

TOWN OF YUCCA VALLEY
PLANNING COMMISSION MEETING



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

TUESDAY
APRIL 22, 2014
6:00 p.m.

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

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PLANNING COMMISSION MEMBERS

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

AGENDA

MEETING OF THE TOWN OF YUCCA VALLEY PLANNING COMMISSION 6:00 P.M., TUESDAY, APRIL 22, 2014

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

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

CALL TO ORDER:

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

PLEDGE OF ALLEGIANCE

APPROVAL OF AGENDA

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

PUBLIC COMMENTS

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

PUBLIC HEARING

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

Proposed amendment to Title 9, Yucca Valley Development Code adding Article 3, Chapter 9.30 thru Chapter 9.46, General Development Standards, providing standards for Dedications and Infrastructure Improvements, Landscaping, Paving, Performance Standards, Property Maintenance, Soil Erosion and Dust Control, Temporary Special Events, Temporary Uses, Surface Mining and Land Reclamation, Trip Reduction, Accessory Energy Systems, Wireless Communication Facilities, and Cemeteries

RECOMMENDATION: That the Planning Commission:

- A. Finds that the project is exempt from CEQA in accordance with Section 15061 (b)(3) of the California Environmental Quality Act. The proposed amendment to revise the Town’s General Development Standards regulations has no potential to impact the environment. The proposed amendment does not alter the existing requirements that specific development projects must comply with the provisions of the California Environmental Quality Act. Development Code Amendment, DCA 07-13 meets the exemption criteria which states ‘that if an activity is covered by the general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment and where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA”

- B. Recommends that the Town Council adopts the Ordinance and repeals Municipal Code Sections 41.151 thru 41.1569 and Development Code Sections 84.0701 thru 84.0740, 87.0201 thru 87.220, 87.0401 thru 87.0405, 87.0505, 87.0601 thru 87.0645, 87.0901 thru 87.0940, 88.0805 thru 88.0810, 810.0101 thru 810.0135, 810.0201 thru 810.0275, and 9.75.010 thru 9.75.130

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

DEPARTMENT REPORT

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

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

RECOMMENDATION: That the Planning Commission reviews Article 2 and provides direction to staff.

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

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

1. MINUTES

A request that the Planning Commission approves as submitted the minutes of the meeting held on April 08, 2014.

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

STAFF REPORTS AND COMMENTS:

FUTURE AGENDA ITEMS:

Variance, V 02-14 Ballinger

COMMISSIONER REPORTS AND REQUESTS:

Commissioner Drozd
Commissioner Lavender
Commissioner Whitten
Vice Chairman Bridenstine
Chairman Humphreville

ANNOUNCEMENTS:

The next regular meeting of the Yucca Valley Planning Commission will be held on Tuesday, May 13, 2014

ADJOURN

PLANNING COMMISSION STAFF REPORT

To: Chairman & Planning Commission
From: Shane Stueckle, Deputy Town Manager
Date: April 10, 2014
For Commission Meeting: April 22, 2014

Subject: Development Code Amendment, DCA-07-13
Draft Development Code Article 3
General Development Standards

Prior Commission Review: The Planning Commission received a presentation on Article 3 at its meetings of April 23, 2013, May 07, 2013, May 14, 2013, March 11, 2014, and April 08, 2014.

Recommendation: That the Planning Commission:

- A. Finds that the project is exempt from CEQA in accordance with Section 15061 (b)(3) of the California Environmental Quality Act. The proposed amendment to revise the Town's General Development Standards has no potential to impact the environment. The proposed amendment does not alter the existing requirements that specific development projects must comply with the provisions of the California Environmental Quality Act. Development Code Amendment, DCA 07-13 meets the exemption criteria which states "that if an activity is covered by the general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment and where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA"
- B. Recommends that the Town Council adopts the Ordinance and repeals Municipal Code Sections 41.151 thru 41.1569 and Development Code Sections 84.0701 thru 84.0740, 87.0201 thru 87.220, 87.0401 thru 87.0405, 87.0505, 87.0601 thru 87.0645, 87.0901 thru 87.0940, 88.0805 thru 88.0810, 810.0101 thru 810.0135, 810.0201 thru 810.0275, and 9.75.010 thru 9.75.130,

Executive Summary: As part of the Development Code Update project, the Planning Commission reviewed Article 3 at its meetings of April 23, 2013, May 07, 2013, May 14, 2013, March 11, 2014 and April 08, 2014.

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

Article 3 provides standards for Dedications and Infrastructure Improvements, Landscaping, Parking, Performance Standards, Property Maintenance, Sign Regulations, Soil Erosion and Dust Control, Temporary Special Events, Temporary Uses, Surface Mining and Land Reclamation, Trip Reduction, Accessory Energy Systems, Wireless Communication Facilities, and Cemeteries

Order of Procedure:

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

Discussion: Article 3, General Development Standards, provides standards for the development of property

Seventeen Chapters are established within Article 3, and those Chapters are structured in the following manner:

Chapter 9.30	Dedications and Infrastructure Improvements
Chapter 9.31	General Development Standards
Chapter 9.32	Landscaping and Water Conservation
Chapter 9.33	Parking and Loading Regulations
Chapter 9.34	Performance Standards
Chapter 9.35	Property Maintenance Standards
Chapter 9.37	Soil Erosion and Dust Control
Chapter 9.38	Temporary Special Events
Chapter 9.39	Temporary Uses and Structures
Chapter 9.40	Surface Mining and Land Reclamation
Chapter 9.41	Trip Reduction Requirements
Chapter 9.42	Accessory Solar Energy Systems
Chapter 9.43	Accessory Wind Energy Systems
Chapter 9.44	Wireless Communications Facilities
Chapter 9.45	Cemeteries
Chapter 9.46	Renewable Energy Generation Facilities

Chapter 9.30 Dedications and Infrastructure Improvements

Chapter 9.30 regulates and controls the dedications and the installation of infrastructure improvements such as streets, traffic signals, utilities, or flood control measures

Chapter 9.31 General Development Standards

Chapter 9.31 establishes standards for the clear sight triangle and height regulations

Chapter 9.32 Landscaping and Water Conservation

Chapter 9.32 establishes minimum landscape standards for the construction of landscapes over 2500 square feet within new commercial, industrial or residential projects, within homeowner installed landscaping over 5000 square feet and within cemeteries.

Chapter 9.33 Parking and Loading Regulations

Chapter 9.33 establishes regulations for the required parking and loading facilities, for parking lot layout for the design of parking lots, commercial truck parking requirements and landscaping requirements within parking lots.

Chapter 9.34 Performance Standards

Chapter 9.34 establishes performance standards to guard against the use of any property that would create hazardous conditions in regards to Air Quality, Electrical Disturbances, Fire Hazards, Heat, Noise, Vibration or Waste Disposal.

Chapter 9.35 Property Maintenance Standards

Chapter 9.35 provides property maintenance standards for residential property in regards to structure maintenance, fencing, visible storage, litter and refuse, parking areas and landscaping and vegetation.

Chapter 9.37 Soil Erosion and Dust Control

Chapter 9.37 establishes standards and process for regulating development that disturbs the surface of the land.

Chapter 9.38 Temporary Special Events

Chapter 9.38 provides development standards for the temporary special events such as carnivals, certified farmers markets, car shows or seasonal holiday facilities.

Chapter 9.39 Temporary Uses and Structures

Chapter 9.39 provides standards for temporary structures or uses such as batch plants, temporary residential quarters, temporary construction office, temporary model homes, or temporary work trailers.

Chapter 9.40 Surface Mining and Land Reclamation

Chapter 9.40 provides regulation for the extraction of minerals and the reclamation of mined lands.

Chapter 9.41 Trip Reduction Requirements

Chapter 9.41 provides regulations for the reduction of vehicle trips to reduce air congestion and pollutants and to improve air quality.

Chapter 9.42 Accessory Solar Energy Systems

Chapter 9.42 establishes development standards in regards to height, setbacks and visibility for the installation of solar energy for onsite consumption.

Chapter 9.43 Accessory Wind Energy Systems

Chapter 9.43 establishes development standards such as number allowed, height, setbacks, lighting, noise, and location for the installation of wind energy systems for onsite consumption

Chapter 9.44 Wireless Communications Facilities

Chapter 9.44 provides development standards for the installation of wireless communication facilities in regards to special design areas, zoning districts, review process, visual impact and screening and abandonment of facilities.

Chapter 9.45 Cemeteries

Chapter 9.45 provides standards for the establishment or expansion of a cemetery.

Chapter 9.46 Renewable Energy Generation Facilities

Chapter 9.46 prohibits the development of renewable energy generation facilities within any land use district.

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

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

Attachments:

Article 3, General Design Standards

Planning Commission minutes from April 23, 2013, May 07, 2013, May 14, 2013, March 11, 2014 and draft minutes from April 08, 2014.

**TOWN OF YUCCA VALLEY
PLANNING COMMISSION MEETING MINUTES
APRIL 23, 2013**

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

Commissioners Present: Bridenstine, Drozd, Humphreville, and Whitten.

