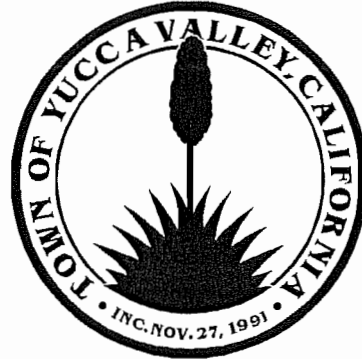


**TOWN OF YUCCA VALLEY  
TOWN COUNCIL MEETING**



*The Mission of the Town of Yucca Valley is to  
provide a government that is responsive to its citizens  
to ensure a safe and secure environment  
while maintaining the highest quality of life.*

**TOWN COUNCIL: 6:00 p.m.  
TUESDAY, NOVEMBER 4, 2014  
YUCCA VALLEY COMMUNITY CENTER  
YUCCA ROOM  
57090 - 29 PALMS HIGHWAY  
YUCCA VALLEY, CALIFORNIA 92284**

**CLOSED SESSION: 5:30 P.M.  
YUCCA VALLEY TOWN HALL CONFERENCE ROOM  
57090 – 29 PALMS HIGHWAY  
YUCCA VALLEY, CA 92284**

\* \* \* \*

**TOWN COUNCIL**  
*Robert Lombardo, Mayor  
George Huntington, Mayor Pro Tem  
Merl Abel, Council Member  
Robert Leone, Council Member  
Dawn Rowe, Council Member*

\* \* \* \*

**TOWN ADMINISTRATIVE OFFICE:  
760-369-7207  
[www.yucca-valley.org](http://www.yucca-valley.org)**

**AGENDA  
MEETING OF THE  
TOWN OF YUCCA VALLEY COUNCIL  
TUESDAY, NOVEMBER 4, 2014  
6:00 P.M.**

*The Town of Yucca Valley complies with the Americans with Disabilities Act of 1990. If you require special assistance to attend or participate in this meeting, please call the Town Clerk's Office at 760-369-7209 at least 48 hours prior to the meeting.*

*An agenda packet for the meeting, and any additional documents submitted to the majority of the Town Council, are available for public view in the Town Hall lobby and with respect to the staff agenda packet, on the Town's website, [www.yucca-valley.org](http://www.yucca-valley.org), prior to the Council meeting. Any materials submitted to the Agency after distribution of the agenda packet will be available for public review in the Town Clerk's Office during normal business hours and will be available for review at the Town Council meeting. For more information on an agenda item or the agenda process, please contact the Town Clerk's office at 760-369-7209 ext. 226.*

*If you wish to comment on any subject on the agenda, or any subject not on the agenda during public comments, please fill out a card and give it to the Town Clerk. The Mayor/Chair will recognize you at the appropriate time. Comment time is limited to 3 minutes.*

**(WHERE APPROPRIATE OR DEEMED NECESSARY, ACTION MAY BE TAKEN ON ANY ITEM LISTED IN THE AGENDA)**

**OPENING CEREMONIES**

**CALL TO ORDER (5:30 p.m. for closed session)**

**ROLL CALL:** Council Members Abel, Huntington, Leone, Rowe, and Mayor Lombardo

**CLOSED SESSION**

**(Public Comments will be taken at Town Hall before the Town Council adjourns to Closed Session)**

**2. PUBLIC EMPLOYEE PERFORMANCE EVALUATION**

Pursuant to Government Code Section 54957, Public Employee Performance Evaluation (Town Manager) - goals and objectives

**RECONVENE FROM CLOSED SESSION**

**OPENING CEREMONIES (Continued)**

**PLEDGE OF ALLEGIANCE**

**INVOCATION** Led by Pastor Stephen Jones, First Southern Baptist Church

**REPORT OUT FROM CLOSED SESSION**

**PRESENTATIONS, INTRODUCTIONS, RECOGNITIONS**

1. Introduction- Joshua Tree National Park Superintendent David Smith
2. Public Safety Update- San Bernardino County Fire

**APPROVAL OF AGENDA**

Action: Move\_\_\_\_\_2<sup>nd</sup>\_\_\_\_\_Vote\_\_\_\_\_.

**CONSENT AGENDA**

*All items listed on the consent calendar are considered to be routine matters or are considered formal documents covering previous Town Council instruction. The items listed on the consent calendar may be enacted by one motion and a second. There will be no separate discussion of the consent calendar items unless a member of the Town Council or Town Staff requests discussion on specific consent calendar items at the beginning of the meeting. Public requests to comment on consent calendar items should be filed with the Town Clerk/Deputy Town Clerk before the consent calendar is called.*

3. Waive further reading of all ordinances (if any in the agenda) and read by title only.

**Recommendation: Waive further reading of all ordinances and read by title only.**

- 1-15 4. Town Council Meeting Minutes of September 2, 2014 and September 16, 2014

**Recommendation: Approve the minutes of the Town Council Meetings of September 2, 2014 and September 16, 2014 as presented.**

- 16- 5. Rejection of One (1) Claim – Mark Alan Vanderpool

**Recommendation: Reject one claim filed against the Town of Yucca Valley submitted on October 2, 2014 by Mark Alan Vanderpool.**

17- 6. Rejection of One (1) Claim- Timothy Peth

**Recommendation: Reject one Claim filed against the Town of Yucca Valley submitted on October 14, 2014 by Timothy Peth.**

18-34 7. Resolution No. 14-  
Planning Commission Recommendation  
Street Vacation SV-01-14, Sage Avenue  
Approximately Ten feet (10') by One Hundred-Thirty-Two feet (132') easement on the southwest corner of Sage Avenue and Hidden Gold Drive

**Recommendation: As recommended by the Planning Commission, adopt the Resolution, declaring the intent to vacate approximately ten feet (10') by one-hundred-thirty-two feet (132') of existing public road easement on the southwest corner of Sage Avenue and Hidden Gold Drive, and setting a Public Hearing for December 16, 2014 at 6:00 P.M.**

35-52 8. State Safe Routes to School Grant (SR2S)  
Sage Avenue Safe Route to School (SR2S) Improvements – Town Project No. 8320  
Acceptance of Project as Substantially complete  
Budget Amendment

**Recommendation:**

- **Accept the project as substantially complete and authorizes staff to file the Notice of Completion**
- **Authorize the reduction of the Faithful Performance Bond to 10% and directs staff to retain the Labor and Material Bond for six (6) months for Project No.8320**
- **Amend the budget to fund the actions taken at the June 3, 2014 by transferring \$17,687 from Traffic Safety Fund 507 to SRTS Fund 529 as reflected in the attached amended budgets.**
- **Release the expenditure budget surplus back to fund balance and returns any unused transferred funds to the source fund.**

53-54 9. Authorization of additional payment to CalPERS unfunded liability

**Recommendation: Authorize payment in the amount of \$90,000 to CalPERS to pay down the unfunded liability**

55-62 10. Budget Report for the Quarter Ending September 30, 2014

**Recommendation: Receive and file the FY 2014-15 First Quarter Budget Report**

63-64 11. Treasurer's Report for the Quarter Ending September 30, 2014

**Recommendation: Receive and file the Treasurer's Report for the first quarter of FY 2014-15**

65-67 12. AB1234 Reporting Requirements

**Recommendation: Receive and file the AB1234 Reporting Requirement Schedule for the month of September 2014**

68-81 13. Warrant Register

**Recommendation: Ratify the Payroll Registers Total of \$276,354.38 for checks dated September 26 thru October 10, 2014, and ratify the Warrant Registers total of \$1,006,313,91 for checks dated October 2 thru October 16, 2014,**

**Recommendation: Adopt Consent Agenda (items 3-13)**

Action: Move \_\_\_\_\_ 2<sup>nd</sup> \_\_\_\_\_ Vote \_\_\_\_\_

## **PUBLIC HEARINGS**

82-206 14. Resolution No. 14-  
Appeal of Planning Commission Decision  
Site Plan Review, SPR-01-13, Billings Transfer  
Rock, Gravel and Sand Yard

**Recommendation: Uphold the Planning Commission decision and deny Appeal, A-02-14.**

Action: Move \_\_\_\_\_ 2<sup>nd</sup> \_\_\_\_\_ Vote \_\_\_\_\_

207-245 15. Planning Commission Recommendation  
Development Code Amendment, DCA-04-14  
Draft Development Code Article 1, Authority and Applicability  
CEQA Exemption 15061(b)(3)

**Recommendation: As recommended by the Planning Commission 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 Development Code 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 04-14 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”.
- Introduce the Ordinance, Article 1, Chapters 9.01 through 9.03.060 and repealing San Bernardino County Development Code Sections, as adopted and amended by the Town of Yucca Valley, 81.0101-81.0195, Section 81.0305 and Sections 84.0801-84.0830 of Title 8.

Action: Move \_\_\_\_\_ 2<sup>nd</sup> \_\_\_\_\_ Vote \_\_\_\_\_

246-293 16. Development Code Amendment, DCA-03-14  
 Draft Development Code Article 5, Administration  
 CEQA Exemption 15061(b)(3)

**Recommendation: As recommended by the Planning Commission 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 Development Code 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 03-14 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”.
- Introduce the Ordinance, Article 5, Administration, Chapters 9.80 through 9.86, and repealing Sections 81.0205-81.0235, Sections 83.010605-83.010630 and Sections 87.1201-87.1202 of Title 8 of the San Bernardino County Development Code as adopted and amended.

Action: Move \_\_\_\_\_ 2<sup>nd</sup> \_\_\_\_\_ Vote \_\_\_\_\_

- 294-414 17. Planning Commission Recommendation  
Development Code Amendment, DCA-05-14  
Draft Development Code Article 7, Definitions  
CEQA Exemption 15061(b)(3)

**Recommendation: As recommended by the Planning Commission 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 Development Code 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 05-14 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”.**
- **Introduce the Ordinance, Article 7, Chapters 9.99.020 through 9.99.260 and repealing Section 812.01005, Chapters 1 through 27, Division 12, Title 8 of the Yucca Valley Development Code.**

Action: Move \_\_\_\_\_ 2<sup>nd</sup> \_\_\_\_\_ Vote \_\_\_\_\_

**DEPARTMENT REPORTS**

- 415- 18. Brehm Youth Sports Park  
Acquisition Agreement

**Recommendation: Approve the acquisition agreement subject to non-substantive changes, authorizing the Town Attorney, Mayor and Town Manager to sign the Agreement and all necessary documents to open and close escrow and to acquire the property, contingent upon the California Department of Finance final review and approval of the acquisition financing as included on the FY 2014-15B ROPS schedule, as recommended by the Town Council’s Brehm Park Ad Hoc Committee.**

Action: Move \_\_\_\_\_ 2<sup>nd</sup> \_\_\_\_\_ Vote \_\_\_\_\_

## **FUTURE AGENDA ITEMS**

## **PUBLIC COMMENTS**

*In order to assist in the orderly and timely conduct of the meeting, the Council takes this time to consider your comments on items of concern which are on the Closed Session or not on the agenda. When you are called to speak, please state your name and community of residence. Notify the Mayor if you wish to be on or off the camera. Please limit your comments to three (3) minutes or less. Inappropriate behavior which disrupts, disturbs or otherwise impedes the orderly conduct of the meeting will result in forfeiture of your public comment privileges. The Town Council is prohibited by State law from taking action or discussing items not included on the printed agenda.*

## **STAFF REPORTS AND COMMENTS**

## **MAYOR AND COUNCIL MEMBER REPORTS AND COMMENTS**

19. Council Member Abel
20. Council Member Leone
21. Council Member Rowe
22. Mayor Pro Tem Huntington
23. Mayor Lombardo

## **ANNOUNCEMENTS**

**Time, date and place for the next Town Council meeting.**

The next regularly scheduled meeting of the Town Council is 6:00 p.m., Tuesday, November 18, 2014, at the Yucca Valley Community Center Yucca Room.

## **ADJOURNMENT**



# Yucca Valley Town Council

## Meeting Procedures

The Ralph M. Brown Act is the state law which guarantees the public's right to attend and participate in meetings of local legislative bodies. These rules have been adopted by the Town of Yucca Valley Town Council in accordance with the Brown Act, Government Code 54950 et seq., and shall apply at all meetings of the Yucca Valley Town Council, Commissions and Committees.

**Agendas** - All agendas are posted at Town Hall, 57090 Twentynine Palms Highway, Yucca Valley, at least 72 hours in advance of the meeting. Staff reports related to agenda items may be reviewed at the Town Hall offices located at 57090 Twentynine Palms Highway, Yucca Valley.

**Agenda Actions** - Items listed on both the "Consent Calendar" and "Items for Discussion" contain suggested actions. The Town Council will generally consider items in the order listed on the agenda. However, items may be considered in any order. Under certain circumstances new agenda items can be added and action taken by two-thirds vote of the Town Council.

**Closed Session Agenda Items** - Consideration of closed session items, *excludes* members of the public. These items include issues related to personnel, pending litigation, labor negotiations and real estate negotiations. Prior to each closed session, the Mayor will announce the subject matter of the closed session. If final action is taken in closed session, the Mayor shall report the action to the public at the conclusion of the closed session.

**Public Testimony on any Item** - Members of the public are afforded an opportunity to speak on any listed item. Individuals wishing to address the Town Council should complete a "Request to Speak" form, provided near the Town Clerk's desk at the meeting room, and present it to the Town Clerk prior to the Council's consideration of the item. A "Request to Speak" form must be completed for *each* item when an individual wishes to speak. When recognized by the Mayor, speakers should be prepared to step forward and announce their name and address for the record. In the interest of facilitating the business of the Council, speakers are limited to up to three (3) minutes on each item. The Mayor or a majority of the Council may establish a different time limit as appropriate, and parties to agenda items shall not be subject to the time limitations.

The Consent Calendar is considered a single item, thus the three (3) minute rule applies. Consent Calendar items can be pulled at Council member request and will be brought up individually at the specified time in the agenda allowing further public comment on those items.

**Agenda Times** - The Council is concerned that discussion takes place in a timely and efficient manner. Agendas may be prepared with estimated times for categorical areas and certain topics to be discussed. These times may vary according to the length of presentation and amount of resulting discussion on agenda items.

**Public Comment** - At the end of the agenda, an opportunity is also provided for members of the public to speak on any subject with Council's authority. *Matters raised under "Public Comment" may not be acted upon at that meeting. The time limits established in Rule #4 still apply.*

**Disruptive Conduct** - If any meeting of the Council is willfully disrupted by a person or by a group of persons so as to render the orderly conduct of the meeting impossible, the Mayor may recess the meeting or order the person, group or groups of person willfully disrupting the meeting to leave the meeting or to be removed from the meeting. Disruptive conduct includes addressing the Council without first being recognized, not addressing the subject before the Council, repetitiously addressing the same subject, failing to relinquish the podium when requested to do so, or otherwise preventing the Council from conducting its meeting in an orderly manner. *Please be aware that a NO SMOKING policy has been established for all Town of Yucca Valley meetings. Your cooperation is appreciated!*

## ACRONYM LIST

ADA	Americans with Disabilities Act
CAFR	Comprehensive Annual Financial Report
CALTRANS	California Department of Transportation
CEQA	California Environmental Quality Act
CCA	Community Center Authority
CDBG	Community Development Block Grant
CHP	California Highway Patrol
CIP	Capital Improvement Program
CMAQ	Congestion Mitigation and Air Quality
CMP	Congestion Management Program
CNG	Compressed Natural Gas
COP	Certificates of Participation
CPI	Consumer Price Index
DOJ	Department of Justice
DOT	Department of Transportation
ED	Economic Development
EIR	Environmental Impact Report (pursuant to CEQA)
GAAP	Generally Accepted Accounting Procedures
GASB	Governmental Accounting Standards Board
HDWD	Hi Desert Water District
HUD	US Department of Housing and Urban Development
IIEP	Inland Empire Economic Partnership
IIPP	Injury and Illness Prevention Plan
IRC	Internal Revenue Code
LAIF	Local Agency Investment Fund
LLEBG	Local Law Enforcement Block Grant
LTF	Local Transportation Fund
MBTA	Morongo Basin Transit Authority
MBYSA	Morongo Basin Youth Soccer Association
MDAQMD	Mojave Desert Air Quality Management District
MOU	Memorandum of Understanding
MUSD	Morongo Unified School District
PARSAC	Public Agency Risk Sharing Authority of California
PERS	California Public Employees Retirement System
PPA	Prior Period Adjustment
PVEA	Petroleum Violation Escrow Account
RDA	Redevelopment Agency
RSA	Regional Statistical Area
RTP	Regional Transportation Plan
SANBAG	San Bernardino Associated Governments
SCAG	Southern California Association of Governments
STIP	State Transportation Improvement Program
STP	Surface Transportation Program
TEA-21	Transportation Enhancement Act for the 21 <sup>st</sup> Century
TOT	Transient Occupancy Tax

## Town Council Committee Assignments

COMMITTEE	REPRESENTATIVE	MEETING SCHEDULE	LOCATION
CITY / COUNTY ANIMAL SERVICES JPA	Huntington Lombardo	12:00 pm. Last Thursday	Yucca Valley
DESERT SOLID WASTE JPA	Huntington Lombardo (Alt)	10:00 a.m. 2 <sup>nd</sup> Thursday Feb, May, Aug, Nov	Victorville
LEAGUE OF CALIFORNIA CITIES DESERT MOUNTAIN DIVISION	Lombardo Rowe (Alt)	10:00 a.m. 4 <sup>th</sup> Friday- Quarterly	Varies
LEAGUE OF CALIFORNIA CITIES LEGISLATIVE DELEGATE	Mayor		
LEGISLATIVE TEAM	Huntington Rowe	Proposed for Council Members to work with Town Manager meeting with legislators when necessary	
HOMELESS PARTNERSHIP (SBCO) AND INTERAGENCY COUNCIL ON HOMELESSNESS	Leone Lombardo (Alt)	9:00 a.m. 4 <sup>th</sup> Wednesday	San Bernardino
MEASURE I	Huntington Rowe (Alt)	9:30 a.m. 3 <sup>rd</sup> Friday	Apple Valley
MORONGO BASIN TRANSIT AUTHORITY	Abel Leone Rowe (Alt)	5:00 p.m. 4 <sup>th</sup> Thursday	Joshua Tree
MOJAVE AIR QUALITY DISTRICT	Leone Rowe (Alt)	10:00 a.m. 4 <sup>th</sup> Monday	Victorville
SANBAG	Huntington Rowe (Alt)	10:30 a.m. 1 <sup>st</sup> Wednesday	San Bernardino
SPORTS COUNCIL	Huntington	6:30 p.m. 2 <sup>nd</sup> Monday March, June, Sept	Yucca Valley

## Ad Hoc Committee Assignments

COMMITTEE	REPRESENTATIVES
AUDIT	
BREHM PARK	Abel Lombardo
COUNCIL RULES AND PROCEDURES	Huntington Lombardo
COUNTY BUDGET	Huntington Rowe
MORONGO UNIFIED SCHOOL DISTRICT	Rowe
ONLINE VIDEO	Huntington Evans (PRCC)
RDA BONDS	Leone Rowe
SENIOR HOUSING	Huntington Rowe Drozd (PC) Whitten (PC)
SEWER FINANCING	Rowe Leone
SUBDIVISION	Huntington Leone

**TOWN OF YUCCA VALLEY  
TOWN COUNCIL MEETING MINUTES  
SEPTEMBER 2, 2014**

**OPENING CEREMONIES**

Mayor Lombardo called the meeting to order at 6:00 p.m.

Council Members Present: Abel, Huntington, Leone, Rowe, and Mayor Lombardo.

Staff Present: Town Manager Yakimow, Deputy Town Manager Stueckle, Town Attorney Laymon, Police Chief Mondary and Town Clerk Copeland

The Pledge of Allegiance was led by Council Member Leone

While no formal invocation was presented, Mayor Lombardo led the public in a moment of silence.

**PRESENTATIONS**

**1. Town Employee of the Quarter**

Code Compliance Office Shelly Eich was awarded as the Town's Employee of the Quarter for the second quarter, 2014.

**2. Private Land Development Update**

Deputy Town Manager Stueckle presented an update on the major private land development projects currently underway in Yucca Valley.

Mayor Lombardo opened public comments with the following individual commenting on the item.

Ramon Mendoza, Morongo Valley

With no other members of the public wishing to speak, Mayor Lombardo closed public comments.

**APPROVAL OF AGENDA**

Mayor Pro Tem Huntington moved to approve the agenda for the Town Council Meeting of September 2, 2014. Council Member Abel seconded. Motion carried 5-0 on a roll call vote.

**AYES:** Council Members Abel, Huntington, Leone, Rowe and Mayor Lombardo

**NOES:** None

**ABSTAIN:** None

**ABSENT:** None

**CONSENT AGENDA**

3. **Waive** further reading of all ordinances and read by title only
4. **Approve** the minutes of the Town Council meeting of July 15, 2014 as presented
5. **Award** the service contract to Quality Street Services, Inc., authorizing the Mayor, Town Manager, and Town Attorney to sign all necessary documents, in the amount of \$50,000.00 annually for general on-call street sweeping services, and appropriating \$25,000.00 from the Catastrophic Events Reserve for the Storm Recovery street cleaning program, and authorizing the Town Manager to expend the funds following storm events.
6. **Item Pulled**
7. **Award** working out of class pay to the Deputy Town Manager for assuming the duties of Acting Town Manager from August 20, 2013 to July 15, 2014.
8. **Adopt** Resolution No. 14-28 revising the titles of staff who submitted a grant application to the California Department of Housing and Community Development to seek Housing-Related Parks Program funding for additional Paradise Park improvements and revising the title of the staff authorized to execute the grant documents to Town Manager or designee.  
**Authorize** the Town Manager or designee as the official designated and authorized to represent the Town on current and subsequent park specific grant documents, reimbursement requests and reports.
9. **Appropriate** the unused budgeted partnership funds of \$250 back to the Center for Healthy Generations for other programming needs.
10. **Ratify** the Payroll Registers Total of \$148,842.70 for checks dated August 1, 2014 and **Ratify** the Warrant Registers total of \$141,076.73 for checks dated August 21, 2014

Council Member Leone requested to pull Item No. 6 from the Consent Agenda for discussion.

Mayor Lombardo opened public comments for the consent agenda items. With no members of the public wishing to speak, public comments were closed.

Mayor Pro Tem Huntington moved to approve consent agenda items 3-5, 7-10. Council Member Rowe seconded. Motion carried 5-0 on roll call vote.

**AYES:** Council Members Abel, Huntington, Leone, Rowe and Mayor Lombardo  
**NOES:** None  
**ABSTAIN:** None  
**ABSENT:** None

**Item No. 6-**

**Resolution No. 14 –  
 Tract Map 10680**

**Acceptance of Grand Avenue from Navajo Trail north to Onaga Trail, Lisa Circle from Grand Avenue east to end of Cul-de-sac, Taos Circle from Grand Avenue east to end of Cul-de-sac, and Navajo Trail from Grand Avenue east to Navajo Trail into the Town’s Maintained Roadway System.**

Deputy Town Manager Stueckle presented the staff report on the item.

Mayor Lombardo opened public comments for the item. With no members of the public wishing to speak, public comments were closed.

Council Member Leone moved to adopt Resolution No. 14-27, accepting Grand Avenue from Navajo Trail north to Onaga Trail, Lisa Circle from Grand Avenue east to end of Cul-de-sac, Taos Circle east from Grand Avenue east to end of Cul-de-sac, and Navajo Trail from Grand Avenue east Navajo Trail into the Town’s Maintained Roadway System. Mayor Pro Tem Huntington seconded. Motion carried 5-0 on a roll call vote.

**AYES:** Council Members Abel, Huntington, Leone, Rowe and Mayor Lombardo  
**NOES:** None  
**ABSTAIN:** None  
**ABSENT:** None

**DEPARTMENT REPORTS**

**11. Traffic Signal Synchronization, Phase II Funding Request  
 San Bernardino Associated Governments**

Deputy Town Manager Stueckle presented the staff report.

Mayor Lombardo opened public comments for the item. With no members of the public wishing to speak, public comments were closed.

Council Member Leone spoke of concern on reality versus theory on synchronizing traffic signals.

Council Member Abel inquired on adjustability of signal timing after the synchronizing project is complete.

Deputy Town Manager Stueckle stated signal maintenance requires continual monitoring.

Mayor Pro Tem Huntington inquired on funding sources and if the amounts stated would cover the entire project.

Council Member Rowe moved to adopt Resolution No. 14-28, requesting allocation of all remaining CMAQ funding for Phase II Traffic Signal Synchronization, and authorizing the Mayor to sign the funding request letter. Mayor Pro Tem Huntington seconded. Motion carried 5-0 on a roll call vote.

**AYES:** Council Members Abel, Huntington, Leone, Rowe and Mayor Lombardo  
**NOES:** None  
**ABSTAIN:** None  
**ABSENT:** None

**12. Resolution No. 14-29**  
**SR62 & Dumosa Avenue Traffic Signal Project – Town Project No.8456**  
**Award of Construction Contract**  
**DBX, Inc., Temecula, CA**  
**Funding request – San Bernardino Associated Governments**

Deputy Town Manager Stueckle presented the staff report.

Mayor Lombardo opened public comments and the following individuals commented on the item.

Susan Simmons, Yucca Valley  
Margo Sturges, Yucca Valley

With no other members of the public wishing to speak, public comments were closed.

Council Member Abel commented on the traffic at this intersection, and would like to see this project move forward.

Council Member Rowe inquired on the reconfiguring of the existing medians to accommodate the new turn pockets at a new signal and also asked if a four-way stop is possible at the corner of Dumosa and Antelope.

Council Member Leone stated he was against the signal, because it is too close to the existing signal located at Hwy 247 and suggested making the corner, right-hand turn only, and extending the turn pocket used to enter north-bound Dumosa from the highway.

Mayor Pro Tem Huntington spoke favorably on the project and addressed the public comment on funding sources.

Council Member Rowe stated that though traffic signals are not everyone’s favorite topic right now, this particular signal is important because of the high-level of pedestrian traffic in the area.

Mayor Pro Tem Huntington moved to

- Adopt Resolution No 14-29, requesting additional Major Local Highway Program (MLHP) Funds, and authorizing the Mayor to sign the funding request letter, and execute the funding agreement for the new MLHP funds under the same general terms and conditions as the current funding agreement covering the first allocation;
- Award the construction contract to DBX, Inc., contingent upon SANBAG allocating additional LMHP funds, in the total contract amount of \$588,338 authorizing the Mayor, Town Manager and Town Attorney to sign all necessary documents, and authorizing the Town Manager to expend the contingency fund, if necessary, to complete the project.
- Amend the FY 2014-16 adopted budget as reflected in the attached FY 2014-16 Fund 520 proposed amended budget.

Council Member Rowe seconded. Motion carried 4-1 on a roll call vote with Council Member Leone voting no.

- AYES:** Council Members Abel, Huntington, Rowe and Mayor Lombardo
- NOES:** Council Member Leone
- ABSTAIN:** None
- ABSENT:** None

**13. San Bernardino County Operational Area Emergency Management Strategic Plan**

Administrative Assistant III Jessica Rice presented the staff report.

Mayor Lombardo opened public comments for the item.

Ramon Mendoza, Morongo Valley commented on the presentation.

With no other members of the public wishing to speak, public comments were closed.

Council Member Rowe moved to receive and file the informational update on the San Bernardino County Operational Area’s Emergency Management Strategic Plan, and direct the Town Manager to sign a letter of concurrence supporting the Plan. Mayor Pro Tem Huntington seconded. Motion carried 5-0 on a roll call vote.



**AYES:** Council Members Abel, Huntington, Leone, Rowe and Mayor Lombardo  
**NOES:** None  
**ABSTAIN:** None  
**ABSENT:** None

**14. SB270 (Padilla) Solid Waste: Single-Use Carryout Bags**

Administrative Assistant III Jessica Rice presented the staff report.

Mayor Lombardo opened public comments and the following individual commented on the item.

Lori Herbel, Yucca Valley

With no other members of the public wishing to speak, public comments were closed.

Council Member Leone spoke in favor of supporting SB270.

Council Member Abel commented favorably on the item and suggested that the Town provide reusable bags to local residents, preferably if they were made with recycled materials.

Council Member Rowe also spoke in favor SB270

Mayor Pro Tem Huntington commented favorably on the bill, and on the benefits of standardizing a plastic bag ban throughout California.

Mayor Pro Tem Huntington moved to receive and file the informational update on SB 270 banning the use of single-use carryout bags and discuss and determine the Council’s preference regarding sending a letter of support to the Governor’s Office. Council Member Leone seconded. Motion carried 5-0 on a roll call vote.

**AYES:** Council Members Abel, Huntington, Leone, Rowe and Mayor Lombardo  
**NOES:** None  
**ABSTAIN:** None  
**ABSENT:** None

**FUTURE AGENDA ITEMS**

None Stated

**PUBLIC COMMENTS**

Mayor Lombardo opened public comments.

Margo Sturges, Yucca Valley invited the public to a candidate forum for candidates seeking the office of Hi Desert Water District Board Member in the upcoming election.

Cristina Kayvon-Pierce and Dr. Petrus, Yucca Valley spoke in favor of a local equine clinic.

Mindy Ross, a local realtor, spoke in support of a local equine clinic proposed for Yucca Valley.

Lori Herbel, Yucca Valley spoke in support of the proposed equine clinic and introduced her new puppy, Cheyenne. Herbel encouraged local residents to spay and neuter their pets.

Ramon Mendoza, Morongo Valley recommended a book on the subject of water.

With no other members of the public wishing to speak, Mayor Lombardo closed public comments.

#### STAFF REPORTS AND COMMENTS

Town Manager Yakimow explained the application process for the upcoming Youth Commission season, with a deadline of October 2, 2014.

Yakimow also updated the council on the increase of local jobs with the recent opening of Petco, Tractor Supply and soon to be opened, Marshalls.

Yakimow commended staff, especially Deputy Town Manager Stueckle, Town Project Engineer Qishta, Town Inspector Behrens on a job well-done on the Safe Routes to Schools project on Sage Avenue.

#### MAYOR AND COUNCIL MEMBER REPORTS AND COMMENTS

15. Council Member Abel congratulated Eich on her award as Employee of the Quarter, and thanked Stueckle on his extra service as Acting Town Manager for this past year. Abel reminded the public of the continued effort of water conservation in our community.
16. Council Member Leone congratulated Eich, and thanked Stueckle for taking care of the extra work responsibilities.
17. Council Member Rowe thanked Stueckle for his dedication to the community and the Town organization, it is much appreciated. Rowe also thanked Eich on her hard work as Code Compliance Officer.
17. Mayor Pro Tem Huntington commented on the difficult job Eich has, and congratulated

her on her award.

18. Mayor Lombardo also thanked Eich and Stueckle. Lombardo commented that the community's appearance is improving, thanks to code compliance efforts and encouraged the public to sign-up for the Town's e-newsletter. There is a button on the Town's website homepage to do this.

## ANNOUNCEMENTS

The next regularly scheduled meeting of the Town Council is 6:00 p.m. Tuesday, September 16, 2014 at the Yucca Valley Community Center Yucca Room.

## CLOSED SESSION

Town Attorney Laymon introduced the closed session item.

1. CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION

Significant exposure to litigation pursuant to paragraphs (2) and (3) of subdivision (d) of Government Code Section 54956.9 (one potential case)

Mayor Lombardo opened public comments on the closed session item. With no members of the public wishing to speak, public comments were closed.

Mayor Lombardo adjourned to closed session at 7:32 p.m.

## REPORT OUT FROM CLOSED SESSION - ADJOURNMENT

Town Attorney Laymon reported that closed session adjourned at 8:14 p.m. with no reportable action.

Respectfully Submitted,

Lesley Copeland, CMC  
Town Clerk

**TOWN OF YUCCA VALLEY  
TOWN COUNCIL MEETING MINUTES  
SEPTEMBER 16, 2014**

**OPENING CEREMONIES**

Mayor Lombardo called the meeting to order at 6:00 p.m.

Council Members Present: Abel, Huntington, Leone, Rowe, and Mayor Lombardo.

Staff Present: Town Manager Yakimow, Deputy Town Manager Stueckle, Town Attorney Laymon, Police Chief Mondary, Senior Accountant Cisneros and Town Clerk Copeland

The Pledge of Allegiance was led by Mayor Lombardo

While no formal invocation was presented, Mayor Lombardo led the public in a moment of silence.

**PRESENTATIONS**

**1. Community Services Department- Summer Season Recap**

Recreation Supervisor Sue Earnest presented a summer season recap showcasing the many events and programs held in in the recent summer months.

Mayor Lombardo opened public comment on the presentation. The following individuals commented on the item:

Ramon Mendoza, Morongo Valley  
Lori Herbel, Yucca Valley

With no other members of the public wishing to speak, Mayor Lombardo closed public comments.

Council Member Abel thanked Earnest for the hard work over the summer and suggested that the Town's website be updated to reflect the exciting things the Town has to offer.

Council Member Rowe stated she would like to see if there will be a drop in enrollment because of moving the printing of the Town's activity guide to twice a year.

Earnest explained that additional advertising will be issued for selected activities, in-between publications.

Council Member Leone suggested additional advertising for the adult excursions, as they are a fantastic opportunity.

Mayor Pro Tem Huntington congratulated Earnest on the successful season and inquired

on the demographics of activity participants.

Town Manager Yakimow suggested for staff to bring back demographic information on program attendance for council discussion.

Mayor Lombardo inquired on the collaboration with National CORE and the residents of the nearby senior housing complex for future senior activities. Lombardo spoke in agreement to revamp the Town's website for additional activity coverage.

### APPROVAL OF AGENDA

Council Member Rowe moved to approve the agenda for the Town Council Meeting of September 16, 2014. Council Member Abel seconded. Motion carried 5-0 on a roll call vote.

**AYES:** Council Members Abel, Huntington, Leone, Rowe and Mayor Lombardo

**NOES:** None

**ABSTAIN:** None

**ABSENT:** None

### CONSENT AGENDA

2. **Waive** further reading of all ordinances and read by title only
3. **Receive and file** the monthly Statistical Fire Department Reports for the month of August 2014
4. **Item Pulled**
5. **Ratify** the Payroll Registers Total of \$264,186.58 for checks dated August 15, 2014 and August 29, 2014 and  
**Ratify** the Warrant Registers total of \$100,807.04 for checks dated September 4, 2014

Council Member Leone requested to pull Item No. 4 from the Consent Agenda for discussion.

Mayor Lombardo opened public comments for the consent agenda items. With no members of the public wishing to speak, public comments were closed.

Council Member Rowe moved to approve consent agenda items 2, 3 and 5. Mayor Pro Tem Huntington seconded. Motion carried 5-0 on roll call vote.

**AYES:** Council Members Abel, Huntington, Leone, Rowe and Mayor Lombardo  
**NOES:** None  
**ABSTAIN:** None  
**ABSENT:** None

**Item No. 4- Certificate of Achievement for Excellence in Financial Reporting for the fiscal year ended June 20, 2013**

Town Manager Yakimow presented the staff report and thanked Senior Accountant Cisneros.

Mayor Lombardo opened public comments for the item. With no members of the public wishing to speak, public comments were closed.

Mayor Pro Tem Huntington moved to receive and file the Certificate of Achievement for Excellence in Financial Reporting for the fiscal year ended June 30, 2013. Council Member Leone seconded. Motion carried 5-0 on a roll call vote.

**AYES:** Council Members Abel, Huntington, Leone, Rowe and Mayor Lombardo  
**NOES:** None  
**ABSTAIN:** None  
**ABSENT:** None

**DEPARTMENT REPORTS**

**6. Budget Report for the Fiscal Year Ended June 30, 2014**

Senior Accountant Cisneros presented the staff report.

Mayor Lombardo opened public comments. The following individuals commented on the item:

Lori Herbel, Yucca Valley  
 Ramon Mendoza, Morongo Valley

With no other members of the public wishing to speak, public comments were closed.

Council Member Abel inquired on the reserve policy ranges and spoke of revenue trends and budget expectancies.

Council Member Rowe asked Chief Mondary to explain the one-time, public safety refund.

Council Member Leone spoke of past reserve policy discussions and sees the need to keep a decent reserve for catastrophic events or unanticipated economic issues.

Mayor Pro Tem Huntington stated he is in favor of the current reserve policies.

Mayor Lombardo commented on the progress the Town is making and hopes that there will be opportunities in the future to address the larger items such as road maintenance.

Mayor Pro Tem Huntington moved to receive and file the Budget Report for the fiscal year ended June 30, 2014. Council Member Leone seconded. Motion carried 5-0 on a roll call vote.

**AYES:** Council Members Abel, Huntington, Leone, Rowe and Mayor Lombardo  
**NOES:** None  
**ABSTAIN:** None  
**ABSENT:** None

**7. Allocation of Positive Net Change in Fund Balance for the fiscal year ended June 30, 2014**

Town Manager Yakimow presented the staff report.

Mayor Lombardo opened public comments. The following individuals commented on the item:

Ramon Mendoza, Morongo Valley  
Lori Herbel, Yucca Valley

With no other members of the public wishing to speak, public comments were closed.

Council Member Abel moved to designate \$400,000 to Infrastructure (in FY 2014-15); to designate \$100,000 to Capital Projects Fund, and to designate \$90,000 to unfunded liabilities and maintain the reserve policy range as presented.

Council Member Leone seconded. Motion carried 5-0 on a roll call vote.

**AYES:** Council Members Abel, Huntington, Leone, Rowe and Mayor Lombardo  
**NOES:** None  
**ABSTAIN:** None  
**ABSENT:** None

**8. Initiative Process Update**

Town Clerk Copeland presented the staff report, explaining the basic process of an initiative, and gave a brief update on the medical marijuana dispensary initiative received by the Town Clerk.

Mayor Lombardo opened public comments. The following individuals commented on the item:

Susan Simmons, Yucca Valley  
Ramon Mendoza, Morongo Valley

With no other members of the public wishing to speak, Mayor Lombardo closed public comments.

Mayor Lombardo stated that the Town needs to be proactive in the process; in favor of Alternative Three as listed in the staff report.

Council Member Rowe stated agreement with being proactive, yet moving forward needs careful consideration; in favor of Alternative Three as listed in the staff report.

Council Member Abel is in favor of further review and Alternative Three.

Town Attorney Laymon clarified the recommendation as discussed by council is a hybrid of several options.

Council Member Rowe moved to allow the current Medical Marijuana Dispensary petition process to move forward as designed by state law, and in accordance with the registered voters of the Town, and direct staff to begin research on the primary policy issues for Council consideration if the Town were to consider weighing a change in the current prohibition independent of the proposed initiative. Mayor Pro Tem Huntington seconded. Motion carried 5-0 on a roll call vote.

- AYES:** Council Members Abel, Huntington, Leone, Rowe and Mayor Lombardo
- NOES:** None
- ABSTAIN:** None
- ABSENT:** None

**FUTURE AGENDA ITEMS**

Council Member Rowe would like to see a review of the Old Town Specific Plan.

**PUBLIC COMMENTS**

Mayor Lombardo opened public comments.

Ramon Mendoza, Morongo Valley asked the Council to pass an ordinance regarding properly operating septic systems.

James Korton, Yucca Valley requested storm debris clean-up on his street.

Jason Elssaser, Yucca Valley stated he was working with the current medical marijuana initiative proponents and is looking forward to working with the Town in the process.

Susan Simmons, Yucca Valley spoke of bicycle safety on local roadways.



With no other members of the public wishing to speak, Mayor Lombardo closed public comments.

**STAFF REPORTS AND COMMENTS**

Police Chief Mondary cautioned the public on trying to traverse flooded roadways.

Deputy Town Manager Stueckle stated he would meet with Mr. Kordon after the meeting and also gave an update on the construction project along SR62.

**MAYOR AND COUNCIL MEMBER REPORTS AND COMMENTS**

9. Council Member Abel thanked Mr. Kordon for attending the Town Council meeting.
10. Council Member Leone thanked Earnest for her presentation.
11. Council Member Rowe stated she recently heard complements by Yucca Valley High School Staff Members regarding the local San Bernardino County Sheriff's Youth Officer.
12. Mayor Pro Tem Huntington congratulated Cisneros for the financial reporting award and also thanked the many sports volunteers and their efforts in providing services to the youth of the community.
18. Mayor Lombardo offered words of gratitude to Cisneros on the outstanding financial award, and thanked everyone for attending the meeting.

**ANNOUNCEMENTS**

The next regularly scheduled meeting of the Town Council is 6:00 p.m. Tuesday, October 7, 2014 at the Yucca Valley Community Center Yucca Room.

**CONVENED TO SUCCESSOR AGENCY**

Mayor Lombardo convened to the meeting of the Successor Agency to the Yucca Valley Redevelopment Agency at 7:48 p.m.

Mayor Lombardo adjourned the meeting of the Successor Agency to the Yucca Valley Redevelopment Agency and reconvened as the Yucca Valley Town Council at 8:02 p.m.

**CLOSED SESSION**

1. CONFERENCE WITH LEGAL COUNSEL- ANTICIPATED LITIGATION

Initiation of litigation pursuant to paragraph (4) of subdivision (d) of Section 54956.9  
(One (1) Matter)

Mayor Lombardo opened public comments on the closed session item. With no members of the public wishing to speak, public comments were closed.

Mayor Lombardo adjourned to closed session at 8:06 p.m.

**REPORT OUT FROM CLOSED SESSION - ADJOURNMENT**

Town Attorney Laymon reported that closed session adjourned at 8:20 p.m. with reportable action. With a unanimous vote, the Town Council voted to initiate litigation in one (1) matter.

**AYES:** Council Members Abel, Huntington, Leone, Rowe and Mayor Lombardo  
**NOES:** None  
**ABSTAIN:** None  
**ABSENT:** None

Respectfully Submitted,

Lesley Copeland, CMC  
Town Clerk





## TOWN COUNCIL STAFF REPORT

**To:** Honorable Mayor & Town Council  
**From:** Shane Stueckle, Deputy Town Manager  
Alex Qishta, Project Engineer  
**Date:** October 20, 2014  
**For Council Meeting:** November 4, 2014

**Subject:** Resolution No. 14-  
Planning Commission Recommendation  
Street Vacation SV-01-14, Sage Avenue  
Approximately Ten feet (10') by One Hundred-Thirty-Two feet (132')  
easement on the southwest corner of Sage Avenue and Hidden Gold Drive

**Prior Council Review:** There has been no prior review of this matter.



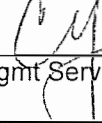

**Recommendation:** As recommended by the Planning Commission, that the Town Council adopts the Resolution, declaring the intent to vacate approximately ten feet (10') by one-hundred-thirty-two feet (132') of existing public road easement on the southwest corner of Sage Avenue and Hidden Gold Drive, and setting a Public Hearing for December 16, 2014 at 6:00 P.M.

**Executive Summary:** At their meeting of August 26, 2014, the Planning Commission determined the requirements for vacating a portion of the public road easement on Sage Avenue were satisfied, as the easement identified is not necessary for future circulation purposes nor is it necessary for existing or future access for other properties in the surrounding area. The Planning Commission voted unanimously that the Town Council approve the street easement vacation.

The Streets and Highways Code permits the Town to vacate a street easement only upon a finding supported by substantial evidence that the easement is no longer needed for vehicular traffic and that the street is unnecessary for present or prospective public use.

**Order of Procedure:**

- Request Staff Report
- Request Public Comment
- Council Discussion/Questions of Staff
- Motion/Second
- Discussion on Motion
- Call the Question (Roll Call Vote, Consent Agenda)

Reviewed By:	 Town Manager	 Town Attorney	 Mgmt Services	 Dept Head
<input checked="" type="checkbox"/> Department Report	<input type="checkbox"/> Ordinance Action	<input checked="" type="checkbox"/> Resolution Action	<input type="checkbox"/> Public Hearing	
<input checked="" type="checkbox"/> Consent	<input type="checkbox"/> Minute Action	<input type="checkbox"/> Receive and File	<input type="checkbox"/> Study Session	

**Discussion:** An application was submitted to the Town by Copper Hills Homes, LLC/Sage Estates to vacate a portion of public road easement for Sage Avenue. The Town's 2014 General Plan Circulation Element identifies that segment of Sage Avenue as a Local Road with 60 feet of right-of-way. The 1995 General Plan refers to that segment of Sage Avenue as a Collector Road with 80 feet of right-of-way. The Planning Commission reviewed the street vacation request and confirmed that the request is in conformance to the 2014 General Plan. The Planning Commission also recommended that the Town proceed with vacating the 10' easement for all properties on Sage Avenue, between San Andreas Road and Joshua Drive. Staff will be initiating that process in the near future.

Public agencies are required to obtain right-of-way or easements for construction of public improvements including roadways, flood control facilities and other public works improvements. Planning for future extensions and expansions of public works projects requires that local agencies acquire right-of-way or easements years in advance of the actual construction projects. There are other situations where right-of-way or easements have been acquired and utilized for their intended purpose, but as the Town grows and roadways are improved and realigned, certain right-of-ways or easements no longer serve their original purpose.

Section 8300 et. seq. of the Streets and Highway Code requires the Town Council to hold a public hearing prior to vacating this public easement. Adoption of the Resolution sets the Public Hearing for December 16, 2014, at 6:00 P.M.

**Alternatives:** Staff recommends no alternative action.

**Fiscal impact:** Street vacation application fees cover all costs related to these actions.

**Attachments:**

- Resolution No. 14-
- Notice of Public Hearing
- Request to vacate Easement
- Proposed Easement Vacation
- Assessor's Parcel Map
- Streets and Highways Code Sections
- 2014 General Plan Roadway Classification
- 1995 General Plan Roadway Classification
- August 26, 2014 Planning Commission Minutes

RESOLUTION NO.  
A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF  
YUCCA VALLEY, CALIFORNIA, DECLARING ITS INTENTION TO VACATE  
THAT PORTION OF EASEMENT ON SAGE AVENUE IDENTIFIED ON THE  
ATTACHED MAP AND SETTING A TIME AND PLACE FOR HEARING THEREON.

The Town Council of the Town of Yucca Valley, California, does hereby resolve as follows:

SECTION 1. That the Town Council of the Town of Yucca Valley, California, intends to order the vacation of approximately Ten feet (10') by One-Hundred-Thirty-Two feet (132') easement on the southwest corner of Sage Avenue and Hidden Gold Drive.

SECTION 2. This vacation proceeding is conducted pursuant to the provisions of Chapter 3, Part 3 of Division 9, of the Streets and Highways Code of the State of California designed "General Vacation Procedure" (beginning at Section 8320 of said Code).

SECTION 3. Notice is hereby given that on December 16, 2014, at 6:00 p.m. in the Yucca Room of the Town of Yucca Valley Community Center, Yucca Valley, California, is the time and place fixed for hearing all persons interested in or objecting to the proposed street easement vacation.

SECTION 4. The Town Engineer or his representative of the Town of Yucca Valley shall cause to be conspicuously posted, along the line of the street proposed to be vacated, notices of the passage of this Resolution of Intention, which notices shall be posted at least thirty (30) days before the day set for the hearing. Notices shall be posted not more than 300 feet apart, but at least three notices shall be posted. The notices shall state the day, hour and place of the hearing, and describe the street or public service easement proposed to be vacated.

SECTION 5. In addition, pursuant to Section 8322 of the Streets and Highways Code, this Resolution shall be posted by the Town Clerk in public places designated by the Town Council for the posting of resolutions and ordinances of the Town, and published in a newspaper of general circulation within the Town for at least two successive weeks prior to the hearing.

ADOPTED AND APPROVED THIS 4<sup>th</sup> day of November, 2014.

ATTEST:

\_\_\_\_\_  
MAYOR

\_\_\_\_\_  
TOWN CLERK



# Street Vacation Application

Date Received	<u>09/10/14</u>
By	<u>DOLSEN</u>
Fee	<u>\$ 1340</u>
Case #	_____

Entire Street

Portion of Street

## General Information

**APPLICANT** Copper Hills Homes, LLC / Sage Estates Phone 760.365.0649 Fax \_\_\_\_\_

Mailing Address 8514 Barberry Ave. Email edward878@cs.com or vgreengoil@aol.com

City Yucca Valley State CA Zip 92284

**REPRESENTATIVE** Nolte V5 / Bill Warner Phone 760.341.3101 Fax 760.341.5999

Mailing Address 42-829 Cook St., Suite 104 Email bill.warner@nv5.com

**PROPERTY OWNER** Shack WE Jr Family Trust Phone 760.365.0649 Fax \_\_\_\_\_

Mailing Address Same as applicant Email \_\_\_\_\_

City \_\_\_\_\_ State \_\_\_\_\_ Zip \_\_\_\_\_

## Project Information

Street Name: Sage Ave.

Assessor Parcel Number(s) of adjacent parcels:  
(Please provide a copy of the Assessor Parcel Map, with the portion to be vacated identified)  
0585-362-01

Nearest cross street(s): Hidden Gold Drive

Length of street to be vacated: ~~± 152 feet~~ 132 feet

Width of street to be vacated: ~~± 7.00 feet~~ 10 feet

Legal description of street, alley, or public easement to be vacated (attach additional pages if needed)  
See attached exhibits

\_\_\_\_\_  
 Applicant Signature \_\_\_\_\_

\_\_\_\_\_  
 Property Owner Signature \_\_\_\_\_



**Owner/Applicant Authorization**

**Applicant/Representative:** I/We have reviewed this completed application and the attached material. The information included with this application is true and correct to the best of my/our knowledge. I/We further understand that the Town may not approve the application as submitted, and may set conditions of approval. Further, I/We understand that all documents, maps, reports, etc., submitted with this application are deemed to be public records. This application does not guarantee approval or constitute a building permit application.

Signed: \_\_\_\_\_  
Date: 4-16-14

**Property Owner:** I/We certify that I/We are presently the legal owner(s) of the above described property (If the undersigned is different from the legal property owner, a letter of authorization must accompany the form). Further, I/We acknowledge the filing of this application and certify that all of the above information is true and accurate. I/We understand that I/We are responsible for ensuring compliance with conditions of approval. I/We hereby authorize the Town of Yucca Valley and or/its designated agent(s) to enter onto the subject property to confirm the location of existing conditions and proposed improvements including compliance with applicable Town Code Requirements. Further, I/We understand that all documents, maps, reports, etc., submitted with this application are deemed to be public records. This application does not guarantee approval or constitute a building permit application. I am hereby authorizing

Nolte V5  
to act as my agent and is further authorized to sign any and all documents on my behalf.

