

**TOWN OF YUCCA VALLEY  
PLANNING COMMISSION MEETING MINUTES  
July 8, 2014**

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

Commissioners present were Bridenstine, Drozd, 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**

None

**CLOSE PUBLIC COMMENTS**

**PUBLIC HEARINGS**

**1. STREET VACATION, SV-01-14  
CEQA EXEMPTION, SECTION 15301, Class 1**

Staff requested that this item be continued to the next meeting due to an inaccuracy in the staff report. Staff had received a revision to the legal description of the property in question subsequent to the drafting of the staff report.

**PUBLIC COMMENTS**

None

**CLOSE PUBLIC COMMENTS**

**MOTION**

Chair Humphreville moved that the Planning Commission continue this item to the August 12, 2014 Planning Commission meeting. Commissioner Whitten seconded, and the motion passed unanimously.

**2. DEVELOPMENT CODE AMENDMENT, DCA 04-14  
ARTICLE 1, AUTHORITY AND APPLICABILITY  
CEQA EXEMPTION, SECTION 15061(b)(3)**

Deputy Town Manager Stueckle provided the staff report. He provided an overview of the purpose and scope of Article 1 in the development code, and provided an overview of recommended language being presented to the Commission. Staff also stated that they had been review this article with the Town’s attorney’s office, and there had been some discussion of moving some provision located in Article 5 to Article 1 or Article 4 for both legal reason and to improve clarity. Staff also recommended that the Planning Commission retain the article until such a time as the full code was completed before forwarding it to the Town Council.

Chair Humphreville opened the floor to public comments.

**PUBLIC COMMENTS**

- Susan, Simmons, Yucca Valley, wished to speak about the native plant ordinance. She was informed that the native plant ordinance was part of item number five on the agenda, and agreed to hold her comment until that time.

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

**CLOSE PUBLIC COMMENTS**

Commissioner Whitten asked if the rules regarding continuation of structure under Section 9.03.050, Nonconforming Structures, would still apply with a change of ownership. Staff said that they would, and that a change ownership does not affect non-conformance status. Commissioner Whitten also asked how non conformity was addressed in cases where there is a change of use. Staff said that in a case where someone applies for a change in use or expansion of use, non-conformance is an issue that the Commission can address. Commissioner Whitten also suggested using replacement value rather than reasonable value. Staff said that they would look into this language and review it with the attorney.

Chair Humphreville asked if the Town had a lot of non-conforming commercial lots. Staff said no, but it is something the Town will run into on a case by case basis, with setback issues being the most likely non-conforming element.

Commissioner Drozd asked if there were any non-conforming mobile home parks. Staff said that there were none. Chair Humphreville asked if the 20 year rule for mobile home parks would still apply if there were changes to the code. Staff said that it would probably need to go to the Commission and Council given the relocation issues and other complexities involved.

Commissioner Bridenstine suggested using traditional rounding in all case rather than rounding down in some cases. She also said that she thought that some of the non-conforming issues associated with setbacks would be alleviated by the new general plan. Chair Humphreville asked if changing all rounding to traditional round would be something that would need to be run through the attorney’s office. Staff said it wouldn’t need to go to the attorney, but explained that it was more common to round down to the nearest whole number when addressing issues such as density

is so that you are not exceeding the base general plan designation. Commissioners Bridenstine and Humphreville said that they agreed that it made sense to round down for density.

**MOTION**

Chair Humphreville moved that the Planning Commission finds the project except from CEQA in accordance with Section 15061(b)(3) of the California Environmental Quality Act, and that the Planning Commission recommends that the Town Council adopt the Ordinance and repeals Development Code Sections 81.0101-81.0195, Section 81.0305 and Sections 84.0801-84.0830 of Title 8, but retains Article 1 until such a time and the entire Development Code is complete before forwarding it to Town Council. The motion was seconded by Commissioner Whitten and passed unanimously.

**3. DEVELOPMENT CODE AMENDMENT, DCA 03-14  
ARTICLE 5, ADMINISTRATION  
CEQA EXEMPTION, SECTION 15061**

Deputy Town Manager Stueckle provided the staff report. He provided an overview of the purpose and scope of Article 5 in the development code, and provided an over view of recommended language being presented to the Commission. Staff also recommended that the Planning Commission retain the article until such a time as the full code was completed before forwarding it to the Town Council.

