

TOWN OF YUCCA VALLEY PLANNING COMMISSION MEETING



*The Mission of the Town of Yucca Valley is to
provide a government that is responsive to its citizens
to ensure a safe and secure environment
while maintaining the highest quality of life.*

**PLANNING COMMISSION: 6:00 PM
TUESDAY, DECEMBER 8, 2015**

**YUCCA VALLEY COMMUNITY CENTER
YUCCA ROOM
57090 TWENTYNINE PALMS HWY
YUCCA VALLEY, CA 92284**

*** * * ***

**Planning Commission
Jeff Drozd, Commissioner
Jeff Evans, Commissioner
Charles McHenry, Commissioner
Steven Whitten, Vice Chairman
Vicki Bridenstine, Chairman**

*** * * ***

**TOWN ADMINISTRATIVE OFFICE:
760-369-7207**

www.yucca-valley.org

**AGENDA
MEETING OF THE
PLANNING COMMISSION
TUESDAY, DECEMBER 8, 2015
6:00 PM**

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.

An agenda packet for the meeting, and any additional documents submitted to the majority of the Planning Commission, are available for public view in the Town Hall lobby and with respect to the staff agenda packet, on the Town's website, www.yucca-valley.org, prior to the Regular Meeting. Any materials submitted to the Agency after distribution of the agenda packet will be available for public review in the Town Clerk's Office during normal business hours and will be available for review at the Regular Meeting. For more information on an agenda item or the agenda process, please contact the Town Clerk's office at 760-369-7209 ext. 226.

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 Commission Secretary. The Chair will recognize you at the appropriate time. Comment time is limited to 3 minutes.

Where appropriate or deemed necessary, action may be taken on any item listed in the agenda.

OPENING CEREMONIES:

CALL TO ORDER:

ROLL CALL:

PLEDGE OF ALLEGIANCE:

APPROVAL OF AGENDA:

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 Commission Secretary before the consent calendar is called.

MINUTES APPROVAL:

1. Planning Commission - Regular Meeting - Nov 10, 2015 6:00 PM

DEPARTMENT REPORTS:

2. Landscape Plan, LP 01-14; Native Plant Plan, NPP 82-14; Sage Estates, Tract 17862: Southeast corner of Golden Bee and Sage Avenue

Recommendation:

That the Planning Commission accepts the revised Native Plant inventory information and requires the submittal of a revised landscaping plan consistent with Section 9.07.130, Native Landscape Documentation Package, of the Yucca Valley Development Code.

3. Commercial Establishment Outdoor Merchandise Display Commercial Establishment Parking Lot Sales

Recommendation:

That the Planning Commission reviews and discusses the sample draft ordinances, and forwards a recommendation to the Town Council for direction on the potential Development Code amendments.

FUTURE AGENDA ITEMS:

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 on the Closed Session or not on the agenda. When you are called to speak, please state your name and community of residence. Please limit your comments to three (3) minutes or less. Inappropriate behavior which disrupts, disturbs 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.

STAFF REPORTS AND COMMENTS:

- Private Land Development Report
- Capital Projects Update Report

COMMISSIONER REPORTS AND COMMENTS:

ANNOUNCEMENTS:

The next meeting of the Planning Commission will be held on December 22, 2015.

ADJOURNMENT:

**TOWN OF YUCCA VALLEY
PLANNING COMMISSION MEETING MINUTES
NOVEMBER 10, 2015**

OPENING CEREMONIES

Chair Bridenstine called the meeting to order at 6:00 PM.

CALL TO ORDER

ROLL CALL

Commissioners Present:
Jeff Drozd, Commissioner
Jeff Evans, Commissioner
Charles McHenry, Commissioner
Steven Whitten, Vice Chairman
Vicki Bridenstine, Chairman

PLEDGE OF ALLEGIANCE

APPROVAL OF AGENDA

RESULT: **APPROVED [UNANIMOUS]**
MOVER: Steven Whitten, Vice Chairman
SECONDER: Jeff Evans, Commissioner
AYES: Drozd, Evans, McHenry, Whitten, Bridenstine

CONSENT AGENDA

RESULT: **APPROVED [UNANIMOUS]**
MOVER: Steven Whitten, Vice Chairman
SECONDER: Charles McHenry, Commissioner
AYES: Drozd, Evans, McHenry, Whitten, Bridenstine

MINUTES APPROVAL

1. Approval of October 13, 2015 Planning Commission Regular Meeting Minutes

Recommendation

That the Planning Commission approve as submitted the minutes of October 13, 2015.

PUBLIC COMMENTS ON CONSENT AGENDA

None

CLOSE PUBLIC COMMENTS

Minutes Acceptance: Minutes of Nov 10, 2015 6:00 PM (Minutes Approval)

PUBLIC HEARING**2. Environmental Assessment, EA 09-15 ; Variance, V 02-15; Land Use Compliance Review, LUCR 02-15 Social Security Administration Building****Recommendation:**

Environmental Assessment, EA 09-15: That the Planning Commission finds the project exempt from CEQA pursuant to Section 15301, Class 01, Existing Facilities.

Variance, V 02-15: That the Planning Commission approves V-02-15, approving a 17.5 foot encroachment into a recorded building setback area, based upon the information contained within the staff report and the required findings.

Land Use Compliance Review, LUCR 02-15: That the Planning Commission approves LUCR 02-15, approving the construction of a 554 square foot addition to the existing Social Security Administration building, based upon the findings, the information contained within the staff report and the recommended conditions of approval.

STAFF REPORT

Planning Technician Diane Olsen provided the staff report. She provided an overview of the project which was a proposed addition to an existing Social Security Administration Building. The project included a variance request to encroach 17.5 feet into the recorded building setback area. Staff said that the proposed addition will match the materials and colors of original structure, and that with the addition the total parking requirement for the property would be 22 parking spaces, one of which must be ADA van accessible. The proposed project will have 24 parking spaces, two of which are ADA compliant. The property has a 68 foot setback identified for a proposed outer highway and for Edison facilities. The outer highway was abandoned in 1974 and the applicant had obtained authorization from Edison to encroach into their setback. Staff said that a variance could only be granted if the property met the four required findings. Staff said that the proposed project did meet these requirements, and noted that the setback for the abandoned outer highway only existed on the north side of SR 62 from Scarvan to Palm and that the planned outer highway created a setback that was not applied to other similarly zoned properties in the surrounding area. Staff also stated that the outer highway was not included in the General Plan circulation element.

PUBLIC COMMENT ON ITEM 2

None

CLOSE PUBLIC COMMENT

Commissioner McHenry asked staff about Condition E18 in the Conditions of Approval, which referred to infrastructure on Kickapoo trail. Staff said that was an error in the

conditions and would be removed. Commissioner McHenry said that it was a straightforward project, and that he didn't have any concerns.

Commissioner Drozd asked if there would be any issues with the future highway widening. Staff said that there would not be, and that the property owner had already signed a grant of easement for the highway widening.

Commissioner Whitten spoke in support of the project. He asked staff if it was possible to approve the variance in such a way that it applied to all of the parcels affected by the abandoned outer highway setback. Staff said that there wasn't a way to accomplish that as part of this item, but staff would research options for addressing that issue.

Commissioner Evans asked if there were going to be any new fire code restrictions or other safety issues related to fire caused by the expansion of the property. Staff said that prior to the issuance of permits, Building and Safety requires that plans approved by the County Fire Department must be submitted. The County Fire department will determine what measures are required

Chair Bridenstine asked if at least one of the ADA complaint spaces would be van accessible. Staff said that it was. Chair Bridenstine agreed with Commissioner Whitten that it would be desirable to remove the outer highway setback for the other affected properties.

Staff noted that the property owner for this project had elected not to pay a representative to be present at the meeting. They had reviewed the conditions of approval and stated that they had no concerns with them.

MOTION

Moved that the Planning Commission finds the project exempt from CEQA pursuant to Section 15301, Class 01, and that the Planning Commission approves V-02-15 based upon the information contained in the staff report and the required findings, and that the Planning Commission approves LUCR 02-15 approving the construction of a 554 square foot addition to the existing Social Security Administration building, based upon the findings, the information contained within the staff report and the recommended conditions of approval, amended to remove condition E18.

RESULT: **APPROVED AS AMENDED [UNANIMOUS]**
MOVER: Steven Whitten, Vice Chairman
SECONDER: Charles McHenry, Commissioner
AYES: Drozd, Evans, McHenry, Whitten, Bridenstine

DEPARTMENT REPORTS**3. Five Year Capital Improvement Program****Recommendation:**

That the Planning Commission:

- A. Finds that the project is exempt from CEQA in accordance with Section 15378(b) (4) and Section 15061 (b) (3) of the California Environmental Quality Act. The Capital Improvement Program (CIP) is not a project nor is there possibility of a significant effect on the environment from the program. Further the CIP does not result in a commitment to any specific project.
- B. Recommends that the Planning Commission recommends that Town Council approve and adopt the Five Year Capital Improvement Program for Fiscal Years 2015/2016 through 2019/2020

STAFF REPORT

Project Engineer Qishta provided the staff report. The item was the presentation of the 5-year Capital Improvement Program to the Planning Commission for review and recommendation to the Town Council.

PUBLIC COMMENT ON ITEM 2

None

CLOSE PUBLIC COMMENT

Commissioner Evans asked staff about flood control funds. Staff said that flood control projects would have to come from impact fees, and that staff would be looking into what options were available given the limited amount of funds available.

Commissioner Whitten asked staff to clarify the need for design services on Onaga Trail. Staff said that the project was for the paving of Onaga from Kickapoo to Camino Del Cielo, and that this connection was important to future traffic circulation. Commissioner Whitten asked for clarification on the Yucca Trail safety study, and staff provided information about that process and stated that the report would include immediate, intermediate and long term safety improvements. Commissioner Whitten also asked staff about the intersection of Sage and SR62, and staff said that they will be looking into alternatives.

Commissioner Drozd asked about some of the unfunded projects, specifically the equestrian show grounds and the performing arts facility. Staff said that those items

were identified in the Park and Recreation Master Plan which was adopted in 2008.

Commissioner McHenry asked staff about the proposed paving of Golden Bee. Staff said that it was intended to provide an alternative neighborhood route on the south side of Town.

Commissioner McHenry asked about paving of Golden Gee to Cholla? Commissioner McHenry asked for additional details regarding Joshua Lane and Onaga Trail, which staff provided.

Chair Bridenstine commented that she was happy to see no flood control until the master plan of drainage was revised. She said that plan was flawed and that she would like it to be revised and upgraded before any drainage projects go forward. She asked staff how they prioritized study projects. Staff said that there was a variety of factors which go into establishing priorities on projects. Chair Bridenstine said that some projects such as the widening of the highway is so high that it might be preferable to choose issues that can improve safety but are not as astronomically high. Chair Bridenstine said that, given that the cost of some projects was so high, it might be preferable to choose items which can improve safety but were more achievable. She also spoke in support of having projects ready to implement when funds become available.

MOTION

Commissioner Whitten moved that the Planning Commission finds that the project is exempt from CEQA in accordance with Section 15378(b) (4) and Section 15061 (b) (3) of the California Environmental Quality Act, and that the Planning Commission recommends that the Town Council approve and adopt the Five Year Capital Improvement Program for Fiscal Years 2015/2016 through 2019/2020. Commissioner Evans seconded and the motion passed unanimously.

RESULT: **APPROVED [UNANIMOUS]**
MOVER: Steven Whitten, Vice Chairman
SECONDER: Jeff Evans, Commissioner
AYES: Drozd, Evans, McHenry, Whitten, Bridenstine

FUTURE AGENDA ITEMS

Staff said they did not anticipate a meeting on October 24, 2015.

PUBLIC COMMENTS**PUBLIC COMMENTS**

- Nancy McHenry, Yucca Valley, spoke about the need to complete the sidewalks along SR62 to connect the existing sidewalk segments.

CLOSE PUBLIC COMMENTS**STAFF REPORTS AND COMMENTS**

Deputy Town Manager Stueckle provided an update on the status of current and upcoming private land development, and stated that the capital improvement update had been included as part of the 5 Year Capital Improvement Plan staff report. Staff also provided information regarding AB52 which could add a minimum of 45 days to the timeline of some projects before they can be advertised for Public Hearing.

COMMISSIONER REPORTS AND COMMENTS

Commissioner Drozd thanked everyone, and wished everyone a great Thanksgiving.

Commissioner Evans spoke in support of the Five Year Capital Improvement Plan. He stated that the High School's Academic Council and site based management team had decided to draft a letter to the town request a traffic study on Sage in front of the High School. He also thanked staff.

Commissioner McHenry thanked staff and wished everyone a happy thanksgiving and a happy veterans day.

Commissioner Whitten thanked staff and spoke about the importance of the armed forces and Veterans Day. He said that he has spoken before of the need to connect the sidewalks on SR62, and he also commented on the monthly sewer cost and that it was unfortunate that Measure U didn't go through. He thanked staff and his fellow commissioners.

Chair Bridenstine spoke in support of her fellow Commissioners' comments. She said that the gaps in the sidewalk along SR62 were a concern. She thanked staff, and wished everyone a happy Thanksgiving.

ANNOUNCEMENTS

The next meeting of the Planning Commission will be held on November 24, 2015 at 6:00 PM.

YUCCA VALLEY PLANNING COMMISSION MINUTES**November 10, 2015****ADJOURNMENT**

The meeting was adjourned at 7:40 pm.

Respectfully Submitted,

Allison Brucker

Commission Secretary

Minutes Acceptance: Minutes of Nov 10, 2015 6:00 PM (Minutes Approval)

Town of Yucca Valley

PLANNING COMMISSION STAFF REPORT

To: Honorable Chair and Planning Commissioners
From: Diane Olsen, Planning Technician
 Shane Stueckle, Deputy Town Manager
Date: November 23, 2015
Meeting Date: December 8, 2015

Subject: Landscape Plan, LP 01-14; Native Plant Plan, NPP 82-14; Sage Estates, Tract 17862: Southeast corner of Golden Bee and Sage Avenue

Recommendation:

That the Planning Commission accepts the revised Native Plant inventory information and requires the submittal of a revised landscaping plan consistent with Section 9.07.130, Native Landscape Documentation Package, of the Yucca Valley Development Code.

Prior Review

The Planning Commission reviewed this matter at its meeting of December 2, 2014.

Executive Summary

The Yucca Valley Development Code, Section 9.07.130, Native Landscape Documentation Package, establishes the standards and requirements for issuance of native plant permits for new residential subdivisions, as well as other projects. The Planning Commission issued approvals for Tract 17862 at the meeting of December 2, 2014. Since that time, the applicant has submitted revised native plant inventory information. Pursuant to the letter from Ray Lopez dated October 8, 2015, the applicant is requesting approval "to adjust the planting design in the field to adjust for the new numbers in lieu of creating a new landscape native relocation plan".

Order of Procedure

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

Discussion

At the Planning Commission meeting of December 2, 2014, the Planning Commission approved the Landscaping Plan and Native Plant Plan for Tract 17862, also referred to as Sage Estates.

A total of 790 Joshua Trees and 422 Mojave Yucca plants are identified as likely to survive relocation/transplanting.

A total of 69 Joshua Trees and 95 Mojave Yucca plants are identified as not likely to survive relocation/transplanting.

A minimum of 525 Joshua Trees and 372 Yucca plants are being relocated back on site; additional plants may be transplanted back on-site based upon available locations.

Approximately 265 Joshua Trees and 50 Mojave Yucca are available for adoption, unless these plants are used for on-site landscaping beyond those numbers identified above.

The above numbers may be modified, subject to appropriate approval levels, based upon an updated native plant survey.

The applicant will install decomposed granite within the landscaping areas of the Sage Avenue parkway and individual single family residential lots to the back of sidewalk(s);

In 2009, a Native Plant Survey was conducted at the project site. That survey identified 517 Mojave Yuccas and 859 Joshua Trees present on the site. In February of 2015, a new Native Plant Survey was conducted which identified only 166 Mojave Yuccas, some of which are clusters, and 298 Joshua Trees located on the project site.

On October 29, 2015, the applicant submitted a request for revision to the above approval. A copy of the application request is attached to this staff report. Pursuant to the letter from Ray Lopez dated October 08, 2015, the applicant is requesting approval “to adjust the planting design in the field to adjust for the new numbers in lieu of creating a new landscape native relocation plan”.

In summary, the revised application request makes the following requested modifications to the approved permits for the project site.

PLANT	ORIGINAL APPROVAL	REVISED REQUEST
Joshua Trees	525	210
Mojave Yucca’s	372	310
Cats Claws	240	250

As indicated at the December 2, 2014 meeting, the applicant indicated the following would be available for adoption off site.

PLANT	ORIGINAL APPROVAL	REVISED REQUEST
Joshua Trees	265	0
Mojave Yucca's	50	0
Cats Claws	0	0

And finally, the original approved permits indicated 69 Joshua Trees and 95 Mojave Yuccas would not survive the transplanting process.

The applicant has requested that the requirement to prepare a plan identifying the proposed placement and locations of native plants be waived, and that the plants are placed as desired during construction. This request is contrary to development regulations, and does not allow for staff or Planning Commission review or approval of a native plant plan as required by the Development Code.

Alternatives

Staff recommends no alternative action.

Fiscal Impact: NA

Attachments:

- 01 Landscape and NPP amendment request 10-29-15
- 02 Planning Commission Minutes 12-02-2014
- 03 Section 9.07.130 Native Plants

TOWN OF YUCCA VALLEY

LANDSCAPE PLAN, LP 01-14 AND PLANT PLAN APPLICATION, NPP 82-14

SAGE ESTATES BY COPPER HILL HOMES, LLC
(AMMENDED APPLICATION FOR GOOD CAUSE)

SUMMARY

The Sage Estates Development has made dedicated efforts to preserve every Joshua Tree & Mojave Yucca plant possible. In fact we have held an inventory in our 'On Site Nursery':

210 Joshua Trees in the preferred replanting range of 3' to 6 feet in height (with some larger, at 7 ft). These are Trees to be replanted back on to the individual properties, as well as the perimeter of the Development (see Exhibit C).

310 Mojave Yucca's are being held in the On-Site Nursery. These plants will be replanted back into the Development (see photos of On-site Nursery. Exhibit D).

250 Cat Claws have also been consigned to be grown from seedling; whereas those 'New Cat Claws plants' will REPLACE any Cat Claw Plants REMOVED from the Sage Estates Development areas which bared braches greater than inches in diameter.

65 Joshua Trees were delivered off-site through a **Tree Adoption Program** which was administered by Copper Hill Homes, LLC. These Trees were Total Plant Number Retained or Adopted-out by Copper Hill Homes, LLC is as listed above is Five Hundred and Eighty (see Exhibit D).

CONCLUSION

The Trees & Plants which were best suited for 'Replanting' in early 2015 are listed in detail by Circle Mountain Biological Group, Mr. Ed LaRue (Please see Exhibit C). This report details all TREES within the NEW SUGGESTED RANGE... 3 to 6 feet and not apart of clusters. Mr. LaRue numbers each tree and provides it Satellite Location in the said report.

The Town of Yucca Valley approved the LANDSCAPE PLAN for the Sage Estate Development in the recent past; December of 2014 (see Exhibit A). The process of applying for the Town's approval for the said Landscape Plans Application began some time earlier. There was a 'detailed report' done in the year 2009 by a local professional Joshua Tree & Native Plant expert, Mr. Archie M. Rieser (Please see report, Exhibit A page 3). In the time between 2009 and 2015, Six (6) years it became visible that may plants from the report from in 2009 just were not on the project site in 2015.

RECEIVED
OCT 29 2015
TOWN OF YUCCA VALLEY
CIVIL DIV

As the State of California has had server drought over the last 10 years many of the Joshua Tress which were counted in that 2009 Report did survive the shock endured in the change of climate (see Exhibit B).

DECLARATION

The Administration and Staff at Copper Hill Homes, LLC would like to express in writing our sincere commitment to maintaining & beatifying our desert community. Our development plans express our designs and our finished product will reflect our best intensions to present a ‘high quality’ product and presentation for the community.

All the Joshua Tree, Mojave Yucca’s and Native Plants number present in this Amendment to: **LANDSCAPE PLAN, LP 01-14 AND PLANT PLAN APPLICATION, NPP 82-14** are true and correct to the best of our understanding.

