

**TOWN OF YUCCA VALLEY
PLANNING COMMISSION MEETING MINUTES
June 24, 2014**

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

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

The Pledge of Allegiance was led by Chair Humphreville.

Commissioner Whitten moved to approve the agenda. Commissioner Bridenstine seconded, and the motion passed unanimously.

PUBLIC COMMENTS

Dennis Pask, Yucca Valley, thanked the Planning Commission for approving the Fallosi Home Occupation Permit application at their previous meeting. He said that he believes that home businesses will be an important issue in the future.

CLOSE PUBLIC COMMENTS

PUBLIC HEARINGS

**1. DEVELOPMENT CODE AMENDMENT, DCA 02-14
HOME OCCUPATION REGULATIONS
CEQA EXEMPTION, SECTION 15061**

Deputy Town Manager Stueckle provided the staff report. He provided a brief overview of the previous discussion on this issue and the proposed changes that the staff was presenting for the Commission's consideration. The proposed changes included adding additional activities to the prohibited list, including the sale of firearms in all residential zoning districts other than RL and R-HR, sales of ammunition and massage parlors. They also included establishing four classes of home occupations. Class I occupations would involve the activities which are exempt from permitting. Class II occupations would require a Home Occupation Permit and would be limited to RS, RL and R-HR zones but would not require a Planning Commission hearing. Class III occupations would require a Home Occupation Permit, would be limited to the RL or R-HR zones and would require a Planning Commission hearing. Class IV occupations would require a Conditional Use Permit to be issued by the Planning Commission.

After the presentation of the staff report Chair Humphreville opened the floor to public comments.

PUBLIC COMMENTS

- Janice Pask, Yucca Valley, spoke in support of the proposed inclusion of Conditional Use Permits to the regulations. She also said that she wasn't clear whether or not the use of accessory structures would be allowed.
- David Fallosi, Yucca Valley, said that he would like to see permits issued for a longer time period. He said that the permitting process can be very involved. He also asked if the proposed changes could be applied to business owners who already have permits.
- Curt Duffy, Yucca Valley, said that he was unclear about the higher standards required by the Conditional Use Permit. He also spoke against residential gun sales.

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

CLOSE PUBLIC COMMENTS

Following the public comments staff provided some additional information to address questions raised during public comments. Staff provided a brief explanation of the Conditional Use Permit process, and that its intent to provide flexibility to the code. Staff also stated that the use of accessory structures would be allowed by the proposed regulations.

Commissioner Drozd said that he is still in favor of regulations that are graduated based on parcel size, and he doesn't think the Commission should differentiate on anything but lot size and traffic generation. Very small parcels should not have any type of traffic generating business. He agreed with staff that the Conditional Use Permit created needed flexibility in the code, and clarified with staff that Conditional Use Permits could be appealed to the Town Council.

Commissioner Bridenstine said that she also likes the tiered structure. She said she felt that a three year time period for permits is appropriate. She asked staff about grandfathering in the currently active Home Occupation Permits. Staff said that grandfathering would require adding specific language to the regulations, and that there are currently five active permits, one of which would not conform to the proposed new regulations. Commissioner Bridenstine also suggested that the language in section E, Development Standards, be modified to include "from the exterior" with regards to changes in décor and appearance.

Chair Humphreville asked if it the Commission could retroactively apply the new regulations to the recently granted Home Occupation Permits. Staff said that the Commission could add language to extend the permits to three years, but also suggested that the Commission consider the specifics of the individual Home Occupation Permits before making a final decision on grandfathering.

Commissioner Whitten said he would like to remove the prohibited occupations from the ordinance, and would like to see a table similar to what appears in the ordinance addressing permitted uses in commercial zones. He also wanted the inclusion of the phrase "Home Based Businesses." He said that the Conditional Use Permit process gives the Commission the opportunity and flexibility to apply additional conditions to protect the public while helping businesses. Commissioner Whitten suggested replacing the language in the Development Standards addressing alteration of structures with a requirement to maintain architectural

compatibility. He said that he would like to see the recently renewed permits have their time extended to three years.