The Pledge of Allegiance was led by Chair Humphreville.

APPROVAL OF AGENDA

Commissioner Whitten moved to approve the agenda for the Planning Commission meeting of April 23, 2013. Commissioner Bridenstine seconded. Motion carried 4-0-1 on a voice vote.

PUBLIC COMMENTS

None

DEPARTMENT REPORT:

1. SELECTION OF PLANNING COMMISSION CHAIRMAN AND VICE-CHAIRMAN

Chair Humphreville opened nominations for the position of Planning Commission chairman. Commissioner Bridenstine nominated Chair Humphreville for another term. Commissioner Whitten nominated Bridenstine. Bridenstine declined the nomination. Whitten nominated Commissioner Drozd. Drozd declined the nomination. Drozd seconded the nomination for Humphreville. Motion carried, 4-0-1.

Chair Humphreville opened nominations for the position of Planning Commission vice-chairman. Commissioner Whitten nominated Commissioner Bridenstine. Commissioner Drozd seconded. Motion carried 4-0-1

2. DRAFT DEVELOPMENT CODE

Deputy Town Manager Stueckle presented the item regarding Article 3 of the Draft Development Code.

Planning Commissioners provided feedback on the draft document. Commissioner Bridenstine questioned the process of proof of legal and physical access. Stueckle responded that this language was provided because of the unique topography in our area.

Commissioner Bridenstine continued by asking about existing wells in the service area described on page 3-3, paragraph 2 (b) Stueckle suggested adding a paragraph to address this. Bridenstine commented on necessary street paving in the 2.5 acres and less section, and is concerned that some residents with 2.5 acre parcels might want to live on a dirt road. Bridenstine would like it to read 1 acre or less instead of at 2.5 acres or less.

Commissioner Whitten commented the language for street improvements and terminology applicable to subdivisions is confusing.

Chair Humphreville spoke in regards to page 3-2 (a) offered that two-wheeled drive is sufficient and questioned if the language needed to be that specific.

Deputy Town Manager Stueckle introduced section 3-6 and invited commissioner feedback. Commissioner Whitten inquired about building permit requirements in reference to entries included in table 3-2. Commissioner Drozd questioned height limit of 25 feet or higher. Commissioners gave consensus of offering a percentage of over standard height instead of specific footage. Commissioner Bridenstine commented on the frequent violations of movable signs within the clear sight triangle.

Deputy Town Manager Stueckle continued to present draft page 3-10 and explained the new features including reference to front and street-side landscaping and setbacks. Stueckle fielded several Commissioner inquiries regarding native plants, landscape plans, replanting, and water usage included in this section. Chair Humphreville suggested that language be included about fill yardage. Commissioner Bridenstine suggested adding language to page 3-16, item 10 to define high-maintenance landscaping.

Deputy Town Manager Stueckle presented the next section, 3-26 regarding parking regulations. Commissioner Drozd questioned the permitting process of allowable carports. Commissioner Bridenstine commented on the need of a formula to calculate required parking spaces for a given project. Bridenstine also concerned about the continued use of angled parking in Yucca Valley as addressed on page 3-34. Chair Humphreville suggested separating the parking requirements for convalescent hospitals, and retirement homes and also questioned the mixed use properties, such as golf courses with a restaurant. Truck parking in residential areas was briefly discussed. Commissioner Bridenstine suggested correcting page formatting to keep tables all on one page.

Deputy Town Manager Stueckle continued by presenting the next section regarding performance standards. Commissioner Drozd questioned heat emissions on page 3-47 and how light trespasses from yard lighting are measured. Stueckle responded that lighting standards are included in the building and construction section. Drozd also inquired if

overnight RV parking in Wal Mart's parking lot is enforceable.

Commissioner Bridenstine questioned noise standards and how the listed levels were determined. Commissioner Whitten questioned language in 3-51 regarding faulty equipment, hazardous materials and suggested the addition of asbestos surveys.

Continuing on with section 3-52, Stueckle presented an update regarding property maintenance standards and typical uses. Chair Humphreville commented on 3-55 (b) and maintenance issues he has experienced. Discussion continued on operable vehicles per property. Humphreville asked about the time limits of inoperable vehicles on properties, such as those under repair. Commissioner Bridenstine suggested placing a limit on the number of vehicles allowed to continually park on a property. Commissioner Whitten offered addressing non-op vehicles by being screened and out of view and also questioned page 3-53 as to what level of needed maintenance triggers action.

Chair Humphreville suggested to continue the section on sign regulations to a future meeting to allow specific community outreach for public input. Commissioner consensus was made.

Deputy Town Manager Stueckle explained the process for approval for wireless communication facilities. Chair Humphreville suggested keeping wireless facilities to commercial property to eliminate a CUP.

Deputy Town Manager Stueckle presented the background regarding the section on trip reduction in the Draft Development Code. Commissioner Whitten inquired about the use of the Yucca Valley Park and Ride. Commissioner Bridenstine commented that this section is not practical with the local topography and suggested golf cart or electric vehicle use be added. Chair Humphreville suggested that use of golf carts, especially in the country club area should be allowed on residential streets.

No motion was made for this item.

STAFF REPORTS AND COMMENTS

Deputy Town Manager Stueckle gave an update on Town Council meetings may conflict with the Planning Commission's regular meeting schedule in May, 2013.

COMMISSIONER REPORTS AND REQUESTS

Commissioner Bridenstine thanked fellow commissioners and staff members for a productive meeting.

Commissioner Drozd thanked staff for their guidance.

Commissioner Whitten thanked the media for staying through the long meeting.

Chair Humphreville expressed appreciation for staff's work.

ANNOUNCEMENTS

The next regular meeting of the Yucca Valley Planning Commission will be held on Tuesday, May 14, 2013 at 6:00 p.m. in the Yucca Room of the Yucca Valley Community Center.

ADJOURNMENT

There being no further business, the meeting was adjourned at 8:25 p.m.

Respectfully submitted,

Lesley Copeland, CMC
Deputy Town Clerk

**TOWN OF YUCCA VALLEY
PLANNING COMMISSION MEETING MINUTES
MAY 7, 2013**

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

Deputy Town Clerk presented the Oath of Office to M.F. Warren Lavender.

Commissioners Present: Bridenstine, Drozd, Lavender, Whitten, and Humphreville.

The Pledge of Allegiance was led by Chair Humphreville.

APPROVAL OF AGENDA

Commissioner Whitten moved to change the order of the agenda, to move the department report after the public hearing. Motion died for a lack of second.

Bridenstine moved to approve the agenda. Chair Humphreville seconded. Motion carried 4-0-1 on a voice vote.

PUBLIC COMMENTS

None

DEPARTMENT REPORT:

1. DRAFT DEVELOPMENT CODE

Deputy Town Manager Shane Stueckle presented a staff report and PowerPoint presentation. At the request of the Planning Commission at a prior meeting, Article 3 of the Draft Development Code relating to sign regulations is being brought in front of the commission for separate review. Existing general allowances in the Sign Ordinance were explained. Stueckle explained areas for specific review including sign height, design merits, square footage for free standing signs and wall signage.

Deputy Town Manager Stueckle continued to explain that amortization schedules are commonly used to address non-conforming signs. Proposed modifications are amortized based on fair market value from the Date of Notice and a time schedule for compliance. Stueckle explained that temporary signs and how to regulate them, such as banners, flags, pennants, hulas, political, and temporary subdivision signs is also an area needing attention.

Jennifer Collins, Yucca Valley, introduced others present at the meeting and spoke of input received through the Yucca Valley Chamber of Commerce office. Collins explained that these suggestions were forwarded to the Planning Commission for consideration.

Fritz Koenig, Yucca Valley, presented a document to the Planning Commission and commented that the purpose of the Sign Ordinance does not include any reference to improving the economy. Mr. Koenig suggested creating a sign ordinance that is in relation to local resources, not compared to other larger cities.

Tom Huls, Yucca Valley, explained that his business, Big O Tires sets back off the highway, and the recent relaxation of the sign code has helped his business tremendously. The use of temporary signage when used responsibly by business owners is very helpful. The Sign Code itself was created for the big business entities, but not for the small businesses we have in Yucca Valley.

Commissioner Drozd asked if the sign square footage is measured on letter size or background. Engineering Technician, Diane Olsen responded that the measurement would be taken by squaring off the total area.

Commissioner Bridenstine agreed that signage is very important and should be easy to see and of appropriate size for traffic view. Signage should be in good taste and well kept, but not to be as harmonious as the current code limits. The community expects signage in a commercial district. Signage, including temporary signage should not be blocking line of sight for safety reasons. Agrees with Mr. Koenig's comment about including the purpose of regulating signage is to promote business.

Commissioner Whitten thanked those in attendance for coming out this evening and questioned how many suggestions provided by the Chamber of Commerce group was included in the draft document. Also agreeing with Koenig's statement recommending a purpose of a sign ordinance should be included. Commissioner Whitten commented on his observation of the current signage throughout the community. Need to give the small businesses a chance to compete with the larger businesses and spoke of the benefit of monument signage.

