic system installation and repair or well drilling.

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E. **Soil testing activities.** Routine testing of soil type and characteristics to determine soil suitability, water percolation, or similar soil tests; provided, however, that sediment from these activities shall not be allowed to enter a stream, drainage course, body of water, or onto adjacent properties.

F. **Installation or Repair of Utility Services Within Public Rights-of-Way.** When necessary to grade, trench, or otherwise install, repair or replace utility services within the boundaries of utility or public rights-of-way when the activities are completed within 72 hours.

9.37.040 – Soil Erosion, Sediment and Dust Control Plans

This Section provides regulations for project planning, preparation of Soil Erosion, Sediment and Dust Control Plans, run-off control, and land clearing to control disturbances to fragile desert soils in order to reduce the amount of fugitive dust that may (for long periods of time) adversely affect those who own; possess, control; or use parcels of land; and those who are located downwind of a parcel of land whose surface is being disturbed.

A. **Applicability.** The provisions in this Section apply to parcels that are one acre or greater in size or have a slope of greater than 10 percent.

B. **Permit requirements.** No person except as provided in this Chapter, shall commence with a disturbance of land (e.g. grading or land clearing) or construction activity that has that potential to cause erosion without first obtaining approval of erosion control measures to ensure that erosion would not reasonably be expected to occur. Best Management Practices (BMP's) shall be implemented at all land disturbance sites, regardless of the area of disturbance. A land use permit shall not be required for grading, land clearing, or vegetation removal activities that comply with Subsection (C) (Dust control standards), below. If more extensive grading, land clearing, or vegetation removal activities are proposed than allowed in Subsection (C), the activities shall be require approval of a Site Plan and Design Review Permit in compliance with Chapter 9.87 (Site Plan and Design Review Permit).

1. Permit application. An application for the ~~Soil Erosion Permit~~Grading Permit shall be made in writing to the Department on forms provided by the Town. The application shall be accompanied by specified plans and supporting data/materials and a fee established by resolution of the Council to cover the costs of handling and processing the application.

2. Conditions. The ~~Soil Erosion Permit~~Grading Permit shall be subject to conditions that the Director may impose to ensure that surface protection is provided before, during, and/or after the time of the disturbance of the surface or subsurface of the land. Protective measures required by the Director shall be provided by means of measures or any other effective method, or combination of methods, of holding the soil in place.

3. Annual permit renewals and fee payments. Annual renewal and payment of appropriate fees shall be required until the Director releases the permittee from the permittee's obligations under the permit in compliance with Subsection (4), (Continuing obligation to prevent erosion until release), below.

4. Continuing obligation to prevent erosion until release. In order to prevent the soil on the land from being eroded by wind and blown onto public roads or other public or private property, the permittee's obligations under the ~~Soil Erosion Permit~~ Grading Permit shall continue in force and effect, regardless of whether the permit has been renewed as required by Subsection (3~~6~~) (Annual permit renewals and fee payments), until the Town has

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notified the permittee in writing that the permittee's obligations under the ~~Soil Erosion Permit~~ Grading Permit are released.

C. Dust control standards. Land shall be cleared or natural vegetation shall be removed only in order to provide for the installation of building pads, driveways, landscaping, agriculture, or some other structure or allowed use normally related or accessory to residential uses. No person, except as provided in this Chapter, shall commence with a disturbance of land (e.g., grading or land clearing) without first obtaining approval to assure that said disturbance will not result in a significant increase of fugitive dust. Said approval may be in the form of a development permit.

9.37.050 – Wind-Borne Soil Erosion

This Section provides regulations to conserve soil resources and to minimize the injurious effects of dust storms.

A. Statement of hazardous wind erosion conditions. The Council finds and determines that:

1. Existence of hazardous wind erosion conditions. Serious and hazardous wind erosion problems exist within the Town creating conditions that adversely affect the health, safety, welfare, and property of residents of the Town.

2. Reasons for hazardous wind erosion conditions. These conditions exist because of:

a. Improper and untimely disturbance of the surface or subsurface of land, the soil of which is coarse textured and of a sandy nature; and

b. The character and the presence of strong prevailing winds, seasonal and otherwise, that progressively erode land and blow soil in substantial quantity onto public and private property.

3. Public nuisance. The hazardous wind erosion conditions constitute a public nuisance.

4. Areas of hazardous wind erosion conditions. Hazardous wind erosion conditions are prevalent and in need of correction within the Town.

B. Dust Prevention Required. To conserve the soil resources and to minimize the injurious effects of dust storms, the owner and all persons in possession of real property within the Town shall take reasonable measures and means to prevent dust blowing from the property.

C. Enforcement. Enforcement of this Section shall be pursuant to the provisions of Section 9.37~~9~~.060, Erosion Control, Runoff Control, and Enforcement

9.37.060 – Erosion Control, Runoff Control, and Enforcement

A. General erosion control requirements.

1. Conditions causing accelerated erosion prohibited. No person shall cause, or allow the continued existence of, a condition on a site that is causing or is likely to cause accelerated erosion as determined by the Director.

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2. Notification to control erosion. Upon notification by the Director, the responsible person shall take appropriate measures to control erosion on the site within a reasonable period of time as determined by the Director.

3. Plan/Permit approval. The Director may require that a property owner, whose property has been cited in non-compliance with Subsection (2) (Notification to control erosion), above, file and obtain approval of a Soil Erosion and Sediment Control Plan and ~~Soil Erosion and Sediment Control~~ Grading Permit in compliance with Subsection (b) (Soil Erosion and Sediment Control Plans~~/Permits~~), above.

4. Cessation of activities due to inclement weather. The Director may require that a particular operation, process, or construction be stopped during periods of inclement weather if the Director determines that erosion problems are not adequately being controlled.

B. Runoff control measures. Activities subject to a development permit (e.g. Conditional Use Permit, Building Permit, Grading Permit, Planned Development Permit, Site Plan and Design Permit, Temporary Use Permit, etc.) shall implement measures to control runoff in order to prevent erosion. Measures shall be adequate to control runoff from a 10-year storm.

1. Prevention of sediment discharge. Erosion control and surface flow containment facilities shall be constructed and maintained to prevent discharge of sediment to surface waters or storm drainage systems.

2. Permeability rate.

a. More than two inches per hour. Where soils have a permeability rate of more than two inches per hour, runoff in excess of 5 percent of the predevelopment levels shall be retained on the site by methods and in quantities approved by the Building Official. This may be accomplished through the use of infiltration basins, percolation pits or trenches, or other suitable means. This requirement may be waived where the Director determines that high groundwater, slope stability problems, etc., would inhibit or be aggravated by onsite retention, or where retention will provide no benefits for groundwater recharge or erosion control. The runoff water shall be discharged over nonerodible surfaces or at a velocity that will not erode.

b. Two inches per hour or less. Where soils have a permeability rate of two inches per hour or less and onsite percolation is not feasible, runoff shall be detained or dispersed over nonerodible vegetated surfaces so that the runoff rate does not exceed the predevelopment level. The runoff water shall be discharged over nonerodible surfaces or at a velocity that will not erode. The Director shall require onsite detention unless the applicant shows that the runoff will not contribute to downstream erosion, flooding, or sedimentation.

3. Onsite percolation devices. Concentrated runoff that cannot be effectively dispersed over nonerodible channels or conduits to the nearest drainage course shall be contained within onsite percolation devices.

4. Energy dissipaters at point of discharge. Where water will be discharged to natural ground or channels, appropriate energy dissipaters shall be installed to prevent erosion at the point of discharge.

5. Detention or filtration mechanisms. Runoff from disturbed areas shall be detained or filtered by berms, vegetated filter strips, catch basins, or other means necessary to prevent the escape of sediment from the disturbed area.

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6. Deposition of earth or materials prohibited. No earth, organic, or construction material shall be deposited in or placed where it may be directly carried into a stream, lake, marsh, slough, lagoon, or body of water.

7. Buffer zone along land/water margin. Where land disturbing activities are in proximity to lakes or natural watercourses, a buffer zone shall be required along the land/water margin of sufficient width to confine visible siltation within 25 percent of the buffer zone nearest the land disturbing activities.

C. Authority.

1. Authorized actions. Subject to the restrictions in the Section regarding constitutional freedoms and laws respecting rights of privacy, the Town shall have authority, at all reasonable times, to enforce this Chapter and to:

a. Enter upon any property to investigate for violations of this Chapter.

b. Issue Temporary Stop Work Orders.

c. Issue a citation to a person committing a misdemeanor or an infraction offense under this Chapter within the presence of the Director.

2. Inspection or abatement.

a. The inspection or abatement of a structure or private property shall be made:

(1) With the consent of the owner or occupant of the property; or

(2) If consent is refused, with a warrant issued in compliance with California Code of Civil Procedure Section 1822.50 (Title 13 [Inspection Warrants] of Part 3 [Special Proceedings of a Civil Nature]).

b. However, in the event of an emergency affecting the public health or safety, an inspection or abatement may be made without consent or the issuance of a warrant.

D. Abatement of hazardous conditions.

1. Notice of hazardous conditions. When land presents a hazardous condition that may affect the health, safety, and welfare of neighboring residents (because of the condition of the land with regard to loose soil and windy conditions), the landowners of record shall be notified by the Director in writing by first class mail of the conditions.

2. Deadline for abatement. If these conditions are not corrected within 30 days of the mailing of the notice, the Director may order the conditions to be corrected as reasonably and economically as possible at the discretion of the Director. However, when time is of the essence and emergency action is necessary to put into effect these protective provisions, the Director may take immediate steps to abate the hazardous soil erosion condition.

E. Temporary Stop Work Orders.

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1. Issuance. The Director may issue a Temporary Stop Work Order and the subject soil disturbing operation shall immediately be stopped, whether a permit has been issued or not, when:

a. A permit has been issued, but not all of the permit requirements have been complied with. The Temporary Stop Work Order may require that all work cease until all the permit requirements have been met.

b. Operations are in progress, with a permit or not, and weather conditions are causing substantial dust to be carried into the air. The Temporary Stop Work Order may require the cessation of all work until the current dust air pollution is abated.

c. Operations are in progress, regardless of weather conditions, and a soil disturbance permit has not been issued.