Signed this 29th day of October 2015

Thank you respectfully,

Copper Hill Homes, LLC Date



(760) 365-0649
 Fax (760) 369-1338

SAGE ESTATES BY COPPER HILL HOMES, LLC / TOWN OF YUCCA VALLEY

(AMENDMENT TO PROJECT LANDSCAPE PERMIT APPLICATION)

INDEX

INTRODUCTION LETTER, STATEMENT OF FACTS & DECLARATION from the Developer, and Staff at Copper Hill Homes, LLC
2 pages

Exhibit A

Town of Yucca Approval Letter in support of LANDSCAPE PLAN, LP 01-14 AND PLANT PLAN APPLICATION, NPP 82-14 (December 08, 2014 w/ 2009 Archie M. Rieser Report, 2009)

7 Pages

Exhibit B

Amendment Letter from RAY LOPEZ ASSOCIATES Landscape Architecture & Planning, 56-960 Jackson Street, Vista Santa Rosa, CA 9224. *Scope of Work during the Permitting Process.*

1 page

Exhibit C

Circle Mountain Biological Consultants, Inc. *Count of Joshua Tress within the New Recommended Range & Specifications* (Field Expert on site during Dr. Ed LaRue Jr.)

12 pages

Exhibit D

The Adoption Program and Nursery 01/2015 - 06/2015, Total of 65 Trees

5 Pages

EXHIBIT A

COPY

December 08, 2014

Bill Warner
Nolte VerticalFive
42-829 Cook Street, Ste 104
Palm Desert, CA 92211

**RE: LANDSCAPE PLAN, LP 01-14 AND NATIVE PLANT PLAN
APPLICATION, NPP 82-14
SAGE ESTATES FOR TRACT MAP 17862**

Mr. Warner:

At their meeting of Tuesday, December 02, 2014, the Planning Commission approved the Landscape Plan and Native Plant application for Tract Map 17862, Sage Estates. Based upon the Archie Riser native plant survey completed in 2009, the landscape plans submitted by Ray Lopez and the information provided at the meeting:

1. A total of 790 Joshua Trees and 422 Mojave Yucca plants are identified as likely to survive relocation/transplanting.
2. A total of 69 Joshua Trees and 95 Mojave Yucca plants are identified as not likely to survive relocation/transplanting.
3. A minimum of 525 Joshua Trees and 372 Yucca plants are being relocated back on site; additional plants may be transplanted back on-site based upon available locations.
4. Approximately 265 Joshua Trees and 50 Mojave Yucca are available for adoption, unless these plants are used for on-site landscaping beyond those numbers identified in #3 above.
5. The above numbers may be modified, subject to appropriate approval levels, based upon an updated native plant survey.
6. The applicant will install decomposed granite within the landscaping areas of the Sage Avenue parkway and individual single family residential lots to the back of sidewalk(s);

There is a minimum 60 day adoption period for native plants. The applicant shall submit a Native Plant application form and verify the above numbers.

Planning (760) 369-6575 x 317
 Public Work (760) 369-6579 x 308
 Building and Safety (760) 369-6099 x 302
 Code Compliance (760) 369-6573 x 311
 Engineering (760) 369-6575 x 308
 Planning & Safety Inspection (760) 369-6572
 FAX (760) 369-6098



The Town of
Yucca Valley

COMMUNITY DEVELOPMENT/PUBLIC WORKS DEPARTMENT
58928 Business Center Dr.
Yucca Valley, California 92284

Please note that actions by the Planning Commission may be appealed to the Town Council within 10 calendar days. The appeal period ends on December 12, 2014. Appeal application filing and processing information may be obtained from the Planning Division of the Community Development Department.

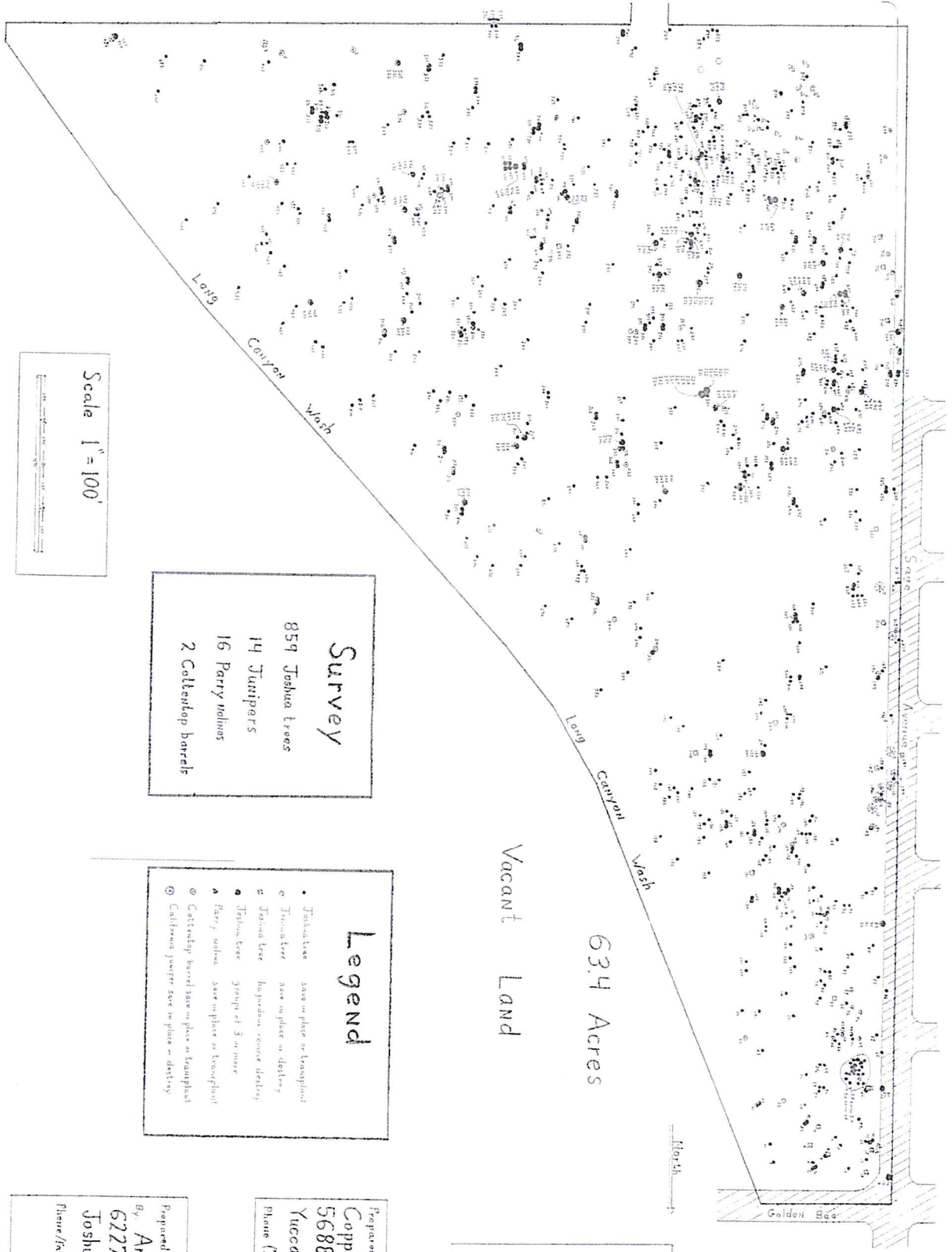
If you have any questions or require additional information, please feel free to contact staff at 760-369-6575, ext 317.

Best regards,



Diane Olsen
Planning Technician

Protected Desert Native Plant Survey and Site Plan TTM 17862



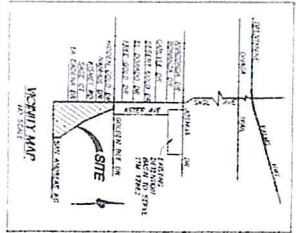
Survey

- 859 Joshua Trees
- 14 Junipers
- 16 Parry Holms
- 2 Collettrop barrels

Legend

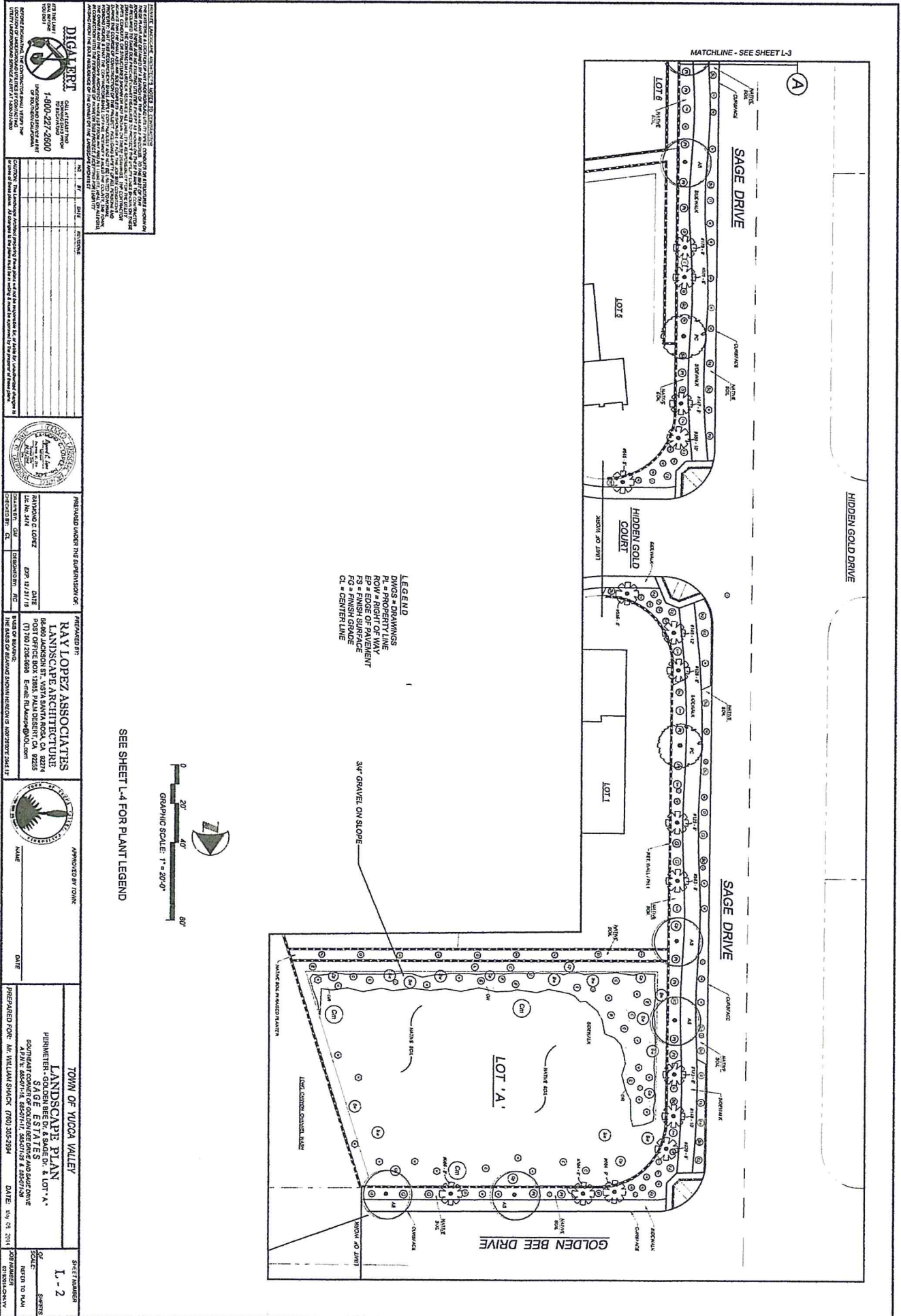
- Joshua tree - same on place or transplant
- Joshua tree - same on place or destroy
- Joshua tree - hypothetical source destroy
- ▲ Joshua tree - groups of 3 or more
- ▲ Parry holms - same on place or transplant
- Collettrop barrel same on place or transplant
- ⊕ California juniper tree on place or destroy

Scale 1" = 100'



Prepared For:
Copper Hills Homes LLC
 56889 Golden Bee
 Yucca Valley CA 92284
 Phone (760) 365-0649

Prepared: **March 2009**
 By: **Archie M. Rieser Sr**
 62274 Canterbury St.
 Joshua Tree CA 92252
 Please Fax (760) 366-3165



DIGITAL ART
 1-800-227-2800
 1000 W. 10TH AVENUE, SUITE 100
 DENVER, CO 80202

NO.	DATE	REVISIONS

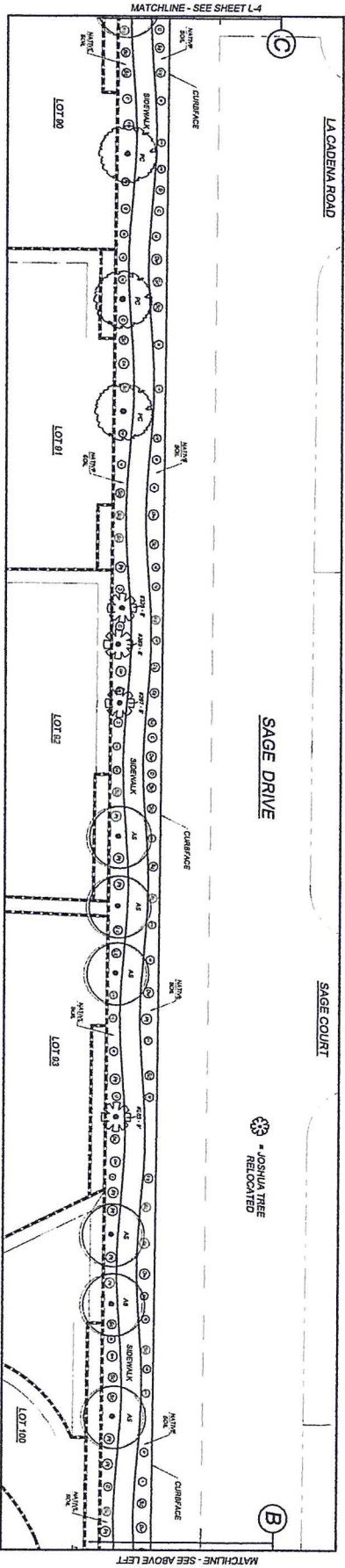
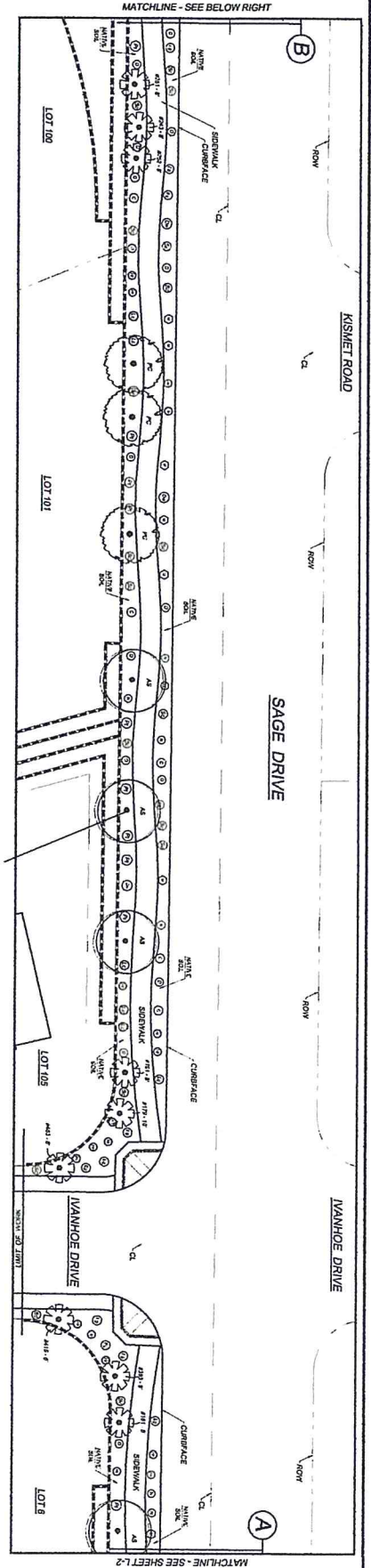


PREPARED UNDER THE SUPERVISION OF
RAY LOPEZ ASSOCIATES
 LANDSCAPE ARCHITECTURE
 16480 JACKSON ST., SUITE 100, PALM BEACH, FL 33411
 (561) 655-8888

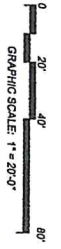
APPROVED BY TOWN:
TOWN OF YUCCA VALLEY
 LANDSCAPE PLAN
 PENNIMETER - GOLDEN BEE & SAGE DR. & LOT 'A'
 4/11/15
 DATE: 04/03/15

PREPARED FOR: MR. WILLIAM SWACK (760) 365-2894
 DATE: 04/03/15

SHEET NUMBER: **L-2**
 OF SHEETS: **2**
 REFER TO PLAN: **LOT 'A'**
 TOWN OF YUCCA VALLEY



- LEGEND**
- DWG'S - DRAWINGS
 - PL # - PLANT
 - ROW # - RIGHT OF WAY
 - EP # - EDGE OF PAVEMENT
 - FS # - FINISH SURFACE
 - CL # - CENTER LINE



SEE SHEET L-4 FOR PLANT LEGEND

<p>DIGITAL ERT LANDSCAPE ARCHITECTURE 1-800-227-2800 10000 SANDHILL DRIVE SUITE 100 DUBLIN, CA 94568</p>		<p>DESIGNED BY: [] DATE: []</p>	
<p>APPROVED UNDER THE SUPERVISION OF:</p> <p>RAY LOPEZ ARCHITECTS LANDSCAPE ARCHITECTURE 6680 JENSEN ST. SANTA ANITA ROCK, CA 92234 (714) 206-9998 Email: RLOPEZ@RAYLOPEZARCH.COM</p>		<p>DATE: []</p>	
<p>APPROVED BY TOWN:</p> <p>TOWN OF YUCCA VALLEY LANDSCAPE PLAN SAGE ESTATES SOUTHEAST CORNER OF CADENA DRIVE AND SAGE DRIVE APR 15 2014 08:50:17 AM 08:50:17 AM 15:29:53</p>		<p>DATE: []</p>	
<p>PREPARED FOR: MR. WILLIAM SHAWK (760) 206-9994</p>		<p>DATE: []</p>	
<p>SHEET NUMBER: L-3</p>		<p>DATE: []</p>	

PLANT LEGEND

TREES

SYM.	QTY.	NAME & SPECIFICATION	SIZE	COMMENTS
(1)	1	Redwood	18" DBH	20' H
(2)	1	Pacific Dogwood	18" DBH	20' H
(3)	1	Redwood	18" DBH	20' H
(4)	1	Pacific Dogwood	18" DBH	20' H

SHRUBS

SYM.	QTY.	NAME & SPECIFICATION	SIZE	COMMENTS
(5)	1	Spirea	12" DBH	18" H
(6)	1	Spirea	12" DBH	18" H

GROUND COVERS

SYM.	QTY.	NAME & SPECIFICATION	SIZE	COMMENTS
(7)	1	Bluegrass	18" DBH	20' H
(8)	1	Bluegrass	18" DBH	20' H

ORNAMENTAL GRASSES

SYM.	QTY.	NAME & SPECIFICATION	SIZE	COMMENTS
(9)	1	Decorative Grass	12" DBH	18" H
(10)	1	Decorative Grass	12" DBH	18" H

INERT MATERIAL

SYM.	QTY.	NAME & SPECIFICATION	SIZE	COMMENTS
(11)	1	Gravel	18" DBH	20' H
(12)	1	Gravel	18" DBH	20' H

MATIVE PLANT PROTECTION / RELOCATION PLAN

1. All existing mature native plants shall be protected or relocated. The owner shall be responsible for obtaining all necessary permits and approvals for the relocation of any native plants.