Signed: \_\_\_\_\_  
Dated: 4-16-14

Town of Yucca Valley  
Community Development Department  
Planning Division  
58928 Business Center Dr  
Yucca Valley, CA 92284  
760 369-6575 Fax 760 228-0084  
[www.yucca-valley.org](http://www.yucca-valley.org)

EXHIBIT 'A'

LEGAL DESCRIPTION

THAT PORTION OF THE EAST HALF OF SECTION 11, TOWNSHIP 1 SOUTH, RANGE 5 EAST, SAN BERNARDINO BASE AND MERIDIAN, IN THE COUNTY OF SAN BERNARDINO, TOWN OF YUCCA VALLEY, STATE OF CALIFORNIA, DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHEAST CORNER OF LOT 89 OF TRACT 5964, AS RECORDED IN MAP BOOK 76, PAGES 83 THROUGH 85, IN THE OFFICE OF THE RECORDER OF SAID COUNTY;

THENCE N 0° 26' 00" E ALONG THE EAST LINE OF SAID LOT 89 A DISTANCE OF 131.85 FEET TO THE BEGINNING OF A TANGENT CURVE, CONCAVE TO THE SOUTHWEST, HAVING A RADIUS OF 20.00 FEET;

THENCE ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 90° 41' 06", A DISTANCE OF 31.66 FEET;

THENCE N 89° 44' 54" E A DISTANCE OF 10.00 FEET TO THE BEGINNING OF A TANGENT CURVE, CONCAVE TO THE SOUTHWEST, HAVING A RADIUS OF 20.00 FEET;

THENCE ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 90° 41' 06", A DISTANCE OF 31.66 FEET TO A LINE WHICH IS 10.00 FEET EASTERLY OF , AND PARALLEL TO SAID EAST LINE OF SAID LOT 89;

THENCE S 0° 26' 00" W, ALONG SAID PARALLEL LINE A DISTANCE OF 131.97 FEET;

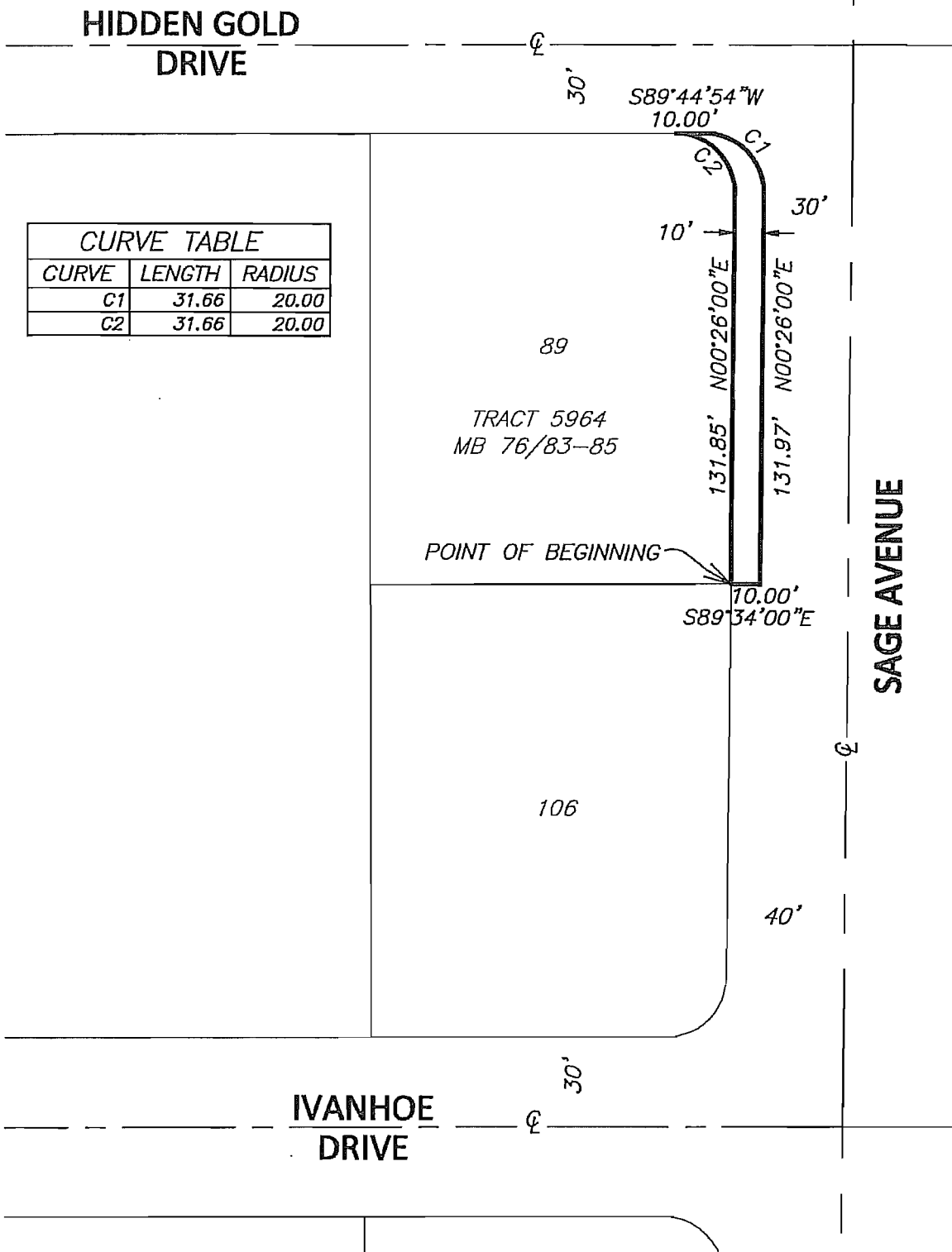
THENCE N 89° 34' 00" W A DISTANCE OF 10.00 FEET TO THE POINT OF BEGINNING.

PREPARED BY:

 6/10/14  
DATE

WILLIAM H. WARNER, R.C.E. 23256  
NOLTE ASSOCIATES, INC.





CURVE TABLE		
CURVE	LENGTH	RADIUS
C1	31.66	20.00
C2	31.66	20.00

89  
 TRACT 5964  
 MB 76/83-85  
 POINT OF BEGINNING

SAGE AVENUE

IVANHOE DRIVE

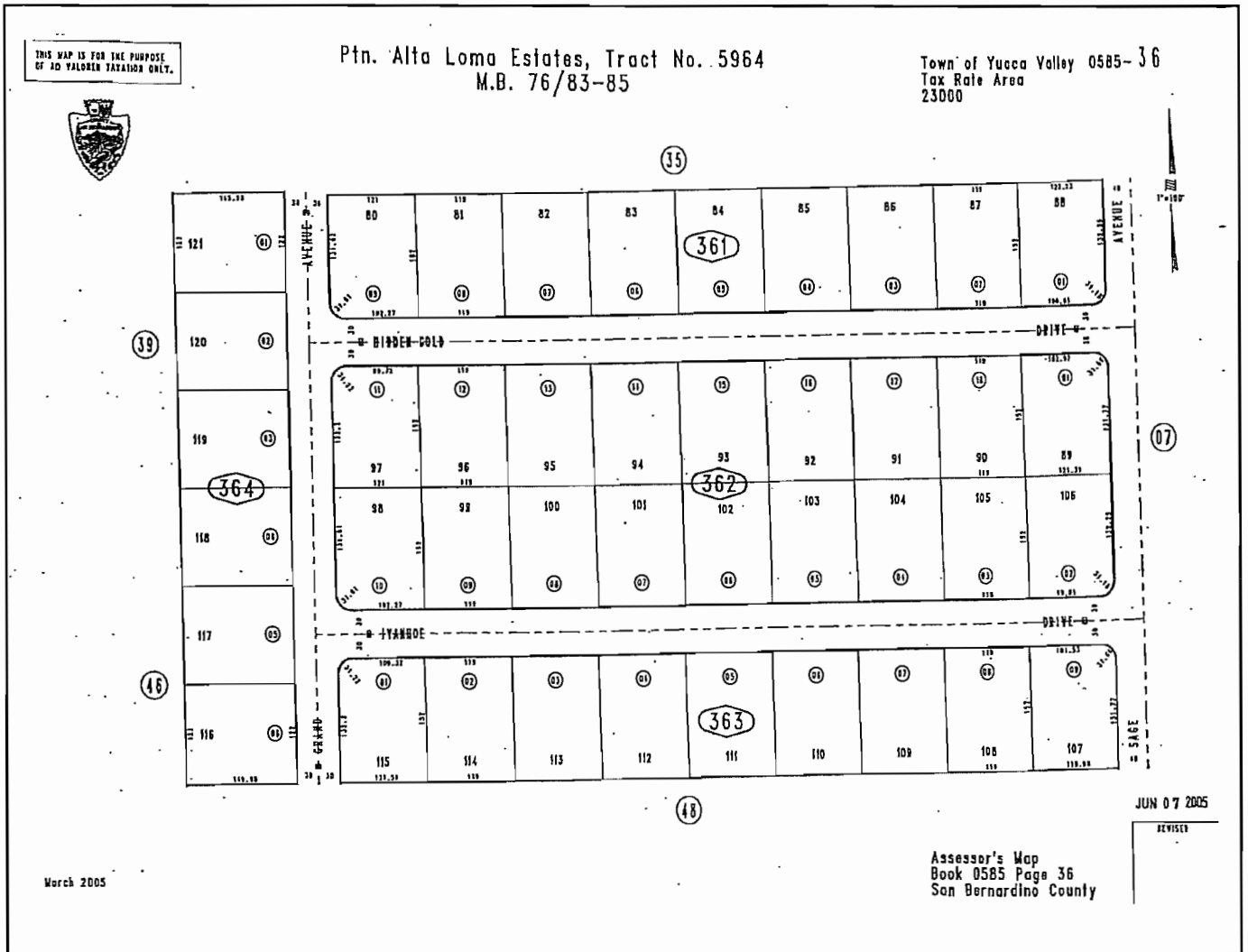
 BEYOND ENGINEERING 42-829 COOK STREET, SUITE 104 PALM DESERT, CA 92211 760.341.3101 TEL. 760.341.5999 FAX WWW.NOLTE.COM	<b>EXHIBIT B</b>	SHEET NUMBER <b>1</b>
		OF 1 SHEETS
PREPARED FOR: COPPER HILLS HOMES	DATE SUBMITTED: 05/08/14	JOB NUMBER YVB021300



First American

myFirstAm™ Tax Map

,, CA



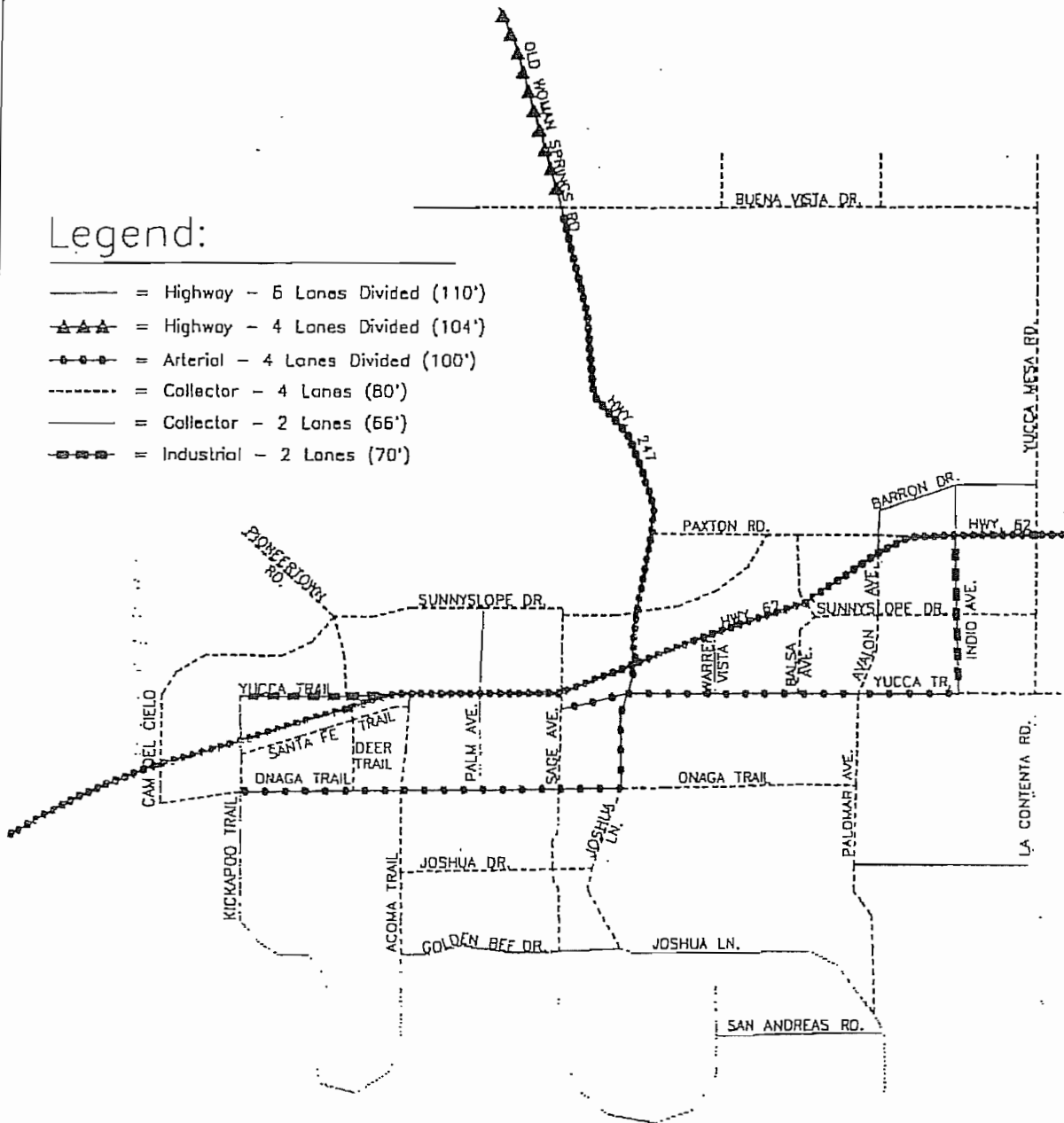
Limitation of Liability for Informational Report

**IMPORTANT - READ CAREFULLY:** THIS REPORT IS NOT AN INSURED PRODUCT OR SERVICE OR A REPRESENTATION OF THE CONDITION OF TITLE TO REAL PROPERTY. IT IS NOT AN ABSTRACT, LEGAL OPINION, OPINION OF TITLE, TITLE INSURANCE COMMITMENT OR PRELIMINARY REPORT, OR ANY FORM OF TITLE INSURANCE OR GUARANTY. THIS REPORT IS ISSUED EXCLUSIVELY FOR THE BENEFIT OF THE APPLICANT THEREFOR, AND MAY NOT BE USED OR RELIED UPON BY ANY OTHER PERSON. THIS REPORT MAY NOT BE REPRODUCED IN ANY MANNER WITHOUT FIRST AMERICAN'S PRIOR WRITTEN CONSENT. FIRST AMERICAN DOES NOT REPRESENT OR WARRANT THAT THE INFORMATION HEREIN IS COMPLETE OR FREE FROM ERROR, AND THE INFORMATION HEREIN IS PROVIDED WITHOUT ANY WARRANTIES OF ANY KIND, AS-IS, AND WITH ALL FAULTS. AS A MATERIAL PART OF THE CONSIDERATION GIVEN IN EXCHANGE FOR THE ISSUANCE OF THIS REPORT, RECIPIENT AGREES THAT FIRST AMERICAN'S SOLE LIABILITY FOR ANY LOSS OR DAMAGE CAUSED BY AN ERROR OR OMISSION DUE TO INACCURATE INFORMATION OR NEGLIGENCE IN PREPARING THIS REPORT SHALL BE LIMITED TO THE FEE CHARGED FOR THE REPORT. RECIPIENT ACCEPTS THIS REPORT WITH THIS LIMITATION AND AGREES THAT FIRST AMERICAN WOULD NOT HAVE ISSUED THIS REPORT BUT FOR THE LIMITATION OF LIABILITY DESCRIBED ABOVE. FIRST AMERICAN MAKES NO REPRESENTATION OR WARRANTY AS TO THE LEGALITY OR PROPRIETY OF RECIPIENT'S USE OF THE INFORMATION HEREIN.

# TOWN OF YUCCA VALLEY CIRCULATION PLAN

## Legend:

- = Highway - 6 Lanes Divided (110')
- ▲▲▲▲ = Highway - 4 Lanes Divided (104')
- = Arterial - 4 Lanes Divided (100')
- = Collector - 4 Lanes (80')
- = Collector - 2 Lanes (66')
- = Industrial - 2 Lanes (70')



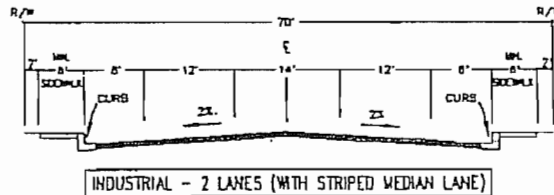
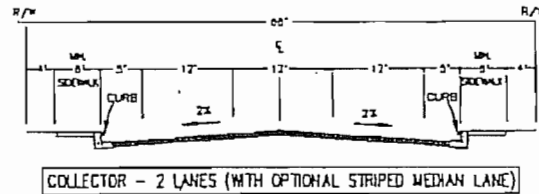
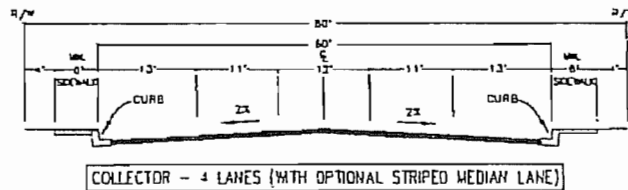
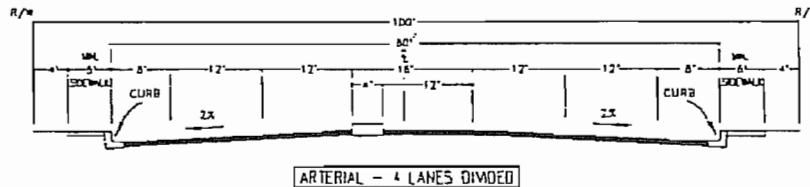
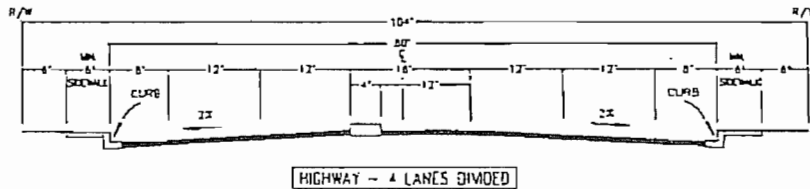
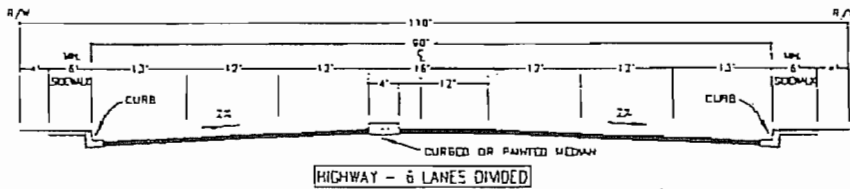
## TOWN OF YUCCA VALLEY GENERAL PLAN CIRCULATION ELEMENT

EXHIBIT III-2

Robert Kahn, John Kain  
& Associates, Inc.

III-23

# PREFERRED PLAN ROADWAY CROSS-SECTION



W/PART WITH STREET SECTION FOR ALL COLLECTOR STREETS - 34' IMPROVEMENTS ON 48' R/W

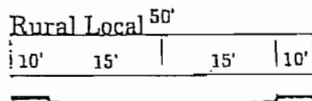
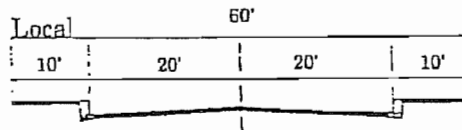


EXHIBIT 111-3

Robert Kahn, John Kain & Associates, Inc.

roads and utility lines and services (Also see Public Buildings, Facilities and Utilities Element).

#### Functional Classification

The classification of a roadway is intended to establish its function or role in the overall circulation system. It establishes the hierarchy of streets in terms of their purpose in relation to movement of through traffic versus provision of access to adjacent land uses.

The hierarchy of roadway classifications ranges from highways (with control of access, high speed-high volume traffic and emphasis on longer-distance travel) to local streets/cul-de-sacs (with unlimited access to fronting properties, low speed-low volume traffic, emphasis on multi-purpose use of the paved street section for travel, parking, pedestrian, and bicycle activity).

The roadway classifications and typical sections required in support of the Town of Yucca Valley Circulation Plan are identified on Exhibit III-3. This exhibit presents recommended cross-sections which include new designations as compared to the previous circulation plan.

Relative to the previously circulated plan, the following roadway network changes are recommended:

- Extend Kickapoo Trail southeast as a 2-lane Collector creating a linkage with a southern extension of Acoma Trail.
- Extend Sage Avenue south as a 2-lane Collector, connecting east to the southern extension of Warren Vista Avenue.
- Create an additional east/west corridor north of Highway 62 by linking Sunnyslope Drive east from Sage Avenue as a 4-lane Collector continuing north of the airport to Paxton Road. Sunnyslope Drive would also extend west from Pioneertown Road as a 4-lane Collector to Camino Del Cielo.
- Add Sunnyslope Drive as 4-lane Collector from Balsa Avenue east to La Contenta Road.
- Extend Golden Bee Drive west from Palm Avenue as a 2-lane Collector to Acoma Trail.

Revise the classification of the following previously circulated network map General Plan roadways:

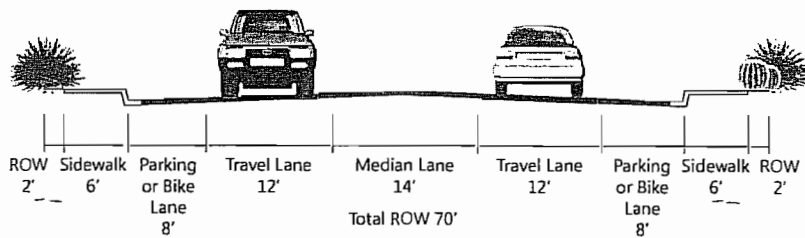
- Downgrade Old Woman Springs Road/Highway 247 North of Buena Vista Drive from a 6-lane divided highway to a 4-lane divided highway.
- Downgrade Avalon Avenue between Highway 62 and Yucca Trail to a 4-lane Collector classification from a 4-lane divided Arterial classification.
- Upgrade Yucca Trail east of Palomar Avenue to Indio Avenue to a 4-lane divided Arterial classification from a 2/4 lane Collector classification.  
Revise the classification of the following General Plan roadway segments to a 4-lane Collector classification from a 2/4 lane Collector classification:

- Buena Vista Drive
- Paxton Road
- Sunnyslope Drive
- Yucca Trail between Palomar Avenue and Indio Avenue
- Yucca Trail east of Indio Avenue
- Onaga Trail between Camino Del Cielo and Kickapoo Trail
- Onaga Trail east of Sage to Palomar Avenue
- Joshua Drive between Acoma Trail and Joshua Lane
- Camino Del Cielo north of Onaga Trail
- Kickapoo Trail between Onaga Trail and Santa Fe Trail
- Santa Fe Trail
- Acoma Trail south of Highway 62 to the extension of Golden Bee Drive
- Sage Avenue south of Sunnyslope Drive to Golden Bee Drive
- Balsa Avenue
- Palomar Avenue
- Yucca Mesa Road North of Yucca Trail

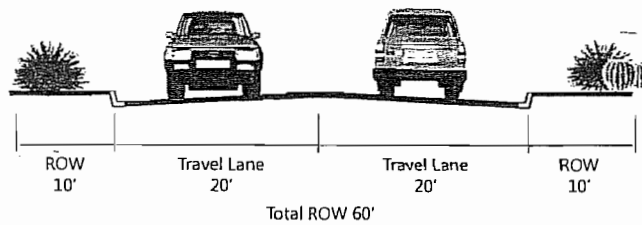
Adequate intersection performance during peak traffic hours can be insured with intersection geometrics which satisfy turning movement and through traffic capacity demands. In many instances, this may require dual left turn lanes, and right turn deceleration lanes on intersection approaches of the major roadway. By insuring that sufficient right-of-way is reserved at the critical intersections within the roadway system, it will be possible to implement the approach lane geometrics necessary to provide the required Level of Service.

As development within the Town of Yucca Valley occurs, the improvement of the area-wide roadway system must occur concurrently in order to provide an adequate Level of Service. To insure that funds from developers and/or area-wide fee programs are appropriately targeted to ongoing circulation

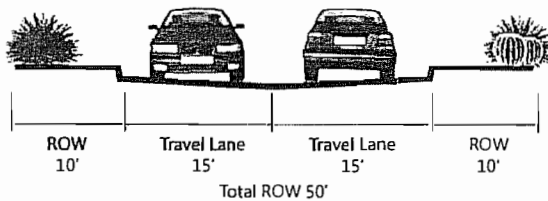
INDUSTRIAL - 2 LANES (WITH STRIPED MEDIAN LANE)



LOCAL



RURAL LOCAL



Yucca Valley Circulation Element - Transportation Impact Study



## **STREETS AND HIGHWAYS CODE**

### **SECTION 8330-8334.5**

8330. (a) The legislative body of a local agency may summarily vacate a street or highway that has been superseded by relocation.

(b) A street or highway shall not be summarily vacated pursuant to this section if vacation would do either of the following:

(1) Cut off all access to a person's property which, prior to relocation, adjoined the street or highway.

(2) Terminate a public service easement, unless the easement satisfies the requirements of Section 8333.

8330.5. (a) Subject to subdivisions (b) and (c), the commission may retain, relinquish to a local agency pursuant to Section 73, or summarily vacate a state highway that has been superseded by relocation.

(b) The commission shall not vacate a state highway unless the commission has first given a notice of relinquishment pursuant to Section 73 and the legislative body of the local agency has protested within the prescribed 90-day period that the highway is not needed for public use and should be vacated by the commission.

(c) If vacation of a state highway would cut off all access to the property of any person which, prior to relocation, adjoined the highway, the commission shall either retain the highway or relinquish it pursuant to Section 73.

8331. The legislative body of a local agency may summarily vacate a street or highway if both of the following conditions exist:

(a) For a period of five consecutive years, the street or highway has been impassable for vehicular travel.

(b) No public money was expended for maintenance on the street or highway during such period.

8332. The legislative body of a local agency may summarily vacate a street or highway pursuant to an agreement entered into with the department pursuant to Section 100.2 to close the street or highway at or near the point of its interception with a state freeway.

8333. The legislative body of a local agency may summarily vacate a public service easement in any of the following cases:

(a) The easement has not been used for the purpose for which it was dedicated or acquired for five consecutive years immediately preceding the proposed vacation.

(b) The date of dedication or acquisition is less than five years, and more than one year, immediately preceding the proposed vacation, and the easement was not used continuously since that date.

(c) The easement has been superseded by relocation, or determined to be excess by the easement holder, and there are no other public facilities located within the easement.

8334. The legislative body of a local agency may summarily vacate any of the following:

(a) An excess right-of-way of a street or highway not required for street or highway purposes.

(b) A portion of a street or highway that lies within property under one ownership and that does not continue through such ownership or end touching property of another.

8334.5. Notwithstanding any other provision of this article, a street, highway, or public service easement may not be summarily vacated if there are in-place public utility facilities that are in use and would be affected by the vacation.

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HIDDEN GOLD DRIVE

CURVE TABLE			
CURVE	LENGTH	RADIUS	DELTA
C1	31.66'	20.00'	90°41'06"
C2	31.66'	20.00'	90°41'06"

89  
3601.3  
TRACT 5964 3601.3  
MB 76/83-85

POINT OF BEGINNING

106

IVANHOE DRIVE

SAGE AVENUE

EX. EDGE OF PAVEMENT

EXHIBIT B

SHEET NUMBER

1

OF 1 SHEETS

JOB NUMBER  
YVR021300

**NOLTE**

BEYOND ENGINEERING

42-820 COOK STREET, SUITE 104  
PALM DESERT, CA 92211  
760.841.9101 TEL. 760.841.6998 FAX

WWW.NOLTE.COM

PREPARED FOR: COPPER HILLS HOMES

DATE SUBMITTED: 05/08/14

**CEQA EXEMPTION, SECTION 15061(b)(3)**

Deputy Town Manager Stueckle provided the staff report. He provided an overview of the item, and stated that staff was recommending that the Commission continue the item to the next two meetings.

Chair Humphreville opened the floor to public comments.

**PUBLIC COMMENTS**

- Susan Simmons, Yucca Valley, spoke about the native plant ordinance. She said the commission had previously discussed adding junipers and pinyon pine if they could be transplanted. She said that it was her understanding that those trees could only be transplanted when they were less than 3 ft tall. She said that they should be included on the list even if they could not be transplanted.

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

**CLOSE PUBLIC COMMENTS**

Chair Humphreville asked staff to make some recommendations regarding lot coverage.

Commissioner Whitten asked if the staff would providing additional information on the juniper and pinyon pine. Staff said that they would. Commissioner Whitten also asked if Article 2 contained the information about the Home Occupation Permits. Staff said that it did.

**MOTION**

Chair Humphreville moved that the Planning Commission continue this item to the next meeting. It was seconded by Commissioner Bridenstine and passed unanimously.

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

Project Engineer Alex Qishta provided the staff report. He provide an overview of the project and staff's findings. Staff's recommendation was to grant the vacation. Staff said the vacation was consistent with the new General Plan.

Chair Humphreville opened the floor to public comments.

**PUBLIC COMMENT**

- Bill Warner, the applicant's representative, said that he was there to answer any questions that the Commission had. He said that he had reviewed the traffic studies with staff and that even if you doubled the numbers from the last traffic study it would still be well under the capacity for that intersection.

**CLOSE PUBLIC COMMENT**

Commissioner Whitten asked the applicant for the purpose of the request, and the applicant said that they were building a home at that location and would like that land to be available for use and enjoyment, such as landscaping. Commissioner Whitten said that he didn't see any difference between this property and the neighboring properties.

Commissioner Drozd asked the applicant where the main entrance to the development was located. Mr. Warner said that there was not a main entrance, but there were three entrances along Sage.

Staff and Commissioner Whitten asked the applicant to provide some greater detail about the Sage Estates development. Mr. Warner provided the requested information.

Commissioner Bridenstine said that she didn't see any reason not to grant the vacation, and that it met the required criteria, particularly as two traffic engineers had determined that the easement was not required.

Commissioner Drozd agreed with Commissioner Bridenstine. He also asked staff if the lots to the north and south of the property in question would have to apply individually to have their portions of the street vacated as well. Staff said that the Commission should discuss the possibility of vacating the 10 ft. easement on the west side of Sage for all of the properties.

Commissioner Whitten said that there were currently lots with block wall in the easement on Sage. He said that he approved of vacating the easement for the length of the street. Commissioner Whitten also asked staff if vacating the easement would still allow for building sidewalks along the west side of Sage. Staff said that a 60 ft. easement would allow room for sidewalks and for there to be 40 ft. of asphalt from curb to curb.

Commissioner Lavender said that he had recused himself from the issue at the last meeting.

Commissioner Drozd asked if there were any underground utilities in the easement. Staff didn't have that information at hand, but said that typically when you vacate an easement you vacate the above ground portion and not the underground portion.

**MOTION**

Chair Humphreville moved that the Planning Commission recommend to the Town Council that the Council approve the vacation of SV-01-14, and that the Council consider vacating 10 ft. of the easement along west side of Sage Avenue from San Andreas Road to Joshua Drive. The motion passed 4 to 0, with Commissioner Lavender recusing himself from the vote.

**TOWN COUNCIL STAFF REPORT**

**To:** Honorable Mayor & Town Council  
**From:** Shane Stueckle, Deputy Town Manager  
Alex Qishta, Project Engineer  
**Date:** October 22, 2014  
**For Council Meeting:** November 4, 2014

**Subject:** State Safe Routes to School Grant (SR2S)  
Sage Avenue Safe Route to School (SR2S) Improvements – Town Project  
No. 8320  
Acceptance of Project as Substantially complete  
Budget Amendment

**Prior Council Review:** On March 20, 2012, the Town Council authorized Town staff to submit a Safe Routes to School (SR2S) grant application, and directed staff to return with a budget amendment appropriating \$50,000 from Fund 516, LTF, to provide the necessary 10% match requirement.

On July 17, 2012, the Town Council accepted the SR2S grant funds in the amount of \$399,800, authorized staff to proceed with all phases of the project, including submittal of the Request for Allocation to Caltrans, authorized staff to release a Request For Proposal (RFQ/RFP) from qualified consultants for the design, plans, specifications, and cost estimates for the Project following necessary Caltrans approvals, and approved and authorized the Town Manager as the designated signatory for the SR2S program.


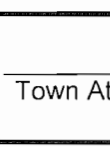

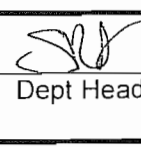
On January 22, 2013, the Town Council awarded a contract for professional design services to Minagar & Associates, Inc. for the design of the Sage Avenue Improvements for the preparation of bid ready construction documents in the amount of \$46,317.00.

On March 18, 2014, the Town Council adopted a Resolution approving the plans and specifications for Project No. 8320, and authorized Town Clerk to advertise and receive bids.

On May 6, 2014, the Town Council rejected all bids received and authorized the Town Clerk to return all bid bonds and re-advertise and receive bids.

On June 3, 2014, the Town Council awarded the construction contract including Alternate Bid C which added \$97,900 in costs to Match Corporation of San Bernardino, California.

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Reviewed By:	 Town Manager	 Town Attorney	 Mgmt Services	 Dept Head
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<input checked="" type="checkbox"/> Department Report	<input type="checkbox"/> Ordinance Action	<input type="checkbox"/> Resolution Action	<input type="checkbox"/> Public Hearing
<input checked="" type="checkbox"/> Consent	<input checked="" type="checkbox"/> Minute Action	<input type="checkbox"/> Receive and File	<input type="checkbox"/> Study Session

**Recommendation:** That the Town Council:

- Accepts the project as substantially complete and authorizes staff to file the Notice of Completion
- Authorizes the reduction of the Faithful Performance Bond to 10% and directs staff to retain the Labor and Material Bond for six (6) months for Project No.8320
- Amends the budget to fund the actions taken at the June 3, 2014 by transferring \$17,687 from Traffic Safety Fund 507 to SRTS Fund 529 as reflected in the attached amended budgets.
- Releases the expenditure budget surplus back to fund balance and returns any unused transferred funds to the source fund.

**Executive Summary:** Project No. 8320 involves improvements on Sage, between Onaga Trail and SR 62, consisting of sidewalks, curb, and gutter. The replacement of 6 outdated electronic read-out radar speed signs and flashing beacons, and includes all appurtenant labor, materials and equipment.

**Order of Procedure:**

Request Staff Report  
Request Public Comment  
Council Discussion/Questions of Staff  
Motion/Second  
Discussion on Motion  
Call the Question (Roll Call Vote, Consent Agenda)

**Discussion:** This project consists of improvements on Sage, between Onaga Trail and SR 62, consisting of sidewalks, curb, and gutter. The replacement of 6 outdated electronic read-out radar speed signs and flashing beacons are also included at Yucca Valley Elementary School, Onaga Elementary School, and La Contenta Middle School. The electronic components of the previous radar speed signs were outdated and replacement components are no longer available.

The project used some contingency in the amount of \$25,727 due to the addition of handicap ramps at the intersection of Pueblo and Sage, as well as the construction of foundation and poles for the future traffic flashing beacons at the intersection of Pueblo and Sage.

It is appropriate for the Town to accept the work and file a Notice of Completion. It is also appropriate to reduce the Faithful Performance Bond being as held as a surety to 10%. The Labor and Material Bond shall be retained for a period of six (6) months, and then

released provided no liens or stop notices have been filed.

**Alternatives:** Staff recommends no alternative actions.

**Fiscal impact:** The construction contract phase of the project totaled \$388,727 and realized a contingency savings of \$10,573 for total construction costs.

The following summarizes the project budget summary:

**Project Budget Summary**

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Original Project Budget	\$ 422,000
Original Indirect Cost Budget	18,337
Budget Amendment 11/4/14	19,513
<b>Total Project Budget</b>	<b>459,850</b>
Project Expenditures	
Construction Contract	388,727
Engineering Costs	48,087
Inspection and Project Delivery	5,349
Indirect Cost Recovery	17,687
<b>Total Project Costs</b>	<b>459,850</b>
<b>Expenditure Budget Surplus</b>	<b>\$ (0)</b>

**Attachments:** Minutes of March 20, 2012, July 17, 2012, January 22, 2103,  
March 18, 2014 and June 3 2014 Town Council Meetings  
CIP Pages  
Budget Pages



Town of Yucca Valley  
FY 2014-16 Amended Budget  
Special Revenue Funds

Proposed Amendment 11/4/14

		2013-14		2014-15		2015-16
		Amended		Adopted	Amended	Adopted
		Budget	Actual	Budget	Budget	Budget
<b>507 - Traffic Safety</b>						
<b>RECEIPTS</b>						
Traffic Fine Revenue	25-05-4320	\$ 50,000	\$ 47,070	\$ 50,000	\$ 50,000	\$ 50,000
Interest	4611	200	426	200	200	200
<b>TOTAL RECEIPTS</b>		<b>50,200</b>	<b>47,496</b>	<b>50,200</b>	<b>50,200</b>	<b>50,200</b>
<b>EXPENDITURES</b>						
Indirect Cost	7999	1,500	1,500	1,500	1,500	1,500
<b>TOTAL EXPENDITURES</b>		<b>1,500</b>	<b>1,500</b>	<b>1,500</b>	<b>1,500</b>	<b>1,500</b>
<b>CAPITAL OUTLAY</b>						
Work in Progress		-	-	-	-	-
<b>TOTAL CAPITAL OUTLAY</b>		<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>
<b>OPERATING TRANSFERS IN (OUT)</b>						
Transfer OUT - Fund 515		(50,000)	(50,000)	-	-	-
Transfer OUT - Fund 520	9499	-	-	(225,000)	(225,000)	-
Transfer OUT - Fund 529		-	-	-	(17,687)	-
<b>TOTAL OPERATING TRANSFERS IN (OUT)</b>		<b>(50,000)</b>	<b>(50,000)</b>	<b>(225,000)</b>	<b>(242,687)</b>	<b>-</b>
<b>INCREASE (DECREASE) IN FUND BALANCE</b>						
		<b>(1,300)</b>	<b>(4,004)</b>	<b>(176,300)</b>	<b>(193,987)</b>	<b>48,700</b>
<b>BEGINNING FUND BALANCE</b>		<b>226,875</b>	<b>226,875</b>	<b>222,871</b>	<b>222,871</b>	<b>28,884</b>
<b>ENDING FUND BALANCE</b>		<b>\$ 225,575</b>	<b>\$ 222,871</b>	<b>\$ 46,571</b>	<b>\$ 28,884</b>	<b>\$ 77,584</b>

**Work in Progress Detail**

		2013-14		2014-15		2015-16
Project	Account	Amended	Projected	Adopted	Amended	Adopted
		Budget	Actual	Budget	Budget	Budget
Special Activities	507 25-05 7820 0000	-	-	-	-	-
Palm:SR62 - Onaga	507 55-59 8310 8425	-	-	-	-	-
Pueblo:Inca-Church	507 55-59 8310 8418	-	-	-	-	-
Townwide Striping/Slurry Seal	507 55-59 8310 8326	-	-	-	-	-
Infrastructure Maint	507 55-59 8310 8419	-	-	-	-	-
		<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>

Town of Yucca Valley  
FY 2014-16 Amended Budget  
Special Revenue Funds

Proposed Amendment 11/4/14

		2013-14		2014-15		2015-16
		Amended Budget	Actual	Adopted Budget	Amended Budget	Adopted Budget
<b>529 - Safe Routes to School - Infrastructure</b>						
<b>RECEIPTS</b>						
Grant Revenue	4830 8320	\$ 399,800	\$ -	\$ 399,800	\$ 399,800	\$ -
<b>TOTAL RECEIPTS</b>		<b>399,800</b>	<b>-</b>	<b>399,800</b>	<b>399,800</b>	<b>-</b>
<b>EXPENDITURES</b>						
Indirect Cost	7999 8320	18,337	620	18,337	17,067	-
<b>TOTAL EXPENDITURES</b>		<b>18,337</b>	<b>620</b>	<b>18,337</b>	<b>17,067</b>	<b>-</b>
<b>CAPITAL OUTLAY</b>						
Work in Progress		390,580	15,497	370,580	395,246	-
<b>TOTAL CAPITAL OUTLAY</b>		<b>390,580</b>	<b>15,497</b>	<b>370,580</b>	<b>395,246</b>	<b>-</b>
<b>OPERATING TRANSFERS IN (OUT)</b>						
Transfer IN - Fund 507					17,687	
Transfer IN - Fund 516	4999 8320	50,000	50,000	30,000	-	-
Transfer OUT - Fund 516		-	-	-	(7,637)	-
<b>TOTAL OPERATING TRANSFERS IN (OUT)</b>		<b>50,000</b>	<b>50,000</b>	<b>30,000</b>	<b>10,050</b>	<b>-</b>
<b>INCREASE (DECREASE) IN FUND BALANCE</b>		<b>40,883</b>	<b>33,883</b>	<b>40,883</b>	<b>(2,463)</b>	<b>-</b>
<b>BEGINNING FUND BALANCE</b>		<b>(31,420)</b>	<b>(31,420)</b>	<b>(31,420)</b>	<b>2,463</b>	<b>0</b>
<b>ENDING FUND BALANCE</b>		<b>\$ 9,463</b>	<b>\$ 2,463</b>	<b>\$ 9,463</b>	<b>\$ 0</b>	<b>\$ 0</b>

**Work in Progress Detail**

		2013-14		2014-15		2015-16
Project	Account	Amended Budget	Actual	Adopted Budget	Amended Budget	Adopted Budget
Safe Routes Infrastructure	529 55-59 8310 8320 000	390,580	15,497	370,580	395,246	-
sidewalks- sage highschool to highway		390,580	15,497	370,580	395,246	-

7. **Approve**, Amendment Number 6 to the Morongo Basin Transit Authority's Joint Powers Agreement.
8. **Approve**, Governing Body Resolution No. 12-05 for the 2011-2012 OHV grant application.

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF YUCCA VALLEY, CALIFORNIA, APPROVING THE APPLICANT TO APPLY FOR GRANT FUNDS FOR THE STATE OF CALIFORNIA, DEPARTMENT OF PARKS AND RECREATION, OFF-HIGHWAY VEHICLE GRANT FUNDS

9. **Adopt**, Resolution No. 12-06, authorizing Town staff to submit a Safe Routes to School (SR2S) grant application for the March 30, 2012 grant cycle, for the purpose of installing improvements in the public right of way for Yucca Valley High School and for replacing radar speed signs at Onaga Elementary, Yucca Elementary, and La Contenta Middle Schools, and direct staff to return with a budget amendment appropriating a maximum \$50,000 from Fund 516, LTF, to provide the necessary 10% match requirement, if the grant application is successful.

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF YUCCA VALLEY CALIFORNIA AUTHORIZING THE TOWN'S APPLICATION FOR A CALIFORNIA SAFE ROUTES TO SCHOOL GRANT (SR2S, 10<sup>TH</sup> CYCLE) FOR THE PURPOSE OF INSTALLING IMPROVEMENTS IN THE PUBLIC RIGHT OF WAY FOR YUCCA VALLEY HIGH SCHOOL AND FOR REPLACING RADAR SPEED SIGNS AT ONAGA ELEMENTARY, YUCCA ELEMENTARY, AND LA CONTENTA MIDDLE SCHOOLS

10. **Receive and file**, the General Plan 2011 Annual Report, Annual Housing Element Report
11. **Approve**, Alternative 1, Vision 2035 for the General Plan Update project.
12. **Waive**, the minor defects in the bid consisting of the bidder's failure to remove, following an addendum issued by the Town, costs of curb ramp construction from the bid documents, finding that the bid submitted by United Paving Company Inc., substantially conforms to the Call for Bids and the defect in the bid did not affect the lowest responsible and responsive bidder determination, nor was any bidder given an advantage or benefit not allowed other bidders. Moreover, the defect in the United Paving Company Inc., proposal does not relate to, or impact, the issue of bidder responsibility; **Award**, the construction contract, pending final property acquisition by San Bernardino County Superior Court, to United Paving Company, Inc., in the amount of \$151,863.00; and, authorize a construction contingency in the amount of \$10,137.00, for a total contract amount of \$162,000, authorizing the Mayor, Town

Manager and Town Attorney to sign all necessary documents, and authorizing the Town Manager to expend the contingency fund, if necessary, to complete the project, Church Street Improvements – Town Project No. 8348

13. **Ratify**, the Warrant Register total of \$256,927.51 for checks dated March 8, 2012. Ratify Payroll Registers total of \$145,372.58 for checks dated March 2, 2012.

Council Member Lombardo moved to adopt Consent Agenda Items 2-13. Council Member Hagerman seconded. Motion carried 5-0 on a roll call vote.

**AYES:** Council Member Abel, Hagerman, Huntington Lombardo, and Mayor Rowe.  
**NOES:** None  
**ABSTAIN:** None  
**ABSENT:** None

## DEPARTMENT REPORTS

14. Financing, Disposition and Development Agreement for Affordable Senior Housing Project

### A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF YUCCA VALLEY CALIFORNIA APPROVING THE AFFORDABLE HOUSING FINANCING, DISPOSITION AND DEVELOPMENT AGREEMENT BETWEEN THE TOWN AND NATIONAL COMMUNITY RENAISSANCE OF CALIFORNIA

Town Manager Nuaimi gave the staff report in the printed agenda. The application for HUD-202 funding was denied, however staff has continued to work with National Community Renaissance of California (NCRC) to secure additional funding sources. We have received notification that the County Board of Supervisors approved allocation of HOME Program funds in the amount of \$1.622 million towards the Yucca Valley Senior Affordable Housing Project. The California Tax Credit Allocation Committee (TCAC) is a popular source of funding for affordable housing projects, and conducts two tax credit grant award cycles per year. Based on recent grant cycles, NCRC and staff have worked to complete an application for the March 22, 2012 TCAC cycle. If successful in acquiring tax credits, all the financing will be in place. One of the requirements for completion of a TCAC application is an executed Disposition & Development Agreement between the Town and NCRC, demonstrating the financial commitments of the Town to the project and the site control of the Dumosa property by NCRC through this agreement. The Town's participation is as a lender, selling the property to the developer for \$940,000 and providing an additional loan in the amount of \$635,000. The Town will carry a note for \$1,575,000 earning ½ percent interest for a 55 year term. It was noted when the item was brought forward for the HUD-202, the RDA entered into commitment of up to \$3.2 million dollars, and this action is

and invited Council Members to attend the Board retreat on Saturday August 18<sup>th</sup> from 8:30 a.m. to 2:00 p.m.

Hi Desert Water District

**4. Water & Wastewater Project Updates.**

Sarann Graham, Hi Desert Water District Board President, gave the monthly Water and Wastewater Project update for June, 2012.

**APPROVAL OF AGENDA**

Council Member Abel moved to approve the agenda. Council Member Lombardo seconded. Motion carried 4-0-1.

**CONSENT AGENDA**

- 5. **Approve**, Special Town Council Meeting Minutes of June 26, 2012, as presented.
- 6. **Waive**, further reading of all ordinances (if any in the agenda) and read by title only.
- 7. **Receive and file**, the monthly statistical Fire Department Report for June, 2012
- 8. **Receive and file**, the AB1234 Reporting Requirement Schedule for the months of April and May 2012
- 9. **Adopt**, Resolution No. 12-24, appointing a Board Member and an Alternate Board Member to the Board of Directors of the Public Agency Risk Sharing Authority of California.

**RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF YUCCA VALLEY, CALIFORNIA TO APPOINT TWO REPRESENTATIVES TO THE PUBLIC AGENCY RISK SHARING AUTHORITY OF CALIFORNIA BOARD OF DIRECTORS**

- 10. **Accept**, Safe Routes to School (SR2S) grant funds in the amount of \$399,800, and authorize staff to proceed with all phases of the project, including submittal of the Request for Allocation to Caltrans; Authorize Staff to release a Request for Proposal (RFQ/RFP) from qualified consultants for the design, plans, specifications and cost estimates for the project following necessary Caltrans approvals; Approve and authorize the Town Manager as the designated signatory for the SR2S program; and **Adopt**, Resolution No. 12-25 amending the FY 2012-13 Adopted Budget.

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF YUCCA VALLEY, CALIFORNIA, AMENDING THE FY 2012-13 BUDGET

11. **Approve**, Cost Distribution Agreement between the Town and Caltrans for the traffic signal (future) located at SR 62 and Church Street, and authorize the Town Manager to sign the Agreement
12. **Approve**, addendum to the Existing Electrical Maintenance Agreement between the Town and Caltrans, and authorize the Town Manager to sign the Agreement, Traffic Signals and Lighting Project EA No. 08680-5T3000
13. **Approve**, Construction Cooperative Agreement No. 08-1542 with Caltrans, SR 62, La Honda to Dumosa Project, Transportation Congestion Relief Program (TCRP), and authorize the Mayor to sign and execute the Cooperative Agreement.
14. **Ratify**, Warrant Register total of \$503,018.64 for checks dated June 28, 2012. Ratify Payroll Registers total of \$318,374.84

**Richard Harlan**, Yucca Valley, thanked the Town for getting the street signs up on the highway,

Council Member Lombardo moved to adopt Consent Agenda Items 5-14. Council Member Abel seconded. Motion carried 4-0-1.

**AYES:** Council Member Abel, Huntington, Lombardo, and Mayor Rowe  
**NOES:** None  
**ABSTAIN:** None  
**ABSENT:** Council Member Hagerman

## DEPARTMENT REPORTS

15. **Financing, Disposition and Development Agreement for Affordable Senior Housing Project**

Town Manager Nuaini gave an update on the TCAC application for the Senior Housing Project, noting they are getting ready to submit the 2<sup>nd</sup> round. The project received maximum points with the March submittal but the tie-breaker was insufficient to secure the tax credits. The tiebreaker was based upon local funding committed to the project. County HOME funds, land value, and the Town loan count towards the tiebreaker. Tiebreaker points are increased by cutting project costs, and more so by increasing local sources. He noted potential Town funding sources include project development impact fees in the amount of \$250,000; storm drain impact fees of (\$300,000; LTF funds \$300,000, December 2010 ENA (low mod income housing set

## CONSENT AGENDA

3. **Approve**, Minutes of the Special Town Council Meetings of December 4, 2012 and December 18, 2012, Regular Town Council Meeting of December 18, 2012, as presented.
4. **Waive**, further reading of all ordinances (if any in the agenda) and read by title only.
5. **Receive and file**, Monthly Statistical Fire Department Report for December 2012
6. **Receive and file**, AB 1234 Reporting Requirement Schedule for the month of December 2012
7. **Approve**, Amendment Number 6 to the Morongo Basin Transit Authority (MBTA) Joint Powers Agreement (JPA) to amend Board of Supervisors Representation
8. **Award**, contract for professional design services to Minagar & Associates, Inc., for the design of the Sage Avenue Improvements and replacement of outdated radar speed indication signs at the three other school sites, including the preparation of bid ready construction documents in the amount of \$46,317.00, and authorize the Town Manager, Town Attorney, and the Mayor to sign all necessary documents to complete the project, Safe Routes to School Grant Funds (SR2S) – Town Project No. 8320
9. **Adopt**, Resolution No. 13-01, approving the Administering Agency-State Master Agreement No. 00394S, and the Program Supplemental Agreement No. J92 Rev. 000, authorizing the Town Manager to sign all necessary documents in the program, Federal Project No. SR5SL-5466(020), Sage Avenue Improvements, Caltrans District 8/Town of Yucca Valley.

