

**TOWN OF YUCCA VALLEY
PLANNING COMMISSION MEETING MINUTES
May 13, 2014**

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

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

The Pledge of Allegiance was led by Chair Humphreville.

PUBLIC COMMENTS

1. Margo Sturges, Yucca Valley, spoke and said that she thought that the Planning Commission had intended to hold a workshop on the Home Occupation Permit regulations, and she felt that they should hold a workshop.
2. Fritz Koenig, Yucca Valley, said that the Planning Commission had said that they would hold a workshop on the Home Occupation Permit regulations. He felt that a workshop was necessary as the issue was controversial. He said he would be holding his own workshop and submitted a sign-up sheet to the Commission.

With no further individuals wishing to speak, Chair Humphreville closed public comments.

CLOSE PUBLIC COMMENTS

PUBLIC HEARING

- 1. VARIANCE, V 02-14 BALLINGER DEVELOPMENT**
A request to reduce the required 50 foot front yard setback to 30 feet for the construction of a single family residence. The property is located on the north side of Montecello Lane, west of Montecello Rd and is identified as APN 596-361-03.

Planning Technician Olsen presented the staff report. Staff recommended that the Commission find the project exempt from CEQA under section 15305, Class 5, Minor Alterations in Land Use Limitations, and that the Commission grant the Variation based upon the findings contained within the staff report. Staff's findings were as follows:

1. The granting of the variance would not be detrimental to other properties in the area. Several properties in the surrounding areas have been granted variances for a reduction in setbacks. The granting of the variance will have no impact on solar energy systems, either now or in the future.
2. The property would require significant land disturbance to construct a single family residence.

3. The strict application of the land use regulations would require extensive land disturbance on the site, would change the natural appearance of the site and could limit the ability to construct a single family residence on the property.
4. The variance is compatible with the following polices of the General Plan.

PUBLIC COMMENTS

None

CLOSE PUBLIC COMMENTS

Joanne Ballinger, the applicant, told the Commission that the intent of the project was to avoid disturbing as much of the landscape as possible, and that they were requesting the variance to avoid extensive changes given the limited size of the level portion of the lot.

Commissioner Lavender asked if they had considered alternative configurations which would allow them to build on that location without the variance.

The applicant said that they had looked at alternative options, but found that even a smaller home would require a variance, and that they wanted to keep the grading to a minimum.

Chair Humphreville said that he understood the issues with construction on that property, and that he appreciated their intent to preserve the attractive boulder piles.

Commissioner Bridenstine said that she felt a setback of 30 feet was reasonable given the circumstances.

MOTION

Chair Humphreville moved to approve variance, V 02-14. Commissioner Lavender seconded, and it passed unanimously.

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

Deputy Town Manager Stueckle presented the staff report. Staff presented the Commission with draft regulations for Home Occupation Permits for their consideration. A brief overview of the history of the Town's Home Occupation Permit regulations was provided. Staff stated that Article 4 of the development code was approved by the Town Council in October of 2013, but that the Commission had opted to defer Home Occupation Permits until they had received additional input from the community.

Deputy Town Manager Stueckle said that the Commission had talked about holding a workshop on the Home Occupation Permit regulations, and it was staff's interpretation that the Commission's intent was to receive maximum participation from the public. Staff explained that, in order to receive the maximum participation from the community, notice of the public hearing

on HOP regulations was provide not only through the usual notice of the meeting published in the newspaper and website, but also through the Community Updates, an additional press release, and through the Chamber Commerce. It was staff's opinion that this process met the Commission's intent for maximum participation, and if there are member of the community who are working on the regulations the Commission is always delighted to receive that information.

Staff provided an overview of the current Home Occupation Permit regulations and the changes presented in the draft regulations presented to the Commission. The changes in the draft regulations included:

- Staff recommended changing the approval authority from Director for all Home Occupation Permit's to two levels of approval authority including Director and Planning Commission, where the Planning Commission would be the approval authority for all home occupations involving sales activities from the home, customers visiting the home, or outdoor screened business activity.
- Staff recommended that the renewal authority is the same as the approval authority.
- Staff recommended that approvals be given for 2 or 3 years instead of for one unless a complaint is received and violations have been verified by a field investigation.
- Staff asked that the Commission consider any additional uses which should be added to the prohibited list.
- Staff recommended additional language to clarify what home based businesses are exempt from obtaining a permit.
- Staff said that the language allowing outside storage needed further clarification and standards. Staff recommended modifications which prohibited outside storage in smaller lots and allowed some outside storage on lots larger than one acre.
- Staff stated that the current standards only address the maximum areas for storage which can be used by a business and identify 25% and 35%, or 250 square feet or 500 square feet, as maximum areas for conducting home based businesses. Staff stated that the Commission may desire to discuss modifications to these standards.
- Staff asked that the Commission should discuss the standards regarding where business activities are to be conducted and direct staff as to the allowable locations for home based business activities.
- Staff recommended modifying the allowed business operating hours from between the hours of 7:00 a.m. and 8:00 p.m. to the hours of 9:00 a.m. and 5:00 p.m. for business which have sales on the premises or customers on the site. All other homes based business would be limited to between 7:00am and 7:00 pm. The Commission may desire to discuss the necessity for hours of operation where no customers visit the site, and when the business activity is in compliance with Town regulations.