Commissioner Whitten continued to discuss temporary signage including political signage. Twirler type signs provide employment for the youth of the community and help businesses that set back away from the road. Whitten also spoke on the limits of mural type signage on the side of buildings.

Commissioner Lavender spoke in favor of taking a relaxed attitude toward sign regulations.

Chair Humphreville asked Huls, what specific temporary signage he used to promote his business and asked about typical amortization schedule limits. Stueckle responded that 20 years is usually the maximum, usually based on value. Olsen also explained the inclusion of the Design Merits Program and the Landmark Signage Program to take into account historical signage. Humphreville stated he would like to see the signs stay smaller, yet

appealing and more effective; would like to see the consultant's recommendation. Political signage should have limits on size and frequency.

Commissioner Bridenstine would like to see an amortization schedule included in the new sign regulations, including an incentive such as reduced fees to encourage sign owners to bring into compliance. Signs should not be higher than the roof lines.

Commissioner Drozd agreed with including an amortization schedule as a fair and consistent avenue to bring signs into compliance and also suggested using type of business ownership instead of square footage to regulate signage to help with the smaller, mom and pop type stores. Stueckle responded that one way to possibly address this is to regulate signage by the sign size itself, not by allowing signage size to be based on property or building size.

Commissioner Lavender questioned the use of frontage feet as a tool for regulation. The Ideal Mall property was given as an example of an area where a monument type sign addressing all occupants of that property consistently.

Deputy Town Manager Stueckle presented information on the draft development code section 3-19 regarding commercial solar and wind energy. With tax incentives in effect, property used for energy production limits the amount of property tax collected. Consensus was made among all commissioners present to not allow commercial solar or wind energy within Town limits.

Commissioner Lavender questioned the use of residential solar energy and the possibility of including provisions for home solar use. Stueckle responded that section 3-23, accessory energy systems provides guidelines for residential alternate energy use. Commission discussion continued, questioning the use of roof mount vs. pole mount systems, the need for roof designs of both commercial and residential buildings to accommodate solar panels, and the use of renewable energy parking lot and accessory lights. The use of solar energy when possible was encouraged by the commissioners.

Deputy Town Manager Stueckle recommended that this item be continued to the May 14, 2013 Planning Commission meeting for further discussion.

PUBLIC HEARINGS:

2. DEVELOPMENT CODE AMENDMENT, DCA 01-13, REASONABLE ACCOMODATIONS

Proposed amendment to Title 8, Yucca Valley Development Code adding Article 9, Section 83.0309 et al, Reasonable Accommodations, to provide reasonable accommodations in the Town's zoning and land use regulations, policies and procedures when needed to ensure equal access to housing and facilitate the development of housing for individuals with disabilities.

Deputy Town Manager Stueckle presented the staff report explaining that it is necessary to update the ordinance to bring into compliance, giving reasonable accommodations for those with disabilities. New construction will usually not be affected by these changes; however older, existing buildings may see the effects of this state mandate.

Chair Humphreville opened public comment. With no one wishing to speak on the item, the public comment period was closed.

Commissioner Bridenstine asked if fees would be charged for the variance process. Stueckle responded, that fees will not be charged as the intent of state law.

Commissioner Whitten moved that the Planning Commission find that the proposed ordinance is exempt from CEQA under Section 15061 (b) (3) and recommends that the Town Council adopt the ordinance. Bridenstine seconded. Motion carried 4-0-1 on a voice vote.

3. DEVELOPMENT CODE AMENDMENT, DCA 03-13, EMERGENCY TRANSITIONAL HOUSING AND SINGLE ROOM OCCUPANCY

Proposed amendment to Title 8, Yucca Valley Development Code to amend Section 84.0370 to allow emergency transitional housing subject to a Special Use Permit and single room occupancy units subject to a Conditional Use permit in the Industrial land use district.

Deputy Town Manager Stueckle presented the staff report explaining the provisions in the current general plan housing element regarding emergency transitional housing. The ordinance presented here, establishes reasonable standards providing elements to Town staff for granting approval of homeless shelter facilities within the industrial land-use district. Stueckle gave examples of these reasonable standards and explained that the shelters are for use by those who are homeless and need emergency shelter, and not for long-term or used as an emergency shelter due to a local disaster.

Deputy Town Manager Stueckle explained the second component of the state mandate requiring this ordinance mandates the Town to provide transitional housing and supportive housing. The Town is also required to develop Single Room Occupancy capacity with at least one land use district. All projects are subjected to the Conditional Use Permit process.

Chair Humphreville opened public comment.

Fritz Koenig, Yucca Valley voiced concern that the locations of such shelters, have reasonable access to bus stops, laundry facilities and spoke in favor of building clusters of high-density to fulfill these requirements.

With no others wishing to speak, Humphreville closed public comment.

Deputy Town Manager Stueckle again explained that the item before the commission was for emergency homeless sheltering and does not address sheltering for those affected by natural disaster. Industrial areas are scattered around different areas within the Town limits, to give opportunity for sheltering units.

Commissioner Bridenstine asked for clarification of the term transitional and supportive housing.

Commissioner Whitten asked if there were current numbers representing the homeless population and suggested alternative wording regarding the use of illegal drugs and alcohol. Whitten also asked if trailer parks could be used as supporting or transitional housing as he has seen in other communities.

Commissioner Lavender asked if the state is providing any monetary provisions for financing these mandates. Stueckle explained the mandate is for provisions, but not for the actual construction of actual units. Other funding options may be available on a project by project basis.

Commissioner Whitten moved that the Planning Commission recommends that the Town Council finds the proposed ordinance exempt from CEQA under Section 15061 (b) (3), and adopts the ordinance. Commissioner Bridenstine seconded. Motion carried 4-0-1 on a voice vote.

4. DEVELOPMENT CODE AMENDMENT, DCA 04-13, SECOND DWELLING UNITS

Proposed amendment to Title 8, Yucca Valley Development Code amending Section 84.0305 (b), 84.0320(b), 84.0325(b) and 84.0510, pertaining to second dwelling

units.

Deputy Town Manager Stueckle presented the staff report regarding the state mandate requirement the amendment of the Development Code pertaining to second living dwellings in designated zones. State law requires cities and counties to enact second unit regulations that support and facilitate the development of second units as a means of encouraging and supporting affordable housing, on all residentially designated parcels. Existing Town regulations must be amended to encourage and support second units on all residential lots.

Deputy Town Manager Stueckle continued by explaining ordinance provisions including, that the owner must live in one of the two units and cannot be owned by an investor. Also there is a need to eliminate the language about caretaker housing.

Chair Humphreville opened public comment.

Fritz Koenig, Yucca Valley, commented about enforcement of second units. The minimum standard presented at 725 square feet is not necessary and suggested the commissioners to look at architectural drawings for small living spaces. Less than 725 square feet is sufficient for many people.

With no others wishing to speak, Humphreville closed public comment.

Commissioner Whitten agreed with Mr. Koenig regarding the minimum standard of 725 square feet, being quite large for a second unit minimum and suggested using a percentage instead. Stueckle suggested that all sections work with each other including ancillary structures. Whitten expressed the need for further discussion on this particular language.

Chair Humphreville suggested that provisions for enforcement may need to be included such as property title disclosure.

Commissioner Whitten moved to approve that the Planning Commission recommends that the Town Council finds the proposed ordinance exempt from CEQA under Section 15061 (b) (3), and adopts the ordinance, without the inclusion of 84.0510 (a) due to caretaker language. Commissioner Drozd seconded. Motion carried 4-0-1 on a voice vote.

CONSENT AGENDA

STAFF REPORTS AND COMMENTS

Deputy Town Manager Stueckle explained that a public hearing was scheduled on May 14, 2013 regarding Affordable Housing, Article 3 of the Draft Development Code.

There will be an Public Hearing for an appeal of director approval of an HOP permit regarding firearm sales.

Super Wal Mart opening day was moved a month further out to July 2013.

Warren Vista Center Phase 2 under construction.

COMMISSIONER REPORTS AND REQUESTS

Commissioner Bridenstine thanked staff for their hard work and thanked the public for the comments.

Commissioner Drozd gave kudos to staff and appreciated the public comment heard tonight.

Commissioner Lavender thanked staff for explaining the items.

Commissioner Whitten thanked the public for their input and thanked staff for their work on these items. Whitten questioned the allowance of parking in the front yard due to septic issues and compaction problems.

Chair Humphreville welcomed Mr. Lavender to the Planning Commission

ANNOUNCEMENTS

The next regular meeting of the Yucca Valley Planning Commission will be held on Tuesday, May 14, 2013 at 6:00 p.m. in the Yucca Room of the Yucca Valley Community Center.

ADJOURNMENT

There being no further business, the meeting was adjourned at 8:11 p.m.

Respectfully submitted,

Lesley Copeland, CMC
Deputy Town Clerk

**TOWN OF YUCCA VALLEY
PLANNING COMMISSION MEETING MINUTES
MAY 14, 2013**

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

The Pledge of Allegiance was led by Chair Humphreville.

