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
MAY 13, 2014
6:00 p.m.

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

* * * *

PLANNING COMMISSION MEMBERS

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

AGENDA

MEETING OF THE
TOWN OF YUCCA VALLEY PLANNING COMMISSION
6:00 P.M., TUESDAY, MAY 13, 2014

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

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

CALL TO ORDER:

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

PLEDGE OF ALLEGIANCE

APPROVAL OF AGENDA

Action: Move by_____2nd by_____Voice Vote_____.

PUBLIC COMMENTS

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

PUBLIC HEARING

1. VARIANCE, V 02-14 BALLINGER DEVELOPMENT

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

RECOMMENDATION: That the Planning Commission:

A. Finds that the project is exempt from CEQA in accordance with Section 15305, Class 5, Minor Alterations in Land Use Limitations.

B. Approves Variance, V 02-14 based upon the findings contained within the staff report.

Action: Moved by_____ 2nd by _____ Voice Vote _____

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

Proposed amendment to Title 9, adding Section 9.08.050 of Article 2, and adding Chapter 9.75, Sections 9.75.010 thru 9.75.080 of Article 4, of the Yucca Valley Development Code, establishing development regulations and permitting procedures for the operation of Home Occupation Permits and repealing Section 84.0615 thru 84.0622, Chapter 6, Division 4 OF Title 8

The project is exempt from CEQA in accordance with Section 15061 (b)(3) of the California Environmental Quality Act. The proposed amendment to revise theTown's Home Occupation Permit Regulations has no potential to impact the environment. The proposed amendment does not alter the existing requirements that specific development projects must comply with the provisions of the California Environmental Quality Act. Development Code Amendment, DCA 02-14 meets the exemption criteria which states "that if an activity is covered by the general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment and where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA"

RECOMMENDATION: That the Planning Commission reviews the draft regulations, takes public testimony and continues the public hearing to the Commission meeting of May 27, 2014.

Action: Moved by_____ 2nd by _____ Voice Vote _____

3. 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, Parking, 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 thru810.0135, 810.0201 thru 810.0275, and 9.75.010 thru 9.75.130

Action: Moved by_____ 2nd by _____ Voice Vote _____

DEPARTMENT REPORTS

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

Proposed amendment to Title 9, Yucca Valley Development Code adding Article2 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 22, 2014.

Action: Moved by_____ 2nd by _____ Voice Vote_____

STAFF REPORTS AND COMMENTS:

FUTURE AGENDA ITEMS:

COMMISSIONER REPORTS AND REQUESTS:

Commissioner Drozd
Commissioner Lavender
Commissioner Whitten
Vice Chairman Bridenstine
Chairman Humphreville

ANNOUNCEMENTS:
The next regular meeting of the Yucca Valley Planning Commission will be held on Tuesday, May 27, 2014

ADJOURN

Planning Commission: May 13, 2014

TOWN OF YUCCA VALLEY
COMMUNITY DEVELOPMENT DEPARTMENT
PLANNING DIVISION STAFF REPORT
BALLINGER DEVELOPMENT, LLC

Case: VARIANCE, V 02-14 BALLINGER
THE PROJECT IS EXEMPT FROM CEQA UNDER SECTION 15305, CLASS 5 MINOR ALTERATIONS IN LAND USE LIMITATIONS

Request: A REQUEST TO REDUCE THE REQUIRED 50 FOOT FRONT YARD SETBACK TO 30 FEET FOR THE CONSTRUCTION OF A SINGLE FAMILY RESIDENCE.

Applicant: BALLINGER DEVELOPMENTS, LLC
PO BOX 542
YUCCA VALLEY, CA 92284

Property Owner:
BALLINGER DEVELOPMENTS, LLC
PO BOX 542
YUCCA VALLEY, CA 92284

Representative:
JOANNE BALLINGER
PO BOX 542
YUCCA VALLEY, CA 92284

Location: THE PROJECT IS LOCATED ON THE NORTH SIDE OF MONTECELLO LANE, WEST OF MONTECELLO ROAD AND IS IDENTIFIED AS APN 596-361-03.

Existing General Plan Land Use Designation:
THE SITE IS DESIGNATED AS RURAL RESIDENTIAL 1 ACRE MINIMUM, (RR-1)

Existing Zoning Designation:
THE SITE IS DESIGNATED AS RURAL LIVING 2.5 ACRE MINIMUM (RL-2.5).

Surrounding General Plan Land Use Designations:
NORTH: RURAL RESIDENTIAL 1 ACRE MINIMUM, (RR-1)

Division Approvals:
Engineering _____ Building & Safety _____ Public Works_____

SOUTH: RURAL RESIDENTIAL 1 ACRE MINIMUM, (RR-1)
WEST: RURAL RESIDENTIAL 1 ACRE MINIMUM, (RR-1)
EAST: RURAL RESIDENTIAL 1 ACRE MINIMUM, (RR-1)

Surrounding Zoning Designations:

NORTH: RURAL LIVING 2.5 ACRE MINIMUM (RL-2.5).
SOUTH: RURAL LIVING 2.5 ACRE MINIMUM (RL-2.5).
WEST: RURAL LIVING 2.5 ACRE MINIMUM (RL-2.5).
EAST: RURAL LIVING 2.5 ACRE MINIMUM (RL-2.5).

Surrounding Land Use:

NORTH: SINGLE FAMILY RESIDENCE
SOUTH: VACANT LAND
WEST: VACANT LAND
EAST: VACANT LAND

CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA):

THE PROJECT WAS REVIEWED UNDER THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA). THE PROJECT IS EXEMPT FROM CEQA UNDER SECTION 15305, CLASS 5, MINOR ALTERATIONS IN LAND USE LIMITATIONS.

RECOMMENDATION:

VARIANCE 02-14: That the Planning Commission:

A. Finds that the project is exempt from CEQA in accordance with Section 15305, Class 5, Minor Alterations in Land Use Limitations.

B. Approves Variance, V 02-14 based upon the findings contained within the staff report.

Project Planner: Diane Olsen, Planning Technician
Reviewed by: Shane Stueckle, Deputy Town Manager

Appeal Information:
Actions by the Planning Commission, including any finding that a negative declaration be adopted, may be appealed to the Town Council within 10 calendar days. Appeal Application filing and processing information may be obtained from the Planning Division of the Community Development Department. Per Section 83.030145 of the Development Code, minor modifications may be approved by the Planning Division if it is determined that the changes would not affect the findings prescribed in Section 83.030140 of the Development Code, Required Findings, and that the subject of the proposed changes were not items of public controversy during the review and approval of the original permit, including modifications to phasing schedules for the project.

I. GENERAL INFORMATION

PROJECT DESCRIPTION: The applicant is requesting approval of a variance to reduce the required 50 foot front yard setback to 30 feet.

LOCATION: The project is located at on the north side of Montecello Lane, west of Montecello Road and is identified as APN 596-361-03

PROJECT SYNOPSIS:	**SITE COVERAGE**
PROJECT AREA:	.64 acres
PHASED CONSTRUCTION:	None
FLOOD ZONE:	Map 8120, Zone X, areas determined to be outside the 0.2% annual chance floodplain
ALQUIST PRIOLO ZONE:	No, Yucca Valley North shows no Alquist-Priolo Special Study areas. .
OFF-SITE IMPROVEMENTS REQ:	None
COMMUNITY FACILITIES DISTRICT:	No
RIGHT-OF-WAY DEDICATION REQ:	None
UTILITY UNDERGROUNDING:	No
AIRPORT INFLUENCE AREA:	Located in the horizontal surface area.
TRAILS & BIKE LANE MASTER PLAN:	No facilities on or adjacent to the project
PUBLIC FACILITY MASTER PLAN:	No facilities on or adjacent to the project.
PARKS AND RECREATION MASTER PLAN:	No public facilities are identified for this site.

MASTER PLAN OF DRAINAGE:	No facilities on or adjacent to the project.
HI DESERT WATER DISTRICT WASTE-WATER PHASE:	Phase 3
STREET LIGHTS:	No
SPECIFIC PLAN/ PLANNED DEVELOPMENT AREA:	No
FUTURE PLANNING COMMISSION ACTION REQURIED:	None
FUTURE TOWN COUNCIL ACTION REQURIED:	None, unless appealed

II. PROJECT ANALYSIS

ENVIRONMENTAL CONSIDERATIONS: The project was reviewed under the California Environmental Quality Act (CEQA). The project is exempt from CEQA under Section 15305, Class 5, Minor Alterations in Land Use Limitations.

ADJACENT LAND USES: The project is located within the Rural Living, 2.5 acre minimum zoning district. There are existing single family homes to the north and east, and vacant parcels to the south and west.

