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## Chapter 9.69 Special Use Permits

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### 9.69.010 – Purpose

The Special Use Permit Review procedure allows the Town to evaluate proposed development and determine its consistency with the General Plan, the Development Code and applicable Town ordinances. The Special Use Permit Review procedure is intended to protect and enhance the visual appeal, environment, economic stability and property values of the Town's residential, commercial, and industrial areas through the application of the provisions of this Code and the General Plan. Review of such uses is necessary and specific conditions of approval may be necessary to ensure that the uses are developed, operated and located properly with respect to their effects on surrounding properties and so that any and all potentially adverse impacts are mitigated, and to ensure the general health, safety and welfare of the community through implementation of the General Plan through this Chapter. The Special Use Permit Review process is intended to preserve the Town of Yucca Valley's unique character and to implement the General Plan by creating a built environment that is consistent and compatible with the desert environment.

### 9.69.020 – Applicability

The provisions of the Chapter are applicable to:

- A. All uses which are listed in the Permitted Land Use and Permit Requirements Tables for the underlying land use districts that require a Special Use Permit Review, including, but not limited to:
  - 1. Bed and Breakfast Lodging
  - 2. Animal Keeping, Breeding/Raising of densities greater than those specified by Section 9.08.020.
  - 3. Exotic Animals
  - 4. Private Kennels/Small Animals

5. Recycling Facilities
6. Large Family Day Care
7. Emergency Homeless Shelters

#### **9.69.030 – Procedures**

- A. Director shall review and act upon requests for Special Use Permits subject to the findings and conditions for each use type as cited within the section of the Code that provides for said use.
- B. Procedure: Staff Review With Notice.  
Reviewing Authority: Director
- C. When necessary, the Director may hold an advertised meeting to consider evidence and take testimony prior to acting upon an application for a Special Use Permit.
- D. In approving an application for a Special Use Permit, the Director may impose conditions to ensure compliance with this Code.
- E. Revocation of a Special Use Permit. Noncompliance with the conditions set forth in approving the permit shall be grounds for the reviewing authority to cancel and void any Special Use Permit. 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*.

#### **9.69.040 – Application Submittal Requirements**

Applications for Special Use 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 package or by other applicable ordinances or by the Town in order for the Director to make the required findings.

#### **9.69.050 – 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.

#### **9.69.060 – Investigation and Report**

The Director shall cause an analysis of each application for a Special Use 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 application's 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 listing of proposed conditions necessary to guarantee the public health, safety and welfare, should the proposed project be approved.

### **9.69.070 – Required Findings**

Before approving a Special Use Permit, the Director shall find that the circumstances established below apply:

- A.** That the location, size, design, density and intensity of the proposed use is consistent with the General Plan, the purpose of the land use district in which the site is located, and the development policies and standards of the Town;
- B.** That the location, size, design and architectural design features of the proposed structures and improvements are compatible with the site's natural landform, surrounding sites, structures and streetscapes;
- C.** That the development proposal does not unnecessarily block views from other buildings or from public ways, or visually dominate its surroundings with respect to mass and scale to an extent unnecessary and inappropriate to the use;
- D.** That quality in architectural design is maintained in order to enhance the visual desert environment of the Town and to protect the economic value of existing structures;
- E.** That there are existing public facilities, services, and utilities available at the appropriate levels and/or that new or expanded facilities, services and utilities shall be required to be installed at the appropriate time to serve the project as they are needed;
- F.** That access to the site and circulation on and off-site is required to be safe and convenient for pedestrians, bicyclists, equestrians and motorists;
- G.** That traffic generated from the proposed project has been sufficiently addressed and mitigated and will not adversely impact the capacity and physical character of surrounding streets;
- H.** That there will not be significant harmful effects upon environmental quality and natural resources including endangered, threatened, rare species, their habitat, including but not limited to plants, fish, insects, animals, birds or reptiles;
- I.** That there are no other relevant or anticipated negative impacts of the proposed use that cannot be mitigated and reduced to a level of non-significance in conformance with CEQA, the California Environmental Quality Act;
- J.** That the impacts which could result from the proposed development, and the proposed location, size, design and operating characteristics of the proposed development, and the conditions under which it would be operated or maintained will not be considered to be detrimental to the public health, safety and welfare of the community or be materially injurious to properties and/or improvements within the immediate vicinity or be contrary to the General Plan; and
- K.** That the proposed development will comply with each of the applicable provisions of the Development Code and applicable Town policies, except approved variances.

### **9.69.080 – Development of Property Before Final Decision**

A building permit shall not be issued for, and no person shall commence to use, any structure until that structure and its accompanying development has received a Special Use Permit in compliance with the provisions of this Chapter. In addition, no other permits shall be issued for any use or structure requiring a Special Use Permit unless and until the Special Use Permit has been approved.