PUBLIC COMMENTS

1. John Barriage, San Deigo, spoke. He stated that he is the attorney for Fritz Koenig. He said that he does not believe the staff's recommendations regarding where business activities are to be conducted were more restrictive. He also objected to allowing people to

- apply for a Conditional Use Permit for uses which do not strictly comply with the Home Occupation Permit regulations.
2. Sabrina Peukert, Yucca Valley, asked if the regulations included provisions to make sure that sales tax was correctly paid to the jurisdiction when goods are sold. She said that she can't run the same business as the Fallosi's.
 3. Fritz Koenig, Yucca Valley, asked that the public comment period be continued at the next meeting on this subject. He said that he believes the recommended changes presented by staff are less restrictive and that allowing Conditional Use Permits would allow the Planning Commission to permit any business they want, including a brothel. He believes home occupation business activities should be limited to the primary dwelling unit.
 4. Margo Sturges, Yucca Valley, said that she believes that the regulations should prohibit more uses including gun sales, brothels, salons and mortuaries. She said that there should be a workshop on the issue and that the public hearing wasn't enough.
 5. Barry Shaw, Yucca Valley, said that selling guns and/or ammunition in a residential area should be strictly prohibited. He said that no one wants to live in a neighborhood where guns and ammo are sold.
 6. Janice Pask, Yucca Valley, spoke in support of the proposed changes to the HOP regulations that take into account the differences in lot sizes. She is a neighbor of David Fallosi, an artist, and feels that his home business is appropriate to the neighborhood.
 7. David Cooper, Yucca Valley, commented on the proposed changes to the HOP regulations. He was on the planning commission when the current regulations were first drafted. He said he didn't have a problem with a properly licensed gun dealer operating a small home based business. He said that home occupation permits are not controversial, and that Yucca Valley is a rural area that doesn't face the same issues as a metropolitan area. He believes the regulations should have a light touch. Rural areas on large parcels should be allowed to do a lot of things that they can't do on small urban parcels. He also said he felt that the 9 to 5 retail hour limit was too restrictive. He also approved of the 2-3 year period for renewal.
 8. David Fallosi, Yucca Valley, spoke asking the Commission to consider what is reasonable for artists. He is an artist with a home occupation business and the area has a large community of artists, and that this type of business improves the Town. He said that he doesn't think it is reasonable for a home owner to be discriminated against because they have a Home Occupation Permit. What is allowed for any home owner should not be prohibited simply because they have a HOP.

9. Herb Orban, Yucca Valley, said that he supports some home based businesses, but doesn't think the ordinance should be changed to allow a broader spectrum of home based businesses. He also does not support any home business which would increase traffic or increase crime related activities. He does not support residential gun sales.
10. Dennis Pask, Yucca Valley, spoke. He said he is a neighbor of David Fallosi and that he represents 30 residents of his neighborhood who support the proposed changes. He supports local artists who work out of their homes, and said that many of them may have developed their studios prior to incorporation. He believes the Town should encourage artists. He submitted a document for Commission review.
11. Bonnie Brady, Yucca Valley, said she thinks that any gun based businesses should be prohibited in residential areas. She also agreed with Fallosi about the needs of art based home businesses. She has participated in the art tours and believes they are important.
12. Ed Keesling, Yucca Valley, is a potter in Yucca Valley. He spoke in support for the new rules for rural areas with large lots. He encouraged the Commission to make it easier for artist to work in large areas. He said it wasn't clear to him whether or not the ordinance allowed artists to participate in art tours or open house type events. He also felt that the fee for the applying for a HOP is high.
13. Nora Fraser, said that she is a neighbor of David Fallosi and that his business is successful and should have a commercial space.
14. Marissa Corson, Yucca Valley, said that she felt that it is not fair that someone with a Home Occupation Permit is not allowed to have the same kind of commercial deliveries that someone without a home business would be allowed.
15. Esther Shaw, Yucca Valley, said that gun sales should be prohibited in residential neighborhoods with small lots. She said that gun shops have safety measures in place that residential homes do not have. She also spoke in support of regulations that support local artists.