2. Appeal not allowed. A Temporary Stop Work Order shall not be subject to an appeal.

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Chapter 9.38 Temporary Special Events

Sections:

9.38.010 – Purpose
9.38.020 – Duration and Frequency
9.38.030 – Permit Required
9.38.040 – Standards and Regulations
9.38.050 – Requests for Law Enforcement Services at Special Events
9.38.060 – Temporary Special Event Amendment
9.38.070 – Temporary Special Event Revocation

9.38.010 – Purpose

This Chapter provides development standards for temporary special events to ensure that basic health, safety, and community welfare standards are met, while approving suitable temporary special events with the minimum necessary conditions or limitations consistent with the temporary nature of the activity. A Temporary Special Event Permit allows short-term activities that might not meet the normal development or use standards of the applicable zoning district, but may be considered acceptable because of their temporary nature. These activities are regulated to avoid incompatibility between the proposed activity and surrounding areas.

9.38.020 – Duration and Frequency

A. Temporary special events shall be permitted with a Temporary Special Event permit as specified below which indicate each temporary special event permitted, the zones in which the use is allowed, the maximum number of days each use is allowed and the maximum number of occurrences in each calendar year:

TABLE 3-24:
SPECIAL EVENTS

Permitted Special Events (With a Special Event Permit)	Land Use District Permitted	Maximum Number of Days Per Events	Maximum Number of Events Per Calendar Year Per Location and/or Vendor
Church tent rival meetings	All Land Use Districts	10	3
Circus, carnival	All "C", "I", and Public/Quasi Public Land Use Districts, , all land use districts in Old Town Specific Plan Area	10	4~~2~~

TABLE 3-24: SPECIAL EVENTS			
Permitted Special Events (With a Special Event Permit)	**Land Use District Permitted**	**Maximum Number of Days Per Events**	**Maximum Number of Events Per Calendar Year Per Location and/or Vendor**
Fair, concerts, parades, exhibits, festivals, art shows, car shows, street fairs or similar events	All "C", "I", and Public/Quasi Public Land Use Districts, all land use districts in Old Town Specific Plan Area	10	10
Certified Farmers Markets	All "C", "I", and Public/Quasi Public Land Use Districts, all land use districts in Old Town Specific Plan Area	Two days per week	Permit is valid for one year
Seasonal Holiday Sales Facilities	Non-Residential Districts	See Subsection D	3

B. Where uncertainty exists regarding the interpretation of any provision of this Chapter or its application to specific special event which may not be listed, the Director shall determine the intent of the provision and or determine whether the proposed event is consistent with the provisions of this Chapter.

C. Multiple Temporary Special Events may be combined into a single permit, however Certified Farmers Markets shall comply with the California Code Of Regulations, section 1392 and obtain all required permits from the Town.

D. **Seasonal Holiday Sales Facilities.** Seasonal holiday sales activities (e.g., Christmas, Halloween, Thanksgiving, etc.) including temporary residence/security trailers, on nonresidential properties, for up to 45 days.

1. Date of Opening. A Christmas tree sales facility shall not be open for business during any calendar day before Thanksgiving. Other holiday sales facilities shall not be open more than 30 days before the holiday.

2. Additional Permits. The applicant shall secure an electrical permit if the facility is to be energized and the proper permits from the Building Division for any temporary structure or shelter.

3. Fire Prevention. Each Christmas tree/holiday sales facility shall comply with fire prevention standards as approved and enforced by the Fire Chief, including any burning or open fires or flocking or painting.

4. Maintenance. Seasonal holiday sales facilities shall be kept clean and free of debris at all times during use of the property.

5. Merchandise. A seasonal holiday sales facility shall not engage in the sale of any merchandise not directly associated with the holiday identified by the applicant as the basis for the seasonal holiday facility.

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6. Off-street Parking. The Director shall approve all public access.

7. Removal of Facility. The seasonal holiday facility shall be removed within 14 days after Christmas or other holiday.

9.38.030 – Permit Required

Except as otherwise provided by the Town of Yucca Valley or state law, no person or entity shall operate, maintain, conduct, advertise, or provide admission for any temporary special event within the Town of Yucca Valley without possessing an unexpired, unsuspended and unrevoked permit from the Planning Division for each such temporary special event.

To ensure cleanup and restoration of the site, an applicant may be required to post a deposit at the time the application is submitted. Upon the completion of the event and inspection of the site by the Town, the deposit may be returned to the applicant if the cleanup and restoration of the site has been determined by the Town to be sufficient.

9.38.040 – Standards and Regulations

A. **Change of Date.** Upon the request of the applicant, the issuing authority shall have the power, upon a showing of good cause, to change the date for which the permit has been issued provided established limitations are complied with in respect to time and location.

9.38.050 – Requests for Law Enforcement Services at Special Events

Any person or entity required to obtain a permit in accordance with the provisions of this chapter may request law enforcement services to preserve the peace at special events. Such application shall be made to the Sheriff's Department and shall be in writing, stating the name and address of the applicant, the place where the special event is to be held, the estimated number of persons to be present and the purpose of the special event. Upon receipt of said application, the Sheriff's Department shall determine whether law enforcement services are necessary to preserve the peace, and if the Sheriff's Department so determines, and if the services will not reduce the normal and regular on-going service that the Town would otherwise provide, the Sheriff's Department shall contract with the applicant to provide the services at an amount to include all costs to the Town of Yucca Valley.

9.38.060 – Temporary Special Event Amendment

Refer to Article 5, Chapter 9.83 Permit Amendments.

9.38.070 – Temporary Special Event Revocation

Refer to Article 5, Chapter 9.84 Permit Revocations.

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Chapter 9.39 Temporary Uses and Structures

Sections:

9.39.010 – Purpose and Intent
9.39.020 – Applicability
9.39.030 – Exempt Temporary Structures and Uses
9.39.040 – Structures and Uses Allowed with Temporary Use Permit
9.39.050 – Permitted Temporary Uses
9.39.060 – Additional Development Standards
9.39.070 – Interim Operation of Activities Requiring a Conditional Use Permit
9.39.080 – Camping or Occupancy of Temporary Structure Prohibited
9.39.090 - Temporary Use Amendment
9.39.100 - Temporary Use Revocation

9.39.010 – Purpose and Intent

This purpose of this Chapter is to provide development and use standards for temporary structures and uses that might not meet the normal development or use standards of the applicable land use zoning district, but may otherwise be acceptable because of their temporary nature, and to prohibit the use of vehicles as substitutes for structures unless otherwise allowed, permitted, or exempted. The intent of these standards is to minimize the potential incompatibility of a temporary structure or use of a vehicle in lieu of such structures and to regulate the location, operation, and/or duration to protect the public convenience, health, interest, safety, and general welfare.

9.39.020 – Applicability

This Chapter provides development and use standards for structures and uses that fall within the categories in Section 9.39.040 (Structures and Uses Allowed with Temporary Use Permit). Regulations for temporary special events are provided in Chapter 9.38 (Temporary Special Events). See Chapter 9.72 (Temporary Use Permit) for permit requirements and procedures.

9.39.030 – Exempt Temporary Structures and Uses

The temporary structures and uses listed in this Section shall be exempt from obtaining a Temporary Use Permit. Temporary structures and uses that do not fall within the following categories shall comply with Section 9.39.040 (Structures and Uses Allowed with Temporary Use Permit).

A. **Construction Yards - On-Site.** On-site contractors' construction yards, for an approved construction project. The construction yard shall be removed immediately upon completion of the construction project, or the expiration of the Building Permit authorizing the construction project, whichever first occurs.

B. **Emergency Facilities.** Emergency public health and safety needs/land use activities, as determined by the Town.

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C. **Events on Sites Approved For Public Assembly.** An event on the site of, or within, a golf course, meeting hall, religious facility, school, theater, or other similar facility designed, and approved by the Town for public assembly.

E. **Location Filming.** The temporary use of a specific site for the location filming of commercials, movies, videos, and similar filming, for the time specified by the Director. Even though this use is exempt from a Temporary Use Permit, it may require a Film Permit issued by the Community Development Department and processed in compliance with Chapter 9.XX (Filming Permits).

F. **Public Property or Public Right-of-Way.** Construction and maintenance activities conducted on public properties that are authorized by an Encroachment Permit issued by the Department of Public Works.

G. **Emergency public health and safety activities**.

9.39.040 – Structures and Uses Allowed with Temporary Use Permit

The temporary structures and uses identified in this Section shall be allowed in any land use zoning district subject to the standards in this Section and a Temporary Use Permit issued in compliance with Section 9.72 (Temporary Use Permits).

A. **Batch Plants.** Batch plants necessary for the construction of major public infrastructure improvements provided proper review in compliance with the California Environmental Quality Act (CEQA) is completed.

B. **Construction Yards - Off-site.** Off-site contractors' construction yards, for an approved construction project. The construction yard shall be removed immediately upon completion of the construction project, or the expiration of the Building Permit authorizing the construction project, whichever first occurs.

9.39.050 – Permitted Temporary Uses

An application for a Temporary use Permit shall be required for the following temporary uses and shall be subject to conditions established in this Code and any other additional conditions as may be prescribed by the Director. The following temporary uses may be permitted subject to the approval of a Temporary Use Permit:

A. **Temporary Residential Quarters.** Manufactured homes and self-contained recreational vehicles may be used for temporary residential quarters only in the following instances and for a period of time not to exceed one (1) year with one (1) year extensions; not to exceed an aggregate total of four (4) years:

1. Temporary residential quarters for individuals involved in the construction of the first permanent dwelling unit on the same parcel. Such Temporary Use Permits may be approved when construction permits have been issued by the Building and Safety Division;

2. Temporary residential quarters for security personnel for construction projects for which construction permits have been issued by the Building and Safety Division;

3. Temporary residential quarters for security personnel for the short-term protection of permitted commercial, commercial agricultural, industrial or institutional use;

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4. The provisions of this Section shall not apply to public school property;

5. Temporary Use Permits issued pursuant to this Section shall become invalid upon the cancellation of the building permit or the completion of the construction project for which the building permit and Temporary Use Permit were issued.

B. **Temporary Nonresidential Quarters.** Manufactured homes, commercial coaches, self-contained recreational vehicles, mobile office vehicles or other appropriate and approved structures may be used for temporary nonresidential quarters as an accessory use to a primary permitted use. Such temporary nonresidential quarters may be used to provide temporary office, retail, meeting, assembly, wholesale, manufacturing and/or storage space for commercial, commercial agricultural, industrial or institutional uses for a period of time not to exceed one (1) year with one (1) year extensions; not to exceed an aggregate total of four (4) years. ~~The Director shall review the proposed use for compliance with applicable regulations, including, but not limited to, access, circulation, parking, fencing, lighting, signage, landscaping and buffering~~.