2. All existing native plants shall be protected or relocated within the limits of the project.

3. All existing native plants shall be protected or relocated within the limits of the project.

4. All existing native plants shall be protected or relocated within the limits of the project.

5. All existing native plants shall be protected or relocated within the limits of the project.

6. All existing native plants shall be protected or relocated within the limits of the project.

7. All existing native plants shall be protected or relocated within the limits of the project.

8. All existing native plants shall be protected or relocated within the limits of the project.

9. All existing native plants shall be protected or relocated within the limits of the project.

10. All existing native plants shall be protected or relocated within the limits of the project.

11. All existing native plants shall be protected or relocated within the limits of the project.

12. All existing native plants shall be protected or relocated within the limits of the project.

13. All existing native plants shall be protected or relocated within the limits of the project.

14. All existing native plants shall be protected or relocated within the limits of the project.

15. All existing native plants shall be protected or relocated within the limits of the project.

16. All existing native plants shall be protected or relocated within the limits of the project.

17. All existing native plants shall be protected or relocated within the limits of the project.

18. All existing native plants shall be protected or relocated within the limits of the project.

19. All existing native plants shall be protected or relocated within the limits of the project.

20. All existing native plants shall be protected or relocated within the limits of the project.

LEGEND

DWGS = DRAWINGS
 PL = PROPERTY LINE
 ROW = RIGHT OF WAY
 GR = GRASS
 FS = FINISH SURFACE
 FG = FINISH GRADE
 CL = CENTER LINE

0 20' 40' 80'
 GRAPHIC SCALE: 1" = 20'-0"

JOSHUA TREE RELOCATION LEGEND

SYM.	QTY.	NAME & SPECIFICATION	SIZE	COMMENTS
(13)	1	Joshua Tree	18" DBH	20' H
(14)	1	Joshua Tree	18" DBH	20' H

APPROVED UNDER THE SUPERVISION OF:

PREPARED BY: RAY LOPEZ ASSOCIATES LANDSCAPE ARCHITECTURE
 56400 JADEN ST. VISTA SANTA ROSA, CA 95874
 (707) 536-8000 FAX: (707) 536-8199
 THE BOARD OF LAND AND NATURAL RESOURCES IS APPROVING THIS PROJECT

APPROVED BY TOWN:

TOWN OF YUKA VALLEY

LANDSCAPE PLAN

SCALE: 1/4" = 1'-0"

DATE: May 11, 2014

PROJECT INFORMATION

PROJECT NAME: SAGE ESTATES NPP

PROJECT LOCATION: 56400 JADEN ST. VISTA SANTA ROSA, CA 95874

PROJECT NO.: 15-001

DATE: May 11, 2014

PREPARED FOR: MR. WILLIAM SHACK (707) 536-9994

DATE: May 11, 2014

SHEET NUMBER: 1-4

TOTAL SHEETS: 4

SCALE: 1/4" = 1'-0"

DATE: May 11, 2014

DIGITAL ART SOLUTIONS

1-800-222-2800

3450 S. MAIN ST. SUITE 100
 SAN JOSE, CA 95128

PREPARED BY: RAY LOPEZ ASSOCIATES LANDSCAPE ARCHITECTURE
 56400 JADEN ST. VISTA SANTA ROSA, CA 95874
 (707) 536-8000 FAX: (707) 536-8199

APPROVED BY TOWN:

TOWN OF YUKA VALLEY

LANDSCAPE PLAN

SCALE: 1/4" = 1'-0"

DATE: May 11, 2014

APPROVED UNDER THE SUPERVISION OF:

PREPARED BY: RAY LOPEZ ASSOCIATES LANDSCAPE ARCHITECTURE
 56400 JADEN ST. VISTA SANTA ROSA, CA 95874
 (707) 536-8000 FAX: (707) 536-8199
 THE BOARD OF LAND AND NATURAL RESOURCES IS APPROVING THIS PROJECT

APPROVED BY TOWN:

TOWN OF YUKA VALLEY

LANDSCAPE PLAN

SCALE: 1/4" = 1'-0"

DATE: May 11, 2014

PROJECT INFORMATION

PROJECT NAME: SAGE ESTATES NPP

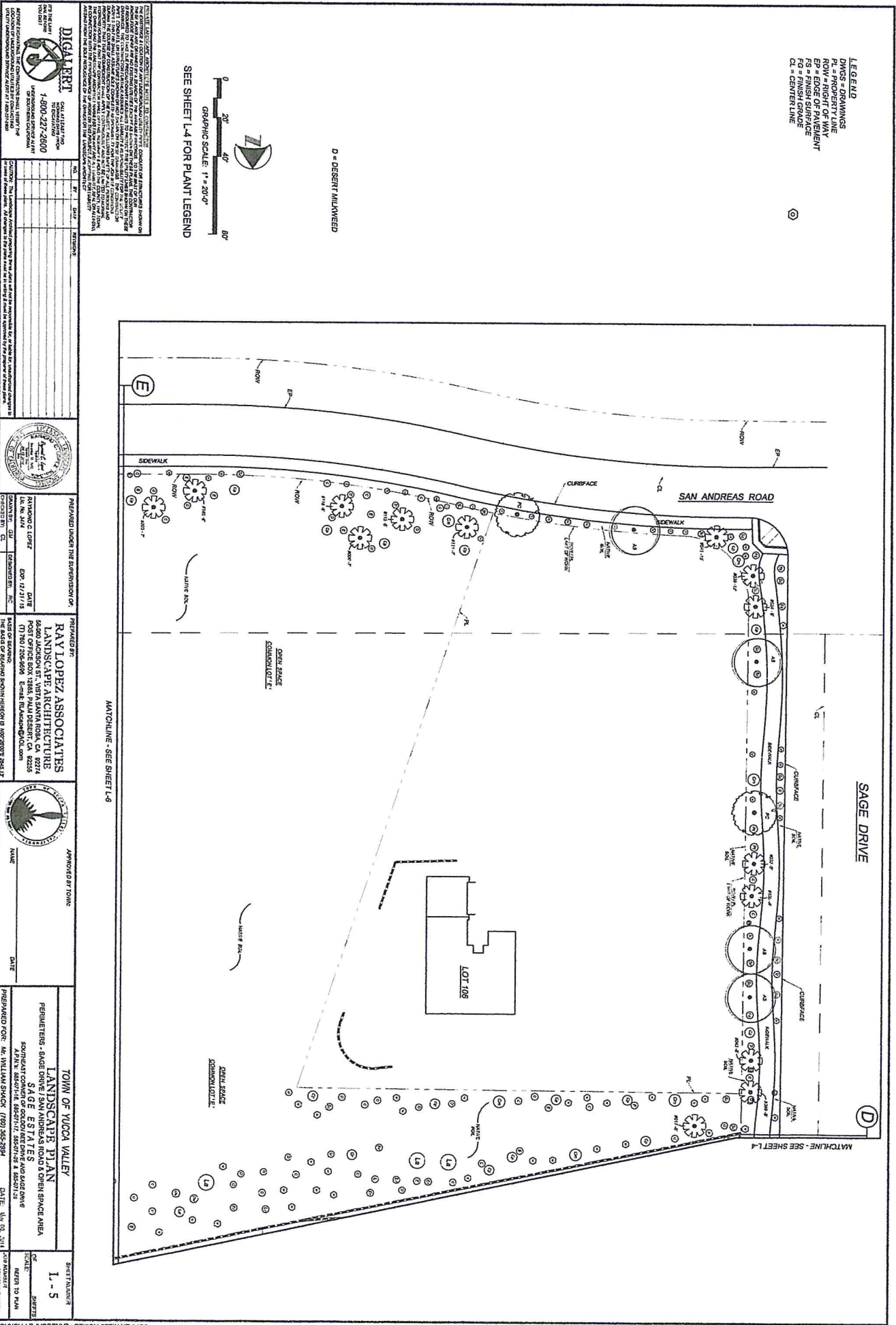
PROJECT LOCATION: 56400 JADEN ST. VISTA SANTA ROSA, CA 95874

PROJECT NO.: 15-001

DATE: May 11, 2014

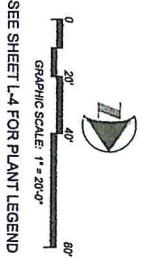
PREPARED FOR: MR. WILLIAM SHACK (707) 536-9994

DATE: May 11, 2014



LEGEND
 DIMGS = DRAWINGS
 PL = PROPERTY LINE
 ROW = RIGHT OF WAY
 F9 = FINISH SURFACE
 CL = CENTER LINE

D = DESERT MILKWEED



SEE SHEET L-4 FOR PLANT LEGEND

DIGLERT CONSULTANTS
 1-800-272-2600
 14000 CALIFORNIA ST. SUITE 200, WESTLAKE, CA 91371
 14000 CALIFORNIA ST. SUITE 200, WESTLAKE, CA 91371

NO. OF SHEETS: 5
 SHEET NO.: L-5

DATE: 4/9/16

PROJECT: SAGE DRIVE / SAN ANDREAS ROAD'S OPEN SPACE AREA

DESIGNED BY: RAY LOPEZ ASSOCIATES
 CHECKED BY: RAY LOPEZ ASSOCIATES
 DATE: 4/9/16

APPROVED BY TOWN: [Signature]

TOWN OF VICOCA VALLEY
 LANDSCAPE PLAN
 PERMITTERS: SAGE DRIVE / SAN ANDREAS ROAD'S OPEN SPACE AREA
 5001 VICOCA VALLEY RD. VICOCA VALLEY, CA 92381
 ALVIN'S 865-0716, 865-0717, 865-0718 & 865-0719
 PREPARED FOR: MR. WILLIAM SHACK (TEL: 365-5894)

SHEET NUMBER: L-5
 OF: 5 SHEETS
 SCALE: REFER TO PLAN
 COUNTY: VICOCA VALLEY

EXHIBIT B

RAY LOPEZ ASSOCIATES
LANDSCAPE ARCHITECTURE & PLANNING
56-960 Jackson Street, Vista Santa Rosa, CA 92274
Phone: 760 / 206-9696 e-mail: RLAscape@aol.com

Date: October 8, 2015

Re: SAGE ESTATES - Joshua Tree & Mojave Yucca Relocation & Adoption Plan

Site Location: Southeast Corner of Golden Bee Drive & Sage Drive
A.P.N.s: 585-071-16, 585-071-17, 585-071-25 and 585-071-26

Developer / Owner: Mr. William Shack, Jr., Copper Hill Homes - 760.365.0649 or 760.365.2994

To Whom It May Concern:

At the start of the Sage Estates project in early 2014, Ray Lopez Associates (RLA) was supplied a Native Plant Survey that was conducted in March of 2009 by Mr. Archie Rieser, Sr. That survey indicated that there were 859 Joshua Trees along with 517 Mojave Yuccas. These numbers were used in the Native Plant Relocation Plan that was approved by the Town of Yucca Valley Planning Commission in December 2014.

There was an updated Native Plant Survey of Joshua Trees & Mojave Yuccas conducted around January 2015 by Mr. Ed LaRue of Circle Mountain Biological Consultants, Inc.(CMBC). The number of Joshua Trees and Mojave Yuccas differed greatly. 298 Joshua Trees & 166 Mojave Yuccas were surveyed at that time.

It is my understanding that the developer, Mr. William Shack, would like to adjust the planting design in the field to adjust for the new numbers in lue of creating a new landscape native relocation plan.

The information below was supplied to RLA by Copper Hill Homes.

1. 45 Joshua Trees were adopted out to a local golf course that was documented by Mr. LaRue on February 4, 2015.
2. There are currently 200 Joshua Trees located in the on-site temporary nursery. Joshua Trees shall be relocated back on-site or adopted out. Sizes of Joshua Trees vary from 3' to 7.5' tall.
3. There are currently 300 Mojave Yuccas located in the on-site temporary nursery. Mojave Yuccas shall be relocated back on-site or adopted out. Sizes vary from 2' to 3' tall and wide.
4. 250 - 1 Gallon Cat Claws shall be planted in the adjacent channel.

The number of Joshua Trees, Mojave Yuccas, Cats Claw & adoption numbers is information given to RLA by Copper Hill Homes. Please refer to Mr. William Shack of Copper Hill Homes for any future adoption and relocation numbers.

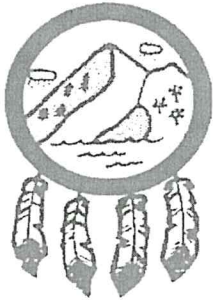
If you have any questions regarding this letter, please do not hesitate to call or e-mail.

Sincerely,

Ray Lopez

Ray Lopez
Landscape Architect & Native Plant Survey Expert

EXHIBIT C



CIRCLE MOUNTAIN BIOLOGICAL CONSULTANTS, INC.

P.O. BOX 3197, WRIGHTWOOD, CA 92397

PHONE/FAX: (760) 249-4948

Email: ed.larue@verizon.net

sharon_dougherty@circlemountainbiological.com

Website: <http://www.circlemountainbiological.com>

Via email only

18 February 2015

Vincent Shack

RE: Locations of 298 Joshua trees and 166 Mojave yuccas on the Sage Estates project

Dear Vincent,

Herein I report data on the locations of 298 Joshua trees and 166 Mojave yuccas. Except for a few Joshua trees that are up to eight feet tall or only two feet tall, all identified Joshua trees are between three and six feet tall. I understand that the Town of Yucca Valley needs this information to document relocation of native protected plants on the Sage Estates site.

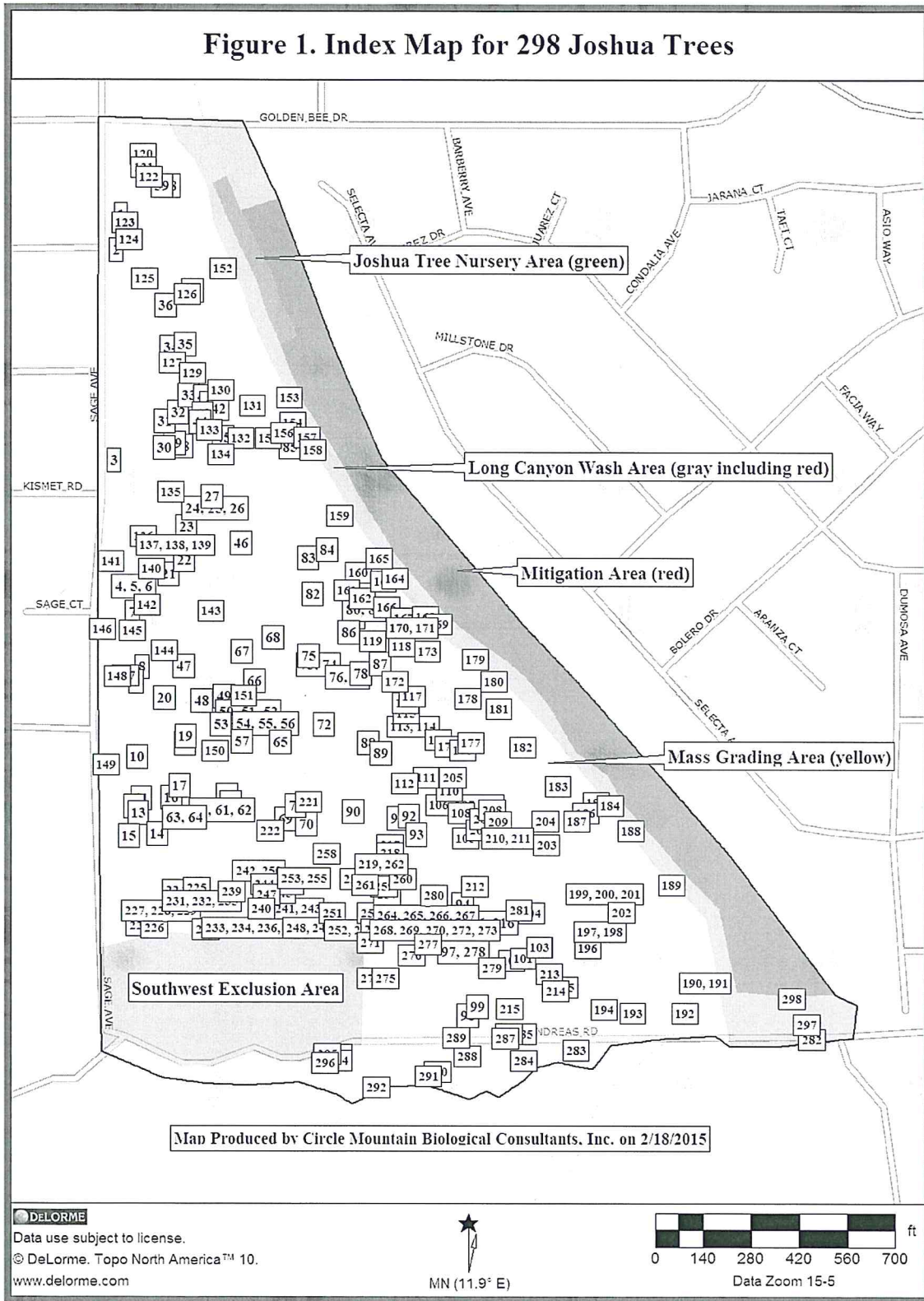
Although Archie Rieser originally tagged and numbered all the plants in 2009, the numbers have faded and cannot be read on the tags, many of which are still attached. As such, I took UTM coordinates (NAD 83) for each of the 298 Joshua trees and 166 Mojave yuccas, which will allow you to determine which trees Mr. Rieser originally identified. The numbers we assigned to the trees and yuccas appear on the attached maps and correspond to the coordinates that are given in the following tables.

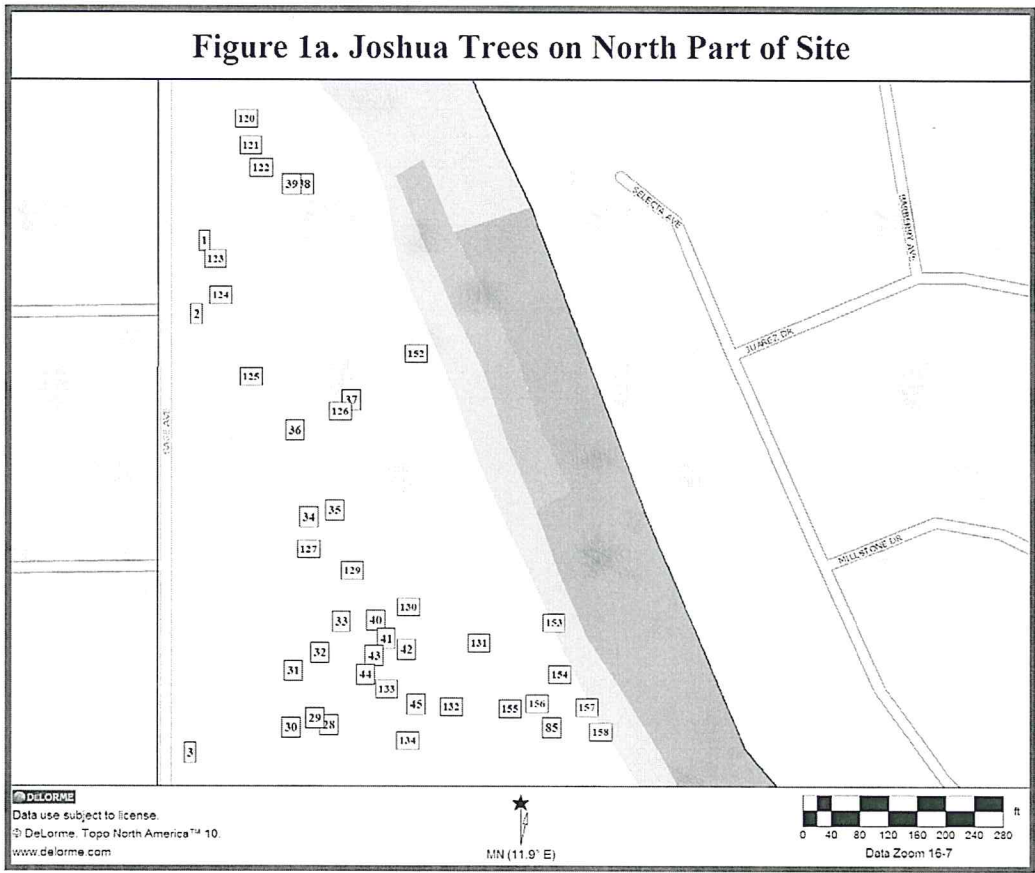
No.	Easting	Northing	No.	Easting	Northing	No.	Easting	Northing
1	553259	3773055	16	553304	3772537	31	553297	3772871
2	553256	3773023	17	553312	3772545	32	553308	3772879
3	553254	3772836	18	553316	3772584	33	553317	3772891
4	553267	3772715	19	553317	3772592	34	553304	3772937
5	553276	3772714	20	553297	3772624	35	553314	3772940
6	553279	3772715	21	553301	3772733	36	553297	3772974
7	553269	3772701	22	553314	3772746	37	553321	3772987
8	553280	3772651	23	553316	3772777	38	553301	3773078
9	553273	3772638	24	553322	3772794	39	553296	3773078
10	553276	3772571	25	553326	3772798	40	553332	3772893
11	553280	3772536	26	553322	3772801	41	553336	3772884
12	553271	3772528	27	553339	3772805	42	553346	3772879
13	553276	3772523	28	553312	3772848	43	553332	3772878
14	553294	3772505	29	553307	3772851	44	553328	3772869
15	553267	3772510	30	553296	3772847	45	553350	3772857