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF YUCCA VALLEY, CALIFORNIA, APPROVING PROGRAM MASTER AGREEMENT NO.00394S, AND PROGRAM SUPPLEMENTAL AGREEMENT NO. J92 REV.000 FOR THE SAFE ROUTES TO SCHOOL PROJECT AND APPROVING AUTHORIZED SIGNATORS TO ALL NECESSARY AGREEMENTS AND DOCUMENTS

10. **Ratify**, Warrant Register total of \$631,324.72 for checks dated December 19-20, 2012 and January 10, 2013. Ratify Payroll Registers total of \$468,629.30 for checks dated December 7, 2012 to January 4, 2013.

Council Member Rowe moved to adopt Consent Agenda Items 3-10. Council Member Lombardo seconded. Motion carried 4-0.

- AYES: Council Member Abel, Huntington, Lombardo, and Mayor Rowe
- NOES: None
- ABSTAIN: None
- ABSENT: None

**PUBLIC HEARING**

**11. Annexation Area No. 2 (Improvement Area No. 3) (Super Wal-Mart), APN 0601-201-37 to Community Facilities District No. 11-1**

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF YUCCA VALLEY, CALIFORNIA FOR THE ANNEXATION OF IMPROVEMENT AREA NO. 3 TO COMMUNITY FACILITIES DISTRICT NO. 11-1, ANNEXATION AREA #2, IMPROVEMENT AREA #3 (SERVICES), AUTHORIZING THE LEVY OF A SPECIAL TAX WITHIN THE DISTRICT, AND SUBMITTING THE LEVY OF THE SPECIAL TAX TO THE QUALIFIED ELECTORS OF THE AREA TO BE ANNEXED TO THE DISTRICT

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF YUCCA VALLEY, CALIFORNIA SETTING A DATE FOR AN ELECTION ON THE ANNEXATION OF ANNEXATION AREA NO. 2 (IMPROVEMENT AREA NO. 3) TO COMMUNITY FACILITIES DISTRICT NO. 11-1 (SERVICES), SPECIAL TAX LEVY FOR FY 2013/14

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF YUCCA VALLEY, CALIFORNIA, DECLARING RESULTS OF THE SPECIAL ELECTION AND DIRECTING RECORDING OF NOTICE OF SPECIAL TAX LIEN

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF YUCCA VALLEY, CALIFORNIA, AUTHORIZING THE LEVY OF A SPECIAL TAX WITHIN IMPROVEMENT AREA 3, ANNEXATION NO 2, OF COMMUNITY FACILITIES DISTRICT NO. 11-1 (SUPER WAL-MART)

Mayor Abel opened the public hearing and questioned if the Town Clerk has proof of publication and mailing of notice of hearing. Town Clerk Anderson advised that proof of publication is on file in the Town Clerk’s office showing that notices were published and mailed in a timely manner. Mayor Abel questioned if there have been any written protests filed with the Clerk concerning this matter. Town Clerk Anderson advised that no written protests have been received.



Council Member Leone had a correction on the January 21, 2014 Town Council minutes. Noting that Mayor Lombardo did not adjourn the meeting it was Mayor Pro Tem Huntington.

Council Member Abel moved to approve consent agenda items 4-14. Council Member Rowe seconded. Motion carried 5-0-0 on a roll call vote.

<b>AYES:</b>	Council Members Abel, Huntington, Leone, Rowe and Mayor Lombardo
<b>NOES:</b>	None
<b>ABSTAIN:</b>	None
<b>ABSENT:</b>	None

**DEPARTMENT REPORTS**

**15. State Safe Routes to School Grant Funds (SR2S)  
 Sage Avenue SR2S Improvements- Town Project No.8320  
 Authorization to Bid**

Deputy Town Manger Stueckle and Town Project Engineer Qishta gave an update presentation on the Safe Route to School Project along Sage Avenue near Yucca Valley High School.

Mayor Lombardo opened public comments.

Ron Cohn -Yucca Valley inquired on the logistics of the sidewalks.

With no other members of the public wishing to speak, Mayor Lombardo closed public comments.

Mayor Pro Tem Huntington moved to adopt Resolution No. 14-06, approve the plans and specifications for Project No. 8320, and authorize the Town Clerk to advertise and receive bids.

Council Member Rowe seconded. Motion carried 5-0 on a roll call vote.

<b>AYES:</b>	Council Members Abel, Huntington, Leone, Rowe and Mayor Lombardo
<b>NOES:</b>	None
<b>ABSTAIN:</b>	None
<b>ABSENT:</b>	None

**16. Facility Use Policy Review**

Director of Administrative Services Yakimow reported on the need to approve the suggested edits and modifications to the existing Facility Use Policy. In 2012, the Parks, Recreation and Cultural Commission began its current review of the Town’s Facility Use Policy and

Council Member Rowe spoke in favor of the Town acquiring the park and asked about the provisions of low income grants, and if there could be a priority for Yucca Valley residents when using these funds for activity fees. Rowe also inquired on the cost of improvement provisions.

Mayor Pro Tem Huntington thanked the Brehm Family for the contribution to the community.

Council Member Leone also thanked the Brehm Family for a beautiful facility.

Mayor Lombardo spoke of park amenities and stated the facility would be a highlight in the Town's park inventory.

Council Member Rowe moved to accept the Brehm Park Ad Hoc Committee with two modifications: 1) The General Fund expenditures for the Youth Sports Participation Program, include prioritization given to Town of Yucca Valley residents, and 2) staff return back to the Town Council with a transition process beginning July 1, 2014 with recommendations of delivering future amenity projects at the lowest possible cost to the community which includes private donations as well as public tax payers dollars. Mayor Pro Tem Huntington seconded. Motion carried 5-0 on a roll call vote.

**AYES:** Council Members Abel, Huntington, Leone, Rowe and Mayor Lombardo  
**NOES:** None  
**ABSTAIN:** None  
**ABSENT:** None

**10b. State Safe Routes to School Grant Funds (SR2S)  
Sage Avenue Safe Route to School (SR2S) Improvements – Town Project No. 8320  
Reject all Bids and Re-advertise**

Project Engineer Qishta presented the staff report, reviewing the original project scope and the bidding process for the Safe Routes to School Improvement project. Qishta explained that the lowest bid came in approximately 29 percent over the engineer's estimate. Suggested project modifications were discussed, including the elimination of the sidewalk construction along the east side of Sage and the elimination of the flashing beacon at the corner of Sage Avenue and Pueblo Trail.

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

Council Member Leone commented favorably on rejecting the bids and modifying the scope of the project.

Council Member Abel inquired about the cost of including a crosswalk across Sage at Pueblo, with a flashing warning light.

Deputy Town Manager Stueckle explained that if a crosswalk was installed, ADA compliance components will need to be addressed. If there are enough grant funds remaining, further evaluation can be conducted on this.

Mayor Pro Tem Huntington stated he understands the need to reject the bids and is in favor of including a crosswalk and flashing warning light at the Sage/Pueblo intersection.

Council Member Abel moved to

- Reject all bids received on April 24, 2014, for Project No. 8320;
- Authorize the Town Clerk to return all Bid Bonds to all bidders;
- Authorize the Town Clerk to re-advertise and solicit bids for the project with an opening date of May 29, 2014

Council Member Rowe seconded. Motion carried 5-0 on a roll call vote.

**AYES:** Council Members Abel, Huntington, Leone, Rowe and Mayor Lombardo

**NOES:** None

**ABSTAIN:** None

**ABSENT:** None

**11. Town Council Direction to Staff  
Mojave Desert Air Quality Management District (MDAQMD)  
Release of AB 2766 Grant Funds for Construction of a SAE J1772 Standard  
Charging Station.**

Project Engineer Qishta presented the staff report stating that the Town of Yucca Valley has the opportunity to receive grant funding through the Mojave Desert Air Quality Management District (MDAQMD) with the release of AB2766 funds. One option that the Town may use these funds, is to install an electric vehicle charging station. The ongoing cost of electricity and whether to pass along these costs to the consumer is to be considered. Other administrative costs are also possible, if the Town chooses to accept credit cards at the charging station. Installation costs were reviewed.

Deputy Town Manager Stueckle provided additional discussion points, such as the life span of the equipment and the number of possible users.

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

Council Member Leone spoke of the benefits of electric car use and the increasing number of consumers using these types of vehicles.

**11. Appointment of Voting Delegate and Two alternates for the business meeting of the League of California Cities Annual Conference**

Town Clerk Copeland presented the staff report explaining that the Town is a member of the League of California Cities. As part of the Annual Conference a business meeting occurs where the membership takes action on conference resolutions. These resolutions guide cities and the League in efforts to improve the quality, responsiveness and transparency of local government in California. The League requires formal designations of voting delegates and alternatives for official League business.

Mayor Lombardo opened public comments. With no members of the public wishing to speak, public comments were closed.

Council Member Abel nominated Mayor Lombardo as the voting delegate for the business meeting of the League of California Cities Annual Conference in September 2014. Mayor Pro Tem Huntington seconded. Motion carried 5-0 on a roll call vote.

**AYES:** Council Members Abel Huntington, Leone, Rowe and Mayor Lombardo  
**NOES:** None  
**ABSTAIN:** None  
**ABSENT:** None

Council Member Abel nominated Mayor Pro Tem Huntington and Council Member Leone as alternates voting delegate alternates for the business meeting of the League of California Cities Annual Conference in September 2014 Council Member Rowe seconded. Motion carried 5-0 on a roll call vote.

**AYES:** Council Members Abel Huntington, Leone, Rowe and Mayor Lombardo  
**NOES:** None  
**ABSTAIN:** None  
**ABSENT:** None

**12. State Safe Routes to School Grant Funds (SR2); Sage Avenue Safe Route to School (SR2S) Improvements – Town Project No. 8320; Award of Construction Bid**

Deputy Town Manager Stueckle presented the staff report for the award of bid for Town Project No. 8320 explaining that this represents the second round of the bidding process since the first set of bids were rejected due to all being over the available funding.

Project No. 8320 involves improvements on Sage Ave, between Onaga Trail and SR 62, consisting of sidewalks, curb, and gutter. The replacement of six (6) outdated electronic read-out radar speed signs and flashing beacons, and includes all appurtenant labor, materials and equipment.

The project bid structure included the base bid and three (3) alternate bids to maximize the available resources.

Alternate A includes the installation of flashing beacon at the intersection of Pueblo Trail and Sage Ave and all apparent work. Alternate B includes the installation of all improvements on the east side of Sage Avenue from Pueblo Trail to SR 62. Alternate Bid C includes the installation of all improvements on the east side of Sage Ave from Onaga Trail to Pueblo Trail.

Four bids were received; the lowest apparent bidder being Match Corporation of San Bernardino, California with a base bid of \$274,000.

Mayor Lombardo opened public comments. With no members of the public wishing to speak, public comments were closed.

Council Member Abel commented favorably on going back out to bid that meet the budget and stated he would like to see Alternative A included in the project.

Council Member Rowe stated Alternative A would be beneficial.

Council Member Leone state he would like see Alternative A included in the project.

Mayor Pro Tem Huntington commented that the Council should look at the cost of construction Sidewalks should be installed on both sides of Sage Ave and would like to see Alternative C included.

Mayor Lombardo inquired on construction costs to include all alternatives in the project.

Mayor Pro Tem Huntington moved to award the construction contract for the Sage Ave Safe Routes to Schools (SR2S) Improvements- Town Project No. 8320 to Match Corporation, in the amount of \$274,000 for the base bid, \$89,000 to include Alternate Bid C, and a construction contingency in the amount of \$36,300 for a total contract amount of \$399,300, authorizing the Mayor, Town Manager and Town Attorney to sign all necessary documents, and authorizing the Town manager to expend the contingency fund, if necessary, to complete the project. Council Member Abel seconded. Motion carried 5-0 on a roll call vote.

**AYES:** Council Members Abel Huntington, Leone, Rowe and Mayor Lombardo  
**NOES:** None  
**ABSTAIN:** None  
**ABSENT:** None

#### **FUTURE AGENDA ITEMS**

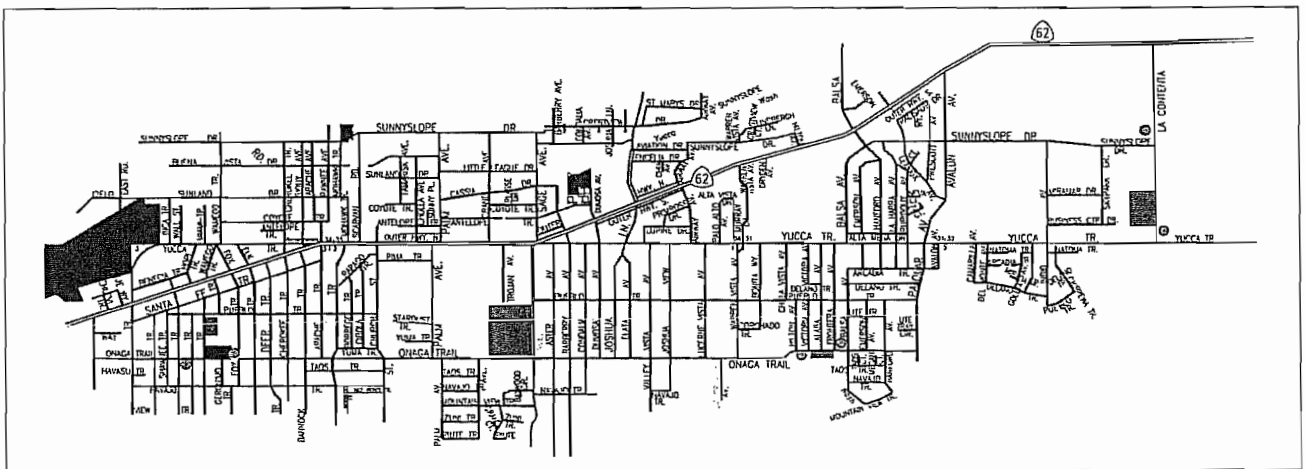
Council Member Leone would like to discuss speed limits on dirt roads.

**SAFE ROUTES TO SCHOOLS (SR2S) INFRASTRUCTION**  
**Fiscal Year 2013-2014**

Project No.	8320
Category:	Streets & Highways
Description:	Construction of curb & gutter, and sidewalks, and installation of handicapped ramps, striping, traffic control plans, pedestrian crossing signal and appurtenant work as necessary on Sage Avenue. Traffic Calming Speed Signs on La Contenta Road and Onaga Trail.
Limit:	Sage Avenue between SR62 & Onaga Trail, La Contenta Road between Yucca Trail & Sunnyslope Dr., Onaga Trail between Hilton Avenue & Balsa Avenue, and Onaga Trail between Inca Trail & Fox Trail.
Status:	PS&E 90% Completed.
Schedules:	Pending Caltrans approval on Request to Proceed with Construction.

<b>Project Cost Estimate</b>	
PA&ED	N/A
PS&E	46,317
ROW/Property Acquisition	N/A
Construction	400,683
<b>Total</b>	<b>447,000</b>

Fund Source	FY 2013/14	FY 2014/15	FY 2015/16	FY 2016/17	FY 2017/18
Local LTF 516	47,200				
State SR2S 529	399,800				
<b>Total:</b>	<b>447,000</b>				



**Town of Yucca Valley  
FY 2013-14 Amended Budget for Carryforwards**

AMENDED AT 9/17/13 COUNCIL MEETING

	Amended Budget 2012-13	Actual 2012-13	Adopted 2013-14	Amended 2013-14
<b>529 - Safe Routes to School - Infrastructure</b>				
<b>RECEIPTS</b>				
Grant Revenue	\$ 399,800	\$ -	\$ 399,800	\$ 399,800
<b>TOTAL RECEIPTS</b>	<b>399,800</b>	<b>-</b>	<b>399,800</b>	<b>399,800</b>
<b>EXPENDITURES</b>				
Indirect Cost	20,000	-	18,338	18,338
<b>TOTAL EXPENDITURES</b>	<b>20,000</b>	<b>-</b>	<b>18,338</b>	<b>18,338</b>
<b>CAPITAL OUTLAY</b>				
Work in Progress	422,000	31,420	407,500	390,580
<b>TOTAL CAPITAL OUTLAY</b>	<b>422,000</b>	<b>31,420</b>	<b>407,500</b>	<b>390,580</b>
<b>OPERATING TRANSFERS IN (OUT)</b>				
Transfer IN - Fund 516 match to grant revenue	50,000	-	50,000	50,000
Transfer OUT	-	-	-	-
<b>TOTAL OPERATING TRANSFERS IN (OUT)</b>	<b>50,000</b>	<b>-</b>	<b>50,000</b>	<b>50,000</b>
<b>INCREASE (DECREASE) IN FUND BALANCE</b>	<b>7,800</b>	<b>(31,420)</b>	<b>23,962</b>	<b>40,883</b>
<b>BEGINNING FUND BALANCE</b>	<b>-</b>	<b>-</b>	<b>7,278</b>	<b>(31,420)</b>
<b>ENDING FUND BALANCE</b>	<b>\$ 7,800</b>	<b>\$ (31,420)</b>	<b>\$ 31,240</b>	<b>\$ 9,463</b>

**Work in Progress Detail**

Project	Account	Amended Budget 2012-13	Actual 2012-13	Adopted 2013-14	Amended 2013-14
Safe Routes Infrastructure	529 00-00 8310 8320 000	422,000	31,420	407,500	390,580
sidewalks- sage highschool to highway		422,000	31,420	407,500	390,580





amortization methods adopted by the CalPERS Board in April 2013 that will impact rates for the first time in FY2015-16. With the recent establishment of an IRS compliant Section 115 Irrevocable Trust for OPEB in April 2014, Council elected to pre-fund those liabilities starting in FY2013-14 which minimizes future liabilities. Therefore, it is staff's recommendation that the excess funds should be allocated to the CalPERS retirement plan for which the future calculated liability is significantly greater than for OPEB, thus beginning to address future expenditures for personnel costs.

**Alternatives:** None recommended for this item.

**Fiscal impact:** The funds have already been included in the FY2014-15 Budget to be expended toward unfunded liabilities, and therefore there is no fiscal impact.

**Attachments:** None



**Alternatives:** None.

**Fiscal impact:** The Town's first quarter results are currently generally aligned with the financial plan incorporated in the FY 2014-15 Budget.

**Attachments:**

First Quarter FY 2014-15 Budget Report



*Town of Yucca Valley*  
First Quarter Budget Report  
Fiscal Year 2014-15

September 30, 2014

***Town of Yucca Valley***  
First Quarter Budget Report  
Fiscal Year 2014-15

***Quarterly Financial Highlights***

**Revenues**

- Sales and Use tax decreased from prior year due to under accrued revenue from FY2012-13 carrying over into FY2013-14. This did not occur in FY2014-15.
- Property tax revenues are generally not received until after the first quarter of the fiscal year.
- Franchise fees and Animal services revenue increased from prior year due to timing of cash receipts.
- Community development revenues increased from prior year by over 80% due to an increase in building permits, planning fees, and administrative citation fines received.

**Expenditures**

- Salaries and benefit expenditures decreased from prior year by 6.6% reflecting a vacancy in a budgeted staff position.
- Operating Supplies and Services increased by over 30% due to more service contracts paid at the beginning of the fiscal year rather than throughout the year. This will level out as the year progresses.
- Partnership expenditures increased from the prior year due to recipients requesting funding earlier in the fiscal year.
- Other expenditure categories remain in line for the quarter reflecting typical even expenditure patterns throughout the fiscal year.

***Upcoming Financial Events***

**– November**

- Continued advances and apportionments of Sales & Use and Vehicle License Fee tax revenues.
- Presentation of the FY 2013-14 Comprehensive Annual Financial Report

**December**

- First major receipts of FY 2014-15 Property tax revenues.
- Continued advances and apportionments of Sales & Use and Vehicle License Tax revenues.

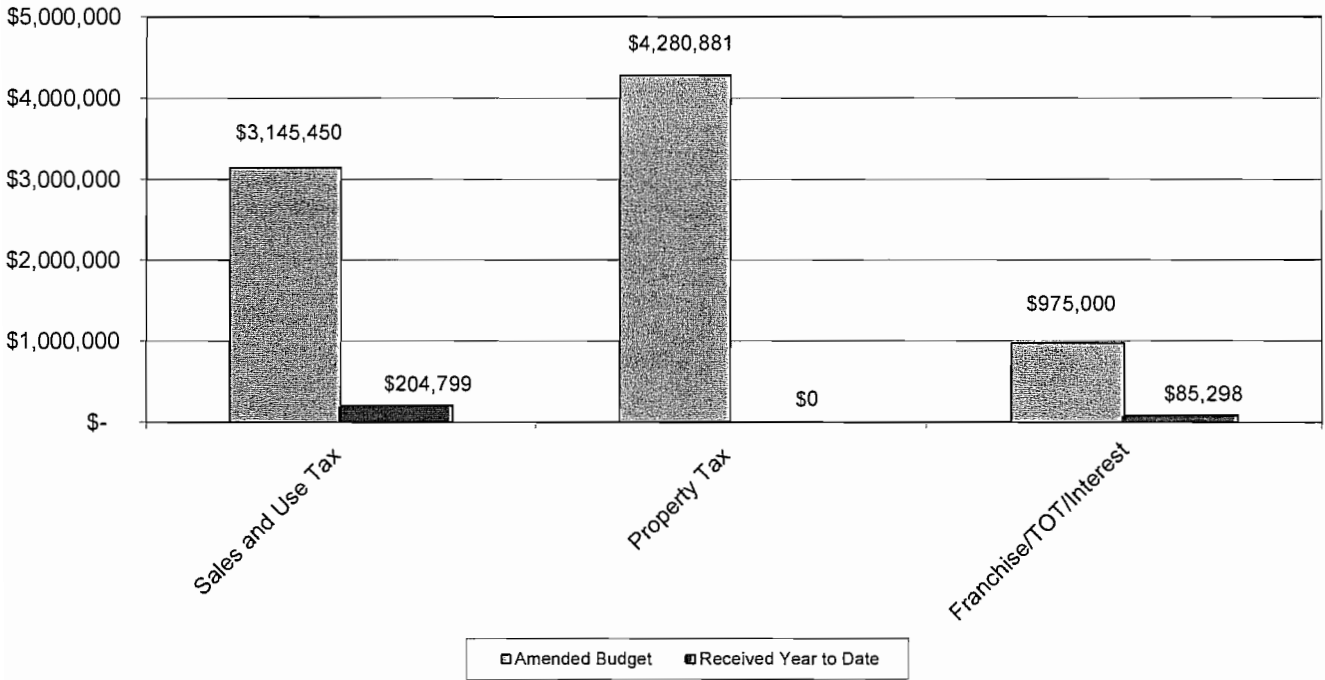
**Town of Yucca Valley**  
**General Fund Revenues and Expenditures**  
**First Quarter Budget Report**  
**September 30, 2014**

	Prior Year FY 2013-14			Current Year FY 2014-15		
	Amended Budget	Revenue Year to Date	% of Budget	Amended Budget	Revenue Year to Date	% of Budget
<b>REVENUES</b>						
Sales and Use Tax	\$ 3,010,000	\$ 250,891	8.34%	\$ 3,145,450	\$ 204,799	6.51%
Property Tax	4,143,500	6,830	0.16%	4,280,881	-	0.00%
Franchise/TOT/Interest	970,000	46,186	4.76%	975,000	85,298	8.75%
Animal Services	520,500	24,363	4.68%	366,900	85,528	23.31%
Community Development	262,250	48,674	18.56%	289,750	89,425	30.86%
Administrative/Other	219,717	35,947	16.36%	267,717	30,267	11.31%
Community Services	114,620	53,446	46.63%	158,000	24,267	15.36%
<b>Total Revenues</b>	<b>\$ 9,240,587</b>	<b>\$ 466,337</b>	<b>5.05%</b>	<b>\$ 9,483,698</b>	<b>\$ 519,584</b>	<b>5.48%</b>
<b>EXPENDITURES</b>						
Personnel Services	\$ 2,845,587	\$ 866,956	30.47%	\$ 3,152,725	\$ 809,358	25.67%
Operating Supplies and Services	2,215,703	388,546	17.54%	2,245,557	518,349	23.08%
Contract Safety	3,738,000	887,608	23.75%	3,953,473	932,512	23.59%
Partnerships	80,500	13,500	16.77%	88,000	44,142	50.16%
Capital Projects	413,303	17,656	4.27%	96,476	13,491	13.98%
<b>Total Expenditures</b>	<b>\$ 9,293,093</b>	<b>\$ 2,174,266</b>	<b>23.40%</b>	<b>\$ 9,536,231</b>	<b>\$ 2,317,852</b>	<b>24.31%</b>

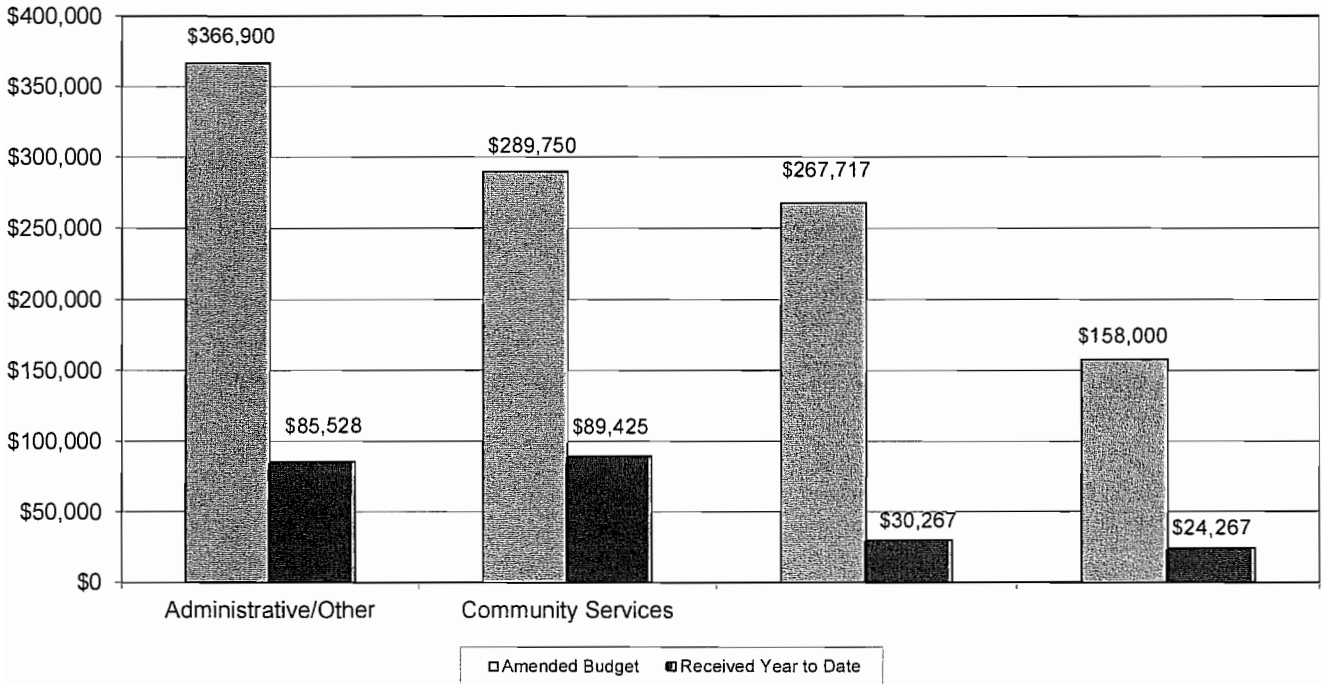
Notes

1. Personnel services actual in FY2013-14 includes one time employment related charges. FY2014-15 has a vacant position in Administrative Services. Expenditures tracking in line with first quarter of fiscal year in FY2014-15..
2. Operating Supplies and Services increased from prior year due to added professional services in facility and ground maintenance but tracking in line for the first quarter of the year since contracts are budgeted.

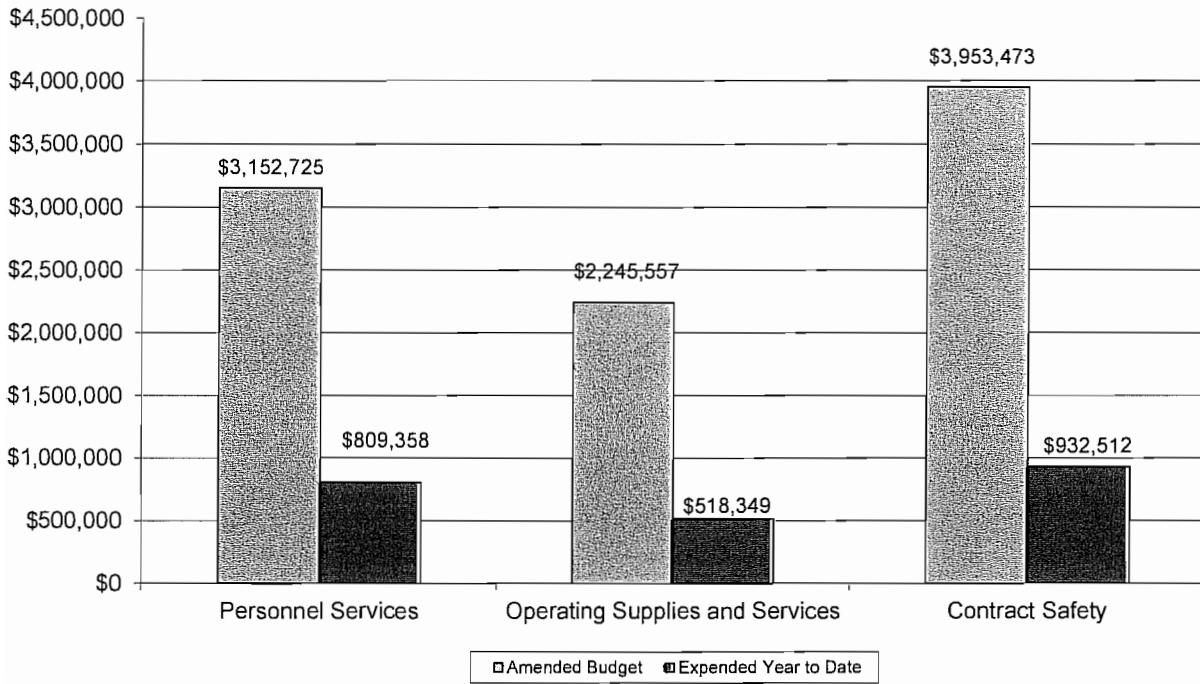
**Town of Yucca Valley  
Major Revenue Sources  
September 30, 2014**



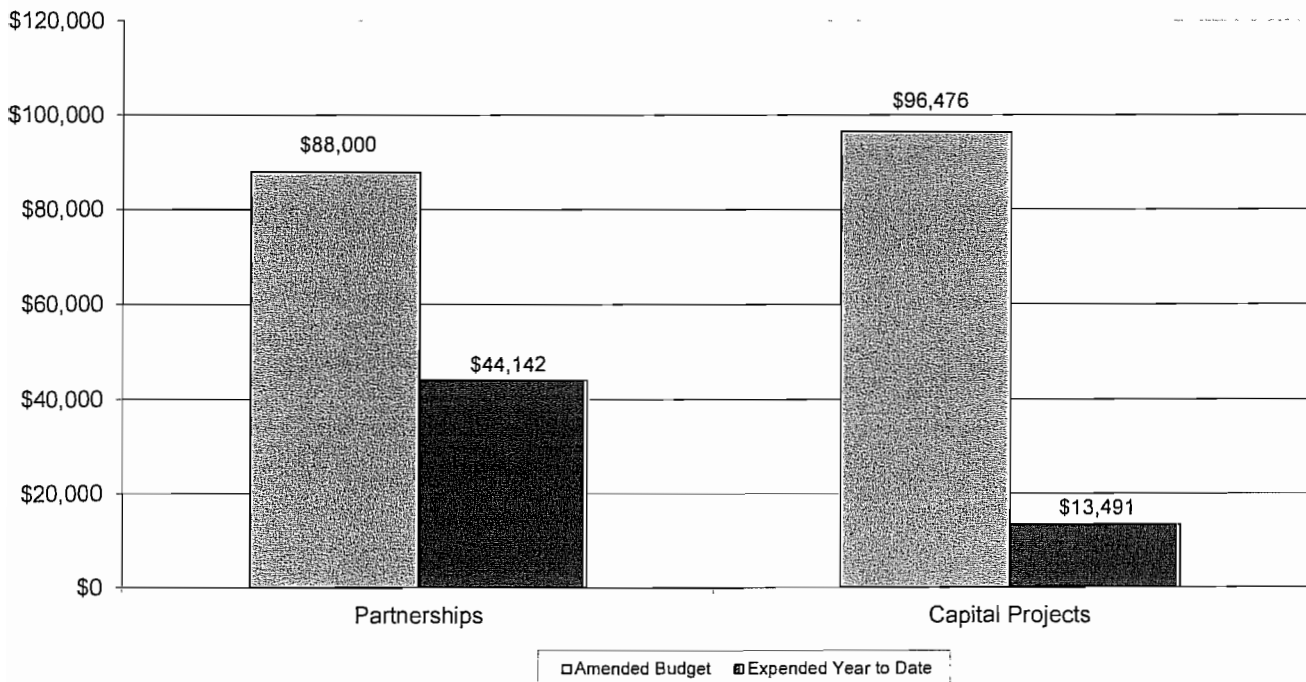
**Town of Yucca Valley  
Other Revenue Sources  
September 30, 2014**



**Town of Yucca Valley  
Major Expenditure Categories  
September 30, 2014**

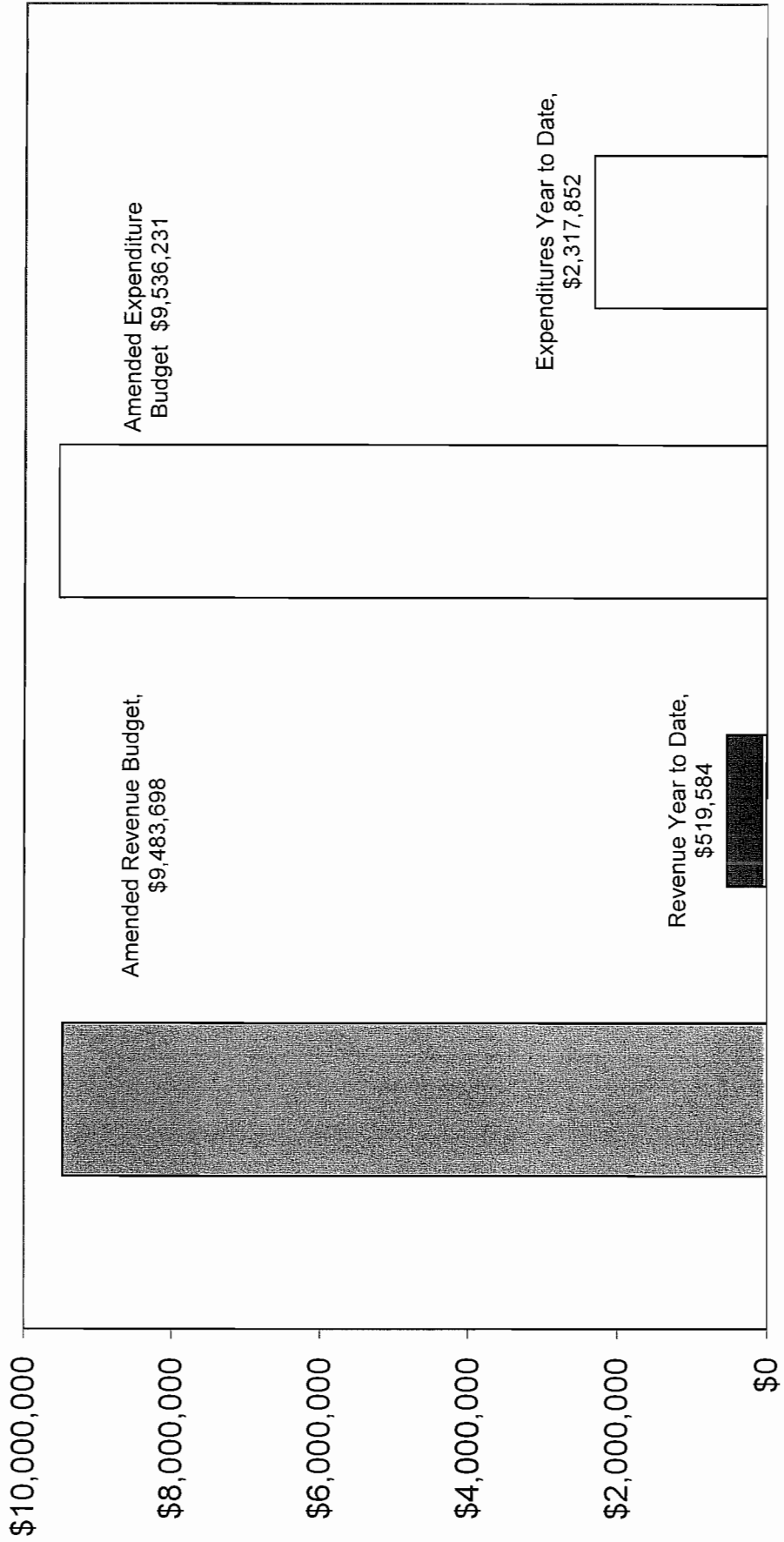


**Town of Yucca Valley  
Other Expenditure Categories  
September 30, 2014**





**Town of Yucca Valley  
 Quarterly Budget Recap  
 September 30, 2014**





## TOWN COUNCIL STAFF REPORT

**To:** Honorable Mayor & Town Council

**From:** Curtis Yakimow, Town Manager  
Sharon Cisneros, Senior Accountant

**Date:** October 23, 2014

**For Council Meeting:** November 4, 2014

**Subject:** Treasurer's Report for the Quarter Ending September 30, 2014

**Recommendation:** Receive and file the Treasurer's Report for the first quarter of FY 2014-15.

**Order of Procedure:**

Request Staff Report  
Request Public Comment  
Council Discussion / Questions of Staff  
Motion/Second  
Discussion on Motion  
Call the Question (Roll Call Vote, Consent Agenda)


**Discussion:** The investment policy and Town Code of the Town of Yucca Valley requires that quarterly Treasurer's reports be filed with the Town Council. The attached Treasurer's Report is for the 1st Quarter of FY 2014-15.


**Attachments:** Treasurer's report 1st quarter FY2014-15

Reviewed By:

  
Town Manager

\_\_\_\_\_  
Town Attorney

  
Admin Services

  
Finance

\_\_\_\_ Department Report  
 Consent

\_\_\_\_ Ordinance Action  
\_\_\_\_ Minute Action

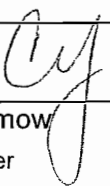
\_\_\_\_ Resolution Action  
 Receive and File

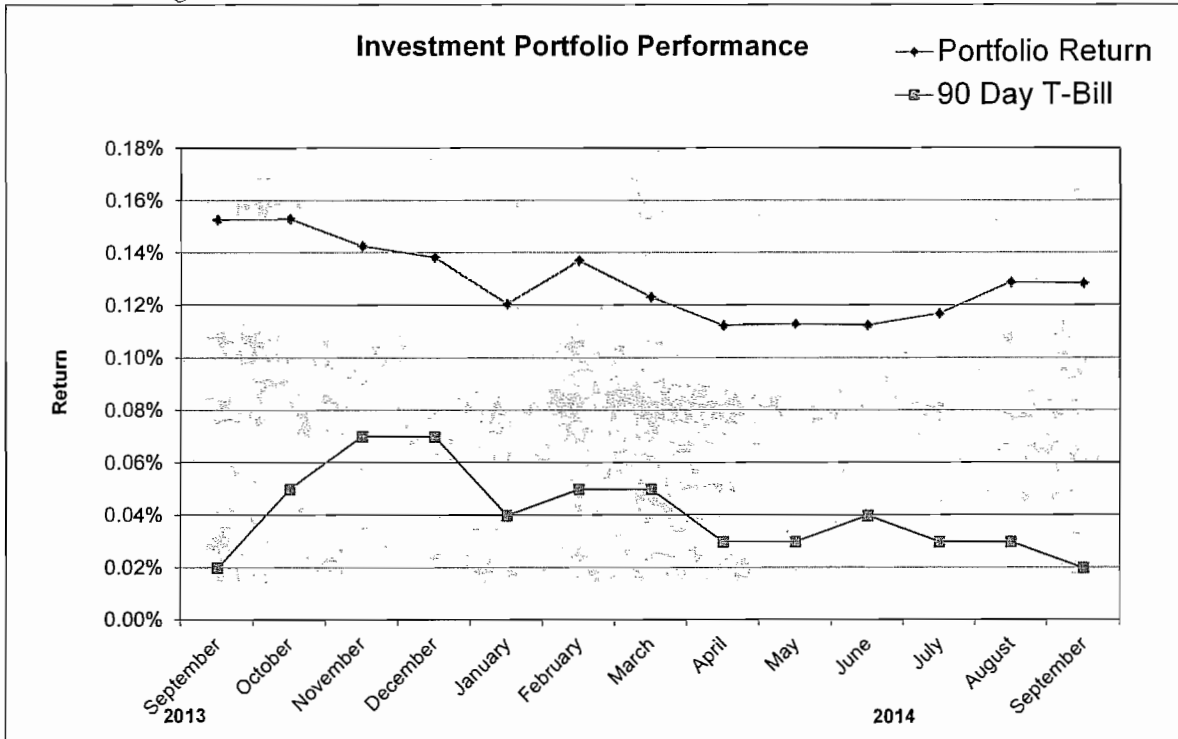
\_\_\_\_ Public Hearing  
\_\_\_\_ Study Session

**Town of Yucca Valley**  
**Treasurer's Report**  
As of September 30, 2014

Institution/Investment	Market Value	Percent of Portfolio	Yield	Maturity Date
Pacific Western-Checking Acct	\$ 1,953,471	12.09%	0.00%	Liquid
Local Agency Investment Fund (LAIF)	9,439,341	58.41%	0.22%	Liquid
Pac Western-Successor Agency	4,763,281	29.48%	0.00%	Liquid
Petty Cash	3,390	0.02%	0.00%	Liquid
<b>Total Cash &amp; Investments</b>	<b><u>\$ 16,159,483</u></b>	<b><u>100.00%</u></b>	<b><u>0.13%</u></b>	<b>Fully Liquid</b>

I certify that to the best of my knowledge, this report accurately reflects all pooled investments, and is in conformity with the Town's investment policy effective February 2010, which complies with the California Government Code. A copy of this investment policy, along with the supporting banking and investment statements, is available in the office of the Town Clerk. This investment program provides sufficient cash flow liquidity to meet the next six months of budgeted expenditures.

  
Curtis Yakimow  
Town Manager





## TOWN COUNCIL STAFF REPORT

**To:** Honorable Mayor & Town Council  
**From:** Curtis Yakimow, Town Manager  
Sharon Cisneros, Senior Accountant  
**Date:** October 20, 2014  
**For Council Meeting:** November 4, 2014  
**Subject:** AB1234 Reporting Requirements

**Prior Council Review:** Current reimbursement policy for Council members and Redevelopment Agency members reviewed and approved by Council August 2006.

**Recommendation:** Receive and file the AB1234 Reporting Requirement Schedule for the month of September 2014.

### Order of Procedure:

Request Staff Report  
Request Public Comment  
Council Discussion / Questions of Staff  
Motion/Second  
Discussion on Motion  
Call the Question (Roll Call Vote, Consent Agenda)

**Discussion:** AB1234 requires members of a legislative body to report on "meetings" attended at public expense at the next meeting of the legislative body. "Meetings" for purpose of this section are tied to the Brown Act meaning of the term: *any congregation of a majority of the members of a legislative body at the same time and place to hear, discuss, or deliberate upon any item that is within the subject matter jurisdiction of the legislative body or the local agency to which it pertains.* Qualifying expenses include reimbursement to the member related to meals, lodging, and travel.

An example of when a report is required is when a Town Council member represents his or her agency on a joint powers agency board and the Town pays for the official's expenses in serving in that representative capacity. Additionally, in the spirit of AB1234, the Yucca Valley Town Council also reports all travel related to conference and training attended at public expense.

Reviewed By:

  
Town Manager

\_\_\_\_\_  
Town Attorney

  
Admin Services

  
Finance

\_\_\_\_ Department Report  
 Consent

\_\_\_\_ Ordinance Action  
\_\_\_\_ Minute Action

\_\_\_\_ Resolution Action  
 Receive and File

\_\_\_\_ Public Hearing  
\_\_\_\_ Study Session

Although the AB1234 report can be either written or oral, this report must be made at the next meeting of the legislative body that paid for its member to attend the meeting.

**Alternatives:** None.

**Fiscal impact:** There is no anticipated financial impact associated with the recommended approval of AB1234 reporting requirements.

**Attachments:** **AB1234 Reporting Requirement Schedule**

# Town of Yucca Valley

## Councilmember AB1234 Meetings Schedule Month of September 2014

<u>Date of Travel</u>	<u>Organization</u>	<u>Description</u>	<u>Location</u>
<b>Mayor Lombardo</b>			
9/3-9/5/2014	League of California Cities	2014 Annual Conference and Expo	Los Angeles, CA
<b>Mayor Pro Tem Huntington</b>			
9/3-9/5/2014	League of California Cities	2014 Annual Conference and Expo	Los Angeles, CA
<b>Councilmember Abel</b>			
No Reportable Meetings			
<b>Councilmember Rowe</b>			
No Reportable Meetings			
<b>Councilmember Leone</b>			
9/3-9/5/2014	League of California Cities	2014 Annual Conference and Expo	Los Angeles, CA



## TOWN COUNCIL STAFF REPORT

**To:** Honorable Mayor & Town Council  
**From:** Curtis Yakimow, Town Manager  
Sharon Cisneros, Senior Accountant  
**Date:** October 17, 2014  
**Council Meeting:** November 4, 2014  
**Subject:** Warrant Register November 4, 2014

### Recommendation:

Ratify the Payroll Registers total of \$ 276,354.38 for checks dated September 26 to October 10, 2014 and Warrant Registers total of \$1,006,313.91 for checks dated October 2 to 16, 2014.