1. The Town shall determine that the proposed use complies with the development standards in Article 2 (Zoning Districts and Development Standards) including:

a. Adequate access, circulation, and parking.

b. Appropriate buffering from abutting uses.

c. Fencing.

d. Landscaping.

e. Lighting.

~~**B.**~~ 2. Under exceptional or extraordinary circumstances, a Temporary Use Permit for temporary nonresidential structures may be extended beyond the five-year limitation at the discretion of the Town

C. **Temporary Construction Office Quarters.** In conjunction with approved construction projects, manufactured homes, commercial coaches, self-contained recreational vehicles, mobile office vehicles or other appropriate and approved structures may be used for temporary construction office quarters for a period of time not to exceed one (1) year with one (1) year extensions; not to exceed an aggregate total of four (4) years. Temporary Use Permits issued pursuant to this Section shall become invalid upon the cancellation of the building permit or the completion of the construction project for which the building permit and Temporary Use Permit were issued.

D. **Temporary Real Estate Model Home/Sales Offices.** Dwelling units located in residential developments and subdivisions may be used for temporary real estate model home/sales office. Said model home sales office may be used only for conducting the activities necessary for the initial sale or lease of the land or structure located within the residential development or subdivision in which the model home/sales office is located.

1. Model Homes. A model home or model home complex may be authorized before the completion of subdivision improvements in compliance with the following standards.

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a. The sales office and any off-street parking shall be converted back to residential use and/or removed before the issuance of the Final Occupancy Permit or within 14 days from the close of escrow of the last parcel in the subdivision, whichever first occurs.

b. The model home complex shall be used to sell only units within the development within which the complex is located.

c. Model home permits and model home sign permits will be finaled and the model homes will be allowed to be open to the public only after all required bonding has been accomplished and accepted by the Town and a Temporary Use Permit has been issued.

d. At least one model home shall be fully landscaped with drought tolerant xeriscape materials.

e. The Town may require other conditions of approval deemed necessary to protect the public health, safety, and general welfare of persons residing or working in the neighborhood.

2. Real Estate Sales Offices. A temporary real estate sales office (modular structure) may be established within the area of an approved subdivision, solely for the first sale of homes. An application for a temporary real estate office may be approved for a maximum of 12 months from the date of approval.

E. Temporary On-Your-Lot Builder Model Home/Sales Office. Single family dwelling units may be used for temporary on-your-lot builder model homes/sales offices subject to a Temporary Use Permit and the provisions of the Chapter, including the following:

1. Intent. The provisions of this section are intended to regulate the use of a single family dwelling unit when used as a temporary sales office and model home for the sale of construction services to build single family residential units on vacant lots. These provisions are not intended to allow a permanent or temporary real estate office involved in real estate sales other than those involving lots sold in conjunction with the construction services being offered;

2. Finding. Prior to the issuance of a Temporary Use Permit, the reviewing authority shall find and justify that the proposed on-your-lot builder model homes/sales office structure is located fronting on a roadway designated by the Circulation Plan of the General Plan as ~~either a highway or arterial as~~ identified in (5) below.

3. Activities Restricted to Construction Services and Related Sales of Vacant Lots. The on-your-lot builder model home/sales office shall be used only for the sale of construction services to build single-family residential dwelling units on vacant lots and related real estate sales. Real estate sales shall be limited to the sale of vacant lots in conjunction with the sale construction services for the same lot. Real estate sales shall be an accessory and subordinate use to the primary use of construction service or sales.

4. Inspection Annually by Fire Department. An annual inspection shall be made by the Fire Department in order to ensure compliance with conditions of approval of the Temporary Use Permit.

5. Location of Structure. The on-your-lot builder model home/sales office structure shall be located fronting on a roadway designated by the General Plan in the Circulation Element as one of the following:

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(1) Highway (6 lanes divided)
(2) Highway (4 lanes divided)
(3) Arterial (4 lanes divided)
(4) Collector (4 lanes)
(5) Collector (2 lanes)
(6) Industrial (2 lanes).

6.. Parking. A minimum of two paved and two other alternate parking spaces shall be provided. The Town shall approve alternate parking spaces subject to surfacing requirements and possible alternate locations (e.g., on-street parking) where it is deemed necessary and appropriate.

7. Performance Bond. A bond shall be required to ensure removal of any signs or flags and to reconvert, where necessary, any garage conversion.

8. Xeriscape. The model home shall be fully landscaped with drought-tolerant xeriscape materials.

9. Transfer of Permit. A Temporary Use Permit for an on-your-lot builder model home/sales office may be transferred to another party. A transfer shall not entitle the new owner to use the Temporary Use Permit for a longer time period than five years from the issuance of the original permit. The Code Enforcement Division shall be notified of any transfer of ownership.

(a) Agreement to Terminate a Temporary Use. Before the issuance of the Temporary Use Permit for the first year and as a condition of the permit approval, the permittee shall enter into an agreement with the Town, which shall be recorded in the Official Records of the County by the County Recorder. The agreement shall establish the responsibility of the permittee to comply with the provisions of this Chapter. This will include acknowledgement that the permittee shall terminate the model home/sales office no later than five years from the date of the initial permit and shall restore the structure to a use allowed by the current land use zoning district in which the subject property is located.

F. Temporary Outdoor Storage or Sales. Interim operation of an exterior storage area or short-term exterior sales display area. Provisions regulating seasonal sales lots are in 9.39.040 (D) (Seasonal Holiday Sales Facilities).

~~**G. Temporary Non-Residential Structures.** A temporary structure, including a manufactured or mobile unit, used to provide temporary office, retail, meeting, assembly, wholesale, manufacturing and/or storage space, may be approved for a maximum of 12 months from the date of approval, as an accessory use for commercial, commercial agricultural, industrial, or institutional uses or as the first phase of a development project.~~

~~1. The Town shall determine that the proposed use complies with the development standards in Article 2 (Zoning Districts and Development Standards) including:~~

~~a. Adequate access, circulation, and parking.~~

~~b. Appropriate buffering from abutting uses.~~

~~c. Fencing.~~

~~d. Landscaping.~~

~~e. Lighting.~~

~~f. Signage.~~

~~2. Under exceptional or extraordinary circumstances, a Temporary Use Permit for temporary nonresidential structures may be extended beyond the five-year limitation at the discretion of the Town.~~

H. Temporary Work Trailers. A trailer or mobile home used as a temporary work site for employees of a business; provided, that:

1. The use is authorized by a Building Permit for the trailer or mobile home, and the Building Permit for the permanent structure;

2. The use is appropriate because:

   a. The trailer or mobile home will be in place during construction or remodeling of a permanent commercial or manufacturing structure for a maximum of 12 months, or upon expiration of the Building Permit for the permanent structure, whichever first occurs; or

   b. The applicant has demonstrated that the temporary work site is a short-term necessity for a maximum of 12 months, while a permanent work site is being obtained; and

3. The trailer or mobile home is removed before final building inspection or the issuance of a Certificate of Occupancy for the permanent structure.

4. A Temporary Use Permit issued in conjunction with a construction project shall become invalid upon:

   a. Cancellation of the Building Permit for the approved temporary structure or use; or

   b. Completion of the Building Permit for the approved temporary structure or use; or

   c. Expiration of the time for which the approval has been granted.

I. Temporary signs. See Section 9.36.100 (Temporary Signs).

J. Temporary Transportable Treatment Units. Temporary Transportable Treatment Units (TTTU) used for treating hazardous waste or groundwater contamination.

1. Temporary transportable treatment units shall only be allowed in either of the following instances:

   a. The site where a TTTU will be located and operated complies with the siting criteria and procedures identified in the San Bernardino County Hazardous Waste Management Plan; or

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b. The County Environmental Health Services Division determines that the proposed TTTU use does not create additional health risks as demonstrated by a site-specific health risk assessment and a Land Use Compliance Review ~~Certificate of Land Use Compliance~~ is issued and recorded in compliance with Chapter 9.66 (Land Use Compliance Review).

2. A Temporary Use Permit issued in conjunction with a TTTU shall become invalid upon the occurrence of one of the following:

   a. Violation of a permitting requirement; or

   b. Completion of the project; or

   c. Expiration of the time for which the approval has been granted.

3. The County Environmental Health Services Division shall conduct an annual inspection in order to ensure compliance with any conditions of approval.

4. A Temporary Use Permit for a temporary transportable treatment unit shall not be granted or extended for a period of time to exceed five years after the date the Temporary Use Permit was first issued.

K. **Accessory Storage Structures.** A detached, accessory storage structure, where the primary use does not yet exist, shall only be allowed with appropriate bonding to remove the accessory structure if the primary use is not completed within two years.

L. **Similar Temporary Activities.** A temporary activity that the Director determines is similar to the other activities listed in this Section and compatible with the applicable land use zoning district and surrounding land uses.

9.39.060 – Additional Development Standards

A. **Additional Standards.** In addition to the standards in Section 9.39.050 (Permitted Temporary Uses), above, the Director shall establish the following additional standards for a proposed temporary structure or use, using the requirements of the applicable zoning district and Article 2 (Zoning Districts and Development Standards) for guidance:

1. Structure and Property Development Improvements. Access, floor areas, heights, landscaping, off-street parking, setbacks, signs, utilities, and other structure and property development improvements and features;

2. Removal of the Activity and Site Restoration. Measures for removal of the activity and site restoration, to ensure that no changes to the site would limit the range of possible future land uses otherwise allowed by this Development Code. Performance security may be required before installation of the temporary structure or initiation of the temporary use to ensure cleanup after the structure is removed or the use is finished in compliance with Section 9.70.030(Performance Guarantees); and

3. Time Limitation. Limitation on the duration of an approved "temporary structure," to a maximum of 12 months, so that it shall not become a permanent or long-term structure.

B. **Display of Permit and Approvals.** A valid Temporary Use Permit shall be prominently displayed so that it is visible at all times from the exterior of the permitted structure or use and available for

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inspection. A permitted temporary structure shall provide evidence of approval by the State Department of Housing and Community Development as required by the Health and Safety Code or the U.S. Department of Housing and Urban Development, where applicable.

