

**TOWN OF YUCCA VALLEY
PLANNING COMMISSION MEETING MINUTES
SEPTEMBER 22, 2015**

OPENING CEREMONIES

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

CALL TO ORDER

ROLL CALL

PRESENT: Drozd, Evans, McHenry, Whitten, Bridenstine

ABSENT:

PLEDGE OF ALLEGIANCE

APPROVAL OF AGENDA

RESULT: APPROVED [UNANIMOUS]
MOVER: Charles McHenry, Commissioner
SECONDER: Jeff Evans, Commissioner
AYES: Drozd, Evans, McHenry, Whitten, Bridenstine

CONSENT AGENDA

RESULT: APPROVED [UNANIMOUS]
MOVER: Charles McHenry, Commissioner
SECONDER: Jeff Drozd, Commissioner
AYES: Drozd, Evans, McHenry, Whitten, Bridenstine

MINUTES APPROVAL

- 1. Approval of September 8, 2015 Planning Commission Regular Meeting Minutes**

DEPARTMENT REPORTS

- 2. Retail Special Events/Parking Lot Sales**

Recommendation:

That the Planning Commission discuss if retail special events/parking lots sales should be established within the Development Code. The Commission should also consider the display of retail merchandise outside of commercial establishments.

STAFF REPORT

Deputy Town Manager Stueckle provided the staff report. He provided a brief outline of the item, which was a request that the Planning Commission discuss potential changes of policy addressing retail parking lot sales. The sections of the code that allow for

temporary special events are not applicable to retail special events. Staff also asked the Commission to discuss outdoor retail display areas.

PUBLIC COMMENTS ITEM 2

- Christine Vattuone, Yucca Valley, spoke as the owner of Estate Sale Marketplace. She spoke in support of parking lot sales, and said they were necessary for business.
- Michael Heron, Yucca Valley, an employee of Estate Sale Marketplace, spoke in support of parking lot sales.
- Rin Shigeyasu, Yucca Valley, spoke in support of parking lot sales.
- Aida & Carlos De La Paz, Yucca Valley, spoke in support of outdoor retail displays and parking lot sales, and said that it was necessary for business.

One person, Donald Plum registered support but did not want to speak, and one person, Kenny Norland, submitted a comment card but was not present.

CLOSE PUBLIC COMMENTS

Staff said that historically outdoor display for sales activity has been prohibited unless the use was allowed by as part of a Conditional Use Permit and the business had a garden area for those type of features. Small display areas have been allowed, but that is not addressed in the code. Staff said that many communities that allow outdoor sales events limit those activities a few times per year.

Commissioner Evans said that he doesn't want to hinder small businesses, but he also said that guidelines and policies are put in place for a purpose, and the esthetics of the community are important. He said that parking lot sales and visual display are a necessary. He asked Staff about the current policy. Staff said that under the existing policy, there have been occurrences where enforcement activity was required. Staff said that the outdoor display of merchandise was an issue that needed to be addressed separately from parking lot sales events. Commissioner Evans said that if more business are holding these kind of sales then it is a concern.

Commissioner Whitten said that understood the difficulties small businesses face and the importance of visual displays. He said there are a number of activities that occur in Town, including blood drives, which are similar types of activity to parking lot sales. Commissioner Whitten also said that, in the specific case of Estate Sale Marketplace, he felt that the business had constituted a change in use and should have gone through a CUP or other permit process. Commissioner Whitten asked staff what the Old Town Specific Plan said about outdoor retail displays, and staff said that they were prohibited in the plan. Commissioner Whitten said that, unless the majority of residents complain, outdoor displays should be allowed if they are not creating a safety issue.

Commissioner McHenry said that he doesn't want to hurt businesses, but that some kind of regulations should be in place. He also addressed Estate Sale Marketplace, and said that he thought there was also an auto repair shop on the lot. He also said that the business may look like a swap meet to passerby and not a single retail store when there is too much stuff in the parking lot. He asked staff if in the past stores such as Big 5 had obtained permits before their sidewalk or parking lot sales. Staff said that historically staff had issued temporary special event permits for those activities, but with the adoption of the new code it became clear that parking lot sales were not called out. Commissioner McHenry said that he doesn't want to shut down businesses, but that there should be some kind of regulations. He suggested possibly allowing a square footage of outdoor display based upon the square footage of the business.

Commissioner Drozd agreed with Commissioner McHenry's suggestion of a percentage of the square footage of the building. He suggest a different schedule for businesses that depend on this kind of activity, such a certain number of days per month. He thought it should have to fit within the character of the Town. He said he thought Old Town should be different, and possibly less restrictive. He said that activities shouldn't block ADA access and shouldn't reduce the amount of available parking below the minimum required number. He thinks that enforcement should be a complaint driven issue.

Commissioner Whitten said that if the minimum parking requirement is met the rest of the space could be used for the display of outdoor merchandise. He said that a businesses that are a change in use should have to have the Conditional Use Permit.