### Order of Procedure:

Department Report  
Request Staff Report  
Request Public Comment  
Council Discussion  
Motion/Second  
Discussion on Motion  
Call the Question (Roll Call Vote, Consent Agenda Item)


### Attachments:


Payroll Register No. 12 dated September 26, 2014 total of \$ 143,556.32  
Payroll Register No. 14 dated October 10, 2014 total of \$ 132,798.06  
Warrant Register No. 17 dated October 2, 2014 total of \$ 916,658.95  
Warrant Register No. 19 dated October 16, 2014 total of \$ 89,654.96

Reviewed By:

  
Town Manager

\_\_\_\_\_  
Town Attorney

  
Admin. Services

  
Finance

\_\_\_\_ Department Report

Consent

\_\_\_\_ Ordinance Action

Minute Action

\_\_\_\_ Resolution Action

\_\_\_\_ Receive and File

\_\_\_\_ Public Hearing

\_\_\_\_ Study Item

**TOWN OF YUCCA VALLEY**  
**PAYROLL REGISTER #12**  
**CHECK DATE - September 26, 2014**

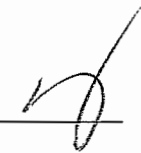
Fund Distribution Breakdown

**Fund Distribution**

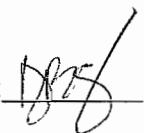
General Fund	\$132,628.11
Gas Tax Fund	10,928.21
Successor Agency	<u>0.00</u> **
<b>Grand Total Payroll</b>	<b><u><u>\$143,556.32</u></u></b>

**\*\*This is not an obligation of the Town of Yucca Valley.**

Prepared by P/R & Financial Specialist:

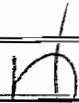
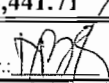


Reviewed by H/R & Risk Mgr.:





**Town of Yucca Valley**  
**Payroll Net Pay & Net Liability Breakdown**  
Pay Period 12 - Paid 09/26/2014  
(September 06, 2014 - September 19, 2014)  
Checks: 4965 - 4970

	Employee	Employer	Total
<b><u>Net Employee Pay</u></b>			
Payroll Checks	\$3,385.11		\$3,385.11
Direct Deposit	71,832.04	-	71,832.04
Sub-total	75,217.15		75,217.15
<b><u>Employee Tax Withholding</u></b>			
Federal	11,989.80		11,989.80
Medicare	1,442.88	1,442.85	2,885.73
SDI - EE	-	-	-
State	4,019.84		4,019.84
Sub-total	17,452.52	1,442.85	18,895.37
<b><u>Employee Benefit &amp; Other Withholding</u></b>			
Misc. Payroll Adjustment Credit's	-	-	-
Deferred Compensation	3,595.11	3,121.60	6,716.71
PERS Survivor Benefit	46.00		46.00
Health Café Plan	1,165.63	11,318.18	12,483.81
American Fidelity Pre-Tax	29.95		29.95
American Fidelity After-Tax	63.32		63.32
American Fidelity-FSA	564.52		564.52
PERS EE - Contribution 6.25 %	358.83		358.83
PERS EE - Contribution 7%	968.28		968.28
PERS EE - Contribution 8%	4,968.86		4,968.86
PERS Retirement - Employer 6.25 %	-	358.83	358.83
PERS Retirement - Employer 7.846 %	-	1,107.29	1,107.29
PERS Retirement - Employer 18.586 %	-	13,207.21	13,207.21
Wage Garnishment - Employee	11.54		11.54
Life & Disability Insurance		982.30	982.30
Other Post Employee Benefit's		2,499.92	2,499.92
Unemployment Insurance		1,544.96	1,544.96
Workers' Compensation		3,531.47	3,531.47
Sub-total	11,772.04	37,671.76	49,443.80
<b>Gross Payroll</b>	<b>\$104,441.71</b>	<b>\$39,114.61</b>	<b>\$143,556.32</b>
Prepared by P/R & Financial Specialist: 	Reviewed by H/R & Risk Mgr.: 		

**TOWN OF YUCCA VALLEY**  
**PAYROLL REGISTER #14**  
**CHECK DATE - October 10, 2014**

Fund Distribution Breakdown

**Fund Distribution**

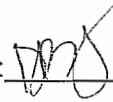
General Fund	\$121,986.39
Gas Tax Fund	10,811.67
Successor Agency	<u>0.00</u> **
<b>Grand Total Payroll</b>	<u><u>\$132,798.06</u></u>

**\*\*This is not an obligation of the Town of Yucca Valley.**



Prepared by P/R & Financial Specialist:



Reviewed by H/R & Risk Mgr.:



**Town of Yucca Valley**  
**Payroll Net Pay & Net Liability Breakdown**  
Pay Period 14 - Paid 10/10/2014  
(September 20, 2014 - October 03, 2014)  
Checks: 4971 - 4976

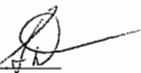


	Employee	Employer	Total
<b><u>Net Employee Pay</u></b>			
Payroll Checks	\$3,811.95		\$3,811.95
Direct Deposit	65,436.67	-	65,436.67
Sub-total	69,248.62		69,248.62
<b><u>Employee Tax Withholding</u></b>			
Federal	11,721.80		11,721.80
Medicare	1,305.07	1,305.09	2,610.16
SDI - EE	-	-	-
State	3,770.35		3,770.35
Sub-total	16,797.22	1,305.09	18,102.31
<b><u>Employee Benefit &amp; Other Withholding</u></b>			
Misc. Payroll Adjustment Credit's	-	-	-
Deferred Compensation	2,707.11	1,141.68	3,848.79
PERS Survivor Benefit	37.00		37.00
Health Café Plan	1,165.63	11,219.99	12,385.62
American Fidelity Pre-Tax	29.95		29.95
American Fidelity After-Tax	63.32		63.32
American Fidelity-FSA	564.52		564.52
PERS EE - Contribution 6.25 %	358.83		358.83
PERS EE - Contribution 7%	937.52		937.52
PERS EE - Contribution 8%	4,782.15		4,782.15
PERS Retirement - Employer 6.25 %	-	358.83	358.83
PERS Retirement - Employer 7.846 %	-	1,072.12	1,072.12
PERS Retirement - Employer 18.586 %	-	12,710.96	12,710.96
Wage Garnishment - Employee	11.54		11.54
Life & Disability Insurance		982.30	982.30
Other Post Employee Benefit's		2,405.14	2,405.14
Unemployment Insurance		1,490.87	1,490.87
Workers' Compensation		3,407.67	3,407.67
Sub-total	10,657.57	34,789.56	45,447.13
<b>Gross Payroll</b>	<b>\$96,703.41</b>	<b>\$36,094.65</b>	<b>\$132,798.06</b>
Prepared by P/R & Financial Specialist: 	Reviewed by H/R & Risk Mgr.: 		

**WARRANT REGISTER #17**  
**CHECK DATE - OCTOBER 2, 2014**

**FUND DISTRIBUTION BREAKDOWN**

Checks # 45507 to # 45571 are valid

GENERAL FUND # 001	\$371,103.64
CENTRAL SUPPLIES FUND # 100	429.93
CUP DEPOSITS FUND # 200	3,282.82
COPS - LLESA FUND # 511	175.88
AB2928 TCRP FUND # 513	29.93
GAS TAX FUND # 515	1,995.19
MEASURE I 2010 - 2040 FUND # 520	39.75
MEASURE I 2010 - 2040 FUND # 524	250.00
PUBLIC LANDS FEDERAL LAND GRANT FUND # 527	538,020.99
SAFE ROUTES TO SCHOOLS FUND # 529	1,255.80
TOWN HOUSING FUND # 632	75.02
<b>GRAND TOTAL</b>	<b><u><u>\$916,658.95</u></u></b>

Prepared by Shirlene Doten, Accounting Technician III   
Reviewed by Sharon Cisneros, Senior Accountant   
Approved by Curtis Yakimow, Administrative Services Director 

# Town of Yucca Valley

## Warrant Register

October 2, 2014

Fund	Check #	Vendor	Description	Amount
001	GENERAL FUND			
	45507	Action Pumping, Inc.	Septic Maintenance Service	\$ 305.00
	45508	Aleshire & Wynder, LLC	08/14 Professional Services	15,229.39
	45509	Alsco/American Linen, Inc.	Facilities Uniform Service	146.63
	45510	Janet Anderson	10/14 Medical Insurance Premium	1,317.60
	45511	Animal Action League	Veterinary Services	1,910.00
	45512	Arrowhead Mountain Water	Office Supplies	127.23
	45513	AssetWorks, Inc.	Annual License Fee	1,560.00
	45514	AT & T Mobility	Cell Phone Service	367.20
	45515	Builders Supply-Yucca Valley	Museum Supplies	250.30
	45516	C & S Electric	Street Light Maintenance	75.00
	45517	Vanessa Cantu	WMA Seminar Expense	543.00
	45518	CDW Government, Inc.	Technology Equipment	194.36
	45519	Charles Abbott & Assoc, Inc.	Plan Check Services	14,552.03
	45520	Chevron & Texaco Card Services	Vehicle Fuel	225.85
	45521	Sharon Cisneros	Seminar Expense	86.80
	45522	CMTA	Membership Renewal	155.00
	45523	Companion Animal Clinic	Veterinary Services	294.00
	45524	Corelogics Information Solutions	Property Search Information	165.00
	45525	Data Ticket	Professional Services	364.50
	45526	Shirlene Doten	Passport Training Expense	386.53
	45528	Fred's Tires	Fleet Tire Replacement	1,160.01
	45531	Totalfunds by Hasler	Postage	1,000.00
	45532	Hengesbach & Dawson	Professional Services	5,035.82
	45533	Hi-Desert Water	Water Service	303.44
	45534	Hi-Desert Publishing	Printing & Advertising	6,022.18
	45535	Honeywell	HVAC Maintenance Service	605.07
	45536	Intervet, Inc.	Animal Vaccines & Microchips	1,626.75
	45537	Knorr Systems, Inc.	YVHS Pool Maintenance	298.13
	45541	Morongo Basin Tennis Assoc.	FY 14/15 Partnership	2,500.00
	45544	Morongo Unified School District	Fleet Fuel	270.00
	45545	Oasis Office Supply, Inc.	Office Supplies	20.69
	45546	P.A.P.A.	Annual Membership Renewal	90.00
	45548	Phone Solutions	Polycom Conference Phone	925.52
	45549	Priority Mailing Systems, LLC	Postage Machine Supplies	252.51
	45550	Jessica Rice	Conference Expense	377.99
	45551	SBCO Sheriff's Dept	08/14 Public Safety	300,482.20
	45552	SCE	Paradise Park Electric Svs.	42.00
	45554	So. Cal. Gas Co.	08/14 Natural Gas Service	355.94
	45555	Southwest Networks, Inc.	Technology Support Svs.	680.00
	45556	Star2Star Communications, LLC	9/21-10/20/14 Shelter Phone Svs.	388.95
	45557	Steven Enterprises	Plotter Supplies	751.51

**Town of Yucca Valley**

**Warrant Register**

October 2, 2014

Fund	Check #	Vendor	Description	Amount
	45560	Tractor Supply	Animal Shelter Supplies	941.28
	45561	Trophy Express	Engraving Service	45.96
	45562	Verizon	Phone Service	4,047.65
	45563	Verizon Business	09/14 Shelter Internet Svs.	389.25
	45565	Valley Independent	Employee Business Cards	83.05
	45566	Walmart Community	Shelter Supplies	105.22
	45567	Woods Auto Repair	Fleet Vehicle Repairs & Smog	51.50
	45568	Guy Wulf	Sports Referee	700.00
	45569	Yucca Valley Quick Lube, LLC	Fleet Oil Change Service	71.24
	45570	YV Chamber of Commerce	FY 14/15 Joint Marketing	954.89
	EFT	The Home Depot	Maintenance Supplies	2,269.47
<b>Total 001</b>	<b>GENERAL FUND</b>			<b>\$ 371,103.64</b>
100 INTERNAL SERVICE FUND				
	45530	GE Capital Corporation	Copier Lease	\$ 413.08
	45545	Oasis Office Supply, Inc.	Office Supplies	16.85
<b>Total 100</b>	<b>INTERNAL SERVICE FUND</b>			<b>\$ 429.93</b>
200 DEPOSITS FUND				
	45527	FedEx	Delivery Service	\$ 29.26
	45542	MCD Construction	Deposit Account Refund	525.69
	45543	Ken Morrison	Deposit Account Refund	1,366.00
	45547	Neil Phelps	Deposit Account Refund	361.87
	45564	Veteran Built Contracting Svs.	Deposit Account Refund	1,000.00
<b>Total 200</b>	<b>DEPOSITS FUND</b>			<b>\$ 3,282.82</b>
511 COPS-LLESA FUND				
	45529	Galls, An Aramark Co.	Sheriff's Office Equipment	\$ 45.90
	45558	Time Warner Cable	Sheriff's Office Internet Svs.	64.99
	45559	Time Warner Cable	Sheriff's Office Internet Svs.	64.99
<b>Total 511</b>	<b>COPS-LLESA FUND</b>			<b>\$ 175.88</b>
513 AB2928-TCRP FUND				
	45527	FedEx	Delivery Service	\$ 29.93
<b>Total 513</b>	<b>AB2928-TCRP FUND</b>			<b>\$ 29.93</b>

**Town of Yucca Valley**

**Warrant Register**

October 2, 2014

Fund	Check #	Vendor	Description	Amount
515 GAS TAX FUND				
	45509	AlSCO/American Linen, Inc.	Streets Uniform Service	\$ 47.00
	45540	Matich Corporation	Road Repair Asphalt Supply	1,759.52
	45567	Woods Auto Repair	Street Vehicle Maintenance	51.50
	45571	Yucca Valley Auto Parts, Inc.	Vehicle Maintenance	137.17
<b>Total 515</b>	<b>GAS TAX FUND</b>			<b>\$ 1,995.19</b>
520 MEASURE I-2010-2040 REGIONAL FUND				
	45527	FedEx	Delivery Service	\$ 39.75
<b>Total 520</b>	<b>MEASURE I-2010-2040 REGIONAL FUND</b>			<b>\$ 39.75</b>
524 MEASURE I -2010-2040 FUND				
	45553	Siemens Industry, Inc.	Signal Maintenance Project	\$ 250.00
<b>Total 524</b>	<b>MEASURE I -2010-2040 FUND</b>			<b>\$ 250.00</b>
527 PUBLIC LANDS FEDERAL GRANT FUND				
	45527	FedEx	Delivery Service	\$ 25.55
	45538	LandMark	PLHD Professional Services	3,321.20
	45539	Matich Corporation	PLHD Project	534,540.44
	45545	Oasis Office Supply, Inc.	Copy Service	133.80
<b>Total 527</b>	<b>PUBLIC LANDS FEDERAL GRANT FUND</b>			<b>\$ 538,020.99</b>
529 SR62 SAFE ROUTES TO SCHOOLS FUND				
	45538	LandMark	Professional Services	\$ 1,255.80
<b>Total 529</b>	<b>SR62 SAFE ROUTES TO SCHOOLS FUND</b>			<b>\$ 1,255.80</b>
632 TOWN HOUSING FUND				
	45508	Aleshire & Wynder, LLC	08/14 Professional Services	\$ 75.02
<b>Total 632</b>	<b>TOWN HOUSING FUND</b>			<b>\$ 75.02</b>
<b>***</b>	<b>Report Total</b>			<b>\$ 916,658.95</b>

**WARRANT REGISTER # 19**  
**CHECK DATE - OCTOBER 16, 2014**


**FUND DISTRIBUTION BREAKDOWN**


Checks # 45572 to # 45658 are valid


GENERAL FUND # 001	\$59,545.58
CENTRAL SUPPLIES FUND # 100	603.90
CUP DEPOSITS FUND # 200	1,793.72
COPS LLESA FUND # 511	38.01
AB2928 ST CONTRUCTION FUND # 513	58.31
GAS TAX FUND # 515	17,004.45
LTF FUND # 516	4,500.00
MEASURE I 2010-2040 REGIONAL FUND # 520	29.26
MEASURE I 2010-2040 FUND # 524	4,002.62
PUBLIC LANDS FEDERAL GRANT FUND # 527	1,674.40
SAFE ROUTES TO SCHOOLS FUND # 530	29.71
RECYCLING ACTIVITIES FUND # 570	375.00

**GRAND TOTAL**

**\$89,654.96**

Prepared by Shirlene Doten, Accounting Technician III 

Reviewed by Sharon Cisneros, Senior Accountant 

Approved by Curtis Yakimow, Administrative Services Director 



**Town of Yucca Valley**

**Warrant Register**

**October 16, 2014**

Fund	Check #	Vendor	Description	Amount
001		GENERAL FUND		
	45572	Action Door Controls, Inc.	Shelter Facility Maintenance	\$ 619.50
	45573	Action Pumping, Inc.	Septic Maintenance Service	1,113.00
	45574	Ruth Alkire	Contract Instructor	42.00
	45575	All American Publishing	Recreation Program Advertising	220.00
	45576	AlSCO/American Linen, Inc.	Uniform Maintenance	83.03
	45577	Animal Action League	Spay/Neuter Voucher Program	1,125.00
	45578	Arrowhead Mountain Water	Office Supplies	221.77
	45579	ASCE/Am Society of Civil Eng.	Membership Renewal	280.00
	45580	Big 5 Corp.	Recreation Program Expense	55.40
	45581	Carol Boyer	Contract Instructor	61.60
	45582	Debra Breidenbach-Sterling	09/14 PARSAC Conference	543.52
	45583	Builders Supply-Yucca Valley	Maintenance Supplies	90.29
	45584	California Building Standards	SB1473 Fees	60.30
	45585	CDW Government, Inc.	Technology Equipment	53.46
	45586	Janine Cleveland	Contract Instructor	343.00
	45587	Companion Animal Clinic	Veterinary Supplies & Services	1,350.00
	45588	Carol Corbin	Contract Instructor	82.60
	45589	Department of Conservation	SMIP Fees	279.13
	45590	Desert Arc	Park Maintenance Service	4,095.00
	45591	Desert Green Landscape	Abatement Services	1,338.00
	45592	Eisenhower Occupational	Employee Screening	155.00
	45593	Farmer Bros. Co.	Office Supplies	320.49
	45595	Catherine Fletcher	Contract Instructor	40.60
	45596	Gov't Finance Research Grp.	Annual Support Services	1,995.00
	45597	Graphic Penguin	Website Maintenance	370.00
	45598	Duane Griffin	Contract Instructor	65.80
	45599	Joy Groves	Contract Instructor	258.30
	45600	Totalfunds by Hasler	Postage	435.67
	45602	Hi-Desert Water	Water Service	1,453.74
	45603	Hi-Desert Publishing	Advertising	1,601.06
	45604	Intervet, Inc.	Animal Vaccines & Microchips	675.00
	45606	Susan Jordan	Contract Instructor	147.00
	45607	Heather Kaczmarczk	Contract Instructor	1,071.00
	45608	Robert Kirschmann	04/14 Medical Insurance	1,589.05
	45610	Pat Lumbattis	Contract Instructor	51.80
	45611	David Luse	Contract Instructor	44.80
	45613	Crystal Mason	Program Supplies	199.26
	45615	Mark Miller	Facility Rental Refund	1,000.00
	45616	Mojave Desert & Mtn. Integ.	FY 14/15 Member Contribution	4,798.00
	45617	Virginia Neal	Museum Program Services	375.00
	45618	NRO Engineering	Engineering Services	1,000.00

**Town of Yucca Valley**

**Warrant Register**

**October 16, 2014**

<b>Fund</b>	<b>Check #</b>	<b>Vendor</b>	<b>Description</b>	<b>Amount</b>
	45619	Sierra Oakes	Contract Instructor	14.00
	45620	Oasis Office Supply, Inc.	Office Supplies	394.63
	45621	Pacific Telemanagement Svcs.	Public Phone Service	82.64
	45622	Pacific Utility	Solar Panel Replacement	2,648.15
	45623	PlasticPlace	Facility Maintenance	323.90
	45624	Pool & Spa Center	YVHS Pool Supplies	31.88
	45626	Rogers, Anderson & Malody	Professional Services	5,500.00
	45627	Ron Rice	AFO Course Training Expense	291.81
	45628	Stefanie Ritter	Program Supplies	106.66
	45629	Linda Sande	Contract Instructor	83.30
	45630	SBCO-Recorder	Recording Fees	147.00
	45631	SBCO - Information Services	09/14 Radio Access	2,144.37
	45632	SCE	Electric Service	11,563.70
	45633	Beverly Schmuckle	Contract Instructor	57.40
	45634	Rusty Scott	AFO Course Training Expense	165.25
	45635	Sage Bernardini-Smith	Replacement Payroll Check	17.74
	45636	Southwest Networks, Inc.	Technology Support	380.00
	45637	Sprint	Cell Phone Service	4.26
	45638	Stater Bros	Program Supplies	73.97
	45640	TelePacific	Phone Service	160.44
	45641	That Shirt Place	Recreation Program Expense	675.48
	45642	Time Warner Cable	Cable & Internet Service	467.78
	45644	Angelica Trujillo	Museum Program Assistant	100.00
	45645	Unisource Worldwide, Inc.	Facilities Maintenance Supplies	365.21
	45646	Vagabond Welding Supply	YVHS Pool Expense	61.56
	45647	VCA Yucca Valley Animal Hosp.	Veterinary Services	579.55
	45648	Verizon	Long Distance Phone Svcs.	186.21
	45650	Valley Independent	Program Flyer Printing	446.04
	45651	US Bank Voyager Fleet Systems	Natural Gas Vehicle Fuel	179.30
	45652	Walmart Community	Shelter & Program Supplies	225.60
	45654	Guy Wulf	Sports Referee	700.00
	45655	Yucca Valley Quick Lube, LLC	Fleet Oil Change Service	209.50
	45656	YV Chamber of Commerce	FY 14/15 Joint Marketing	150.00
	45657	YV Chrysler Center	Fleet Vehicle Maintenance	983.08
	45658	Yucca Valley Auto Parts, Inc.	Vehicle Maintenance	322.00
<b>Total 001</b>	<b>GENERAL FUND</b>			<b>\$ 59,545.58</b>
100 INTERNAL SERVICE FUND				
	45612	Mail Finance	Postage Machine Lease	\$ 528.12
	45620	Oasis Office Supply, Inc.	Office Supplies	75.78
<b>Total 100</b>	<b>INTERNAL SERVICE FUND</b>			<b>\$ 603.90</b>

**Town of Yucca Valley**

**Warrant Register**

October 16, 2014

Fund	Check #	Vendor	Description	Amount
200 DEPOSITS FUND				
	45618	NRO Engineering	Engineering Services	\$ 430.00
	45639	Strategic Real Estate Services	Deposit Account Refund	1,363.72
<b>Total 200</b>	<b>DEPOSITS FUND</b>			<b>\$ 1,793.72</b>
511 COPS-LLESA FUND				
	45649	Verizon Wireless	Sheriff's Office Phone Svs.	\$ 38.01
<b>Total 511</b>	<b>COPS-LLESA FUND</b>			<b>\$ 38.01</b>
513 AB2928-TCRP FUND				
	45594	FedEx	Delivery Service	\$ 58.31
<b>Total 513</b>	<b>AB2928-TCRP FUND</b>			<b>\$ 58.31</b>
515 GAS TAX FUND				
	45576	AlSCO/American Linen, Inc.	Streets Uniform Service	\$ 23.50
	45601	Hi-Desert Glass	Vehicle Maintenance	235.00
	45602	Hi-Desert Water	Water Service	18.16
	45605	Johnson Machinery Co.	Streets Tractor Supplies	1,383.91
	45614	Matich Corporation	Road Repair Asphalt Supply	1,783.90
	45625	Quality Street Services, Inc.	Street Sweeping Service	12,090.00
	45632	SCE	Electric Service	770.48
	45643	Tops n Barricades, Inc.	Streets Signs & Supplies	648.00
	45653	Woods Auto Repair	Street Vehicle Maintenance	51.50
<b>Total 515</b>	<b>GAS TAX FUND</b>			<b>\$ 17,004.45</b>
516 LTF FUND				
	45618	NRO Engineering	Engineering Services	\$ 4,500.00
<b>Total 516</b>	<b>LTF FUND</b>			<b>\$ 4,500.00</b>
520 MEASURE I-2010-2040 REGIONAL FUND				
	45594	FedEx	Delivery Service	\$ 29.26
<b>Total 520</b>	<b>MEASURE I-2010-2040 REGIONAL FUND</b>			<b>\$ 29.26</b>
524 MEASURE I - 2010-2040 FUND				
	45632	SCE	Electric Service	\$ 4,002.62
<b>Total 524</b>	<b>MEASURE I - 2010-2040 FUND</b>			<b>\$ 4,002.62</b>
527 PUBLIC LANDS FEDERAL GRANT FUND				
	45609	LandMark	PLHD Professional Services	\$ 1,674.40
<b>Total 527</b>	<b>PUBLIC LANDS FEDERAL GRANT FUND</b>			<b>\$ 1,674.40</b>

*Town of Yucca Valley*

**Warrant Register**

**October 16, 2014**

<b>Fund</b>	<b>Check #</b>	<b>Vendor</b>	<b>Description</b>	<b>Amount</b>
530		SAFE ROUTES TO SCHOOLS FUND		
	45594	FedEx	Delivery Service	\$ 29.71
<b>Total 530</b>		<b>SAFE ROUTES TO SCHOOLS FUND</b>		<b>\$ 29.71</b>
570		RECYCLING ACTIVITIES FUND		
	45617	Virginia Neal	Earth Day Event	\$ 375.00
<b>Total 570</b>		<b>RECYCLING ACTIVITIES FUND</b>		<b>\$ 375.00</b>
<b>***</b>		<b>Report Total</b>		<b>\$ 89,654.96</b>

## TOWN COUNCIL STAFF REPORT

**To:** Honorable Mayor & Town Council  
**From:** Shane R. Stueckle, Deputy Town Manager  
**Date:** October 27, 2014  
**For Council Meeting:** November 4, 2014

**Subject:** Resolution No. 14-  
Appeal of Planning Commission Decision  
Site Plan Review, SPR-01-13, Billings Transfer  
Rock, Gravel and Sand Yard

**Prior Council Review:** There has been no prior review of this item.

**Recommendation:** That the Town Council upholds the Planning Commission decision and denies Appeal, A-02-14.

**Executive Summary:** Appeals of Planning Commission actions are heard by the Town Council. A Council Member appealed the Planning Commission's approval of Site Plan Review, SPR-01-13.

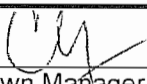
**Order of Procedure:**

- Request Staff Report
- Open Public Hearing
- Request Public Testimony
- Close Public Hearing
- Council Discussion/Questions of Staff
- Motion/Second
- Discussion on Motion
- Call the Question (Roll Call Vote)


**Discussion:** At their meeting of August 12, 2014, the Planning Commission approved, subject to Conditions of Approval, Site Plan Review, SPR-01-13. The Planning Commission Staff Report and minutes are attached. In summary, the business activity is located at 55525 Yucca Trail and is a rock, gravel and sand yard, including 21 bins for the storage, display and sales of rock, gravel and sand.

The property is located in the Old Town Specific Plan (OTSP). The land use tables do not specifically identify these types of facilities, but the tables do address a number of similar uses as permitted uses. The Planning Commission found the use consistent with those similar uses identified in the OTSP.

Reviewed By:

  
Town Manager

\_\_\_\_\_  
Town Attorney

  
Mgmt Services

  
Dept Head

Department Report       Ordinance Action       Resolution Action       Public Hearing  
 Consent                       Minute Action               Receive and File               Study Session

Motor Vehicle Storage Facilities  
Public Utility Service Yards  
Public Utility Structures and Service Facilities  
Public Works Maintenance Facilities and Storage Yards  
Hazardous Materials Storage  
Recycling Facilities, Small Collection Facilities  
Motor Vehicle Sales  
Garden Center/Plant Nurseries

The existing structure is a wood framed with stucco, one story structure with a flat roof. No alterations were made to the building as part of the project. According to building permit files, the 3,200 square foot structure was constructed in 1978. The site operated as a recycling facility, both indoor as well as outside collection and storage of recycling materials, at the time of incorporation, and that recycling facility ceased operations shortly after incorporation.

The Application did not require Planning Commission review, as the OTSP establishes staff level approval of certain uses. Based upon the history between the abutting business operations (see details further in this Staff Report), staff forwarded the Application to the Planning Commission for review.

The Planning Commission discussed several site specifics for the project related to development standards. The OTSP prohibits the use of chain link fencing from public view within the OTSP, but the OTSP does not address pre-existing improvements in extensive detail.

#### *6.1 Applicability*

*The provisions of this chapter are applicable to development activity and land use within the boundary of the Old Town Yucca Valley Specific Plan. The regulations, development standards, and guidelines as contained in the Specific Plan, shall apply in their entirety to the review of new development proposals. However, for review of proposals to modify existing development, existing site conditions may constrain the extent to which Specific Plan development standards and guidelines can be met. Acceptable accommodations of existing development are noted where applicable.*

There are numerous properties throughout the OTSP area that have implemented use of chain link. This site has been fenced with chain link fencing materials for a number of years. The recommended conditions of approval required slats to be installed in the

existing chain-link fence materials. The Commission removed the condition that the Yucca Trail street frontage chain link fencing be slatted.

The proposed project is bounded by Yucca Trail to the north and an alley to the south and east. No off-site improvements were recommended as this project is located at an existing facility, and the existing road improvements are constructed at the appropriate locations. Reimbursement of the Gateway Improvement District Fees is included as a Condition of Approval for the project.

The OTSP also identified a Highway Environs Overlay Zone. The Highway Environs Overlay Zone was created at that time to provide for thorough evaluation of the proposed SR 62 realignment through the Old Town area. With adoption of the General Plan in 2014, the proposed realignment of SR 62 through Old Town was eliminated. Therefore the Highway Environs zone is no longer applicable within the Old Town area. Future amendments to the OTSP should address this issue.

Rock and sand yards are not identified in the Parking Ordinance. Staff calculated the required number of parking stalls based upon the Salvage and Wrecking Yards requirement as this is the closest to the proposed use. The Salvage and Wrecking Yard requirement is one space per 5,000 square feet of lot area plus one per 300 feet of office and sales area. Staff has used the lot area requirement only to determine the number of stalls required; therefore nine (9) parking spaces are being required. All parking stalls shall be paved and striped in accordance with Ordinance 198 and parking shall meet ADA requirements.

The Town received indication of soil contamination issues on the project site which were created during the operation of the former recycling facility operations, and required that soils information be submitted as part of the project. The applicant has retained a soils/environmental engineering firm who has performed site borings, tests/analysis, is preparing reports/recommendations for the soil contamination which exists on the site. The Town has a third party soils professional that will be reviewing the reports as they are submitted, and the Town will be provided with a third party overview of recommended actions that should be taken.

It should be noted that following receipt of the Appeal, a complaint was filed in regards to the adjacent rock business (JLT Rock & Sand) for not complying with their Conditions of Approval issued in 2007. Based upon the complaint, staff conducted a field inspection, coordinated with the property owner, and found that the construction of the trash enclosure and slatting of the existing chain link fence between the two properties had not been accomplished (see attached back up materials). Staff is working with the business owner to bring the project into compliance with the Planning Commission's approval. It is staff's

understanding that there are long term business disputes between the two rock/sand companies.

One area that Staff attempted to address during the processing of this application was the application of standards consistent between the two abutting businesses. It should be noted that JLT Rock and Sand was approved by the Town prior to adoption of the Old Town Specific Plan under the provisions of the Industrial Land Use District standards contained in the San Bernardino County Development Code as adopted and amended by the Town. Balancing consistent implementation of development standards for the same types of business abutting one another, through a combination of the Development Code, the OTSP, and the Council's adoption of revised Land Use Compliance Review (LUCR, 2010) were accomplished through application of the following to both business operations.

- Required paved parking (includes ADA access to primary structure);
- Required reimbursement of Gateway Improvement District infrastructure costs;
- Required construction of trash enclosure facilities (see discussion above);
- Required screening (Commission approved material retaining structures);
- Required compliance with Outdoor Lighting regulations;
- Required landscaping

Neither facility was required to address on-site retention due to the pre-existing use and conditions of the properties.

**Alternatives:** Continue the matter and request additional information from staff; Return the matter to the Planning Commission with specific direction on areas of further evaluation.

**Fiscal impact:** NA. Application fees cover the costs of land use applications.

**Attachments:** August 12, 2014, Planning Commission Staff Report  
August 12, 2014 Planning Commission Minutes  
Application Materials  
JLT Rock & Sand Materials



RESOLUTION NO. 14-

**A RESOLUTION OF THE TOWN COUNCIL OF  
THE TOWN OF YUCCA VALLEY, CALIFORNIA, UPHOLDING  
THE PLANNING COMMISSION'S DECISION APPROVING  
SITE PLAN REVIEW, SPR-01-13**

**Section 1:** The Town Council finds the following in upholding the Planning Commission's Approval of Site Plan Review, SPR-01-13.

- 1. That the location, size, design, density and intensity of the proposed development is consistent with the General Plan, the purpose of the land use district in which the site is located, and the development policies and standards of the Town;**

*The General Plan designation for this parcel is Old Town Industrial Commercial and the Zoning designation is Old Town Industrial Commercial-Highway Environs Overlay. The development of industrial type uses was anticipated and planned for on this project site with adoption of the General Plan, and the development meets and satisfies the goals, policies and implementation strategies of the General Plan.*

*The site is bounded by Yucca Trail to the north and an alley to the south and east. The property is surrounded by a rock and sand yard to the west, a recycling facility to the east and a mini-storage facility to the south. A vacant parcel and a Mobile Home Park are across Yucca Trail to the north.*

*Surrounding General Plan designations are Old Town Industrial Commercial and Med High Density Residential (MHDR) 8.1-14 units per acre to the north. The properties to the east, west and south of the project site are designated Old Town Industrial Commercial.*

*The surrounding Zoning designations are Old Town Industrial Commercial and Med High Density Residential (MHDR) 8.1-14 units per acre to the north. The properties to the east, west and south of the project site are designated Old Town Industrial Commercial.*

*The use is consistent with the uses identified in the OTSP and is appropriate at the proposed location, as there are similar uses with primary outside storage and business operations adjacent and in proximity to the project site.*

- 2. That the location, size, design and architectural design features of the proposed structures and improvements are compatible with the site's natural landform, surrounding sites, structures and streetscapes;**

*The site is bounded by Yucca Trail to the north and an alley to the south and east. The property is surrounded by a rock and sand yard to the west, a recycling facility to the east and a mini-storage facility to the south. A vacant parcel and a Mobile Home Park are across Yucca Trail to the north.*

*Surrounding General Plan designations are Old Town Industrial Commercial and Med High Density Residential (MHDR) 8.1-14 units per acre to the north. The properties to the east, west and south of the project site are designated Old Town Industrial Commercial.*

*The surrounding Zoning designations are Old Town Industrial Commercial and Med High Density Residential (MHDR) 8.1-14 units per acre to the north. The properties to the east, west and south of the project site are designated Old Town Industrial Commercial.*

*The site was developed several decades ago, and has operated with outside storage and the existing building during this time period. No significant changes are proposed with this project.*

**3. That the proposed development produces compatible transitions in the scale, bulk, coverage, density and character of the development between adjacent land uses;**

*The site is bounded by Yucca Trail to the north and an alley to the south and east. The property is surrounded by a rock and sand yard to the west, a recycling facility to the east and a mini-storage facility to the south. A vacant parcel and a Mobile Home Park are across Yucca Trail to the north.*

*Surrounding General Plan designations are Old Town Industrial Commercial and Med High Density Residential (MHDR) 8.1-14 units per acre to the north. The properties to the east, west and south of the project site are designated Old Town Industrial Commercial.*

*The surrounding Zoning designations are Old Town Industrial Commercial and Med High Density Residential (MHDR) 8.1-14 units per acre to the north. The properties to the east, west and south of the project site are designated Old Town Industrial Commercial.*

*No new structure construction is proposed as part of the project. The existing building is consistent with buildings in the OTIC in this area of the OTSP.*

**4. That the building site and architectural design is accomplished in an energy efficient manner;**

*The site is being developed consistent with adopted set back and building height standards, allowing opportunities to maximize energy efficiency and conservation measures in construction and building operations.*

*The proposed project is located on a site with an existing wood framed with stucco, one story structure with a flat roof.*

- 5. That the materials, textures and details of the proposed construction, to the extent feasible, are compatible with the adjacent and neighboring structures;**

*The existing structure materials, colors, textures, height and bulk are consistent with the Development Code and OTSP standards and requirements and are consistent with surrounding development patterns.*

*The proposed project is located on a site with an existing wood framed with stucco, one story structure with a flat roof.*

- 6. That the development proposal does not unnecessarily block views from other buildings or from public ways, or visually dominate its surroundings with respect to mass and scale to an extent unnecessary and inappropriate to the use;**

*The existing structure materials, colors, textures, height and bulk are consistent with the Development Code and OTSP standards and requirements and are consistent with surrounding development patterns.*

*The proposed project is located on a site with an existing wood framed with stucco, one story structure with a flat roof.*

- 7. That the amount, location, and design of open space and landscaping conforms to the requirements of the Development Code, enhances the visual appeal and is compatible with the design and functions of the structure(s), site and surrounding area;**

*The proposed landscape plans indicate that a mix of cactus, Red Yucca and boulders will be installed along Yucca Trail. There are no native plants located on the site. This is consistent with Development Code requirements and compatible with surrounding development patterns.*

- 8. That quality in architectural design is maintained in order to enhance the visual environment of the Town and to protect the economic value of existing structures;**

*The proposed project is located on a site with an existing wood framed with stucco, one story structure with a flat roof.*

- 9. That there are existing public facilities, services, and utilities available at the appropriate levels and/or that new or expanded facilities, services and utilities shall be required to be installed at the appropriate time to serve the project as they are needed;**

*The project is an existing facility that is being renovated and utilities are existing on the project site.*

*Each utility provider charges connection and service fees which are designed to include the need for additional facilities as growth occurs. The project applicant will be required to pay these fees as applicable.*

*Electrical services are provided by Southern California Edison. Natural gas services are provided to by The Gas Company. The Hi-Desert Water District (HDWD, District) serves the Town of Yucca Valley. Solid waste services are provided by Burrtec Inc. The Town of Yucca Valley requires mandatory solid waste services and the project will be served by Burrtec.*

- 10. That access to the site and circulation on and off-site is required to be safe and convenient for pedestrians, bicyclists, equestrians and motorists;**

*On site circulation as proposed includes one points of ingress/egress along Yucca Trail. Driveway entrances are proposed at 30' and drive aisles are proposed at 26' meeting Town and Fire Department standards. Internal circulation provides access to required parking. The project contains the necessary on-site improvements as well as overall parking design and layout. A total of ten parking spaces are proposed for the project including 1 ADA designated parking space. Staff finds the project adequately parked and consistent with the Development Code and the OTSP. Existing improvements on Yucca Trail are developed to their ultimate widths.*

- 11. That traffic generated from the proposed project has been sufficiently addressed and mitigated and will not adversely impact the capacity and physical character of surrounding streets;**

*The project contains one point of ingress/egress and provides sufficient parking consistent with Development Code requirements. No negative impacts created by the project have been identified, including traffic impacts.*

- 12. That traffic improvements and/or mitigation measures have been applied or required in a manner adequate to maintain a Level of Service C or better on**

**arterial roads, where applicable, and are consistent with the Circulation Element of the Town General Plan;**

*The project contains one point of ingress/egress and provides sufficient parking consistent with Development Code requirements. No negative impacts created by the project have been identified, including traffic impacts.*

- 13. That there will not be significant harmful effects upon environmental quality and natural resources including endangered, threatened, rare species, their habitat, including but not limited to plants, fish, insects, animals, birds or reptiles;**

*The property is a one acre site that previously contained a recycling facility. The property has an existing structure of 3,200 square feet and has been cleared of vegetation. No negative impacts created by the project have been identified, including biological resources.*

- 14. That there are no other relevant or anticipated negative impacts of the proposed use that cannot be mitigated and reduced to a level of non-significance in conformance with CEQA, the California Environmental Quality Act;**

*The property is a one acre site that previously contained a recycling facility. The property has an existing structure of 3,200 square feet and has been cleared of vegetation. No negative impacts created by the project have been identified, including biological resources.*

*The site has been developed and operating in the existing configuration for years. The transition to a use which proposed outside storage of sand and rock materials is consistent with prior use of the property.*

- 15. That the impacts which could result from the proposed development, and the proposed location, size, design and operating characteristics of the proposed development, and the conditions under which it would be operated or maintained will not be detrimental to the public health, safety and welfare of the community or be materially injurious to properties or improvements in the vicinity or be contrary to the adopted General Plan; and**

*The General Plan designation for this parcel is Old Town Industrial /Commercial and the Zoning designation is Open Space. The development of industrial uses was anticipated and planned for on this project site with adoption of the General Plan, and the development meets and satisfies the goals, policies and implementation strategies of the General Plan.*

*The site is bounded by Yucca Trail to the north and an alley to the south and east. The property is surrounded by a rock and sand yard to the west, a recycling facility to the east and a mini-storage facility to the south. A vacant parcel and a Mobile Home Park are across Yucca Trail to the north.*

*Surrounding General Plan designations are Old Town Industrial Commercial and Med High Density Residential (MHDR) 8.1-14 units per acre to the north. The properties to the east, west and south of the project site are designated Old Town Industrial Commercial.*

*The surrounding Zoning designations are Old Town Industrial Commercial and Med High Density Residential (MHDR) 8.1-14 units per acre to the north. The properties to the east, west and south of the project site are designated Old Town Industrial Commercial.*

*The project is located on a property that is developed with an existing structure consistent with adopted set back and building height standards, allowing opportunities to maximize energy efficiency and conservation measures in construction and building operations.*

*The existing structure is a wood framed with stucco, one story structure with a flat roof.*

*The project is located at an existing facility and utilities are existing on the project site.*

*Each utility provider charges connection and service fees which are designed to include the need for additional facilities as growth occurs. The project applicant will be required to pay these fees as applicable.*

*Electrical services are provided by Southern California Edison. Natural gas services are provided to by The Gas Company. The Hi-Desert Water District (HDWD, District) serves the Town of Yucca Valley. Solid waste services are provided by Burrtec Inc. The Town of Yucca Valley requires mandatory solid waste services and the project will be served by Burrtec.*

*On site circulation as proposed includes one point of ingress/egress along Yucca Trail. Driveway entrances are proposed at 30' and drive aisles are proposed at 26' meeting Town and Fire Department standards. Internal circulation provides access to required parking. The project contains the necessary on-site improvements as well as overall parking design and layout.*

*A total of ten parking spaces are proposed for the project including 1 ADA designated parking spaces. No negative impacts created by the project have been identified, including biological resources.*

16. That the proposed development will comply with each of the applicable provisions of this code, and applicable Town policies; except approved variances.

*The project, as designed, complies with the standards and requirements set forth in the Yucca Valley Development Code, OTSP and the adopted General Plan policies, as identified and set forth in this Staff Report.*

APPROVED AND ADOPTED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2014.

\_\_\_\_\_  
MAYOR

ATTEST:

\_\_\_\_\_  
TOWN CLERK

*Planning Commission: August 12, 2014*  
**TOWN OF YUCCA VALLEY**  
**COMMUNITY DEVELOPMENT DEPARTMENT**  
**PLANNING DIVISION STAFF REPORT**  
**BILLINGS TRANSFER**

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**Case:** ENVIRONMENTAL ASSESSMENT, EA 01-13  
SITE PLAN REVIEW, SPR 01-13 BILLINGS TRANSFER  
THE PROJECT IS EXEMPT FROM CEQA UNDER SECTION 15301,  
EXISTING FACILITIES.

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**Request:** PROPOSAL TO ESTABLISH A ROCK, GRAVEL AND SAND YARD, TO  
INCLUDE 21 BINS FOR THE STORAGE AND DISPLAY OF MATERIAL,  
5 PAVED AND 5 UNPAVED PARKING SPACES AND LANDSCAPING.  
THE SITE IS DEVELOPED WITH A 3,200 SQUARE FOOT BUILDING.

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**Applicant:** ROBERT BILLINGS  
PO BOX 314  
YUCCA VALLEY, CA 92286

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**Property Owner:**  
JOEL HUGHES  
PO BOX 137  
YUCCA VALLEY, CA 92286

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**Representative:**  
JAY CORBIN

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**Location:** THE PROJECT IS LOCATED AT 55525 YUCCA TRAIL AND IS  
FURTHER IDENTIFIED AS APN: 586-381-04.

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**Existing General Plan Land Use Designation:**  
THE SITE IS DESIGNATED OLD TOWN INDUSTRIAL /COMMERICAL  
(OTIC), HIGHWAYS ENVIRONS OVERLAY

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**Existing Zoning Designation:**  
THE SITE IS DESIGNATED OLD TOWN INDUSTRIAL /COMMERICAL  
(OTIC), HIGHWAY ENVIRONS OVERLAY

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**Surrounding General Plan Land Use Designations:**  
NORTH: OLD TOWN INDUSTRIAL /COMMERICAL (OTIC)  
MED HIGH DENSITY RESIDENTIAL (MHDR) 8.1-14 UNITS  
SOUTH: OLD TOWN INDUSTRIAL /COMMERICAL (OTIC)

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Division Approvals:  
Engineering \_\_\_\_\_ Building & Safety \_\_\_\_\_ Public Works \_\_\_\_\_

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WEST: OLD TOWN INDUSTRIAL /COMMERICAL (OTIC)  
EAST: OLD TOWN INDUSTRIAL /COMMERICAL (OTIC)

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**Surrounding Zoning Designations:**

NORTH: OLD TOWN INDUSTRIAL /COMMERICAL (OTIC)  
MED HIGH DENSITY RESIDENTIAL (MHDR) 8.1-14 UNITS  
SOUTH: OLD TOWN INDUSTRIAL /COMMERICAL (OTIC),  
HIGHWAY ENVIRONS OVERLAY  
WEST: OLD TOWN INDUSTRIAL /COMMERICAL (OTIC)  
EAST: OLD TOWN INDUSTRIAL /COMMERICAL (OTIC),  
HIGHWAY ENVIRONS OVERLAY

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**Surrounding Land Use:**

NORTH: VACANT LOT AND MOBILE HOME PARK  
SOUTH: MINI STORAGE FACILITY  
WEST: ROCK AND SAND YARD  
EAST: RECYCLING FACILITY

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**CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA):**

THE PROJECT WAS REVIEWED UNDER THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA). THE PROJECT IS EXEMPT FROM CEQA UNDER SECTION 15301, EXISTING FACILITIES.

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**RECOMMENDATIONS:**

**ENVIRONMENTAL ASSESSMENT, EA 01-13**

That the Planning Commission finds the project exempt from CEQA under Section 15301, existing facilities

**SITE PLAN REVIEW, SPR, SPR 01-13**

That the Planning Commission approves Site Plan Review, SPR 01-13, based upon the required findings and the Conditions of Approval.

**Appeal Information:**

Actions by the Planning Commission, including any finding that a negative declaration be adopted, may be appealed to the Town Council within 10 calendar days. Appeal Application filing and processing information may be obtained from the Planning Division of the Community Development Department. Per Section 83.030145 of the Development Code, minor modifications may be approved by the Planning Division if it is determined that the changes would not affect the findings prescribed in Section 83.030140 of the Development Code, Required Findings, and that the subject of the proposed changes were not items of public controversy during the review and approval of the original permit, including modifications to phasing schedules for the project.

**I. GENERAL INFORMATION**

**PROJECT DESCRIPTION.** Proposal to establish a rock, gravel and sand yard on a property that contains an existing 3,200 square foot building. The project includes 21 concrete block bins for the storage and display of material, 5 paved and 5 unpaved parking spaces and landscaping.

**LOCATION:** The project is located at 55525 Yucca Trail and is further identified as APN: 586-381-04.

**PROJECT SYNOPSIS:**

**SITE COVERAGE**

PROJECT AREA:	1 acre
BUILDING AREA:	3,200 square foot existing building
PHASED CONSTRUCTION:	No
FLOOD ZONE	Map 8855, Zone A, special flood hazard areas subject to inundation by the 1% annual chance flood. No base flood elevations determined.
ALQUIST PRIOLO ZONE	No
OFF-SITE IMPROVEMENTS REQ.	No
ASSESSMENT DISTRICTS REQ.	No
RIGHT-OF-WAY DEDICATION REQ.	No
UTILITY UNDERGROUNDING:	All new service lines shall be underground in conformance to Ordinance No. 233, or as amended by the Town Council.
AIRPORT INFLUENCE AREA:	Located outside the Airport Influence area.
TRAILS & BIKE LANE MASTER PLAN:	Bike Route, Class III on Yucca Trail.
PUBLIC FACILITY MASTER PLAN:	No facilities on or adjacent to the project.

PARKS AND RECREATION MASTER PLAN:	No public facilities are identified for this site.
MASTER PLAN OF DRAINAGE:	No facilities on or adjacent to the project.
EROSION AND SEDIMENT CONTROL: PLAN REQUIRED	No
STREET LIGHTS:	No
SPECIFIC PLAN/ PLANNED DEVELOPMENT AREA/GENERAL PLAN SPA:	No
FUTURE PLANNING COMMISSION ACTION REQUIRED	No
FUTURE TOWN COUNCIL ACTION REQUIRED	No, unless appealed

## II. PROJECT ANALYSIS:

**General:** The project proposal is to establish a rock, gravel and sand yard on a property that contains an existing 3,200 square foot structure. The project will contain 21 concrete block bins for the storage and display of material. The applicant is proposing 5 paved and 5 unpaved parking stalls.

The applicant moved onto the site and began business operations without approvals. The applicant has been preparing application materials, as well as addressing soil contamination issues which existed on the site prior to the applicants' business operations (pre-existing soil contamination). The applicant has not provided the soils investigation reports at this time. The site formerly operated as a recycling facility, and soil contamination exists on the site from batteries leaking into the soil.

The property is located in the Old Town Specific Plan. The land use tables do not specifically identify these types of facilities, but the tables do address a number of similar uses as permitted uses.

Motor Vehicle Storage Facilities  
Public Utility Service Yards  
Public Utility Structures and Service Facilities  
Public Works Maintenance Facilities and Storage Yards  
Hazardous Materials Storage

Recycling Facilities, Small Collection Facilities  
Motor Vehicle Sales  
Garden Center/Plan Nurseries

Based upon the above uses identified as permitted within the OTIC district, the operation of a sand, gravel, rock business which includes outside storage of materials is similar to and consistent with the uses identified above. Staff did not identify any incompatible land use issues created by the operation of this business in comparison to those identified above from the OTSP land use tables.

**ADJACENT LAND USES:** The site is bounded by Yucca Trail on the north and an alley to the south and east. Directly across Yucca Trail on the north is a vacant lot and to the northwest is a mobile home park. There is a rock and sand facility to the west, a recycling facility to the east and a mini-storage facility to the south.

Surrounding General Plan designations are Old Town Industrial Commercial (OTIC) and Med High Density Residential (MHDR) 8.1-14 units per acre to the north. To the south, east and west of the project site, the General Plan designations are Old Town Industrial Commercial (OTIC).

The surrounding Zoning designations are Old Town Industrial Commercial (OTIC) and Residential Multi-Family 10 units per acre (RM-10) to the north. The properties to the south, east and west are zoned and Old Town Industrial Commercial (OTIC).

**SITE CHARACTERISTICS, GRADING, SETBACKS:** The project is located on a site that was previously used as a recycling facility and has an existing structure of 3,200 square feet. No grading is proposed for the project.

<b>Setback Area:</b>	<b>Required</b>	<b>Existing Building</b>
North:	15'	30'
South:	10'	90'
East:	None	145'
West:	None	10'

**PHASING:** There is no phasing proposed for the project.

**BUILDING ELEVATIONS:**

The existing structure is a wood framed with stucco, one story structure with a flat roof. No alterations are proposed to the building as part of the project.

The OTSP prohibits the use of chain link fencing within the OTSP. This site has been fenced with chainlink fencing materials for a number of years. The recommended conditions of approval require slats to be installed in the existing chainlink fence materials.

**ROADWAY IMPROVEMENTS:** The proposed project is bounded by Yucca Trail to the north and an alley to the south and east. No off-site improvements are recommended as this project is located at an existing facility, and the existing road improvements are constructed at the appropriate locations.

The OTSP also identified a Highway Environs Overlay Zone. The Highway Environs Overlay Zone was created at that time to provide for thorough evaluation of the proposed SR 62 realignment through the Old Town area. With adoption of the General Plan in 2014, the proposed realignment of SR 62 through Old Town was eliminated. Therefore the Highway Environs zone is no longer applicable within the Old Town area. Future amendments to the OTSP should address this issue.

**ASSESSMENT DISTRICTS:** Staff is not recommending formation of maintenance assessment districts for this project, as this project is located at an existing facility.

**CIRCULATION & PARKING:** On site circulation as proposed includes one point of ingress/egress on Yucca Trail. Internal circulation provides access to required parking areas. The applicant is proposing five paved parking stalls and five unpaved parking stalls as part of the project

Rock and sand yards are not identified in the Parking Ordinance. Staff has figured the required number of parking stalls based upon the Salvage and Wrecking Yards requirement as this is the closest to the proposed use. The Salvage and Wrecking Yard requirement is one space per 5,000 square feet of lot area plus one per 300 feet of office and sales area. Staff has used the lot area requirement only to determine the number of stalls required, therefore nine (9) parking spaces are being required. All parking stalls shall be paved and striped in accordance with Ordinance 198 and parking shall meet ADA requirements.

**FLOOD CONTROL/DRAINAGE:** The property is located in a FEMA flood zone A, special flood hazard areas subject to inundation by the 1% annual chance flood, no base flood elevations determined.

**UTILITIES:** All new service lines shall be underground in conformance with Ordinance No. 233.

Each utility provider charges connection and service fees which are designed to include the need for additional facilities as growth occurs. The project applicant will be required to go through each utility company permitting processes, including SCE for street lighting.

Electrical services are provided by Southern California Edison. Natural gas services are provided to by The Gas Company. The Hi-Desert Water District (HDWD, District) serves the Town of Yucca Valley. Solid waste services are provided by Burrtec Inc. The

Town of Yucca Valley requires mandatory solid waste services and the project will be served by Burrtec.

**LANDSCAPING:** A conceptual landscape plan was provided with the application submittal. The applicant is proposing to install landscaping along Yucca Trail to include boulders, cactus and Red Yucca plants.

A final plan is required to be reviewed and approved by both the Town and Hi-Desert Water District.

**ENVIRONMENTAL CONSIDERATIONS:** The project was reviewed under the California Environmental Quality Act (CEQA). The project is exempt from CEQA under section 15301, existing facilities.

**GENERAL PLAN CONSIDERATION:** The project is designated Old Town Industrial Commercial (OTIC). This designation is intended to

The General Plan supports this project through the following goals and policies:

Policy LU 1-1

Encourage infill development to maximize the efficiency of existing and planned public services, facilities and infrastructure.