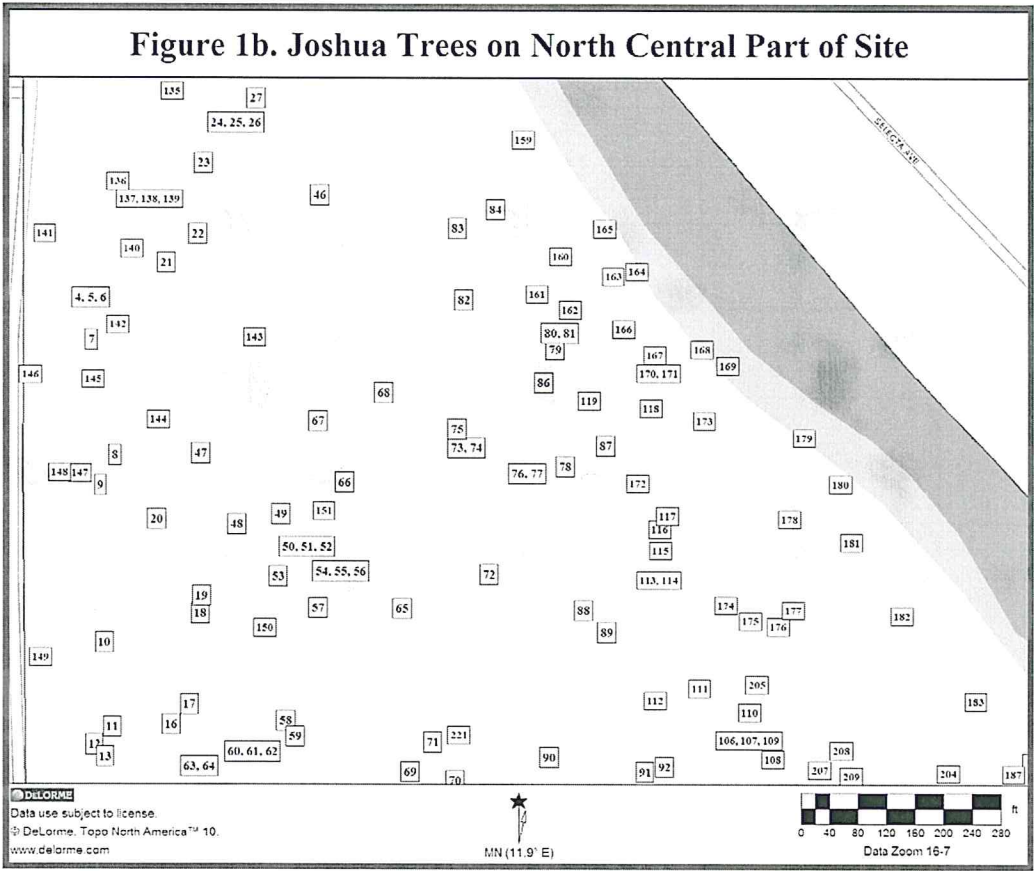
Table 1. UTM (NAD 83) Coordinates for 298 Joshua Trees								
No.	Easting	Northing	No.	Easting	Northing	No.	Easting	Northing
46	553367	3772764	97	553553	3772402	148	553256	3772644
47	553317	3772652	98	553568	3772346	149	553249	3772565
48	553332	3772622	99	553577	3772353	150	553344	3772578
49	553350	3772627	100	553608	3772391	151	553369	3772629
50	553354	3772613	101	553620	3772393	152	553349	3773007
51	553354	3772613	102	553631	3772407	153	553409	3772892
52	553347	3772611	103	553631	3772407	154	553411	3772870
53	553350	3772599	104	553624	3772436	155	553390	3772855
54	553361	3772605	105	553565	3772501	156	553400	3772856
55	553368	3772603	106	553541	3772532	157	553422	3772856
56	553370	3772602	107	553548	3772530	158	553428	3772846
57	553366	3772587	108	553561	3772523	159	553453	3772787
58	553353	3772539	109	553542	3772536	160	553469	3772738
59	553357	3772532	110	553551	3772543	161	553459	3772721
60	553334	3772530	111	553529	3772552	162	553473	3772715
61	553331	3772526	112	553510	3772547	163	553492	3772729
62	553328	3772525	113	553507	3772599	164	553502	3772731
63	553316	3772520	114	553506	3772602	165	553488	3772749
64	553313	3772520	115	553512	3772612	166	553497	3772707
65	553403	3772587	116	553512	3772621	167	553509	3772695
66	553377	3772641	117	553514	3772626	168	553530	3772698
67	553366	3772667	118	553508	3772674	169	553541	3772691
68	553394	3772679	119	553481	3772676	170	553507	3772688
69	553406	3772517	120	553275	3773106	171	553506	3772685
70	553426	3772514	121	553278	3773095	172	553503	3772641
71	553423	3772530	122	553282	3773085	173	553531	3772668
72	553439	3772601	123	553264	3773047	174	553540	3772589
73	553428	3772656	124	553266	3773031	175	553552	3772582
74	553426	3772656	125	553278	3772996	176	553563	3772580
75	553425	3772664	126	553316	3772981	177	553569	3772587
76	553452	3772645	127	553303	3772923	178	553568	3772626
77	553457	3772642	128	553322	3772914	179	553574	3772661
78	553471	3772648	129	553322	3772914	180	553589	3772641
79	553468	3772698	130	553346	3772898	181	553594	3772616
80	553465	3772705	131	553377	3772882	182	553616	3772586
81	553465	3772705	132	553365	3772856	183	553648	3772549
82	553427	3772720	133	553337	3772864	184	553693	3772531
83	553425	3772749	134	553346	3772842	185	553681	3772531
84	553441	3772758	135	553303	3772807	186	553673	3772522
85	553407	3772847	136	553281	3772769	187	553664	3772518
86	553463	3772683	137	553284	3772761	188	553712	3772508
87	553488	3772657	138	553287	3772765	189	553748	3772462
88	553480	3772587	139	553296	3772762	190	553767	3772376
89	553489	3772577	140	553286	3772740	191	553771	3772376
90	553465	3772523	141	553248	3772746	192	553762	3772348
91	553507	3772517	142	553274	3772711	193	553714	3772350
92	553514	3772519	143	553339	3772702	194	553690	3772350
93	553521	3772504	144	553298	3772667	195	553657	3772371
94	553563	3772442	145	553270	3772684	196	553677	3772406
95	553579	3772429	146	553244	3772686	197	553675	3772419
96	553582	3772433	147	553265	3772643	198	553679	3772422

No.	Easting	Northing	No.	Easting	Northing	No.	Easting	Northing
199	553666	3772454	233	553355	3772427	267	553501	3772433
200	553671	3772456	234	553356	3772428	268	553502	3772429
201	553680	3772450	235	553337	3772436	269	553506	3772430
202	553704	3772436	236	553353	3772431	270	553506	3772429
203	553638	3772496	237	553366	3772432	271	553483	3772409
204	553636	3772519	238	553366	3772423	272	553506	3772425
205	553554	3772555	239	553358	3772454	273	553514	3772419
206	553575	3772509	240	553386	3772438	274	553484	3772378
207	553581	3772519	241	553398	3772434	275	553495	3772378
208	553591	3772528	242	553380	3772471	276	553519	3772399
209	553595	3772517	243	553396	3772437	277	553535	3772408
210	553594	3772502	244	553386	3772465	278	553549	3772397
211	553594	3772502	245	553404	3772446	279	553589	3772386
212	553575	3772461	246	553387	3772461	280	553534	3772442
213	553641	3772382	247	553390	3772450	281	553614	3772438
214	553646	3772368	248	553418	3772428	282	553874	3772326
215	553606	3772352	249	553419	3772431	283	553665	3772315
216	553582	3772431	250	553395	3772470	284	553616	3772306
217	553499	3772495	251	553448	3772434	285	553617	3772329
218	553501	3772488	252	553467	3772430	286	553604	3772329
219	553487	3772476	253	553411	3772465	287	553601	3772325
220	553467	3772465	254	553474	3772428	288	553568	3772308
221	553427	3772533	255	553419	3772463	289	553558	3772323
222	553392	3772506	256	553482	3772436	290	553542	3772296
223	553278	3772423	257	553497	3772451	291	553534	3772289
224	553310	3772455	258	553445	3772488	292	553487	3772284
225	553327	3772452	259	553494	3772459	293	553455	3772313
226	553293	3772420	260	553511	3772465	294	553455	3772307
227	553302	3772427	261	553476	3772457	295	553444	3772311
228	553306	3772425	262	553480	3772479	296	553442	3772300
229	553309	3772430	263	553488	3772425	297	553869	3772341
230	553335	3772420	264	553498	3772439	298	553855	3772363
231	553323	3772436	265	553493	3772434			
232	553331	3772435	266	553505	3772435			

Figure 1. Index Map for 298 Joshua Trees







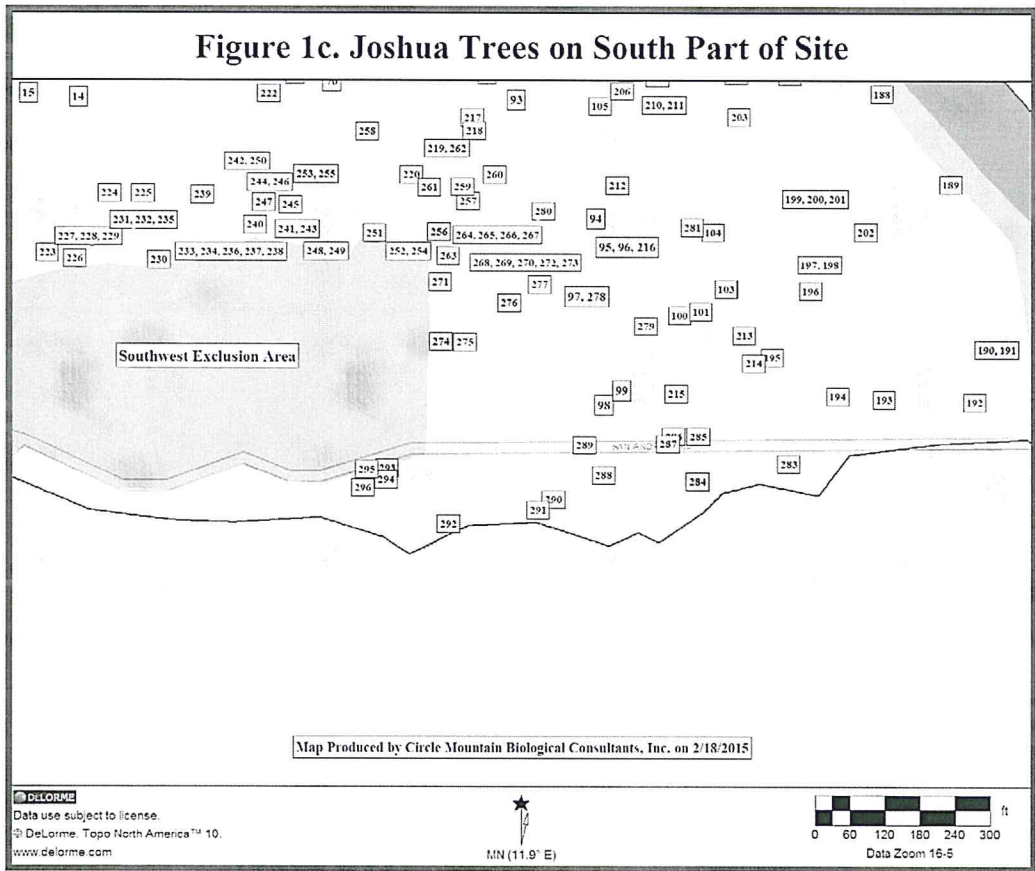
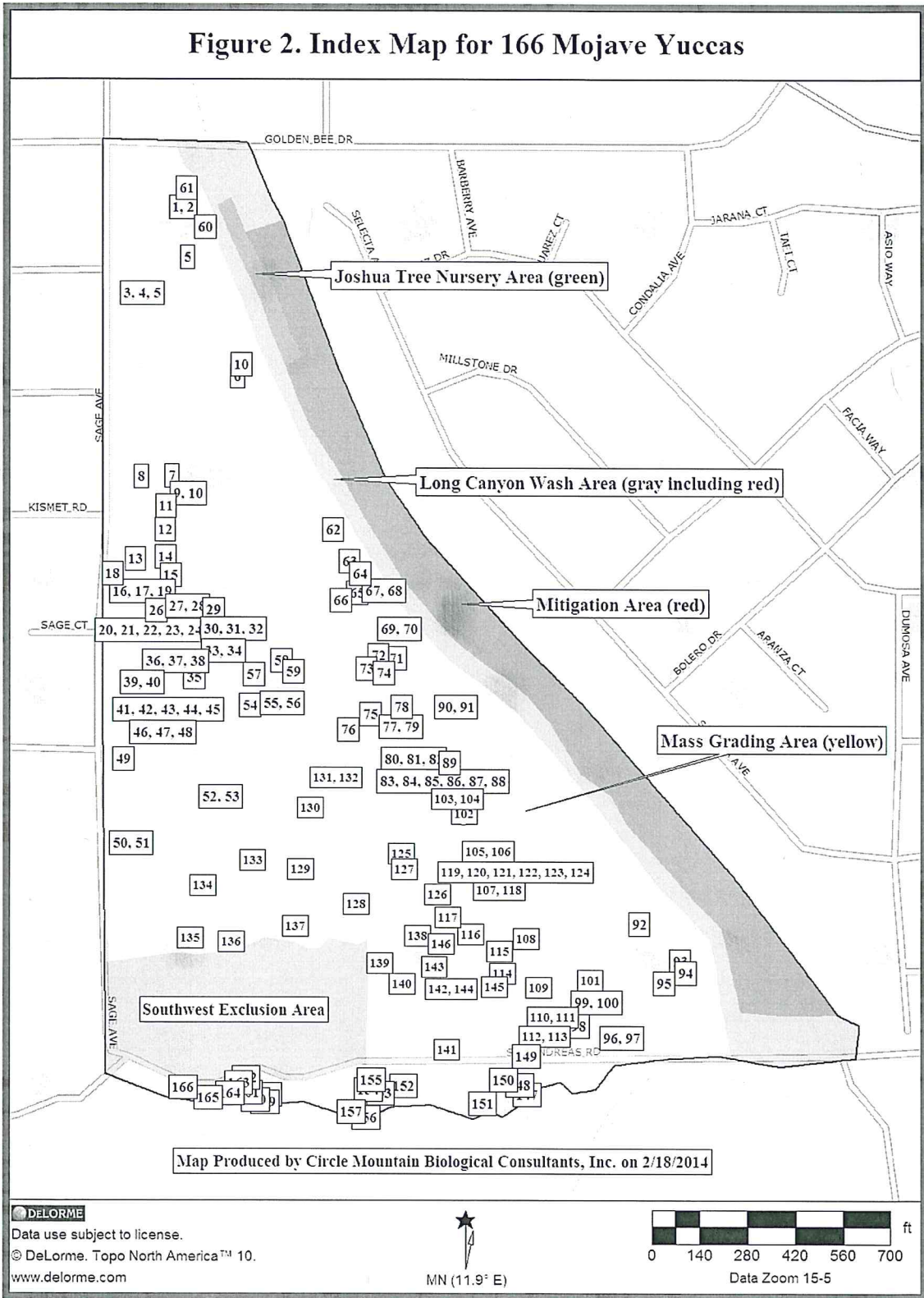
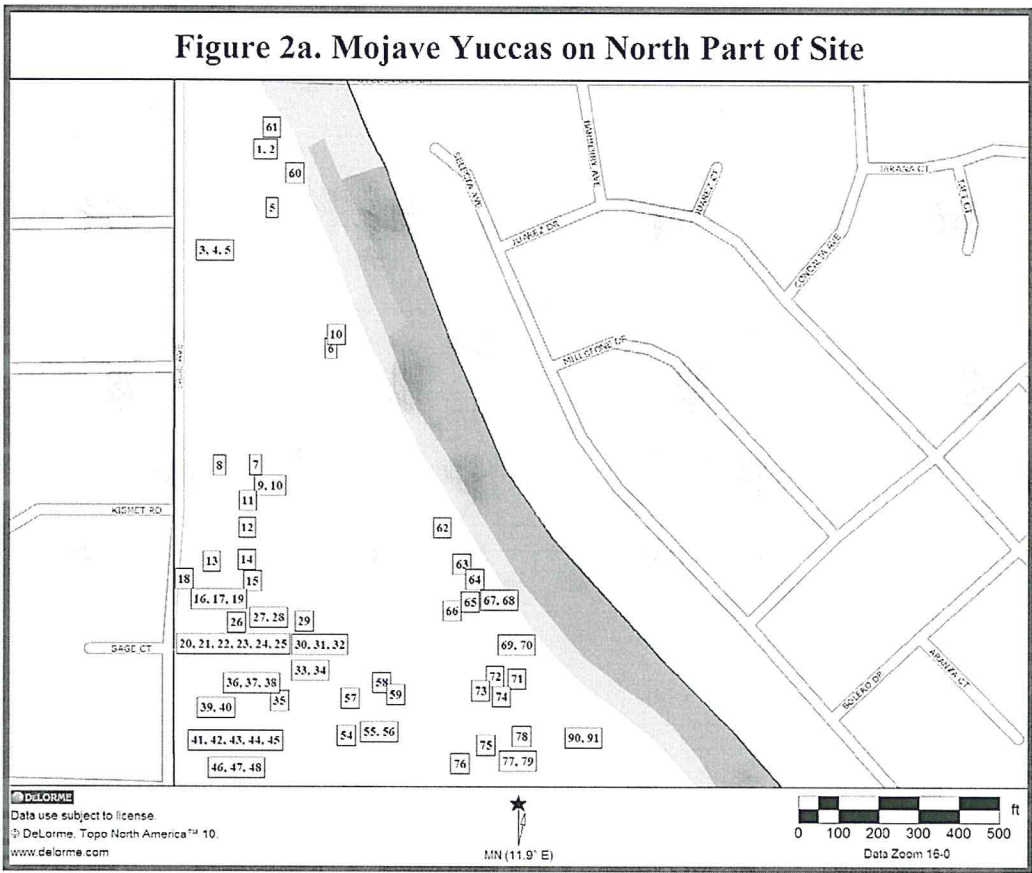
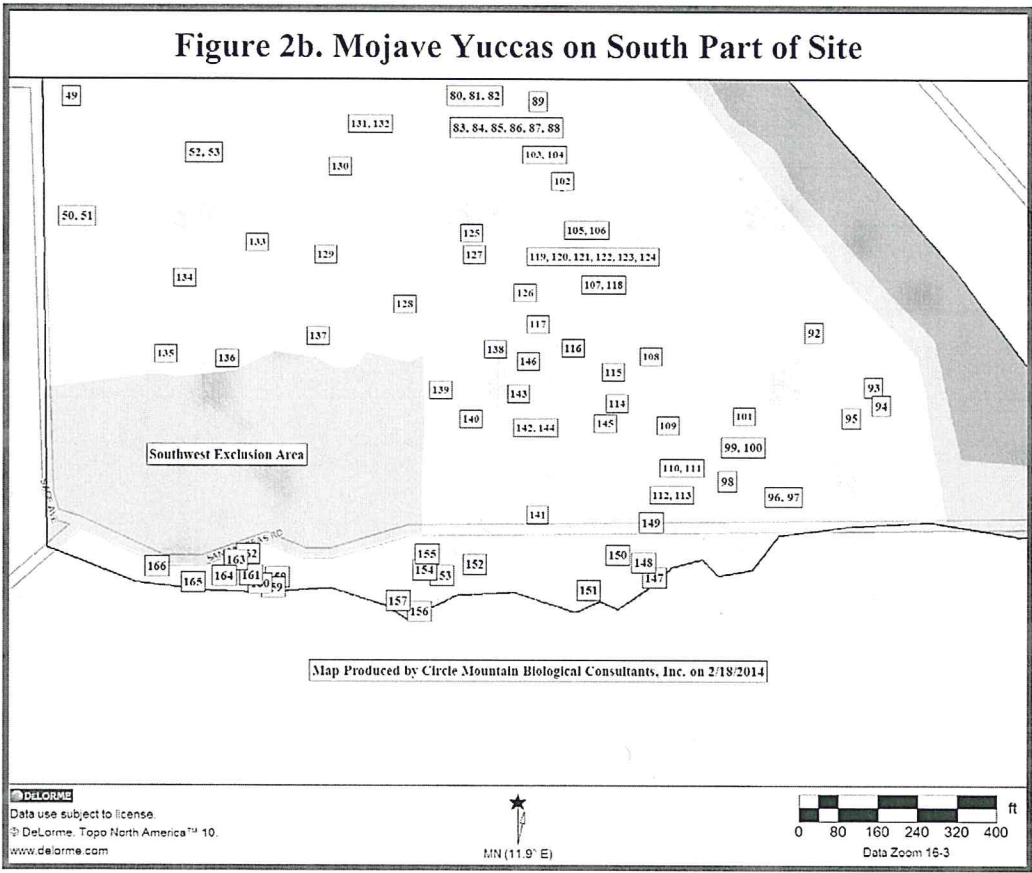