SITE CHARACTERISTICS: The property is a .64 acre vacant parcel that slopes significantly to the north and is covered with large boulders.

DISCUSSION: The applicant is requesting a variance to reduce the recorded front yard setback from 50 feet to 30 feet to allow for the construction of a single family residence.

In order to construct a single family residence on the lot, extensive land disturbance would have to occur. The applicant is requesting a reduction in the front yard setback from 50 feet to 30 feet to minimize the amount of necessary grading and land disturbance.

State law and the Town's Development Code are specific in the criteria for the approval of a variance. Variances can only be applied when special circumstances or conditions, such as size, shape, topography or location apply to a property which would make the strict application of the Development Code's standards impractical or physically impossible. As a result of these criteria, the findings for a Variance are also very specific, as discussed later in the staff report.

The project is located within the Rural Living land use district and is surrounding by single family residences and vacant lots. The majority of the property is covered with boulders and the property slopes to the north.

In 1996 a variance was approved for the property on the southwest corner of Panchita Road and Montecello Road to encroach 7 feet into the required 25 foot setback. In 2004, a variance was approved at 57125 Mirlo Lane to reduce the 50 setback to 30 feet. In 2005, a variance was approved at 57078 Montecello Rd, to the southeast, to reduce the front yard setback from 50 feet to 30 feet. In each of these variances, the request was based upon the topography limiting the ability to construct the residence without significant grading into the hillside and disturbance to topographical features.

CONCLUSION: The proposed variance is consistent with the Development Code based upon the required findings. The project was reviewed under the California Environmental Quality Act (CEQA). The project is exempt from CEQA under section 15305, Class 5, Minor Alterations in Land Use Limitations.

FINDINGS

1. Will the granting of the variance be materially detrimental to other land uses in the area, or interfere with the present or future ability to use solar energy systems?
   The granting of the variance will not be detrimental to other properties in the area, several properties in the surrounding areas have been granted variances for a reduction in setbacks and the property to the east on Montecello Lane has a recorded 25 foot setback. The granting of the variance will have no impact on solar energy systems, either now or in the future.

   In 1996 a variance was approved for the property on the southwest corner of Panchita Road and Montecello Road to encroach 7 feet into the required 25 foot setback. In 2004, a variance was approved at 57125 Mirlo Lane to reduce the 50 setback to 30 feet. In 2005, a variance was approved at 57078 Montecello Rd, to the southeast, to reduce the front yard setback from 50 feet to 30 feet. In each of these variances, the request was based upon the topography limiting the ability to construct the residence without significant grading into the hillside and disturbance to topographical features.

2. Are there exceptional or extraordinary circumstances or conditions applicable to the property or to an intended use that do not apply to other properties in the same district or vicinity?
   The project site is a rectangular lot that slopes between 10% and 20% to the north and is covered with large boulders. The property would require significant land disturbance to construct a single family residence.

3. Would the strict application of the land use district deprive such property of privileges enjoyed by other properties in the vicinity or in the same land use district?

   Yes, the strict application of the land use regulations would require extensive land disturbance on the site, would change the natural appearance of the site and could limit the ability to construct a single family residence on the property.

   In 1996 a variance was approved for the property on the southwest corner of Panchita Road and Montecello Road to encroach 7 feet into the required 25 foot setback. In 2004, a variance was approved at 57125 Mirlo Lane to reduce the 50 setback to 30 feet. In 2005, a variance was approved at 57078 Montecello Rd, to the southeast, to reduce the front yard setback from 50 feet to 30 feet. In each of these variances, the request was based upon the topography limiting the ability to construct the residence without significant grading into the hillside and disturbance to topographical features

4. Is the granting of the variance compatible with the objectives, policies, general land uses and programs in the General Plan, the Development Code and any applicable plan or other ordinance?

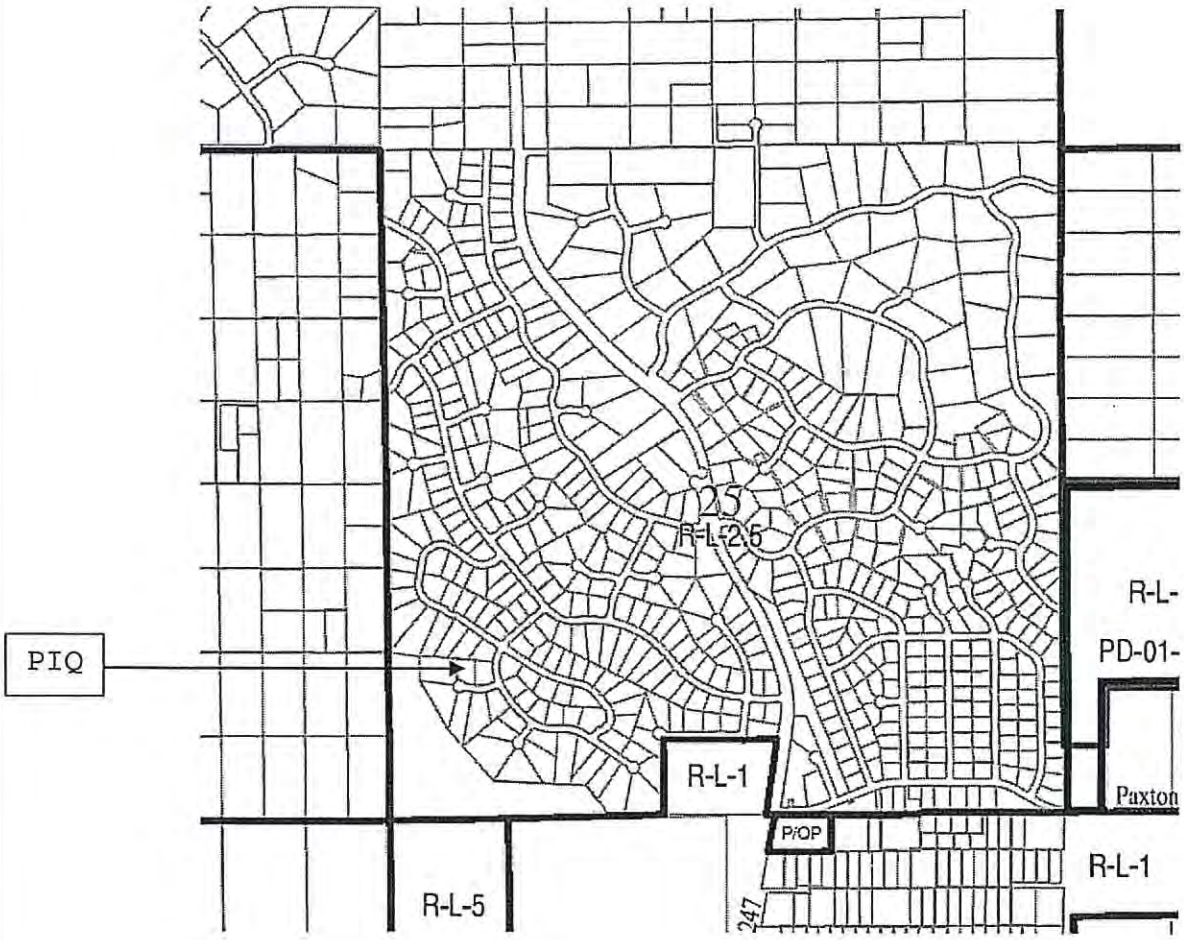
   Yes, the variance is compatible with the following polices of the General Plan, Policy LU 1-5 states "Encourage land use development patterns that preserve the Town's scenic resources, such as ridgelines and hillsides", Policy LU 1-12 which states "Preserve the desert character of existing low density residential areas to the greatest extent possible", Policy OSC 8-2 which states, "Protect, preserve and enhance the Town's hillsides, mountains, canyons and natural desert terrain", and Policy OSC 8-4 which states " Reduce the negative impact of hillside development, including excessive cuts and fills, unattractive slope scars and erosion and drainage problems.