Policy LU 1-2

Require that adjacent land uses and development types complement one another.

Policy LU 1-15

Maintain Yucca Valley's position as the economic hub of the Morongo Basin. Support a broad range of commercial retail, service, office, business park, research and development, light industrial and industrial uses to provide employment opportunities and contribute to the Towns economic sustainability.

Policy LU 1-17

Encourage the renovation of existing commercial and industrial areas to improve appearance, environmental responsiveness, use of infrastructure and functionality.

**CONCLUSION:** Based upon the facts on the record, the project is consistent with the General Plan, the Development Code and the Old Town Specific Plan. Industrial type development was anticipated and planned for on this project site with adoption of the General Plan, and the development meets and satisfies the goals, policies and implementation strategies of the General Plan. The project, as designed, meets all requirements of the Development Code and no variances or deviations from adopted standards are required for approval.

**SITE PLAN REVIEW FINDINGS:**

- 1. That the location, size, design, density and intensity of the proposed development is consistent with the General Plan, the purpose of the land use district in which the site is located, and the development policies and standards of the Town;**

*The General Plan designation for this parcel is Old Town Industrial Commercial and the Zoning designation is Old Town Industrial Commercial-Highway Environs Overlay. The development of industrial type uses was anticipated and planned for on this project site with adoption of the General Plan, and the development meets and satisfies the goals, policies and implementation strategies of the General Plan.*

*The site is bounded by Yucca Trail to the north and an alley to the south and east. The property is surrounded by a rock and sand yard to the west, a recycling facility to the east and a mini-storage facility to the south. A vacant parcel and a Mobile Home Park are across Yucca Trail to the north.*

*Surrounding General Plan designations are Old Town Industrial Commercial and Med High Density Residential (MHDR) 8.1-14 units per acre to the north. The properties to the east, west and south of the project site are designated Old Town Industrial Commercial.*

*The surrounding Zoning designations are Old Town Industrial Commercial and Med High Density Residential (MHDR) 8.1-14 units per acre to the north. The properties to the east, west and south of the project site are designated Old Town Industrial Commercial.*

*The use is consistent with the uses identified in the OTSP and is appropriate at the proposed location, as there are similar uses with primary outside storage and business operations adjacent and in proximity to the project site.*

- 2. That the location, size, design and architectural design features of the proposed structures and improvements are compatible with the site's natural landform, surrounding sites, structures and streetscapes;**

*The site is bounded by Yucca Trail to the north and an alley to the south and east. The property is surrounded by a rock and sand yard to the west, a recycling facility to the east and a mini-storage facility to the south. A vacant parcel and a Mobile Home Park are across Yucca Trail to the north.*

*Surrounding General Plan designations are Old Town Industrial Commercial and Med High Density Residential (MHDR) 8.1-14 units per acre to the north. The properties to the east, west and south of the project site are designated Old Town Industrial Commercial.*

*The surrounding Zoning designations are Old Town Industrial Commercial and Med High Density Residential (MHDR) 8.1-14 units per acre to the north. The properties to the east, west and south of the project site are designated Old Town Industrial Commercial.*

*The site was developed several decades ago, and has operated with outside storage and the existing building during this time period. No significant changes are proposed with this project.*

- 3. That the proposed development produces compatible transitions in the scale, bulk, coverage, density and character of the development between adjacent land uses;**

*The site is bounded by Yucca Trail to the north and an alley to the south and east. The property is surrounded by a rock and sand yard to the west, a recycling facility to the east and a mini-storage facility to the south. A vacant parcel and a Mobile Home Park are across Yucca Trail to the north.*

*Surrounding General Plan designations are Old Town Industrial Commercial and Med High Density Residential (MHDR) 8.1-14 units per acre to the north. The properties to the east, west and south of the project site are designated Old Town Industrial Commercial.*

*The surrounding Zoning designations are Old Town Industrial Commercial and Med High Density Residential (MHDR) 8.1-14 units per acre to the north. The properties to the east, west and south of the project site are designated Old Town Industrial Commercial.*

*No new structure construction is proposed as part of the project. The existing building is consistent with buildings in the OTIC in this area of the OTSP.*

- 4. That the building site and architectural design is accomplished in an energy efficient manner;**

*The site is being developed consistent with adopted set back and building height standards, allowing opportunities to maximize energy efficiency and conservation measures in construction and building operations.*

*The proposed project is located on a site with an existing wood framed with stucco, one story structure with a flat roof.*

- 5. That the materials, textures and details of the proposed construction, to the extent feasible, are compatible with the adjacent and neighboring structures;**



*The existing structure materials, colors, textures, height and bulk are consistent with the Development Code and OTSP standards and requirements and are consistent with surrounding development patterns.*

*The proposed project is located on a site with an existing wood framed with stucco, one story structure with a flat roof.*

- 6. That the development proposal does not unnecessarily block views from other buildings or from public ways, or visually dominate its surroundings with respect to mass and scale to an extent unnecessary and inappropriate to the use;**

*The existing structure materials, colors, textures, height and bulk are consistent with the Development Code and OTSP standards and requirements and are consistent with surrounding development patterns.*

*The proposed project is located on a site with an existing wood framed with stucco, one story structure with a flat roof.*

- 7. That the amount, location, and design of open space and landscaping conforms to the requirements of the Development Code, enhances the visual appeal and is compatible with the design and functions of the structure(s), site and surrounding area;**

*The proposed landscape plans indicate that a mix of cactus, Red Yucca and boulders will be installed along Yucca Trail. There are no native plants located on the site. This is consistent with Development Code requirements and compatible with surrounding development patterns.*

- 8. That quality in architectural design is maintained in order to enhance the visual environment of the Town and to protect the economic value of existing structures;**

*The proposed project is located on a site with an existing wood framed with stucco, one story structure with a flat roof.*

- 9. That there are existing public facilities, services, and utilities available at the appropriate levels and/or that new or expanded facilities, services and utilities shall be required to be installed at the appropriate time to serve the project as they are needed;**

*The project is an existing facility that is being renovated and utilities are existing on the project site.*

*Each utility provider charges connection and service fees which are designed to include the need for additional facilities as growth occurs. The project applicant will be required to pay these fees as applicable.*

*Electrical services are provided by Southern California Edison. Natural gas services are provided to by The Gas Company. The Hi-Desert Water District (HDWD, District) serves the Town of Yucca Valley. Solid waste services are provided by Burrtec Inc. The Town of Yucca Valley requires mandatory solid waste services and the project will be served by Burrtec.*

- 10. That access to the site and circulation on and off-site is required to be safe and convenient for pedestrians, bicyclists, equestrians and motorists;**

*On site circulation as proposed includes one points of ingress/egress along Yucca Trail. Driveway entrances are proposed at 30' and drive aisles are proposed at 26' meeting Town and Fire Department standards. Internal circulation provides access to required parking. The project contains the necessary on-site improvements as well as overall parking design and layout. A total of ten parking spaces are proposed for the project including 1 ADA designated parking space. Staff finds the project adequately parked and consistent with the Development Code and the OTSP. Existing improvements on Yucca Trail are developed to their ultimate widths.*

- 11. That traffic generated from the proposed project has been sufficiently addressed and mitigated and will not adversely impact the capacity and physical character of surrounding streets;**

*The project contains one point of ingress/egress and provides sufficient parking consistent with Development Code requirements. No negative impacts created by the project have been identified, including traffic impacts.*

- 12. That traffic improvements and/or mitigation measures have been applied or required in a manner adequate to maintain a Level of Service C or better on arterial roads, where applicable, and are consistent with the Circulation Element of the Town General Plan;**

*The project contains one point of ingress/egress and provides sufficient parking consistent with Development Code requirements. No negative impacts created by the project have been identified, including traffic impacts.*

- 13. That there will not be significant harmful effects upon environmental quality and natural resources including endangered, threatened, rare species, their habitat, including but not limited to plants, fish, insects, animals, birds or reptiles;**

*The property is a one acre site that previously contained a recycling facility. The property has an existing structure of 3,200 square feet and has been cleared of vegetation. No negative impacts created by the project have been identified, including biological resources.*

- 14. That there are no other relevant or anticipated negative impacts of the proposed use that cannot be mitigated and reduced to a level of non-significance in conformance with CEQA, the California Environmental Quality Act;**

*The property is a one acre site that previously contained a recycling facility. The property has an existing structure of 3,200 square feet and has been cleared of vegetation. No negative impacts created by the project have been identified, including biological resources.*

*The site has been developed and operating in the existing configuration for years. The transition to a use which proposed outside storage of sand and rock materials is consistent with prior use of the property.*

- 15. That the impacts which could result from the proposed development, and the proposed location, size, design and operating characteristics of the proposed development, and the conditions under which it would be operated or maintained will not be detrimental to the public health, safety and welfare of the community or be materially injurious to properties or improvements in the vicinity or be contrary to the adopted General Plan; and**

*The General Plan designation for this parcel is Old Town Industrial /Commercial and the Zoning designation is Open Space. The development of industrial uses was anticipated and planned for on this project site with adoption of the General Plan, and the development meets and satisfies the goals, policies and implementation strategies of the General Plan.*

*The site is bounded by Yucca Trail to the north and an alley to the south and east. The property is surrounded by a rock and sand yard to the west, a recycling facility to the east and a mini-storage facility to the south. A vacant parcel and a Mobile Home Park are across Yucca Trail to the north.*

*Surrounding General Plan designations are Old Town Industrial Commercial and Med High Density Residential (MHDR) 8.1-14 units per acre to the north. The properties to the east, west and south of the project site are designated Old Town Industrial Commercial.*

*The surrounding Zoning designations are Old Town Industrial Commercial and Med High Density Residential (MHDR) 8.1-14 units per acre to the north. The properties to*

*the east, west and south of the project site are designated Old Town Industrial Commercial.*

*The project is located on a property that is developed with an existing structure consistent with adopted set back and building height standards, allowing opportunities to maximize energy efficiency and conservation measures in construction and building operations.*

*The existing structure is a wood framed with stucco, one story structure with a flat roof.*

*The project is located at an existing facility and utilities are existing on the project site.*

*Each utility provider charges connection and service fees which are designed to include the need for additional facilities as growth occurs. The project applicant will be required to pay these fees as applicable.*

*Electrical services are provided by Southern California Edison. Natural gas services are provided to by The Gas Company. The Hi-Desert Water District (HDWD, District) serves the Town of Yucca Valley. Solid waste services are provided by Burrtec Inc. The Town of Yucca Valley requires mandatory solid waste services and the project will be served by Burrtec.*

*On site circulation as proposed includes one point of ingress/egress along Yucca Trail. Driveway entrances are proposed at 30' and drive aisles are proposed at 26' meeting Town and Fire Department standards. Internal circulation provides access to required parking. The project contains the necessary on-site improvements as well as overall parking design and layout.*

*A total of ten parking spaces are proposed for the project including 1 ADA designated parking spaces. No negative impacts created by the project have been identified, including biological resources.*

- 16. That the proposed development will comply with each of the applicable provisions of this code, and applicable Town policies; except approved variances.**

*The project, as designed, complies with the standards and requirements set forth in the Yucca Valley Development Code, OTSP and the adopted General Plan policies, as identified and set forth in this Staff Report.*

**Attachments:**

1. Application Materials
2. Standard Exhibits
3. Site Plan & Preliminary Landscape Plan
4. General Plan Land Use Policies
5. Notice of Exemption

**TOWN OF YUCCA VALLEY  
CONDITIONS OF APPROVAL  
ENVIRONMENTAL ASSESSMENT, EA 01-13  
SITE PLAN REVIEW, SPR 01-13  
BILLINGS TRANSFER, INC**

This approval is for the development of a rock, gravel and sand yard on a property that contains an existing 3,200 square foot building. The project includes 21 concrete block bins for the storage and display of material, 5 paved and 5 unpaved parking spaces and landscaping. The project is located at 55525 Yucca Trail, APN: 586-381-04.

**GENERAL CONDITIONS**

- G1. The applicant shall agree to defend, indemnify and hold harmless the Town of Yucca Valley, its agents, officers and employees, at his sole expense, against any action, claim or proceedings brought against the Town or its agents, officers or employees, to attack, set aside, void, or annul this approval or because of the issuance of such approval, or in the alternative, to relinquish such approval, in compliance with the Town of Yucca Valley Development Code. The applicant shall reimburse the Town, its agents, officers, or employees for any court costs, and attorney's fees which the Town, its agents, officers or employees may be required by a court to pay as a result of such action. The Town may, at its sole discretion, participate at its own expense in the defense of any such action but such participation shall not relieve applicant of his obligations under this condition. The Town shall promptly notify the applicant of any claim, action or proceedings arising from the Town's approval of this project, and the Town shall cooperate in the defense.
- G2. This Site Plan Review shall become null and void if construction has not commenced within three (3) years of the Town of Yucca Valley date of approval. Extensions of time may be granted by the Planning Commission, in conformance with the Town of Yucca Valley Development Code. The applicant is responsible for the initiation of an extension request.

**SPR 01-13 Approval Date: August 12, 2014**

**SPR 01-13 Expiration Date: August 12, 2017**

- G3. The applicant shall ascertain and comply with requirements of all State, County, Town and local agencies as are applicable to the project. These include, but are not limited to, County of San Bernardino Environmental Health Services, County of San Bernardino Transportation/Flood Control, County of San Bernardino Fire Department, Yucca Valley Building and Safety, Caltrans, High Desert Water District, Airport Land Use Commission, California Regional Water Quality Control Board, Colorado River Region, the Federal Emergency Management Agency,

MDAQMD-Mojave Desert Air Quality Management District, Community Development, Engineering, and all other Town Departments.

- G4. All conditions are continuing conditions. Failure of the applicant to comply with any or all of said conditions at any time may result in the revocation of any construction permits for the project.
- G5. No on-site or off-site work shall commence without obtaining the appropriate permits for the work required by the Town and the appropriate utilities. The approved permits shall be readily available on the job site for inspection by Town personnel.
- G6. The applicant shall pay all fees charged by the Town as required for application processing, plan checking, construction and/or inspections. The fee amounts shall be those which are applicable and in effect at the time work is undertaken and accomplished. Fees for entitlement prior to construction permits are based on estimated costs for similar projects. Additional fees may be incurred, depending upon the specific project. If additional fees for services are incurred, they must be paid prior to any further processing, consideration, or approval(s).
- G7. All improvements shall be inspected by the Town as appropriate. Any work completed without proper inspection may be subject to removal and replacement under proper inspection.
- G8. All refuse shall be removed from the premises in conformance with Yucca Valley Town Code 33.083.
- G9. During construction, the Applicant shall be responsible to sweep public paved roads adjacent to the project as necessary and as requested by the Town to eliminate any site related dirt and debris within the roadways. During business activities, the applicant shall keep the public right-of-way adjacent to the property in a clean and sanitary condition.
- G10. No staging of construction equipment or parking of worker's vehicles shall be allowed within the public right-of-way of streets or other public improvements that have been accepted into the Town's maintained system
- G11. All existing street and property monuments within or abutting this project site shall be preserved consistent with AB 1414. If during construction of onsite or offsite improvements monuments are damaged or destroyed, the applicant shall retain a qualified licensed land surveyor or civil engineer to reset those monuments per Town Standards and file the necessary information with the County Recorder's office as required by law (AB 1414).
- G12. Each phase of the project shall function independently of all other phases. All improvements shall be completed for each phase to ensure that each phase functions separate from the remainder of the project, and shall include, but not be

limited to, street improvements, drainage and retention/detention facilities, water delivery systems, fire suppressions systems, post construction erosion and sediment control systems, all utilities necessary to serve the project, and those improvements deemed necessary by the Town. All phasing plans shall be illustrated on rough and precise grading plans, erosion and sediment control plans, all plan required for obtaining native plant plan approval, and on any other plan as deemed necessary by the Town.

- G13. At the time of permit issuance the applicant shall be responsible for the payment of fees associated with electronic file storage of documents
- G14. The Applicant shall reimburse the Town for the Town's costs incurred in monitoring the developer's compliance with the Conditions of Approval including, but not limited to, inspections and review of developer's operations and activities for compliance with all applicable dust and noise operations. This condition of approval is supplemental and in addition to normal building permit and public improvement permits that may be required pursuant to the Yucca Valley Municipal Code.
- G15. Prior to the issuance of a Certificate of Occupancy for any habitable structure in each phase of the project, all improvements shall be constructed, final inspection performed, punch-list items completed, and all installations approved by the appropriate agency.
- G16. For any import or export of material, the Project proponent shall provide the following for review by the Town Engineer: the route of travel, number of trucks, daily schedule, and length of time required. No hauling of material shall begin without the Town Engineer's approval.
- G17. Prior to any work being performed within the public right-of-way, the Project proponent shall provide the name, address, telephone, facsimile number, and e-mail address of the Contractor to perform the work. A description of the location, purpose, method of construction, and surface and subsurface area of the proposed work shall be supplied. A plat showing the proposed location and dimensions of the excavation and the facilities to be installed, maintained, or repaired in connection with the excavation, shall be provided and such other details as may be required by the Town Engineer.
- G18. The site shall be developed in accordance with the approved plans on file with the Town of Yucca Valley, in accordance with the Conditions of Approval approved for the project, and in accordance with the General Plan and Development Code. Prior to any use of the project site or business activity being commenced thereon, all Conditions of Approval shall be completed to the satisfaction of the Town.

- G19. Prior to issuances of building permits, all site plans, grading plans, landscape and irrigation plans, drainage/flood control plans, public improvement plans, erosion and sediment control plans, shall be coordinated for consistency with this approval.
- G20. The Town may allow phased construction of the project provided that the improvements necessary to adequately serve or mitigate the impacts of each phase of development are completed prior to the issuance of a Certificate of Occupancy for that phase.
- G21. The applicant or the applicant's successor-in-interest shall be responsible for maintaining any undeveloped portion of the site in a manner that provides for the control of weeds, erosion and dust.
- G22. If archaeological, paleontological or historical resources are uncovered during excavation or construction activities at the project site, work in the affected area will cease immediately and a qualified person with appropriate expertise shall be consulted by the applicant regarding mitigation measures to preserve or record the find. Recommendations by the consultant shall be implemented as deemed necessary and feasible by the Town before work commences in the affected area. If human remains are discovered, work in the affected area shall cease immediately and the County Coroner shall be notified. If it is determined that the remains might be those of a Native American, the California Native American Heritage Commission shall be notified and appropriate measures provided by State law shall be implemented.
- G23. All street dedications shall be irrevocably offered to the public and shall continue in force until the Town accepts or abandons such offers. All dedications shall be free of all encumbrances as approved by the Town Engineer.
- G24. The street design and circulation pattern of this project shall be coordinated with adjoining developments.
- G25. Violations of any condition or restriction or prohibition set forth in these conditions, including all approved construction plans, public and private, for this project and subject to the Town's overall project approval and these conditions of approval, shall subject the owner, applicant, developer or contractor(s) to the remedies as noted in the Municipal Code. In addition, the Town Engineer or Building Official may suspend all construction related activities for violation of any condition, restriction or prohibition set forth in these conditions until such time as it has been determined that all operations and activities are in conformance with these conditions.



## PLANNING CONDITIONS

- P1. The development of the property shall be in conformance with FEMA and the Town's Floodplain Management Ordinance requirements. Adequate provision shall be made to intercept and conduct the existing tributary drainage flows around or through the site in a manner that will not adversely affect adjacent or downstream properties at the time the site is developed. Protection shall be provided by constructing adequate drainage facilities, including, but not limited to modifying existing facilities or by securing a drainage easement.
- P2. Utility undergrounding shall be in accordance with Ordinance 233, or as amended.
- P3. All exterior lighting shall comply with the Ordinance 90, Outdoor Lighting and shall be illustrated on all construction plans.
- P4. Prior to the issuance of any permits the applicant/owner shall provide three (3) copies of a landscape and irrigation plan showing the size, type and location of all plant and irrigation systems. Said irrigation system shall incorporate a permanent automatic irrigation system, and all landscaping and irrigation systems shall be maintained in good condition at all times. All ground within proposed landscape planter areas shall be provided with approved ground cover. This shall include but not be limited to drought-tolerant plant materials or colored desert rock. The Landscape Plan shall be approved by Hi-Desert Water District. The Landscape and Irrigation review requires a separate application and a current Town fee of \$685. **The final Landscape and Irrigation Plan shall be reviewed and approved by the Planning Commission prior to the issuance of any permits.**
- P5. **Applicant shall construct a trash enclosure in compliance with Ordinance 40 of the Town's Development Code.**
- P6. **The applicant shall pay their portion of the Gateway Reimbursement District in the amount of \$15,039.**
- P7. Parking and on-site circulation requirements shall be provided and maintained as identified on the approved site plan. Areas reserved for access drive and/or fire lanes shall be clearly designated.
- a) Any occupancy, which requires additional parking that has not been provided for through this Site Plan Review, shall not be approved until a revision is submitted for review and approval showing the additional parking.
  - b) All marking to include parking spaces, directional designation, no parking designation and fire lane designations shall be clearly defined and said

marking shall be maintained in good condition at all times. The Town Traffic Engineer shall approve all signage and markings for the circulation related signage.

- c) All paved parking stalls shall be clearly striped and permanently maintained with double or hairpin lines with the two lines being located an equal 9 inches on either side of the stall sidelines. All regular parking stalls be a minimum 9' x 19'.
- d) A minimum of nine (9) parking spaces shall be provided.

**P8. The applicant shall install slatting in the chain link fence surrounding the project.**

**P9. Applicant shall return to the Planning Commission within 90 days for review of the soils investigation report.**

## **ENGINEERING CONDITIONS**

**E1. The Applicant's engineer shall provide a signed and stamped letter certifying that the proposed improvements will not adversely affect the floodway. Pursuant to the Town's Floodplain Ordinance, not causing an adverse affect means the cumulative effect of the proposed development when combined with all other all other existing and anticipated development will not increase the water surface elevation of the base flood one foot or more. As part of the Floodplain Ordinance the Flood Plain Administrator is required to notify state and federal agencies of development within the floodplain if the Base Flood Elevation is changed due to physical alterations. The Applicants engineer shall be responsible to provide backup information, if requested by such state and federal agencies, supporting his certification.**

**E2. The applicant shall apply for a Town encroachment permit for any new driveways proposed with the development.**

**E3 Any grading or drainage onto private off-site or adjacent property shall require a written permission to grade and/or a permission to drain letter from the affected property owner.**

**E4. No on-site or off-site work shall commence without obtaining the appropriate permits for the work involved from the Town. The approved permits shall be readily available on the job-site for inspection by the Town personnel.**

- E5. All grading activities shall minimize dust through compliance with MDAQMD Rules 402 and 403.
- E6. The Applicant shall accept and properly dispose of all off-site drainage flowing onto or through the site.
- E7. The Applicant shall install all water and sewer systems required to serve the project. All water and sewer systems shall be completed to the requirements of the Hi Desert Water District.
- E8. The Applicant shall observe the construction and operation of this project to make certain that no damage or potential for damage occurs to adjacent roadway, existing improvements, adjacent property and other infrastructure. The applicant shall be responsible for the repair of any damage occurring to offsite infrastructure and/or property damage as determined by the Town Engineer. The applicant shall repair any such damage prior to certificate of occupancy. If the damage is such that it is not repairable within a reasonable amount of time as determined by the Town Engineer, the applicant may petition the Town Engineer for additional conditions that may allow him the time, amount of surety and other requirements to repair the damage.
- E9. The septic system shall be maintained so as not to create a public nuisance and shall be serviced by a DEHS permitted pumper. Soil testing for the subsurface disposal system shall meet the requirements of the Department of Environmental Health Services. Applicant shall submit a minimum of three (3) copies of percolation reports for the project site and an appropriate fee to DEHS for review and approval, a copy of the cover sheet with an approval stamp to Building and Safety Division at the time of building permit application, and two (2) copies of the approved percolation report to the Building and Safety Division at the time of construction plan check. The location of the septic system shall be shown on the project grading plans. **It shall be the developer's responsibility to ensure that the location of the septic system and any proposed underground stormwater collection system meet applicable codes related to separation distances.**
- E10. It is understood that the Site Plan Review plans correctly show all existing easements, traveled ways and drainage courses, and that their omission may require the Site Plan Review plans to be resubmitted for further consideration.
- E11. All street closures must be approved by Town Council action.
- E12. Any grading or drainage onto private off-site or adjacent property shall require a written permission to grade and/or a permission to drain letter from the affected property owner.

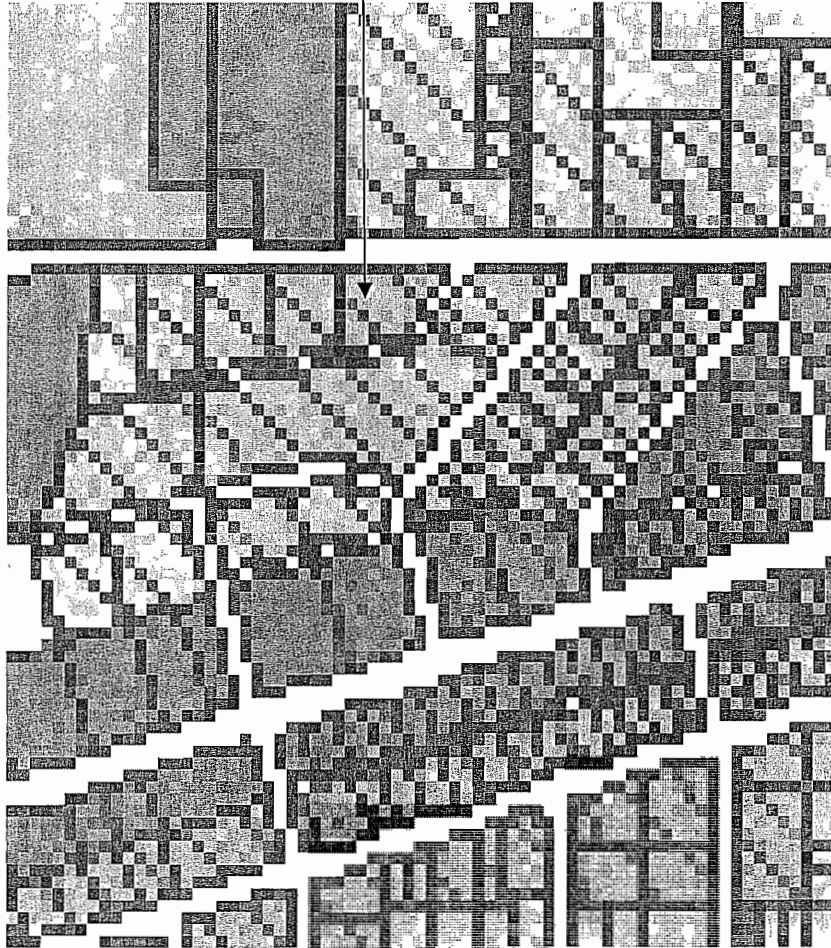
I HEREBY CERTIFY THAT THE APPROVED CONDITIONS OF APPROVAL WILL BE SATISFIED PRIOR TO OR AT THE TIMEFRAMES SPECIFIED AS SHOWN ABOVE. I UNDERSTAND THAT FAILURE TO SATISFY ANY ONE OF THESE CONDITIONS WILL PROHIBIT THE ISSUANCE OF ANY PERMIT OR ANY FINAL MAP APPROVAL.

Applicant's Signature \_\_\_\_\_ Date \_\_\_\_\_

# TOWN OF YUCCA VALLEY

PROJECT NO.: SITE PLAN REVIEW, SPR 01-13 BILLINGS TRANSFER

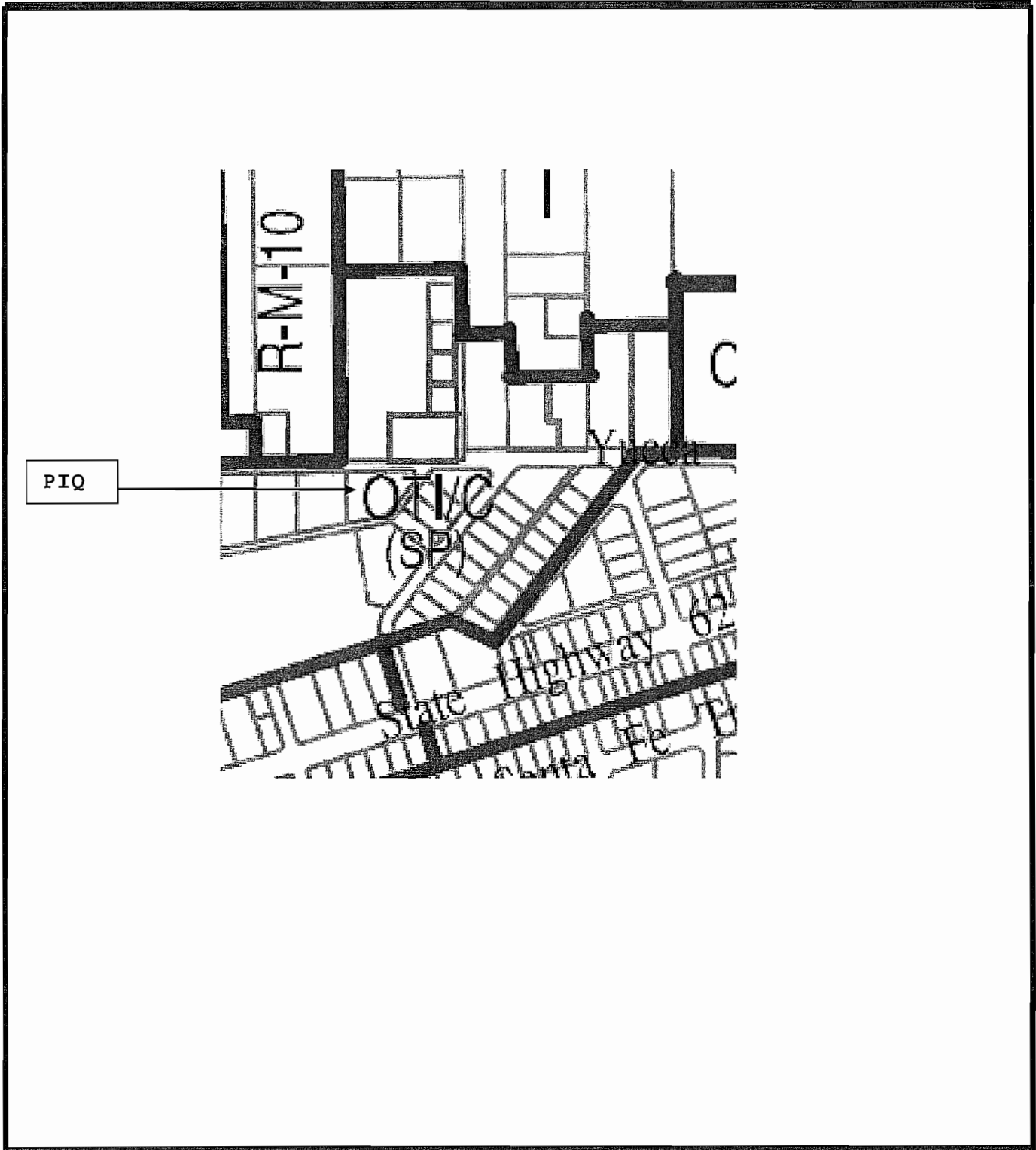
PIQ



GENERAL PLAN LAND USE MAP

# TOWN OF YUCCA VALLEY

PROJECT NO.: SITE PLAN REVIEW, SPR 01-13 BILLINGS TRANSFER



# TOWN OF YUCCA VALLEY

PROJECT NO.: SITE PLAN REVIEW, SPR 01-13 BILLINGS TRANSFER



**AERIAL PHOTO**

# TOWN OF YUCCA VALLEY

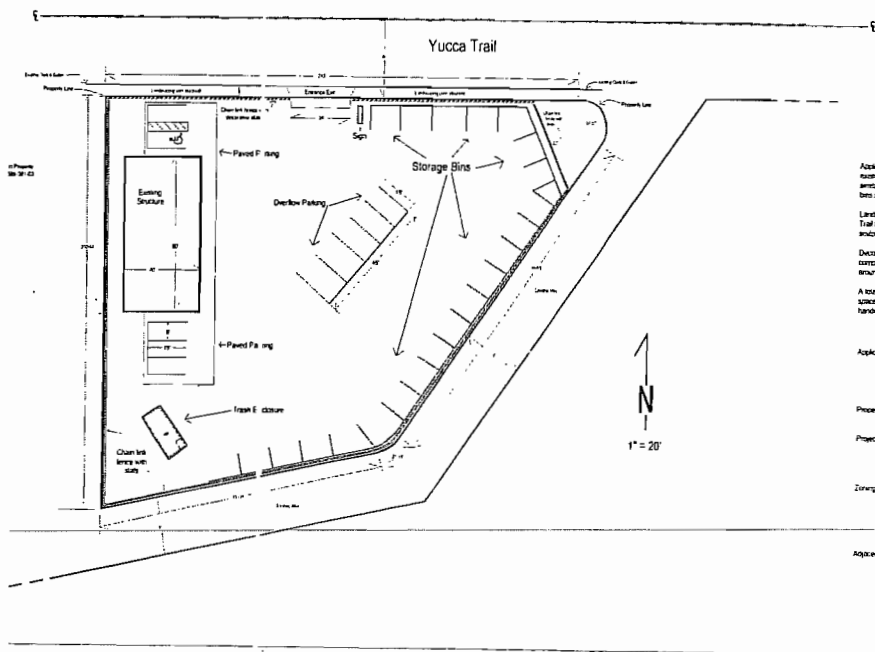
PROJECT NO.: SITE PLAN REVIEW, SPR 01-13 BILLINGS TRANSFER

**Billings Transfer, Inc.**

55525 Yucca Trail  
APN 0586-381-04

Site Plan Review

Prepared for  
Town of Yucca Valley Planning Commission  
Change of Use - Surface/Gravel Storage and Sales Facility



**Project Description**

Applicant Robert Billings of Billings Transfer, Inc. proposes a change of use to utilize the existing structure and property for storage and sales of rock, sand, gravel, limestone and other construction materials. Materials offered for sale will be stored in the storage bins shown on the site plan.

Landscaping, as shown on the attached landscape plan, will be placed along the Yucca Trail frontage and will consist of a combination of drought resistant shrubs and plant structures.

Decorative fence materials will also be placed along the Yucca Trail frontage to complement the landscaping. Chain-link fencing with steel will provide no net relief around the perimeter of the property as shown on the site plan.

A total of ten (10) customer parking spaces will be provided. Five (5) paved parking spaces and five unpaved spaces, as shown on the site plan. One (1) space will be handicapped accessible per the requirements of the Americans With Disabilities Act (ADA).

**Applicant:**  
Billings Transfer, Inc.  
P.O. Box 214  
Yucca Valley, CA 92286  
billings@billings.com

**Property Owner:**  
Jan Hagman

**Project Site:**  
55525 Yucca Trail  
Yucca Valley, CA 92284  
South west of Yucca Trail west of Hays Trail

**Zoning/General Plan Designation:**  
Site: C1MC  
North: C1MC  
South: C1MC  
East: C1MC  
West: C1MC

**Adjacent Uses:**  
North: Vacant  
South: Self-storage  
East: Recycling Center  
West: Residential Sales

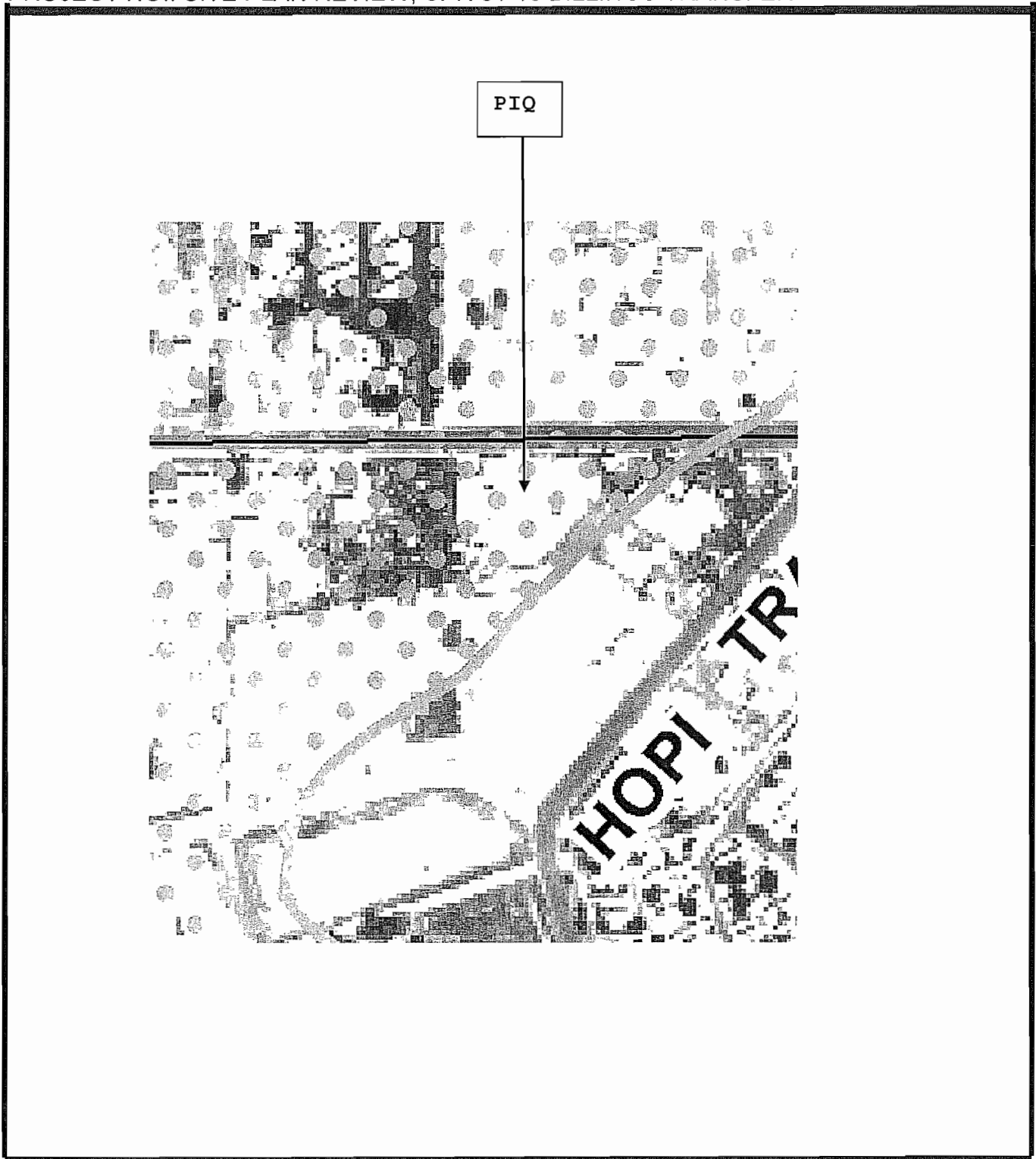
Site Plan Prepared by:  
Robert Billings  
P.O. Box 214  
Yucca Valley, CA 92286  
Phone: 951-810-  
Fax: 951-810-  
E-mail: billings@billings.com

## SITE PLAN



# TOWN OF YUCCA VALLEY

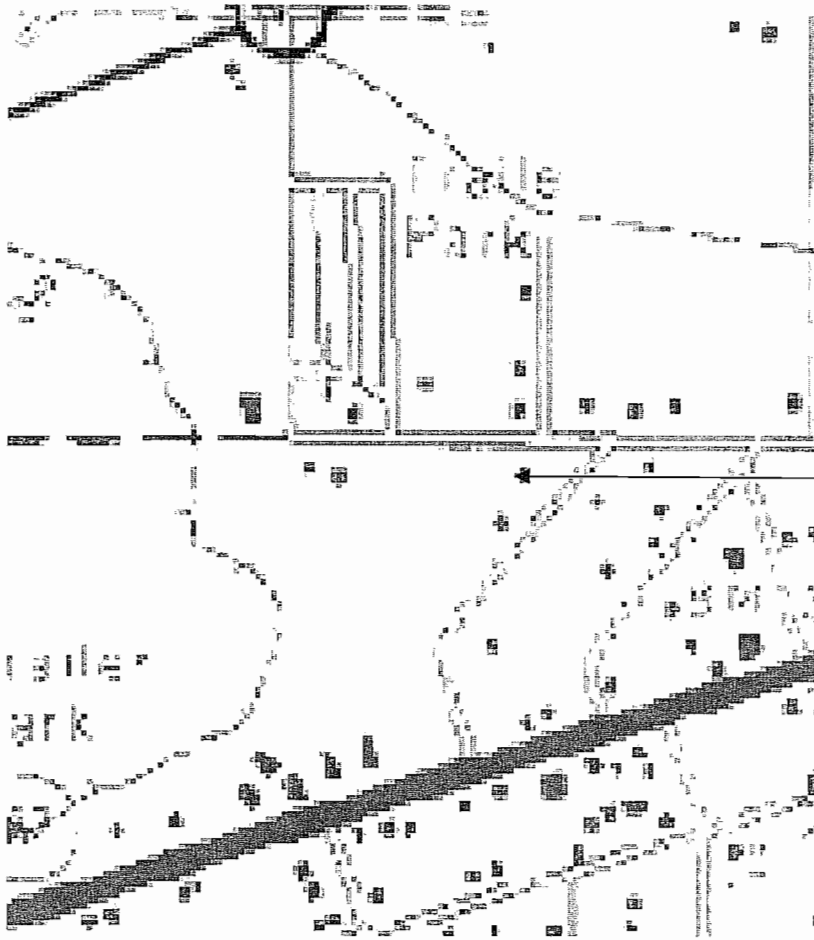
PROJECT NO.: SITE PLAN REVIEW, SPR 01-13 BILLINGS TRANSFER



FEMA FLOOD MAP

# TOWN OF YUCCA VALLEY

PROJECT NO.: SITE PLAN REVIEW, SPR 01-13 BILLINGS TRANSFER



PIQ

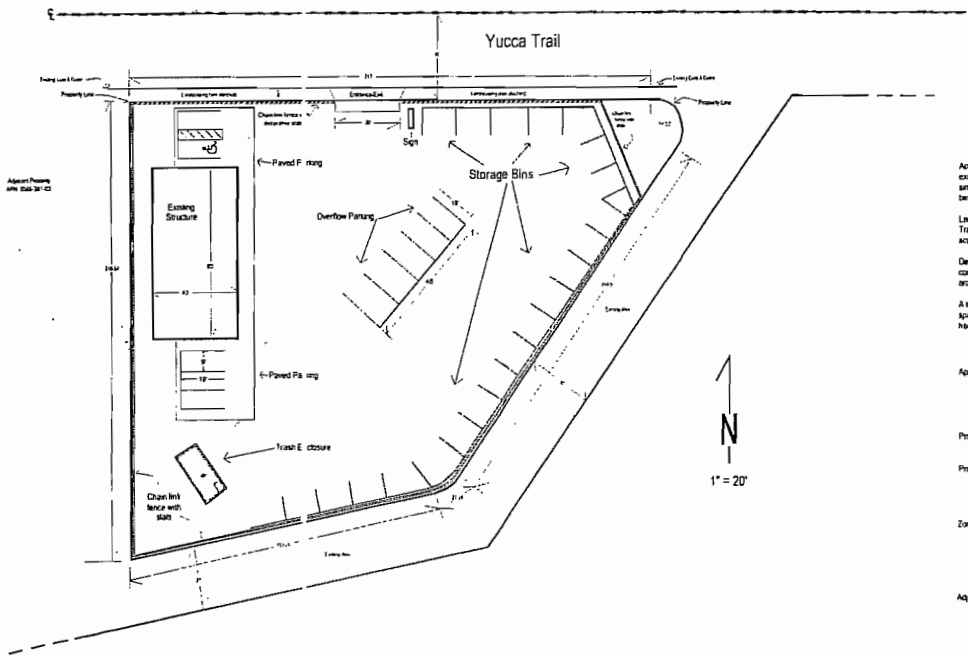
ALQUIST PRIOLO MAP

# Billings Transfer, Inc.

55525 Yucca Trail  
 APN 0586-381-04

## Site Plan Review

Prepared for  
 Town of Yucca Valley Planning Commission  
 Change of Use - Sand/Gravel/Rock storage and sales facility



### Project Description

Applicant Robert Billings of Billings Transfer, Inc. proposes a change of use to utilize the existing structure and property for storage and sales of rock, sand, gravel, boulders and similar construction materials. Materials offered for sale will be stored in the storage bins shown on the site plan.

Landscaping, as shown in the attached landscape plan, will be placed along the Yucca Trail frontage and will consist of a combination of drought tolerant plants and year-round shrubs.

Decorative fence materials will also be placed along the Yucca Trail frontage to complement the landscaping. Chain-link fencing with slats will provide visual relief around the perimeter of the property as shown on the site plan.

A total of ten (10) customer parking spaces will be provided, five (5) paved parking spaces and five unpaved spaces, as shown on the site plan. One (1) space will be handicapped accessible per the requirements of the Americans With Disabilities Act (ADA).

**Applicant:**  
 Billings Transfer, Inc.  
 P.O. Box 314  
 Yucca Valley, CA 92286  
 btlng@att.net

**Priority Owner:**  
 Joel Hughes

**Project Site:**  
 55525 Yucca Trail  
 Yucca Valley, CA 92284  
 South west of Yucca Trail, west of Hays Trail

**Zoning/General Plan Designation:**  
 Site: DTIC  
 North: OTAC  
 South: DTIC  
 East: DTIC  
 West: DTIC

**Acquired Uses:**  
 North: Vacant  
 South: Self-storage  
 East: Recycling Center  
 West: Rock/Sand Sales

Site Plan Prepared by:  
 Robert Billings  
 P.O. Box 314  
 Yucca Valley, CA 92286  
 Prepared July 14, 2011  
 File Number: 0586-381-04  
 Date of Approval: December 29, 2011



Site Plan Review Application

Date Received 2-7-13
By Robert
Fee 11,500
Case # SPR 01-13
EA # EA 01-13

General Information

APPLICANT Billings Transfer, Inc Phone 760 910-4425 Fax 866-533-1233
Mailing Address PO Box 314 Email billingstransfer@yahoo.com
City Yucca Valley State CA Zip 92286

REPRESENTATIVE Phone Fax
Mailing Address Email
City State ZIP

PROPERTY OWNER Joel Hughes Phone 760-228-1127 Fax
Mailing Address Email
City State Zip

Project Information

Project Address 55525 Yucca TR Assessor Parcel Number(s) 058 638-104
Project Location South side of Yucca TR, West of Hopi TR.
Project Description: Rock, gravel and sand display and sales

Please attach any additional information that is pertinent to the application.

Town of Yucca Valley
Community Development Department
Planning Division
58928 Business Center Dr
Yucca Valley, CA 92284
760 369-6575 Fax 760 228-0084
www.yucca-valley.org

Environmental Assessment

1. Property boundaries, dimensions and area (also attach an 8 1/2 x 11" site plan):  
Approximately one acre, Parcel map attached
2. Existing site zoning: OT1/C 3. Existing General Plan designation: OT1/C (SP)
4. Precisely describe the existing use and condition of the site: \_\_\_\_\_
5. Existing Zoning of adjacent parcels:  
North OT1/C South OT1/C East OT1/C West OT1/C
6. Existing General Plan designation of adjacent parcels:  
North OT1/C South OT1/C East OT1/C West OT1/C
7. Precisely describe existing uses adjacent to the site: Recycling center, Mini Storage; Commercial and industrial uses.
8. Describe the plant cover found on the site, including the number and type of all protected plants: One Cottonwood tree

**Note:** Explain any "Yes" or "Maybe" responses to questions below. If the information and responses are insufficient or not complete, the application may be determined incomplete and returned to the applicant.

Yes Maybe No

- |                          |                                     |                                     |   |
|--------------------------|-------------------------------------|-------------------------------------|---|
| <input type="checkbox"/> | <input type="checkbox"/>            | <input checked="" type="checkbox"/> | 9. Is the Site on filled or slopes of 15% or more or in a canyon? (A geological and/or soils Investigation report is required with this application.)               |
| <input type="checkbox"/> | <input type="checkbox"/>            | <input checked="" type="checkbox"/> | 10. Has the site been surveyed for historical, paleontological or archaeological resources? (If yes, a copy of the survey report is to accompany this application.) |
| <input type="checkbox"/> | <input type="checkbox"/>            | <input checked="" type="checkbox"/> | 11. Is the site within a resource area as identified in the archaeological and historical resource element?   |
| <input type="checkbox"/> | <input type="checkbox"/>            | <input checked="" type="checkbox"/> | 12. Does the site contain any unique natural, ecological, or scenic resources?  |
| <input type="checkbox"/> | <input type="checkbox"/>            | <input checked="" type="checkbox"/> | 13. Do any drainage swales or channels border or cross the site?  |
| <input type="checkbox"/> | <input type="checkbox"/>            | <input checked="" type="checkbox"/> | 14. Has a traffic study been prepared? (If yes, a copy of the study is to accompany this application.)  |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/>            | 15. Is the site in a flood plain? (See appropriate FIRM)  |

**Project Description**

Complete the items below as they pertain to your project. Attach a copy of any plans submitted as part of the project application and any other supplemental information that will assist in the review of the proposed project pursuant to CEQA.

**1. Commercial, Industrial, or Institutional Projects:**

- A. Specific type of use proposed: Rock, gravel and sand display/sales
- B. Gross square footage by each type of use: \_\_\_\_\_
- C. Gross square footage and number of floors of each building: 3200 S.F.  
one floor
- D. Estimate of employment by shift: 1-2, generally daytime hours
- E. Planned outdoor activities: Display of rock, gravel and sand

2. Percentage of project site covered by:  $\frac{\text{Current}}{\text{Proposed}}$   
 $\frac{2}{5}$  % Paving,  $\frac{8}{8}$  % Building,  $\frac{0}{5}$  % Landscaping,  $\frac{0}{5}$  % Parking

3. Maximum height of structures 14 ft. \_\_\_\_\_ in.

4. Amount and type of off street parking proposed:  $\frac{5 \text{ paved (IADA)}}{5 \text{ unpaved}}$

5. How will drainage be accommodated? \_\_\_\_\_  
Drainage toward southwest portion of  
property

6. Off-site construction (public or private) required to support this project: \_\_\_\_\_  
None

7. Preliminary grading plans estimate 0 cubic yards of cut and 0 cubic yards of fill

8. Description of project phasing if applicable: \_\_\_\_\_  
N/A

9. Permits or public agency approvals required for this project: Town SPR

10. Is this project part of a larger project previously reviewed by the Town? If yes, identify the review process and associated project title(s) \_\_\_\_\_  
No

11. During construction, will the project: (Explain any "yes" or "maybe" responses to questions below – attach extra pages if necessary.)