Chair Bridenstine said that there is a difference between parking lot sales and sidewalk sales. She said that parking lot sales are large and should be limited to once a quarter or so, while sidewalk sales are smaller and would be reasonable once a month or so. She said that both types of activities should require a permit, including a site plan to establish ADA access, parking and other public safety issues. She said that sidewalk sales should be more forgiving, because they are smaller than parking lot sales events. She said that the permit should also set the number of days an event is allowed to continue, to prevent large amounts of merchandise outside of the store all the time. She said that she understood the need for visual effect, but felt that planning was important, and that it was critical that it look nice.

Chair Bridenstine reopened public comments.

PUBLIC COMMENTS ITEM 2

- Christine Vattuone, Yucca Valley, owner of Estate Sale Marketplace, spoke in support of outdoor displays and parking lot sales. She said her displays are neat and that it doesn't look like a swap meet.
- Michael Heron, Yucca Valley, an employee of Estate Sale Marketplace, spoke in support of parking lot sales. He spoke in support of a limited outdoor display by square footage.

He said that they would be willing to limit sales to once a month, and said there should be guidelines on what you can and can't do.

- Christine Vattuone said that they would like to have two weekend sales a month for 9 to 10 months a year.

CLOSE PUBLIC COMMENTS

Commissioner Evans asked staff if this was a code issue or a compliance issue. Staff said that they were asking the Commission to determine if there were code issues that need to be addressed. It was staff's opinion that minimum outdoor display areas should be established by the code. Establishing regulations for parking lot sales is a separate issue. Commissioner Evans asked if staff could work on developing that portion of the code.

Staff said that they will bring the issue back to the Commission for discussion a second time and then work on drafting the code.

Commissioner Evans said no one on Commission wants to shut down any businesses, and that they see the need for these kind of activities.

Commissioner Whitten asked about what kind of burden on staff time it would be to add additional permitting processes. Staff said that, in their opinion, display areas should not have a permit, but would be established by a standard set by the code. Parking lot sales event is a separate dialogue. Commissioner Whitten asked if there had been a president of working with a business to establish a test case. Staff said that there was not.

Commissioner Whitten asked about Estate Sale Marketplace's permit application. Staff said that they applied under the Temporary Special Event Permit, and the application was rejected as that permit is not applicable to their business operation.

Commissioner McHenry said that there needed to be some kind of regulations in place.

Commissioner Drozd said that he agreed with staff that outdoor display shouldn't require a permit, but should have established by policy. He said that, while there had been discussion of Estate Sale Marketplace, this was an issue that effected many businesses.

Chair Bridenstine provided a summary of the topic that the Commission had discussed listing: establishing the difference between parking lot sales, sidewalk sales and display; limiting the outdoor display to a percentage of the square footage of the building; establishing that safe pedestrian travel, ADA access and sufficient parking is maintained; how often sales events are allowed; and the duration allowed for a given sales event.

Commissioner Drozd said that activities should also have to conform to the character of the Town, and that would be a complaint driven factor. Commissioner Whitten asked

how we would define character. He said that would be difficult determine, and that the General Plan and Old Town Specific Plan are sufficient for describing character.

No motion was made on this item.

RESULT: NO MOTION MADE

3. Identification of Accessory Buildings vs. Structures Planning Commission Discussion

Recommendation:

That the Planning Commission discuss and identify accessory buildings vs. Structures pursuant to Section 9.07.060, and provide direction to staff.

STAFF REPORT

Deputy Town Manager Stueckle provided the staff report, which was a request for the Commission to discuss and identify building vs structures in relation to the accessory building ordinance. Staff said that a building was defined as any structure having a roof supported by columns or walls and used or intended for the shelter, housing or enclosure of any individual, animal, process, equipment or materials of any kind. Staff described a property with a guest house, multiple free standing solar arrays, patio covers, green house, chicken coop and a water heater structure. Staff also discussed other examples of properties with multiple structures. The staff report included a list of types of structures which might be determined as a building or a structure. Staff said that this was the Commission's first opportunity to discuss the issue, and that staff did not expect the Commission to take action on the item at that meeting.

PUBLIC COMMENTS ITEM 3

None

CLOSE PUBLIC COMMENTS

Commissioner McHenry said that it is a difficult issue. He used the example of beehives, and said it was something that could be nit-picked to death.

Commissioner Drozd asked staff what size of building didn't require a building permit. Staff said that it was buildings under 120 square foot, but that in the Accessory Building section of the code, the size of the building didn't matter. Commissioner Drozd suggested some kind of standard based on whether or not the structure was used to shelter things long term.

Commissioner Evans said he thought structures were not designed for permanent occupancy, and buildings were designed or permanent occupancy. Commissioner Evans also suggested having a uniform definition that starts at the County level.