Chair Humphreville opened the floor to public comments.

**PUBLIC COMMENT**

None

**CLOSE PUBLIC COMMENT**

Commissioner Drozd asked for clarification on the Authority to Inspect included in Chapter 9.82. He asked if there was a requirement for the owner to be on the premises for the inspection. He felt that someone should have to be home to inspect something. Staff said that this is generally referring to inspections done during the construction process as part of general procedures, but later in that section it does state that the Town would have to obtain an inspection warrant in any situation in which they were unable to receive permission and access from the owner.

Commissioner Whitten asked about how hazardous waste, such as asbestos, in older buildings was addressed by the code. Staff said that those regulations are typically not part of the development code.

Based upon some issues being discussed with the attorney’s office, Staff recommended that the Commission continue this item to the August 12<sup>th</sup> meeting

**MOTION**

Commissioner Whitten moved that the Planning Commission continue this item to the August 12, 2014 Planning Commission meeting. Chair Humphreville seconded, and the motion passed unanimously.

**4. DEVELOPMENT CODE AMENDMENT, DCA 02-14  
HOME OCCUPATION REGULATIONS  
CEQA EXEMPTION, SECTION 15061(b)(3)**

Deputy Town Manager Stueckle provided the staff report. Staff was returning the draft of the Home Occupation Permit regulations with revision based upon direction given by the Planning Commission, and he provided an overview of the included changes. He also provided a summary of the history of this item.

**PUBLIC COMMENTS**

- Charles McHenry, Yucca Valley, said that he appreciates the effort put forth by the Planning Commission to listen to the public. He spoke in support of the recommended language.

**END PUBLIC COMMENTS**

Commissioner Whitten said that he thinks that the inclusion of the table of commercial uses make it clearer. He said that he would agree to allowing firearm sales in the RS zone provided that the lots were at a minimum of one acre. He would prefer that it be limited to the RL or greater zones, but felt that the one acre minimum would be a good compromise. He also asked about equestrian facilities, particularly boarding, and said that he didn't feel that those should be prohibited. Staff said that equestrian facilities are not prohibited, but require a livestock permits, not a Home Occupation Permit. Staff suggested revising the table to show that it was a use allowed with a livestock permit.

Chair Humphreville asked if the Conditional Use Permit process could be used to allow prohibited uses. Staff said that a Conditional Use Permit could not allow a prohibited use. Allowing a prohibited use would require a development code amendment.

Staff asked for clarification that the table needed to be changed regarding the equestrian issue. Staff said that historically commercial animal keeping has required a large animal permit through that ordinance. Staff will need to review this issue as it applies to zoning density standards and the large animal overlay district map. Staff suggested amending the table to list a Special Use Permit, and staff will confirm that livestock permits were listed under Special Use Permits.

Commissioner Whitten said that he didn't think that catering services should be allowed in the RM zones, and was unsure about allowing it in the RS zones. He also said that barber or beauty shops, fortune tellers, and dance or music studios should not be allowed in the RM zones. He also asked how home schooling would be addressed by the category for schools listed on the table. Staff said that this category was not intended to address home schooling.

Staff requested that the Commission discuss the issue of catering and bakeries. Staff stated that there were new County Health department regulations allowing commercial kitchens as part of residential operations. Staff will bring those regulations to the next meeting. Staff recommends that the Commission included a footnote for the Council to look specifically at the commercial kitchen question. Commissioner Whitten said that his objection was particularly to allowing it in RM.

Commissioner Drozd asked for clarification of the language listing “utility grade/primary use” under solar energy and wind energy system. Staff said that the language was intended to reflect commercial solar or wind power generation, which is prohibited in the Town. Staff suggested adding the term commercial to the definition in the table. Commissioner Drozd said that traffic generation should be the deciding factor, not type of sales. He also said that regulations shouldn’t allow any traffic to go to really small lots.

Chair Humphreville suggested not allowing any traffic generating occupation which would require a Home Occupation Permit in RM zones or 18,000 sq. ft. or below. Commissioner Drozd, and Commissioner Bridenstine agreed.