**Yes Maybe No**

- A. Emit dust, ash, smoke, fumes or odors?
- B. Alter existing drainage patterns?
- C. Create a substantial demand for energy or water?
- D. Discharge water of poor quality?
- E. Increase noise levels on site or for adjoining areas?
- F. Generate abnormally large amounts of solid waste or litter?
- G. Use, produce, store, or dispose of potentially hazardous materials such as toxic or radioactive substances, flammable or explosives?
- H. Require unusually high demands for such services as police, fire, sewer, schools, water, public recreation, etc.
- I. Displace any residential occupants?

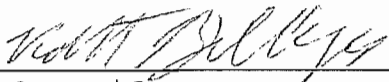
**Certification**

I hereby certify that the information furnished above, and in the attached exhibits, is true and correct to the best of my knowledge and belief.

Signature:  Date: 2-6-13

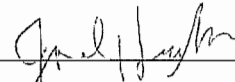
**Owner/Applicant Authorization**

**Applicant/Representative:** I/We have reviewed this completed application and the attached material. The information included with this application is true and correct to the best of my/our knowledge. I/We further understand that the Town may not approve the application as submitted, and may set conditions of approval. Further, I/We understand that all documents, maps, reports, etc., submitted with this application are deemed to be public records. This application does not guarantee approval or constitute a building permit application. Additional fees may be required depending on additional administrative costs.

Signed:   
Date: 2-6-13

**Property Owner:** I/We certify that I/We are presently the legal owner(s) of the above described property (If the undersigned is different from the legal property owner, a letter of authorization must accompany the form). Further, I/We acknowledge the filing of this application and certify that all of the above information is true and accurate. I/We understand that I/We are responsible for ensuring compliance with conditions of approval. I/We hereby authorize the Town of Yucca Valley and or/its designated agent(s) to enter onto the subject property to confirm the location of existing conditions and proposed improvements including compliance with applicable Town Code Requirements. Further, I/We understand that all documents, maps, reports, etc., submitted with this application are deemed to be public records. This application does not guarantee approval or constitute a building permit application. Additional fees may be required depending on additional administrative costs. I am hereby authorizing

\_\_\_\_\_ to act as my agent and is further authorized to sign any and all documents on my behalf.

Signed:   
Dated: 2-6-2013



**Agreement to Pay All Development Application Fees**

In accordance with Town Council Resolution 04-38 the Town collects certain fees based on the actual cost of providing service. The application deposit for this project (as indicated below) may not cover the total cost of processing this application. I/We are aware that if the account has 25% or less remaining prior to completion of the project, staff will notify the undersigned in writing, of the amount of additional deposit required to complete the processing of the application, based on Staff's reasonable estimate of the hours remaining to complete this application process.

Further, I understand that if I do not submit the required additional deposit to the Town within 15 business days from the date of notification by the Town, the Town will cease processing of the application and/ or not schedule the project for action by the Planning Commission or Town Council until the fees have been paid.

Any remaining deposit will be refunded to me at time of closeout after I have submitted any required approved project plans and forms, including signed conditions of approval, or upon my written request to withdraw the application.

As the applicant, I understand that I am responsible for the cost of processing this application and I agree that the actual costs incurred processing this application will be paid to the Town of Yucca Valley.

Deposit Paid: \$ 1,500

Applicant's Signature

Robert Billings

Date:

2-6-13

Applicants Name

Robert Billings

(Please print)

## Developer Disclosure Statement

This portion of the application must be fully completed and signed by the applicant. If not fully completed and signed, the application will be deemed incomplete.

Address of subject property: 55525 Yucca TR

Cross street: Hopi TR

Date this Disclosure Statement is completed: 2/6/13

Name of Applicant: Billings Transfer, Tnc.

The Applicant is a:

- Limited Liability Company (LLC)  
 Partnership  
 Corporation  
 None of the above

### Information for LLC, Partnership, Corporation

Name Robert Billings Phone 760.910.4425 Fax \_\_\_\_\_

Mailing Address PO Box 314 Email billingstransfer@yahoo

City Yucca Valley State CA Zip 92286

State of Registration CA

### Managing member(s), General Partner(s) officer(s)

Name Jana Billings Phone \_\_\_\_\_ Fax \_\_\_\_\_

Mailing Address \_\_\_\_\_ Email \_\_\_\_\_

City \_\_\_\_\_ State \_\_\_\_\_ Zip \_\_\_\_\_

Attach additional sheets if necessary

### Agent for Service of Process

Name Robert Billings Phone \_\_\_\_\_ Fax \_\_\_\_\_

Mailing Address \_\_\_\_\_ Email \_\_\_\_\_

City \_\_\_\_\_ State \_\_\_\_\_ Zip \_\_\_\_\_

### For Corporations, Shareholder with Fifty Percent or More Share or Controlling Shareholder

Name \_\_\_\_\_ Phone \_\_\_\_\_ Fax \_\_\_\_\_

Mailing Address \_\_\_\_\_ Email \_\_\_\_\_

City \_\_\_\_\_ State \_\_\_\_\_ Zip \_\_\_\_\_

The Owner is a:

- Limited Liability Company (LLC)
- Partnership
- Corporation
- None of the above

**Information for LLC, Partnership, Corporation**

Name \_\_\_\_\_ Phone \_\_\_\_\_ Fax \_\_\_\_\_

Mailing Address \_\_\_\_\_ Email \_\_\_\_\_

City \_\_\_\_\_ State \_\_\_\_\_ Zip \_\_\_\_\_

State of Registration \_\_\_\_\_

**Managing member(s), General Partner(s) officer(s)**

Name \_\_\_\_\_ Phone \_\_\_\_\_ Fax \_\_\_\_\_

Mailing Address \_\_\_\_\_ Email \_\_\_\_\_

City \_\_\_\_\_ State \_\_\_\_\_ Zip \_\_\_\_\_

Attach additional sheets if necessary

**Agent for Service of Process**

Name \_\_\_\_\_ Phone \_\_\_\_\_ Fax \_\_\_\_\_

Mailing Address \_\_\_\_\_ Email \_\_\_\_\_

City \_\_\_\_\_ State \_\_\_\_\_ Zip \_\_\_\_\_

**For Corporations, Shareholder with Fifty Percent or More Share or Controlling Shareholder**

Name \_\_\_\_\_ Phone \_\_\_\_\_ Fax \_\_\_\_\_

Mailing Address \_\_\_\_\_ Email \_\_\_\_\_

City \_\_\_\_\_ State \_\_\_\_\_ Zip \_\_\_\_\_

The Party in escrow is a (if property is in escrow):

N/A

- Limited Liability Company (LLC)
- Partnership
- Corporation
- None of the above

**Information for LLC, Partnership, Corporation**

Name \_\_\_\_\_ Phone \_\_\_\_\_ Fax \_\_\_\_\_

Mailing Address \_\_\_\_\_ Email \_\_\_\_\_

City \_\_\_\_\_ State \_\_\_\_\_ Zip \_\_\_\_\_

State of Registration \_\_\_\_\_

**Managing member(s), General Partner(s) officer(s)**

Name \_\_\_\_\_ Phone \_\_\_\_\_ Fax \_\_\_\_\_

Mailing Address \_\_\_\_\_ Email \_\_\_\_\_

City \_\_\_\_\_ State \_\_\_\_\_ Zip \_\_\_\_\_

Attach additional sheets if necessary

**Agent for Service of Process**

Name \_\_\_\_\_ Phone \_\_\_\_\_ Fax \_\_\_\_\_

Mailing Address \_\_\_\_\_ Email \_\_\_\_\_

City \_\_\_\_\_ State \_\_\_\_\_ Zip \_\_\_\_\_

**For Corporations, Shareholder with Fifty Percent or More Share or Controlling Shareholder**

Name \_\_\_\_\_ Phone \_\_\_\_\_ Fax \_\_\_\_\_

Mailing Address \_\_\_\_\_ Email \_\_\_\_\_

City \_\_\_\_\_ State \_\_\_\_\_ Zip \_\_\_\_\_

For any deeds of trust or other liens on the property (other than real property tax liens) please state the following:

A. Name of beneficiary of the deed of trust or lien \_\_\_\_\_

B. Date of the deed of trust or lien. \_\_\_\_\_

I certify under penalty of perjury under the laws of the State of California that the foregoing is true and correct. Executed on the date and location set forth below

\_\_\_\_\_  
Signature

Print Name: \_\_\_\_\_

Title: \_\_\_\_\_

Date of signing: \_\_\_\_\_

Location: \_\_\_\_\_



## HAZARDOUS WASTE SITE STATEMENT

I have been informed by the Town of Yucca Valley of my responsibilities, pursuant to California Government Code Section 65962.5, to notify the Town as to whether the site for which a development application has been submitted is located within an area which has been designated as the location of a hazardous waste site by the Office of Planning and Research, State of California (OPR).

I am informed and believe that the proposed site, for which a development application has been submitted, is not within any area specified in said Section 65962.5 as a hazardous waste site.

I declare under penalty of perjury of the laws of the State of California that the foregoing is true and correct.

Dated: \_\_\_\_\_

\_\_\_\_\_  
Applicant/Representative printed name

\_\_\_\_\_  
Applicant/Representative signature

February 6, 2013

Planning Division  
Town of Yucca Valley  
Community Development Department  
58928 Business Center Drive  
Yucca Valley, CA 92284

**RE: Site Plan Review (SPR)**  
**APN 058 638 104**  
**Billings Transfer Inc.**

Dear Planning Division:

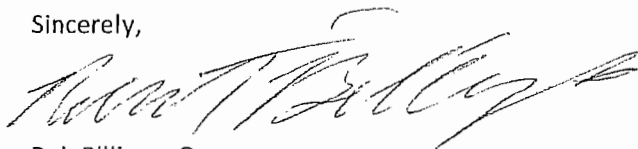
Attached is the Site Plan Review application for my rock and gravel storage yard.

At this time I have a contract with Earth Systems to conduct soils testing of the site and anticipate results of their investigation to be completed within 30 days. It is my intention to mitigate any environmental issues prior to the planning commission's review of my application. I will be in contact with you as progress is being made on the mitigation plan.

A site plan is currently being developed. It will depict the five paved (one to ADA standards) and five unpaved parking stalls. Landscaping will be proposed along the Yucca Trail frontage utilizing drought tolerant plants. Materials will be stored in bins to minimize visual impact; bins will be 12' wide x 15' deep and 6' high.

If additional information is required, please contact me at 760.910.4425.

Sincerely,



Rob Billings, Owner

Billings Transfer, Inc.  
PO Box 314  
Yucca Valley, CA 92286

[billingstransfer@yahoo.com](mailto:billingstransfer@yahoo.com)  
760.910.4425

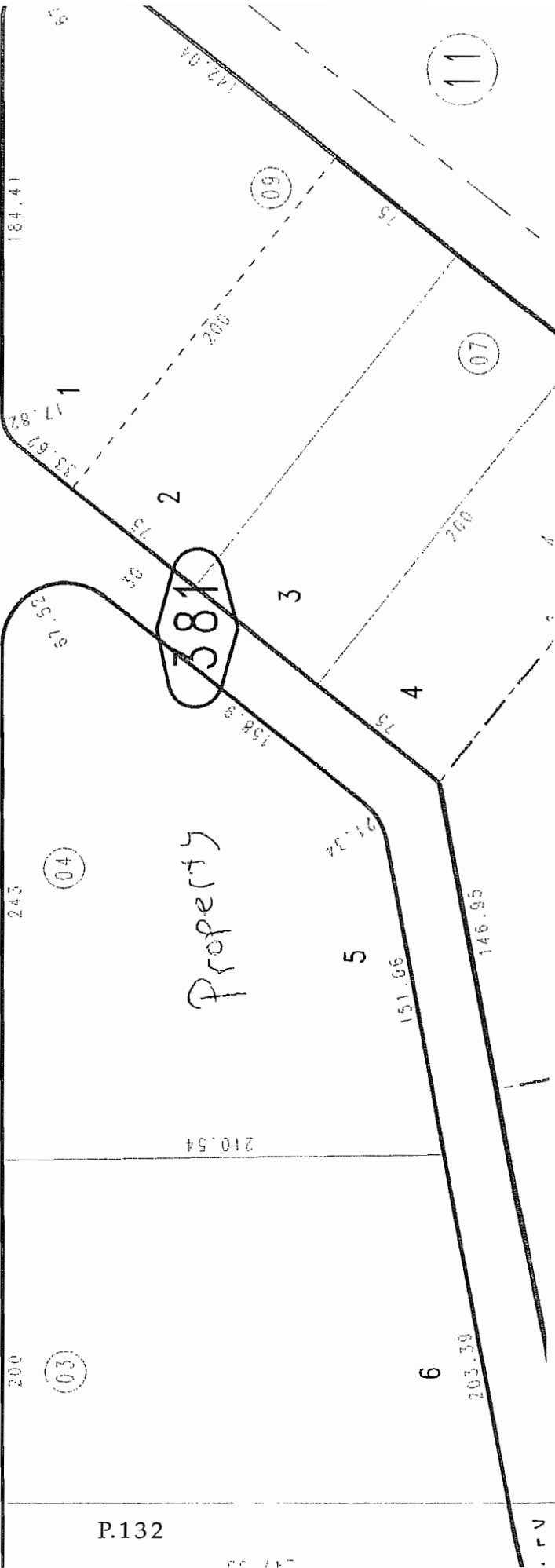
0594  
04

T. 1 N., R. 5 E.

T. 1 S., R. 5 E.

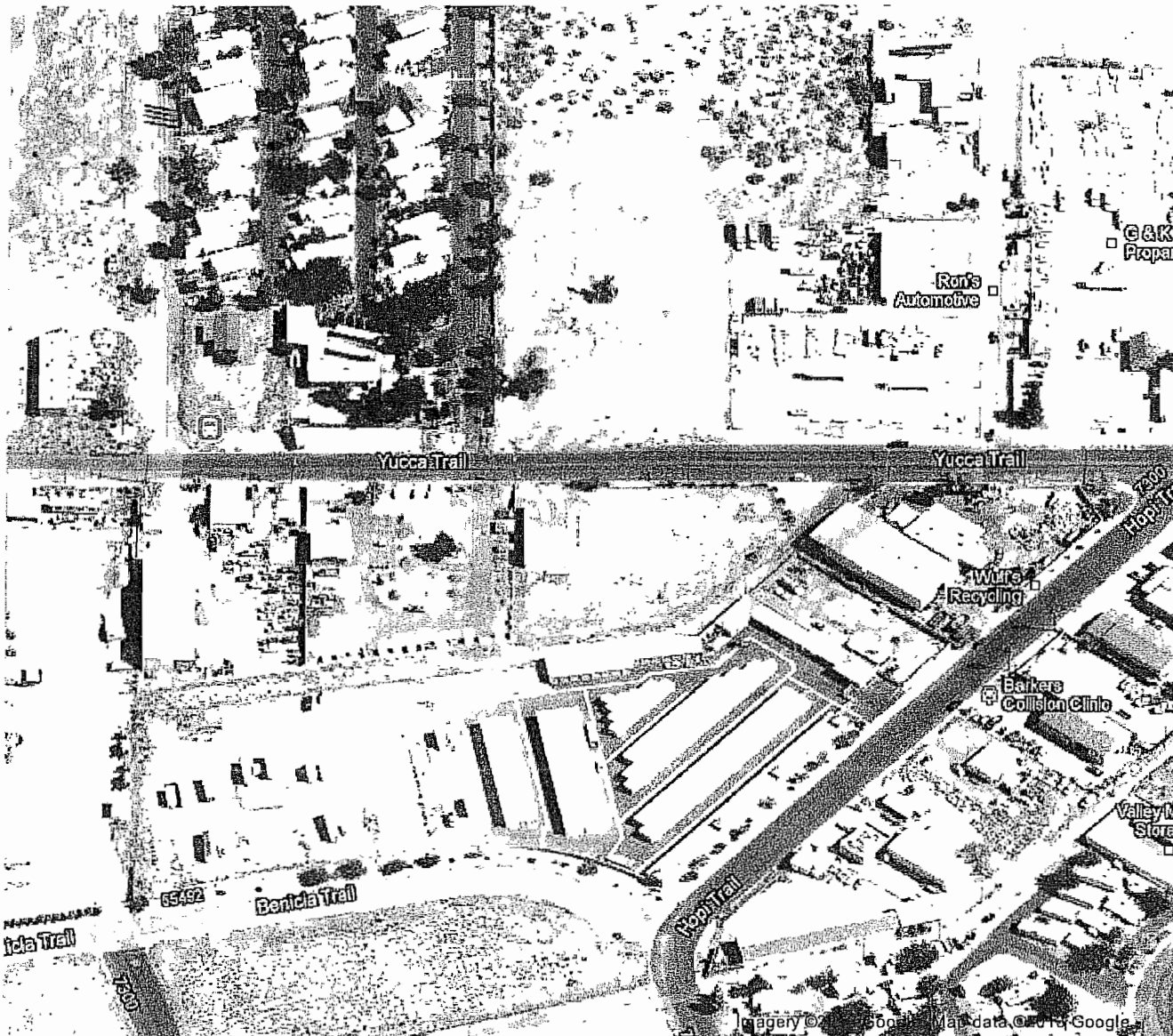
TRAFFIC

40



To see all the details that are visible on the screen, use the "Print" link next to the map.

Google





**Town of Yucca Valley**  
Community Development Dept.  
58928 Business Center Dr  
Yucca Valley, CA 92284

BILLINGS TRANSFER INC  
PO BOX 314  
Yucca Valley, CA 92286

No.: 013711  
Customer No.: N/A  
Salesperson: Diane  
Date: 06-Feb-13  
Time: 04:48 PM

Product Code	Description	Qty	Unit	Price	Extended
TE PLAN REVIEWS	SPR 01-13 BILLINGS 200	1.00		1500.00	1500.00
				TOTAL	1500.00
	#6557			CHECK	1500.00
				CHANGE	0.00

Chair Humphreville moved to grant the request for an extension of CUP 09-07 for a period of three years, with an expiration date of May 6, 2017. Commissioner Bridenstine seconded the motion and it passed unanimously.

**6. ENVIRONMENTAL ASSESSMENT, EA 01-13  
SITE PLAN REVIEW, SPR 01-13 BILLINGS TRANSFER**

Chair Humphreville recused himself from this item, due to his business dealings with the applicant.

Deputy Town Manager Stueckle provided the staff report, and provided an overview of the project and the recommended conditions of approval. Staff noted that the land use tables did not specifically identify rock and sand type businesses, but that the tables addressed and number of similar uses and permitted in the Old Town Specific Plan. The business owners started operation without town approval. The owners had been working with staff to bring the application forward. Staff also noted that there had been some soil contamination from when the site had previously been a recycling center. The applicant had been working with a soil engineering firm to prepare a soil report with recommended remediation within 90 days.

**PUBLIC COMMENTS**

- Jay Corbin, representative for the applicant, said that the applicant was requesting some modifications to the conditions. The applicant asked that condition P4 be modified to remove the requirement for irrigation for the landscaping. The applicant intends to use drought tolerant plants which will not require watering once they are established, and intends to hand water the plants until they are established. The applicant also noted that, while they were not objecting to condition P6, it required them to pay \$15,039 to the Gateway Reimbursement District. The applicant also asked that condition P8 be changed to allow the existing chain link fence to remain as is. The fence has been in place for a number of years, and other businesses in that location have operated with that fence. The also said that having people able to see the materials for sale is helpful to their business.
- Margo Sturges, Yucca Valley, said that Jay Corbin is a council member for Twentynine Palms and that she felt he has done an excellent job. She said that when Chair Humphreville recused himself he did not state the reason why he recused himself. She also expressed concern over the fact that there is a mobile home park nearby and that business operations might affect residents. She approved of condition P6.
- Fritz Koenig, Yucca Valley, said that the proposed project was not an existing use and did not qualify under CEQUA. He said that staff had not presented the history of the site. He alleged that a former staff member had tried to impose conditions on this project and had been fired. He said that he had asked for copies of the CUP files for both businesses and had not received them yet. He said he had also asked for copies of all of the code enforcement

for the entire town and had not received that. He said that the Town was hiding that information.

## END PUBLIC COMMENTS

Commissioner Drozd asked the applicant if it was correct that nothing would be higher than normal building height of about eight or ten feet. The applicant said that was correct. He asked how long the business had been operating there. The applicant said that it had been operating close to two years.

Commissioner Lavender had no comments.

Commissioner Whitten said that he was concerned about the soil issues. Soil contamination can migrate. He said that if the soil report came in before 90 days it should come to the Planning Commission immediately. He said that he would be in favor of dropping the irrigation requirement. He asked staff to explain the Gateway Reimbursement District was. Staff said that was an area where the Town had performed improvements and the Town's costs for those improvements was being reimbursed, which was why there were no requirement for offsite improvements for this project. Commissioner Whitten said that he appreciated the use of product and advertising, so he would be in favor of removing the requirement for slats along to road frontage. He also asked about dust prevention procedures. Applicant said that they wet down loads to mitigate dust issues. Commissioner Whitten asked about loading zones. Staff said that given the open area located on the site, which provided sufficient loading area. Commissioner Whitten also asked if the road was rated for the truck that would be delivering material. Staff said it was.

Commissioner Bridenstine and Commissioner Whitten asked for greater clarification of the layout of the site. Applicant described the site more completely for the Commission.

Commissioner Bridenstine asked staff if they could remove the requirement for irrigation. Staff said that they could, but they would have to replace the red yucca with a different plant, as those would not survive without irrigation.

There was Commission consensus to remove the requirement for landscape irrigation, provided that they replaced the red yuccas from condition P4.

There was Commission consensus to remove the requirement for slatting from condition P8 given that three sides of property are essential blocked from view, and the remaining side provided view of the product.

## MOTION

Commissioner Whitten moved that the Commission find the project exempt from CEQA under Section 15301, existing facilities, and approved Site Plan Review, SPR 01-13, based upon the

required findings and Conditions of Approval, with the following modifications: that condition P4 be modified to remove the requirement for irrigation, provided that red yuccas be replaced, and that P8 be modified to remove the requirement to slat the chain link fence. Commissioner Drozd seconded the motion and it passes unanimously.

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

Project Engineer Alex Qishta presented the staff report. He provided an overview of the item which was a proposal to vacate a 10ft by 132ft easement along Sage Ave, at the southwest corner of Sage Ave and Hidden Gold Dr. Staff had found that the vacation was consistent with the new General Plan.

**PUBLIC COMMENTS**

None

**END PUBLIC COMMENTS**

Commissioner Lavender recused himself because he had drawn the plans.

Commissioner Whitten said that the vacation could only be granted with substantial evidence that the easement was no longer needed for vehicular traffic or perspective public use. He felt that the development of Sage Estates was perspective public use, given the number of perspective residents. He said that if they were going to vacate one lot, they should vacate the whole street.

Commissioner Drozd asked about vacating one lot, and asked if each property owner would have to apply separately. Staff said that they would work on contacting the property owners along the rest of the street to make it consistent with the new General Plan. He asked if there was currently a house on that property, and was told that there is a house under construction.

Commissioner Whitten asked about improvements to Sage Avenue. Staff said that the project will improve the road on the east side in that section.

Commissioner Bridenstine asked what the existing edge of pavement to centerline was currently. Staff did not have that information on hand. Commissioner Bridenstine said that she doubts that the edge of pavement is at the 20 ft mark. She also pointed out that there was a traffic study in the new general plan, and that road was shown as a local road. She doesn't think there is a reason to deny the request.

Chair Humphreville asked if the road was currently paved in the easement. Staff said that it was not. He didn't see a reason to deny the request.

Staff said that the Commission had questions about the issue, but said that unfortunately the representatives of the applicant were not able to be present at the meeting. The applicant had

# Development Regulations

- b. Further promotion of the purpose and intent of this Specific Plan in terms of development quality, design, and economic opportunity; or
- c. Contribution to increased employment opportunities.

Granting of additional incentives in addition to those allowed in this section shall be subject to review by, and approval of, the Planning Commission.

## 4.13 Development Review Procedures

### 4.13.1 Applicability

The procedures and regulatory provisions necessary to administer development review for applicable properties, structures, and uses within the Specific Plan area shall be subject to the requirements of the Yucca Valley Municipal Code, in addition to the provisions in this section.

### 4.13.2 Uses Allowed by Right

For uses designated as "Allowed" in Table 4-1 of this chapter, project applicants shall be subject to the development review procedures provided in the Town of Yucca Valley Development Code. All applicants are subject to Plan Review, and to miscellaneous permits as determined by the particular use.

### 4.13.3 Site Plan Review

Site Plan Review permits are intended to streamline review of development proposals that conform to the regulations and standards as set forth in this Specific Plan, but that may have characteristics that necessitate a higher level of discretionary review. Site Plan Reviews are intended to be approved at the staff level.

### 4.13.4 Conditional Use Permit

1. Applicability. An application for a Conditional Use Permit within the boundaries of the Old Town Specific Plan area shall be considered by the Planning Commission and Town Council in compliance with applicable sections of this chapter and the Yucca Valley Municipal Code.
2. Uses Requiring a Conditional Use Permit. Conditional Use Permits may be granted for only the following land uses or activities (in addition to those listed in Table 4-1):
  - a. Denied applications appealed by the applicant;
  - b. Mixed-Used development greater than 30,000 square feet;
  - c. Applications for heights greater than 3 stories; and

- d. Uses within the Highway Environs Overlay district, subject to the requirements of Section 4.14 of this Specific Plan.

### 3. Application Filing, Processing and Review

- a. Exercising Approved Applications. Approved applications shall be exercised within one year of approval. Two one-year time extensions are allowed, subject to separate applications and fees, after which time a new application shall be filed with the Department Director.
- b. Run with the land. A Conditional Use Permit that is valid and in effect, and was granted in compliance with the provisions of this Specific Plan, shall run with the land and continue to be valid upon the change of ownership of the land, or of any lawfully existing structure on the land. Conditional Use Permits shall run with the land as long as there is continuous use of the approved use. Any unauthorized change in use may subject the Conditional Use Permit to revocation.

## 4.14 Highway Environs Overlay District

### 4.14.1 Purpose

The purpose of the Highway Environs Overlay District is to provide for discretionary review of development proposals in areas where changes in land use regulations are contemplated because of the potential future realignment of State Route 69. The provisions of this section apply in addition to the provisions for each land use district of this Specific Plan.

### 4.14.2 Specific Plan Land Use Map Designator

The Highway Environs Overlay District may be combined with any base district in the Specific Plan area. The parcels applicable to the Highway Environs Overlay District shall be shown on the Specific Plan land use map.

### 4.14.3 Review Procedures in the HE Overlay District

1. Required Site Plan Review. For all development applications within the Highway Environs Overlay District, Site Plan Review shall be required for the establishment of any new or expanded use or structure.
  - a. Site Plan Review shall be in compliance with Title 8, Division 3, Chapter 3, Article 12, of the Yucca Valley Municipal Code.
2. Pre-Application Meeting. Prior to the submittal of a formal Site Plan Review Permit, a meeting with the Department Director or designee is strongly recommended to discuss the project in

# Development Regulations

detail. The purpose of this pre-application meeting is to evaluate the proposed use in consideration of the potential future realignment of Route 62.

## 4.14.4 Site Plan Review Procedures – Old Town Specific Plan

Site Plan Review Procedures for the Old Town Specific Plan Highway Environs Overlay shall consist of the following:

### 1. Tier I Site Plan Review – Staff Level Review

Projects requiring minor site review as determined following the Site Plan Review Permit application shall be reviewed at the staff level. The Community Development Director may impose conditions of approval for the approval of the Site Plan Review Permit.

At the discretion of the Department Director, Tier 1 Site Plan Review may be referred to the Development Review Committee or the Planning Commission.

### 2. Tier II Site Plan Review – Development Review Committee

At the discretion of the Department Director, Site Plan Review may be referred to the Development Review Committee, as determined following the submittal of a Site Plan Review Permit application.

In its Tier II Site Plan Review, the Development Review Committee may impose conditions of approval.

The following activities shall require Tier II Site Plan Review:

- Mixed-use projects of 30,000 square feet or less
- Projects appealed after Tier I review

Site Plan Review Permits denied during Tier II review may be appealed to the Planning Commission at the discretion of the applicant.

### 3. Tier III Site Plan Review – Planning Commission Review

At the discretion of the Department Director or the Development Review Committee, Tier I and Tier II projects may be referred to the Planning Commission. The following activities shall require Tier III Site Plan Review:

- Mixed-use projects greater than 30,000 square feet;
- Projects requesting density/intensity bonus;
- Staff-referred projects; and
- Projects appealed from the Development Review Committee.

#### 4.14.5 Development Regulations

Development regulations and additional conditions of approval for the Highway Environs Overlay District shall be specified by a Site Plan Review Permit or shall be those of the base district with which the HE Overlay district is combined.

#### 4.14.6 Expiration of HE Overlay District and Renewal

The adoption of the Old Town Specific Plan shall establish the Highway Environs Overlay District. Upon the determination of the future alignment of State Route 62 and acquisition of associated rights-of-way, the provisions of the HE Overlay District shall be terminated.

#### 4.14.7 Re-submittal of Development Proposals

Notwithstanding the provisions of this section, a permit application that has been denied, or approved subject to conditions unacceptable to the applicant, may be resubmitted on or after the effective expiration date of the Highway Environs Overlay District.



TABLE 4-1  
ALLOWABLE USES AND PERMIT REQUIREMENTS FOR DISTRICTS FOR OLD TOWN YUCCA VALLEY SPECIFIC PLAN

Key to Table	Land Use	Permit Requirement by District						Notes:
		OTMU	OTHC	OTCR	OTIC	HE Overlay		
SPR	Site Plan Review is Required.							
P	Use is Allowed. (Refer to Development Review Procedures section)							
CUP	Conditional Use Permit is required.							
		OTMU = Old Town Mixed-Use	OTHC = Old Town Highway Commercial	OTCR = Old Town Commercial/Residential	OTIC = Old Town Industrial/Commercial	HE = Highway Environs (SR-62)		
Miscellaneous								
	Alternative Fuels and Recharging Facilities	P		P			SPR	
	Broadcast and Recording Studios	P		P			SPR	
	Motor Vehicle Storage Facilities				P		SPR	
	Public Utility Service Yards	P			P		SPR	
	Public Utility Structures and Service Facilities	P			P		SPR	
	Public Works Maintenance Facilities and Storage Yards				P		SPR	
	Satellite Dishes/Antennas (less than 3 feet/2meters in diameter)	P	P	P	P		SPR	
Education								
	Community/Cultural Centers	P		P			SPR	
	Commercial Day Care Centers	P		P			SPR	
	Membership Organization Facilities – Lodges and Clubs	P		P			SPR	
	Schools – K-12, Private	P		P			SPR	

# Development Regulations

TABLE 4-1  
ALLOWABLE USES AND PERMIT REQUIREMENTS FOR DISTRICTS FOR OLD TOWN YUCCA VALLEY SPECIFIC PLAN

Key to Table	Land Use	Permit Requirement by District						Notes:
		OTMU	OTHC	OTCR	OTIC	HE Overlay		
SPR	Schools, Specialized Education and Training – less than 50 students	P		P	P		SPR	
P	Schools, Specialized Education and Training – more than 50 students			P	P		SPR	
CUP	Studios – Art, Dance, Music Photography, etc.	P		P	P		SPR	
	Universities/Colleges, Private	P	P	P	P		SPR	
Entertainment, Recreation, Public Assembly								
Adult-Oriented								
	Dancing and Live Entertainment	CUP	CUP				SPR	
	Health /Fitness Centers	P	P	P	P		SPR	
	Indoor Amusement/ Entertainment/ Recreation Centers/ Arcades	P					SPR	
	Nightclubs	CUP					SPR	Accessory to restaurant use only
	Places of Worship	P	P	P	P		SPR	
	Theaters, Auditoriums, and Meeting Halls	P	P	P			SPR	
Manufacturing and Processing								
	Chemical Products				P		SPR	

OTMU = Old Town Mixed-Use  
 OTHC = Old Town Highway Commercial  
 OTCR = Old Town Commercial/Residential  
 OTIC = Old Town Industrial/Commercial  
 HE = Highway Environs (SR-62)

Site Plan Review is Required  
 Use is Allowed (Refer to Development Review Procedures section)  
 Conditional Use Permit is required

Refer to Adult Business Ordinance

TABLE 4-1  
ALLOWABLE USES AND PERMIT REQUIREMENTS FOR DISTRICTS FOR OLD TOWN YUCCA VALLEY SPECIFIC PLAN

Land Use	Permit Requirements by District						Notes:
	OTMU	OTHG	OTCR	OTIC	HE Overlay		
Key to Table							
SPR	Site Plan Review is Required						OTMU = Old Town Mixed-Use OTHG = Old Town Highway Commercial OTCR = Old Town Commercial/Residential OTIC = Old Town Industrial/Commercial HE = Highway Environs (SR-62)
P	Use is Allowed (Refer to Development Review Procedures section)						
OTIP	Conditional Use Permit is required						
Land Use	OTMU	OTHG	OTCR	OTIC	HE Overlay		Notes:
Clothing Products				P	SPR		
Cosmetics				P	SPR		
Electronics and Equipment Manufacturing				P	SPR		
Foam/Plastics Fabrication				P	SPR		
Food and Beverage Product Manufacturing				P	SPR		
Furniture/Cabinet Shops				P	SPR		
Glass Products				P	SPR		
Handicraft Industries, Small Scale Assembly (premanufactured)				P	SPR		
Hazardous Material Storage				P	SPR		
Laboratories			P	P	SPR		
Metal Products Fabrication				P	SPR		
Paper Products				P	SPR		
Pharmaceutical Manufacturing				P	SPR		
Plastics and Rubber Products				P	SPR		
Printing and Publishing	P		P	P	SPR		
Recycling Facilities - Small Collection Facility	P		P	P	SPR		

# Development Regulations

TABLE 4-1  
ALLOWABLE USES AND PERMIT REQUIREMENTS FOR DISTRICTS FOR OLD TOWN YUCCA VALLEY SPECIFIC PLAN

Key to Table	Land Use	Permit Requirement by District						Notes:
		OTMU	OTHC	OTGR	OTIC	HE Overlay		
SPR	Recycling Facilities -- Reverse Vending Machines	P		P	P			
P	Research and Development	P		P	P			
CUP	Structural Clay and Pottery Products				P			
	Textile Products				P			
	Warehousing, Wholesaling, and Distribution Facility, Incidental (less than 75% of floor area)				P			
<b>Motor Vehicle and Related Retail Trade and Services</b>								
	Car Wash, Full & Self-Service		P		P			
	Marine Sales, Indoor	P		P	P			
	Motor Vehicle Leasing, No Onsite Storage	P		P	P			
	Motor Vehicle Leasing, Onsite Vehicle Storage (less than 10 vehicles)		P	P	P			
	Motor Vehicle Parts and Supplies Sales (no onsite repairs)	P			P			

OTMU = Old Town Mixed-Use  
 OTHC = Old Town Highway Commercial  
 OTGR = Old Town Commercial/Residential  
 OTIC = Old Town Industrial/Commercial  
 HE = Highway Environs (SR-62)

Key to Table  
 SPR Site Plan Review is Required.  
 P Use is Allowed: (Refer to Development Review Procedures section)  
 CUP Conditional Use Permit is required.

TABLE 4-1  
ALLOWABLE USES AND PERMIT REQUIREMENTS FOR DISTRICTS FOR OLD TOWN YUCCA VALLEY SPECIFIC PLAN

Key to Table	Land Use	Permit Requirement by District					Notes:	
		OTMU	OTHC	OTCR	OTIC	HE Overlay		
SPR	Automated Car Washing		P				SPR	
P	Motor Vehicle Repair and Maintenance, MAJOR, and only when conducted in an enclosed structure.		P		P			
CUP	Motor Vehicle Repair and Maintenance, MINOR, and only when conducted in an enclosed structure.		P		P			
	Motor Vehicle Sales (New and/or Used), With Service Facilities		P		P			
	Motor Vehicle Sales (New and/or Used), Without Service Facilities, Storage or Outdoor Display	P	P	P	P			
	Motor Vehicle Window Tinting		P		P			
	Service Stations		P		P			
	Public							
	Libraries/ Museums, Public	P		P				SPR
	Parking Lots/Structures, Public	P	P	P	P			SPR
	Parks, Public	P	P	P	P			SPR

OTMU = Old Town Mixed-Use  
 OTHC = Old Town Highway Commercial  
 OTCR = Old Town Commercial/Residential  
 OTIC = Old Town Industrial/Commercial  
 HE = Highway Environs (SR-62)

Site Plan Review is Required.  
 Use is Allowed. (Refer to Development Review Procedures section)  
 Conditional Use Permit is required.

# Development Regulations

TABLE 4-1  
ALLOWABLE USES AND PERMIT REQUIREMENTS FOR DISTRICTS FOR OLD TOWN YUCCA VALLEY SPECIFIC PLAN

Key to Table	Permit Requirement by District						Notes:
	OTMU	OTHC	OTCR	OTIC	HE Overlay		
SPR							OTMU = Old Town Mixed-Use
P							OTHC = Old Town Highway Commercial
OTCUP							OTCR = Old Town Commercial/Residential
							OTIC = Old Town Industrial/Commercial
							HE = Highway Environs (SR-62)
Service Uses/ Structures, Public Retail Trade			P				SPR
Accessory Retail Uses	P	P	P	P			SPR
Art, Antiques, Collectibles, and Gifts	P	P	P	P			SPR
Bakeries, Retail	P	P		P			SPR
Book Stores	P	P		P			SPR
Building Material Stores/Yards		P		P			SPR
Candy Stores	P	P		P			SPR
Catering Businesses, ONLY When Ancillary to a Restaurant	P	P		P			SPR
Convenience Markets/Stores (under 5,000 square feet)	P	P		P			SPR
Furniture, Furnishings and Equipment Stores	P	P		P			SPR
Garden Centers/Plant Nurseries	P	P		P			SPR
Grocery Stores, 5,000 sq. ft. and greater		P					SPR
Liquor Sales (On-site Consumption Only) - Restaurant	P	P					SPR

TABLE 4-1  
ALLOWABLE USES AND PERMIT REQUIREMENTS FOR DISTRICTS FOR OLD TOWN YUCCA VALLEY SPECIFIC PLAN

Land Use	Permit Requirement by District					Notes:
	OTMU	OTHC	OTCR	OTIC	HE Overlay	
Liquor Sales (Off-site Consumption Only)	P	P			SPR	
Liquor Sales (Off-site Consumption Only) – Beer and Wine Only	P	P			SPR	
Meat Markets or Delicatessens	P	P			SPR	
Music Stores	P	P			SPR	
Pet Stores	P	P			SPR	
Pharmacies/Drug Stores	P	P			SPR	
Pharmacies/Drug Stores, Drive-thru Service		P			SPR	
Restaurants, Fast Food, Drive-thru Service		P			SPR	
Restaurants, Fast Food, Without Drive-thru Service	P	P			SPR	
Restaurants or Cafes (excluding Fast Food or Drive-ins)	P	P			SPR	
Retail Stores, General Merchandise	P	P			SPR	
Shopping Centers (five or more tenants on contiguous parcel)	P	P			SPR	
Temporary Uses/Activities						

Key to Table:  
 SPR: Site Plan Review is Required  
 P: Use is Allowed (Refer to Development Review Procedures section)  
 GUP: Conditional Use Permit is required

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# Development Regulations

TABLE 4-1  
ALLOWABLE USES AND PERMIT REQUIREMENTS FOR DISTRICTS FOR OLD TOWN YUCCA VALLEY SPECIFIC PLAN

Land Use	Permit Requirement by District						Notes:
	OTMU	OTHC	OTCR	OTIC	HE Overlay		
Key to Table:							
SPR							OTMU = Old Town Mixed Use
P							OTHC = Old Town Highway Commercial
CUP							OTCR = Old Town Commercial/Residential
							OTIC = Old Town Industrial/Commercial
							HE = Highway Environs (SR-62)
Big Box Retail Stores (greater than 30,000 square feet)		P					
Services							
Automated Teller Machines (ATMs)	P		P	P			
Banks and Financial Services	P	P	P	P			
Business Support Services, Secretarial and Administrative	P	P	P	P			
Check Cashing	P	P		P			
Contractor's Equipment Yards				P			
Convalescent/Rest Homes				P			
Equipment Rental Establishments				P			
Hotels/Motels	P	P					
Laundromats, Self-Service and Dry Cleaning, Drop-off only	P	P	CUP	CUP			
Massage Therapy							
Medical Services, Clinics	P	P	P				
Medical Services, Laboratories	P		P	P			
Offices, Professional	P		P	P			

Refer to Title 8 of the Yucca Valley Municipal Code



TABLE 4-1  
ALLOWABLE USES AND PERMIT REQUIREMENTS FOR DISTRICTS FOR OLD TOWN YUCCA VALLEY SPECIFIC PLAN

Key to Table	Land Use	Permit Requirement by District					Notes:	
		OTMU	OTHG	OTCR	OTIC	HE Overlay		
SPR	Outdoor Active Activities (e.g., Walk-up Windows)	P					SPR	
P	Personal Services, General	P		P	P		SPR	
CUP	Photocopy/Printing/Desktop Facilities	P		P	P		SPR	
	Printing/Photo Developing/Printing Shops	P		P	P		SPR	
	Photography Studio/Supply Shop	P		P	P		SPR	
	Propane/Liquid Fuel (Storage and Sales)				P		SPR	
	Repair and Maintenance, Consumer Products	P		P	P		SPR	
	Storage (Mini, Personal, and Self-Storage) Facilities		CUP		P		SPR	
	Tanning Studios/Salons	P	P				SPR	
	Travel Agencies	P	P	P	P		SPR	
	Veterinarian Clinics and Animal Hospitals	P		P	P		SPR	
	<b>Residential</b>							
	Accessory Uses and Structures	P	P	P	P		SPR	
	Multiple Family Residential	P		P	P		SPR	

Key to Table:  
 SPR Site Plan Review is Required  
 P Use is Allowed (Refer to Development Review Procedures section)  
 CUP Conditional Use Permit is required

Permit Requirement by District:  
 OTMU = Old Town Mixed-Use  
 OTHG = Old Town Highway Commercial  
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# Development Regulations

TABLE 4-1  
ALLOWABLE USES AND PERMIT REQUIREMENTS FOR DISTRICTS FOR OLD TOWN YUCCA VALLEY SPECIFIC PLAN

Key to Table	Land Use	Permit Requirement by District						Notes:
		OTMU	OTHC	OTCR	OTIC	HE Overlay		
SPR	Assisted Living Facilities			P	P		SPR	
P	Condominiums/Townhomes	P		P	P		SPR	
CUP	Live-Work Facilities	P		P	P		SPR	
	Mixed-Use Developments (Residential over Retail/Office)	P	P	P	P		SPR	
	Mixed-Use Developments (Use distributed horizontally on a site)	P	P	P	CUP		SPR	
	Residential Care Homes			P			SPR	

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 OTCR = Old Town Commercial/Residential  
 OTIC = Old Town Industrial/Commercial  
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Key to Table  
 SPR Site Plan Review is Required  
 P Use is Allowed (Refer to Development Review Procedures section)  
 CUP Conditional Use Permit is required

- (1) The parking study provides sufficient factual justification for modifications to prescribed standards;
  - (2) The project demonstrates the use of creative design concepts, including, but not limited to, mixed-use, shared parking facilities, transit access, pedestrian amenities, and bicycle amenities.
8. **Parking Study Option – Sites of 30,000 Square Feet or Less.** At the discretion of the Department Director, commercial uses and mixed-use development within the Specific Plan area that are 30,000 square feet or smaller shall be provided the option of preparing a parking and loading study that justifies the need for parking and loading facilities, provided the following conditions are met:
- a. The parking study sufficiently justifies modifications to prescribed standards; and
  - b. The project demonstrates the use of creative design concepts, including but not limited to Mixed-Use, shared parking facilities, transit accessibility, pedestrian amenities and bicycle amenities.
9. **On-Street and Common Loading.** As approved by the Department Director, the following loading requirements may apply:
- a. Within the OTMU District, multi-story, mixed-use development that has less than 10,000 square feet of gross leasable area may utilize on-street loading when it is demonstrated that the loading activity will not be detrimental to the public health, safety, or welfare, and will not adversely affect traffic patterns.
  - b. Uses within a mixed-use development may utilize common loading facilities when demonstrated that the loading activity will not be detrimental to the public health, safety, or welfare, and will not adversely affect traffic patterns.

## 4.8 Landscaping, Walls, and Fences

### 4.8.1 Landscaping - General

All projects shall provide and maintain landscaping and irrigation in compliance with applicable sections of this Specific Plan and the Yucca Valley Municipal Code. Standards for the provision of landscaping within the public right-of-way in conjunction with any private development shall be in compliance with the Yucca Valley Municipal Code.

### 4.8.2 Required Preservation of Native Vegetation and Trees

All project applicants shall consult with the Town of Yucca Valley prior to the removal or modification of any existing tree or any native vegetation within private property. It is the intent of

# Development Regulations

this section to preserve historically important vegetation and tree resources within the Town of Yucca Valley community.

## 4.8.3 Landscaping

1. Landscaping Adjacent to Streets. All street-adjacent landscaped areas shall include a combination of landscaping materials consistent with a desert climate. For properties that provide no setback, planters, potted plants, and/or other appropriate materials shall be provided.
2. Required Drought-Tolerant Landscaping. All landscaping shall be installed and maintained to minimize irrigation demand. All landscape materials, including shrubs, trees, vines, perennials, and ground cover, shall demonstrate drought-tolerant features consistent with the High Desert Water District Conservation Ordinance requirements.

## 4.8.4 Walls and Fences

1. Height and Location. Perimeter fences and walls that are within a front yard setback shall not exceed a height of 3 feet unless specifically allowed (by the Department Director) to be up to 6 feet high to achieve a specific screening purpose.
  - Exception: Walls adjacent to mobile home sites that front the public right-of-way shall be allowed to be up to 6 feet high, subject to the requirements of this section and with approval by the Department Director.
2. Design. The design of walls and fences shall be consistent with the overall project design and/or adjacent streetscape. Additionally, the design shall be complementary to the desert landscape.
3. Walls and Fencing. Perimeter walls and fences shall be articulated by varying the wall plane at least every 50 feet. The design of the wall shall include an appropriate mix of materials and landscaping.
4. Chain Link and Fencing. Chain link or similar fencing shall not be allowed within the public view.

## 4.9 Signs

Except as otherwise stated in this section, the sign standards and review procedures in Chapter 7, Division 7, Title 8, of the Yucca Valley Municipal Code, as amended, shall apply to all signs within the Old Town Specific Plan project area.

## 3.1.2 Old Town Highway Commercial

The Highway Commercial District serves as the primary eastern and western gateways to the Old Town Specific Plan and provides SR-62-oriented commercial development with the potential for 889,684 square feet of commercial and retail uses (FAR of 0.35).

General features include:

- ◆ Enhances streetscape
- ◆ Caters to the local and regional markets
- ◆ Provides a wide range of retail sales, business, and personal services
- ◆ Orients primarily to the automobile customer

## 3.1.3 Old Town Commercial/Residential

The Downtown Commercial/Residential District provides a complementary mix of commercial and residential development with the potential for development of 699,769 square feet of commercial retail uses (maximum FAR of 0.40) and 413 residential units (maximum of 24 du/ac).

General features include:

- ◆ Buffers Old Town Mixed-use District from residential areas
- ◆ Offers development that respects adjacent residential development
- ◆ Provides street-oriented, pedestrian-oriented development
- ◆ Mixes commercial, office and residential uses
- ◆ Enhances streetscape

## 3.1.4 Old Town Industrial/Commercial

The State Route 62 (SR-62) Industrial District provides a variety of industrial/commercial and residential uses near SR-62 with the potential for development of 551,834 square feet of industrial/commercial uses (maximum FAR of 0.40) and 238 residential units (maximum of 30 du/ac).

General features include:

- ◆ Mixes light industrial, flex-tech, small-scale manufacturing, service commercial, and limited live-work residential development uses
- ◆ Serves as a primary node for local commercial activity
- ◆ Enhances streetscape

## 3.1.5 Highway Environs Overlay

The Highway Environs Overlay District provides a heightened level of discretionary review for development proposals in areas where land use regulations may be changed, depending on the future realignment of SR-62. This district ensures that future development proposals are not adversely affected by the potential future realignment of SR-62.

# Development Regulations

## 4.1 General Provisions

### 4.1.1 Minimum Requirements

The land use and development standards contained herein are minimum requirements. In reviewing individual projects requiring discretionary approval, more restrictive standards or conditions may be applied by the Town of Yucca Valley to accomplish the goals and objectives of this Specific Plan.

### 4.1.2 Applicability of Development Standards and Guidelines

The land use and development standards contained in this Chapter 4 shall apply to parcels within the Specific Plan's project area boundaries. All new development projects, including additions to buildings and changes in use on a parcel, are subject to the provisions of this chapter.

### 4.1.3 Interpretation, Administration, Enforcement, and Appeals

The Department Director is authorized by the Town Council to interpret, administer, and enforce the provisions of this chapter. The Department Director may designate a representative to act on his or her behalf.

The provisions of this chapter shall be interpreted in a manner that best fulfills the spirit and intent of the Specific Plan. The Department Director shall interpret questions arising from the application of this Chapter. A decision or determination of the Department Director may be appealed in compliance with the appeals procedures set forth in this Specific Plan in addition to the provisions of the Yucca Valley Municipal Code.

## 4.2 Establishment of Land Use Districts

### 4.2.1 Purposes of Land Use Districts

Section A describes the purpose and intent of each of the land use districts in the Old Town Yucca Valley Specific Plan.

1. (OTMU) Old Town Mixed-Use District. The Old Town Mixed-Use District is intended to serve as the core downtown district of the Specific Plan and is envisioned to provide a complementary mix of land uses and development types that are compatible with and reinforce pedestrian activity, interaction, and convenient access. The OTMU District is envisioned to unify the area and establish a core downtown environment providing a complementary mix of residential, commercial, and smaller-scale, street-oriented retail developments. This land use district encourages quality design, compact and vertically mixed development, higher residential densities and development intensities.