C. Other Regulations. Installation of a permitted structure or use shall comply with the requirements and regulations of the Department and the following:

1. Development Code.

2. Building and Safety Division.

3. Fire Department.

4. Environmental Health Services Division.

5. Applicable State and Federal regulations.

9.39.070 – Interim Operation of Activities Requiring a Conditional Use Permit

A. Interim Operation of Activities Requiring a Conditional Use Permit. A Temporary Use Permit may be issued for the interim operation of any use requiring a Conditional Use Permit for a period of time not to exceed 12 months, provided the Temporary Use Permit does not authorize the construction or establishment of new permanent structures and the review authority makes the findings required for approval of a Conditional Use Permit in compliance with Chapter 9.63 (Conditional Use Permit).

B. Concurrent Application Filing. The Temporary Use Permit application shall be filed concurrently with an application for Conditional Use Permit, where appropriate.

9.39.080 – Camping or Occupancy of Temporary Structure Prohibited

A. Prohibited Use.

1. Prohibition. It shall be unlawful to place, install, build, maintain, use, or occupy any temporary structure on any parcel of real property subject to the provisions of this Development Code for the purpose of camping, dwelling, maintaining or establishing temporary or permanent residency unless such placement, installation, construction, maintenance, use, or occupancy is first authorized by a Temporary Use Permit, Special Event Permit, or other land use approval required by this Development Code or as otherwise made an exception herein.

B. Applicability. This section shall apply to the following temporary structure:

1. Any tent, lean-to, box, or other make-shift building or enclosure constructed of any material for which no building permit has been issued and no Temporary Use Permit, Special Use Permit, or other land use approval has been granted;

2. Any vacant building, temporary or permanent, deemed substandard pursuant to Chapter 6.08 (Maintenance of Abandoned Properties) of Title 6 (Health and Sanitation) of the Yucca Valley Municipal Code; and

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3. Any building under construction and unfinished, regardless of whether or not building, (plumbing, etc.) permits have been issued.

C. Camping in Vehicle Prohibited.

1. Prohibition. It shall be unlawful to place, maintain, use, or occupy any vehicle on any parcel of real property for the purpose of camping, dwelling, or maintaining or establishing a temporary or permanent residency unless such placement, maintenance, use, or occupancy is authorized pursuant to this chapter.

D. Vehicle Applicability. This section shall apply to the following vehicle types:

1. All recreational motor vehicles;
2. Recreational towed vehicles;
3. Mobile homes;
4. Commercial coaches;
5. Office trailers;
6. Park trailers
7. Passenger vehicles;
8. Trailers;
9. Campers; and
10. Commercial vehicles.

E. Notice to Abate.

1. The Director may issue to any person occupying any structure or vehicle parked in violation of this Section a notice, including an order to vacate the structure or vehicle after 30 days of the date of the notice.

2. If deemed necessary by the Director to prevent or remedy an immediate threat to health and safety of the public or occupants of the structure, the Director may issue any person occupying any structure or vehicle prohibited in violation of this Section an order to vacate the structure or vehicle with less than 30 days notice; or institute any appropriate action or proceeding to prevent, restrain, correct, or abate the violation or nuisance.

9.39.090 – Temporary Use Amendment

Refer to Article 5, Chapter 9.83 Permit Amendments.

9.39.100 – Temporary Use Revocation

Refer to Article 5, Chapter 9.84 Permit Revocations.

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Chapter 9.40 Surface Mining and Land Reclamation

Sections:

9.40.010 – Purpose
9.40.020 – Incorporation of SMARA and State Regulations
9.40.030 – Applicability
9.40.040 – Permit, Plan, and Financial Assurance Requirements
9.40.050 – Vested Rights
9.40.060 – Application Filing, Processing, and Review
9.40.070 – Additional Conditions of Approval
9.40.080 – Financial Assurances
9.40.090 – Reclamation Standards
9.40.100 – Interim Management Plans
9.40.110 – Annual Report
9.40.120 – Inspections
9.40.130 – Violations Penalties
9.40.140 – Post-Approved Procedures

9.40.010 – Purpose

A. **Extraction of minerals essential to Town economic well-being**. The Town recognizes that the extraction of minerals is essential to the continued economic well-being of the Town and its residents and to societal needs and that the reclamation of mined lands is necessary to prevent or minimize adverse effects on the environment and to protect the public health and safety.

B. **Surface mining in diverse areas**. The Town also recognizes that surface mining takes place in diverse areas where the geologic, topographic, climatic, biological, and social conditions are significantly different and that reclamation operations and their related specifications may vary accordingly.

C. **Purpose and intent**. The purpose and intent of this Chapter is to ensure the continued availability of important mineral resources, while regulating surface mining operations as required by:

1. California's Surface Mining and Reclamation Act of 1975 (Public Resources Code Sections 2710 et seq.) (SMARA).

2. Public Resources Code Section 2207 (relating to annual reporting requirements).

3. State Mining and Geology Board regulations ("State regulations") for surface mining and reclamation practice (California Code of Regulations Sections 3500 et seq.) to ensure that:

a. Adverse environmental effects are prevented or minimized and that mined lands are reclaimed to a usable condition that is readily adaptable for alternative land uses.

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b. The production and conservation of minerals are encouraged, while giving consideration to values relating to recreation, watershed, wildlife, range and forage, and aesthetic enjoyment.

c. Residual hazards to the public health and safety are eliminated.

9.40.020 – Incorporation of SMARA and State Regulations

A. **Incorporation of SMARA and State Regulations**. The provisions of the California Surface Mining and Reclamation Act of 1975 (Public Resources Code Section 2710 et seq.), Public Resources Code Section 2207, and the regulations implementing the act (California Code of Regulations Section 3500 et seq.) ("State Regulations") are made a part of this Chapter by reference with the same force and effect as if the provisions were specifically and fully contained in this Chapter; except that when the provisions of this Chapter are more restrictive than correlative State provisions, this Chapter shall prevail.

B. **Amendments to SMARA**. In the event that the State amends SMARA to the extent that it adds to or conflicts with this Chapter, State law shall prevail.

9.40.030 – Applicability

The provisions of this Chapter shall apply to all public and private property in the Town.

9.40.040 – Permit, Plan, and Financial Assurance Requirements

A. Approval of Conditional Use Permit, Reclamation Plan, and financial assurance required. Unless exempted by SMARA, Sate Regulations, or Subsection (b) (Exemptions), below, any person who proposes to engage in surface mining operations shall, before the commencement of the operation, obtain Town approval of a Conditional Use Permit, Reclamation Plan, and financial assurances for reclamation in compliance with this Chapter. An exemption from these approval requirements shall not automatically exempt a project or activity from the application of other Town regulations, ordinances, or policies (e.g., the application of CEQA; the requirements of Conditional Use Permits or other permits; the payment of development impact fees; the imposition of other dedications and exactions as may be allowed under the law; etc.).

B. **Exemptions**. This Chapter shall not apply to the following activities, subject to the exceptions noted in Subsection (a), above:

1. Excavations or grading conducted for farming or for the purpose of restoring land following a flood or natural disaster.

2. Onsite excavation and onsite earthmoving activities that are an integral and necessary part of a construction project and that are undertaken to prepare a site for construction of structures, landscaping, or other land improvements, including the related excavation, grading, compaction, or the creation of fills, road cuts, and embankments, whether or not surplus materials are exported from the site, subject to all of the following conditions:

a. All required permits for the construction, landscaping, or related land improvements have been approved by a public agency in compliance with applicable provisions of State law and locally adopted plans and ordinances, including the California Environmental Quality Act (CEQA).

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b. The Town's approval of the construction project:

1) Is consistent with the General Plan.
2) Included consideration of the onsite excavation and onsite earthmoving activities in compliance with CEQA.

c. Surplus materials shall not be exported from the site unless and until the site accepting the surplus materials has also been approved for development according to the appropriate procedures of the agency having land use jurisdiction.

d. Surplus materials shall not be exported from the site unless and until actual construction work has commenced and shall cease if it is determined that construction activities have terminated, have been indefinitely suspended, or are no longer being actively pursued.

3. Operation of a plant site used for mineral processing, including associated onsite structures, equipment, machines, tools, or other materials, including the onsite stockpiling and onsite recovery of mined materials, subject to all of the following conditions:

   a. The plant site is located on lands with an appropriate land use zoning district designation commensurate with the activity according to the General Plan (e.g. Industrial (I).

   b. None of the minerals being processed are being extracted onsite.

   c. Reclamation work has been completed in compliance with the approved Reclamation Plan for mineral extraction activities that occurred onsite after January 1, 1976.

4. Prospecting for, or the extraction of, minerals for commercial purposes and the removal of overburden in total amounts of less than 1,000 cubic yards in any one location of one acre or less.

5. Limited surface mining operations that are required by Federal law in order to protect a mining claim, if those operations are conducted solely for that purpose (otherwise known as “assessment work.”)

6. Other surface mining operations that the State Mining and Geology Board determines to be of an infrequent nature and that involve only minor surface disturbances.

7. Emergency excavations or grading conducted by the Department of Water Resources or the Reclamation Board for the purpose of averting, alleviating, repairing, or restoring damage to property due to imminent or recent floods, disasters, or other emergencies.

8. Road construction and maintenance for timber or forest operations, if the land is owned by the same person or entity and if the excavation is conducted adjacent to timber or forest operation roads. This exemption shall only be available if slope stability and erosion are controlled in compliance with State Mining and Geology Board Reclamation Regulations and, upon closure of the site, the person closing the site implements, where necessary, re-vegetation measures and post-closure uses in consultation with the Department of Forestry and Fire Protection. This exemption shall not apply to onsite excavation or grading that

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occurs within 100 feet of a Class One watercourse or 75 feet of a Class Two watercourse, or to excavations for materials that are, or have been, sold for commercial purposes.

9.40.050 – Vested Rights

A. Pre-SMARA and post-SMARA right to conduct surface mining operations. A Conditional Use Permit shall not be required for any person who has obtained a vested right to conduct surface mining operations before January 1, 1976, as long as the vested right continues and as long as no substantial changes have been made in the operation except in compliance with SMARA, State regulations, and this Chapter. Where a person with vested rights has continued surface mining in the same area subsequent to January 1, 1976, the person shall obtain Town approval of a Reclamation Plan covering the mined lands disturbed by the subsequent surface mining. In those cases where an overlap exists (in the horizontal and/or vertical sense) between pre-SMARA and post-SMARA mining, the Reclamation Plan shall require reclamation proportional to that disturbance caused by the mining after January 1, 1976 (i.e., the effective date of SMARA).