Table 2. UTM (NAD 83) Coordinates for 166 Mojave Yuccas								
No.	Easting	Northing	No.	Easting	Northing	No.	Easting	Northing
1	553302	3773082	57	553375	3772663	113	553629	3772334
2	553302	3773082	58	553397	3772675	114	553596	3772401
3	553259	3773004	59	553409	3772668	115	553594	3772420
4	553259	3773004	60	553330	3773063	116	553570	3772435
5	553259	3773004	61	553311	3773098	117	553546	3772449
6	553358	3772930	62	553442	3772794	118	553579	3772480
7	553302	3772842	63	553459	3772767	119	553562	3772485
8	553275	3772841	64	553468	3772755	120	553559	3772486
9	553305	3772824	65	553463	3772739	121	553561	3772497
10	553305	3772818	66	553451	3772731	122	553543	3772500
11	553296	3772813	67	553480	3772738	123	553542	3772494
12	553296	3772792	68	553490	3772744	124	553524	3772496
13	553267	3772768	69	553499	3772711	125	553505	3772505
14	553294	3772769	70	553492	3772706	126	553540	3772467
15	553299	3772753	71	553501	3772680	127	553506	3772492
16	553272	3772740	72	553483	3772680	128	553463	3772462
17	553265	3772740	73	553472	3772671	129	553415	3772492
18	553247	3772754	74	553488	3772667	130	553425	3772546
19	553272	3772735	75	553476	3772631	131	553437	3772572
20	553270	3772725	76	553457	3772616	132	553436	3772574
21	553272	3772718	77	553494	3772617	133	553374	3772498
22	553262	3772712	78	553503	3772637	134	553329	3772476
23	553255	3772713	79	553495	3772600	135	553316	3772429
24	553267	3772708	80	553497	3772587	136	553357	3772427
25	553274	3772704	81	553509	3772589	137	553411	3772442
26	553288	3772720	82	553503	3772584	138	553521	3772434
27	553303	3772725	83	553505	3772571	139	553487	3772408
28	553315	3772731	84	553494	3772566	140	553505	3772391
29	553339	3772723	85	553486	3772571	141	553548	3772330
30	553343	3772715	86	553481	3772571	142	553538	3772385
31	553337	3772704	87	553508	3772566	143	553535	3772407
32	553335	3772705	88	553527	3772567	144	553545	3772393
33	553336	3772684	89	553537	3772587	145	553588	3772388
34	553339	3772682	90	553545	3772634	146	553541	3772427
35	553319	3772663	91	553540	3772628	147	553621	3772294
36	553298	3772675	92	553716	3772446	148	553615	3772304
37	553284	3772674	93	553753	3772411	149	553617	3772327
38	553278	3772684	94	553758	3772399	150	553596	3772308
39	553266	3772657	95	553741	3772393	151	553579	3772286
40	553275	3772655	96	553694	3772343	152	553508	3772302
41	553258	3772630	97	553682	3772344	153	553489	3772294
42	553253	3772624	98	553664	3772352	154	553479	3772298
43	553250	3772616	99	553666	3772373	155	553479	3772309
44	553274	3772625	100	553676	3772369	156	553474	3772271
45	553296	3772630	101	553675	3772392	157	553461	3772279
46	553273	3772610	102	553561	3772544	158	553387	3772292
47	553274	3772607	103	553543	3772554	159	553384	3772286
48	553283	3772596	104	553544	3772565	160	553376	3772289
49	553258	3772587	105	553568	3772507	161	553371	3772292
50	553257	3772514	106	553577	3772502	162	553369	3772305
51	553257	3772511	107	553580	3772473	163	553360	3772303
52	553334	3772552	108	553616	3772428	164	553354	3772292
53	553340	3772545	109	553627	3772387	165	553335	3772288
54	553371	3772634	110	553629	3772361	166	553313	3772298
55	553388	3772640	111	553622	3772361			
56	553396	3772647	112	553625	3772344			







Although 166 clumps of Mojave yuccas are mapped, there are anywhere between 1 and 15 individual plants associated with the clumps. It will depend on how the plants separate when removed as to how many will be available for transplantation.

Let me know if you need any more information.

Sincerely,



Circle Mountain Biological Consultants, Inc.
Edward L. LaRue, Jr., M.S.

EXHIBIT D



CIRCLE MOUNTAIN BIOLOGICAL CONSULTANTS, INC.

P.O. BOX 3197, WRIGHTWOOD, CA 92397

PHONE/FAX: (760) 249-4948

Email: ed.larue@verizon.net

sharon_dougherty@circlemountainbiological.com

Website: <http://www.circlemountainbiological.com>

Via email only

4 February 2015

Vincent Shack

RE: Removal of 45 Joshua trees from Sage Estates project

Dear Vincent,

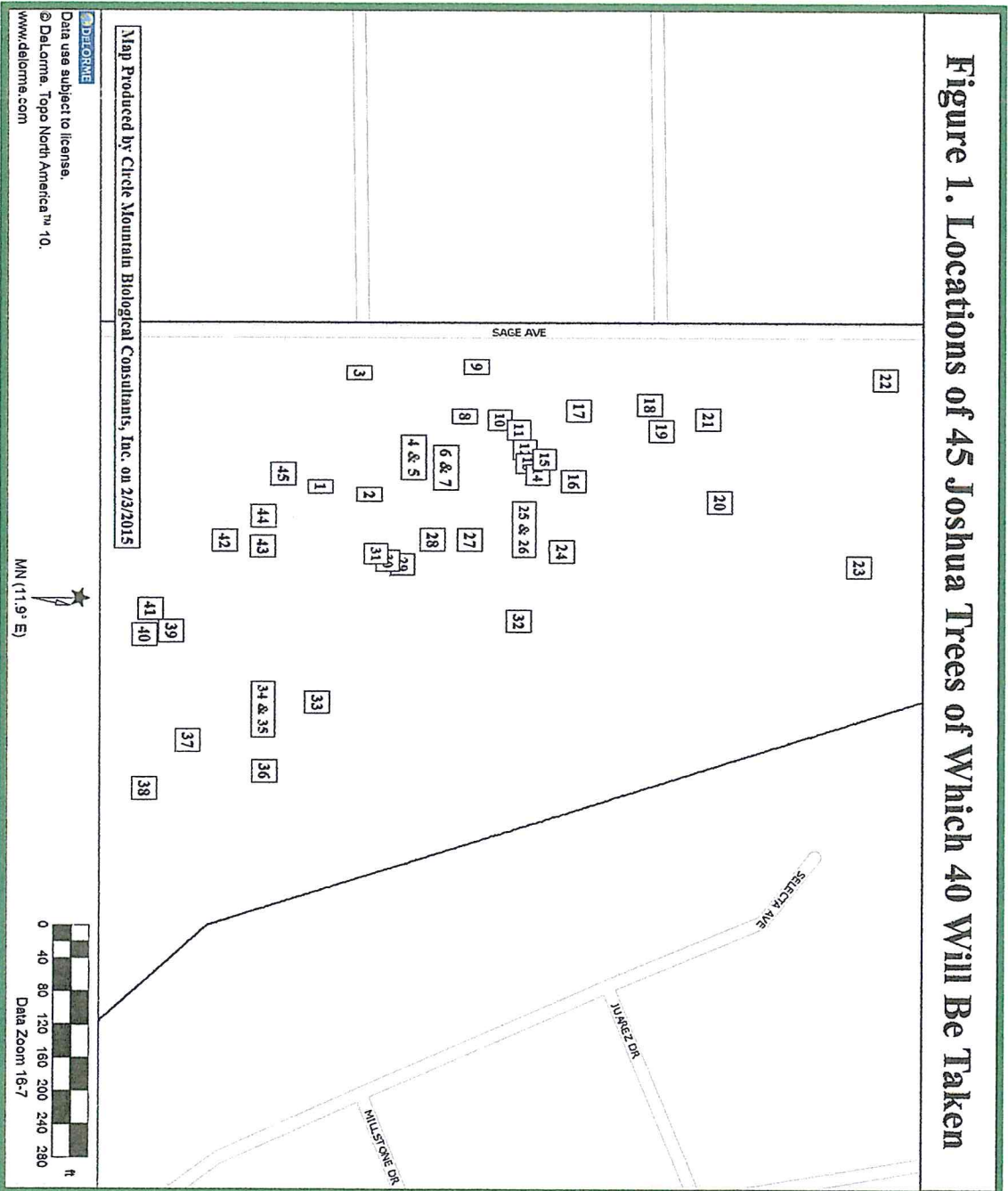
I've taken a little time to provide UTM coordinates and a map for 45 Joshua trees that were removed on 2/4/2015 and transported to the local golf course. Except for two or three trees that were up to seven feet tall, all identified trees were between three and six feet tall. I understand that Ray Lopez needs this information to document salvage and relocation of native protected plants as per requirements of the Town of Yucca Valley.

Although Archie Rieser originally tagged and numbered all the trees in 2009, the numbers have faded and cannot be read on the tags, many of which are still attached. As such, I took UTM coordinates (NAD 83) for each of the 45 trees, which will allow you to determine which trees Mr. Rieser originally identified. The 45 numbers we assigned to the trees appear on the attached map and correspond to the coordinates for the trees that are given in the following table.

Table 1. UTM (NAD 83) Coordinates for 45 Joshua Trees

No.	Easting	Northing	No.	Easting	Northing	No.	Easting	Northing
1	553300	3772901	16	553297	3772992	31	553325	3772921
2	553303	3772919	17	553271	3772993	32	553349	3772973
3	553259	3772914	18	553269	3773020	33	553380	3772900
4	553285	3772934	19	553278	3773025	34	553387	3772882
5	553284	3772934	20	553305	3773046	35	553385	3772881
6	553293	3772946	21	553274	3773042	36	553405	3772880
7	553293	3772947	22	553259	3773107	37	553395	3772851
8	553274	3772953	23	553328	3773098	38	553412	3772836
9	553256	3772957	24	553323	3772979	39	553354	3772846
10	553275	3772965	25	553311	3772970	40	553354	3772836
11	553279	3772971	26	553310	3772972	41	553346	3772838
12	553287	3772973	27	553318	3772954	42	553321	3772865
13	553292	3772974	28	553319	3772940	43	553323	3772878
14	553296	3772979	29	553329	3772930	44	553312	3772879
15	553291	3772981	30	553328	3772924	45	553295	3772886

Figure 1. Locations of 45 Joshua Trees of Which 40 Will Be Taken



Only the northern "panhandle" of the site is shown in Figure 1

Some of the trees were so close together, they could not be mapped separately at this resolution. So, trees 4-5, 6-7, and 25-26 occur as pairs of trees. You can also see that the number symbols for trees 12-13 and 29-30 are partially hidden by numbers 14-15 and 31, respectively.

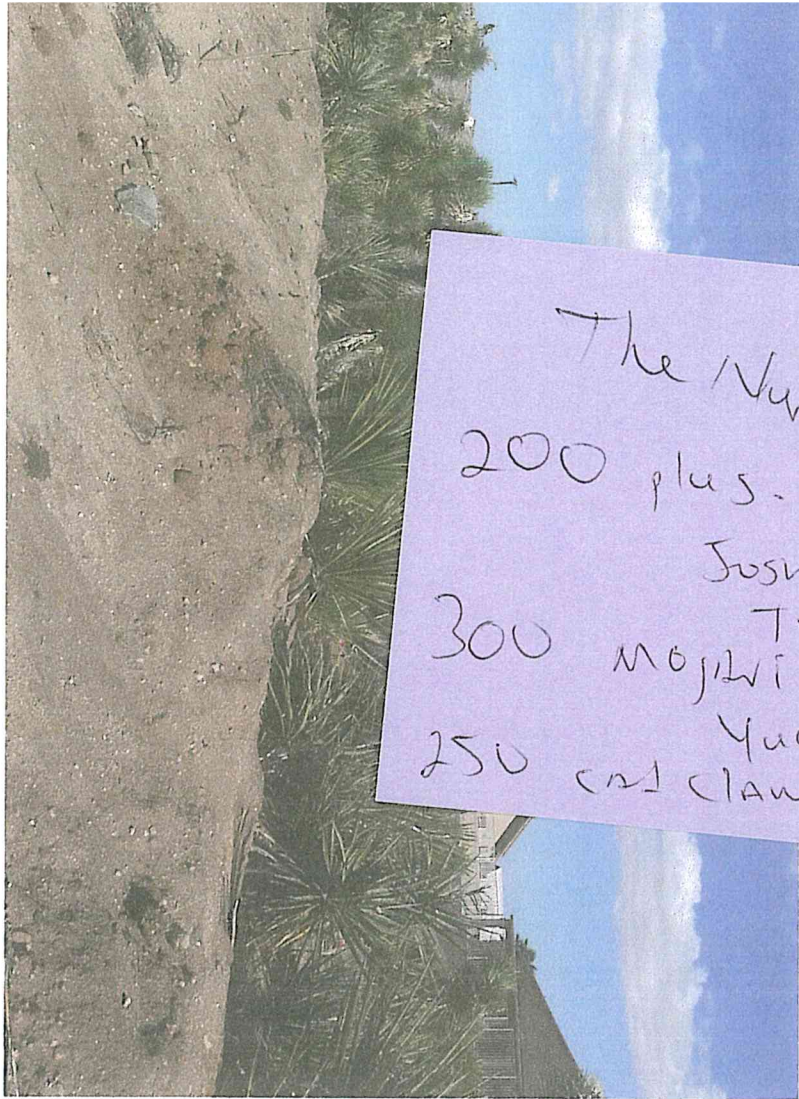
I think that about does it. Let me know if you need any more information.

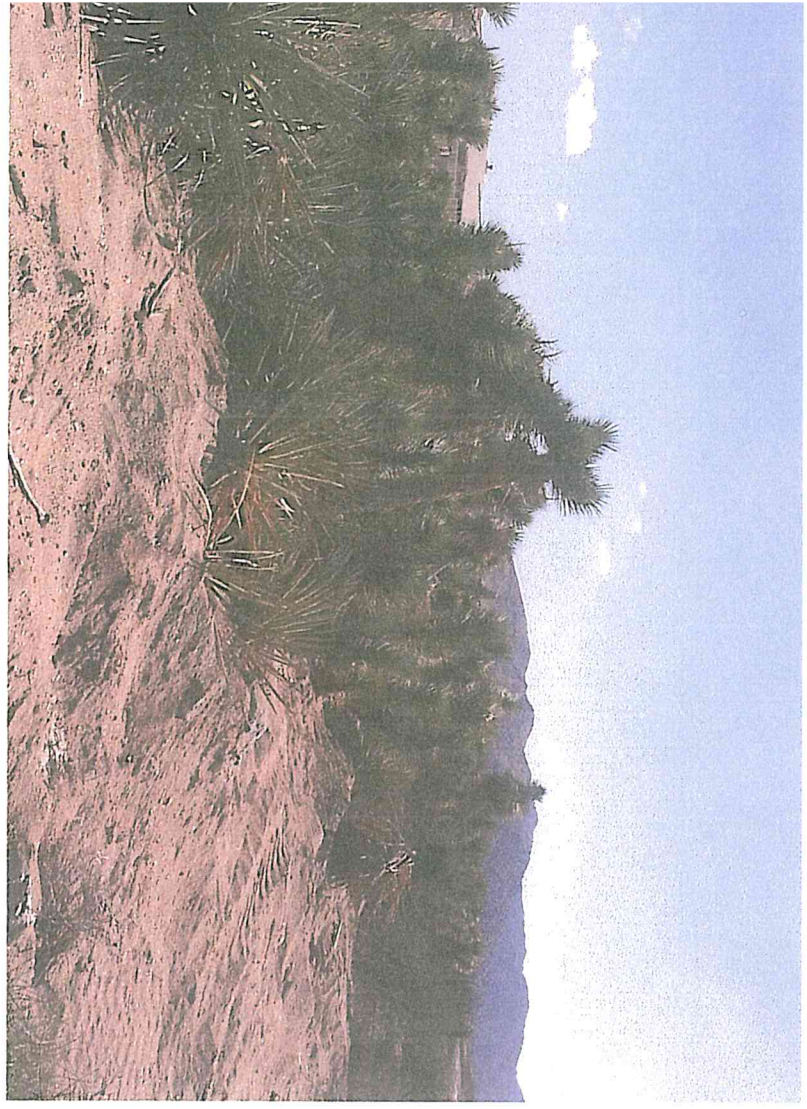
Sincerely,



Circle Mountain Biological Consultants, Inc.
Edward L. LaRue, Jr., M.S.

cc. Ray Lopez





**TOWN OF YUCCA VALLEY
PLANNING COMMISSION MEETING MINUTES
December 2, 2014**

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

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

The Pledge of Allegiance was led by Vice Chair Bridenstine.

Commissioner Whitten moved to approve the agenda, with the correction that next regularly scheduled meeting of the Commission was December 9th rather than December 23rd. It was noted for the record that the December 9th meeting would be canceled, and that the December 23rd meeting might also be canceled. Commissioner Drozd seconded, and the motion passed unanimously.

Vice Chair Bridenstine opened the floor to public comments.

PUBLIC COMMENTS

None

CLOSE PUBLIC COMMENTS

DEPARTMENT REPORTS

**1. CONDITIONAL USE PERMIT, CUP 06-07 ESSIG
REQUEST FOR EXTENSION**

Deputy Town Manager Stueckle provided the staff report. He provided an overview of the item which was a request for extension on a conditional use permit for an approximately 5,890 sq. ft. commercial building, including approximately 3,790 sq. ft. of office space. Staff stated that the conditions of approval had been put into the current format, and that staff was recommending that the Planning Commission grant a three year extension, expiring on December 4, 2014.

Vice Chair Bridenstine opened the floor to public comments.

PUBLIC COMMENTS

Jean Essig, applicant, said that there had already been a large investment in the project, and she would like to see it completed. She said it will be a beautiful building.

CLOSE PUBLIC COMMENTS

Commissioner Drozd said that he saw no reason not to grant the extension. He said it seemed like a nice project.

Commissioner Lavender said that he had no objection to granting the extension.

Commissioner Whitten asked staff if there had been any changes in the Development Code which would effect this project. Staff said that they were not aware of any. Commissioner Whitten also comment on the positioning of the loading zone at the rear of the site adjacent to a residential property. He asked if there was any requirement for a block wall to provide a buffer, and staff said that a block wall was not a project requirement. Staff also said that typically with renewals there were not changes made to the conditions of approval unless ordinances or regulations had changed and the conditions needed to be modified in order to be compliant.

Vice Chair Bridenstine asked if the fact that the condition use permit had passed its expiration date would affect the Commission's ability to renew the application. Staff said that due to an error on the part of staff, the applicant had been sent a notice stating the permit expired in 2014, and so would not be considered past the expiration date.

MOTION

Commissioner Whitten moved that the Planning Commission approve the Extension of Time request for 3 years, expiring on December 4, 2017 with the requirement that if there are any changes to the ordinances that it receive commission approval. The motion was seconded by Commissioner Drozd and passed unanimously.

2. LANDSCAPE PLAN, LP 01-14 AND NATIVE PLANT PLAN APPLICATION, NPP 82-14, SAGE ESTATES FOR TRACT MAP 17862

Deputy Town Manager Stueckle presented the staff report. He provided an overview of the item, which was the Landscape Plan and Native Plant Plan application for Tract Map 17862, a development with 105 single family resident lots. Staff noted that the updated Native Plant ordinance, which had received its first reading, referred to maximum reuse of native plants on the site. The proposed landscaping plan primarily uses native plants, namely Joshua trees and Mojave yuccas. Staff identified two areas of the landscape plan which they recommended that the Commission discuss. One was along Sage Avenue from Golden Bee to San Andreas where there is a stretch of meandering sidewalk with landscaping on both sides of the sidewalk, which will consist of Joshua trees and Mojave yuccas. The second area was the landscaping of the typical residential lot, which would consist of a Joshua tree and two Mojave yuccas. Both of these areas would be left as native soil. Staff asked that the Commission discuss whether or not some other material such as decomposed granite should be used as ground cover in those areas rather than native soil.