2. (OTHC) Old Town Highway Commercial District. The State Route 62 Highway Commercial District is envisioned to serve as the primary Eastern and Western Gateways to the Old Town Specific Plan through a highway-oriented commercial development that caters to the local and regional markets. The land use district is intended to provide a wide range of retail sales, business uses, and personal services oriented to the automobile customer. The OTHC District is envisioned as a primary node for serving the general commercial needs of the Town by promoting stable and attractive retail development.
3. (OTCR) Downtown Commercial/Residential District. The Downtown Commercial/Residential District is intended to provide a complementary mix of commercial and residential development. The district is a buffer between higher-intensity development in the OTMU District and adjacent residential development south of the Specific Plan project area. High-quality, well-designed commercial, office, and residential uses are encouraged within the OTCR District.
4. (OTIC) Old Town Industrial/Commercial District. The State Route 62 Industrial/Commercial District is planned to provide a variety of industrial, light industrial, flex-tech, service commercial, and limited live-work residential development. The OTIC District encourages quality-designed, lower-intensity industrial development of smaller-scale manufacturing and assembly. The District is intended to serve as a primary node for locally serving businesses and commercial activity. By establishing streetscape elements, landscaped buffers, and quality site design, the OTIC District is envisioned to contribute to a positive visual image along State Route 62.
5. (HE) Highway Environs Overlay District. The intent of the State Route 62 Highway Environs Overlay District is to provide a heightened level of discretionary review for development proposals in areas where changes in land use regulations are contemplated by the potential future realignment of State Route 62 (SR-62). The HE Overlay District ensures that future development proposals are not adversely affected by the realignment of SR-62.

### 4.3 Allowable Land Uses and Permit Requirements

Table 4-1 identifies the allowable land uses for each land use district that is exclusive to the Old Town Specific Plan: OTMU (Old Town Mixed-Use) district, OTHC (Old Town Highway Commercial), OTCR (Old Town Commercial/Residential), OTIC (Old Town Industrial/Commercial) and HE (Highway Environs Overlay). To determine the allowed land uses and development standards in the zones that are not exclusive to the Old Town Specific Plan, refer to applicable sections of the Yucca Valley Municipal Code.

#### 4.3.1 Allowed Uses.

1. Allowed Land Uses. Table 4-1 identifies the uses of land allowed by this Specific Plan, and the land use permit required to establish each use.

# Development Regulations

2. **Prohibited Land Uses.** Any table cell indicated a "-" symbol indicates that the listed land use is prohibited in that specific land use district.
3. **Applicable Sections.** Wherever the last column in the tables ("See Standards in Section") includes a Specific Plan section number, the regulations in the referenced section apply to the use; however, provisions in other sections of this Specific Plan or applicable sections of the Yucca Valley Municipal Code may also apply.



Table 4-2 (cont'd)  
General Development Standards  
Requirements by Individual Zoning District

Development Feature	HE Highway Environs Overlay
Floor Area Ratio	Refer to Section 4.14
Dwelling Units (du/ac)	Refer to Section 4.14
Minimum Setbacks:	
Front (Building)	Refer to Section 4.14
Front (Parking)	Refer to Section 4.14
Side (each)	Refer to Section 4.14
Street side	Refer to Section 4.14
Rear	Refer to Section 4.14
Minimum Street Frontage	Refer to Section 4.14
Maximum Height	Refer to Section 4.14
Accessory Structures	See Section 4.10
Landscaping	See Section 4.8
Parking	See Section 4.7
Signs	See Section 4.9

#### 4.5.1 Limitations and Exceptions to Allowed Uses and Structures

1. **Limitation on Storage.** No material or equipment shall be stored within the space between a street and setback line except temporarily during construction on the same parcel. No required setback area shall be used for storage of any motorized vehicle, mechanical equipment, or parts thereof, or any type of antenna except as provided in this Specific Plan.
  
2. **Limitation on Outdoor Uses.**
  - a. All uses shall be conducted entirely within a completely enclosed building that is attached to a permanent foundation.
    - Exceptions: Outdoor eating, temporary retail sales, vehicle sales and rental, parking, growing plants, cut flowers, Christmas tree and pumpkin lots, and similar uses, consistent with the Yucca Valley Municipal Code.
  
  - b. Unless screened from view consistent with Yucca Valley Municipal Code, the outside storage of equipment, materials, supplies, or tools is prohibited.

# Development Regulations

- c. All uses shall be conducted in a manner that is not reasonably objectionable to a person of normal sensitivity by reason of dust, fumes, noise, odor, smoke, vibrations, or other similar causes.

## 4.6 Standards for Specific Land Uses

### 4.6.1 Equipment Rental Uses

Equipment rental and leasing businesses are allowed in compliance with Table 4-2 of this chapter, and shall comply with the following standards.

1. All outdoor equipment and machinery shall be stored in a neat and organized manner.
2. Outdoor storage of inoperable vehicles and equipment is prohibited.
3. Maintenance and repair of vehicles and equipment may be performed only within a completely enclosed building.
4. Equipment and vehicles shall not be stored with their lifting arms, booms, blades, buckets, scrapers, etc. in a position higher than the main body of the equipment or vehicle.

### 4.6.2 Live-Work Units

1. **Purpose.** Live-work units are intended to be occupied by business operators (especially artisans and artists) who live in the same structure that contains the commercial or industrial activity. A live-work unit is intended to function predominantly as workspace with incidental residential accommodations being an incidental use.
2. **Applicability and Allowed Uses.** The provisions of this section shall apply to live-work units as allowed by Table 4-2. The nonresidential component of a live-work project shall be only a use allowed within the OTMU, OTCR, and OTIC districts.
3. **Limitations on Use.** A live-work unit shall not be established or used in conjunction with any of the following activities:
  - a. Adult businesses;
  - b. Vehicle maintenance or repair (e.g., body or mechanical work, including on boats and recreational vehicles), vehicle detailing and painting, upholstery, etc.);
  - c. Storage of flammable liquids or hazardous materials beyond those normally associated with a residential use, as subject to review and approval by the Department Director and the Fire Department;

# Development Regulations

this section to preserve historically important vegetation and tree resources within the Town of Yucca Valley community.

## 4.8.3 Landscaping

1. **Landscaping Adjacent to Streets.** All street-adjacent landscaped areas shall include a combination of landscaping materials consistent with a desert climate. For properties that provide no setback, planters, potted plants, and/or other appropriate materials shall be provided.
2. **Required Drought-Tolerant Landscaping.** All landscaping shall be installed and maintained to minimize irrigation demand. All landscape materials, including shrubs, trees, vines, perennials, and ground cover, shall demonstrate drought-tolerant features consistent with the High Desert Water District Conservation Ordinance requirements.

## 4.8.4 Walls and Fences

1. **Height and Location.** Perimeter fences and walls that are within a front yard setback shall not exceed a height of 3 feet unless specifically allowed (by the Department Director) to be up to 6 feet high to achieve a specific screening purpose.
  - **Exception:** Walls adjacent to mobile home sites that front the public right-of-way shall be allowed to be up to 6 feet high, subject to the requirements of this section and with approval by the Department Director.
2. **Design.** The design of walls and fences shall be consistent with the overall project design and/or adjacent streetscape. Additionally, the design shall be complementary to the desert landscape.
3. **Walls and Fencing.** Perimeter walls and fences shall be articulated by varying the wall plane at least every 50 feet. The design of the wall shall include an appropriate mix of materials and landscaping.
4. **Chain Link and Fencing.** Chain link or similar fencing shall not be allowed within the public view.

## 4.9 Signs

Except as otherwise stated in this section, the sign standards and review procedures in Chapter 7, Division 7, Title 8, of the Yucca Valley Municipal Code, as amended, shall apply to all signs within the Old Town Specific Plan project area.

# CHAPTER 6: ADMINISTRATION AND IMPLEMENTATION

The development and/or redevelopment of Old Town Yucca Valley Specific Plan project area will be a multi-year effort. The preferred land use development concept and associated improvements necessary are envisioned to occur over a 20-year period. Therefore, future development and/or redevelopment in the Specific Plan area will be dependent upon and responsive to prevailing market conditions, making it challenging to forecast the timing and extent of future conditions.

## 6.1 Applicability

The provisions of this chapter are applicable to development activity and land use within the boundary of the Old Town Yucca Valley Specific Plan. The regulations, development standards, and guidelines as contained in the Specific Plan, shall apply in their entirety to the review of new development proposals. However, for review of proposals to modify existing development, existing site conditions may constrain the extent to which the Specific Plan development standards and guidelines can be met. Acceptable accommodations of existing development are noted where applicable.

## 6.2 Amendments to the General Plan

Concurrent with adoption of the Old Town Yucca Valley Specific Plan, the Town of Yucca Valley Comprehensive General Plan shall be modified by amendment to provide consistency between the General Plan and Specific Plan. The following amendments to the General Plan shall ensure consistency:

- ◆ Amending the General Plan
  - Land Use Element – designate area as Specific Plan (SP)
  - Circulation Element – Update Map to include revised circulation

## 6.3 Amendments to the Zoning Code and Map

The Zoning Classifications in the Old Town Yucca Valley Specific Plan area existing before adoption of the Specific Plan, including a mixture of commercial, light industrial, and residential use classifications, shall be repealed within the Specific Plan area. The zoning map shall be amended to indicate the new Old Town Yucca Valley Specific Plan zoning classification "SP," including the OTMU, OTHC, OTIC, OTCR, and HE districts. (See Chapter 3 for more information on the zoning districts.)

**TOWN OF YUCCA VALLEY  
PLANNING COMMISSION MEETING MINUTES  
August 7, 2007**

Chair Huntington called the regular meeting of the Yucca Valley Planning Commission to order at 7:00 p.m.

Commissioners present: Chair George Huntington, Commissioners, Dennis McKoy, and Shannon Goodpaster

Commissioners David Cooper and Steve Willman were absent as they had been excused because they were on vacation.

Chairman Huntington led the Pledge of Allegiance.

**APPROVAL OF AGENDA:**

Mr. Goodpaster moved that the Agenda be approved which was seconded by Mr. McKoy and passed unanimously by voice vote of the Commissioners present.

**PUBLIC COMMENTS:**

Mr. Huntington opened the meeting for Public Comments.

Sarann Graham of Yucca Valley commented on the problems of pigeons being kept by a neighbor. She requested over two years ago that the Town consider adopting an ordinance regulating the number of pigeons that can be kept in a residential area. Many diseases are spread by pigeon droppings, especially to people like her with compromised immune systems. Attempts to resolve the situation with her neighbor have failed. She again requests that the Town adopt an ordinance regulating pigeons.

She also discussed a problem of straw which is blowing from the same neighbors' property. The straw is being used around the base of trees and plants. The straw is accumulating on her property creating a nuisance and fire hazard.

Mr. Huntington closed the Public Comments.

**PUBLIC HEARING:**

**1. CONDITIONAL USE PERMIT CUP 01-07 – JLT ROCK & SAND  
ENVIRONMENTAL ASSESSMENT EA 01-07**

A request to move an existing rock and landscape supply business to a vacant building, with outside storage of rock, gravel, septic tanks and other landscaping supplies to 55501 Yucca Tr., identified as APN 586-381-03

With reference to the complete printed staff report provided in the meeting packets and preserved in the project and meeting files, Associate Planner Robert Kirschmann presented the project discussion to the meeting. He requested that the Commissions discuss the requirement of a block

wall in COA #53; COA # 35 pertaining to on-site retention of water; and potential considerations of the Old Town Specific Plan and HWY 62 Realignment. Based on those issues, the commission may want to set a time limit on this CUP rather than letting it run with the land. Staff recommended approval of the project.

Mr. Huntington questioned the implications of setting a time limit. Mr. Kirschmann replied the CUP meets all current standards. However, once the Old Town Specific Plan is adopted this project will be a legal non-conforming use. The time limit would set a date-certain when this use would cease and a project consistent with the land use could be brought forward. Mr. Huntington requested and received confirmation that no hydrology report was required. He noted that no COA exists requiring repair of the existing asphalt parking area. Mr. Kirschmann stated that COA can be added if the Commission so desires.

Mr. Huntington opened the public hearing.

Applicant John LeBoutillier of Yucca Valley requested confirmation that the hydrology study is not required. Upon instruction of the Chair, Mr. Kirschmann responded the study is not required but engineered calculations will be required to insure retention of incremental increase in the flow of water.

Mr. LeBoutillier opposed implementation of the time limit and challenged the requirement of construction of a block wall along the east side of the property. He suggested inserting slats into the chain link fence as other properties in the area have used. He proposed to use 2.5x2.5x5 ft. interlocking concrete blocks in front of the improved chain link fence to a height of 5 feet. Regarding the hydrology study, the property has not been graded in 15 to 20 years and there is no evidence of any water flow or erosion anywhere on the property. The surrounding streets are all paved. They are not proposing any new hard surfaces and will not be contributing any additional storm water flow.

Gary Lemmons of Yucca Valley stated he is one of the owners of the property. They have spent approximately \$15,000 cleaning the property and have removed 200,000 pounds of steel and 16 vehicles from the site. They are also being asked to pay \$14,448 in road improvements. And now the Town wants a \$15,000 wall. The property slopes from the east to the west. They have walls on the south, west and north sides. Water will not run up-hill to the east from this site. Water may, however, run onto the property from the east. He suggested the property owner to the east should be constructing the wall to protect this site. They are going to spend about \$15,000 on the parking lot. They do not want to have to install a separate water meter for the landscaping but suggested the use of drought tolerant plants. The utilities are currently overhead and they are being required to put them under ground. They estimate it will cost \$70,000 to meet all the requirements of the Town. They will never get a return on the investment if a time limit is established. This has been a very difficult frustrating process with last minute add-ons. If there was always an Old Town issue, why wasn't it discussed with them early in the process? It's not fair to bring up an Old Town plan that hasn't been adopted yet.

Alan Lemmons of Yucca Valley presented pictures of the site to the Commission, copies of which are preserved in the meeting file. He agrees with Gary Lemmons. This project has expanded to points not imagined when they started. They have copies of requests

from the County and Town to the original owner to clean up the property going back many years. They have cleaned it up.

Robert Billings of Yucca Valley stated he is a small business owner and is concerned about the requirements being imposed on this project. He researched the Town Code which does not require block walls. The guidelines state that walls and fences may be used but are not required. He asked the Commission not to establish a time limit on the project. This project represents a significant investment which would be lost to a time limit. The project should be approved without a time limitation and without COA #53.

Sarann Graham spoke on behalf of the Board of Directors of the Yucca Valley Chamber of Commerce stating the Board is concerned about how businesses are treated by the Town. They often hear that Yucca Valley is not business friendly. It takes too long to get through the process and some of the requirements don't add up. The new Board has decided to speak at the Planning Commission and Town Council in support of local businesses. The Old Town Specific Plan is being looked at but none of us know what the time-line will be for all of those changes. She asked the commission to find something workable for this business.

Mr. Huntington closed the public hearing.

Mr. Goodpaster stated it is not remotely feasible for a business owner to have a time limit on a business. He questioned the establishment of additional easements for the SR62 realignment. Mr. Kirschmann replied there will probably be property acquisition as part of the project. Mr. Goodpaster stated it's a lot to ask of a property owner to invest in a block wall that will be removed in 3 or 4 years. The applicant is willing to install slats and that will serve the purpose. He requested and received confirmation that only new utility service will have to go underground. Service exists to this building. He is not in favor of the block wall or a time limit.

Mr. Kirschmann clarified that the SR62 realignment will not go through this property. There will probably be an open space buffer between this site and SR62.

Mr. Goodpaster could support a COA stating a block wall will be required if the adjoining properties are converted to open space.

Mr. McKoy asked if the entire property were chain link fenced would the Town require block walls all the way around the site. Mr. Kirschmann replied definitely along Yucca Trail and probably around the entire site. Projects in the area have been approved with slatted chain fences, but not within the last 3 years.

Mr. McKoy supported Mr. Goodpaster's suggestion of a slatted fence for now and a COA for a block wall later when necessary.

Mr. Huntington noted there is room on the west side of the property for landscaping. The water meter will have to be set to serve the property and the Water District will determine

if a separate meter is needed for landscaping or a back-flow device. He agrees with the other Commissioners regarding the time limit and the fence treatment. JLT's current location is a very orderly and neat yard and they will probably continue that at the new location. The area is conducive to this use at this time. Not knowing when or if the Old Town Specific Plan will ever be approved, the rules in place at this time should be followed. There won't be much additional run-off and he doubts that retention will be too much of an issue.

Mr. Goodpaster could support adding a COA for repairing the asphalt parking area.

Mr. McKoy moved that the Conditional Use permit be approved with the deletion of COA #52, the addition of a COA for installing slats in the existing chain link fence, the addition of a COA to refurbish the existing asphalt parking area. The motion was seconded by Mr. Goodpaster and passed unanimously by voice vote of the Commissioners present.

## **BUSINESS ITEMS**

### **2. SITE PLAN REVIEW SPR 05-04 EXTENSION OF TIME – HORAK**

A request for an extension of time to construct a retail/commercial building on 2 lots located on the NW corner of Hopi Tr. at SR62 and identified as APN 586-121-03 & 04. The project was approved by the Planning Commission on September 7, 2004.

Director of Community Development Thomas A. Best presented a letter from the applicant, copies of which are retained in the project and meeting files, to the Commission requesting a continuance of the item to the Planning Commission meeting of August 21, 2007.

Mr. Huntington continued the item to the August 21, 2007 meeting.

### **3. TRACT MAP TM 16786 EXTENSION OF TIME - DeSILVA**

A request to divide 10 acres into four 2.5 acre parcels located on the south side of Vera Lane approximately 330 feet west of Joshua Lane and identified as APN 589-031-49. The project was approved by the Planning Commission on June 1, 2005.

With reference to the complete printed staff report provided in the meeting packets and preserved in the project and meeting files, Director of Community Development Thomas A. Best presented the project discussion to the meeting.

Mr. Huntington requested and received confirmation that no changes to the Development Code are necessary.

Mr. Goodpaster moved that the Extension of Time be approved, which motion was seconded by Mr. McKoy and passed unanimously by voice vote of the Commissioners present.



*Planning Commission: August 7, 2007*  
**TOWN OF YUCCA VALLEY**  
**COMMUNITY DEVELOPMENT/PUBLIC WORKS DEPARTMENT**  
**CURRENT PLANNING DIVISION**  
**STAFF REPORT**

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**Case:**           CONDITIONAL USE PERMIT, CUP 01-07  
                  ENVIRONMENTAL ASSESMENT, EA 01-07  
                  CATEGORICALLY EXEMPT UNDER CEQA

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**Request:**       A REQUEST TO MOVE AN EXISTING ROCK AND LANDSCAPE SUPPLY BUSINESS (JLT  
                  ROCK AND SAND) TO A VACANT STORAGE LOT WITH AN EXISTING 1,440 SQUARE  
                  FOOT BUILDING TO BE USED AS AN OFFICE ON APPROXIMATELY 1 ACRE.

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**Applicant:**     JOHN LEBOUTILLIER  
                  6650 LA CONTENTA ROAD  
                  YUCCA VALLEY, CA 92284

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**Property Owner:**  
                  GARY LEMMONS  
                  55501 YUCCA TRAIL  
                  YUCCA VALLEY, CA 92284

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**Representative:**  
                  JOHN LEBOUTILLIER  
                  6650 LA CONTENTA ROAD  
                  YUCCA VALLEY, CA 92284

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**Location:**     THE SITE IS LOCATED AT 55501 YUCCA TRAIL, APPROXIMATELY 450 FEET WEST OF  
                  HOPI TRAIL AND IDENTIFIED AS APN 586-381-03.

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**Surrounding Land Use:**

NORTH:	MOBILE HOME PARK/ APPROVED BUSINESS PARK/ MINI STORAGE
SOUTH:	MINI /RV STORAGE, PHASE 2 CURRENTLY UNDER CONSTRUCTION
WEST:	INDUSTRIAL BUILDING
EAST:	VACANT BUILDING

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**Surrounding General Plan Land Use Designations:**

NORTH:	I-INDUSTRIAL
SOUTH:	I-INDUSTRIAL
WEST:	I-INDUSTRIAL
EAST:	I-INDUSTRIAL

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**Existing General Land Use Designations:**  
                  I-INDUSTRIAL

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**Surrounding Zoning Designations:**

NORTH:	I-INDUSTRIAL
SOUTH:	I-INDUSTRIAL
WEST:	I-INDUSTRIAL
EAST:	I-INDUSTRIAL

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**Existing Zoning Designations:**

I-INDUSTRIAL

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**RECOMMENDATIONS:**

**Conditional Use Permit, CUP 01-07 and Environmental Assessment, EA 01-07:** Staff recommends that the Planning Commission approve Conditional Use Permit, Cup 01-07 and Environmental Assessment, EA 01-07 based on the findings contained within the staff report and the recommended Conditions of Approval.

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**Appeal Information:**

Actions by the Planning Commission, including any finding that a negative declaration be adopted, may be appealed to the Town Council within 10 calendar days. Appeal filing and processing information may be obtained from the Planning Section of the Community Development Department.

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## I. GENERAL INFORMATION

**PROJECT DESCRIPTION:** A request to move an existing rock and landscape supply business to a vacant storage lot with an existing 1,440 square foot building to be used as an office on approximately 1 acre.

**LOCATION:** The site is located at 55501 Yucca Trail, approximately 450 feet west of Hopi Trail and identified as APN 586-381-03.

<b><u>PROJECT SYNOPSIS:</u></b>	<b><u>SITE COVERAGE</u></b>
PROJECT AREA	1.05 acres
BUILDING FOOTPRINT (existing)	1,440 s.f.
PARKING REQUIRED	10
PARKING PROVIDED	10
FLOOD ZONE	Zone A
ALQUIST PRIOLO ZONE	No
OFF-SITE IMPROVEMENTS REQ.	Gateway reimbursement fees
RIGHT-OF-WAY DEDICATION REQ.	No

## II. PROJECT ANALYSIS

**GENERAL PLAN CONSIDERATION:** The Industrial General Plan land use designation provides a wide range of industrial uses, including a rock and landscape supply business. Therefore, the General Plan anticipated the type of development being proposed. This proposal is considered consistent with the Industrial land use designation of the General Plan in that it meets the goals and policies of the Land Use and Economic Elements of the General Plan.

However, this project is located within the Old Town Specific Plan area. Although this plan has yet to be adopted, the Planning Commission may wish to take this into consideration. The Old Town Specific Plan land use designation for this property is industrial/commercial. Typical uses permitted shall be light industrial, flex-tech, small-scale manufacturing, service commercial and limited live-work residential development uses. Thus the proposed development would be inconsistent with the Old Town Specific Plan, once adopted. The project at that point would be classified as a legal, non-conforming use. This would prohibit expansion, modification, and continued use should the site be vacated for 180 days or more.

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**ENVIRONMENTAL CONSIDERATIONS:** The proposed project was reviewed under the requirements of the California Environmental Quality Act (CEQA), and was found to be exempt from CEQA pursuant to Guidelines Section 15332, Infill Development.

**ADJACENT LAND USES:** The surrounding uses include an existing mobile home park, vacant buildings, a cement plant, and vacant land.

**SITE CHARACTERISTICS:** The project site is a level, previously graded lot with some poorly maintained asphalt near the existing 1,440 square foot building.

**ACCESS AND PARKING:** Ordinance 111 establishes the parking regulations for the Town. However, the code did not take this type of facility into consideration during the development of the ordinance. Staff figured the number of parking stalls to be required based on the salvage and wrecking yard requirements. Staff choose this option for two reasons. The first was that staff felt that salvage and wrecking was the closest match to the proposed development (outside storage/ parts to purchase). The second reason was that this type of development typically has minimal traffic and customers, thus there is not the need for a large amount of parking stalls.

**LANDSCAPING:** The site has an existing block wall on three sides which was constructed on property line. This leaves a small area along Yucca Trail for landscaping. The conceptual landscape plan is limited in the type and amount of plants proposed. The project is conditioned to provide a landscape and irrigation plan, which will include a variety of drought tolerant plant materials. These need to include shrubs, ground covers, and trees for a vertical element and help break up the long expanse of the wall. Ocotillos have been suggested to the applicant due to the limited planting area.

**OFF-SITE IMPROVEMENTS:** The street improvements were installed as part of the Gateway Industrial Center. A reimbursement study was completed after improvements were made and the applicant will be required to pay their fair share which amounts to \$14,448. This amount will be required prior to occupancy.

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**DISCUSSION:** Currently JLT Rock and Sand operates an existing business at 6650 La Contenta Road. The current location has been leased to the applicant for many years. However, as the Planning Commission may remember on June 19, 2007 Conditional Use Permit, CUP 02-07 was approved to allow the construction of a 15,000 square foot and a 6,000 square foot building. As a result the applicant needs to relocate their business.

The lot in question was formerly Yucca Valley Water Company lot. For many years the lot was left with junk and debris covering the entire site. The new property owner has cleaned up all the junk and debris on the site and is attempting to lease the site to JLT Rock and Sand. There is an existing 1,440 square foot structure on the site. This building will be used primarily for a sales office. The building will be painted and broken windows replaced. The lot is surrounded by a block wall on 3 sides.

Staff has included a condition of approval requiring the installation of a block wall on the fourth side. The applicant feels that this requirement is extreme due to the cost factor. Staff feels that the block wall is necessary for several reasons. The first reason is aesthetics. The existing chain link fence is in poor repair. The fence is leaning in places and poles are bent. If the block wall completely surrounded the site, it would provide for consistency within the project and help screen the materials from the street and surrounding properties. This side is partially visible from Yucca Trail. The wall will also help prevent lighter materials such as sand from blowing off the site. The wall, in addition to the water system the applicant is proposing should keep the majority of the materials from leaving the site. Additionally, when Highway 62 is rerouted, the proposed route is adjacent to this property. That means it is likely that a slatted chain link fence will be adjacent to the Highway. This could add an undesirable element to the Highway 62 streetscape.

The property is located in a FEMA flood zone A. FEMA was contacted due to the lack of standards for rock and landscape supply yards located within a zone A. There are no clear regulations for this type of development. The ultimate decision from FEMA was for Staff to use the best judgment. In order to prevent additional water from entering the property and rock and sand from exiting the property the block wall could potentially help. This leads to Staff's next concern.

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The Towns Engineering Department is requiring a hydrology study to be completed on site. This is a standard requirement on almost every project that comes through the Town due to our unique topography. This site in particular needs the study because of the location in a flood zone. The hydrology will also determine the appropriate sizing of the detention basin to ensure that downstream properties will not be affected. The property owners are in disagreement with Staffs requirement, due to the lack of flooding on the site in the past.

Due to the projects location within the Old Town Specific Plan, the Planning Commission may wish to establish a time limit on the approval of this project. Once granted, a Conditional Use Permit typically carries with the land. By adding a Condition limiting the time this use is permitted we can ensure that once the Old Town Specific Plan is adopted and the Highway 62 realignment is a reality, we do not end up with an undesirable element along the streetscape and highway frontage.

#### **FINDINGS:**

1. The conditions stated in the approval are deemed necessary to protect the public health, safety and general welfare. The Conditions of Approval ensure the proposed commercial development is in compliance with the requirements of the Town of Yucca Valley in relation to access, circulation, fire protection, building construction, and compatibility with surrounding land uses.
2. The proposed project is consistent with the goals, policies, standards and maps of the Town of Yucca Valley General Plan, because the proposed use is adjacent to identically zoned and developed property and is consistent with the land use pattern and uses fronting on the Outer Highway.
3. The proposed use is consistent with the development within the Industrial Land Use District subject to conditions.
4. The site is physically suitable for the proposed type and intensity of development because the physical constraints that may exist on-site have been recognized and mitigated through the Conditions of Approval including access, circulation, and drainage.

5. The site for the proposed use is adequate in size and shape to accommodate the proposed use and all yards, open spaces, setbacks, walls and fences, parking areas, loading areas, landscaping and other features pertaining to the application.
6. The site for the proposed use has adequate access, in that the site design incorporates access from Yucca Trail.
7. The proposed use will not have a substantial adverse effect on abutting property or on the permitted use thereof, because the use will not generate excessive noise, vibration, traffic or other disturbance. In addition, the use will not substantially interfere with the present or future ability to use solar energy systems.
8. The lawful conditions stated in the approval are deemed necessary to protect the public health, safety and general welfare.

## CONDITIONS OF APPROVAL

### GENERAL CONDITIONS

1. This Conditional Use Permit, CUP 01-07, is an application to establish a rock and landscape supply business to a roughly one acre lot, with an existing 1,440 square foot building that will be used as an office. The property is located at 55501 Yucca Trail and is identified as APN 586-381-03.
2. The applicant/owner shall agree to defend at his sole expense any action brought against the Town, its agents, officers, or employees, because of the issuance of such approval, or in the alternative, to relinquish such approval, in compliance with the Town of Yucca Valley Development Code. The applicant shall reimburse the Town, its agents, officers, or employees for any court costs and attorney's fees which the Town, its agents, officers or employees may be required by a court to pay as a result of such action. The Town may, at its sole discretion, participate at its own expense in the defense of any such action; but such participation shall not relieve applicant of his obligations under this condition.
3. This Conditional Use Permit application shall become null and void if construction has not been commenced within two (2) years of the Town of Yucca Valley date of approval. Extensions of time may be granted by the Planning Commission and/or Town Council. The applicant is responsible for the initiation of an extension request.

Approval Date: August 7, 2007

Expiration Date: August 7, 2009

4. The applicant/owner shall ascertain and comply with requirements of all State, County, Town and local agencies as are applicable to the project area. These include, but are not limited to, Environmental Health Services, Transportation, Flood Control, Fire Marshall, Building and Safety, State Fire Marshal, Caltrans, High Desert Water District, Airport Land Use Commission, California Regional Water Quality Control Board, the Federal Emergency Management Agency, MDAQMD-Mojave Desert Air Quality Management District, Community Development, Engineering, and all other Town Departments.
5. All conditions of this Conditional Use Permit are continuing conditions. Failure of the applicant and/or operator and their heirs or assigns to comply with any or all of said conditions at any time shall result in the revocation of the permit granted to use the property and the use shall cease and vacate immediately.
6. The applicant shall pay all fees charged by the town as required for processing, plan checking, construction and/or electrical inspection. The fee amounts shall be those which are applicable and in effect at the time the work is undertaken and accomplished. Additional



costs incurred by Staff over and beyond those initially collected shall be paid prior to occupancy.

7. All exterior lighting shall comply with the Outdoor Lighting Ordinance. No exterior lights are proposed at this time. However, if any exterior lights shall be installed then a photometric plan shall be submitted to the Town for review and approval. This shall demonstrate that all exterior lighting complies with Ordinance 90 or any lighting ordinance in affect at that time of initial operation. Any existing non-conforming lights shall be brought into compliance.
8. All improvements shall be inspected by the Town's Building and Safety Division, as appropriate. Any work completed without proper inspection may be subject to removal and replacement under proper inspection.
9. Parking and on-site circulation requirements shall be provided and maintained as identified on the approved site plan. Areas reserved for access drive and/or fire lanes shall be clearly designated and maintained
  - a) Any occupancy which requires additional parking that has not been designated in this proposal shall not be approved, unless a revision to the proposal can demonstrate adequate parking and is submitted for review and is approved.
  - b) All markings including parking spaces, directional designation, no parking designation and fire lane designations shall be clearly defined; and said marking shall be maintained in good condition at all times. The Town Traffic Engineer shall approve all signage and markings for the circulation related signage.
  - c) All parking stalls shall be clearly striped and permanently maintained with double or hairpin lines with the two lines being located an equal 9 inches on either side of the stall sidelines. All regular parking stalls be a minimum 9' x 19'.
  - d) A minimum of 10 parking spaces shall be provided.
10. All refuse shall be removed from the premises in conformance with Yucca Valley Town Code 33.083.
11. A fully enclosed trash enclosure with separate pedestrian access shall be provided and shall comply with recycling guidelines pursuant to Ordinance 42.
12. Handicapped site access improvements shall be in conformance with the requirement of Title 24 of the California Building Code.

13. Construction site shall be kept clean at all times. Scrap materials shall be consolidated, and a container must be provided to contain trash that can be carried away by wind.
14. All landscape planter areas, including those within the right-of-way, shall be maintained by the applicant.
15. If any archaeological material is noted during the site clearing or subsequent grading, work shall be halted in the vicinity of the deposit and an archaeologist shall be retained to examine the material and make any necessary recovery.
16. Temporary power shall be established during construction. No permanent power will be authorized or provided until the Certificate of Occupancy is issued.
17. The Applicant shall be responsible to sweep public paved roads adjacent to the project as necessary and as requested by the Town Staff; to eliminate any site related dirt and debris within the roadways.
18. All existing street and property monuments within or abutting this project site shall be preserved consistent with AB 1414. If during construction of onsite or offsite improvements monuments are damaged or destroyed, the applicant/developer shall retain a qualified licensed land surveyor or civil engineer to reset those monuments per Town Standards and file the necessary information with the County Recorder's office as required by law (AB 1414).
19. The Applicant shall restore any pavement cuts required for installation or extension of utilities for this project within the public right-of-way. In all cases where cuts are allowed, the applicant is required to patch the cuts to Town standards and the approval of the Town. The patching shall include a grinding of the pavement to a depth of 0.10 feet and a width of four feet beyond the edge of the trench on each side, or as determined by the Town, and replacement with the full-depth asphalt concrete structural section determined by the Soils Engineer.
20. The Applicant shall observe the construction of this project, to make certain that no damage or potential for damage occurs to adjacent roadway, existing improvements, adjacent property, and other infrastructure. The Applicant shall be responsible for the repair of any damage occurring to offsite infrastructure as determined by the Town Engineer. The Applicant shall repair such damage prior to Certificate of Occupancy. If the damage is such that it is not repairable within a reasonable amount of time as determined by the Town; the Applicant may petition the Town for additional conditions that may allow him the time, amount of surety and other requirements to repair the damage.
21. The Applicant shall be responsible for all improvements that he has constructed within the public right-of-way as required by the Conditions of Approval. The improvements

shall be constructed to the standards and requirements as determined and approved by the Town. Any improvements not considered to be to the required standards shall be replaced by the Applicant. The Applicant shall be required to maintain and repair those improvements prior to and after acceptance by the Town Council for the length of time required by the applicable conditions, standards and ordinances.

22. No staging of construction equipment or parking of worker's vehicles shall be allowed within the public right-of-way.
23. No on-site or off-site work or occupancy shall commence without fees being paid and obtaining the appropriate permits for the work involved from the Town and other Agencies. The approved permits shall be readily available on the job-site for inspection by the Town personnel. The Applicant shall be responsible for the associated costs and arrangements with each public utility.
24. Any grading or drainage onto private off-site or adjacent property shall require a written permission to grade and/or a permission to drain letter from the affected property owner.
25. The alley to the south of the property is unimproved. The applicant shall not be required to improve the alley. The owner shall maintain the alley free of weeds, debris, and trash.
26. All on-site activities shall minimize dust through compliance with AQMD Rule 403.
27. This property appears to be in a Special Flood Hazard Area identified by FEMA. The development of the property shall be in conformance with FEMA and the Town's Floodplain Management Ordinance requirements.
28. Utility undergrounding shall be required for all new Service and Distribution lines that provide direct service to the property being developed; existing Service and Distribution lines that are located within the boundaries being developed; existing Service and Distribution lines between the street frontage property line and the centerline of the adjacent streets of the property being developed; existing Service and Distribution lines located along or within 10 feet of the lot lines of the property being developed; or existing Service and Distribution lines being relocated as a result of a project.
29. If grading is proposed on the site, and/ or a grading permit is required; the appropriate plans shall be submitted, and the corresponding fees shall be obtained by the Town prior to any grading activity.

## PRIOR CERTIFICATE OF OCCUPANCY

30. The Applicant shall submit written proof to the Building Official that the Applicant has complied with all conditions of approval or comments, as required, from the High Desert Water District, and Colorado Regional Water Quality Control Board. Applicant shall comply with applicable requirements of NPDES (Non-Point Pollution Discharge Elimination System).
31. Prior to the issuance of any permits the Applicant shall provide three (3) copies of a landscape and irrigation plan showing the size, type and location of all plant and irrigation systems. Said irrigation system shall incorporate a permanent automatic irrigation system, and all landscaping and irrigation systems shall be maintained in good condition at all times. All ground within proposed landscape planter areas shall be provided with approved ground cover. This shall include but not be limited to drought-tolerant plant materials or colored desert rock. The Landscape Plan shall be approved by the Planning Department and the Hi-Desert Water District prior to issuance of any permits. The Landscape and Irrigation review requires a separate application and a current fee of \$685.
32. Any grading or drainage onto private off-site or adjacent property shall require a written permission to grade and/or a permission to drain letter from the affected property owner.
33. The Town's Master Plan of Drainage shows this property as tributary to the Water Canyon Channel (Y-12) and runoff from the property flows south to the Blue Sky Country Club area. The development of the property shall be in conformance with FEMA and the Town's Floodplain Management Ordinance requirements., The Town's FIRM Maps (map #06071C8855F) shows this property to be within a special flood hazard Zone A. For Zone A no base flood elevations have been determined; and thus, the base flood elevations on the property shall be determined as impacted by the 100 year storm, if the building requires substantial improvement as defined in Ordinance 174, section 8.04.014.
34. The retention basin will require ongoing maintenance by the owners.
35. The Applicant shall be required to retain the incremental increase of water from improved surfaces, including but not limited the roof and any paved areas. A licensed engineer shall submit a report which provides this information to the Town prior to occupancy.
36. Prior to the issuance of a building permit the Applicant shall obtain Fire Department approval of the site plan and building plans. The applicant shall comply with the conditions and requirements of the Town's Fire Dept. Prior to any construction occurring on any parcel, the applicant shall contact the Fire Dept. for verification of current Fire Protection requirements.

No combustible materials shall be bought to the site without approval from the San Bernardino County Fire Department.

37. Prior to the issuance of a building permit, certification from the Morongo Unified School District shall be provided as required by California Government Code Section 53080 (b) that any fee charge, dedication, or other form of requirement levied by the governing board of the district pursuant to Government Code Section 53080 (a) has been satisfied.
38. Any new roof top mechanical equipment is to be screened from ground and street vistas. This information shall be submitted with plan materials for building permit plan check.
39. Sewage disposal system shall be designed in conformance with San Bernardino County DEHS requirements and shall be maintained so as not to create a public nuisance. The applicant shall obtain any and all permits required from the California Regional Water Quality Control Board and provide copies of said permits upon plan submittal to the Building and Safety Department. Soil testing for the subsurface disposal system shall meet the requirements of the Department of Environmental Health Services.
40. Applicant shall submit a minimum of three (3) copies of percolation reports for the project site and the necessary fees appropriate fee to DEHS for review and approval; a copy of the cover sheet with an approval stamp to Building and Safety at the time of building permit application; and two (2) copies of the approved percolation report to Building and Safety at the time of construction plan check.
41. Prior to the issuance of a Certificate of Occupancy all improvements shall be constructed, final inspection performed, punch-list items completed, and all installations approved by the appropriate agency.
42. The Applicant shall construct the replacement of any identified damaged curb and gutter, sidewalk, drive approach, asphalt concrete pavement, meter boxes, and other infrastructure that may be required by the Town Engineer or another Agency.
43. If required, the Applicant shall construct the retention basin complete and in operation prior to issuance of Certificate of Occupancy.
44. Prior to final inspection all landscaping and irrigation shown on the approved landscape and irrigation plans shall be installed.
45. Prior to final inspection, commercial and industrial street address numbers shall be posted on the building with a minimum of eight (8) inch numbers by three-fourth (3/4) inch stroke width and shall be visible from the street. During the hours of darkness the numbers shall be electrically illuminated.

46. Prior to a Certificate of Occupancy, the applicant shall obtain all Fire Department approvals and sign offs of all completed construction.
47. The Applicant shall install all required water and sewer systems necessary to serve the project.
48. Prior to issuance of a certificate of occupancy, the Applicant shall form a maintenance district(s) to provide for maintenance of streets, lighting and landscaping, drainage facilities, or other infrastructure improvements as required by the Town of Yucca Valley.
49. The Applicant shall record a non-opposition agreement to the future formation of a public safety assessment district on the property.
50. The Applicant shall pay Development Impact Fees in place at the time of issuance of Building Permits.
51. Any and all signage shall comply with the Ordinance 156 (Sign Code). The applicant is responsible for submitting plans for review by the Planning and Building and Safety departments
52. The Applicant shall cause to be formed or shall not protest the formation of a maintenance district(s) for landscape, lighting, streets, drainage facilities or other infrastructure as required by the Town.
53. The Applicant shall install a block wall (material shall be a minimum of slump stone) on the properties east side consistent to the walls existing on the north, south, and west side.

Applicant's Signature \_\_\_\_\_ Date \_\_\_\_\_

# TOWN OF YUCCA VALLEY

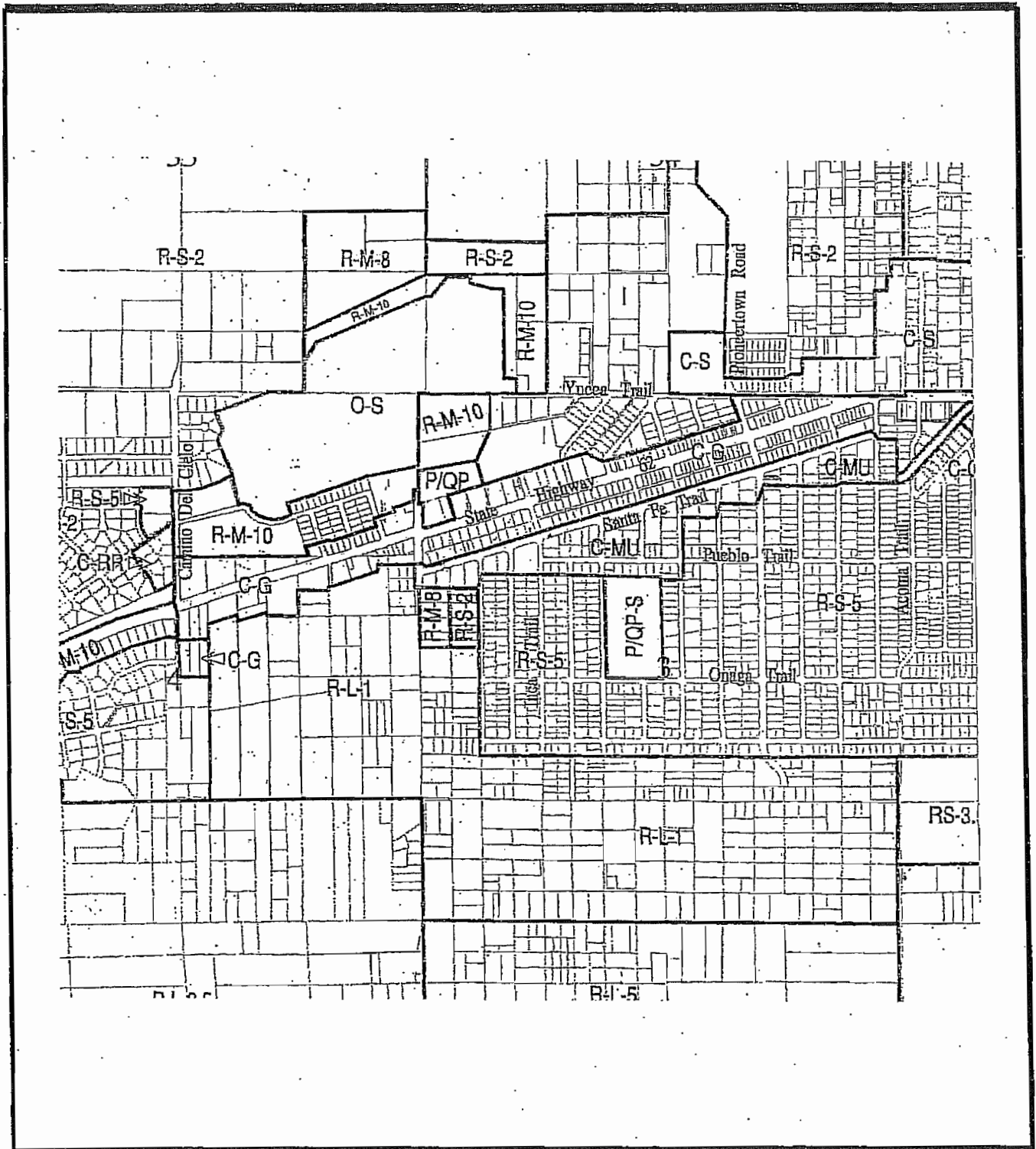
PROJECT NO.: CUP 01-07



SEISMIC MAP

# TOWN OF YUCCA VALLEY

PROJECT NO.: CUP 01-07

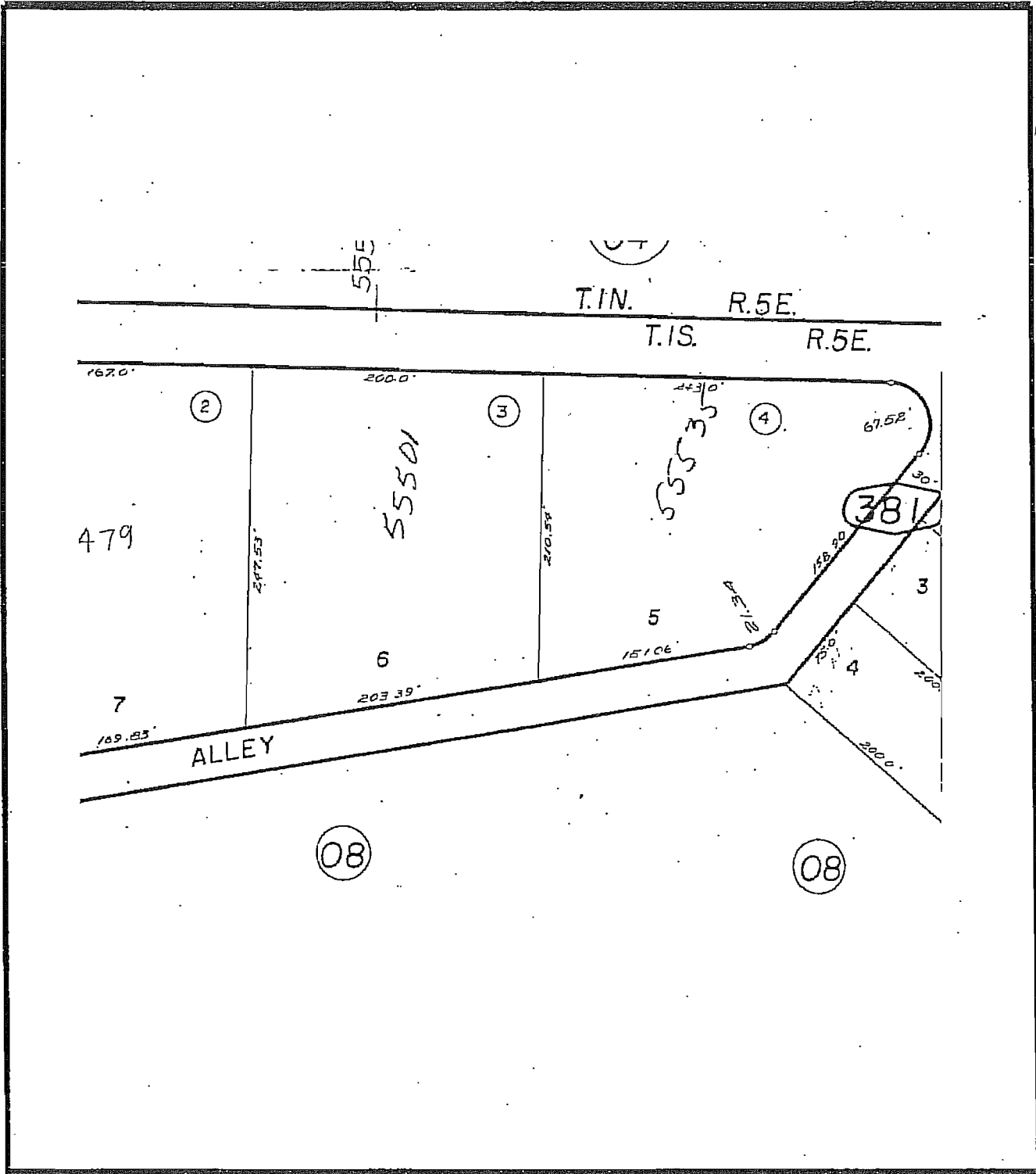


## ZONING AND GENERAL PLAN LAND USE MAP



# TOWN OF YUCCA VALLEY

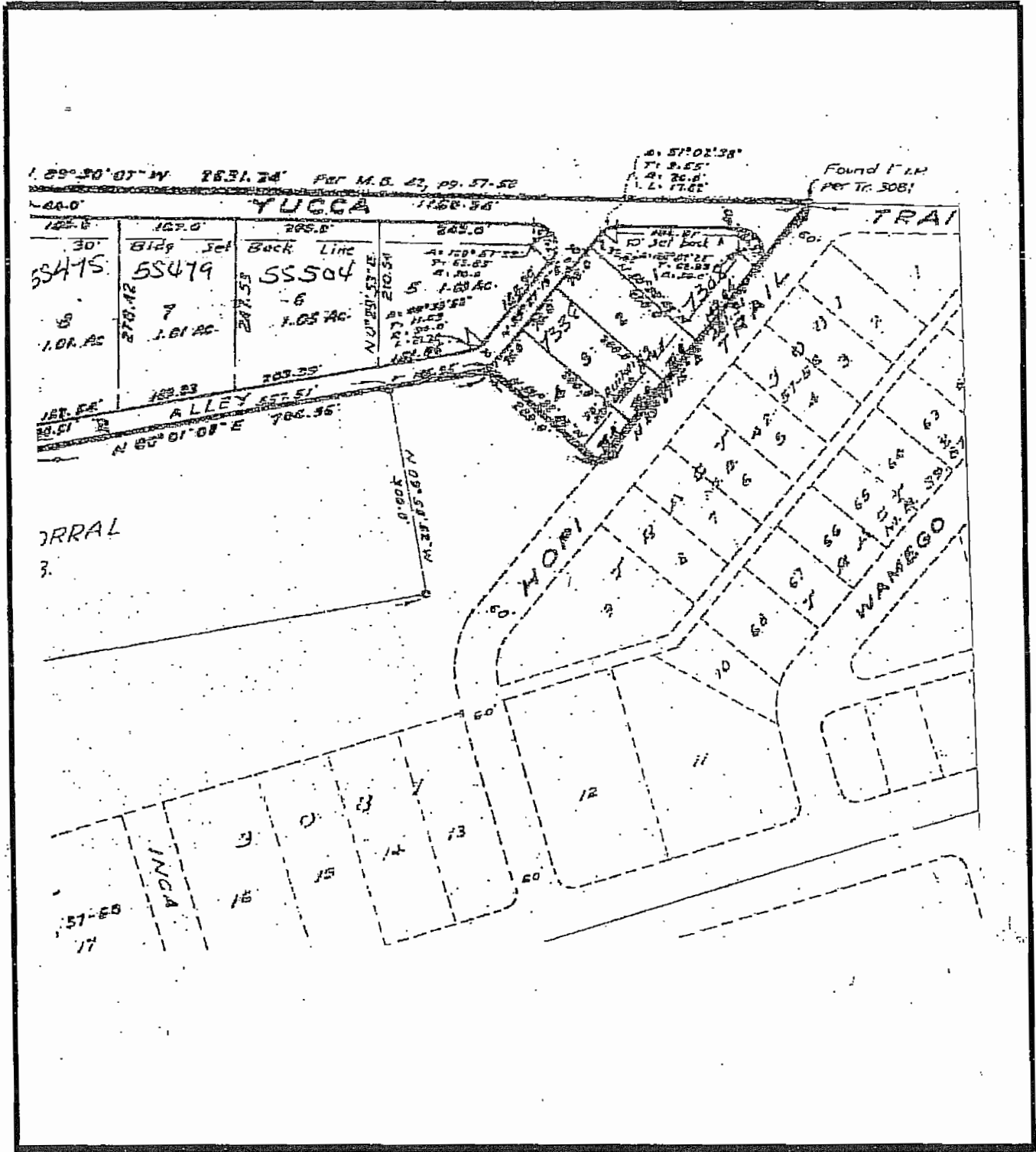
PROJECT NO.: CUP 01-07



ASSESSOR'S PARCEL MAP

# TOWN OF YUCCA VALLEY

PROJECT NO.: CUP 01-07



TRACT MAP

# TOWN OF YUCCA VALLEY

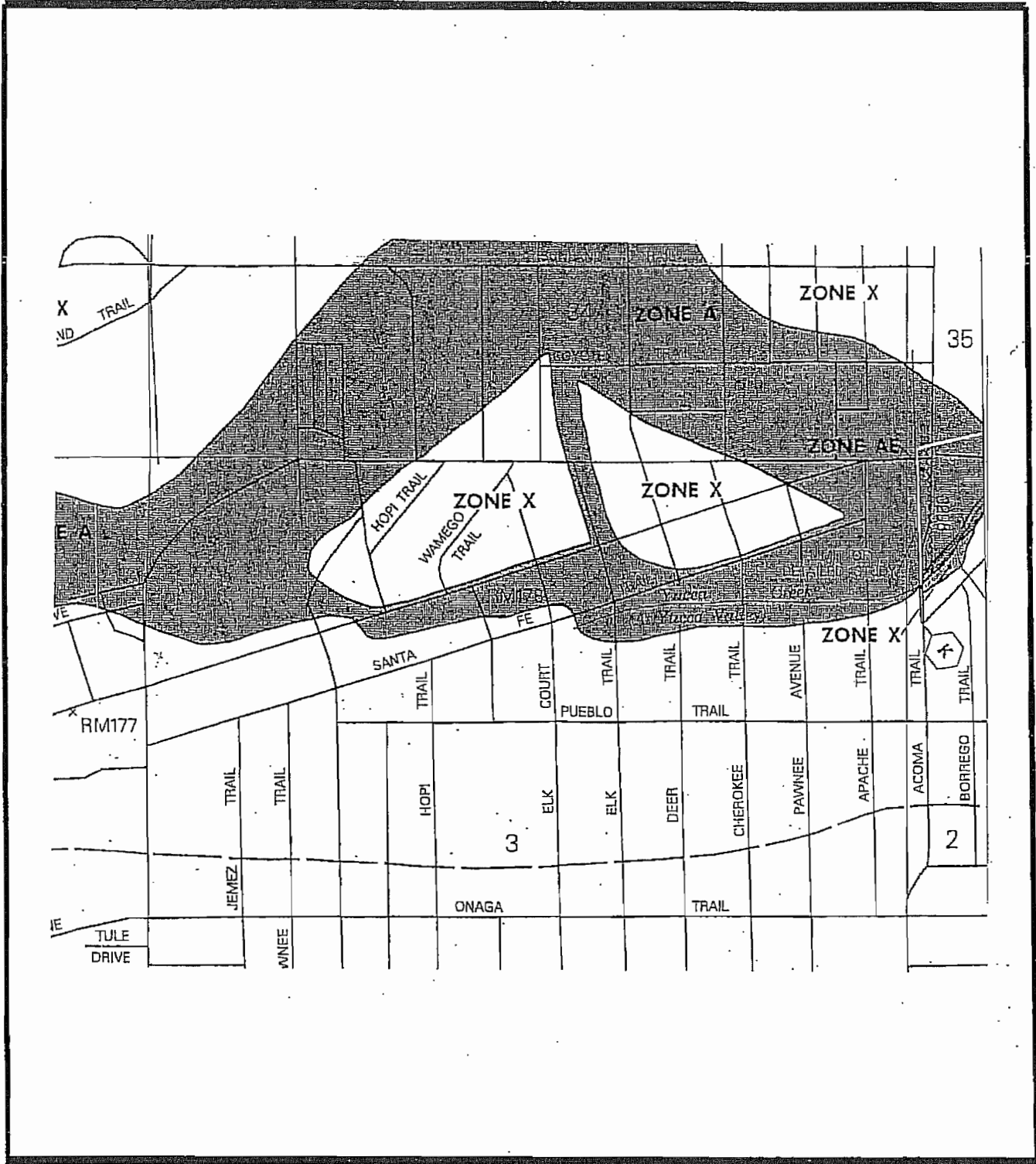
PROJECT NO.: CUP 01-07



AERIAL PHOTO

# TOWN OF YUCCA VALLEY

PROJECT NO.: CUP 01-07



## FLOOD ZONE MAP

July 11, 2007

Robert Kirschmann,  
Development Review  
Committee Meeting

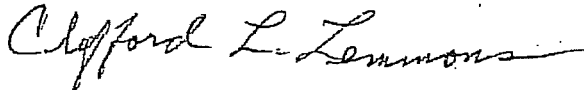
Robert,

We have reviewed June 6, 2007 report of the suggested 12 items. We are in agreeance with #1-6, and #8-11. We have concern with number 7, the suggestions for the addition of the brick wall on the east side, we fell that putting slats in the chainlike fence would fulfill the requirements on the east side for the purposes of blocking the view would be appropriate, the cost factor is just to extreme.