Chair Humphreville said that he thought it was a mistake to differentiate between firearms sales and other types of retail sales. He also doesn't think it is right to deny a permit to the currently permitted firearm business, which has been in business approximately four years without complaints, simply because it is on a half-acre lot. He also said, that while he agreed with restricting businesses on multi-family lots, he doesn't think that they should regulate the type of legal businesses allowed otherwise. He also said that he thinks the period of three is appropriate. He also said he would like the Commission to discuss the percentage of storage allowed and how it was tiered with the size of the properties. He also said that he like the way staff had divided home occupations into classes.

There was Commission consensus that they would like to see a table of home occupations.

Chair Humphreville said that he thought it would be reasonable to allow individuals on half acre lots to have some outside storage, provided it was properly screened from view. Commissioner Bridenstine and Commissioner Whitten agreed, provided that the storage was properly screened. Commissioner Whitten suggested that the requirement be that it is screened fully from public view, not just the street.

Commissioner Whitten said that he would like the regulations to say rental or leased property, instead of just rental property.

Commissioner Lavender said that he thinks firearms should be prohibited in residential areas. He would be willing to accept firearms on the larger parcels, but only reluctantly. Chair Humphreville commented, that an individual is allowed to own a large number of guns on a half-acre lot. Commissioner Whitten said that he doesn't have a problem with gun sales in general, but he thinks should be kept to the RL and R-HR zones. Commissioner Drozd said that he wasn't differentiating between gun sales and other kinds of sales, and he doesn't think that those kind of sales based businesses are appropriate on very small lots, and if the standard for gun sales is RL it should be RL for all sales. Chair Humphreville said the Commissioner Drozd made a good point that some tracts may have lots too small for any kind of traffic generating activities. Commissioner Bridenstine said that she didn't think it was the Planning Commission's job to address gun control, and that they should look at it from a land use perspective. She said that the currently permitted firearm business would be allowed as a Class II occupation if not for the firearm issue. Chair Humphreville and Commissioner Drozd agreed that any business that meets the requirements should be allowed.

There was Commission consensus that they would like to see some kind of language for applying the extended time period for renewal to some or all of the currently active permits.

The Planning Commission directed staff to take the direction given and return with further revisions.

2. DEVELOPMENT CODE AMENDMENT, DCA 01-14

**ARTICLE 2, ZONING DISTRICTS AND DEVELOPMENT STANDARD
CEQA EXEMPTION, SECTION 15061**

Deputy Town Manager Stueckle provided the staff report. He provided an overview of what regulations are encompassed in Article 2, and an overview of the history of the issue. Staff suggested that the Commission address the sections of the ordinance governing accessory structures and native plants. Staff provided an overview of the current standards for accessory structures, and suggested some issues for the Commission to consider and discuss.

Chair Humphreville opened the floor to public comments.

PUBLIC COMMENTS

- David Fallosi, Yucca Valley, spoke in favor of more lenient regulations and asked the Commission to consider what is reasonable.

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

CLOSE PUBLIC COMMENTS

Commissioner Drozd stated, that given that some five acre lot could be allowed up to twenty three horses, it would make sense to build either one very large barn or multiple smaller ones, in addition to other structures such as a detached garage or workshop. He suggested an option that would allow the staff to approve additional structures if they were for different purposes.

Commissioner Bridenstine said that there needed to be further definition of accessory structures. Greenhouses and patio covers can require building permits, and if you defined them as accessory structures you could create too many restrictions. She did agree that horse barns are an issue. Those structure can need to be quite large in order to provide adequate protection for the animals. She suggested considering the purpose of the structure. She also said that she thought the limit for the exemption on size should be lowered from ten acres to two and a half, and that it was reasonable to have multiple structures on a parcel two and a half acres or larger, provided all the structures fit and obey the setbacks.

Chair Humphreville said that the square footage allowed for a detached garage is often too small, when based on the square footage of the primary residence. He suggested a standard based on a percentage of coverage inside of the setback might be a good option, particularly for the smaller lot sizes. He also said that the requirements for architectural compatibility should be lenient, and suggested requiring matching colors. He didn't want to outlaw metal motorhome garages.