Attachments:

1. Standard Exhibits
2. Application materials
3. Photos
4. General Plan Policies

TOWN OF YUCCA VALLEY

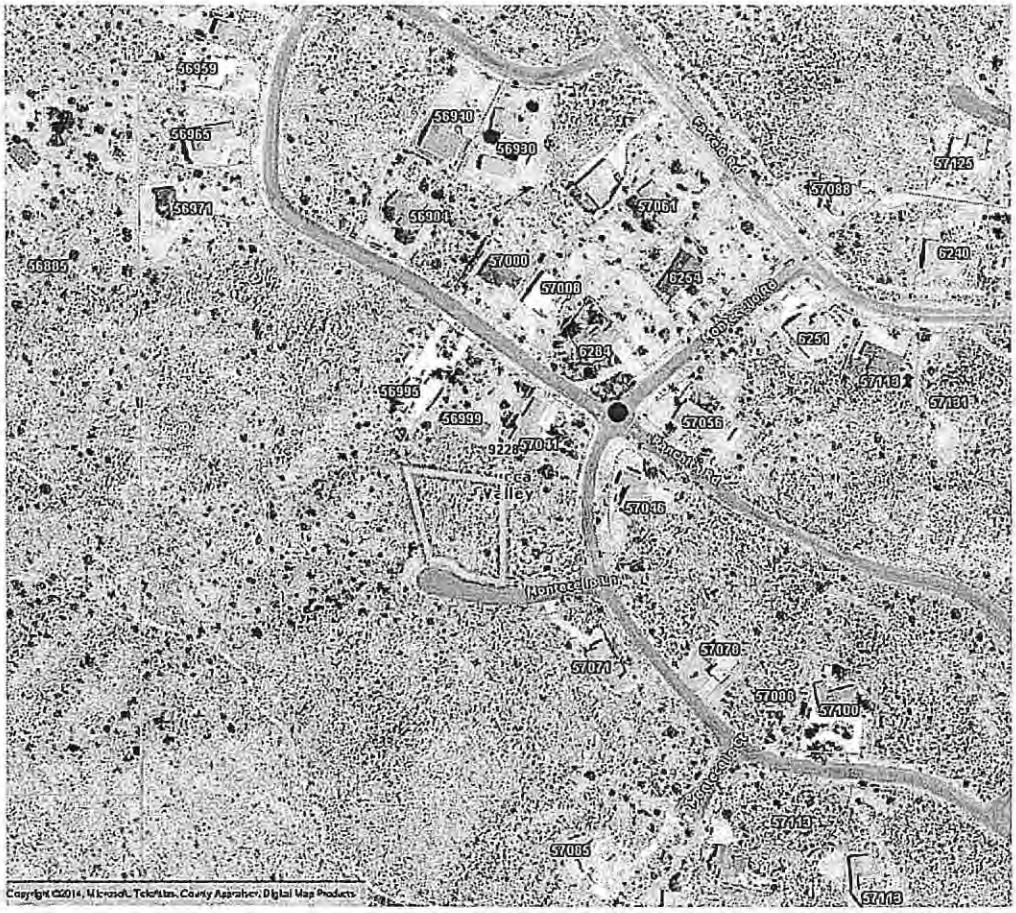
PROJECT NO: VARIANCE, V 02-14 BALLINGER DEV



ZONING MAP

TOWN OF YUCCA VALLEY

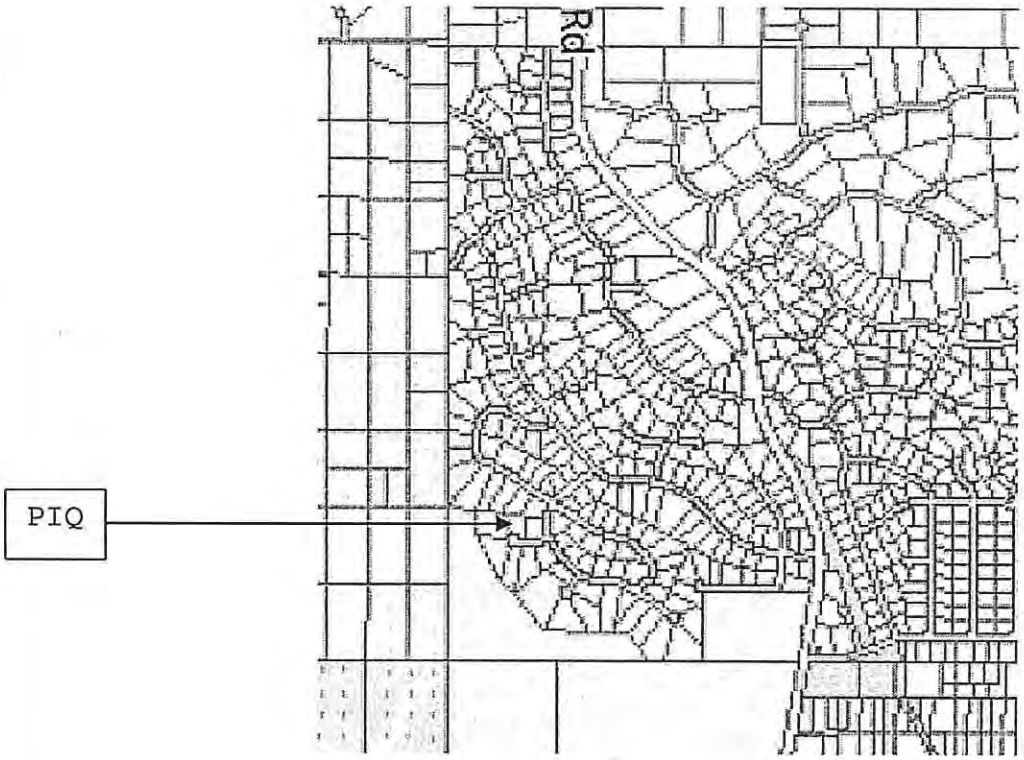
PROJECT NO: VARIANCE, V 02-14 BALLINGER DEV



AERIAL PHOTO

TOWN OF YUCCA VALLEY

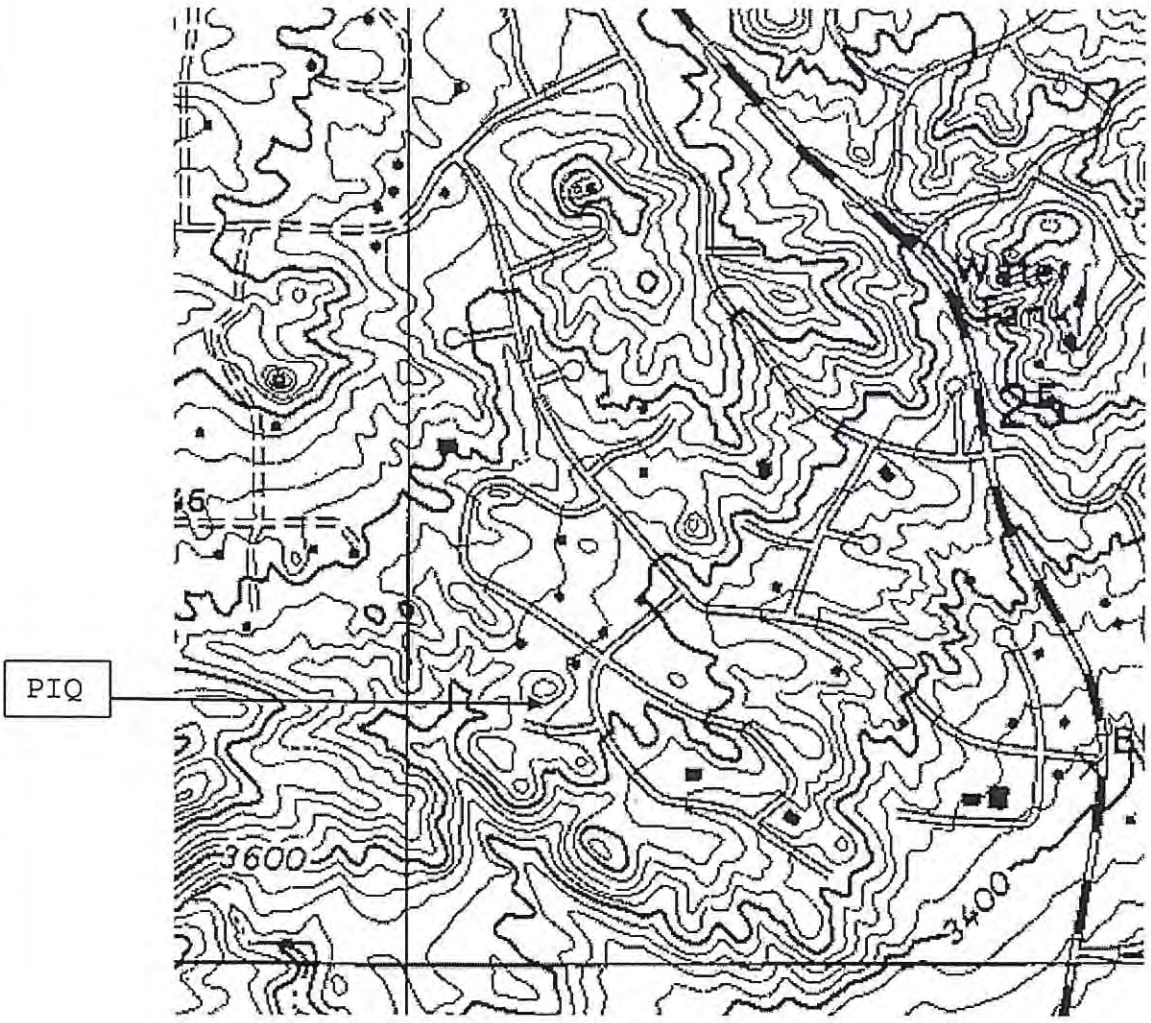
PROJECT NO: VARIANCE, V 02-14 BALLINGER DEV