Commissioner Bridenstine said that she didn’t think the small family child day care should be exempt, and that large family child day care shouldn’t be allowed in the RM zones. She also doesn’t think that any business with clients visiting the residence should be allowed in RM zones. She also said that maintenance and repair (minor) might be allowable in the RL and RH zones, provided it was the repair of smaller items which could be worked on inside a garage. She also said that a welding and machining might be allowable in the RL and RH zones provided it was done inside.

Commissioner Bridenstine also said she didn’t think that the Commission ever came to a consensus on the allowance of 25% or 250ft for RS zone and the 35% or 500ft for RL for the operation of the home business. Chair Humphreville thought that the commission had come to a consensus that anything inside a home would be allowed as long as it was not changing the residential nature of the outside appearance. Staff was not sure if there had been consensus. Chair Humphreville also suggested that RS zones should be allowed 10% of outside storage as long as it was screened.

Staff said that the language in the body of the regulations prohibited Class II and Class III occupations, which are those which require Home Occupation Permits, in the RM zones. Staff will have to clean up the table. Staff will also look into the state planning laws to see if it is required to allow small daycare in the RM zones, and they will also look into the regulations regarding residential commercial kitchens. Staff asked the Commission if they felt that fortune telling should be allowed in RS. There was Commission consensus that it should be allowed in RS.

There was a discussion over allowing maintenance and repair of small engines or appliances in the RL and RH zones provided that it is preformed within a garage or other structure. There was Commission consensus that allowing this kind of occupation in RL and RH would be appropriate.

Commissioner Whitten suggested phrasing it as general maintenance and repair to include all types of minor maintenance and repair.

There was Commission discussion of the standards to apply to firearms sales. Commissioner Whitten said that he would like to see a one acre minimum. Commissioner Bridenstine said that she thought that the RS zoning is typically half acre lots or 18,000 sq. ft. and that it should be allowed in those zones. Commissioners Drozd and Humphreville agreed. Commissioner Whitten asked if there was any one acre RS. Staff said that while there may be some parcels in RS zones one acre in sizes there were no zones that required one acre parcels in RS. Chair Humphreville said that he doesn't want to see a currently active business, which has had no complaints, closed down. He suggested setting the limit for any HOP that generates traffic to lots 18,000 sq. ft. or greater, but also suggested grandfathering in the current retail business located on a lot smaller than 18,000 sq. ft. until it was no longer active. Commissioner Whitten said that he would prefer firearms limited to RL or RH. Commissioners Humphreville, Drozd and Bridenstine agreed that all Home Occupation Permits which would generate traffic, including firearm sales, should be limited to RS lots 18,000 sq. ft. or greater.

There was Commission consensus that no changes needed to be made to the hours of operation as presented.

There was Commission consensus that 10% of lot area would be allowed for screened outside storage in RS zones, and would not require coming before the Commission.

There was Commission consensus that the period of approval should be 3 years.

There was Commission consensus to remove the limit on the percentage of the residence which can be used as part of the home occupation provided that it doesn't change the residential character of the outside.

Commissioner Bridenstine asked for confirmation that use of accessory structures would be allowed under the current draft on the regulations. Staff confirmed that they would be allowed.

**MOTION**

Chair Humphreville moved that the Planning Commission continue this item to the August 12, 2014 Planning Commission meeting. Commissioner Whitten seconded, and the motion passed unanimously.

**RECESS**

Chair Humphreville called for a recess at 7:31 and the meeting reconvened at 7:39.

**5. DEVELOPMENT CODE AMENDMENT, DCA 01-14  
ARTICLE 2, ZONING DISTRICTS AND DEVELOPMENT STANDARDS  
CEQA EXEMPTION, SECTION 15061(b)(3)**

Deputy Town Manager Stueckle provided the staff report. He provided an overview of the purpose and scope of Article 2 in the development code, and provided an over view of recommended language being presented to the Commission. He also provided a summary of the history and past discussion held by the Planning Commission relating to the native plant ordinance. Staff recommended that the Planning Commission review Article 2, take public comment, and provide direction to staff.

## **PUBLIC COMMENTS**

- Susan Simmons, Yucca Valley, spoke against the proposed changes to the ordinance. She also said that she would like to see junipers and pinyon pines added to the list of protected plants.
- Curt Duffy, Yucca Valley, spoke against the removal of plants from the protected plant list. He said that he thought pinyon pines and junipers should be included.
- Bonnie Brady, Yucca Valley, spoke against making the native plant ordinance more lenient.