APPROVAL OF AGENDA

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

PUBLIC COMMENTS

None

PUBLIC HEARING

1. DEVELOPMENT CODE AMENDMENT, DCA 02-13 DENSITY BONUS

Deputy Town Manager Shane Stueckle presented a staff report and PowerPoint presentation explaining the State requires cities to establish density bonus and development incentive standards and regulation for projects of five (5) units or more which provide affordable housing units within the development. The Town is required to update its regulations for consistency with state law. Stueckle presented a summary of Senate Bill 1818.

The proposed Development Code amendment is to add Chapter 11, Division 7, Title 8 of the Town of Yucca Valley Municipal Code to establish density bonuses for affordable housing and other similar projects consistent with State law requirements.

Chair Humphreville opened public comment. With no one wishing to speak, the public comment period was closed.

Commissioner Whitten inquired about the inclusion of very low income standards according to the California Health & Safety Code into the density bonus.

Vice Chair Bridenstine commented on the income thresholds and suggested including how the thresholds are calculated.

Commissioner Whitten moved to find that the proposed ordinance is exempt from CEQA under Section 15061 (b) (3) and recommends that the Town Council adopt the Ordinance. Commissioner Drozd seconded. Motion carried 5-0-0-0 on a voice vote.

DEPARTMENT REPORT

2. DRAFT DEVELOPMENT CODE

Deputy Town Manager presented the staff report on Draft Development Code, Article 3 as an ongoing review of the Development Code Update project.

Chair Humpreville opened public comment. With no one wishing to speak, the public comment period was closed.

Commissioner Drozd spoke in favor of solar use in residential areas, yet voiced concern of the possible noise resulting from wind turbine use.

Chair Humphreville questioned if there were results from a recent study from other municipalities regarding lot sizes and approved alternative energy sources.

Deputy Town Manager Stueckle replied that staff would bring back information on noise levels emitted from the various types of wind turbines.

Commissioner Whitten commented on issues seen in other communities regarding the alternative energy systems, where easements were established to reduce the blockage of sun or wind by neighboring structures and suggested taking this option into consideration.

Vice Chair Bridenstine commented on limiting turbine tower heights and believes that prior Commission discussion stated 25-30 feet; views should not be obstructed.

Chair Humphreville questioned if any Title 24 regulations would hinder the use of alternative energy.

Commissioner Drozd expressed concern for regulating solar and wind technology with local contractors. Deputy Town Manager Stueckle replied that currently, as long as the contractor is in compliance with California Building Code, the permits are approved.

Commissioner Whitten asked about the regulatory process with self-install projects. Self-install should be included. Public information would assist in educating the public on the misconceptions of alternative energy.

Commissioner Lavender commented on CEC standards and wind turbine noise levels.

Deputy Town Manager Stueckle continued to explain proposed changes on pages within Article 3.

Chair Humphreville opened public comment on this section. With no one wishing to speak, the public comment period was closed.

Commissioner Whitten questioned page 3-92, paragraph 1 on how occupancy was authorized and does not believe that authorization, time limits or occupancy type is not explained very well in the document.

Planning Technician Diane Olsen explained the current approval process for a Special Event Permit. Discussion continued on the need for community events and a user-friendly process to encourage events in the area.

No action occurred on this item.

CONSENT AGENDA

Vice Chair Bridenstine moved to approve the minutes of the April 9, 2013 Planning Commission Meeting minutes. Commissioner Whitten seconded. Motion carried on a 5-0-0 voice vote.

STAFF REPORTS AND COMMENTS

Deputy Town Manager Stueckle announced that an HOP hearing is scheduled for the June 11, 2013 Planning Commission meeting and gave a brief update on local commercial construction projects.

COMMISSIONER REPORTS AND REQUESTS

Commissioner Drozd thanked staff.

Commissioner Lavender commented on Yucca Valley's new west-entrance sign.

Commissioner Whitten thanked staff for their work and questioned the condition of the grass at Essig Park.

Vice Chair Bridenstine also thanked staff for their work on the Draft Development Code.

Chair Humphreville commented he has been approached by local contractors looking for information on the new Affordable Senior Housing Project.

ANNOUNCEMENTS

The next regular meeting of the Yucca Valley Planning Commission will be held on Tuesday, June 11, 2013 at 6:00 p.m. in the Yucca Room of the Yucca Valley Community Center.

ADJOURNMENT

There being no further business, the meeting was adjourned at 7:00 p.m.

Respectfully submitted,

Lesley Copeland, CMC
Deputy Town Clerk

1

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

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

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

Pledge of Allegiance was led by Chair Humphreville

APPROVAL OF AGENDA

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

PUBLIC COMMENTS

None

PUBLIC HEARINGS

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

PUBLIC COMMENTS

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

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

With no further speakers, Chairman Humphreville closed public comments.

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

2. DEVELOPMENT CODE UPDATE ARTICLE 3

Proposed amendment to Title 9, Yucca Valley Development Code adding Article 3, Chapter 9.30 thru Chapter 9.46, General Development Standards, providing standards for Dedications and Infrastructure Improvements, Landscaping, Parking, Performance Standards, Property Maintenance, Sign Regulations, Soil Erosion and Dust Control, Temporary Special Events, Temporary Uses, Surface Mining and Land Reclamation, Trip Reduction, Accessory Energy Systems, Wireless Communication Facilities, and Cemeteries and repealing Municipal Code Sections 41.151 thru 41.1569 and Development Code Sections 84.0701 thru 84.0740, 87.0201 thru 87.220, 87.0401 thru 87.0405, 87.0505, 87.0601 thru 87.0645, 87.0710 thru 87.07190, 87.0901 thru 87.0940, 88.0805 thru 88.0810, 810.0101 thru 810.0135, 810.0201 thru 810.0275, and 9.75.010 thru 9.75.130.

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

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

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

PUBLIC COMMENTS

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

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

With no further speakers, Chairman Humphreville closed Public Comments.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

DEPARTMENT REPORTS:

1. HOME OCCUPATION PERMIT REGULATIONS

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

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

PUBLIC COMMENTS

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

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

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

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

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

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

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

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

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

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

CONSENT AGENDA:

1. 2013 GENERAL PLAN ANNUAL REPORT

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

2. MINUTES

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

PUBLIC COMMENTS

None

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

STAFF REPORTS AND COMMENTS:

None

FUTURE AGENDA ITEMS:

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

COMMISSIONER REPORTS AND REQUESTS:

Commissioner Drozd thanked everyone for their participation.

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

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

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

Vice Chairman Bridenstine had no further comments.

Chairman Humphreville had no further comments.

ANNOUNCEMENTS:

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

ADJOURNMENT

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

Respectfully submitted,

Allison Brucker
Secretary

**TOWN OF YUCCA VALLEY
PLANNING COMMISSION MEETING MINUTES
APRIL 8, 2014**

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

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

The Pledge of Allegiance was led by Chair Humphreville.

APPROVAL OF AGENDA

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

PUBLIC COMMENTS

None

PUBLIC HEARING

1. VARIANCE, V 01-14 ROSS DRESS FOR LESS

Chair Humphreville opened the public hearing for the issuance of Variance, V 02-14 Ross Dress for Less.

Planning Technician Diane Olsen presented the staff report explaining the staff's findings regarding the requested Variance. She explained that the proposed variance was to allow the installation of a 258 square foot wall sign where 125 square foot of signage is allowed. She explained that the project was located in an existing commercial center containing other businesses, none of which have been granted variances. Variances are only permitted when special circumstances or conditions, such as size, shape, topography or location apply to a property and would make strict application of the Development Code's standards impractical or impossible. It was staff's finding that none of these applied. Variances are only permitted when the following four conditions are met:

1. The granting of the variance will not be materially detrimental to other land uses in the area, or interfere with solar energy systems.
2. There are exceptional circumstances associated with this property.
3. The strict application of the sign ordinance would put undue limitations on the property.
4. The variance is compatible and consistent with the Development Code.

It was staff's finding was that none of these conditions were met, and staff's recommendation was to deny the variance.

PUBLIC COMMENTS

Susan Simmons, Yucca Valley, spoke against the granting of the variance. She felt that Ross was asking for special privileges. She is a small business owner and is not allowed a big sign.

Tarran Merrill, representative for the applicant, spoke saying he was confident of a resolution. He also said that if you drew a 10 sided shape around the sign instead of a 4 sided one, it was only 230 feet.

Frank Salman, representative for Ross, said that Ross was looking to grow in Yucca Valley, and will be hiring in the community. He said that the 230 foot sign is similar to other signs in the shopping center, citing Vons as an example, and Ross is not asking for special favors. He said the signage is their primary source of advertising.

Dawn McDaniel, landlord to Ross, spoke in favor of the variance. She said that the large wall sign will be the only signage they will be putting up. She believes it will help drive growth in the center. She also said that the proposed sign will fit in to the center aesthetically.

Tarran Merrill, stated that he took site surveys around town and found other businesses within the valley with signs that appear to have been granted a variance, including Angel View, Big Lots, and Cactus Mart.

Susan Simmons, Yucca Valley, said that people will be able to see the store and its sign, and its location should cause no problems. She said that if you bend the rules, everyone will want to bend the rule.