GENERAL PLAN LAND USE MAP

TOWN OF YUCCA VALLEY

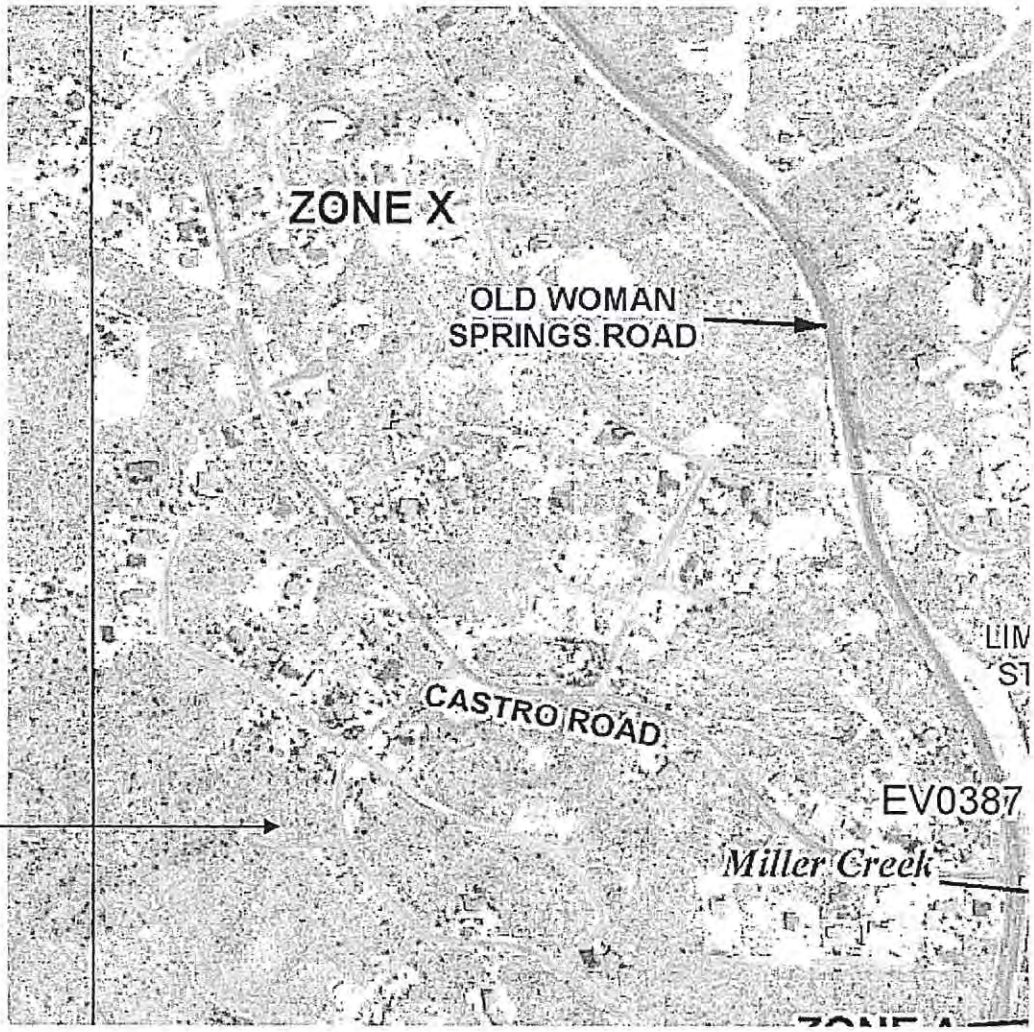
PROJECT NO: VARIANCE, V 02-14 BALLINGER DEV



ALQUIST PRIOLO MAP-YV NORTH

TOWN OF YUCCA VALLEY

PROJECT NO: VARIANCE, V 02-14 BALLINGER DEV



FEMA FLOOD MAP-8120

Variance Application

☑ Minor ☐ Major

Date Received 04/02/14
By D OLSEN
Fee 644.00
Case # V-02-14

General Information

APPLICANT Ballinger Developments LLC Phone 760-831-5086 Fax

Mailing Address Po Box 542 Email ballingerdev@gmail.com

City Yucca Valley State Ca Zip 92286

REPRESENTATIVE Joanne Ballinger Phone Same Fax

Mailing Address Same Email Same

PROPERTY OWNER Ballinger Developments LLC Phone Same Fax

Mailing Address Same Email Same

City State Zip

Project Information

Project address or location Montecello Lane, Yucca Valley

Assessor Parcel Number(s) 0596-361-03-0000

Description of variance being requested The current front setback of this vacant land parcel is 50 feet. We are requesting a variance to change the front set back by 40% to 30 feet.

Applicant Signature Joanne M. Ballinger

Property Owner Signature Joanne M Ballinger

Town of Yucca Valley
Community Development Department
Planning Division
58928 Business Center Dr
Yucca Valley, CA 92284
760 369-6575 . Fax 760 228-0084
www.yucca-valley.org

VARIANCE FINDINGS

Please respond to each question in as much detail as you possibly can.
(Attach additional pages if necessary)

1) Will the granting of this variance be detrimental to other properties or land uses in the area or substantially interfere with the present or future ability to use solar energy systems?

The granting of this variance will not be detrimental to other properties or land uses. See attached.

2) Are there exceptional or extraordinary circumstances or conditions applicable to the property or to the intended use that do not apply to other properties in the same district or vicinity?

This vacant land property has a rocky hillside and a minimal amount of buildable land. See attached

3) Will the strict application of the land use district regulations deprive such property of privileges enjoyed by other properties in the vicinity or in the same land use district?

Yes, other properties in the area have enough buildable land to possess a home and garage. See attached

4) Is the variance request in conformance with the objectives, policies, and programs specified in the General Plan and any applicable plan?

The variance is in conformance with the objectives, policies, and programs as specified in the General Plan. See attached

Application modified 09-25-12

VARIANCE FINDINGS CONTINUED

1. The granting of the variance will be beneficial to other properties and will not interfere with the present or future ability to use solar energy systems. If approved, the variance will afford us to keep hillside grading at a minimal preserving the natural vegetation and rocky hill as much as possible.

2. The majority of the property is a rocky hillside with buildable area towards the front of the property. Neighboring corner properties possess a front setback of 50 feet and a side setback of 25 feet. The granting of a 30 foot setback would not be excessive and are in keeping with the current setbacks in the area.

3. The topography of the property hinders the development of the lot due to a rocky hillside on the majority of the lot. Our intent is to preserve the natural landscape as much as possible by utilizing a buildable area at the south side of the lot. If strict adherence to the current front setback of 50 feet is adhered to it would cause us to grade a majority of the hillside.

4. The granting of the variance will be compatible with the existing and planned land use character of the surrounding areas. The proposed variance, if approved, will assist in the development of the property that carries out the intent of the Town of Yucca Valley by providing a more efficient use of the land by preserving the existing hillside and vegetation.

Owner/Applicant Authorization

Applicant/Representative: I/We have reviewed this completed application and the attached material. The information included with this application is true and correct to the best of my/our knowledge. I/We further understand that the Town may not approve the application as submitted, and may set conditions of approval. Further, I/We understand that all documents, maps, reports, etc., submitted with this application are deemed to be public records. This application does not guarantee approval or constitute a building permit application.

Signed: _____

Date: 04-02-14

Property Owner: I/We certify that I/We are presently the legal owner(s) of the above described property (If the undersigned is different from the legal property owner, a letter of authorization must accompany the form). Further, I/We acknowledge the filing of this application and certify that all of the above information is true and accurate. I/We understand that I/We are responsible for ensuring compliance with conditions of approval. I/We hereby authorize the Town of Yucca Valley and or/its designated agent(s) to enter onto the subject property to confirm the location of existing conditions and proposed improvements including compliance with applicable Town Code Requirements. Further, I/We understand that all documents, maps, reports, etc., submitted with this application are deemed to be public records. This application does not guarantee approval or constitute a building permit application. I am hereby authorizing

_____

to act as my agent and is further authorized to sign any and all documents on my behalf.