With no further individuals wishing to speak, Chair Humphreville closed public comments.

END PUBLIC COMMENTS

Chair Humphreville opened the Commission discussion on the Home Occupation Permit regulations.

Commissioner Drozd said that he agreed with the graduated ordinance based upon lot size. The regulations need to take into account both the business owners and the neighbors, and a graduate ordinance is a good way to go. He also stated that, while he understand the concern caused by gun

sales, he does not believe that sale of disassembled, non-operational guns are a problem, particularly when limited to less than ten visits per month, but he does believe that prohibiting ammunition sales on small lots may be a good solution.

Commissioner Bridenstine suggested adding language to make it clear that only legal businesses are allowed. She also said that she thinks that firearm sales should only be allowed in residential lots one acre or larger. She also doesn't think that firearms and ammunition should be allowed to be sold together. She thinks that restricting the number of sales and the licensing requirements for gun sellers both need to be clearly reviewed. She also said that there are extenuating circumstances effecting artist. Art tours and open houses are important for artists, and many artist need to use accessory structures. She suggested either having a separate section addressing artist or liberating the ordinance enough to allow them to fit.

Commissioner Lavender said that he felt there needed to be a workshop on this item, and he didn't feel that there should be a decision in the next meeting. He said that the process needed more informal discussion. He also said that he did some research into the regulations of cities with similar demographics to Yucca Valley, and that most had regulations similar to what is currently in place. He also stated that some other communities go into much greater detail about what is allowed and what isn't allowed than what the Town currently has, and he felt that expanding that may create greater clarity. He also asked if staff has enough time to inspect properties to see if they are complying. Staff informed the Commission that currently inspections occur at the time the permit is granted, and subsequently only if there is a complaint. Commissioner Lavender also said that he felt that gun sales in general should be limited for personal reasons.

Chair Humphreville said that he agreed with Commissioner Bridenstine that language clarifying that only legal businesses are allowed should be included. He said that he doesn't believe that all gun businesses are the same. A legal home occupation business would have the same wait time requirements as a gun shop. He does understand the concerns caused by residential gun sales. He thought that were plenty of restrictions on the Home Occupation Permit previously issued by the Commission, and that gun sales are a legal business. He also said that he felt the Commission should consider prohibiting or restricting Home Occupation Permits in multi-family zones. He asked if there were currently any permits in multi-family zones, and was informed by staff that there are not.

Chair Humphreville called a recess at 7:35 p.m.

RECESS

The meeting resumed at 7:40 p.m.

Chair Humphreville opened a discussion on the exemption requirements. Staff stated that the draft language presented was intended only to clarify not modify what types of business are exempt from Home Occupation Permits. Commissioner Lavender said that he would like the businesses that are currently exempt to remain exempt.

Chair Humphreville opened a discussion on the conditions of approval.

Commissioner Bridenstine asked for clarification of the sign allowance. Staff provided clarification that the intent was that signage not change the character of the residential neighborhood and that sign size was limited to 2 square feet. Commissioner Bridenstine said that she agrees with small signs.

There was discussion on outside storage. Staff clarified that the intent of the proposed language was that all permits involving outside storage would go before the Planning Commission, but said that the language needs some fine tuning.

There was a discussion about the screening of storage. Commissioner Bridenstine and Commissioner Drozd agreed that the standard should be screened from the street level.

Commissioner Bridenstine also stated that she didn't want the rules to eliminate the possibility of having a separate studio. She stated that the rules either need to be permissive enough to allow for it, or there needs to be some kind of exception. She believes that the limit of 25% of the dwelling used for the operation of the business is too restrictive.

Chair Humphreville agreed that the 25% restriction was way too small. He said that he doesn't see any difference between allowing someone to use a barn for equestrian use and allowing them to use it for a home occupation. He stated that he would like to see storage size limited by parcel size.

Commissioner Lavender also agreed that the 25% or 250 square foot limitation is too small.

Chair Humphreville said that the average number of trips per day allowed may need to be modified to match the 12 trips per day which would occur in home daycare business with 6 or fewer clients.

There was a discussion of proposed changes to the sections addressing Review Authority. Staff provided an overview of the current process for Home Occupation Permit approval. Staff also explained that if sales taxes was an element of the business, it is included as part of the permit process. Both Commissioner Bridenstine and Chair Humphreville stated that they liked the change to a tiered approval authority.