Deputy Town Manager Stueckle replied to the public comments on the behalf of staff. He stated that State law allows deviation based on unique elements of the property. Variances can only be granted under state law when there are unique conditions. He also stated, that the 258 sq. ft. measurement was what was stated on the permit application, and 230 sq. ft. would still require a variance. He also stated that Cactus Mart's sign predated the formation of the town, and Big Lots was probably approved under an earlier ordinance which allows a 1.5 to 1 ratio. There may be examples of other businesses within the shopping center which were approved under that same earlier ordinance. He said that the item at question was a request for variance to the sign code, and it is important to separate the technical elements from other concerns. The desirability of Ross is not in question. The application is based on standard findings.

Commissioner Bridenstine said that she is grateful that Ross is coming to Yucca Valley. That being said, the Town's hands are tied due to the current ordinance. She believes that the commission needs to have a workshop with local businesses about the sign ordinance. She would be in favor of creating a cumulative standard that combined the allowance for monument and wall signs. She said that this is something that needs to be addressed in the near future, and there also needs to be discussion about bringing all businesses into compliance. She doesn't think the commission can grant the variance under the current ordinance, but does believe that the ordinance should be changed.

Commissioner Lavender said that he doesn't think that Ross will suffer on the basis of sign size. He said that most people were already aware of the location, even before any signs have been put up. He said that the council has to be fair. He also asked if the sign would be a deal breaker for Ross. The Ross representative, Frank Salman, replied that he wasn't able to answer that, but that the requested sign was Ross's standard sign size.

Commissioner Whitten asked for clarification from staff that the variance was only for the 258 sq. ft. sign, which he received. He said that there are certain sign sizes that are standard for corporations. He said that this could allow for a variance. He also believed that the setback is a special circumstance. He doesn't believe that the sign will impact the viewshed or aesthetic values. He also agreed with the landlord that the signs should be bigger. He believed that the proposed sign would be compatible with the existing signs based on the standard set by the Vons sign. He said that everyone has the right to submit a variance request. He also said that the variance will provide an economic benefit as Ross will be an anchor store for that center. He believes that the commission can grant the variance.

Chair Humphreville asked how the staff arrived at their measurement for the proposed sign. Staff responded that they drew a box around the sign. Chair Humphreville said that he believes that there is a huge difference between a solid sign and letters on a wall. He believes that the code needs to be changed. He said that he thinks that the setback serves as a special circumstance in this case. He stated that he believes that wall signage is preferable to monument signage. He is asking for the town council to push for change to the sign code. He also stated that he believes that the lettering should be the basis for the sign measurement. He supports granting the variance.

MOTION

Commissioner Whitten made a motion that the Planning Commission grant the Variance, V 01-14 based upon the findings, not the findings in the staff report under special circumstances.

Chair Humphreville seconded the motion.

The motion passed at 3 for and 1 against, with Commissioner Bridenstine as the dissenting vote.

Deputy Town Manager Stueckle requested that the following findings be included in the record:

Prior to approving the request for variance the review authority shall find the following to be true:

1. The granting of the variance will not be materially detrimental to other properties or land uses in the area, and will not subsequently interfere with present or future ability to use solar energy systems. The application before the Commission is for an attached wall sign which will not interfere with solar energy systems.
2. There are exceptional or extraordinary circumstances or conditions applicable to the property or to the intended use which do not apply to other properties in the same district or vicinity. The Commission found this evening that based upon the distance of the commercial buildings from Highway 62, being substantially different from that of other structures in the same zone or land use district along Highway 62, the distance from Highway 62 created an exceptional or extraordinary circumstance and condition to support the approval of the variance.
3. The strict application of the land use district would deprive such property from privileges enjoyed by other properties in the vicinity or in the same land use district. As noted by Commission dialogue and findings this evening, that while the zoning district allows for and prescribes specific sign ratios for wall signs of one (1) sq. ft. of sign area to one (1) linear foot of building frontage, the distance of the structures within the Vons center from Highway 62 creates a substantial or extraordinary circumstance requiring an allowance for a larger sign in order to be visible from Highway 62.
4. The granting of the variance is compatible with the objectives and policies general blank uses and programs in the General Plan, Development Code and any other applicable plan or ordinance. The Commission found this evening that based upon the unique circumstances caused by how this property was developed that the extraordinary or exceptional distance of the building from Highway 62 provides the basis for the granting of the variance.

Chair Humphreville asked for clarification that they were requesting a variance for a 230 sq. ft. sign rather than the 258 sq. ft. stated in application. He asked if they could be held to the 230 sq. ft. number rather than then the original 258 sq. ft. Staff replied that they could and it was in the record based on applicant testimony.

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

Deputy Town Manager Stueckle presented the staff report. Staff intends to present the Commission with an over view of the proposed language changes put forth in Article 3. He also stated that there was discrepancy between the language in the printed agenda and the portion that was posted on the town's website. Because of this, staff recommended that the matter be continued until the next hearing even if the Commission finished their dialogue on this issue. The code sections relating to the sign code were included in the printed materials provided to the commission for discussion purposes, but it was not included in the recommended language.

The first change was in section was in 9.30.060, in which staff recommends that the term Director be changed to Commission, and the term Commission be changed to Council. The next change was to 9.31.020, with regards to the clear site triangle. It was staff's recommendation that real estate signs and sign twirlers, if allowed under future sign ordinances, be prohibited from the clear site triangle. The next recommended change was to section 9.31.03 and involved changing the maximum height increase for single-family dwelling units and institutional structures from 25 feet to a percentage. Staff asked for clarification from the Commission regarding what percentage increase should be allowed. Staff also suggested that the Commission consider if the current 50 percent increase for miscellaneous structures, particularly for windmills, was still appropriate. The next change was to 9.32.020 suggesting that the phrase "Hi Desert Water District" be replaced by "local water purveyor," and added the language "some of the following" to item 14 on page 3-18. In section 9.32.090, staff included a definition of mass grading. Deputy Town Manager Stueckle also reminded the Commission that Article 2 will identify the landscaping requirements for residential and commercial development, and that water conservation standards should be kept separate from landscaping requirements.

Chair Humphreville suggested allowing comment on the current sections before continuing on with the rest of the article. He then opened the floor to public comment.

PUBLIC COMMENTS

None

Commissioner Whitten spoke on section 9.31.03 regarding the 50 percent increase for miscellaneous structures. He said that he believes that windmills and solar energy collectors should be removed from this section and should be governed by their own ordinances.

Commissioner Bridenstine agreed that she did not believe that windmills and solar energy should be addressed in this section, and suggested amending Table 3-3 by striking item r and removing the reference to windmills from item k.

Chair Humphreville asked for and received confirmation from staff that the height of windmills could be addressed under the ordinance governing windmills. Chair Humphreville also asked staff if the language in this section regarding the distance of the required set back had been modified. Staff informed the Commission that that language had not been changed.

After discussion regarding the appropriate percentage for permitted structural height increases for single-family dwelling units and institutional structures, the Commission reached a consensus of a permitted increase of 25 percent.

Chair Humphreville introduced a discussion of section 9.32, Landscaping and Water Conservation, and stated that he was in favor of the language presented by staff because it regulates water use, although he disagrees with regulating landscaping in single family residential homes. Commissioner Bridenstine

agreed. Commissioner Whitten stated that the Town should promote water conservation, but asks if the town should be the water police.

Deputy Town Manager Stueckle informed the Commission that the State mandates that municipalities have a landscape and water conservation plan. The Town is required to review proposed water use for landscaping for adherence to minimum state standards, not what is landscaped. Hi-Desert Water District currently has water use standards in place, which is way the ordinance was structured the way it was, so that those regulations are in place if the Water District should stop using their current process.

The Commission had a discussion regarding the definition of mass grading found in section 9.32.090. Commissioner Bridenstine said that she thought that the term 'featureless' had prejudicial and negative connotations, and pointed out that you can create features in mass grading. She also expressed concern about the language stating that natural drainage features are put into an underground culvert. She said it should be simply engineered drainage instead. Staff will refer to previous discussion about a proposed hillside and grading ordinance during which the definition of mass grading was discussed and bring that definition into the recommended language.

The staff report continued with an overview of changes made to section 9.33, Parking and Loading regulations. Staff included language to allow development projects with different peak hours to be eligible for a reduction in parking. The requirements for golf course parking were reduced from 6 to 4 spaces per hole. Staff also asked the Commission to consider whether or not a standard of 1 space per 50 would be appropriate rather than the current tiered system.

Chair Humphreville asked if the 1 space per 50 would be a typical standard. Deputy Town Manager Stueckle replied that staff will look into this issue further.

Commissioner Whitten asked if there had been a consensus on the question of residential RV parking spaces. Staff stated that under the current code recreational vehicles cannot be parked in a front yard setback, they must be 10 feet from any structure, and they must be 3 feet from side and rear property lines. Staff did not believe there had been a consensus on direction, and asked if there should be some level of mandated parking required.

The commission agreed that they did not wish to mandate RV parking spaces and would allow that to be regulated by the rules regarding setbacks in Article 2.