Signed: _____

Dated: 04-02-14

Town of Yucca Valley
Community Development Department
Planning Division
58928 Business Center Dr
Yucca Valley, CA 92284
760 369-6575 Fax 760 228-0084
www.yucca-valley.org

Agreement to Pay All Development Application Fees

In accordance with Town Council Resolution 04-38 the Town collects certain fees based on the actual cost of providing service. The application deposit for this project (as indicated below) may not cover the total cost of processing this application. I/We are aware that if the account has 25% or less remaining prior to completion of the project, staff will notify the undersigned in writing, of the amount of additional deposit required to complete the processing of the application, based on Staff's reasonable estimate of the hours remaining to complete this application process.

Further, I understand that if I do not submit the required additional deposit to the Town within 15 business days from the date of notification by the Town, the Town will cease processing of the application and/ or not schedule the project for action by the Planning Commission or Town Council until the fees have been paid.

Any remaining deposit will be refunded to me at time of closeout after I have submitted any required approved project plans and forms, including signed conditions of approval, or upon my written request to withdraw the application.

As the applicant, I understand that I am responsible for the cost of processing this application and I agree that the actual costs incurred processing this application will be paid to the Town of Yucca Valley.

Deposit Paid: $644.00

Applicant's Signature _____ Date: 04-02-14

Applicants Name Joanne M Ballinger
(Please print)

Remaining balance refunded to:

Ballinger Developments LLC

PO Box 542

Yucca Valley, Ca 92286

Application modified 09-25-12

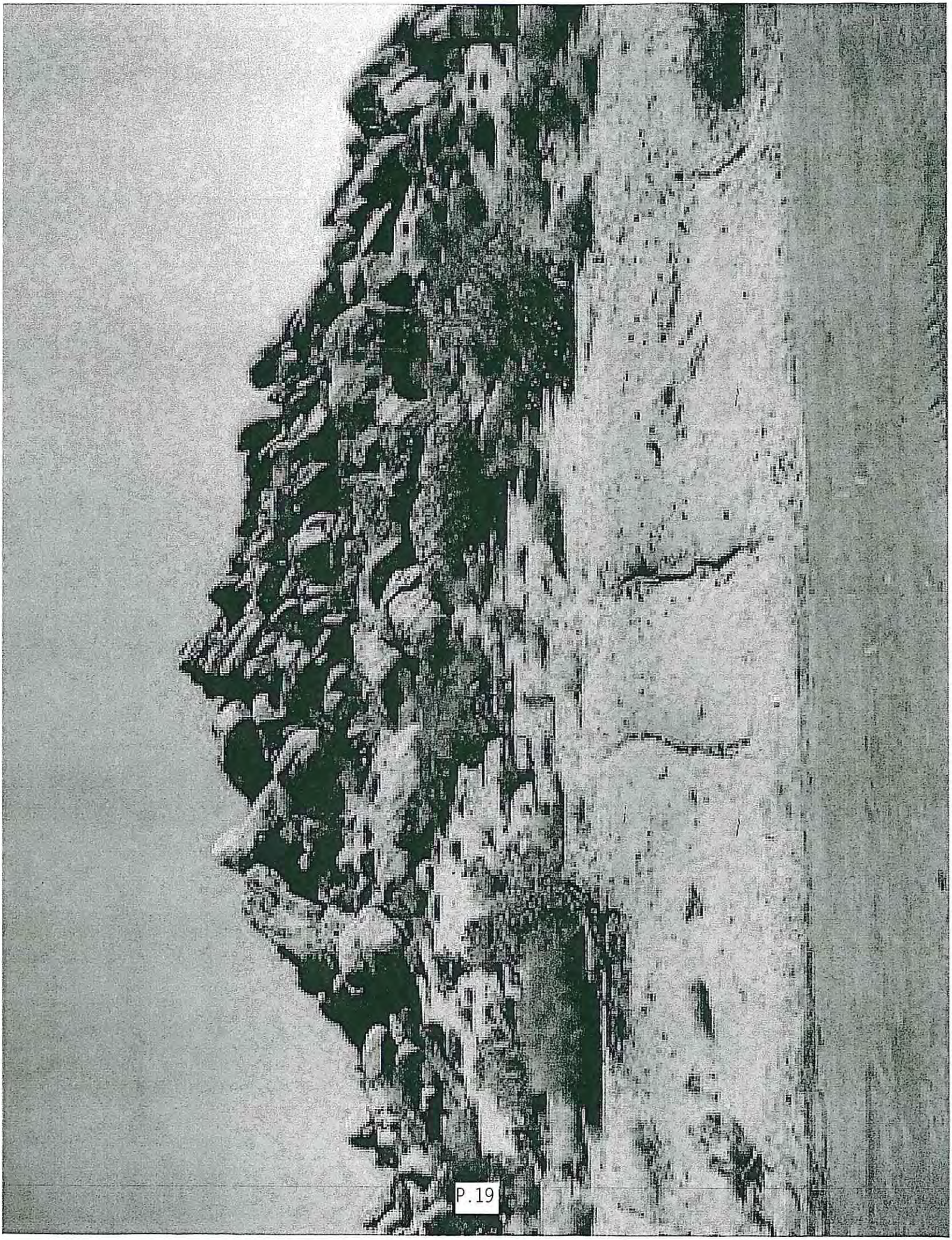
SURROUNDING PROPERTY OWNERS LIST CERTIFICATION
(To be submitted with application)

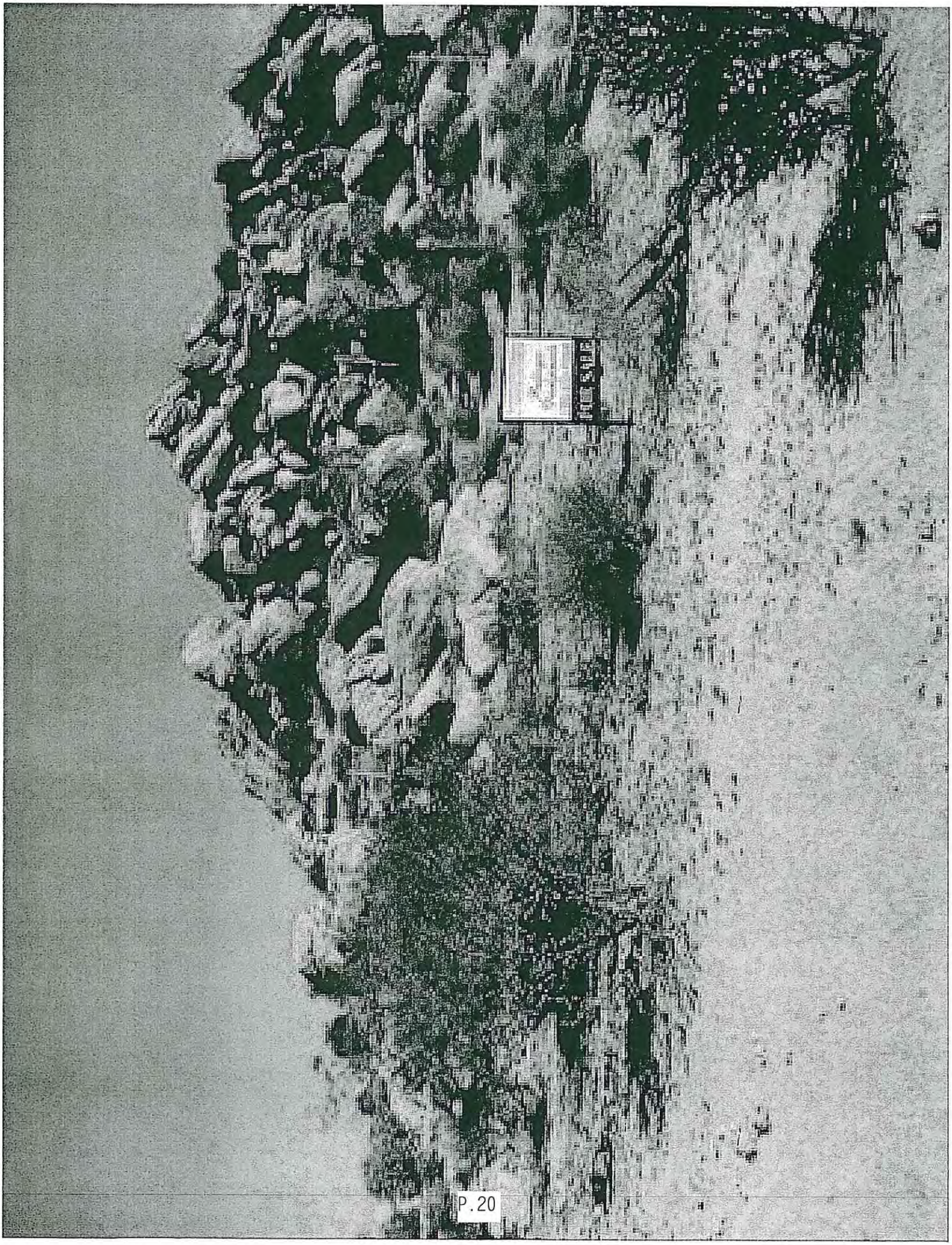
I, Joanne M Ballinger, certify that on 04-01-14 the attached property owners list was prepared by Joanne M Ballinger pursuant to the requirements of the Town of Yucca Valley. Said list is a complete compilation of the owner(s), applicant(s) and representative of the subject property and all owners of surrounding properties within a radius of 300 feet from all exterior boundaries of the subject property and is based on the latest equalized assessment rolls of the San Bernardino County Assessor's Office dated 04-01-14. I further certify that the information filed is true and correct to the best of my knowledge; I understand that incorrect and erroneous information may be grounds for rejection or denial of the development application.