Commissioner Whitten suggested eliminating the limit on the number of structures. He also thought the term structure needed further definition. He also said that he thought color was sufficient for architectural compatibility. He thinks that screening from the public right away is important. He doesn't think the Commission should address the purpose of a structure. He also agreed with Chair Humphreville's suggestion of a standard based upon percentage of lot coverage.

He said he would like to see staff's recommendation on what would be reasonable to fit the community.

Commissioner Lavender asked for clarification on regulations regarding second unit, and asked if someone would be able make a second unit available to rent. Staff said that there was a State mandate requiring municipalities to have a second dwelling unit ordinance in order to allow someone that opportunity.

Deputy Town Manager Stueckle said that staff would look into the definition of structure and habitable versus not habitable structures. He also suggested establishing guidelines rather than precise standards. Staff will do some additional research and return the information to the Commission.

Chair Humphreville asked for the staff report on the Native Plant regulations.

Deputy Town Manager Stueckle provided the staff report. He provided an overview the native plant regulations, specifically as they apply to residential zones, and provided some suggestions of issues the Commission might want to discuss.

PUBLIC COMMENT

None

CLOSE PUBLIC COMMENT

Chair Humphreville said that he was on the Commission when they last drafted the native plant regulations, and that he felt that it was a good compromise.

Commissioner Drozd asked if the yucca was protected by State or Federal regulations. Staff said that it was not, and that the Desert Native Plant Act was primarily intended to address the theft of plants from their native habitat. The Desert Native Plant Act states that development on property is exempt unless they are transplanting native plants off site. Commissioner Drozd said that he would be in favor of removing the yucca from the list of protected plants for infill and smaller lot sizes. He also said that requiring five percent undisturbed on a two and a half acre lot seemed like a token number. Chair Humphreville said that the five percent was based on the setback and had been included to incentivize maintaining some native plants. Commissioner Drozd also suggested including some kind of provision for when Joshua trees fall across drive or other access.

Commissioner Bridenstine said that the plant survey required for new development is costly, and suggested not requiring it be submitted until the applicant applies for their grading permit.

Commissioner Whitten said that he liked the ordinance as it was. He also agreed with Commissioner Drozd that there should be some flexibility for fallen Joshua trees.

Commissioner Lavender said that during construction projects he used to see a lot of damage caused to Joshua trees.

Chair Humphreville agreed with Commissioner Bridenstine about not requiring a detailed native plant survey until later on the process.

Chair Humphreville also suggested adding some sort of provision to allow someone with a five acre parcel to use the whole property for things like equestrian use. Staff said they would look into what kind of additional language would be necessary.

CONSENT AGENDA

Chair Humphreville opened the floor to public comments.

PUBLIC COMMENT

None

CLOSE PUBLIC COMMENT

MOTION

Commissioner Whitten moved that the Planning Commission approve the submitted minutes of the meetings held on June 10, 2014. Commissioner Drozd seconded. The motion passed unanimously.

COMMISSIONER REPORTS AND REQUEST:

Commissioner Drozd thanked the press, staff and audience for attending

Commissioner Lavender apologized for his recent lack of preparation due to his illness.

Commissioner Whitten thanked staff, and thanked the public and press for attending.

Commissioner Bridenstine thanked staff. She said that drafting the regulations is an onerous process and it is difficult to come up with something which pleases everyone. She thanked the public for coming out and caring.

Chair Humphreville said it was good to see the public come out to participate. He thanked staff and said he hopes to see the development code completed.

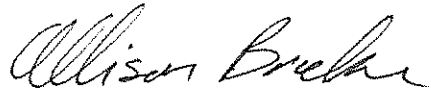
ANNOUNCEMENTS:

The next regular meeting of the Planning Commission is scheduled for July 8 at 6:00pm.

ADJOURNMENT

There being no further business, the meeting adjourned at 8:05.

Respectfully submitted,

A handwritten signature in cursive script that reads "Allison Brucker".

Allison Brucker
Secretary

Approved by the Planning Commission on August 12, 2014.