Commissioner Whitten asked if the Hawks Landing project was approved under the 6 space requirement, and was informed that it was, and he also asked for and received elaboration on the process by which staff arrived at the 4 space number. He stated that he was satisfied with that change.

Commissioner Whitten stated that he felt that 1 space for every 50 units for mini storage facilities was too low. Chair Humphreville agreed, and Deputy Town Manager Stueckle stated that staff will do further research into how that standard compares to other ordinances.

The staff report on Chapter 9.33 continued, with staff recommending that the language regarding Conditional Use Permits in Table 3-7 be removed. Staff also stated that the Commission had requested that convalescent hospitals and retirement or rest homes be addressed separately in Table 3-8, and asked that the Commission consider what numbers would be appropriate. Staff also included a requirement of 5 spaces per acre for park facilities.

No changes were made to chapter 9.34, Performance Standards. In chapter 9.53, Maintenance Standards, 9.35.070 C the requirement of 72 hours was changed to 30 days, and the language regarding patios was modified.

Commissioner Whitten asked about including language describing severity in 9.35.09, and referenced a prior conversation with the Commission regarding how to describe severity. He thought there had been some discussion of applying a percentage. Staff said they will look in to the matter further and return their finding to the Commission.

Chair Humphreville opened the floor to public comment on the sections which had been discussed.

PUBLIC COMMENTS

None

Staff recommended that the reference to a soil erosion permit in 9.37.040, Soil Erosion and Dust Control, be changed to grading permit rather than create new types of permits. Grading plans include erosion control plans, however it is possible that a situation could arise where an erosion control plan is necessary where a grading plan is not called for. In 9.38.020, Temporary Special Events, the language 'per location and/or per vendor' was included in Table 3-24; the number of church tent revival meetings was changed from 1 to 3, and farmers markets was clarified to make it clear that certified farmer's markets were permitted.

Commissioner Whitten said that he believes that the number of permitted carnivals should be increased from 2. He said that there are already 2 carnivals a year being held in one location. The Commission came to a consensus that the number 4 would be appropriate.

PUBLIC COMMENTS

Susan Simmons, Yucca Valley, spoke in opposition to increased carnivals because she feels they are disruptive to residential neighborhoods.

The staff report continued with 3.39.05, Temporary Use Permits. Planning Technician Olsen explained that under current practices the town does not issue Temporary Use Permits until the building permits have been approved, so that language has been changed to reflect current practice. The structure was also changed to reduce duplication regarding temporary model home sales offices. The language on page 3-100 was changed from Certificate of Land Use Compliance to Land Use Compliance Review. The ordinance also restricts the location of a model home sales office to a major highway, arterial or collector.

Commissioner Lavender, asked about a development where the model home is located adjacent to a track rather than in the track itself. Staff will be working with the particular developer in question.

There were no changes to Chapters 9.40, 9.41, or 9.42. In chapter 9.43, Accessory Wind Energy Systems, staff asked the Commission if they felt the current limit of 52.5 feet should be changed.

The Commission discussed whether one acre was an appropriate minimum lot size for allowing Accessory Wind Energy Systems. Commissioner Whitten expressed concern that the limit may need to be changed in the future to accommodate improving technology. There was a consensus that a one acre minimum was appropriate for the time being.

Commissioner Whitten asked about surface mining. Staff stated that they would need to confirm whether or not State law required it to be addressed in the Development Code.

Commissioner Whitten asked if solar easements need to be addressed in this section of the code. Staff stated that it was standard provision in most codes today, and will check to make sure this concern is adequately addressed in Article 2. Chair Humphreville asked if none structure mounted solar structure were addressed in the code; staff confirmed that they were.

Staff discussed Chapter 9.44, Wireless Communications Facilities, recommending that the reference to the Scenic Highways element of the general plan be removed, one section be restructure for clarity and that conditional use permit be changed to Land Use Compliance Review approved at the staff level. That change would eliminate the requirement for a Conditional Use Permit, and will simplify the process.

Commissioner Whitten asked if there was regulation regarding abandoned towers or units. Staff informed the Commission that the current code mandates that abandoned shall be removed. Staff also explained that this portion of the code was drafted based upon the technology in use 15 years ago, which had a much greater potential impact on the viewshed then current technology.

Staff concluded its presentation and recommended that the hearing on this issue be continued to the next meeting on April 22, 2014.

PUBLIC COMMENTS

None

MOTION

Commissioner Whitten motioned that the Commission continue the public hearing on Article 3 of the Development Code until the April 22nd meeting. It was seconded by Commissioner Bridenstine and passed unanimously.

CONSENT AGENDA

1. MINUTES

A request that the Planning Commission approves as submitted the minutes of the meeting held on March 25, 2014.

MOTION

Commissioner Bridenstine made a motion to approve the consent agenda. Commissioner Whitten seconded. The motion passed unanimously.

STAFF REPORTS AND COMMENTS:

Deputy Town Manager Stueckle provided the Commission with status updates on several projects within the community, including the Senior Housing Project, the Ross tenant improvements, Desert Vista Village, Mesquite 55, single family infill construction, and the Hwy 62 construction. He also thanked staff for their efforts.

Commissioner Whitten asked about the sidewalks along Hwy 62. He expressed concern about utility and signal poles not being easily visible to pedestrians and potentially creating a hazard. Project Engineer Alex Qishta said that he will bring those concerns to Cal-Trans.

COMMISSIONER REPORTS AND REQUEST:

Commissioner Lavender had none.

Commissioner Whitten requested that the Community Updates be made available on the webpage. Staff said that that process was underway.

Commissioner Bridenstine stated that she feels that the variance application brought before the Commission made it clear how important revising the sign code is. She said that she had a problem with the fact that the setback was used as the justification for the variance, as she feels that other business have the same setback. She suggested having a workshop run by the Chamber of Commerce so the Commission could attend as observers.

Chair Humphreville said that Chamber of Commerce has held several meetings about the sign ordinance. He said that the Council has not been supportive of changing the ordinance. He believes that the percentage based changes he had previously suggested may be a good solution. He also said he appreciates staff's efforts. Commissioner Bridenstine also suggested a sign ordinance process that opens the discussion up to all businesses not just members of the Chamber Commerce.

ANNOUNCEMENTS:

The next regular meeting of the Yucca Valley Planning Commission will be held on Tuesday, April 22, 2014.

ADJOURNMENT

There being no further business, the meeting adjourned at 7:52 p.m.

Respectfully submitted,



Allison Brucker
Secretary

PLANNING COMMISSION STAFF REPORT

To: Chairman & Planning Commission
From: Shane Stueckle, Deputy Town Manager
Date: April 11, 2014
For Commission Meeting: April 22, 2014

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

Prior Commission Review: The Planning Commission received a presentation on this item at the meeting of March 26, 2013.

Recommendation: That the Planning Commission reviews the draft article and provides direction to staff.

Executive Summary: As part of the Development Code Update project, the Planning Commission received a presentation on Article 2 at the meeting of March 26, 2013.

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

Order of Procedure:

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

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

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

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

Chapter 9.05	Zoning Districts and Zoning Maps
Chapter 9.06	Land Use Standards and Permit Requirements
Chapter 9.07	Residential and Hillside Reserve Districts
Chapter 9.08	Standards and Regulations for Specific Use in Residential and Hillside Reserve Districts
Chapter 9.09	Commercial Districts
Chapter 9.10	Industrial Districts
Chapter 9.11	Mixed Use Districts
Chapter 9.12	Public/Quasi Public and Open Space Districts
Chapter 9.13	Specific Plan Districts
Chapter 9.14	Standards and Regulations for Specific Uses in Non-Residential Districts
Chapter 9.15	Overlay Districts
Chapter 9.16	Airport Safety Overlay District
Chapter 9.17	Fire Safety Overlay District
Chapter 9.18	Flood Plain Safety Overlay
Chapter 9.19	Geologic and Seismic Hazards Overlay
Chapter 9.20	Hillside Overlay District
Chapter 9.21	Large Animal Overlay District
Chapter 9.22	Specific Plan Overlay District

Chapter 9.05 Zoning Districts and Zoning Maps

Identifies and establishes the base zoning districts and overlay zones.

Chapter 9.06 Land Use Standards and Permit Requirements

Establishes Town requirements for the approval of proposed development.

Chapter 9.07 Residential and Hillside Reserve Districts

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

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

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

Chapter 9.09 Commercial Districts

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

Chapter 9.10 Industrial Districts

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

Chapter 9.11 Mixed Use Districts

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

Chapter 9.12 Public/Quasi Public and Open Space Districts

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

Chapter 9.13 Specific Plan Districts

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

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

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

Chapter 9.15 Overlay Districts

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

Chapter 9.16 Airport Safety Overlay District

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

Chapter 9.17 Fire Safety Overlay District

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

Chapter 9.18 Flood Plain Safety Overlay

Establishes regulations for development and construction within flood prone areas.