Signed: _____

Print Name: Joanne Ballinger Date: 04-02-14

Application modified 09-25-12





growth with the Town's open space recreation and preservation needs. The Land Use Element must ensure that planning for or preservation of open space areas is taken into account, and can also help to identify areas that are located outside of a ½ mile walking distance from an existing park or open space area, and which areas should be prioritized when new recreational opportunities are identified.

Relationship to the Marine Corps Air Ground Combat Center

Although military installations are not located within Town limits, the operations at nearby Marine Corps Air Ground Combat Center in Twentynine Palms could potentially impact Yucca Valley since it is the largest Marine Corps base in the world. Considering the range of uses and training activities that could occur on site, it is important for the Town of Yucca Valley to be aware of operations that could affect the community. Coordination with the base is also essential to address ongoing noise or circulation impacts that are generated by periodic training exercises performed on the base.

GOAL LU 1

A balanced mixture of integrated land uses that provide desirable neighborhoods, vibrant commercial districts, passive and active open spaces, a strong economic and employment base, appropriate public facilities and services, and fiscal sustainability.

General Policies

Policy LU 1-1 Encourage infill development to maximize the efficiency of existing and planned public services, facilities, and infrastructure.

Policy LU 1-2 Require that adjacent land uses and development types complement one another.

Policy LU 1-3 Require new projects to pay their fair share cost of or make necessary improvements to public facilities, infrastructure, and services that are impacted by the demands generated by new development.

Policy LU 1-4 Encourage the development of public spaces within commercial mixed use and residential projects to contribute to the community's stock of gathering places and special event venues.

Policy LU 1-5 Encourage land use development patterns that preserve the Town's scenic resources, such as ridgelines and hillsides.

For more detailed information related to ridgelines and hillsides, refer to the Open Space and Conservation Element.

Residential Policies

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

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

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

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

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

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

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

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

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

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

the soils tend to be shallow and poorly drained. This makes septic systems on steep slopes prone to higher failure rates, which puts ground and surface water supplies at risk.

Several of the policies and implementation actions that apply to the Biological Resource Overlay areas (identified earlier in this element) also apply to hillsides and ridgelines because they support sensitive biological habitat and species.

Scenic Highways

Yucca Valley stands at the crossroads of two corridors that provide residents access to major cities, beaches, ski resorts and tourist destinations. SR-62 is the primary east–west thoroughfare, and SR-247 is the primary north–south thoroughfare. These two state highways play a critical role in Yucca Valley's position as the economic hub of the Morongo Basin.

California State Scenic Highway System: A list of highways, mainly state highways, that have been designated by the California Department of Transportation (Caltrans) as scenic highways. The California State Legislature (Section 263 of the Streets and Highways Code) makes highways eligible for designation as a scenic highway. For a highway to be declared scenic, the government with jurisdiction over abutting land must adopt a "scenic corridor protection program" that limits development, outdoor advertising, and earthmoving, and Caltrans must agree that it meets the criteria.

State Route 62 (Twentynine Palms Highway) is eligible for designation as a state-designated scenic highway and is 152 miles long. It begins 17 miles west of Yucca Valley and connects the town with Morongo Valley, Joshua Tree, and Twentynine Palms. Its eastern terminus is in Earp at the Arizona state line. Its western terminus connects with I-10, which gives Yucca Valley residents highway access to Palm Springs in 30 minutes, Los Angeles in 2 hours, and San Diego in 2 ½ hours.

State Route 247 is a 78-mile route entirely within San Bernardino County. Its southern terminus begins at SR-62 in Yucca Valley. The portion of the highway that runs from Yucca Valley to Lucerne Valley is known as Old Woman Springs Road. From Lucerne Valley, SR-247 travels north to Barstow, connecting with I-15. It is also eligible for designation as part of the State Scenic Highway System.

GOAL OSC 8

Preservation, conservation, and enhancement of Yucca Valley's scenic and visual resources.

Policies

Policy OSC 8-1 Minimize impacts to night skies by enforcing the Outdoor Lighting and Night Sky Ordinance (Ord. No. 90).

Policy OSC 8-2 Protect, preserve, and enhance the Town's hillsides, mountains, canyons, and natural desert terrain.

Policy OSC 8-3 Encourage development that provides public views of ridgelines and desert landscaping through building siting, design, and landscaping.

Policy OSC 8-4 Reduce the negative impacts of hillside development, including excessive cuts and fills, unattractive slope scars, and erosion and drainage problems.

Policy OSC 8-5 Preserve the steep slopes of the Sawtooth and Little San Bernardino Mountains and individual landmark peaks such as Burnt Mountain and Bartlett Mountain as permanent open space to protect their scenic value.

Policy OSC 8-6 Minimize the impact of hillside development by requiring conformance with the Town's Municipal Code and by utilizing the following principles:

a. Limit development of steep slopes through conformance with Town regulations that consider slope in the determination of appropriate minimum lot area for subdivisions and parcel maps, permitted floor area ratio (FAR), and density.

b. Encourage clustered development to preserve steep slopes as private or common open spaces to the greatest extent practicable.

c. Preserve the form of the existing topography by limiting cuts and fills, or through the requirement of natural landform grading.

d. Evaluate the height and visibility of new development to minimize the visual impacts new buildings create on natural landforms.

e. Promote hillside development that respects the natural landscape by designing grading and development patterns that follow natural topographic contours.

f. Encourage higher densities as a trade-off to support preservation of natural features and slopes that maintain the Town's desert character.

Policy OSC 8-7 Preserve scenic views along primary transportation corridors, particularly SR-62, recreational trails, and from public open spaces.

Policy OSC 8-8 Preserve and enhance natural scenic resources associated with major roadway viewsheds and open space corridors as essential assets reflecting the community's image and character.

PLANNING COMMISSION STAFF REPORT

To: Chairman & Planning Commission
From: Shane Stueckle, Deputy Town Manager
Diane Olsen, Planning Technician
Date: May 01, 2014
For Commission Meeting: May 13, 2014

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

Prior Commission Review: The Planning Commission discussed Home Occupation Permits at the meetings of August 27, 2013 and March 11, 2014.

Recommendation: That the Planning Commission reviews the draft regulations, takes public testimony and continues the public hearing to the Commission meeting of May 27, 2014.

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

The project is exempt from CEQA in accordance with Section 15061 (b)(3) of the California Environmental Quality Act. The proposed amendment to revise the Town's Home Occupation Permit Regulations has no potential to impact the environment. The proposed amendment does not alter the existing requirements that specific development projects must comply with the provisions of the California Environmental Quality Act. Development Code Amendment, DCA 02-14 meets the exemption criteria which states "that if an activity is covered by the general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment and where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA"

Order of Procedure:
Request Staff Report
Open the Public Hearing,
Request Public Comment
Close the Public Hearing
Council Discussion/Questions of Staff

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

Motion/Second
Discussion on Motion
Call the Question (Voice Vote)

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

While staff has made suggested modifications to the regulations, there are several policy areas that the Commission should review and discuss to ensure the regulations address the Commission's intended outcome for the process and standards for home based businesses.

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

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

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

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

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

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

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

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

Where Are Business Activities To Be Conducted: The current Ordinance identifies inside the primary structure, accessory structures, as well as storage and other associated activities outside of an enclosed structure. The Commission should discuss these standards and direct staff as to the allowable locations for home based business activities.

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

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

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

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

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

ORDINANCE NO. .

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

The Yucca Valley Town Council does ordains as follows.