B. Other requirements applicable to vested mining operations. All other requirements of State law and this Chapter shall apply to vested mining operations.

9.40.060 – Application Filing, Processing, and Review

A. Application Filing.

1. Applications for a Conditional Use Permit and/or Reclamation Plan for surface mining or land reclamation projects shall be made on forms provided by the Department and filed in compliance with Chapter 9.61 (Application Processing Procedures).

2. The forms for Reclamation Plan applications shall require, at a minimum, each of the elements required by SMARA (Public Resources Code Sections 2772-2773) and other State regulations, and any other requirements deemed necessary to facilitate an expeditious and fair evaluation of the proposed Reclamation Plan, to be established at the discretion of the Director. For surface mining operations that are exempt from a Conditional Use Permit in compliance with this Chapter, the Reclamation Plan application shall include information concerning the mining operation that is required for processing the Reclamation Plan. All documentation for the Reclamation Plan shall be submitted to the Town at one time.

3. As many copies of the Conditional Use Permit application and the Reclamation Plan application as may be required by the Director shall be submitted to the Department.

4. Applications shall include all required environmental review forms and information prescribed by the Director.

B. Fees.

1. Establishment of fees. The Town shall establish processing fees that it deems necessary to cover the reasonable costs incurred in implementing this Chapter and the State regulations, (e.g., costs of processing of applications, annual reports, inspections, monitoring, enforcement, compliance etc.). The fees shall be included in the Planning Fee Schedule.

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2. Payment of fees. The fees shall be paid by the operator, as required by the Town, at the time of filing of the Conditional Use Permit application, Reclamation Plan application, and at other times that are determined by the Town to be appropriate in order to ensure that reasonable costs of implementing this Chapter are borne by the mining operator.

C. Processing.

1. Within 30 days of acceptance of an application for a Conditional Use Permit for surface mining operations and/or a Reclamation Plan as complete, the Department shall notify the State Department of Conservation of the filing of the application(s).

2. Whenever mining operations are proposed in the 100-year flood plain of any stream, as shown in Zone A of the Flood Insurance Rate Maps issued by the Federal Emergency Management Agency, and within one mile, upstream or downstream, of any State highway bridge, the Department shall also notify the State Department of Transportation that the application has been received.

3. The Department shall process the application(s) through environmental review in compliance with the California Environmental Quality Act (Public Resources Code Sections 21000 et seq.) and the Town's Environmental Review Guidelines.

4. Subsequent to the appropriate environmental review, the Department shall prepare a staff report with recommendations for consideration by the Commission.

5. Before final approval of a Reclamation Plan and financial assurances (as required in this Chapter), or any amendments to the Reclamation Plan or existing financial assurances, the Director shall:

   a. Certify to the State Department of Conservation that the Reclamation Plan and/or financial assurance complies with the applicable requirements of State law, and

   b. Submit the Reclamation Plan, financial assurances, or amendments to the State Department of Conservation for review.

   c. Review by Commission and State.

6. In compliance with Public Resources Code Section 2774(d), the State Department of Conservation (DOC) shall be given:

a. Thirty days to review and comment on the Reclamation Plan; and

b. Forty-five days to review and comment on the financial assurance.

7. The Commission shall evaluate written comments received, if any, from the DOC during the comment periods.

8. Staff shall prepare a written response describing the disposition of the major issues raised by the State for the Commission's approval. In particular, when the Commission's position is at variance with the recommendations and objections raised in the State's comments, the written response shall address, in detail, why specific comments and suggestions were not accepted. The Commission staff report including the staff prepared responses to the DOC, along with the minutes of the hearing, shall constitute the written response to the State.

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D. **Public hearing**. Upon completion of the environmental review procedure and filing of documents required by the Director, a public hearing before the Commission shall be held to consider approval of the Conditional Use Permit or Reclamation Plan for the proposed or existing surface mine in compliance with Public Resources Code Section 2774.

E. **Action by Commission**. The Commission shall then take action to approve, conditionally approve, or deny the Conditional Use Permit and/or Reclamation Plan, and to approve the financial assurances in compliance with Public Resources Code Section 2770(d).

F. **Conditional approval**. If a Conditional Use Permit is being processed concurrently with the Reclamation Plan and it becomes necessary to comply with permit processing deadlines, the Commission may conditionally approve the Conditional Use Permit with the condition that the Department shall not issue the Conditional Use Permit for the mining operations until cost estimates for financial assurances have been reviewed by the State Department of Conservation and final action has been taken on the Reclamation Plan and financial assurances.

G. **Approved Conditional Use Permit and Reclamation Plan copies provided to State**. The Department shall forward a copy of each approved Conditional Use Permit for mining operations and/or approved Reclamation Plan, and a copy of the approved financial assurances to the State Department of Conservation within 30 days of approval.

H. **Statement of Responsibility**. Before commencing mining operations, the property owner and/or mining operator shall sign a Statement of Responsibility accepting responsibility for reclaiming mined lands in compliance with the Reclamation Plan. The Department shall retain the Statement of Responsibility in the mining operation's permanent record. Upon sale or transfer of the operation, the new operator shall submit a new Statement of Responsibility in compliance with Subsection (j) (Transfer of ownership), below.

I. **Transfer of Ownership**. Upon sale or transfer of a mining operation and for the purpose of documenting a transfer of ownership of an approved Conditional Use Permit or Reclamation Plan, a new property owner and/or mining operator of a mining operation shall submit the following documents before taking over a mining operation:

1 The new operator of a mining operation shall file a Transfer of Ownership application with the Department. The Director shall approve the application and the Transfer of Ownership form shall be placed in the Department’s permanent record.

2. The new property owner and/or mining operator of a mining operation shall file a new Statement of Responsibility with the Department. The Director shall approve the Statement of Responsibility and the new Statement of Responsibility shall be placed in the Department’s permanent record.

J. Findings for approval of permits and plans.

1. Conditional Use Permits. In addition to the findings required by Chapter 9.63(Conditional Use Permits), Conditional Use Permits for surface mining operations shall include a finding that the project complies with the provisions of SMARA and State regulations.

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2. Reclamation Plans. In order to approve Reclamation Plans, all of the following findings shall be made in the affirmative:

a. The Reclamation Plan complies with SMARA (Public Resources Code Section 2772-2773 and any other applicable provisions).

b. The Reclamation Plan complies with applicable requirements of State regulations (California Code of Regulations Sections 3500-3505 and 3700-3713).

c. The Reclamation Plan and potential use of land reclaimed in compliance with the Plan are consistent with this Chapter and the General Plan and any applicable resource plan or element.

d. The Reclamation Plan has been reviewed in compliance with CEQA and the Town's environmental review guidelines, and all significant adverse impacts from reclamation of the surface mining operations are mitigated below a level of significance or to the maximum extent feasible.

e. The land and/or resources, such as water, will be reclaimed to a condition that is compatible with, and blends in with, the surrounding natural environment, topography, and other resources, or suitable off-site development will compensate for related disturbance to resource values.

f. The Reclamation Plan will reclaim the mined lands to a usable condition which is readily adaptable for alternative land uses consistent with the General Plan and applicable resource plan.

g. A written response to the State Department of Conservation has been prepared, describing the disposition of major issues raised by that Department. Where the Town's position is at variance with the recommendations and objections raised by the State Department of Conservation, the response shall address, in detail, why specific comments and suggestions were not accepted.

9.40.070 – Additional Conditions of Approval

A. Protection of mines from incompatible uses. Mine development is encouraged in compatible areas before encroachment of conflicting uses. Mineral resource areas that have been classified by the State Department of Conservation's Division of Mines and Geology or designated by the State Mining and Geology Board as Mineral Resource Zones (MRZ), as well as existing surface mining operations that remain in compliance with the provisions of this Chapter, shall be protected from intrusion by incompatible land uses that may impede or preclude mineral extraction or processing, to the extent possible for consistency with the General Plan. Before approving a use that would otherwise be incompatible with mineral resource protection, conditions of approval may be applied to encroaching development projects to minimize potential conflicts.

B. Mapping of identified resources areas. In compliance with Public Resources Code Section 2762, the General Plan and resource maps shall be updated to reflect mineral information (classification and/or designation reports) within 12 months of receipt from the State Mining and Geology Board of the information. Land use decisions within the Town shall be guided by information provided on the location of identified mineral resources of regional significance. Conservation and potential development of identified mineral resource areas shall be considered

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and encouraged. Recordation on property titles of the presence of important mineral resources within the identified mineral resource areas may be encouraged as a condition of approval of any development project in the impacted area.

9.40.080 – Financial Assurances

A. **Security required as condition of approval**. To ensure that reclamation will proceed in compliance with the approved Reclamation Plan, the Town shall require as a condition of approval security that will be released upon satisfactory performance.

1. Acceptable types of security. The applicant may post security in the form of a surety bond, trust fund, irrevocable letter of credit from an accredited financial institution, or other method acceptable to the Town and the State Mining and Geology Board as specified in State regulations, and that the Town reasonably determines are adequate to perform reclamation in compliance with the surface mining operation's approved Reclamation Plan.

2. Required payees. Financial assurances shall be made payable to the Town and the State Department of Conservation. In the case where the approved Reclamation Plan involves unpatented land under the control of the Bureau of Land Management (BLM), National Park Service, or U. S. Forest Service, the appropriate agency shall also be added as a third payee.

B. **Purpose of security**. Financial assurances shall be required to ensure compliance with elements of the Reclamation Plan, including the following:

1. Re-vegetation and landscaping requirements.

2. Reclamation of aquatic or wildlife habitat.

3. Reclamation of water bodies and water quality.

4. Slope stability and erosion and drainage control.

5. Disposal of hazardous materials.

6. Removal of equipment and buildings that are not part of an approved end use.

7. Other measures, if necessary.

C. **Cost estimates for security**.

1. Cost estimates for the financial assurance shall be submitted to the Department for review and approval before the operator actually obtains financial assurances.

2. The Director shall forward a copy of the cost estimates, together with supporting documentation, to the State Department of Conservation for review.