Ray Lopez, Landscape architect for the project, spoke about the proposed landscape plan and native plant plan. He said that the native plant survey, which had been performed approximately

PLANNING COMMISSION MINUTES

December 2, 2014

five years ago, identified 859 Joshua trees and 517 total Mojave yuccas located on the project. Of those it was determined that 69 of the Joshua trees were not viable for transplant, leaving 790 Joshua trees which could be transplanted. They intended to transplant 526 Joshua trees and 422 yuccas on the project. The project will include a nursery area where 80 Joshua trees will be planted, and can either be adopted or remain in place.

Mr. Lopez said that the landscape plan only included Mojave yucca and Joshua trees except in five yards with slopes which required landscaping to provide stabilization, which will include non-native plants. The landscape plan does not include any irrigation except in the five areas with non-native plants. He said that there are some junipers on the site, but they cannot be transplanted or protected on site. In some of the sloped areas they are putting in gravel.

Commissioner Drozd asked about the adoption area and what their plan was to adopt out plants. Bill Warner, Civil Engineer for the project, said that the adoptable plants would be placed at the northern end of the wash, and that it was his understanding that the ordinance required a 60 day period for adoption.

Commissioner Drozd asked if this project was a continuation of the previous Copper Hills development. Mr. Warner said that while it was the same developer, the previous project was approved under the jurisdiction of the County and had a significantly different process.

Commissioner Whitten expressed concern about the use of native soil in the residential lots, and asked if there was any plan for soil stabilization or erosion control. Mr. Warner said that the property owner, Bill Shack, was willing to do some gravel or decomposed granite in those areas for soil stabilization. Commissioner Whitten asked if the location of the power poles could be added to the landscape plans. Mr. Warner said that the locations of the poles had been considered when designing the landscape plans, but those locations could be shown. Commissioner Whitten also asked if the package treatment plant was going to be subsurface, and Mr. Warner provided the requested details.

Mr. Warner also stated that they expected to receive the 1601 permit from the Department of Fish and Game in the next few days. He stated as part of that process the project was required to include 240 native plants in the form cat-claws to be purchased and planted in the channel. There were also about 7 acres of the channel would have to be fenced off and left undisturbed.

Commissioner Lavender said that the applicant had addressed his concern that the transplantation of the Joshua trees be coordinated with the grading to reduce the risk of damage.

Commissioner Bridenstine asked how long they expected the grading to take, and if the Joshua trees would be left exposed during the process.

Mr. Shack said that the plan was to relocate the Joshua trees immediately, so they are not exposed. He also stated that the plan was to add colored compressed granite and rock along Sage Avenue to make it aesthetically pleasing. He also said lots would have either grey rock or compressed granite, and that the lots would have a minimum of one Joshua tree, but could include more.

PLANNING COMMISSION MINUTES

December 2, 2014

Commissioner Whitten asked if there was an option to add a lawn for individuals purchasing these lots. Mr. Shack said that nothing would prevent an individual from adding a lawn, they would not recommend it. Commissioner Whitten asked about artificial grass, and Mr. Shack said that it would be available as an upgrade.

Commissioner Drozd asked if the changes in the Native Plant ordinance would effect this project. Staff said it would not.

Commissioner Bridenstine asked if the yuccas which were not going to be used in the landscaping plan were going to be adopted out, used in the tract or destroyed. Mr. Lopez said that the landscape plan was already using the majority of the plants, and Mr. Shack had stated that they would be able to include additional plants in the lots if necessary, so they could conceivable use them all. Commissioner Bridenstine also asked about the irrigation on the sloped areas which would be receiving the native type, but not native, plants. Mr. Lopez said that there are five lots with backyards with a slope that landscaping for stabilization which would include drip style irrigation. Commissioner Bridenstine asked if the treatment plant would be screened from view by the landscaping, and Mr. Lopez said that the plant would be screened by a wall, and the intent of the landscaping in that area was to preserve as many native plants as possible.

Staff said that if the Planning Commission found that the native plant plan and the landscaping plan with the modifications of including decomposed granite material along the parkway along Sage as well as on the residential lots and to include more native plants back into the site if possible, then the Planning Commission could approve the landscaping plan and native plant plan as presented a modified.

MOTION

Commissioner Whitten moved that the Planning Commission approve the Native Plant Plan Application, NPP 82-14, and that the Planning Commission approve the Landscape Plan, LP 01-14, with the modification to include decomposed gravel in the specified areas. Commissioner Drozd seconded the motion and it passed unanimously.

CONSENT AGENDA**1. MINUTES**

A request that the Planning Commission approves as submitted the minutes of the meetings held on October 14, 2014.

PUBLIC COMMENTS

None

END PUBLIC COMMENTS

MOTION

Commissioner Whitten moved that the Commission approve as submitted the minutes of the meetings held on October 14, 2014. Commissioner Drozd seconded the motion and it passed unanimously.

STAFF REPORTS AND COMMENTS

Staff provided an overview of the status of private land development projects currently active in the town.

COMMISSIONER REPORTS AND REQUEST:

Commissioner Drozd thanked everyone for attending.

Commissioner Lavender said that he had requested to leave the Commission and had asked Councilman Leone to replace him.

Commissioner Whitten thanked Commissioner Lavender for his service, and thanked staff. He also stated that it might be his last meeting depending on the selection process.

Vice Chairman Bridenstine thanked staff, and thanked Commissioner Lavender. She also asked how soon they would have new Planning Commission members, and staff said that it would typically be January or February.

ANNOUNCEMENTS:

The next regular meeting of the Planning Commission is scheduled for December 9, 2014 at 6:00pm, but it will be cancelled.

ADJOURNMENT

There being no further business, the meeting adjourned at 6:20.

PLANNING COMMISSION MINUTES

December 2, 2014

Respectfully submitted,



Allison Brucker
Secretary

Approved by the Planning Commission on January 13, 2015.

**TABLE 2-6:
PROJECTIONS INTO YARDS – AMOUNT OF ENCROACHMENT ALLOWED**

Facilities	Front and Street Side Yards	Interior Side Yards	Rear Yard
11. Garages, carports, sheds, and other detached, enclosed accessory building which occupy no more than 25 percent of the required rear yard.	Not allowed	Not Allowed	Allowed
12. Unroofed parking and loading areas.	See parking regulations (Chapter 9.33)	Allowed	Allowed
13. Covered, underground, or partially excavated structures, such as garages, fallout shelters, wine cellars, basement and public utility or telephone/cable television vaults.	Allowed, provided that the facilities do not extend more than 30 inches above the adjoining average finished grade level.		
14. Fences, screening, safety guard rails, walls, and dense hedges along property lines in Residential Zoning Districts.	4 ft. max. height ¹	6 ft. max. height	6 ft. max. height
15. Signs	Allowed, subject to Sign Standards		
16. Swimming pools and spas no closer than 5 ft. from property line. Pool equipment may not project into the required setbacks.	Not allowed	Not allowed	Allowed
17. Freestanding photovoltaic or solar panels, no closer than 5 ft. from property line.	Not allowed	Not allowed	Allowed
18. Handicapped access ramps are permitted in the front, side and rear setbacks.	Allowed	Allowed	Allowed

Notes:

- Pursuant to Section 9.07.090, in a front and street side yard fence height can be up to 6 ft, if it is an open design.

D. Projections Above Height Limits

These shall be allowed pursuant to Section 9.31.040.

9.07.130 Native Landscape Documentation Package

A. General Provisions: This section identifies the standards and requirements for native landscaping on residential developments.

Regulated desert native plants for all residential projects, include the following.

Attachment: 03 Section 9.07.130 Native Plants (1219 : Sage Estates NPP)

Regulated Desert Native Plants	
Botanical Name	Common Name
<i>Yucca Brevifolia</i>	Joshua Tree
<i>Yucca Schidigera</i>	Mojave Yucca
<i>Nolina Parryi</i>	Parry's Nolina
<i>Juniperus Californica</i>	California Juniper
<i>Yucca Whipplei</i>	Our Lords Candle
<i>Pinus Monophylla</i>	Pinon Pine

Pursuant to section 80017 of the State Food and Agricultural Code, the clearing or removal of native plants from a canal, lateral ditch, survey line, building site, or road or other right-of-way by the landowner or his agent, if the native plants are not to be transported from the land or offered for sale, are not subject to State regulations. For plants regulated by the State to be transplanted off-site, the Town shall issue permits for their relocation in accordance with this chapter.

B. Scope

(1) The provisions of this Section shall apply to all land within the Town of Yucca Valley.

- (a) It is prohibited for any individual or entity to remove, transplant, damage, disturb, or destroy any part of any regulated desert native plant, except its fruit, from any privately or publicly owned piece of land in the Town of Yucca Valley, without first obtaining a Regulated Desert Native Plant Permit from the Town, unless said activity is exempt from the requirement to first obtain a Regulated Desert Native Plant Permit.
- (b) It is prohibited for any individual or entity to remove or damage all or part of any regulated desert native plant on another property without first obtaining written permission from the landowner and an approved Regulated Desert Native Plant Permit. It is unlawful for any person to falsify any document offered as evidence of permission to enter upon the property of another to remove all or parts of a regulated desert native plant, whether it is alive or dead.
- (c) It is prohibited for any individual or entity, unless exempted by this Division, to destroy, dig up, mutilate or to possess any regulated desert native plant, including the living parts of such, unless the regulated desert native plant was disturbed under a Regulated Desert Native Plant Permit. Any individual or entity shall exhibit the Regulated Desert Native Plant Permit upon request for inspection by any duly authorized entity as described in this Section.
- (d) The commercial harvesting of regulated desert native plants is prohibited.

(2) **Exceptions:** The following are exempt from the provisions of this Division.

- (a) The removal and transplanting on and off-site of regulated desert native plants on and from lands owned by the United States Government or any Federal agency, the State of

Attachment: 03 Section 9.07.130 Native Plants (1219 : Sage Estates NPP)

California, the County of San Bernardino, the Town of Yucca Valley, and all special districts.

- (b) The removal and transplanting on and off-site of regulated desert native plants required by other codes, ordinances or laws of Town of Yucca Valley, County of San Bernardino, the State of California or the United States Government or any Federal agency.
- (c) The removal and transplanting on and off-site of regulated desert native plants which are an immediate threat to the public health, safety or welfare, as determined by the Planning Division.
- (d) Removal as part of a bona fide agricultural activity as determined by the Town that is:
 - (1) Served by a water distribution system adequate for the proper operation of such activity; and or
 - (2) Conducted under a land conservation contract; and or
 - (3) An existing agricultural activity; and or
 - (4) A proposed bona fide agricultural activity if the Planning Division is given thirty (30) days written notice of the removal describing the location of the land and the nature of the proposed activity. The Planning Division shall notify the landowner in writing prior to the lapse of the thirty (30) day period if, in the opinion of the Planning Division the activity is not a bona fide agricultural activity or else the activity shall be deemed bona fide.
- (e) Destruction or removal of a regulated desert native plant that has died from natural causes or that has been destroyed by fire or other natural disasters,.
- (f) Any regulated desert native plant that is within the building footprint and within twenty (20) feet of the building foot print of an existing structure and for new infill residential development, as determined by the Planning Division.
- (g) When removal is required by any public utility subject to jurisdiction of the Public Utilities Commission or any other constituted public agency, including franchised Cable TV, to establish or maintain safe operation of facilities under their jurisdiction

(3) Permit Required

A Native Plant Permit shall be required for the removal and transplanting on and off-site of any regulated desert native plants identified in Section 9.07.130.

- (a) A Regulated Native Plant Permit Application shall be submitted to and approved by the Town prior to the removal and transplanting on and off-site of any regulated desert native plant.

- (b) The Regulated Native Plant Permit Application shall include the following information.
- (1) The botanical and common name of the regulated desert native plant.
 - (2) A Native Plant Survey showing the precise location of each regulated desert native plant.
 - (3) The trunk or stem diameter of each regulated desert native plant.
 - (4) The height of each regulated desert native plant.
 - (5) The health or condition of the regulated desert native plant, including the identification of those regulated desert native plants that are not likely to survive transplanting procedures.
 - (6) The proposed placement or disposition of the regulated desert native plant, i.e.: transplant on-site, adopt off-site, remove, etc.
 - (7) Additional information that may be required based upon the individual application.

C. Single-Family Residential In-Fill, Existing Single Family Residences And Multi-Family Residential Three Units Or Less

- (1) A Regulated Desert Native Plant Permit Application shall be submitted to the Planning Division at the time of a filing building or grading permit applications for development of infill residential lots unless exempt.
- (2) A Regulated Desert Plant Permit Application shall be submitted to the Planning Division for removal or relocation on or offsite when the property owner is proposing improvements to the property including swimming pools, swing sets, horse arenas, other animal keeping activities, basketball courts, tennis courts, recreational or other vehicle parking, driveways and access, play areas, accessory structures, and other uses typical to single family residences.
- (3) The Regulated Desert Native Plant Application Documentation shall contain the following information.
 - (a) Printed Photographs depicting the proposed native plant that is to be removed or transplanted. The photographs must clearly show the location, size of the subject plant, and its surroundings. At minimum, the surrounding area photographs shall include two different views of the subject plant.
 - (b) A Plot Plan is required in order to show location of regulated desert native plants proposed to be removed, transplanted, or retained in its native location. The plot plan shall clearly demonstrate that the property meets the standards in Table 1.
- (4) Written permission from the property owner(s) authorizing the proposed removal or relocation of regulated desert native plants from the property.

- (5) The property owner may attempt to retain as many regulated desert native plants in their native location as possible. The property owner may also attempt to transplant or relocate as many regulated desert native plants as possible on-site. The property shall comply with the minimum standards specified in Table 1.
- (6) Those regulated desert native plants identified in the Permit Application to not remain on site following development, and which are not incorporated into a projects' landscaping plan, may be available for adoption at the property owners discretion.
- (7) The following chart establishes the minimum undisturbed area that shall be provided:

Table 1

Lot Size	Required undisturbed area
Up to 2.49 acres	No mandate, incentives only
2.5 to 4.99 acres	A minimum of 5% of the lot shall remain undisturbed
5+ acres	A minimum of 10% of the lot shall remain undisturbed

- (8) Single Family Residential in-fill development in the Rural Living Residential Land Use District, which exceed the minimum required undisturbed area from Table 1 by a minimum of 10%, shall be allowed up to a 10% deviation of all Development Code standards listed in table 2 and approved in conjunction with the project. The deviations include the following:

Table 2

Typical Standards		Deviations permitted
Lot size	Varies	Up to a 10% reduction in lot size based on property zoning
Front setback	25'	22.5' setback
Side/rear setbacks	15'	13.5' setback
Arterial/Collector Street side setback	25'	22.5' setback
Local street side setback	25'	22.5' setback
Lot dimensions	150'/150'	135'/135'
Lot Coverage	20%	22%

- (9) Single Family Residential in-fill development in the Single Family Residential Land Use District which voluntarily retains 10 % undisturbed area shall be allowed up to a 10% deviation of all Development Code standards listed in table 3 and approved in conjunction with the project. The deviations include the following:

Table 3

Typical Standards		Deviations permitted
Lot size	Varies	Up to a 10% reduction in lot size based on property zoning
Front setback	25'	22.5' setback

Attachment: 03 Section 9.07.130 Native Plants (1219 : Sage Estates NPP)

Side/rear setbacks	5'/10'	4.5'/9' setback
Arterial/Collector Street side setback	25'	22.5' setback
Local street side	15'	13.5' setback
Lot dimensions	60'/100'	54'/90'
Lot Coverage	40%	44%

- (j) Single Family Residential in-fill development in the Hillside Reserve Land Use District which exceeds the minimum required undisturbed area from Table 1 by a minimum of 10% and provide documentation that the applicant has attended educational training on native plants shall be allowed up to a 10% deviation of all Development Code standards listed in table 4 and approved in conjunction with the project. The deviations include the following:

Table 4

Typical Standards		Deviations permitted
Lot size	Varies	Up to a 10% reduction in lot size based on minimum lot size required
Front setback	75'	67.5' setback
Side/rear setbacks	75'	67.5' setback
Arterial/Collector Street side setback	75'	67.5' setback
Local street side	75'	67.5' setback

D. Regulated Desert Native Plant Removal Procedures For All New Residential Subdivisions And Multi-Family Four Units Or More.

Single Family Residential Subdivisions and multi-family four units or more, shall be allowed to transplant on and off-site and to remove all regulated desert native plants from their native locations within the property boundaries, pursuant to the following development standards and requirements.

- (1) A Regulated Desert Native Plant Permit Application shall be submitted to the Planning Division at the time of filing land use applications for development of residential subdivision projects. Land use applications for residential subdivision projects may include, but are not limited to, Planned Developments, Specific Plans, Parcel and Tract map applications, Grading Permit applications, Building Permit applications, and any other applications necessary for Town authorization of land disturbing or development activity. The Planning Commission shall review and approve all native plant applications for residential subdivisions.
- (2) The Regulated Desert Native Plant Application Documentation shall contain the following information:
 - (a) The botanical and common name of the regulated desert native plant.
 - (b) The precise location of each regulated desert native plant.
 - (c) The trunk or stem diameter of each regulated desert native plant.

Attachment: 03 Section 9.07.130 Native Plants (1219 : Sage Estates NPP)

- (d) The height of each regulated desert native plant.
 - (e) The health or condition of the regulated desert native plant, including the identification of those regulated desert native plants that are not likely to survive transplanting procedures.
 - (f) The proposed placement or disposition of the regulated desert native plant, i.e. transplant on-site, adopt off-site, remove, etc. The plans for the regulated desert native plant survey shall be no smaller than 24” by 36” unless otherwise approved by the Planning Division.
- (3) Transplanting Off-Site and On-Site: All regulated desert native plants identified in the regulated desert native plant survey as likely to survive transplanting shall be made available for adoption or shall be transplanted on-site as part of the projects’ landscaping plan. All native plant permit applications shall illustrate maximum utilization of regulated desert native plants in the projects’ landscaping plan. It is strongly encouraged that all Yucca brevifolia (Joshua Trees) identified for adoption and transplantation be relocated through the uses of an adequately sized tree spade.
- (4) Adoption: Those regulated desert native plants identified in the Regulated Desert Native Plant Survey as likely to survive transplanting procedures, and which are not incorporated into a projects’ landscaping plan, shall be available for adoption pursuant to Section 9.07.130 to the general public for an adoption period of thirty (30) days, or until all available plants have been adopted, whichever is sooner, prior to any other ground disturbing activity on the project site. A Thirty (30) day noticing and signage period is required which noticing period may begin prior to issuance of the Regulated Desert Native Plant Permit.
- (5) Removal: Those regulated desert native plants not incorporated into a projects’ landscaping plan and not adopted during the thirty (30) day adoption period are allowed to be removed.
- (6) The following additional standards shall apply to all new Residential Subdivisions:

Table 5

Proposed Lot Size	Required undisturbed area
Up to 2.49 acres	None required, incentives only
2.5 to 4.99 acres	A minimum of 5% of the project site shall remain undisturbed
5+ acres	A minimum of 10% of the project site shall remain undisturbed

- (7) New Residential Subdivisions in the Rural Living Land Use Districts, which exceed the minimum required undisturbed area from Table 5 by a minimum of 10%, and provide documentation that the applicant has attended educational training on native plants shall be allowed up to a 10% deviation of all Development Code standards listed in table 6 and approved in conjunction with the project. The deviations include the following:

Table 6

Typical Standards	Deviations permitted

Attachment: 03 Section 9.07.130 Native Plants (1219 : Sage Estates NPP)

Lot size	Varies	Up to a 10% reduction in lot size based on property zoning
Front setback	25'	22.5' setback
Side/rear setbacks	15'	13.5' setback
Arterial/Collector Street side setback	50'	45' setback
Local street side setback	25'	22.5' setback
Lot dimensions	150'/150'	135'/135'
Lot Coverage	20%	22%

(8) New Residential Subdivisions in the Single Family Residential Land Use Districts which exceed the minimum required undisturbed area from Table 5 by a minimum of 10% shall be allowed up to a 10% deviation of all Development Code standards including:

Table 7

Typical Standards		Deviations permitted
Lot size	Varies	Up to a 10% reduction in lot size based on property zoning
Front setback	25'	22.5' setback
Side/rear setbacks	5'/10'	4.5'/9' setback
Arterial/Collector Street side setback	25'	22.5' setback
Local street side	15'	13.5' setback
Lot dimensions	60'/100'	54'/90'
Lot Coverage	40%	44%

(9) New Residential Subdivisions in the Hillside Reserve Land Use District, which exceed the minimum required undisturbed area from Table 5 by a minimum of 10%, and provide documentation that the applicant has attended educational training on native plants shall be allowed up to a 10% deviation of all Development Code standards listed in table 8 and approved in conjunction with the project. The deviations include the following:

Table 8

Typical Standards		Deviations permitted
Lot size	Varies	Up to a 10% reduction in lot size based on minimum lot size required
Front setback	75'	67.5' setback
Side/rear setbacks	75'	67.5' setback
Arterial/Collector Street side setback	75'	67.5' setback
Local street side	75'	67.5' setback

Attachment: 03 Section 9.07.130 Native Plants (1219 : Sage Estates NPP)

Table 9

Typical Standards for Multi-Family Projects		Deviations Permitted
	Residential Multi-family RM	Residential Multi-family RM
Front setback	25	22.5'
Side/rear setback	10/10(per story)	9'/9'(per story)
Arterial/collector street side setback	35'	31.5'
Local street side setback	25'	22.5'
Lot coverage	60%	66%
Parking	Varies	10% reduction of total parking not to include handicap stalls

Town of Yucca Valley

PLANNING COMMISSION STAFF REPORT

To: Honorable Chair and Planning Commissioners
From: Diane Olsen, Planning Technician
 Shane Stueckle, Deputy Town Manager
Date: November 19, 2015
Meeting Date: December 8, 2015

Subject: Commercial Establishment Outdoor Merchandise Display Commercial
 Establishment Parking Lot Sales

Recommendation:

That the Planning Commission reviews and discusses the sample draft ordinances, and forwards a recommendation to the Town Council for direction on the potential Development Code amendments.