Section 1:

9.08.050 Home Occupations

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

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

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

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

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

D. Exemptions

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

~~1. No Permit Required.~~

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

3. Conditional Use Permit.

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

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

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

1. That the proposed use is not prohibited;

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

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

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

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

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

H. **Home Occupation Permit Renewal.**

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

I. Home Occupation Permit Amendment

Refer to Article 5, Chapter 9.83 Permit Amendments

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

Refer to Article 5, Chapter 9.84 Permit Revocation

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

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

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

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

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

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

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

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

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

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

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

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

K~~G~~. Appeal.

Refer to Article 5, Chapter 9.81 Appeals

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

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

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

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

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

APPROVED AND ADOPTED this .

MAYOR

ATTEST:

TOWN CLERK

ORDINANCE NO. .

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

The Yucca Valley Town Council does ordain as follows.

Section 1:

9.08.050 Home Occupations

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

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

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

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

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

D. Exemptions

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

3. Conditional Use Permit.

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

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

1. That the proposed use is not prohibited;

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

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

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

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

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

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

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

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

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

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

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

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

APPROVED AND ADOPTED this _____ day of _____, 2014.

_____
MAYOR

ATTEST:

_____
TOWN CLERK

ORDINANCE NO. .

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

Section 1s:

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

9.75.010 – Purpose

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

9.75.020 – Applicability

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

9.75.030 – Procedures

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

Procedure: Staff Review without Notice
Reviewing Authority: Director

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

Procedure: Public Hearing
Reviewing Authority: Commission

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

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

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

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

9.75.040 – Application Submittal Requirements

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

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

9.75.050 – Application Fee

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

9.75.060 – Investigation and Report

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

9.75.070 – Required Findings

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

A. That the proposed use is not prohibited;

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

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

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

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

9.75.080 – Development of Property Before Final Decision

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

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

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

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

APPROVED AND ADOPTED this _____ day of _____, 2014.

_____
MAYOR

ATTEST:

_____
TOWN CLERK

ORDINANCE NO. .

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

Section 1:

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

9.75.010 – Purpose

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

9.75.020 – Applicability

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

9.75.030 – Procedures

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

Procedure: Staff Review without Notice
Reviewing Authority: Director

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

Procedure: Public Hearing
Reviewing Authority: Commission

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

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

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

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

9.75.040 – Application Submittal Requirements

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

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

9.75.050 – Application Fee

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

9.75.060 – Investigation and Report

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

9.75.070 – Required Findings

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

A. That the proposed use is not prohibited;

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

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

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

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

9.75.080 – Development of Property Before Final Decision

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

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

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

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

APPROVED AND ADOPTED this _____ day of _____, 2014.

_____
MAYOR

ATTEST:

_____
TOWN CLERK

CURRENT ORDINANCE

ORDINANCE NO. 178

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

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

SECTION 1. Development Code Amended.

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

"84.0615

Home Occupations

84.0615

(a) **PURPOSE AND INTENT:**

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

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

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

(1) That the proposed use is not prohibited;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(1) Animal hospitals;

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

(3) Junk yards;

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

(5) Mini-storage;

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

(7) Welding and machining.

(8) Cabinet shop.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(12) The garage shall not be altered externally;

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

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

SECTION 2. NOTICE OF ADOPTION. Within fifteen (15) days after the adoption hereof, the Town Clerk shall certify to the adoption of this Ordinance and cause it to be published once in a newspaper of general circulation printed and published in the County and circulated in the Town pursuant to Section 36933 of the Government Code.

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

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

MAYOR

ATTEST:

Town Clerk

APPROVED AS TO FORM:

Town Attorney

APPROVED AS TO CONTENT:

Town Manager

STATE OF CALIFORNIA

COUNTY OF SAN BERNARDINO

TOWN OF YUCCA VALLEY

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

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

Noes: None

Abstain: None

Absent: None

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

(SEAL)

Town Clerk of the Town of
Yucca Valley

PREVIOUS, NOW REPEALED ORDINANCE

Ordinance No. 54

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

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

SECTION 1. SECTION 84.0615 AMENDMENTS

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

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

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

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

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

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

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

SUMMARY OF STANDARDS

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

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

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

"(b) GENERAL STANDARDS.
All home occupations and cottage industries shall adhere to the following standards:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

"(e) PERMITTED HOME OCCUPATIONS/COTTAGE INDUSTRY.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

"(g) REVIEWING AUTHORITY AND ENFORCEMENT

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

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

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

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

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

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

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

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

"(h) APPEALS

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

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

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

SECTION 3. NOTICE OF ADOPTION. Within fifteen (15) days after the adoption hereof, the Town Clerk shall certify to the adoption of this Ordinance and cause it to be published once in a newspaper of general circulation printed and published in the County and circulated in the Town pursuant to Section 36933 of the Government Code.

SECTION 4. EFFECTIVE DATE. This Ordinance shall become effective thirty (30) days from and after the date of its adoption.

APPROVED AND ADOPTED by the Town Council and signed by the Mayor and attested by the Town Clerk this 20th day of April, 1995.

Mayor

ATTEST:

Town Clerk

APPROVED AS TO FORM:

Town Attorney

APPROVED AS TO CONTENT:

Town Manager

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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

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

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

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

DEPARTMENT REPORT

2. HOME OCCUPATION PERMITS

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

Chair Humphreville opened public comment.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

No action was taken.

3. WIND ENERGY CONVERSION SYSTEMS

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

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

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

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

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

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

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

LOCATION: Town wide

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

The proposed amendment to revise the Town's Home Occupation Permit regulations has no potential to impact the environment. The proposed amendment does not alter the existing requirements that specific development projects must comply with the provisions of the California Environmental Quality Act. Development Code Amendment, DCA 02-14 meets the exemption criteria which states "that if an activity is covered by the general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment and where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA".

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

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

Publish Date: Published on April 30, 2014

April 22, 2014 — /s/ Lesley R. Copeland
Date — Lesley R. Copeland
Town Clerk

Residential Policies

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

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

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

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

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

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

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

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

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

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

PLANNING COMMISSION STAFF REPORT

To: Chairman & Planning Commission
From: Shane Stueckle, Deputy Town Manager
Date: May 01, 2014
For Commission Meeting: May 13, 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, April 08, 2014, and April 22, 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 thru810.0135, 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, April 08, 2014 and April 22, 2014.

___ Department Report	X Ordinance Action	___ Resolution Action	X Public Hearing
___ Consent	___ Minute Action	___ Receive and File	___ 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, April 08, 2014 and draft minutes from April 22, 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 5-0-0-0 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

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

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

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

Pledge of Allegiance was led by Chair Humphreville

APPROVAL OF AGENDA

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

PUBLIC COMMENTS

None

PUBLIC HEARINGS

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

PUBLIC COMMENTS

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

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

With no further speakers, Chairman Humphreville closed public comments.

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

2. DEVELOPMENT CODE UPDATE ARTICLE 3

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

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

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

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

PUBLIC COMMENTS

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

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

With no further speakers, Chairman Humphreville closed Public Comments.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

DEPARTMENT REPORTS:

1. **HOME OCCUPATION PERMIT REGULATIONS**

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

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

PUBLIC COMMENTS

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

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

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

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

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

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

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

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

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

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

CONSENT AGENDA:

1. 2013 GENERAL PLAN ANNUAL REPORT

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

2. MINUTES

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

PUBLIC COMMENTS

None

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

STAFF REPORTS AND COMMENTS:

None

FUTURE AGENDA ITEMS:

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

COMMISSIONER REPORTS AND REQUESTS:

Commissioner Drozd thanked everyone for their participation.

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

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

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

Vice Chairman Bridenstine had no further comments.

Chairman Humphreville had no further comments.

ANNOUNCEMENTS:

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

ADJOURNMENT

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

Respectfully submitted,

Allison Brucker
Secretary

TOWN OF YUCCA VALLEY
PLANNING COMMISSION MEETING MINUTES
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 prosed variance was to allow the installation of a 258 square foot wall sign where 125 square foot of was signage is allowed. She explained that 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 staffs finding that none of these applied. Variances are only permitted when the follow 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 potentialy 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

Allison Brucker
Secretary

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

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

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

The Pledge of Allegiance was led by Chair Humphreville.

APPROVAL OF AGENDA

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

PUBLIC COMMENTS

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

PUBLIC HEARING

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

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

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

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

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

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

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

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

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

PUBLIC COMMENTS

None

MOTION

None

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

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

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

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

PUBLIC COMMENTS

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

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

END PUBLIC COMMENTS

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

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

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

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

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

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

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

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

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

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

PUBLIC COMMENT

None

END PUBLIC COMMENTS

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

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

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

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

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

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

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

PUBLIC COMMENT

None

END PUBLIC COMMENTS

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

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

PUBLIC COMMENT

None

END PUBLIC COMMENTS

MOTION

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

CONSENT AGENDA

1. **MINUTES**
   A request that the Planning Commission approves as submitted the minutes of the meeting held on April 8, 2014.