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3. If the State Department of Conservation does not comment within 45 days of receipt of these estimates, it shall be assumed that the cost estimates are adequate, unless the Town has reason to determine that additional costs may be incurred.

4. The Director shall have the discretion to approve the financial assurance if it meets the requirements of this Chapter, SMARA, and State regulations.

D. **Cost estimates to determine amount of security required**.

1. The amount of the financial assurance shall be based upon the estimated costs of reclamation stipulated in the approved Reclamation Plan, including any maintenance of reclaimed areas as may be required, subject to adjustment for the actual amount required to reclaim lands disturbed by surface mining activities since January 1, 1976, and new lands to be disturbed by surface mining activities in the upcoming year.

2. Cost estimates shall be prepared by the mine operator, a licensed engineer, or other professional experienced in the reclamation of mined lands.

3. The estimated amount of the financial assurance shall be based on the following:

a. An analysis of physical activities necessary to implement the approved Reclamation Plan.

b. The unit costs for each of the physical activities.

c. The number of units of each of the physical activities.

d. The actual administrative costs.

4. Financial assurance to ensure compliance with re-vegetation, reclamation of water bodies, reclamation of aquatic or wildlife habitat, and other elements of the approved Reclamation Plan shall be based upon cost estimates that include:

a. Labor,
b. Equipment.
c. Materials.
d. Mobilization of equipment.
e. Administration.
f. Reasonable profit by a commercial operator other than the permitee

5. A contingency factor of 10 percent shall be added to the cost of financial assurances to cover the Town's reasonable expenses for the administrative and legal fees required to foreclose on the financial assurance instrument.

6. In projecting the costs of financial assurances, it shall be assumed without prejudice or insinuation that the surface mining operation could be abandoned by the operator and, consequently, the Town or State Department of Conservation may need to contract with a third party commercial company for reclamation of the site.

E. **Time period that security required to remain in effect**. The financial assurance shall remain in effect for the duration for the surface mining operation and any additional period specified in the Reclamation Plan for the purpose of monitoring until reclamation is completed (including any maintenance required).

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F. **Annual adjustment in amount of security**. The amount of financial assurances required of a surface mining operation for any one year shall be adjusted annually to account for new lands disturbed by surface mining operations, inflation, and giving credit for reclamation of lands accomplished in compliance with the approved Reclamation Plan. The financial assurances shall include estimated to cover reclamation for existing conditions and anticipated activities during the upcoming year, excepting that the permittee may not claim credit for reclamation scheduled for completion during the coming year. The annual SMARA inspection by the Town shall, in most cases, be used to validate the submitted estimate.

G. **Submittal of revised security figures**. Revisions to financial assurances shall be submitted to the Director each year before the anniversary date for approval of the financial assurances. The financial assurance shall cover the cost of existing disturbance and anticipated activities for the next calendar year, including any required interim reclamation. If revisions to the financial assurances are not required, the operator shall explain, in writing, why revisions are not required.

9.40.090 – Reclamation Standards

A. **Applicable State Law**.

1. Reclamation Plans shall comply with the provisions of SMARA (Public Resources Code Section 2772-2773) and State reclamation regulations (California Code of Regulations Sections 3500-3505).

2. Reclamation Plans approved after January 15, 1993, Reclamation Plans for proposed new mining operations and any substantial amendments to previously approved Reclamation Plans shall also comply with the reclamation standards in California Code of Regulations Sections 3700-3713.

B. **Additional Performance Standards**. The performance standards in Division 3 (Townwide Development Standards) shall apply to Reclamation Plans. In addition, the applicable Review Authority may impose additional performance standards as developed in review of individual projects, as warranted.

C. **Phasing of Reclamation**.

1. Reclamation activities shall be initiated at the earliest possible time on those portions of the mined lands that will not be subject to further disturbance. Interim reclamation may also be required for mined lands that have been disturbed and that may be disturbed again in future operations. Reclamation may be done on an annual basis, in stages compatible with continuing operations, or on completion of all excavation, removal, or fill, as approved by the Town.

2. Each phase of reclamation shall be specifically described in the Reclamation Plan and shall include all of the following information:

   a. The beginning and expected ending dates for each phase.

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b. All reclamation activities required.

c. Criteria for measuring completion of specific reclamation activities.

d. Estimated costs for completion of each phase of reclamation

9.40.100 – Interim Management Plans

A. **Deadline for submittal of Interim Management Plan (IMP**). Within 90 days of a surface mining operations becoming idle, the operator shall submit to the Department a proposed Interim Management Plan (IMP).

B. **IMP submittal requirements**.

1. The proposed IMP shall fully comply with the requirements of SMARA and all Conditional Use Permit conditions and shall provide measures the operator will implement to maintain the site in a stable condition, taking into consideration public health safety.

2. The proposed IMP shall be submitted on forms provided by the Department and shall be processed as an amendment to the Reclamation Plan.

3. An IMP shall not be considered a project for the purposes of environmental review.

C. **Continuation of security required**. Financial assurances for idle operations shall be maintained as though the operation were active, or as otherwise approved through the idle mine's IMP.

D. **State Department of Conservation review**. Upon receipt of a complete proposed IMP, the Department shall forward the IMP to the State Department of Conservation for review. The IMP shall be submitted to the State Department of Conservation at least 30 days before approval by the Director.

E. **Director's action on IMP**. Within 60 days of receipt of the proposed IMP, or a longer period mutually agreed upon by the Director and the operator, the Director shall review and approve or deny the IMP in compliance with this Chapter. The operator shall have 30 days, or longer period mutually agreed upon by the operator and the Director, to submit a revised IMP. The Director shall approve or deny the revised IMP within 60 days of receipt. If the Director denys the revised IMP, the operator may appeal that action in compliance with Chapter 9.81 (Appeals).

F. **Duration of approved IMP**. The IMP may remain in effect for a period not to exceed five years, at which time the Director may renew the IMP for another period not to exceed five years, or require the surface mining operator to commence reclamation in compliance with its approved Reclamation Plan.

9.40.110 – Annual Report

Surface mining operators shall forward an annual surface mining report to the State Department of Conservation and to the Department on a date established by the State Department of Conservation, upon forms furnished by the State Mining and Geology Board. New mining operations shall file an initial surface mining report and any applicable filing fees with the State Department of Conservation within 30 days of initial permit approval, or before commencement of operations, whichever is sooner. Applicable fees, together with a copy of the annual inspection report, shall be forwarded to the State Department of Conservation at the time of filing the annual surface mining report.

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9.40.120 – Inspections

A. **Inspection within 6 months of Annual Report**. The Department shall arrange for inspection of a surface mining operation within six months of receipt of the Annual Report required in Section 9.40.110 (Annual Report), to determine whether the surface mining operation is in compliance with the approved Conditional Use Permit and/or Reclamation Plan, approved financial assurances, and State regulations.

B. **Minimum 1 inspection per calendar year**. In no event shall less than one inspection be conducted in any calendar year.

C. **Eligible inspectors**. The inspections may be made by a State registered geologist, State registered civil engineer, State licensed landscape architect, or State registered forester, who is experienced in land reclamation and who has not been employed by the mining operation in any capacity during the previous 12 months, or other qualified specialists, as selected by the Director.

D. **Inspection forms**. Inspections shall be conducted using a form approved and provided by the State Mining and Geology Board.

E. **Notification of inspection to State**. The Department shall notify the State Department of Conservation within 30 days of completion of the inspection that the inspection has been conducted, and shall forward a copy of the inspection notice and any supporting documentation to the mining operator.

F. **Payment for inspection**. The operator shall be solely responsible for the reasonable cost of the inspection.

9.40.130 – Violations Penalties

If the Director, based upon an annual inspection or otherwise confirmed by an inspection of the mining operation, determines that a surface mining operation is not in compliance with this Chapter, the applicable Conditional Use Permit, and/or the Reclamation Plan, the Town shall follow the procedures outlined in Public Resources Code, Sections 2774.1 and 2774.2 concerning violations and penalties, as well as the provisions of Chapter 9.82 (Enforcement) for initiating enforcement action, which could include the revocation of a Conditional Use Permit.

9.40.140 – Post-Approval Procedures

A. **Transfer of Ownership and Statement of Responsibility**. See Subsection 9.40.060(H) (Statement of Responsibility) and Subsection 9.40.060(I) (Transfer of Ownership), above, for provisions governing ongoing post-approval responsibilities and evidence of transfer of property ownership.

B. **Other post-approval procedures**. The procedures and requirements in Article 5 (Administration), related to permit implementation, time limits, extensions, appeals, and revocations, shall apply following the decisions on Conditional Use Permits and Reclamation Plans.

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Chapter 9.41 Trip Reduction Requirements

Sections:

9.41.010 – Purpose
9.41.020 – Non-Residential Projects
9.41.030 – Multiple-Family Dwellings
9.41.040 – Modifications

9.41.010 – Purpose

The purpose of this Chapter is to reduce vehicle trips thereby reducing air congestion and pollutants and improving air quality, to comply with State law, and to promote an improved quality of life. This Chapter is intended to satisfy the legal requirements of Chapter 5 of the San Bernardino County Congestion Management Plan (CMP) as adopted by the San Bernardino Associated Governments (SANBAG).

9.41.020 – Non-Residential Projects

The following trip reduction measures shall be implemented for non-residential projects requiring a Site Plan and Design Review or Conditional Use Permit:

A. **Bicycle Racks.** A bicycle rack, locker, or other secure bicycle facility shall be provided for every thirty (30) parking spaces within a project and at least one (1) bicycle rack capable of holding three (3) bicycles shall be provided for all projects. Safe and convenient access to bicycle racks must be provided from public streets.

B. **Pedestrian and Bicycle Connection to Streets.** On-site pedestrian walkways and bicycle facilities are to be provided connecting each building in a development to public streets.

C. **Passenger Loading Areas.** A passenger loading area in a location close to the main building entrance shall be provided for projects with one hundred (100) or more parking spaces. The area devoted to loading and unloading of passengers shall be equivalent to a minimum of five (5) parking spaces.

D. **Carpool/Vanpool Parking.** A parking space located in close proximity to the building entrance shall be reserved for use by potential carpool/vanpool vehicles for projects with one hundred (100) or more parking spaces. All preferential parking spaces for carpool/vanpool shall be signed and striped. Such spaces shall be accessible to vanpool vehicles. If a vanpool parking space is located within a parking structure, a minimum vertical clearance of nine (9) feet shall be maintained.

