

**TOWN OF YUCCA VALLEY
PLANNING COMMISSION MEETING MINUTES
AUGUST 27, 2013**

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

The Pledge of Allegiance was led by Chair Humphreville.

APPROVAL OF AGENDA

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

PUBLIC COMMENTS

None

PUBLIC HEARING

1. DEVELOPMENT CODE AMENDMENT, DCA 06-13, ARTICLE 4

Chair Humphreville opened the public hearing for DCA 06-13, Article 4.

Deputy Town Manager Shane Stueckle presented the staff report regarding DCA 06-13. Stueckle explained that as part of the Development Code Update project, the Planning Commission has previously reviewed Article 4 at its meetings of April 9, 2013 and August 13, 2013. Article 4 Permit Procedures establishes the review authority and permit processing procedures for the land use permits established in the Yucca Valley Development Code. Processing applications including, but not limited to, General Plan Amendments, Development Code Amendments, Conditional Use Permits, Site Plan Reviews, and all other land use permits issued by the Town.

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

Commissioner Whitten moved to:

Find that the project is exempt from CEQA in accordance with Section 15061 (b)(3) of the California Environmental Quality Act. The proposed amendment to revise the Town's Permitting Procedures regulations has no potential to impact the environment. The proposed amendment does not alter the existing requirements that specific development projects must comply with the provisions of the California Environmental Quality Act. Development Code Amendment, DCA 06-13 meets the exemption criteria which states "that if an activity is covered by the general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment and where it can be seen with certainty that

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

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

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

DEPARTMENT REPORT

2. HOME OCCUPATION PERMITS

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

Chair Humphreville opened public comment.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

No action was taken.

3. WIND ENERGY CONVERSION SYSTEMS

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

systems that are available. The draft ordinance proposes standards for the installation of WECS.

Chair Humphreville opened public comment. With no members of the public wishing to speak, the public comments were closed.

Vice Chair Bridenstine spoke of prior commission experience with wind energy system use decisions. There is a need to set zoning, parcel size and height restrictions.

Commissioner Drozd spoke of concern with slope between properties and the possibility of blocking the neighbor's views, even though property line setbacks are met.

Commissioner Whitten reported his witnessing of a variety of wind energy systems with little or no noise emitting from them. Whitten asked for clarification that the discussion is for residential use, not commercial use.

Commissioner Lavender spoke of the benefits of alternative energy systems.

Vice Chair Bridenstine requested the inclusion of noise requirements to deter certain systems.

Chair Humphreville spoke favorably on the use of alternative energy systems, but would like to take view shed into consideration. Humphreville stated he would like to see enough flexibility in the code to not limit a certain system if it happens to work on a specific parcel.

No action was taken.

4. UTILITY UNDERGROUNDING

Deputy Town Manager Stueckle opened discussion on utility undergrounding and gave background on the topic by reviewing Town Ordinance 233.

Chair Humphreville opened public comment on the item. With no members of the public wishing to speak, public comments were closed.

Vice Chair Bridenstine inquired about the restrictions relating to in-fill of Single Family and Multi-Family Residential development.

Commissioner Drozd questioned the in-fill cost of overhead lines versus undergrounding.

Chair Humphreville inquired about the effect on remodeling of commercial property.

Commissioner inquired if underground utilities were a requirement in the Old Town Specific Plan.

Chair Humphreville stated a statement of waiver for specific instances should be included, especially for soil or topography conditions.

No action was taken.

CONSENT AGENDA

MINUTES

Vice Chair Bridenstine moved to approve the Yucca Valley Planning Commission minutes of May 14, 2013, June 11, 2013, June 25, 2013 and July 09, 2013 as presented. Commissioner Whitten seconded. Motion carried 5-0 on a voice vote.

STAFF REPORTS AND COMMENTS

Deputy Town Manager Stueckle presented a brief update on current commercial projects and noted that the Planning Commission will not be meeting on September 10, 2013 due to staff schedule conflicts.

FUTURE AGENDA ITEMS

None

COMMISSIONER REPORTS AND REQUESTS

Commissioner Drozd thanked staff for their assistance and also thanked the public for attending the meeting and providing input.

Commissioner Lavender thanked the public for their input.

Commissioner Whitten thanked staff and commented favorably regarding the Town Manager Updates being distributed to the community.

Vice Chair Bridenstine also thanked staff and the public for participation in the process.

ANNOUNCEMENTS

The next regular meeting of the Yucca Valley Planning Commission will be held on Tuesday, September 27, 2013 at 6:00 p.m. in the Yucca Room of the Yucca Valley Community Center.

ADJOURNMENT

There being no further business, Chair Humphreville adjourned the meeting at 7:51 p.m.

Respectfully submitted,

Lesley Copeland, CMC
Town Clerk