Commissioner Whitten said that there is no completely right answer, and that there will always be a reason for challenges. He said thought there was already a process in place to deal with situations where an applicant challenges staff's determination, which would come before the Planning Commission to decide. He said he felt that the code should not be changed.

Staff said that they had presented the list approach to the Commission as way to improve consistency and to avoid making arbitrary decisions. Commissioner Whitten said that he would be willing to accept the list as it was presented.

Chair Bridenstine said that they should look at permanent vs. temporary structures. She listed portable greenhouses and prefabricated sheds as examples of temporary structures. She said that for free standing solar structures you would need to look at the primary use. When there is a carport with solar on top, the primary use is the carport rather than free standing solar. She said she likes the list idea, but feels that they need to evaluate it further.

Staff will work on the issue and bring it back to the Commission.

No motion was made on this item.

RESULT: NO MOTION MADE

4. Recommendation to Town Council General Plan Implementation Strategies Development Code Regulation & Special Planning Study Prioritization

Recommendation:

That the Planning Commission review and prioritize Development Code regulations/special planning study prioritization and forward that recommendation to the Town Council for their consideration during strategic planning discussions.

STAFF REPORT

Deputy Town Manager Stueckle provide the staff report, which was a request that the Planning Commission discuss prioritization of items that need to be addressed.

PUBLIC COMMENTS ITEM 4

None

CLOSE PUBLIC COMMENTS

Commissioner Evans said that it seems that the majority of the items are dealing with environment it some way, and that it itself is a priority.

Commissioner Whitten said that a lot of the outstanding issues are in the open space conservation section of the General Plan. He said that the adoption of new irrigation and landscaping water standards is something that will be determined by the Water District and the State and the Town will have to comply as a community. Commissioner Whitten identified the revision of the sign regulations as a high priority. He said that he thought adult oriented business regulations had been dealt with during the revision of the Development Code. Commissioner Whitten asked staff for clarification on the status of the current adult oriented business ordinance, and said that addressing that would have to be a priority as well. He also identified wildlife corridor as a hot topic, but is a lower priority due to the changing environment due to drought. He also said the hot food truck might be a priority, but he said that the cottage food industry was primarily already dealt with under home occupation permits.

Commissioner McHenry agreed with Commissioner Whitten that sign ordinance needs to be a priority. He said that the grading plan and standards also need to be addressed. He said that cottage food industry should be addressed. He would also like to address the Master Drainage Plan, although that will probably be far in the future.

Commissioner Drozd listed items that he felt should be a top priority including: development of a truck map route, noise standards, sign regulations, and the wildlife corridor map.

Chair Bridenstine said that there are some really big subjects on the list that the Town can't afford to currently address, but there may be low hanging fruit which could be addressed now. She identified items which she felt should be a top priority including: the truck route map, sign regulations, adult oriented business regulations, inaccuracies in the wildlife corridor map, and open space preservation and grading issues. She said that some issues such as the open spaces preservation and grading plan are important but could potentially be addressed next year.

No motion was made on this item.

RESULT: NO MOTION MADE

FUTURE AGENDA ITEMS

Staff provided an overview of upcoming projects.

PUBLIC COMMENTS

STAFF REPORTS AND COMMENTS

Staff said that in order to expedite meeting, staff would forgo the usual reports on the status of current private land development or capital projects, and instead offered to answer any questions the Commission had.

COMMISSIONER REPORTS AND COMMENTS

Commissioner Evans asked staff for an update on several projects. He also asked staff about the issue of traffic accidents at the intersection of Sage and SR62, particularly the recent fatality. Staff said that Town had previously requested Caltrans address that intersection, and Caltrans performed their investigation and said that they would install one warning chevron, however that sign had not been installed.

Commissioner Whitten said that he was going to be unavailable from the October 17th to the 3rd of November. He also expressed concern over the intersection of Sage and SR62, and asked if there would be some possibility to install something outside of the Caltrans easement. Staff said that the Town was having internal discussion on the issue and would following up with Caltrans. Commissioner Whitten also thanked staff

Commissioner McHenry thanked staff. He asked staff for an update on the old Carrows building, and spoke about the issue of the traffic accident intersection of Sage and SR62. He said he would like Town to do anything we are able to do, rather than waiting for Caltrans.

Commissioner Drozd also spoke about the intersection of Sage and SR62 and wanted to remind staff of the previous student death and other accidents that have occurred at that intersection. He also congratulated Commissioner Quander for the success of his film festival.

Chair Bridenstine thanked staff. She said there was more on the agenda than she anticipated, but it was important to get things resolved. She thanked her fellow commissioners and reminded the public that they were volunteers.

ANNOUNCEMENTS

The next meeting of the Planning Commission will be held on October 13, 2015 at 6:00 PM.

ADJOURNMENT

The meeting was closed at 7:42 p.m.

Respectfully Submitted,

Allison Brucker

Commission Secretary