E. **Transit Facilities.** Transit facilities, such as bus shelter, bus pullouts, and bus pads, shall be provided if the Director, in consultation with local transit providers, determines they are needed to serve the development.

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F. **Video Conferencing.** On-site video conferencing facilities for office buildings with a capacity of one thousand (1,000) employees or greater is required.

G. **Shower Facilities.** A minimum of one (1) shower facility accessible to both men and women shall be provided for persons bicycling or walking to work for each project which exceeds the following thresholds:

Use	Threshold
Commercial	250,000 sq. ft.
Industrial	325,000 sq. ft.
Office	125,000 sq. ft.

9.41.030 – Multiple-Family Dwellings

The following trip reduction measures shall be implemented for multiple-family dwellings of four units or more.

A. **Bicycle Racks.** A bicycle rack, locker, or other secure bicycle parking facility is to be provided for every thirty (30) parking spaces. Each project is to include a minimum of one (1) bicycle rack capable of holding three (3) bicycles.

B. **Sidewalks.** Sidewalks shall be provided from the public streets to each building within the complex.

C. **Passenger Loading Areas.** A passenger loading area in a location close to the building entrances shall be provided for projects with one hundred (100) or more parking spaces. The area devoted to loading and unloading of passengers shall be equivalent to five (5) parking spaces.

D. **Transit Facilities.** Transit Facilities, such as bus shelters, bus pullouts, and bus pads, shall be provided if the Director, in consultation with local transit providers, determines they are needed to serve the development.

9.41.040 – Modifications

The Commission, or Council, as appropriate, may modify all or part of the trip reduction measures for new projects.

A. Findings. A modification may be approved only if the following findings are made by the Reviewing Authority:

1. One (1) or more of the measures are not applicable due to special circumstances, including, but not limited to, the location or configuration of the project, the implementation of existing trip reduction measures and transportation demand strategies or other specific factors which make implementation infeasible, or reduce the effectiveness of the prescribed measures.

2. An alternative trip reduction and transportation demand management strategy will be implemented to reduce an equal amount of trips as would have occurred as a result of

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imposition of the prescribed measures. Implementation of the alternative strategy shall be a condition of project approval.

B. Credits. Credit may be granted for trip reduction and transportation demand programs and facilities, as follows:

1. Existing trip reduction and transportation demand programs and facilities in a development program may satisfy all or in part the requirements of this section as pertaining to new construction within the complex, subject to the approval of the Commission or Council, as appropriate. The amount of credit given shall be determined through an assessment of how the existing facilities would meet the requirements of this section if based on the gross floor area of the entire complex

2. The Commission may determine that a reduction in the required number of parking spaces for the proposed use or uses is acceptable because implementation of the trip reduction and transportation demand management measures would eliminate some of the demand for parking.

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Chapter 9.42 Accessory Solar Energy Systems

Sections:

9.42.010 – Purpose
9.42.020 – Applicability
9.42.030 – Development Standards
9.42.040 – Plan Approval Required

9.42.010 – Purpose

This Chapter establishes standards and processes for accessory solar energy systems in order to encourage the use of solar energy to reduce reliance on non-renewable energy sources.

9.42.020 – Applicability

Solar energy systems shall be allowed as an accessory use in all zoning classifications where structures of any sort are allowed, subject to certain requirements of this Chapter.

9.42.030 – Development Standards

A. **Height**. Solar energy systems must meet the following height requirements:

1. Building- or roof- mounted solar energy systems shall not exceed the maximum allowed height in any zoning district. For purposes for height measurement, solar energy systems other than building-integrated systems shall be considered to be mechanical devices and are restricted consistent with other building-mounted mechanical devices. Building-integrated solar energy systems are active solar energy systems that are an integral part of a principal or accessory building, rather than a separate mechanical device, replacing or substituting for an architectural or structural component of the building. Building-integrated systems include but are not limited to photovoltaic or hot water solar energy systems that are contained within roofing materials, windows, skylights, and awnings.

2. Ground- or pole- mounted solar energy systems shall not exceed 20 feet in height when oriented at maximum tilt.

B. **Set-back**. Solar energy systems must meet the accessory structure setback for the zoning district and primary land use associated with the lot on which the system is located.

1. Roof-mounted Solar energy systems. In addition to the building setback, the collector surface and mounting devices for roof-mounted solar energy systems shall not extend beyond the exterior perimeter of the building on which the system is mounted or built. Exterior piping for solar hot water systems shall be allowed to extend beyond the perimeter of the building on a side or rear setback..

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2. Ground-mounted solar energy systems. Ground mounted solar energy systems may not extend into the front, side and street side setbacks when oriented at minimum design tilt.

C. **Visibility**. Solar energy systems shall be designed to blend into the architecture of the building or be screened from routine view from public right-of-ways other than alleys. The color of the solar collector is not required to be consistent with other roofing materials.

1. Building Integrated Photovoltaic Systems. Building integrated photovoltaic solar energy systems shall be allowed regardless of whether the system is visible from the public right-of-way, provided the building component in which the system is integrated meets all required setback, land use or performance standards for the district in which the building is located.

2. Solar Energy Systems with Mounting Devices. Solar energy systems using roof mounting devices or ground-mount solar energy systems shall not be restricted if the systems that are visible from the nearest edge of the street frontage right-of-way shall be no higher than twenty-four (24) inches above the roof, unless screened by a parapet or other screening to blend with the structure or roof.

3. Coverage. Roof or building mounted solar energy systems, excluding building-integrated systems, shall not cover more than 80% of the roof upon which the panels are mounted, and shall be set back from the roof edge by a minimum of one(1) foot. The surface area of pole or ground mount systems shall not exceed half the building footprint of the principal structure.

D. **Compliance with Building Codes**. All solar energy systems shall comply with Building, Electrical, and Plumbing Codes and shall also require a permit from the Building Division.

9.42.040 – Plan Approval Required

A. **Plan Applications**. Plan applications for solar energy systems shall be accompanied by to-scale horizontal and vertical (elevation) drawings. The drawings must show the location of the system on the building or on the property for a ground-mount system, including the property lines.

1. Pitched Roof Mounted Solar Energy Systems. For all roof-mounted systems other than a flat roof the elevation must show the highest finished slope of the solar collector and the slope of the finished roof surface on which it is mounted.

2. Flat Roof Mounted Solar Energy Systems. For flat roof applications a drawing shall be submitted showing the distance to the roof edge and any parapets on the building and shall identify the height of the building on the street frontage side, the shortest distance of the system from the street frontage edge of the building, and the highest finished height of the solar collector above the finished surface of the roof.

B. **Plan Approval**. Solar energy systems shall be subject to review and approval by the Director. Plan approval does not indicate compliance with Building, Electric, or Plumbing codes.

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Chapter 9.43 Accessory Wind Energy Systems

Sections:

9.43.010 – Purpose
9.43.020 – Applicability
9.43.030 – Development Standards

9.43.010 – Purpose

As allowed by Government Code Section 65893, the purpose of this Section is to provide a uniform and comprehensive set of standards for the placement of accessory wind energy systems on parcels in order to encourage the generation of electricity for on-site use, thereby reducing the consumption of electrical power supplied by utility companies. These regulations are intended to ensure that accessory wind energy systems are designed and located in a manner that minimizes visual and safety impacts on the surrounding community.

9.43.020 – Applicability

This Section provides development standards for accessory wind energy systems.

9.43.030 – Development Standards

A. **Number of Wind Energy Systems.** Only one unit per parcel shall be allowed with a minimum one acre lot size.

B. **Maximum Tower Height.** The tower height limitations in Table 3-25 (Maximum Tower Heights for Accessory Wind Energy Systems) shall apply to all accessory wind energy systems, provided that the application for a system includes evidence that the proposed height does not exceed the height recommended by the manufacturer or distributor of the system.

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TABLE 3-25: MAXIMUM TOWER HEIGHTS AND MINIMUM PARCEL SIZE FOR ACCESSORY WIND ENERGY SYSTEMS			
Residential Zoning District (Minimum Parcel Size in Zoning District)		**Minimum Parcel Size**	**Maximum Tower Height**
OS	Open Space	1 Acre	52.5 Feet
R-HR	Hillside Reserve District	1 Acre	52.5 feet
RL	Rural Living District	1Acre	52.5 Feet
RL	Rural Living District)	1 Acre	52.5 Feet
RS	Single-Family Residential District	1 Acre	52.5 Feet
RM	Multi-Family Residential District	1 Acre	52.5 Feet
	All Other Land Use Districts	1 Acre	52.5 Feet

C. **Setbacks.** The minimum setback from any property line shall be equal to the system height.

D. **Climbing Apparatus.** Climbing apparatus shall be located at least 12 feet above the ground, and the tower shall be designed to prevent climbing within the first 12 feet.

E. **Lighting.** Tower structure lighting shall be prohibited unless required by another code or regulation.

F. **Noise.** The noise performance standards in Section 9.34.080 (Noise) shall apply, except during short-term events (e.g., utility outages, windstorms, etc.).

G. **Visual effects.** An accessory wind energy system shall not substantially obstruct views of adjacent property owners.

H. **Location.** An accessory wind energy system shall not be placed or constructed where otherwise prohibited by the terms of any easement.

I. **Turbine Certification.** The system's turbine shall be approved or shall have been approved by the California Energy Commission or certified by a national program (i.e., National Electrical Code (NEC), American National Standards Institute (ANSI), and Underwriters Laboratories (UL).

J. **Engineering Analysis.** The application shall include standard drawings and an engineering analysis of the system's tower, showing compliance with the California Building Code and certification by a professional mechanical, structural, or civil engineer licensed by the State.

K. **Compliance with aviation law.** The system shall comply with all applicable Federal Aviation Administration requirements and the State Aeronautics Act (Public Utilities Code Section 21001 et seq.).

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L. **Compliance with electrical code.** The application shall include a line drawing of the electrical components of the system detail to allow for a determination that the installation conforms to the National Electric Code.

M. **Reduction in onsite electricity consumption.** The system shall be used primarily to reduce onsite consumption of electricity.

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Chapter 9.44 Wireless Communications Facilities

Sections:

9.44.010 – Purpose.
9.44.020 – Applicability.
9.44.030 – Special Design Areas.
9.44.040 – Permitted Zoning Districts.
9.44.050 – Review Process.
9.44.060 – General Policies
9.44.070 – Visual Impact and Screening Standards.
9.44.080 – Abandonment.