Chapter 9.19 Geologic and Seismic Hazards Overlay

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

Chapter 9.20 Hillside Overlay District

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

Chapter 9.21 Large Animal Overlay District

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

Chapter 9.22 Specific Plan Overlay District

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

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

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

Attachments:

Article 2, Zoning Districts and Development Design Standards

**TOWN OF YUCCA VALLEY
PLANNING COMMISSION MEETING MINUTES
APRIL 8, 2014**

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

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

The Pledge of Allegiance was led by Chair Humphreville.

APPROVAL OF AGENDA

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

PUBLIC COMMENTS

None

PUBLIC HEARING

1. VARIANCE, V 01-14 ROSS DRESS FOR LESS

Chair Humphreville opened the public hearing for the issuance of Variance, V 02-14 Ross Dress for Less.

Planning Technician Diane Olsen presented the staff report explaining the staff's findings regarding the requested Variance. She explained that the proposed variance was to allow the installation of a 258 square foot wall sign where 125 square foot of signage is allowed. She explained that the project was located in an existing commercial center containing other businesses, none of which have been granted variances. Variances are only permitted when special circumstances or conditions, such as size, shape, topography or location apply to a property and would make strict application of the Development Code's standards impractical or impossible. It was staff's finding that none of these applied. Variances are only permitted when the following four conditions are met:

1. The granting of the variance will not be materially detrimental to other land uses in the area, or interfere with solar energy systems.
2. There are exceptional circumstances associated with this property.
3. The strict application of the sign ordinance would put undue limitations on the property.
4. The variance is compatible and consistent with the Development Code.

It was staff's finding was that none of these conditions were met, and staff's recommendation was to deny the variance.

PUBLIC COMMENTS

Susan Simmons, Yucca Valley, spoke against the granting of the variance. She felt that Ross was asking for special privileges. She is a small business owner and is not allowed a big sign.

Tarran Merrill, representative for the applicant, spoke saying he was confident of a resolution. He also said that if you drew a 10 sided shape around the sign instead of a 4 sided one, it was only 230 feet.

Frank Salman, representative for Ross, said that Ross was looking to grow in Yucca Valley, and will be hiring in the community. He said that the 230 foot sign is similar to other signs in the shopping center, citing Vons as an example, and Ross is not asking for special favors. He said the signage is their primary source of advertising.

Dawn McDaniel, landlord to Ross, spoke in favor of the variance. She said that the large wall sign will be the only signage they will be putting up. She believes it will help drive growth in the center. She also said that the proposed sign will fit in to the center aesthetically.

Tarran Merrill, stated that he took site surveys around town and found other businesses within the valley with signs that appear to have been granted a variance, including Angel View, Big Lots, and Cactus Mart.

Susan Simmons, Yucca Valley, said that people will be able to see the store and its sign, and its location should cause no problems. She said that if you bend the rules, everyone will want to bend the rule.

Deputy Town Manager Stueckle replied to the public comments on the behalf of staff. He stated that State law allows deviation based on unique elements of the property. Variances can only be granted under state law when there are unique conditions. He also stated, that the 258 sq. ft. measurement was what was stated on the permit application, and 230 sq. ft. would still require a variance. He also stated that Cactus Mart's sign predated the formation of the town, and Big Lots was probably approved under an earlier ordinance which allows a 1.5 to 1 ratio. There may be examples of other businesses within the shopping center which were approved under that same earlier ordinance. He said that the item at question was a request for variance to the sign code, and it is important to separate the technical elements from other concerns. The desirability of Ross is not in question. The application is based on standard findings.

Commissioner Bridenstine said that she is grateful that Ross is coming to Yucca Valley. That being said, the Town's hands are tied due to the current ordinance. She believes that the commission needs to have a workshop with local businesses about the sign ordinance. She would be in favor of creating a cumulative standard that combined the allowance for monument and wall signs. She said that this is something that needs to be addressed in the near future, and there also needs to be discussion about bringing all businesses into compliance. She doesn't think the commission can grant the variance under the current ordinance, but does believe that the ordinance should be changed.

Commissioner Lavender said that he doesn't think that Ross will suffer on the basis of sign size. He said that most people were already aware of the location, even before any signs have been put up. He said that the council has to be fair. He also asked if the sign would be a deal breaker for Ross. The Ross representative, Frank Salman, replied that he wasn't able to answer that, but that the requested sign was Ross's standard sign size.

Commissioner Whitten asked for clarification from staff that the variance was only for the 258 sq. ft. sign, which he received. He said that there are certain sign sizes that are standard for corporations. He said that this could allow for a variance. He also believed that the setback is a special circumstance. He doesn't believe that the sign will impact the viewshed or aesthetic values. He also agreed with the landlord that the signs should be bigger. He believed that the proposed sign would be compatible with the existing signs based on the standard set by the Vons sign. He said that everyone has the right to submit a variance request. He also said that the variance will provide an economic benefit as Ross will be an anchor store for that center. He believes that the commission can grant the variance.

Chair Humphreville asked how the staff arrived at their measurement for the proposed sign. Staff responded that they drew a box around the sign. Chair Humphreville said that he believes that there is a huge difference between a solid sign and letters on a wall. He believes that the code needs to be changed. He said that he thinks that the setback serves as a special circumstance in this case. He stated that he believes that wall signage is preferable to monument signage. He is asking for the town council to push for change to the sign code. He also stated that he believes that the lettering should be the basis for the sign measurement. He supports granting the variance.

MOTION

Commissioner Whitten made a motion that the Planning Commission grant the Variance, V 01-14 based upon the findings, not the findings in the staff report under special circumstances.

Chair Humphreville seconded the motion.

The motion passed at 3 for and 1 against, with Commissioner Bridenstine as the dissenting vote.

Deputy Town Manager Stueckle requested that the following findings be included in the record:

Prior to approving the request for variance the review authority shall find the following to be true:

1. The granting of the variance will not be materially detrimental to other properties or land uses in the area, and will not subsequently interfere with present or future ability to use solar energy systems. The application before the Commission is for an attached wall sign which will not interfere with solar energy systems.
2. There are exceptional or extraordinary circumstances or conditions applicable to the property or to the intended use which do not apply to other properties in the same district or vicinity. The Commission found this evening that based upon the distance of the commercial buildings from Highway 62, being substantially different from that of other structures in the same zone or land use district along Highway 62, the distance from Highway 62 created an exceptional or extraordinary circumstance and condition to support the approval of the variance.
3. The strict application of the land use district would deprive such property from privileges enjoyed by other properties in the vicinity or in the same land use district. As noted by Commission dialogue and findings this evening, that while the zoning district allows for and prescribes specific sign rations for wall signs of one (1) sq. ft. of sign area to one (1) linear foot of building frontage, the distance of the structures within the Vons center from Highway 62 creates a substantial or extraordinary circumstance requiring an allowance for a larger sign in order to be visible from Highway 62.
4. The granting of the variance is compatible with the objectives and policies general blank uses and programs in the General Plan, Development Code and any other applicable plan or ordinance. The Commission found this evening that based upon the unique circumstances caused by how this property was developed that the extraordinary or exceptional distance of the building from Highway 62 provides the basis for the granting of the variance.

Chair Humphreville asked for clarification that they were requesting a variance for a 230 sq. ft. sign rather than the 258 sq. ft. stated in application. He asked if they could be held to the 230 sq. ft. number rather than then the original 258 sq. ft. Staff replied that they could and it was in the record based on applicant testimony.

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

Deputy Town Manager Stueckle presented the staff report. Staff intends to present the Commission with an over view of the proposed language changes put forth in Article 3. He also stated that there was discrepancy between the language in the printed agenda and the portion that was posted on the town’s website. Because of this, staff recommended that the matter be continued until the next hearing even if the Commission finished their dialogue on this issue. The code sections relating to the sign code were included in the printed materials provided to the commission for discussion purposes, but it was not included in the recommended language.

The first change was in section was in 9.30.060, in which staff recommends that the term Director be changed to Commission, and the term Commission be changed to Council. The next change was to 9.31.020, with regards to the clear site triangle. It was staff’s recommendation that real estate signs and sign twirlers, if allowed under future sign ordinances, be prohibited from the clear site triangle. The next recommended change was to section 9.31.03 and involved changing the maximum height increase for single-family dwelling units and institutional structures from 25 feet to a percentage. Staff asked for clarification from the Commission regarding what percentage increase should be allowed. Staff also suggested that the Commission consider if the current 50 percent increase for miscellaneous structures, particularly for windmills, was still appropriate. The next change was to 9.32.020 suggesting that the phrase “Hi Desert Water District” be replaced by “local water purveyor,” and added the language “some of the following” to item 14 on page 3-18. In section 9.32.090, staff included a definition of mass grading. Deputy Town Manager Stueckle also reminded the Commission that Article 2 will identify the landscaping requirements for residential and commercial development, and that water conservation standards should be kept separate from landscaping requirements.

Chair Humphreville suggested allowing comment on the current sections before continuing on with the rest of the article. He then opened the floor to public comment.

PUBLIC COMMENTS

None

Commissioner Whitten spoke on section 9.31.03 regarding the 50 percent increase for miscellaneous structures. He said that he believes that windmills and solar energy collectors should be removed from this section and should be governed by their own ordinances.