Prior Review

The Planning Commission reviewed this matter at its meeting of September 22, 2015.

Executive Summary

Retail store special events or parking lot sales are currently prohibited by the Development Code. Chapter 9.38, Temporary Special Events, allow for certain short term events, but these are not related to retail commercial outlets. Further details regarding Chapter 9.38 are provided within the body of the staff report. Chapter 9.39, Temporary Use Permits allows for a variety of temporary uses, but none of those include or allow for retail stores to conduct those activities.

Outdoor display of merchandise during regular business hours is also a topic that is not identified as a permitted use within the Development Code and is therefore prohibited by the Development Code.

Staff prepared a sample draft ordinance to assist the Commission in their discussion.

Order of Procedure

- Request Staff Report
- Request Public Comment
- Commission Discussion/Questions of Staff
- Motion/Second
- Discussion on Motion
- Call The Question (Roll Call Vote)

Discussion

At the meeting of September 22, 2015, the Commission discussed standards for parking lot sales such as limiting the square footage, maintaining minimum parking standards, maintaining required pedestrian access, and limiting the number of events per year. The Commission also has broad based discussion on outdoor merchandise display areas. Based upon the Commission’s discussion, staff developed the following standards for Commission discussion.

9.09.060-Commercial Establishment, Outdoor Display

A. *General Provisions. Commercial establishments in the C-C, C-G, C-O, C-MU and C-N zoning districts are allowed outdoor display of merchandise based upon the following standards.*

- 1. All outdoor display shall be removed at the close of business operations.*
- 2. Outdoor displays proposed for those commercial establishments open for business 24 hours per day require Planning Commission approval of a Conditional Use Permit for outdoor displays.*
- 3. Outdoor display areas shall not be located within parking lots, landscape areas, public easements or rights of way.*
- 4. Outdoor display areas shall conform to all ADA accessibility standards and requirements, in addition to San Bernardino County Fire standards.*
- 5. Outdoor display areas shall be limited to 250 square feet in total area.*
- 6. Outdoor display areas proposed in excess of 250 square feet shall file a Conditional Use Permit application for review and consideration by the Planning Commission.*

Chapter 9.38, Parking Lot Sales

TABLE 3-24: SPECIAL EVENTS			
Permitted Special Events (With a Special Event Permit)	Land Use District Permitted	Maximum Number of Days Per Events	Maximum Number of Events Per Calendar Year Per Location and/or Vendor
Church tent rival meetings	All Land Use Districts	10	3
Circus, carnival	All “C”, “T”, and Public/Quasi Public Land Use Districts, , all land use districts in Old Town Specific Plan Area	10	4

**TABLE 3-24:
SPECIAL EVENTS**

Permitted Special Events (With a Special Event Permit)	Land Use District Permitted	Maximum Number of Days Per Events	Maximum Number of Events Per Calendar Year Per Location and/or Vendor
Fair, concerts, parades, exhibits, festivals, art shows, car shows, street fairs or similar events	All "C", "T", and Public/Quasi Public Land Use Districts, all land use districts in Old Town Specific Plan Area	10	10
Certified Farmers Markets	All "C", "T", and Public/Quasi Public Land Use Districts, all land use districts in Old Town Specific Plan Area	Two days per week	Permit is valid for one year
<u>Commercial Establishment Parking Lot Sales</u>	<u>All C-C, C-G, C-O, C-MU, and C-N Zoning Districts</u>	<u>Three days per event</u>	<u>Four Annually</u>
Seasonal Holiday Sales Facilities	Non-Residential Districts	See Subsection D	3

1. *Temporary Special Event Permits for Parking Lot Sales shall be limited to once per quarter in any calendar year.*
2. *Parking Lot Sales events shall be limited to three consecutive days.*
3. *Minimum parking standards shall be maintained.*
4. *No merchandise shall be located within the public right-of-way.*
5. *Outdoor display areas shall conform to all ADA accessibility standards and requirements, in addition to San Bernardino County Fire standards.*

Staff is requesting Commission discussions on these topics and direction on whether Development Code Amendments should be prepared. If the Commission believes that amendments should be prepared, that recommendation would be forwarded to the Town Council for final consideration prior to bringing a draft ordinance to the Commission for consideration.

Alternatives

The Commission may discuss all alternatives available at this time.

Fiscal Impact

NA

Attachments:

Development Code, Article 2, Table 2-15

Development Code Chapter 9.38 - Temporary Special Events

Development Code Chapter 9.39 - Temporary Uses and Structures

Sample Outdoor Display Ordinance

Sample Parking Lot Sale Ordinance

2. There are no structural off-street, on-site improvements lack thereof which pose an immediate threat to the health safety or general welfare of the Town.
3. There are no additions or alterations to the square footage of the existing structure.

C.

**TABLE 2-15:
PERMITTED LAND USES AND PERMIT REQUIREMENTS
FOR COMMERCIAL ZONING DISTRICTS**

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PD: Planned Development Review P: Permitted NP : Not Allowed

Type of Use	Permit Required by Zoning District						Notes and Other Regulations
	C-C	C-G	C-O	C-MU	C-N		
Residential							
Mixed Use Development	NP	S	NP	S	NP		
Single-Family Dwelling Unit	NP	NP	NP	NP	NP		
Single-Room Occupancy Housing	NP	CUP	NP	CUP	CUP		
Care Uses							
Child Day Care (small family)	NP	CUP	NP	SPR	CUP		Single family residences located in the commercial land use districts are subject to the standards specified in Section 9.08.040
Child Day Care (large family)	NP	CUP	NP	CUP	CUP		
Child Day Care Center	NP	CUP	NP	CUP	CUP		See Section 9.14.020 (Child Day Care Centers)
Homeless Shelter	NP	NP	NP	NP	NP		Including Transitional and supportive uses.
Home Occupation	HOP	HOP	HOP	HOP	HOP		Permitted for Single family residences located in the commercial land use districts pursuant to Chapter 9.50 (Home Occupation)
Social Care, Congregate Care, Convalescent Care Facilities	NP	CUP	NP	CUP	CUP		Including but not limited to elderly care and sober living facilities

Attachment: Development Code, Article 2, Table 2-15 (1217 : Parking Lot Sales)

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Type of Use	Permit Required by Zoning District						Notes and Other Regulations
	C-C	C-G	C-O	C-MU	C-N		
Agriculture, Animal Related, and Open Space Uses							
Animal Care Facility (w/o exterior kennel, pens and runs)	SPR	SPR	SPR	SPR	SPR		Including, but not limited to animal hospitals, veterinarian, pet stores, and grooming.
Animal Care Facility (w/ exterior kennel, pens and runs)	CUP	CUP	NP	NP	CUP		
Community Gardens	SPR	SPR	SPR	SPR	SPR		
Equestrian Facility	CUP	CUP	NP	NP	CUP		
Feed and Tack	CUP	CUP	NP	NP	CUP		
Horticulture/Agriculture	SPR	SPR	NP	NP	SPR		Including, but not limited to crop production, orchards, and vineyards.
Kennels and Catteries (over 15 animals)	NP	NP	NP	NP	SUP		
Livestock Operations	NP	NP	NP	NP	NP		
Natural Resources Development	NP	NP	NP	NP	NP		
Nature Preserve	SPR	SPR	SPR	SPR	SPR		
Nursery/Garden Supply (with outdoor display)	SPR	SPR	SPR	CUP	CUP		
Nursery/Garden Supply (without outdoor display)	SPR	SPR	SPR	SPR	SPR		
Retail Commercial Uses							
Antique/Second Hand Stores	SPR	SPR	NP	SPR	SPR		
Adult-Oriented Business	NP	CUP	NP	NP	NP		See Chapter 9.52 (Adult-Oriented Uses)
Appliance Sales and Home Goods (no repair)	SPR	SPR	SPR	SPR	NP		
Auto and Vehicle Sales and Rentals and Parts Sales	CUP	CUP	NP	CUP	CUP		

Attachment: Development Code, Article 2, Table 2-15 (1217 : Parking Lot Sales)

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Type of Use	Permit Required by Zoning District						Notes and Other Regulations
	C-C	C-G	C-O	C-MU	C-N		
Building and Landscape Materials Sales (indoor)	SPR	SPR	SPR	CUP	CUP		
Building and Landscape Materials Sales (outdoor)	CUP	CUP	NP	CUP	NP		
Convenience Store	CUP	CUP	CUP	CUP	CUP		
Construction and Heavy Equipment Sales and Rentals	NP	CUP	NP	NP	NP		
Farmers Market/Arts and Crafts Events	TSEP	TSEP	TSEP	TSEP	TSEP		See Chapter 9.38(Temporary Special Events)
Fuel/Propane Dealer	NP	NP	NP	NP	NP		See Section 9.14.040 (Gas or Other Fueling Stations)
Grocery, Supermarket, Specialty Food Store, Drug Store	SPR	SPR	SPR	SPR	SPR		
Manufactured Home Sales	NP	NP	NP	NP	NP		
Boat and Recreational Vehicle Sales	CUP	CUP	NP--	CUP	CUP		
Pawn Shop	SPR	SPR	NP	NP	NP		
Retail Store (less than 80,000 sf)	SPR	SPR	SPR	SPR	SPR		
Retail Store (80,000 or greater sf)	SPR	SPR	CUP	CUP	CUP		
Seasonal Holiday Sales Facilities	TSEP	TSEP	TSEP	TSEP	TSEP		See Chapter 9.38 (Temporary Special Events Permits)
Swap Meet, Outdoor Market, Auction Yard (permanent)	NP--	CUP	NP	NP	NP		See Section 9.14.080 (Swap Meets)
Shopping Center (neighborhood, community, or regional),	CUP	CUP	CUP	CUP	CUP		
Warehouse Retail	CUP	SPR	CUP	NP	CUP		

Attachment: Development Code, Article 2, Table 2-15 (1217 : Parking Lot Sales)

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Type of Use	Permit Required by Zoning District						Notes and Other Regulations
	C-C	C-G	C-O	C-MU	C-N		
Business, Financial, and Professional							
ATM	P	P	P	P	P		
Financial Institution and Related Service	SPR	SPR	SPR	SPR	SPR		
Laboratory	SPR	SPR	SPR	SPR	SPR		
Office (Business, Professional, Corporate, Medical)	SPR	SPR	SPR	SPR	SPR		
Eating and Drinking Establishments							
Bakery (retail), Coffee Shop and Similar Uses	SPR	SPR	SPR	SPR	SPR		Including but not limited to ice cream shops, frozen yogurt shops, and candy/sweet shops
Bakery (wholesale)	SPR	SPR	SPR	CUP	NP		
Bar, Lounge, Nightclub, Tavern, and Pool Hall	CUP	CUP	CUP	CUP	CUP		
Catering Service	SPR	SPR	SPR	SPR	SPR		
Fast Food (w/drive through, delivery)	CUP	CUP	CUP	CUP	CUP		See Section 9.14.030 (Drive-in/Drive through Establishments)
Fast Food (w/o drive through, delivery)	CUP	SPR	SPR	SPR	CUP		
Full Service Restaurant	SPR	SPR	SPR	SPR	SPR		
Commercial Service Uses							
Ambulance Service	SPR	SPR	SPR	NP	NP		
Appliance Sales, Service, Repair, and Rental	SPR	SPR	SPR	SPR	SPR		
Automobile Gas Station	SPR	SPR	SPR	CUP	CUP		See Section 9.14.040 (Gas or Other Fueling Stations)
Automobile Service/Repair (minor repair and maintenance)	CUP	SPR	CUP	CUP	CUP		

Attachment: Development Code, Article 2, Table 2-15 (1217 : Parking Lot Sales)

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Type of Use	Permit Required by Zoning District						Notes and Other Regulations
	C-C	C-G	C-O	C-MU	C-N		
Automobile Service/Repair (major Repair/body work)	NP	CUP	NP	NP	NP		
Automobile Washing (car wash)	CUP	CUP	CUP	CUP	CUP		
Automobile Washing (car wash) (fund raising, temporary)	P	P	P	P	P		
Barber, Beauty Shop, and other Similar Personal Service Uses	SPR	SPR	SPR	SPR	SPR		
Printing and Duplication Services	SPR	SPR	SPR	SPR	SPR		
Equipment Sales, Service, Repair, and Rental	CUP	CUP	CUP	NP	CUP		
Fitness Center (less than 2,000 sf.)	SPR	SPR	SPR	SPR	SPR		
Fitness Center (more than 2,000 sf.)	CUP	CUP	CUP	NP	CUP		
Fortune Telling and Related Service	SPR	SPR	SPR	CUP	SPR		
Funeral Service (excluding crematorium)	NP	SPR	CUP	NP	NP		
Funeral Service (including crematorium)	NP	CUP	CUP	NP	NP		
Laundry and Dry Cleaning	SPR	SPR	SPR	SPR	SPR		
Locksmith	SPR	SPR	SPR	SPR	SPR		
Maintenance and Repair (Minor)	SPR	SPR	CUP	CUP	CUP		
Maintenance and Repair (Major)	NP	CUP	NP	NP	NP		

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Type of Use	Permit Required by Zoning District						Notes and Other Regulations
	C-C	C-G	C-O	C-MU	C-N		
Massage Establishment	SPL	SPL	SPL	SPL	SPL		See Municipal Code Section 41.11 (Massage Services and Establishments)
Studio (dance, music, martial arts, artists)	SPR	SPR	SPR	SPR/ CUP	SPR		Less than 2,000 sf (SPR for C-MU) More than 2,000 sf (CUP for C-MU)
Tattoo and Piercing	SPR	SPR	SPR	SPR	SPR		
Commercial Recreation							
Amusement Arcade or Park	NP	CUP	NP	NP	NP		
Carnivals/Circuses/Festivals/Fairs	TSEP	TSEP	TSEP	TSEP	TSEP		See Chapter 9.38 (Temporary Special Events)
Campgrounds	NP	NP	NP	NP	NP		
Concerts, Open-Air Theaters, Outdoor Entertainment Events	TSEP	TSEP	TSEP	TSEP	TSEP		See Chapter 9.38 (Temporary Special Events)
Game Arcade, Internet Café, and Similar Businesses	CUP	CUP	NP	CUP	CUP		
Golf Course	SPR	SPR	SPR	SPR	CUP		
Hookah Lounge	NP	CUP	NP	NP	CUP		
Parks/ Recreation Facilities	SPR	SPR	SPR	SPR	SPR		
Private Clubs and Lodges	CUP	SPR	CUP	NP	CUP		
Recreation and Entertainment (commercial indoor and outdoor)	CUP	CUP	CUP	CUP	CUP		
Recreational Vehicle Park	NP	NP	NP	NP	NP		See Section 9.08.060 (Recreational Vehicle Parks)
Industry, Manufacturing and Processing, Wholesaling							
Construction/Contractor Storage Yard	NP	CUP	NP	NP	NP		

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Type of Use	Permit Required by Zoning District						Notes and Other Regulations
	C-C	C-G	C-O	C-MU	C-N		
Hazardous Waste Operations	NP	NP	NP	NP	NP		See Section 9.34.110 (Hazardous Materials)
Manufacturing Operations	NP	NP	NP	NP	NP		
Motor Vehicle Storage/Impound Facility	NP	NP	NP	NP	NP		
Recycling Facility (small collection facility)	SUP	SUP	SUP	SUP	SUP		See Section 9.14.070 (Recycling Facilities)
Recycling Facility (processing facility)	NP	NP	NP	NP	NP		
Research and Development	SPR	SPR	SPR	CUP	SPR		
Salvage Facility	NP	NP	NP	NP	NP		
Storage – Mini-Storage (personal storage)	NP	NP	NP	NP	NP		See Section 9.14.060 (Mini-Storage Facilities)
Storage (outdoor vehicles storage)	NP	NP	NP	NP	NP		
Wholesaling and Distribution	NP	NP	NP	NP	NP		
Transportation, Communications, and Infrastructure							
Communication Facility	CUP	CUP	NP	NP	CUP		Including, but not limited to, radio and television stations or towers, satellite receiving stations, but not wireless telecommunication facilities
Wireless Telecommunication Facilities	CUP	CUP	CUP	CUP	CUP		Pursuant to Chapter 9.44
Parking Lot	SPR	SPR	SPR	SPR	SPR		See Chapter 9.33 (Parking and Loading Standards). Accessory or incidental to the primary use of the same property.
Public/Government Facilities	SPR	SPR	SPR	CUP	CUP		
Public Safety Uses (permanent)	SPR	SPR	SPR	SPR	SPR		

Attachment: Development Code, Article 2, Table 2-15 (1217 : Parking Lot Sales)

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Type of Use	Permit Required by Zoning District						Notes and Other Regulations
	C-C	C-G	C-O	C-MU	C-N		
Solar Energy Systems (accessory)	P	P	P	P	P		See Section 9.45.010 (Solar Energy Systems)
Solar Energy Systems (Utility grade/primary use)	NP	NP	NP	NP	NP		See Section 9.44.010 (Solar Energy Systems)
Transmission utility lines, pipelines, and control stations	CUP	CUP	CUP	CUP	CUP		
Utilities (major)	CUP	CUP	CUP	CUP	CUP		
Wind Energy System (accessory)	SPR	SPR	SPR	SPR	SPR		See Section 9.46.010 (Wind Energy System)
Wind Energy System (utility grade /primary use)	NP	NP	NP	NP	NP		See Section 9.44.010 (Wind Energy System)
Other Uses							
Cemeteries, Including Pet Cemeteries	NP	CUP	NP	NP	NP		
Churches, Religious Assembly, and Other Public Assembly	CUP	CUP	CUP	CUP	CUP		
Conference Centers and Group Camps	CUP	CUP	CUP	NP	NP		
Correctional Institution	NP	NP	NP	NP	NP		
Emergency Facilities (temporary)	TUP	TUP	TUP	TUP	TUP		See Chapter 9.39 (Temporary Uses and Structures)
Hotels and Motels	SPR	SPR	CUP	SPR	CUP		
Hospitals/Medical/ Rehabilitation Centers/Clinics	CUP	CUP	CUP	CUP	CUP		
Medical Marijuana Dispensary	NP	NP	NP	NP	NP		See Section 9.14.050 (Medical Marijuana Dispensary)
Museum, Library, Art Gallery, Outdoor Exhibit	SPR	SPR	SPR	SPR	SPR		
Schools (private, vocational, charter, and other)	CUP	CUP	CUP	CUP	CUP		

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Type of Use	Permit Required by Zoning District						Notes and Other Regulations
	C-C	C-G	C-O	C-MU	C-N		
Temporary Special Events	TSEP	TSEP	TSEP	TSEP	TSEP		See Chapter 9.38 (Temporary Special Events)
Temporary Structures and Uses	TUP	TUP	TUP	TUP	TUP		See Chapter 9.39 (Temporary Uses and Structures)

9.09.030 – Development Standards

Subdivisions, new land uses and structures, and alterations to existing land uses and structures shall be designed, constructed, and established in compliance with the requirements in Table 2-X, in addition to the applicable standards (e.g., landscaping, parking and loading, etc.) in Article 3 (General Development Standards).