9.44.010 – Purpose.

The purpose of this section is to provide site selection and general standards applicable to wireless communications facilities, as well as special design standards for Town entry points, scenic corridors, and buffer areas in order to preserve the Town's desert rural neighborhood character and protect and enhance aesthetic and scenic values reflecting the community's image and character consistent with the goals and policies of the General Plan.

9.44.020 – Applicability.

This section' identifies regulations applicable Townwide for the location, design, and screening of all wireless communication facilities, including satellite, cellular, paging, and other wireless communication technologies.

9.44.030 – Special Design Areas.

Special Design Areas shall be located within 5,000 feet on both sides of State Highways 62 and 247, Joshua Lane, and Pioneertown Road ~~the scenic highways identified in the Scenic Highways Element of the General Plan~~ or within 500 feet of property zoned for residential units with a minimum lot size of one acre or less. ~~The scenic highways identified in the General Plan are State Highways 62 and 247, Joshua Lane, and Pioneertown Road~~. Additional special landscape and architectural treatments shall be given to major Entry Points of the Town.

9.44.040 – Permitted Zoning Districts.

Wireless communications facilities may be permitted in all zoning districts, subject to the reviews specified by Article 2 (Zoning Districts and Development Standards) and further defined in Subsection (9.44.050), Review Process.

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9.44.050 – Review Process.

A. **Wireless communications facilities within Special Design Areas**, identified in Subsection 9.44.030 (Special Design Areas), except those located on existing structures and natural features in compliance with Subsection 9.44.060 (General Policies) shall be subject to a Conditional Use Permit.

B. **Wireless communication facilities greater than 30 feet in height** shall be subject to Conditional Use Permit.

C. **Wireless communication facilities**~~ **outside the Special Design Areas**, and those~~ located on existing structures and natural features less than 30 feet in height~~,~~ shall be subject to a Land Use Compliance Review~~Conditional Use Permit, Staff review with notice~~.

D. ~~Wireless communication facilities located in Special Design area and located on existing structures and natural features are subject to a Conditional Use Permit, Staff review with notice~~.

9.44.060 – General Policies

A. **General.** Community and neighborhood visual concerns should be considered paramount in the consideration of and selection of wireless communications facilities sites. These concerns should be evaluated in consideration of the goals, policies, and programs of the General Plan and the standards set forth in this section.

B. **Site Selection and General Standards.** The following standards shall apply to all wireless communications facilities.

1. Within any land use district, wireless communications facilities sites should be located in the following order of preference:

a. On existing structures such as buildings, communication towers, water towers, or similar structures. Antennas should be located so that they do not extend above the height or profile of the structure on which they are located. When located on a building or structure, antennas shall be painted and texturized to match the existing building or structure.

b. On natural features or topography, located so that structures or antennas, other than whip antennas, do not project above the ridgeline or into the skyline for both community and neighborhood views.

c. Outside the Special Design Areas identified in Section 9.44.030 (Special Design Areas).

d. Sites otherwise located shall comply with the visual impact and screening requirements in Section 9.44.070 (Visual Impact and Screening Standards).

2. Facilities, including any towers and equipment buildings, should be located to avoid the dominant silhouette on ridgelines. Preservation of viewsheds of surrounding residential development should also be considered in the location and design of facilities.

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3. Facilities greater than 30 feet in height shall be subject to Commission review and approval and may be required to provide additional visual mitigation to disguise their appearance to look like a tree, natural feature, building, or other structure. Such designs shall be in scale with the surrounding development or landscaping.

4. Facilities, including equipment buildings, shall be architecturally and visually compatible; including scale, size, and use of similar colors and building materials, with surrounding existing buildings, structures, and uses in the vicinity.

5. Antennas shall not be light reflective and shall not have any sign copy on them, nor shall they be illuminated.

6. Where the result of adding a second facility on an existing tower or monopole is of a less visual impact than what exists and sufficient vertical separation can be provided, sites should be co-located with other wireless communication providers.

7. All sites shall be landscaped or treated with a soil binder to prevent erosion, including wind erosion.

8. Applicants for wireless communications facilities shall submit a certification from an engineer qualified in radiofrequency radiation that the proposed facility complies with the Federal Communications Commission (FCC) Guidelines for Evaluating the Environmental Effects of Radiofrequency Radiation and complies with the standards for maximum emissions of radiofrequency radiation of the American National Standards Institute (ANSJ)/Institute of Electronics and Electrical Engineers (IEEE) C95.l-1992 and the National Council on Radiation Protection and Measurement (NCRP).

9. A visual simulation and detailed viewshed analyses shall be prepared to demonstrate the compatibility of the proposal with the standards and criteria of this ordinance and with surrounding development and viewsheds.

10. Site location and development shall preserve the pre-existing vegetation, topography, and character of the site as much as possible.

11. Security fencing shall be kept to a minimum and shall be colored or shall be of a design that blends into the character of the existing environment.

12. Access roads shall be limited to 12 feet in width except where the Fire Department requires a greater width. The access road may be paved unless a gravel or other non-paved surface is approved by the Town.

13. Any new parking areas constructed shall be no larger than to accommodate two parking spaces and maneuvering area.

14. The proposed antenna facility will operate in compliance with all applicable Federal safety regulations for such facilities in that the applicant provides documentation to show that

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their facility will operate below such standards and conditions have been included requiring testing upon installation and operation on the facility.

15. New projects shall be conditioned to ensure the facilities do not cause interference with other utilities or communication infrastructure or services.

16. Existing facilities shall not cause interference or disturbance with other utilities or communication infrastructure or services. If it is determined that existing facilities do cause such interference, operations shall cease until repairs are made or further clearance is granted.

9.44.070 – Visual Impact and Screening Standards.

Facilities within Special Design Areas shall comply with the following standards, in addition to the policies in SubSection 9.44.060 (General Policies).

A. Within Special Design Areas, antennas shall be located on existing buildings, communication towers, water towers, or similar structures; on natural features or topography; or shall be disguised or screened in a manner compatible with the Town's desert rural neighborhood character.

B. Facilities should be located so that they do not extend above the height or profile of the structure on which they are located. When located on a building or structure, antennas shall be painted and texturized to match the existing building or structure.

C. Structures or antennas located on natural features or topography, other than whip antennas, should not project above the ridgeline, or into the skyline for both community and neighborhood views. Free-standing monopole and/or lattice towers shall be designed to disguise their appearance, to look like a tree, natural feature, building, or other structure subject to the approval of the Commission. Such designs shall be in scale with surrounding development or landscaping

D. Free-standing monopole and/or lattice towers shall have a minimum setback of 450 feet from any property zoned for residential units with a minimum lot size of one acre or less. Those facilities designed to disguise their appearance in accordance with Section (C) above shall have a minimum setback of 275 feet from any property zoned for residential units with a minimum lot size of one acre or less. Non mono-pole or lattice tower facilities may be allowed a reduced setback based upon height, dimensions, relation to the built environment or other similar factors.

E. Sites shall be landscaped to screen buildings, equipment and the base of any towers from surrounding land uses.

F. Location of equipment necessary to serve the wireless facility may be required to be located away from residentially designated properties and or provide addition design standards to avoid potential impacts to surrounding properties.

9.44.080 – Abandonment.

Lawfully erected wireless communication facilities that are abandoned shall be removed promptly from the premises, and no later than 90 days after the discontinuance of use. A wireless communication facility is considered abandoned if it no longer provides wireless communication service. In the case of multiple operators sharing use of a single tower, this provision shall become effective until all users cease

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operation. Such removal shall be in accordance with proper health and safety requirements. A written notice of the determination of abandonment shall be sent or delivered to the operator of the wireless communication facility. The operator shall have 90 days to remove the facility or provide the Director with evidence that the use has not been discontinued. All abandoned facilities not removed within the 90 day period shall be in violation of the Code and operators of the facility and the owners of the property shall be subject to penalties in accordance with the Town of Yucca Valley Municipal Code.

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Chapter 9.45 Cemeteries

Sections:

9.45.010 – Purpose.
9.45.020 – Applicability.
9.45.030 – Findings.
9.45.040 – Requirements.

9.45.010 – Purpose.

The purpose of this section is to provide standards for publicly and privately owned and operated cemeteries.

9.45.020 – Applicability.

The standards in this Chapter shall apply to cemeteries where allowed in compliance with the provisions of Article 2, Zoning Districts.

9.45.030 – Findings.

The Commission when approving a Conditional Use Permit for the establishment or expansion of a cemetery, including pet cemeteries, shall find and justify the following to be true:

A. The present or probable population density in the area contiguous to said proposed cemetery or extension of an existing cemetery is not adversely affected by the cemetery development.

B. The proposed cemetery or extension of an existing cemetery does not interfere with the free movement of traffic, or the movement of police, ambulance, or fire equipment for the protection of the lives and property of the public.

C. A Final Map is required to be submitted to the Town Engineer for review and recordation as specified by and subject to Section 9.92.050.

D. The proposed cemetery or expansion complies with the California Health and Safety Code, Division 8.

9.45.040 – Requirements.

A. In addition to any conditions necessary to ensure protection of public health, safety, and general welfare, the Town may require adequate screening or fencing of the property reserved for cemetery purposes in order to clarify the ultimate boundaries of said cemetery.

B. An approved Conditional Use Permit or revised Conditional Use Permit shall be required for the establishment of cemetery boundaries or the expansion of previously approved boundaries. Such approvals shall identify all proposed structures and major grading activities.

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C. A Conditional Use Permit shall not be required for normal on-site development of grave sites within previously approved or established cemeteries that have recorded a map in compliance with Section 9.92 of this Code.

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Chapter 9.46 Renewable Energy Generation Facilities

9.46.010 – Purpose
9.46.020 – Prohibited

9.46.010 – Purpose

The provisions of this Chapter, as determined by the Council, are intended to be in the best interest of the Town for the public health, safety and welfare of the community through implementation of the General Plan through this Chapter

9.46.020 – Prohibited

Commercial Solar Energy and Wind Energy Facilities shall be a prohibited use in all land use districts within the Town. No Conditional Use Permit, Site Plan Review, building permit or other entitlement for use shall be accepted, processed, approved or issued for the establishment of a Renewable Energy Generation Facility.

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