There was a discussion of the proposed changes to the section addressing the Home Occupation Permit renewal. There was Commission consensus that the renewal authority should remain as the Director for both proposed tiers, provided that there were no complaints associated with the permit. The Commission also stated that they would like renewal notices be sent out when permits are due for renewal. Commissioner Lavender said that he would like to see inspections at the time of renewal. Commissioner Bridenstine agreed with a 3 year renewal period. Commissioner Lavender said that he would like to see inspections at the time of renewal.

Staff also explained that the language regarding permit revocation had been changed to a reference to Article 5, Chapter 9.84 to avoid duplication of that language.

Chair Humphreville asked if the Commissioners had any general comments regarding Home Occupation Permit Regulations.

Commissioner Drozd said that he thought it was a great process was glad that there was going to be another meeting on the topic.

Commissioner Bridenstine agreed with Commissioner Drozd and said that she hopes to hear more from the public at the next meeting.

Chair Humphreville said that he appreciates people attending the meeting, and that there will be another opportunity for community input, and that there was nothing nefarious on the part of staff to prevent comments.

Deputy Town Manager Stueckle provided a summary of the recommendations provided by the Commission.

Chair Humphreville said that they hadn't had a discussion on restrictions of deliveries. Chair Humphreville stated that he doesn't think that deliveries which would be allowed otherwise should be restricted by a HOP. Commissioner Drozd agreed, and pointed out how many UPS and trash deliveries go through residential areas. Commissioner Bridenstine said that the Commission needs to be careful in how the limit is worded and consideration should be given to the issue of size. There is a big difference between a semi-truck and a UPS truck. Commissioner Lavender thinks that the restrictions need to be relaxed.

Deputy Town Manager Stueckle asked if the Commission wished to hold a workshop on Home Occupation Permits on the 27th and continue the public hearing to the June 10th, meeting. The Commission agreed with this approach.

MOTION

Chair Humphreville moved that the Public Hearing on Development Code Amendment, DCA 02-14 Home Occupation Regulations, be continued to the June 10th meeting. It was seconded by Commissioner Bridenstine, and the vote passed unanimously.

RECESS

Chair Humphreville called a recess 8:12

The meeting reconvened at 8:17

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

Deputy Town Manager Stueckle spoke on behalf of staff. He stated that this was a continuation of prior meetings on this issue and provided a brief overview. He stated that staff was still waiting for a response regarding whether or not the Town was able to prohibit mining. Staff recommended that, given the lateness of the hour, the Commission continue this issue until the next meeting. Staff also recommended that the Commission wait until the whole code is finished before forwarding their recommendations to the Council.

PUBLIC COMMENT

None

END PUBLIC COMMENTS

MOTION

Chair Humphreville moved that the Public Hearing on Development Code Amendment, DCA 07-13 Article 3 be continued until the May 27th meeting. Commissioner Bridenstine seconded. The motion passed unanimously.

There was Commission consensus that they should complete all sections of the code before forwarding their recommendations to the Council.

Commissioner Lavender stated that he still doesn't like the term unsightly in reference to structure maintenance standards.

Chair Humphreville started a discussion of how the workshop scheduled for May 27th would be structured. After discussion, the Commission requested a process that allowed for group discussion at tables, and written comment form, and a period of individual comments. There was consensus to allow one hour for table discussion and thirty minutes for formal statements.

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

Staff recommended that this discussion was also continued to the May 27th meeting.

MOTION

Chair Humphreville moved that the Department Report on Development Code Amendment, DCA 01-14 Article 2 be continued until the May 27th meeting. Commissioner Bridenstine seconded. The motion passed unanimously.

CONSENT AGENDA**1. MINUTES - A request that the Planning Commission approves as submitted the minutes of the meeting held on April 22, 2014.**

Commissioner Bridenstine moved to approve the minutes of the meeting held on April 22, 2014. Commissioner Drozd seconded. The motion passed unanimously.

STAFF REPORTS AND COMMENTS:

Staff provided an overview of the status of current land development projects.

COMMISSIONER REPORTS AND REQUEST:

1. Commissioner Drozd thanked the staff for their hard work.
2. Commissioner Lavender had no comments

3. Commissioner Bridenstine thanked staff.
4. Chair Humphreville thanked staff for their efforts, and thanked them for bringing out the map visual aids.

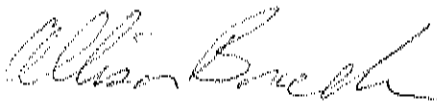
ANNOUNCEMENTS:

None

ADJOURNMENT

There being no further business, the meeting adjourned at 8:34

Respectfully submitted,



Allison Brucker
Secretary