MOTION

Commissioner Whitten moved that the Planning Commission approve the Consent Agenda. The motion was seconded by Commissioner Drozd and passed unanimously.

STAFF REPORTS AND COMMENTS:

Deputy Town Manager Stueckle and Project Engineer Qishta provided a report on the status current projects. Chair Humphreville asked about the overlay on the gutters along the highway. Some of the gutters are significantly higher than others. Project Engineer Qishta explained that the variation was due to the Caltrans request to meet the 2 percent slope. Commissioner Drozd asked when the highway construction was scheduled to be completed. Staff explained that the current phase was scheduled to be completed by April 30th, and that while they did not have a specific end date for the next phase as of yet, the contract was a 120 day contract. Commissioner Whitten said that the process sounded disruptive to traffic. Staff said they would have a conversation with Caltrans regarding scheduling and traffic control.

FUTURE AGENDA ITEMS:

A public hearing for the Home Occupation Permit regulations and a request for variance on a front yard setback are both scheduled for the May 13, 2014 Planning Commission meeting. Commissioner Drozd asked if the matter associated with the Falossi HOP would be brought before the Planning Commission. Staff stated that the matter wouldn't be coming before the Planning Commission at the May 13th meeting, but it would be coming before the Commission at a later date as a separate issue for the discussion of Home Occupation Permit regulations.

COMMISSIONER REPORTS AND REQUEST:

Commissioner Drozd thanked everyone for their efforts.

Commissioner Lavender had no comments.

Commissioner Whitten thanked staff for their efforts, particularly Planning Technician Olsen. He asked that staff speak to Caltrans about putting something up to prevent illegal and unsafe turning movement in front of the AM PM. Staff informed him that this request, along with two others, is being addressed to Caltrans in writing. Commission Whitten also request that the discussion of Article 2 and the Home Occupation Permit regulations be continued on to the following meeting to allow him to be part of the discussion on these items.

Chairman Humphreville thanked staff for their efforts, particularly Planning Technician Olsen.

ANNOUNCEMENTS:

ADJOURNMENT

There being no further business, the meeting adjourned at 8:00 p.m.

Respectfully submitted,

Allison Brucker
Secretary

PLANNING COMMISSION STAFF REPORT

To: Chairman & Planning Commission
From: Shane Stueckle, Deputy Town Manager
Date: May 01, 2014
For Commission Meeting: May 13, 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 meetings of March 26, 2013 and April 22, 2014.

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 meetings of March 26, 2013 and April 22, 2014.

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

Order of Procedure:

Request Staff Report
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:

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
Draft Minutes from April 22, 2014

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

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

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

The Pledge of Allegiance was led by Chair Humphreville.

APPROVAL OF AGENDA

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

PUBLIC COMMENTS

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

PUBLIC HEARING

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

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

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

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

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

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

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

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

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

PUBLIC COMMENTS

None

MOTION

None

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

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

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

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

PUBLIC COMMENTS

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

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

END PUBLIC COMMENTS

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

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

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

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

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

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

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

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

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

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

PUBLIC COMMENT

None

END PUBLIC COMMENTS

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

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

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

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

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

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

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

PUBLIC COMMENT

None

END PUBLIC COMMENTS

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

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

PUBLIC COMMENT

None

END PUBLIC COMMENTS

MOTION

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

CONSENT AGENDA

1. MINUTES

A request that the Planning Commission approves as submitted the minutes of the meeting held on April 8, 2014.

MOTION

Commissioner Whitten moved that the Planning Commission approve the Consent Agenda. The motion was seconded by Commissioner Drozd and passed unanimously.

STAFF REPORTS AND COMMENTS:

Deputy Town Manager Stueckle and Project Engineer Qishta provided a report on the status current projects. Chair Humphreville asked about the overlay on the gutters along the highway. Some of the gutters are significantly higher than others. Project Engineer Qishta explained that the variation was due to the Caltrans request to meet the 2 percent slope. Commissioner Drozd asked when the highway construction was scheduled to be completed. Staff explained that the current phase was scheduled to be completed by April 30th, and that while they did not have a specific end date for the next phase as of yet, the contract was a 120 day contract. Commissioner Whitten said that the process sounded disruptive to traffic. Staff said they would have a conversation with Caltrans regarding scheduling and traffic control.

FUTURE AGENDA ITEMS:

A public hearing for the Home Occupation Permit regulations and a request for variance on a front yard setback are both scheduled for the May 13, 2014 Planning Commission meeting. Commissioner Drozd asked if the matter associated with the Falossi HOP would be brought before the Planning Commission. Staff stated that the matter wouldn't be coming before the Planning Commission at the May 13th meeting, but it would be coming before the Commission at a later date as a separate issue for the discussion of Home Occupation Permit regulations.

COMMISSIONER REPORTS AND REQUEST:

Commissioner Drozd thanked everyone for their efforts.

Commissioner Lavender had no comments.

Commissioner Whitten thanked staff for their efforts, particularly Planning Technician Olsen. He asked that staff speak to Caltrans about putting something up to prevent illegal and unsafe turning movement in front of the AM PM. Staff informed him that this request, along with two others, is being addressed to Caltrans in writing. Commission Whitten also request that the discussion of Article 2 and the Home Occupation Permit regulations be continued on to the following meeting to allow him to be part of the discussion on these items.

Chairman Humphreville thanked staff for their efforts, particularly Planning Technician Olsen.

ANNOUNCEMENTS:

ADJOURNMENT

There being no further business, the meeting adjourned at 8:00 p.m.

Respectfully submitted,

Allison Brucker
Secretary

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

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

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

The Pledge of Allegiance was led by Chair Humphreville.

APPROVAL OF AGENDA

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

PUBLIC COMMENTS

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

PUBLIC HEARING

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

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

PUBLIC COMMENTS

None

MOTION

None

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

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

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END PUBLIC COMMENTS

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

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PUBLIC COMMENT

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END PUBLIC COMMENTS

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

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

PUBLIC COMMENT

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END PUBLIC COMMENTS

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PUBLIC COMMENT

None

END PUBLIC COMMENTS

MOTION

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

CONSENT AGENDA

1. MINUTES

A request that the Planning Commission approves as submitted the minutes of the meeting held on April 8, 2014.

MOTION

Commissioner Whitten moved that the Planning Commission approve the Consent Agenda. The motion was seconded by Commissioner Drozd and passed unanimously.

STAFF REPORTS AND COMMENTS:

Deputy Town Manager Stueckle and Project Engineer Qishta provided a report on the status current projects. Chair Humphreville asked about the overlay on the gutters along the highway. Some of the gutters are significantly higher than others. Project Engineer Qishta explained that the variation was due to the Caltrans request to meet the 2 percent slope. Commissioner Drozd asked when the highway construction was scheduled to be completed. Staff explained that the current phase was scheduled to be completed by April 30th, and that while they did not have a specific end date for the next phase as of yet, the contract was a 120 day contract. Commissioner Whitten said that the process sounded disruptive to traffic. Staff said they would have a conversation with Caltrans regarding scheduling and traffic control.

FUTURE AGENDA ITEMS:

A public hearing for the Home Occupation Permit regulations and a request for variance on a front yard setback are both scheduled for the May 13, 2014 Planning Commission meeting. Commissioner Drozd asked if the matter associated with the Falossi HOP would be brought before the Planning Commission. Staff stated that the matter wouldn't be coming before the Planning Commission at the May 13th meeting, but it would be coming before the Commission at a later date as a separate issue for the discussion of Home Occupation Permit regulations.

COMMISSIONER REPORTS AND REQUEST:

Commissioner Drozd thanked everyone for their efforts.

Commissioner Lavender had no comments.

Commissioner Whitten thanked staff for their efforts, particularly Planning Technician Olsen. He asked that staff speak to Caltrans about putting something up to prevent illegal and unsafe turning movement in front of the AM PM. Staff informed him that this request, along with two others, is being addressed to Caltrans in writing. Commission Whitten also request that the discussion of Article 2 and the Home Occupation Permit regulations be continued on to the following meeting to allow him to be part of the discussion on these items.

Chairman Humphreville thanked staff for their efforts, particularly Planning Technician Olsen.

ANNOUNCEMENTS:

ADJOURNMENT

There being no further business, the meeting adjourned at 8:00 p.m.

Respectfully submitted,

Allison Brucker
Secretary