**TABLE 2-16:
COMMERCIAL ZONING DISTRICTS
DEVELOPMENT STANDARDS**

Development Feature	Requirements by Zoning District ¹					
	C-C	C-G	C-O	C-MU	C-N	
Minimum Lot Size²	See map suffix ³					
	1 acre ⁴	5 acres ⁴	1 acres ⁴	1 acre ⁴	1 acre ⁴	
Minimum Lot Dimensions (W: width, D: depth)	W: 120 ft. D: 120 ft.	W: 120 ft. D: 120 ft..	W: 120 ft. D: 120 ft..	W: 120 ft. D: 120 ft..	W: 120 ft. D: 120 ft..	
Maximum Lot Dimensions (width to depth)	1:3	1:3	1:3	1:3	1:3	
Setbacks	Minimum setbacks required unless different setbacks are delineated on Final Map, Parcel Map, Composite Development Plan, or are allowed pursuant to Section XX.XXX.					
Front	15 ft.	15 ft.	15 ft.	15 ft.	25 ft.	
Side ⁵	10 ft.	0 ft.	10 ft.	0 ft.	10 ft.	

Attachment: Development Code, Article 2, Table 2-15 (1217 : Parking Lot Sales)

Chapter 9.38 Temporary Special Events

Sections:

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

9.38.010 Purpose

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

9.38.020 Duration and Frequency

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

**TABLE 3-24:
SPECIAL EVENTS**

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

**TABLE 3-24:
SPECIAL EVENTS**

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

- B.** Where uncertainty exists regarding the interpretation of any provision of this Chapter or its application to specific special event which may not be listed, the Director shall determine the intent of the provision and or determine whether the proposed event is consistent with the provisions of this Chapter.
- C.** Multiple Temporary Special Events may be combined into a single permit, however Certified Farmers Markets shall comply with the California Code Of Regulations, section 1392 and obtain all required permits from the Town.
- D. Seasonal Holiday Sales Facilities.** Seasonal holiday sales activities (e.g., Christmas, Halloween, Thanksgiving, etc.) including temporary residence/security trailers, on nonresidential properties, for up to 45 days.
1. **Date of Opening.** A Christmas tree sales facility shall not be open for business during any calendar day before Thanksgiving. Other holiday sales facilities shall not be open more than 30 days before the holiday.
 2. **Additional Permits.** The applicant shall secure an electrical permit if the facility is to be energized and the proper permits from the Building Division for any temporary structure or shelter.
 3. **Fire Prevention.** Each Christmas tree/holiday sales facility shall comply with fire prevention standards as approved and enforced by the Fire Chief, including any burning or open fires or flocking or painting.
 4. **Maintenance.** Seasonal holiday sales facilities shall be kept clean and free of debris at all times during use of the property.
 5. **Merchandise.** A seasonal holiday sales facility shall not engage in the sale of any merchandise not directly associated with the holiday identified by the applicant as the basis for the seasonal holiday facility.

6. Off-street Parking. The Director shall approve all public access.
7. Removal of Facility. The seasonal holiday facility shall be removed within 14 days after Christmas or other holiday.

9.38.030 Permit Required

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

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

9.38.040 Standards and Regulations

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

9.38.050 Requests for Law Enforcement Services at Special Events

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

9.38.060 Temporary Special Event Amendment

Refer to Article 5, Chapter 9.83 Permit Amendments.

9.38.070 Temporary Special Event Revocation

Refer to Article 5, Chapter 9.84 Permit Revocations.

Chapter 9.39 Temporary Uses and Structures

Sections:

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

9.39.010 Purpose and Intent

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

9.39.020 Applicability

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

9.39.030 Exempt Temporary Structures and Uses

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

- A. **Construction Yards - On-Site.** On-site contractors' construction yards, for an approved construction project. The construction yard shall be removed immediately upon completion of the construction project, or the expiration of the Building Permit authorizing the construction project, whichever first occurs.
- B. **Emergency Facilities.** Emergency public health and safety needs/land use activities, as determined by the Town.

- C. **Events on Sites Approved For Public Assembly.** An event on the site of, or within, course, meeting hall, religious facility, school, theater, or other similar facility designed, and approved by the Town for public assembly.
- E. **Location Filming.** The temporary use of a specific site for the location filming of commercials, movies, videos, and similar filming, for the time specified by the Director. Even though this use is exempt from a Temporary Use Permit, it may require a Film Permit issued by the Community Development Department and processed in compliance with Chapter 9.78 (Filming Permits).
- F. **Public Property or Public Right-of-Way.** Construction and maintenance activities conducted on public properties that are authorized by an Encroachment Permit issued by the Department of Public Works.
- G. **Emergency public health and safety activities.**

9.39.040 Structures and Uses Allowed with Temporary Use Permit

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

- A. **Batch Plants.** Batch plants necessary for the construction of major public infrastructure improvements provided proper review in compliance with the California Environmental Quality Act (CEQA) is completed.
- B. **Construction Yards - Off-site.** Off-site contractors' construction yards, for an approved construction project. The construction yard shall be removed immediately upon completion of the construction project, or the expiration of the Building Permit authorizing the construction project, whichever first occurs.

9.39.050 Permitted Temporary Uses

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

- A. **Temporary Residential Quarters.** Manufactured homes and self-contained recreational vehicles may be used for temporary residential quarters only in the following instances and for a period of time not to exceed one (1) year with one (1) year extensions; not to exceed an aggregate total of four (4) years:
 1. Temporary residential quarters for individuals involved in the construction of the first permanent dwelling unit on the same parcel. Such Temporary Use Permits may be approved when construction permits have been issued by the Building and Safety Division;
 2. Temporary residential quarters for security personnel for construction projects for which construction permits have been issued by the Building and Safety Division;
 3. Temporary residential quarters for security personnel for the short-term protection of permitted commercial, commercial agricultural, industrial or institutional use;

4. The provisions of this Section shall not apply to public school property;
5. Temporary Use Permits issued pursuant to this Section shall become invalid upon the cancellation of the building permit or the completion of the construction project for which the building permit and Temporary Use Permit were issued.

B. Temporary Nonresidential Quarters. Manufactured homes, commercial coaches, self-contained recreational vehicles, mobile office vehicles or other appropriate and approved structures may be used for temporary nonresidential quarters as an accessory use to a primary permitted use. Such temporary nonresidential quarters may be used to provide temporary office, retail, meeting, assembly, wholesale, manufacturing and/or storage space for commercial, commercial agricultural, industrial or institutional uses for a period of time not to exceed one (1) year with one (1) year extensions; not to exceed an aggregate total of four (4) years.

1. The Town shall determine that the proposed use complies with the development standards in Article 2 (Zoning Districts and Development Standards) including:
 - a. Adequate access, circulation, and parking.
 - b. Appropriate buffering from abutting uses.
 - c. Fencing.
 - d. Landscaping.
 - e. Lighting.

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

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

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

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

- a. The sales office and any off-street parking shall be converted back to residential use and removed before the issuance of the Final Occupancy Permit or within 14 days from the close of escrow of the last parcel in the subdivision, whichever first occurs.
 - b. The model home complex shall be used to sell only units within the development within which the complex is located.
 - c. Model home permits and model home sign permits will be finalized and the model homes will be allowed to be open to the public only after all required bonding has been accomplished and accepted by the Town and a Temporary Use Permit has been issued.
 - d. At least one model home shall be fully landscaped with drought tolerant xeriscape materials.
 - e. The Town may require other conditions of approval deemed necessary to protect the public health, safety, and general welfare of persons residing or working in the neighborhood.
2. Real Estate Sales Offices. A temporary real estate sales office (modular structure) may be established within the area of an approved subdivision, solely for the first sale of homes. An application for a temporary real estate office may be approved for a maximum of 12 months from the date of approval.

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

1. Intent. The provisions of this section are intended to regulate the use of a single family dwelling unit when used as a temporary sales office and model home for the sale of construction services to build single family residential units on vacant lots. These provisions are not intended to allow a permanent or temporary real estate office involved in real estate sales other than those involving lots sold in conjunction with the construction services being offered;
2. Finding. Prior to the issuance of a Temporary Use Permit, the reviewing authority shall find and justify that the proposed on-your-lot builder model homes/sales office structure is located fronting on a roadway designated by the Circulation Plan of the General Plan as identified in (5) below.
3. Activities Restricted to Construction Services and Related Sales of Vacant Lots. The on-your-lot builder model home/sales office shall be used only for the sale of construction services to build single-family residential dwelling units on vacant lots and related real estate sales. Real estate sales shall be limited to the sale of vacant lots in conjunction with the sale construction services for the same lot. Real estate sales shall be an accessory and subordinate use to the primary use of construction service or sales.
4. Inspection Annually by Fire Department. An annual inspection shall be made by the Fire Department in order to ensure compliance with conditions of approval of the Temporary Use Permit.

5. Location of Structure. The on-your-lot builder model home/sales office structure shall be located fronting on a roadway designated by the General Plan in the Circulation Element as one of the following:
 - (1) Highway (6 lanes divided)
 - (2) Highway (4 lanes divided)
 - (3) Arterial (4 lanes divided)
 - (4) Collector (4 lanes)
 - (5) Collector (2 lanes)
 - (6) Industrial (2 lanes).
- 6.. Parking. A minimum of two paved and two other alternate parking spaces shall be provided. The Town shall approve alternate parking spaces subject to surfacing requirements and possible alternate locations (e.g., on-street parking) where it is deemed necessary and appropriate.
7. Performance Bond. A bond shall be required to ensure removal of any signs or flags and to reconvert, where necessary, any garage conversion.
8. Xeriscape. The model home shall be fully landscaped with drought-tolerant xeriscape materials.
9. Transfer of Permit. A Temporary Use Permit for an on-your-lot builder model home/sales office may be transferred to another party. A transfer shall not entitle the new owner to use the Temporary Use Permit for a longer time period than five years from the issuance of the original permit. The Code Enforcement Division shall be notified of any transfer of ownership.
 - (a) Agreement to Terminate a Temporary Use. Before the issuance of the Temporary Use Permit for the first year and as a condition of the permit approval, the permittee shall enter into an agreement with the Town, which shall be recorded in the Official Records of the County by the County Recorder. The agreement shall establish the responsibility of the permittee to comply with the provisions of this Chapter. This will include acknowledgement that the permittee shall terminate the model home/sales office no later than five years from the date of the initial permit and shall restore the structure to a use allowed by the current land use zoning district in which the subject property is located.

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

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

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

- a. The trailer or mobile home will be in place during construction or remodeling permanent commercial or manufacturing structure for a maximum of 12 months, or upon expiration of the Building Permit for the permanent structure, whichever first occurs; or
- b. The applicant has demonstrated that the temporary work site is a short-term necessity for a maximum of 12 months, while a permanent work site is being obtained; and
3. The trailer or mobile home is removed before final building inspection or the issuance of a Certificate of Occupancy for the permanent structure.
4. A Temporary Use Permit issued in conjunction with a construction project shall become invalid upon:
 - a. Cancellation of the Building Permit for the approved temporary structure or use; or
 - b. Completion of the Building Permit for the approved temporary structure or use; or
 - c. Expiration of the time for which the approval has been granted.

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

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

1. Temporary transportable treatment units shall only be allowed in either of the following instances:
 - a. The site where a TTTU will be located and operated complies with the siting criteria and procedures identified in the San Bernardino County Hazardous Waste Management Plan; or
 - b. The County Environmental Health Services Division determines that the proposed TTTU use does not create additional health risks as demonstrated by a site-specific health risk assessment and a Land Use Compliance Review is issued and recorded in compliance with Chapter 9.66 (Land Use Compliance Review).
2. A Temporary Use Permit issued in conjunction with a TTTU shall become invalid upon the occurrence of one of the following:
 - a. Violation of a permitting requirement; or
 - b. Completion of the project; or
 - c. Expiration of the time for which the approval has been granted.
3. The County Environmental Health Services Division shall conduct an annual inspection in order to ensure compliance with any conditions of approval.
4. A Temporary Use Permit for a temporary transportable treatment unit shall not be granted or extended for a period of time to exceed five years after the date the Temporary Use Permit was first issued.

- K. Accessory Storage Structures.** A detached, accessory storage structure, where the primary use does not yet exist, shall only be allowed with appropriate bonding to remove the accessory structure if the primary use is not completed within two years.
- L. Similar Temporary Activities.** A temporary activity that the Director determines is similar to the other activities listed in this Section and compatible with the applicable land use zoning district and surrounding land uses.

9.39.060 Additional Development Standards

- A. Additional Standards.** In addition to the standards in Section 9.39.050 (Permitted Temporary Uses), above, the Director shall establish the following additional standards for a proposed temporary structure or use, using the requirements of the applicable zoning district and Article 2 (Zoning Districts and Development Standards) for guidance:
1. Structure and Property Development Improvements. Access, floor areas, heights, landscaping, off-street parking, setbacks, signs, utilities, and other structure and property development improvements and features;
 2. Removal of the Activity and Site Restoration. Measures for removal of the activity and site restoration, to ensure that no changes to the site would limit the range of possible future land uses otherwise allowed by this Development Code. Performance security may be required before installation of the temporary structure or initiation of the temporary use to ensure cleanup after the structure is removed or the use is finished in compliance with Section 9.80.030(Performance Guarantees); and
 3. Time Limitation. Limitation on the duration of an approved "temporary structure," to a maximum of 12 months, so that it shall not become a permanent or long-term structure.
- B. Display of Permit and Approvals.** A valid Temporary Use Permit shall be prominently displayed so that it is visible at all times from the exterior of the permitted structure or use and available for inspection. A permitted temporary structure shall provide evidence of approval by the State Department of Housing and Community Development as required by the Health and Safety Code or the U.S. Department of Housing and Urban Development, where applicable.
- C. Other Regulations.** Installation of a permitted structure or use shall comply with the requirements and regulations of the Department and the following:
1. Development Code.
 2. Building and Safety Division.
 3. Fire Department.
 4. Environmental Health Services Division.
 5. Applicable State and Federal regulations.

9.39.070 Interim Operation of Activities Requiring a Conditional Use Permit

- A. Interim Operation of Activities Requiring a Conditional Use Permit.** A Temporary Use Permit may be issued for the interim operation of any use requiring a Conditional Use Permit for a period

of time not to exceed 12 months, provided the Temporary Use Permit does not authorize construction or establishment of new permanent structures and the review authority makes the findings required for approval of a Conditional Use Permit in compliance with Chapter 9.63 (Conditional Use Permit).

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

9.39.080 Camping or Occupancy of Temporary Structure Prohibited

A. Prohibited Use.

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

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

1. Any tent, lean-to, box, or other make-shift building or enclosure constructed of any material for which no building permit has been issued and no Temporary Use Permit, Special Use Permit, or other land use approval has been granted;
2. Any vacant building, temporary or permanent, deemed substandard pursuant to Chapter 6.08 (Maintenance of Abandoned Properties) of Title 6 (Health and Sanitation) of the Yucca Valley Municipal Code; and
3. Any building under construction and unfinished, regardless of whether or not building, (plumbing, etc.) permits have been issued.

C. Camping in Vehicle Prohibited.

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

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

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

10. Commercial vehicles.

E. Notice to Abate.

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

9.39.090 Temporary Use Amendment

Refer to Article 5, Chapter 9.83 Permit Amendments.

9.39.100 Temporary Use Revocation

Refer to Article 5, Chapter 9.84 Permit Revocations.

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF YUCCA VALLEY, CALIFORNIA, AMENDING THE YUCCA VALLEY DEVELOPMENT CODE, TITLE 9, ARTICLE II, CHAPTER 9.09, COMMERCIAL DISTRICTS, BY ADDING SECTION 9.09.060, COMMERCIAL ESTABLISHMENT OUTDOOR DISPLAY.

9.09.060-Commerical Establishment, Outdoor Display

A. General Provisions. Commercial establishments in the C-C, C-G, C-O, C-MU and C-N zoning districts are allowed outdoor display of merchandise based upon the following standards.

1. All outdoor display shall be removed at the close of business operations.
2. Outdoor displays proposed for those commercial establishments open for business 24 hours per day require Planning Commission approval of a Conditional Use Permit for outdoor displays.
3. Outdoor display areas shall not be located within parking lots, landscape areas, public easements or rights of way.
4. Outdoor display areas shall conform to all ADA accessibility standards and requirements, in addition to San Bernardino County Fire standards.
5. Outdoor display areas shall be limited to 250 square feet in total area.
6. Outdoor display areas proposed in excess of 250 square feet shall file a Conditional Use Permit application for review and consideration by the Planning Commission.

**AN ORDINANCE OF THE TOWN COUNCIL OF THE
TOWN OF YUCCA VALLEY, CALIFORNIA,
AMENDING THE YUCCA VALLEY DEVELOPMENT
CODE, TITLE 9, ARTICLE III, CHAPTER 9.38,
DEVELOPMENT STANDARDS, BY ADDING
REGULATIONS FOR PARKING LOT SALES.**

Chapter 9.38 Temporary Special Events

Sections:

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

Purpose

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

Duration and Frequency

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

**TABLE 3-24:
SPECIAL EVENTS**

Permitted Special Events (With a Special Event Permit)	Land Use District Permitted	Maximum Number of Days Per Events	Maximum Number of Events Per Calendar Year Per Location and/or Vendor
Church tent rival meetings	All Land Use Districts	10	3
Circus, carnival	All "C", "I", and Public/Quasi Public Land Use Districts, , all land use districts in Old Town Specific Plan Area	10	4
Fair, concerts, parades, exhibits, festivals, art shows, car shows, street fairs or similar events	All "C", "I", and Public/Quasi Public Land Use Districts, all land use districts in Old Town Specific Plan Area	10	10
Certified Farmers Markets	All "C", "I", and Public/Quasi Public Land Use Districts, all land use districts in Old Town Specific Plan Area	Two days per week	Permit is valid for one year
<u>Commercial Establishment Parking Lot Sales</u>	<u>All C-C, C-G, C-O, C-MU, and C-N Zoning Districts</u>	<u>Three days per event</u>	<u>Four Annually</u>
Seasonal Holiday Sales Facilities	Non-Residential Districts	See Subsection D	3

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

- C.** Multiple Temporary Special Events may be combined into a single permit, however Certified Farmers Markets shall comply with the California Code of Regulations, section 1392 and obtain all required permits from the Town.
- D. Seasonal Holiday Sales Facilities.** Seasonal holiday sales activities (e.g., Christmas, Halloween, Thanksgiving, etc.) including temporary residence/security trailers, on nonresidential properties, for up to 45 days.
- 1.** Date of Opening. A Christmas tree sales facility shall not be open for business during any calendar day before Thanksgiving. Other holiday sales facilities shall not be open more than 30 days before the holiday.

2. Additional Permits. The applicant shall secure an electrical permit if the facility is to be energized and the proper permits from the Building Division for any temporary structure or shelter.
3. Fire Prevention. Each Christmas tree/holiday sales facility shall comply with fire prevention standards as approved and enforced by the Fire Chief, including any burning or open fires or flocking or painting.
4. Maintenance. Seasonal holiday sales facilities shall be kept clean and free of debris at all times during use of the property.
5. Merchandise. A seasonal holiday sales facility shall not engage in the sale of any merchandise not directly associated with the holiday identified by the applicant as the basis for the seasonal holiday facility.
6. Off-street Parking. The Director shall approve all public access.
7. Removal of Facility. The seasonal holiday facility shall be removed within 14 days after Christmas or other holiday.

E. Commercial Establishment Parking Lot Sales

1. Temporary Special Event Permits for Parking Lot Sales shall be limited to once per quarter in any calendar year.
2. Parking Lot Sales events shall be limited to three consecutive days.
3. Minimum parking standards shall be maintained.
4. No merchandise shall be located within the public right-of-way.
5. Outdoor display areas shall conform to all ADA accessibility standards and requirements, in addition to San Bernardino County Fire standards.

Permit Required

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

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

Standards and Regulations

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

Requests for Law Enforcement Services at Special Events

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

Temporary Special Event Amendment

Refer to Article 5, Chapter 9.83 Permit Amendments.

Temporary Special Event Revocation

Refer to Article 5, Chapter 9.84 Permit Revocations.