Commissioner Bridenstine agreed that she did not believe that windmills and solar energy should be addressed in this section, and suggested amending Table 3-3 by striking item r and removing the reference to windmills from item k.

Chair Humphreville asked for and received confirmation from staff that the height of windmills could be addressed under the ordinance governing windmills. Chair Humphreville also asked staff if the language in this section regarding the distance of the required set back had been modified. Staff informed the Commission that that language had not been changed.

After discussion regarding the appropriate percentage for permitted structural height increases for single-family dwelling units and institutional structures, the Commission reached a consensus of a permitted increase of 25 percent.

Chair Humphreville introduced a discussion of section 9.32, Landscaping and Water Conservation, and stated that he was in favor of the language presented by staff because it regulates water use, although he disagrees with regulating landscaping in single family residential homes. Commissioner Bridenstine

agreed. Commissioner Whitten stated that the Town should promote water conservation, but asks if the town should be the water police.

Deputy Town Manager Stueckle informed the Commission that the State mandates that municipalities have a landscape and water conservation plan. The Town is required to review proposed water use for landscaping for adherence to minimum state standards, not what is landscaped. Hi-Desert Water District currently has water use standards in place, which is way the ordinance was structured the way it was, so that those regulations are in place if the Water District should stop using their current process.

The Commission had a discussion regarding the definition of mass grading found in section 9.32.090. Commissioner Bridenstine said that she thought that the term 'featureless' had prejudicial and negative connotations, and pointed out that you can create features in mass grading. She also expressed concern about the language stating that natural drainage features are put into an underground culvert. She said it should be simply engineered drainage instead. Staff will refer to previous discussion about a proposed hillside and grading ordinance during which the definition of mass grading was discussed and bring that definition into the recommended language.

The staff report continued with an overview of changes made to section 9.33, Parking and Loading regulations. Staff included language to allow development projects with different peak hours to be eligible for a reduction in parking. The requirements for golf course parking were reduced from 6 to 4 spaces per hole. Staff also asked the Commission to consider whether or not a standard of 1 space per 50 would be appropriate rather than the current tiered system.

Chair Humphreville asked if the 1 space per 50 would be a typical standard. Deputy Town Manager Stueckle replied that staff will look into this issue further.

Commissioner Whitten asked if there had been a consensus on the question of residential RV parking spaces. Staff stated that under the current code recreational vehicles cannot be parked in a front yard setback, they must be 10 feet from any structure, and they must be 3 feet from side and rear property lines. Staff did not believe there had been a consensus on direction, and asked if there should be some level of mandated parking required.

The commission agreed that they did not wish to mandate RV parking spaces and would allow that to be regulated by the rules regarding setbacks in Article 2.

Commissioner Whitten asked if the Hawks Landing project was approved under the 6 space requirement, and was informed that it was, and he also asked for and received elaboration on the process by which staff arrived at the 4 space number. He stated that he was satisfied with that change.

Commissioner Whitten stated that he felt that 1 space for every 50 units for mini storage facilities was too low. Chair Humphreville agreed, and Deputy Town Manager Stueckle stated that staff will do further research into how that standard compares to other ordinances.

The staff report on Chapter 9.33 continued, with staff recommending that the language regarding Conditional Use Permits in Table 3-7 be removed. Staff also stated that the Commission had requested that convalescent hospitals and retirement or rest homes be addressed separately in Table 3-8, and asked that the Commission consider what numbers would be appropriate. Staff also included a requirement of 5 spaces per acre for park facilities.

No changes were made to chapter 9.34, Performance Standards. In chapter 9.53, Maintenance Standards, 9.35.070 C the requirement of 72 hours was changed to 30 days, and the language regarding patios was modified.

Commissioner Whitten asked about including language describing severity in 9.35.09, and referenced a prior conversation with the Commission regarding how to describe severity. He thought there had been some discussion of applying a percentage. Staff said they will look in to the matter further and return their finding to the Commission.

Chair Humphreville opened the floor to public comment on the sections which had been discussed.

PUBLIC COMMENTS

None

Staff recommended that the reference to a soil erosion permit in 9.37.040, Soil Erosion and Dust Control, be changed to grading permit rather than create new types of permits. Grading plans include erosion control plans, however it is possible that a situation could arise where an erosion control plan is necessary where a grading plan is not called for. In 9.38.020, Temporary Special Events, the language ‘per location and/or per vendor’ was included in Table 3-24; the number of church tent revival meetings was changed from 1 to 3, and farmers markets was clarified to make it clear that certified farmer’s markets were permitted.

Commissioner Whitten said that he believes that the number of permitted carnivals should be increased from 2. He said that there are already 2 carnivals a year being held in one location. The Commission came to a consensus that the number 4 would be appropriate.

PUBLIC COMMENTS

Susan Simmons, Yucca Valley, spoke in opposition to increased carnivals because she feels they are disruptive to residential neighborhoods.

The staff report continued with 3.39.05, Temporary Use Permits. Planning Technician Olsen explained that under current practices the town does not issue Temporary Use Permits until the building permits have been approved, so that language has been changed to reflect current practice. The structure was also changed to reduce duplication regarding temporary model home sales offices. The language on page 3-100 was changed from Certificate of Land Use Compliance to Land Use Compliance Review. The ordinance also restricts the location of a model home sales office to a major highway, arterial or collector.

Commissioner Lavender, asked about a development where the model home is located adjacent to a track rather than in the track itself. Staff will be working with the particular developer in question.

There were no changes to Chapters 9.40, 9.41, or 9.42. In chapter 9.43, Accessory Wind Energy Systems, staff asked the Commission if they felt the current limit of 52.5 feet should be changed.

The Commission discussed whether one acre was an appropriate minimum lot size for allowing Accessory Wind Energy Systems. Commissioner Whitten expressed concern that the limit may need to be changed in the future to accommodate improving technology. There was a consensus that a one acre minimum was appropriate for the time being.

Commissioner Whitten asked about surface mining. Staff stated that they would need to confirm whether or not State law required it to be addressed in the Development Code.

Commissioner Whitten asked if solar easements need to be addressed in this section of the code. Staff stated that it was standard provision in most codes today, and will check to make sure this concern is adequately addressed in Article 2. Chair Humphreville asked if none structure mounted solar structure were addressed in the code; staff confirmed that they were.

Staff discussed Chapter 9.44, Wireless Communications Facilities, recommending that the reference to the Scenic Highways element of the general plan be removed, one section be restructure for clarity and that conditional use permit be changed to Land Use Compliance Review approved at the staff level. That change would eliminate the requirement for a Conditional Use Permit, and will simplify the process.

Commissioner Whitten asked if there was regulation regarding abandoned towers or units. Staff informed the Commission that the current code mandates that abandoned shall be removed. Staff also explained that this portion of the code was drafted based upon the technology in use 15 years ago, which had a much greater potential impact on the viewshed then current technology.

Staff concluded its presentation and recommended that the hearing on this issue be continued to the next meeting on April 22, 2014.

PUBLIC COMMENTS

None

MOTION

Commissioner Whitten motioned that the Commission continue the public hearing on Article 3 of the Development Code until the April 22nd meeting. It was seconded by Commissioner Bridenstine and passed unanimously.

CONSENT AGENDA

1. MINUTES

A request that the Planning Commission approves as submitted the minutes of the meeting held on March 25, 2014.

MOTION

Commissioner Bridenstine made a motion to approve the consent agenda. Commissioner Whitten seconded. The motion passed unanimously.

STAFF REPORTS AND COMMENTS:

Deputy Town Manager Stueckle provided the Commission with status updates on several projects within the community, including the Senior Housing Project, the Ross tenant improvements, Desert Vista Village, Mesquite 55, single family infill construction, and the Hwy 62 construction. He also thanked staff for their efforts.

Commissioner Whitten asked about the sidewalks along Hwy 62. He expressed concern about utility and signal poles not being easily visible to pedestrians and potentially creating a hazard. Project Engineer Alex Qishta said that he will bring those concerns to Cal-Trans.

COMMISSIONER REPORTS AND REQUEST:

Commissioner Lavender had none.

Commissioner Whitten requested that the Community Updates be made available on the webpage. Staff said that that process was underway.

Commissioner Bridenstine stated that she feels that the variance application brought before the Commission made it clear how important revising the sign code is. She said that she had a problem with the fact that the setback was used as the justification for the variance, as she feels that other business have the same setback. She suggested having a workshop run by the Chamber of Commerce so the Commission could attend as observers.

Chair Humphreville said that Chamber of Commerce has held several meetings about the sign ordinance. He said that the Council has not been supportive of changing the ordinance. He believes that the percentage based changes he had previously suggested may be a good solution. He also said he appreciates staff's efforts. Commissioner Bridenstine also suggested a sign ordinance process that opens the discussion up to all businesses not just members of the Chamber Commerce.

ANNOUNCEMENTS:

The next regular meeting of the Yucca Valley Planning Commission will be held on Tuesday, April 22, 2014.

ADJOURNMENT

There being no further business, the meeting adjourned at 7:52 p.m.

Respectfully submitted,



Allison Brucker
Secretary