## **END PUBLIC COMMENTS**

Staff briefly responded to the public comments. Staff noted that the last discussion about the native plant ordinance never moved past Town Council discussion. Staff also said that they were trying to find a balance between the differing desires of the community.

Chair Humphreville said that he has been on the Planning Commission for five years, and that there have been many discussion on how to draft the ordinance. He said that if the current draft of the ordinance had been in place at the time, the Copper Hills development wouldn't look like it does. The Story Park development looks as natural as it does because it was done with no mass grading, and new development of that type requires mass grading to deal with drainage issues, something which is a problem in Story Park. He also said that he feels that the ordinance strikes a balance between the concerns of both sides as it is drafted, but neither side is going to be totally happy.

Commissioner Drozd said that real conservation doesn't really include infill or individual residential lots. Conservation is more about land trusts or state parks. He agrees that the desert is slow to renew and that we have to be careful, but it is ridiculous to say what someone can do on a half-acre lot. He also pointed out that there were plants which were not even native to area on the list of protected native plant, and that while he agrees about the value of pinyon pine and junipers, it can be a slippery slope when you start adding too many plants to the list.

Chair Humphreville pointed out that there are additional incentives to leave open spaces in the draft ordinance. Staff said that the incentives, as well as other tools which can be used with developers, were created to increase native plant character. Staff also pointed out that some types of projects require controlled draining, and you can't retain native plants in our topography and develop in 18,000 sq. ft. lots while controlling drainage properly.

Commissioner Bridenstine said that she personally loves pinyon pines and junipers, and when she developed her last house, on a two and a half acre lot, she left as many of the native plants in place as possible, and only cleared enough space for the house and patio. However when there was a fire in 2005, and the lack of clear cutting endangered the house. She said she believes that the fire department recommends leaving at least 30 or 50 feet of clear space around structures. She also said that she doesn't have a problem adding junipers and pinyon pines to the list, but she doesn't think those plants can be transplanted. Those plants should not prohibit you from being able to build a house. She also said that she felt that the previous list of protected plants was excessive. She prefers incentives because we want people to want to preserve native plants more than we want to punish them for not preserving native plants. She wouldn't have a problem with adding junipers and pinyon pines as long as you didn't preclude development by doing so.

Commissioner Whitten spoke in support of the draft ordinance, and said that he thinks that the proposed native plant regulations are balanced. He said that he would be in support of adding pinyon pines and junipers to the list of protected plants if they can be transplanted.

Chair Humphreville said that the issue of transplanting junipers and pinyon pines had come up in a previous discussion, and that his recollection was that junipers couldn't be transplanted and that only very small pinyon pines could be transplanted. He also said that incentivizing clustered development in order to leave open space is desirable, but none of these things can take effect unless the Town is able to get a native plant ordinance in place. He said that, while it may not please everyone, it is a balanced ordinance.

Commissioner Whitten said that if the Town can get a native plant ordinance in town in will improve new developments, like the Sage Estates project.

## **MOTION**

Chair Humphreville moved that the Planning Commission continue this item to the August 12, 2014 Planning Commission meeting. Commissioner Whitten seconded, and the motion passed unanimously.

## **CONSENT AGENDA**

None

## **COMMISSIONER REPORTS AND REQUEST:**

Staff provided an overview of the progress on current and upcoming projects. Staff also recommended that the Planning Commission cancel the second meeting of July.

Commissioner Drozd thanked everyone for being there, particularly the audience. It is great to see participation.

Commissioner Whitten thanked everyone who attended. He asked about releasing a press release about the speed limit change. He thanked the public for their community spirit.

Commissioner Bridenstine thanked staff, and thanked the public for participating.



Chair Humphreville said that the medians were badly in need of maintenance, and asked how staff was addressing the issue. Staff said that there have some structural changes in the parks and streets divisions which has effected staffing capabilities. Staff has been working on addressing this issue, both with staff efforts and contractors. Chair Humphreville thanked staff for their work.

**ANNOUNCEMENTS:**

The next regular meeting of the Planning Commission is scheduled for August 12, 2014 at 6:00pm.

**ADJOURNMENT**

There being no further business, the meeting adjourned at 8:41.

Respectfully submitted,



Allison Brucker  
Secretary

Approved by the Planning Commission on August 12, 2014.