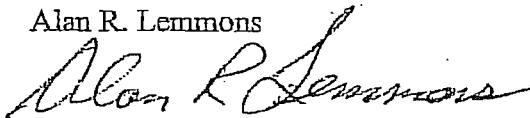
We also have concern with #12 as far as capturing the property ground water; we are blocked wall on the 3 lower side of the parcel, in the worst rain of previous past years we have had no indication of our property not retaining its water.

Thank you for your attention to these issues. We would appreciate to move forward with these issues in a timely matter!

Clifford L Lemmons

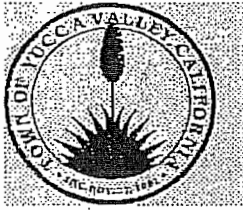


Alan R. Lemmons



Gary L. Lemmons





Date:	1/25/07
By:	Robert
Fee:	4,485
Case No:	CUP-01-07
EA No:	EA-01-07

## CONDITIONAL USE PERMIT

(Please Print Legibly)

Applicant John LeBoutillier Phone 92284  
Address 6650 LaContenta Rd City YV State CA Zip 92284  
E-mail Address \_\_\_\_\_ Fax \_\_\_\_\_  
Project Name (if any): ILT Rock 'N' Sand

Contact Person/Representative Same Phone \_\_\_\_\_  
Address \_\_\_\_\_ City \_\_\_\_\_ State \_\_\_\_\_ Zip \_\_\_\_\_  
E-mail Address \_\_\_\_\_ Fax \_\_\_\_\_

Property Owner Gary Lemmons Phone 365-3702  
Address 55501 Yucca Trail City YV State CA Zip 92284  
E-Mail Address \_\_\_\_\_ Fax \_\_\_\_\_

Assessor Parcel Number(s) 586-381.03 Existing Land Use Storage open  
Property Dimensions 200 x 247 x 203 x 210 General Plan Designation \_\_\_\_\_  
Structure Square Footage 1440 # Existing Zoning INDUSTRIAL / COMM.  
Location: (Example: Address & Street or SW corner of Elk & Onaga or 300 ft N of Paxton on W side of Airway)  
55501 Yucca Trail YV, CA

Proposed Project Description: Precisely describe the proposed project for which approval is being sought and the application is being submitted. Use additional sheets and attach to application if necessary.

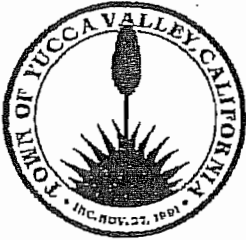
MOVE EXIST. ROCK (Landscape Supply) BUSINESS TO NEW LOCATION.

Owner's Signature \_\_\_\_\_ Date \_\_\_\_\_

NOTE: THE INFORMATION I HAVE PROVIDED IS TRUE AND OPEN AS PUBLIC INFORMATION. THE PLANNING APPLICATION DOES NOT GUARANTEE APPROVAL OR CONSTITUTE A BUILDING PERMIT APPLICATION. ADDITIONAL FEES MAY BE REQUIRED DEPENDING ON ANY ADDITIONAL ADMINISTRATIVE COSTS.

Applicant's Signature John LeBoutillier Date 1-25-07

Town of Yucca Valley  
Community Development/Public Works Department  
58928 Business Center Dr., Yucca Valley, CA 92284  
760 369-6575 Fax 760 228-0084



Date: \_\_\_\_\_  
 By: \_\_\_\_\_  
 Fee: \_\_\_\_\_  
 Case No: \_\_\_\_\_  
 EA No: \_\_\_\_\_

## CONDITIONAL USE PERMIT

(Please Print Legibly)

Applicant John LeBoutillier  
 Address 6650 LaContenta Rd City Yucca Valley State Ca Zip 92284  
 Phone 760-369-9650 cell 401-6010 Fax 760-369-6790  
 Contact Person/Representative John Phone 401-6010  
 Address 7798 Balsa Ave City Yucca Valley State Ca Zip 92284  
 Property Owner Gary Lemmons  
 Address 55501 Yucca Trail City Yucca Valley State Ca Zip 92284  
 Phone 760-365-3702 Fax \_\_\_\_\_

Assessor Parcel Number(s) 586-381-03 Existing Land Use vacant storage  
 Property Dimensions 200x247x203x210 General Plan Designation \_\_\_\_\_  
 Structure Square Footage 1440 Existing Zoning Industrial/commercial  
 TRACT 3383

Proposed Project Description : Please Attach Description Letter

Owner's Signature Gary Lemmons Date 11-14-06

NOTE: THE INFORMATION I HAVE PROVIDED IS TRUE AND OPEN AS PUBLIC INFORMATION. THE PLANNING APPLICATION DOES NOT GUARANTEE APPROVAL OR CONSTITUTE A BUILDING PERMIT APPLICATION. ADDITIONAL FEES MAY BE REQUIRED DEPENDING ON ANY ADDITIONAL ADMINISTRATIVE COSTS.

Applicant's Signature John LeBoutillier Date 10/31/06

# SUBMITTAL REQUIREMENTS

Listed below are the general requirements that are to be submitted with all CUP applications. In some cases additional requirements will be required depending on the request of the CUP.

- 1. Planning Application and Environmental Application.
- 2. Deposit payable to the Town of Yucca Valley.
- 3. Letter of Justification addressed to the Town of Yucca Valley which discusses the following items:
  - Proposed use
  - How the following required "findings" can be made to support the project:
    - The site is adequate in size and shape to accommodate the proposed use and all yards, open spaces, setbacks, wells, fences, parking areas, loading areas, landscaping and other features are in compliance with zoning and development code requirements.
    - The site has adequate access
    - The proposed use will not have a substantial adverse effect on abutting property
    - The proposed use is consistent with the goals, objectives and standards of the General Plan and Zoning/Development Code

Each of these findings must be addressed separately and must be in a section of the letter titled "FINDINGS."

- 4. Legal Description - the lot and parcel/tract number must be provided on the application forms and the site plan. If lot and parcel/tract numbers are not available, provide a metes and bounds description.
- 5. Property Owners List - with your application you must provide a list (on Avery labels, 33 per 8 1/2" x 11" page) of all property owners and their addresses within 300 feet of the exterior boundaries of the property in question. This list will be used for public notification. An illustration on how to obtain the 300 foot mailing list is provided.
- 6. A preliminary title report dated within sixty (60) days of filing of the application with the Town. *30 day*
- 7. Required Plans  
Fifteen (15) sets folded to approximately 8-1/2" x 14"

## Required Plans

- Site plan or plot plan preferably at 1" = 20', 1" = 30', or 1" = 40' scale *with north arrows*.
- Floor plans

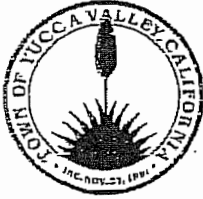


- Dimension all parking and circulation set-backs and overhangs
- *Handicap facilities and* ramps for handicapped, and ability to meet requirements of the Americans with Disabilities Act
- Turning radii for large trucks (wheel base =35') at trash enclosure areas and other areas where truck traffic is anticipated, such as exits/entrances. For clarity, turning radius illustration should be presented on separate sheets from the detailed site plans. Turning templates should be used in determining radii.
- Dimensions and identification of all easements, whether public or private
- If project is to be phased, show the proposed phases and their sequence of development
- Loading zones or areas need to be fully dimensioned, if required
- 8 USGS 7.5' Series Quadrangle Map (8-1/2"x11")

YES NO N/A

- Locations for all trash enclosures and type of construction should be designated on the plan. In choosing these locations, the applicant shall consider the trash truck's accessibility into and out of the area. The design shall conform with the Town's standard, which includes pedestrian access.
- Identify proposed traffic control measures in parking lot and/or structure (i.e. striping, pavement arrow, etc.). Indicate if gated or non-gated entry ways will be used, and if gated, show the proposed location precisely. If gates are proposed, a stacking analysis must be prepared and processed.
- Show existing land uses and property ownership adjacent to project.
- Location and heights of all walls or fences with details, materials, construction and height differentials from abutting property if fence/wall is located on a property line
- Location of existing and proposed buildings.
- A statistical inventory including:
  - \* Project area (acres/sq. ft.)
  - \* Structure area (sq. ft.)
  - \* Square footage of useable floor areas
  - \* Structure height
  - \* Construction material
- Percentage of site covered by building(s)
- For commercial and industrial development, the exact footage of floor space devoted to various uses and the percentage of the total area each use occupies.
  - Percent in parking/paved area and percent in landscaping/open areas
  - Location and identification of recreational amenities
- Identify septic location/relocation on site plan
- Location of proposed and existing water and sewer mains (include pipe size and direction of flow)

3.2% ←



Date: 1/25/07  
 By: Robert  
 Fee: \_\_\_\_\_  
 EA No: 01-07  
 Project No: CWP 01-07

## ENVIRONMENTAL ASSESSMENT APPLICATION

Pursuant to the California Environmental Quality Act (CEQA), the project applicant is to complete this application for review by the Town. Formal processing of the project application will not begin until this Environmental Application is accepted as complete. Please call the Community Development Department at (760) 369-6575 if you have any questions.

(Please Print Legibly)

Applicant John LeBoutillier Phone 369-9650  
 Address 6650 La Contenta Rd City Y.V State Ca Zip 92284  
 E-mail Address \_\_\_\_\_ Fax \_\_\_\_\_  
 Project Name (if any): \_\_\_\_\_

Contact Person/Representative Same Phone \_\_\_\_\_  
 Address \_\_\_\_\_ City \_\_\_\_\_ State \_\_\_\_\_ Zip \_\_\_\_\_  
 E-mail Address \_\_\_\_\_ Fax \_\_\_\_\_

Property Owner GARY Lemmons Phone 365-3702  
 Address 55501 Yucca Trail City Yucca Valley State Ca Zip 92284  
 E-Mail Address \_\_\_\_\_ Fax \_\_\_\_\_

Assessor Parcel Number(s) 586.381.03 Existing Land Use storage open  
 Property Dimensions 200 x 247 x 203 x 210 General Plan Designation \_\_\_\_\_  
 Structure Square Footage 1440 # Existing Zoning INDUSTRIAL / comm  
 Location: (Example: Address & Street or SW corner of Elk & Onaga or 300 ft N of Paxton on W side of Airway)  
55501 YUCCA TRAIL YV, CA

Proposed Project Description: Precisely describe the proposed project for which approval is being sought and the application is being submitted. Use additional sheets and attach to application if necessary.  
MOVE EXIST. ROCK (LANDSCAPE) BUSINESS TO NEW LOCATION.

Owner's Signature \_\_\_\_\_ Date \_\_\_\_\_

NOTE: THE INFORMATION I HAVE PROVIDED IS TRUE AND OPEN AS PUBLIC INFORMATION. THE PLANNING APPLICATION DOES NOT GUARANTEE APPROVAL OR CONSTITUTE A BUILDING PERMIT APPLICATION. ADDITIONAL FEES MAY BE REQUIRED DEPENDING ON ANY ADDITIONAL ADMINISTRATIVE COSTS.

Applicant's Signature John LeBoutillier Date 1-25-07

**Town of Yucca Valley**  
**Community Development/Public Works Department**  
 58928 Business Center Dr  
 Yucca Valley, CA 92284  
 760 369-6575 Fax 760 228-0084

Date	_____
By	_____
Fee	_____
Case #	_____

## ENVIRONMENTAL APPLICATION

Pursuant to the California Environmental Quality Act (CEQA), the project applicant is to complete this application for review by the Town. Formal processing of the project application will not begin until this Environmental Application is accepted as complete. Please call the Community Development Department at (760) 369-6575 if you have any questions.

Project title/Name JLT Rock 'n' Sand

Applicant Name John LeBoutillier

Address 6650 La Contenta Rd.

City Yucca Valley State Ca Zip 92284 Phone 760-369-9650

Contact person John LeBoutillier

Address 7798 Balsa Ave

City Yucca Valley State Ca Zip 92284 Phone 760-401-6010

Project location 55501 Yucca Trail

Assessor's Parcel Number 586-381-03

**Project description:** Precisely describe the proposed project for which approval is being sought and the applications being submitted. Use additional sheets and attach to application if necessary. (This description should match the description noted on the CUP application form.)

## ENVIRONMENTAL SETTING

1. Property boundaries, dimensions and area (also attach an 8½" x 11" site plan):

North 200' EROT 210'  
West 247' South 203'

2. Existing site zoning:

*Industrial / Commercial*

3. Existing General Plan designation:

4. Precisely describe the existing use and condition of the site:

~~Vacant~~ Storage -

5. Zoning of adjacent parcels      North \_\_\_\_\_ South \_\_\_\_\_ East \_\_\_\_\_ West

6. Existing General Plan designation of adjacent parcels

North \_\_\_\_\_ South \_\_\_\_\_ East \_\_\_\_\_ West

7. Precisely describe existing uses adjacent to the site:

VACANT

8. Describe the plant cover found on the site, including the number and type of all trees:

1 Elm Tree    2 Yucca Tree  
2 Joshua Tree

Note: Explain any "yes" or "maybe" responses in attachments. If the information and responses are insufficient or not complete, the application may be determined incomplete and returned to the applicant.

Yes    Maybe    No

- |                          |                          |                                     |   |
|--------------------------|--------------------------|-------------------------------------|---|
| <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | 9. Is the Site on filled or slopes of 10% or more or in a canyon? (A geological and/or soils Investigation report is required with this application.)               |
| <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | 10. Has the site been surveyed for historical, paleontological or archaeological resources? (If yes, a copy of the survey report is to accompany this application.) |
| <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | 11. Is the site within a resource area as identified on the archaeological and historical resource General Plan map?  |
| <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | 12. Does the site contain any unique natural, ecological, or scenic resources?  |
| <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | 13. Do any drainage swales or channels border or cross the site?  |
| <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | 14. Has a traffic study been prepared? (If yes, a copy of the study is to accompany this application.)  |
| <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | 15. Is the site in a flood plain? (See appropriate Federal Insurance Rate Map)  |

# PROJECT DESCRIPTION

Complete the items below as they pertain to your project. Attach a copy of any plans submitted as part of the project application and any other supplemental information that will assist in the review of the proposed project pursuant to CEQA.

## 1. Residential projects:

A. Number and type of dwelling units proposed: *NONE*

*N/A*  
B. Gross density of the proposed project?

C. Type and size of households expected:

*NO*

D. Will any multi-story units be located adjacent to a highway or major arterial?

*NO*

## 2. Commercial, Industrial, and Institutional Projects:

A. Specific type of use proposed:

*Landscape Supply Business*

B. Gross square footage by each type of use:

*1 acre*

C. Gross square footage and number of floors of each building:

*N/A*

D. Estimate of employment by shift:

*1 shift - 2-3 people*

E. Planned outdoor activities:

*loading customer vehicles*

## 3. Percentage of project site covered by:

Paving *6.8* % Building *3.2* % Landscaping \_\_\_\_\_ % Parking *2.4* %

4. Maximum height of structures \_\_\_\_\_ ft. \_\_\_\_\_ in.

## 5. Amount and type of off street parking proposed:

6. How will drainage be accommodated?

*10 spaces - paved*  
*EXISTING*

7. Off-site construction (public or private) required to support this project

*NONE*

8. Preliminary grading plans estimate *0* cubic yards of cut and *0* cubic yards of fill

9. Estimated dates for the following:

# *JLT Rock 'N' Sand*

*November 5, 2006*

*TOWN OF YUCCA VALLEY  
COMMUNITY DEVELOPMENT DEPARTMENT  
CURRENT PLANNING DIVISION  
57090 29 Palms Hwy  
Yucca Valley, CA 92284*

*Attn: Community Development Department*

*RE: Conditional Use Permit  
APN 586-381-03  
John LeBoutillier*

*Dear Sirs:*

*The proposed project is to seek approval of a Conditional Use Permit application. I am providing this letter of project description and justification.*

*This project is to seek approval of a CUP to move an existing business located in Yucca Valley, CA on LaContenta Road to a now vacant lot on Yucca Trail. The property is approximately one acre and located at 55501 Yucca Trail between Superior Ready Mix/Granite Construction on the west side and Wulf's Recycling on the east. JLT Rock 'N' Sand, a sand, gravel and landscape supply business will occupy the property and engage in business as they do now. JLT Rock 'N' Sand has been doing business at the LaContenta Road address for over three years and is moving due to development of that property. The property is fenced on the north, west, south and part of the east side with a 5' high block wall. The remaining east side is fenced with a chain link fence. There will be landscaping provided on the south or street side with Boulders and Landscape Rock (desert landscaping). The property has a 1400 square foot (approximate) building existing that will house an office, a sales counter and storage (materials). The owner of the property, Gary*

*Lemmons, will be providing a restroom to the interior of the existing building and paved parking (ten spaces) to the property as per Town Requirements. Both improvements will be adequate for handicap requirements.*

*Findings:*

*The current zoning for this parcel is Commercial/Industrial. The property layouts with details are submitted on a blueprint plan for your review. All bunker storage spaces for material are made of portable concrete blocks and will be fitted with a sprinkler system for dust control. Ground surface will be covered in a Class II base and/or DG product for dust control and watered as needed for proper control as our yard know is.*

*The north exposure is the property front on Yucca Trail with a Mobile Home Park across the street. The east exposure is vacant property. The west exposure is vacant property. The south exposure is an alley with a Storage facility south of it.*

*The only property abutting any of the vacant properties is occupied by Superior Redi Mix which is a sand, gravel and Redi Mix Concrete Business of a much larger scope than this one.*

*The site has two existing accesses on a secondary road and a short distance from a major or primary road (Hwy 62).*

*If you have any questions, please call at (760) 401-6010.*

*Respectfully Submitted,*

*John LeBoutillier  
JLT Rock 'N' Sand*

ADVERTISING FOR  
NOTICE OF PUBLIC HEARING  
YUCCA VALLEY PLANNING COMMISSION  
TUESDAY, AUGUST 7, 2007  
BEGINNING AT 7:00 P.M.  
YUCCA VALLEY COMMUNITY CENTER  
57090 29 PALMS HIGHWAY  
YUCCA VALLEY, CALIFORNIA 92284

A PUBLIC HEARING HAS BEEN SCHEDULED BEFORE THE TOWN OF YUCCA VALLEY PLANNING COMMISSION TO CONSIDER THE FOLLOWING DESCRIBED APPLICATION:

**CASE NUMBER:** Conditional Use Permit, CUP 01-07

**APPLICANT:** John LeBoutiller  
6650 LaContenta Road  
Yucca Valley, CA 92284

**PROPOSAL:** A request to move an existing rock and landscape supply business to a vacant storage lot with an existing 1,440 square foot building to be used as an office on approximately 1 acre.

**LOCATION:** The site is located at 55501 Yucca Trail, approximately 450 feet west of Hopi Trail and identified as APN 586-381-03.

**ENVIRONMENTAL**

**DETERMINATION:** The project was reviewed under the California Environmental Quality Act (CEQA) and the Town's Guidelines to Implement same. The Town determined that the proposed project is exempt from CEQA under Section 15332 (Infill Development).

Any person affected by the application(s) may appear and be heard in support or opposition to the proposal at the time of the hearing.

The environmental findings, along the with proposed project application(s) are available and may be reviewed at the Town of Yucca Valley Planning Division, 58928 Business Center Drive, Yucca Valley, CA 92284 from 8:00 a.m. to 5:00 p.m., Monday through Friday or obtain information at (760) 369-6575.

The Planning Commission in their deliberation could recommend approval of the project, deny the project, or approve the project in an alternative form.

If you challenge any of the projects in court, you may be limited to raising only those issues you or someone else raised at the Public Hearing described in this notice, or in written correspondence delivered to the Town Planning Division at, or prior to the Public Hearing.

Publish Date: Posted July 25 and published on July 25, 2007.

July 25, 2007  
Date

/S/ Jeannie Lindberg  
JEANNIE LINDBERG  
Administrative Assistant III



0594.041.34-35  
Blue Sky Golf LLC  
5100 Martinez Trail  
Yucca Valley, CA 92284

0586.081.12-03  
0586.381.08  
Country Club Mini Storage  
7327 Hopi Trail  
Yucca Valley, CA 92284

0594.041.21  
George Reed  
PO Box 580958  
N. Palm Springs, CA 92258.

0586.381.07  
Bill Garvin  
3591 Santa Barbara Dr  
Yucca Valley, CA 92284

0594.041.20  
Rubber Sales and Engineering  
19345 Woodland Lane  
Huntington Beach, CA 92648

0586.381.05-06  
Wulf  
5820 Laguna Valley Way  
Elk Grove, CA 95758

0594.041.22  
& A Capital Management LLC  
918 Hunter Pass  
Alpine, CA 91901

0586.381.02  
Stanley Zarakov  
PO Box 1677  
Yucca Valley, CA 92286

0594.041.17  
Suburban Gas Service Inc.  
One Liberty Plaza  
Liberty, MO 64068

0586.381.02  
Ted Jurling  
PO Box 699  
Joshua Tree, CA 92252

0586.381.01  
0586.081.11  
Granite Construction Co.  
PO Box 5085  
Watsonville, CA 95077

August 9, 2007

John LeBoutiller  
6650 La Contenta Rd.  
Yucca Valley, CA 92284

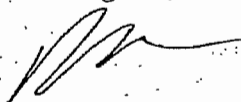
**RE: CONDITIONAL USE PERMIT, CUP 01-07**

Dear John,

On August 7, 2007 the Planning Commission approved your project with amended Conditions of Approval. Attached are two sets of the Conditions. Please review the Conditions, initial each page, sign and return one set of the Conditions to this office. The other set is for your records.

As always, should you have any questions please feel free to contact Staff at your convenience.

Best Regards,



Robert Kirschmann  
Associate Planner  
Town of Yucca Valley  
(760) 369-6576

Planning  
(760) 369-6575  
Public Works  
(760) 369-6579  
Building and Safety  
(760) 365-0099  
Code Compliance  
(760) 369-6575  
Engineering  
(760) 369-6575  
Animal Control  
(760) 369-7207  
FAX (760) 228-0084



The Town of  
**Yucca Valley**

COMMUNITY DEVELOPMENT/PUBLIC WORKS DEPARTMENT  
58928 Business Center Dr.  
Yucca Valley, California 92284

# CONDITIONS OF APPROVAL

## GENERAL CONDITIONS

1. This Conditional Use Permit, CUP 01-07, is an application to establish a rock and landscape supply business to a roughly one acre lot, with an existing 1,440 square foot building that will be used as an office. The property is located at 55501 Yucca Trail and is identified as APN 586-381-03.
2. The applicant/owner shall agree to defend at his sole expense any action brought against the Town, its agents, officers, or employees, because of the issuance of such approval, or in the alternative, to relinquish such approval, in compliance with the Town of Yucca Valley Development Code. The applicant shall reimburse the Town, its agents, officers, or employees for any court costs and attorney's fees which the Town, its agents, officers or employees may be required by a court to pay as a result of such action. The Town may, at its sole discretion, participate at its own expense in the defense of any such action; but such participation shall not relieve applicant of his obligations under this condition.
3. This Conditional Use Permit application shall become null and void if construction has not been commenced within two (2) years of the Town of Yucca Valley date of approval. Extensions of time may be granted by the Planning Commission and/or Town Council. The applicant is responsible for the initiation of an extension request.

Approval Date: August 7, 2007

Expiration Date: August 7, 2009

4. The applicant/owner shall ascertain and comply with requirements of all State, County, Town and local agencies as are applicable to the project area. These include, but are not limited to, Environmental Health Services, Transportation, Flood Control, Fire Marshall, Building and Safety, State Fire Marshal, Caltrans, High Desert Water District, Airport Land Use Commission, California Regional Water Quality Control Board, the Federal Emergency Management Agency, MDAQMD-Mojave Desert Air Quality Management District, Community Development, Engineering, and all other Town Departments.
5. All conditions of this Conditional Use Permit are continuing conditions. Failure of the applicant and/or operator and their heirs or assigns to comply with any or all of said conditions at any time shall result in the revocation of the permit granted to use the property and the use shall cease and vacate immediately.

6. The applicant shall pay all fees charged by the town as required for processing, plan checking, construction and/or electrical inspection. The fee amounts shall be those which are applicable and in effect at the time the work is undertaken and accomplished. Additional costs incurred by Staff over and beyond those initially collected shall be paid prior to occupancy.
7. All exterior lighting shall comply with the Outdoor Lighting Ordinance. No exterior lights are proposed at this time. However, if any exterior lights shall be installed then a photometric plan shall be submitted to the Town for review and approval. This shall demonstrate that all exterior lighting complies with Ordinance 90 or any lighting ordinance in affect at that time of initial operation. Any existing non-conforming lights shall be brought into compliance.
8. All improvements shall be inspected by the Town's Building and Safety Division, as appropriate. Any work completed without proper inspection may be subject to removal and replacement under proper inspection.
9. ***Parking and on-site circulation requirements shall be provided and maintained as identified on the approved site plan.*** Areas reserved for access drive and/or fire lanes shall be clearly designated and maintained
  - a) Any occupancy which requires additional parking that has not been designated in this proposal shall not be approved, unless a revision to the proposal can demonstrate adequate parking and is submitted for review and is approved.
  - b) All markings including parking spaces, directional designation, no parking designation and fire lane designations shall be clearly defined; and said marking shall be maintained in good condition at all times. The Town Traffic Engineer shall approve all signage and markings for the circulation related signage.
  - c) All parking stalls shall be clearly striped and permanently maintained with double or hairpin lines with the two lines being located an equal 9 inches on either side of the stall sidelines. All regular parking stalls be a minimum 9' x 19'.
  - d) A minimum of 10 *paved* parking spaces shall be provided.
10. All refuse shall be removed from the premises in conformance with Yucca Valley Town Code 33.083.
11. A fully enclosed trash enclosure with separate pedestrian access shall be provided and shall comply with recycling guidelines pursuant to Ordinance 42.

12. Handicapped site access improvements shall be in conformance with the requirement of Title 24 of the California Building Code.
13. Construction site shall be kept clean at all times. Scrap materials shall be consolidated, and a container must be provided to contain trash that can be carried away by wind.
14. All landscape planter areas, including those within the right-of-way, shall be maintained by the applicant.
15. If any archaeological material is noted during the site clearing or subsequent grading, work shall be halted in the vicinity of the deposit and an archaeologist shall be retained to examine the material and make any necessary recovery.
16. Temporary power shall be established during construction. No permanent power will be authorized or provided until the Certificate of Occupancy is issued.
17. The Applicant shall be responsible to sweep public paved roads adjacent to the project as necessary and as requested by the Town Staff; to eliminate any site related dirt and debris within the roadways.
18. All existing street and property monuments within or abutting this project site shall be preserved consistent with AB 1414. If during construction of onsite or offsite improvements monuments are damaged or destroyed, the applicant/developer shall retain a qualified licensed land surveyor or civil engineer to reset those monuments per Town Standards and file the necessary information with the County Recorder's office as required by law (AB 1414).
19. The Applicant shall restore any pavement cuts required for installation or extension of utilities for this project within the public right-of-way. In all cases where cuts are allowed, the applicant is required to patch the cuts to Town standards and the approval of the Town. The patching shall include a grinding of the pavement to a depth of 0.10 feet and a width of four feet beyond the edge of the trench on each side, or as determined by the Town, and replacement with the full-depth asphalt concrete structural section determined by the Soils Engineer.
20. The Applicant shall observe the construction of this project, to make certain that no damage or potential for damage occurs to adjacent roadway, existing improvements, adjacent property, and other infrastructure. The Applicant shall be responsible for the repair of any damage occurring to offsite infrastructure as determined by the Town Engineer. The Applicant shall repair such damage prior to Certificate of Occupancy. If the damage is such that it is not repairable within a reasonable amount of time as determined by the Town; the Applicant may petition the Town for additional conditions that may allow him the time, amount of surety and other requirements to repair the damage.

21. The Applicant shall be responsible for all improvements that he has constructed within the public right-of-way as required by the Conditions of Approval. The improvements shall be constructed to the standards and requirements as determined and approved by the Town. Any improvements not considered to be to the required standards shall be replaced by the Applicant. The Applicant shall be required to maintain and repair those improvements prior to and after acceptance by the Town Council for the length of time required by the applicable conditions, standards and ordinances.
22. No staging of construction equipment or parking of worker's vehicles shall be allowed within the public right-of-way.
23. No on-site or off-site work or occupancy shall commence without fees being paid and obtaining the appropriate permits for the work involved from the Town and other Agencies. The approved permits shall be readily available on the job-site for inspection by the Town personnel. The Applicant shall be responsible for the associated costs and arrangements with each public utility.
24. Any grading or drainage onto private off-site or adjacent property shall require a written permission to grade and/or a permission to drain letter from the affected property owner.
25. The alley to the south of the property is unimproved. The applicant shall not be required to improve the alley. The owner shall maintain the alley free of weeds, debris, and trash.
26. All on-site activities shall minimize dust through compliance with AQMD Rule 403.
27. This property appears to be in a Special Flood Hazard Area identified by FEMA. The development of the property shall be in conformance with FEMA and the Town's Floodplain Management Ordinance requirements.
28. Utility undergrounding shall be required for all new Service and Distribution lines that provide direct service to the property being developed; existing Service and Distribution lines that are located within the boundaries being developed; existing Service and Distribution lines between the street frontage property line and the centerline of the adjacent streets of the property being developed; existing Service and Distribution lines located along or within 10 feet of the lot lines of the property being developed; or existing Service and Distribution lines being relocated as a result of a project.
29. If grading is proposed on the site, and/ or a grading permit is required; the appropriate plans shall be submitted, and the corresponding fees shall be obtained by the Town prior to any grading activity.

## PRIOR CERTIFICATE OF OCCUPANCY

30. The Applicant shall submit written proof to the Building Official that the Applicant has complied with all conditions of approval or comments, as required, from the High Desert Water District, and Colorado Regional Water Quality Control Board. Applicant shall comply with applicable requirements of NPDES (Non-Point Pollution Discharge Elimination System).
31. Prior to the issuance of any permits the Applicant shall provide three (3) copies of a landscape and irrigation plan showing the size, type and location of all plant and irrigation systems. Said irrigation system shall incorporate a permanent automatic irrigation system, and all landscaping and irrigation systems shall be maintained in good condition at all times. All ground within proposed landscape planter areas shall be provided with approved ground cover. This shall include but not be limited to drought-tolerant plant materials or colored desert rock. The Landscape Plan shall be approved by the Planning Department and the Hi-Desert Water District prior to issuance of any permits. The Landscape and Irrigation review requires a separate application and a current fee of \$685.
32. Any grading or drainage onto private off-site or adjacent property shall require a written permission to grade and/or a permission to drain letter from the affected property owner.
33. The Town's Master Plan of Drainage shows this property as tributary to the Water Canyon Channel (Y-12) and runoff from the property flows south to the Blue Sky Country Club area. The development of the property shall be in conformance with FEMA and the Town's Floodplain Management Ordinance requirements., The Town's FIRM Maps (map #06071C8855F) shows this property to be within a special flood hazard Zone A. For Zone A no base flood elevations have been determined; and thus, the base flood elevations on the property shall be determined as impacted by the 100 year storm, if the building requires substantial improvement as defined in Ordinance 174, section 8.04.014.
34. The retention basin will require ongoing maintenance by the owners.
35. The Applicant shall be required to retain the incremental increase of water from improved surfaces, including but not limited the roof and any paved areas. A licensed engineer shall submit a report which provides this information to the Town prior to occupancy.
36. Prior to the issuance of a building permit the Applicant shall obtain Fire Department approval of the site plan and building plans. The applicant shall comply with the conditions and requirements of the Town's Fire Dept. Prior to any construction occurring on any parcel, the applicant shall contact the Fire Dept. for verification of

current Fire Protection requirements. No combustible materials shall be bought to the site without approval from the San Bernardino County Fire Department.

37. Prior to the issuance of a building permit, certification from the Morongo Unified School District shall be provided as required by California Government Code Section 53080 (b) that any fee charge, dedication, or other form of requirement levied by the governing board of the district pursuant to Government Code Section 53080 (a) has been satisfied.
38. Any new roof top mechanical equipment is to be screened from ground and street vistas. This information shall be submitted with plan materials for building permit plan check.
39. Sewage disposal system shall be designed in conformance with San Bernardino County DEHS requirements and shall be maintained so as not to create a public nuisance. The applicant shall obtain any and all permits required from the California Regional Water Quality Control Board and provide copies of said permits upon plan submittal to the Building and Safety Department. Soil testing for the subsurface disposal system shall meet the requirements of the Department of Environmental Health Services.
40. Applicant shall submit a minimum of three (3) copies of percolation reports for the project site and the necessary fees appropriate fee to DEHS for review and approval; a copy of the cover sheet with an approval stamp to Building and Safety at the time of building permit application; and two (2) copies of the approved percolation report to Building and Safety at the time of construction plan check.
41. Prior to the issuance of a Certificate of Occupancy all improvements shall be constructed, final inspection performed, punch-list items completed, and all installations approved by the appropriate agency.
42. The Applicant shall construct the replacement of any identified damaged curb and gutter, sidewalk, drive approach, asphalt concrete pavement, meter boxes, and other infrastructure that may be required by the Town Engineer or another Agency.
43. If required, the Applicant shall construct the retention basin complete and in operation prior to issuance of Certificate of Occupancy.
44. Prior to final inspection all landscaping and irrigation shown on the approved landscape and irrigation plans shall be installed.
45. Prior to final inspection, commercial and industrial street address numbers shall be posted on the building with a minimum of eight (8) inch numbers by three-fourth (3/4) inch stroke width and shall be visible from the street. During the hours of darkness the numbers shall be electrically illuminated.



46. Prior to a Certificate of Occupancy, the applicant shall obtain all Fire Department approvals and sign offs of all completed construction.
47. The Applicant shall install all required water and sewer systems necessary to serve the project.
48. Prior to issuance of a certificate of occupancy, the Applicant shall form a maintenance district(s) to provide for maintenance of streets, lighting and landscaping, drainage facilities, or other infrastructure improvements as required by the Town of Yucca Valley.
49. The Applicant shall record a non-opposition agreement to the future formation of a public safety assessment district on the property.
50. The Applicant shall pay Development Impact Fees in place at the time of issuance of Building Permits.
51. Any and all signage shall comply with the Ordinance 156 (Sign Code). The applicant is responsible for submitting plans for review by the Planning and Building and Safety departments
52. The Applicant shall cause to be formed or shall not protest the formation of a maintenance district(s) for landscape, lighting, streets, drainage facilities or other infrastructure as required by the Town.
53. The Applicant shall install slats in the existing chain link fence and provide a movable concrete wall behind the fence.

Applicant's Signature \_\_\_\_\_ Date \_\_\_\_\_

## TOWN COUNCIL STAFF REPORT

**To:** Honorable Mayor and Town Council  
**From:** Shane Stueckle, Deputy Town Manager  
**Date:** October 23, 2014  
**For Council Meeting:** November 04, 2014

**Subject:** Planning Commission Recommendation  
Development Code Amendment, DCA-04-14  
Draft Development Code Article 1, Authority and Applicability  
CEQA Exemption 15061(b)(3)


**Prior Commission Review:** There has been no prior Town Council review of this item.

**Recommendation:** As recommended by the Planning Commission, that the Town Council:

- A. Finds 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 Development Code 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 04-14 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".
  
- B. Introduces the Ordinance, Article 1, Chapters 9.01 through 9.03.060 and repealing San Bernardino County Development Code Sections, as adopted and amended by the Town of Yucca Valley, 81.0101-81.0195, Section 81.0305 and Sections 84.0801-84.0830 of Title 8.

**Executive Summary:** Town Council action is required for adopting ordinances as recommended by the Planning Commission. Article 1, Authority and Applicability, identifies the authority, purpose, and applicability of the Development Code and standards and procedures for non-conforming lots, structures and uses.

Reviewed By:

  
Town Manager

\_\_\_\_\_  
Town Attorney

  
Mgmt Services

  
Dept Head

\_\_\_\_ Department Report  
\_\_\_\_ Consent

Ordinance Action  
\_\_\_\_ Minute Action

\_\_\_\_ Resolution Action  
\_\_\_\_ Receive and File

Public Hearing  
\_\_\_\_ Study Session

**Order of Procedure:**

- Request Staff Report
- Open the Public Hearing
- Request Public Testimony
- Close the Public Hearing
- Council Discussion/Questions of Staff
- Motion/Second
- Discussion on Motion
- Call the Question (Roll Call Vote)

**Discussion:** The Draft Development Code as recommended by the Planning Commission is divided into the following seven articles.

- Article 1: Authority and Applicability
- Article 2: Zoning Districts and Development Standards
- Article 3: General Development Standards
- Article 4: Permit Procedures
- Article 5: Administration
- Article 6: Subdivisions
- Article 7: Definitions

This structure was established based upon the Town Council's adopted Guiding Principles, Issues and Intent, dated September 6, 2011. This update addresses revisions to the County of San Bernardino Development Code as adopted and amended by the Town since incorporation. This update does not address amendments resulting from the 2014 General Plan adoption.

Those Development Code amendments resulting from the 2014 General Plan adoption will be addressed by the Planning Commission and Town Council over the next several years, as established by the General Plan policies and implementation strategies. Changes in state law as well as the desire to address local issues will also result in future Development Code amendments.

The Town Council adopted Article 4, Permit Procedures, on October 16, 2013. The Town Council also adopted Article 6, Subdivisions, on September 4, 2013.

Article 1, Authority and Applicability, identifies the purpose of the Development Code, the general provisions of the Development Code and standards and procedures for non-conforming lots, structures and uses.

Three Chapters are established within Article 1, and those Chapters are structured in the following manner:

Chapter 9.01	Purpose and Applicability
Chapter 9.02	General Provisions
Chapter 9.03	Nonconforming Lots, Structures and Uses

**Chapter 9.01 Purpose and Applicability:**

This Chapter identifies the purpose and intent of the Development Code, the authority to enact the Development Code and the responsibility for the administration of the Development Code. This Chapter also identifies many of the state laws which impact and regulate local land use planning.

**Chapter 9.02 General Provisions:**

This Chapter identifies the authority to interpret division of the Development Code, identifies the relationship to the General Plan, and identifies the Legal Defense Fee Responsibility.

**Chapter 9.03 Nonconforming Lots, Structures and Uses:**

This Chapter establishes the standards and procedures for non-conforming lots, structures and uses. The Planning Commission is the designed Review Authority for action on the abatement procedures and extensions of nonconforming lots, structures or uses. Hearings are held before the Planning Commission, and the Planning Commission's actions are appealable to the Town Council.

The Planning Commission held a Public Hearing on July 8, 2014, and unanimously recommended Town Council adoption of Article 1.

**Alternatives:** The Town Council may elect to modify the Article or to return it to the Planning Commission for further deliberations.

**Fiscal impact:** This Ordinance is included in the Town's contract for the Development Code Update project. No additional costs are incurred beyond existing contract services.

**Attachments:** Article 1, Authority and Applicability  
Planning Commission Minutes  
Existing Development Code Sections to be repealed

ORDINANCE NO.

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF YUCCA VALLEY, CALIFORNIA, AMENDING TITLE 9, YUCCA VALLEY DEVELOPMENT CODE, BY ADOPTING ARTICLE 1, CHAPTERS 9.01 THRU 9.03.06, AUTHORITY AND APPLICABILITY, AND REPEALING SECTIONS 81.0101 THRU 81.1095, SECTION 81.0305 AND SECTIONS 84.0801 THRU 84.0830 OF TITLE 8 FROM THE YUCCA VALLEY DEVELOPMENT CODE.

The Yucca Valley Town Council Ordains as follows:

Section I:

# Article 1: Authority and Applicability

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## Chapter 9.01 Purpose and Applicability

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Sections:

- 9.01.010 – Title
- 9.01.020 – Purpose and Intent of Development Code
- 9.01.030 – Authority
- 9.01.040 – Responsibility for Administration
- 9.01.050 – Applicability

### **9.01.010 – Title**

This title shall be known as the "Town of Yucca Valley Development Code" and referred to as the "Development Code."

### **9.01.020 – Purpose and Intent of Development Code**

The purpose of this Development Code is intended to carry out the policies of the Town of Yucca Valley General Plan by classifying and regulating the uses of land and structures within the Town. It is also the intent of this Development Code to promote the orderly and beneficial development of the Town; promote and protect the public health, safety, peace, comfort, and general welfare; and protect the character, social, and economic vitality of neighborhoods.

### **9.01.030 – Authority**

The Development Code is enacted based on the authority vested in the Town of Yucca Valley by the State of California, including but not limited to:

- A. Local Ordinances and Regulations (California Constitution, Article XI, Section 7)
- B. Planning and Zoning Law (Government Code Section 65000 et seq.)
- C. Airport Approaches Zoning Law (Government Code Section 50485 et seq.)
- D. Alquist-Priolo Earthquake Fault Zoning Act (Public Resources Code Section 2621 et seq.)
- E. California Environmental Quality Act (Public Resources Code Section 21000 et seq.)
- F. Desert Native Plants Act (Food and Agricultural Code Section 80001 et seq.)
- G. Land Conservation Act of 1965 (Williamson Act) (Government Code Section 51200 et seq.)

- H. Mobilehome Parks Act (Health and Safety Code Section 18200 et seq.)
- I. Subdivision Map Act (Government Code Sections 66410 et seq.)
- J. Surface Mining and Reclamation Act of 1975 (Public Resources Code Section 2710 et seq.)
- K. Z'berg-Nejedly Forest Practice Act of 1973 (Public Resources Code Section 4526 et seq.)

**9.01.040 – Responsibility for Administration**

This Development Code shall be administered by the Town Council, the Planning Commission, the Director of Community Development, the Community Development Department, and any other departments, groups, or individuals identified in this Development Code in compliance with Title 2 (Administration and Personnel) of the Town Municipal Code.

**9.01.050 – Applicability**

This Development Code applies to all construction, modifications of existing development, land uses, subdivision of property, and development within the Town of Yucca Valley.



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## Chapter 9.02 General Provisions

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Sections:

9.02.010 – Rules of Interpretation

9.02.020 – Relationship to General Plan

9.02.030 – Severability of Any Portion of the Development Code

9.02.040 – Legal Defense Fee Responsibility

### 9.02.010 – Rules of Interpretation

- A. Authority.** The Director has the authority to interpret provisions of this Development Code. Whenever the Director determines that the meaning or applicability of a Development Code requirement is subject to interpretation, the Director shall issue a written interpretation. The Director may also refer any issue of interpretation to the Commission for a determination. A decision of the Director may be appealed to the Commission and a decision of the Commission may be appealed to the Council in compliance with Chapter 9.81 (Appeals).
- B. Terminology.** When used in this title, the following rules apply to all provisions of this Development Code:
1. **Language.** When used in this Development Code, the words "shall," "must," "will," "is to," and "are to" are always mandatory. "Should" is not mandatory but is strongly recommended; and "may" is permissive.
  2. **Tense.** The present tense includes the past and future tense, and the future tense includes the present.
  3. **Number.** The singular number includes the plural number, and the plural the singular, unless the natural construction of the words indicates otherwise.
  4. **Calculations.**
    - a. **Number of lots.** The fractional/decimal results of calculations of the number of parcels allowed through subdivision based on a minimum lot area requirement shall be rounded down to the next lowest whole number.

- b. Residential Density. When the number of dwelling units allowed on a site is calculated based on the minimum site area per dwelling unit, any fraction of a unit shall be rounded down to the next lowest whole number.
- c. Other Calculations. For calculations other than residential density, the fractional/decimal results of calculations shall be rounded to the next highest whole number unless otherwise specified.

5. Conjunctions. “And” indicates that all connected items or provisions shall apply. “Or” indicates that the connected items or provisions may apply singly or in any combination. “Either...or” indicates that the connected items and provisions shall apply singly but not in combination. “Includes” and “including” shall mean “including but not limited to”.

6. Local Reference. “Town” as used herein means the Town of Yucca Valley and all public officials, bodies, and agencies referenced herein are those of the Town unless otherwise stated.

7. Definitions. As defined in Article 7 (Definitions) and/or as determined/interpreted by the Director.

**C. Number of Days.** Whenever the number of days is specified in this Development Code, or in any permit, condition of approval or notice issued or given as provided in this Development Code, the number of days shall be construed as calendar days. When the last of the specified number of days falls on a weekend or Town-recognized holiday, time limits shall extend to the end of the next working day.

**D. Conflicting Requirements.** Any conflicts between different requirements of this Development Code, or between this Development Code and other regulations, shall be resolved as follows.

1. Development Code Provisions. In the event of any conflict between the provisions of this Development Code, the most restrictive requirement shall control, except in case of any conflict between the land use zoning district regulations of Article 2 (Zoning Districts and Development Standards) and the provisions of Article 3 (General Development Standards), the provisions of Article 3 shall control.

2. Development Agreements or Specific Plans. In the event of any conflict between the requirements of this Development Code and standards adopted as part of any Development Agreement or Specific Plan, the requirements of the Development Agreement or Specific Plan shall control.

3. **Town Code Provisions.** In the event of any conflict between requirements of this Development Code and other regulations of the Town, the most restrictive requirement shall control.
  4. **Mitigation Measures.** In the event of any conflict between the requirements of this Development Code and mitigation measures adopted as part of a certified environmental impact report or approved negative declaration, the most restrictive shall control.
- E. Minimum Requirements.** When interpreting and applying the regulations of this Development Code, all provisions shall be considered to be minimum requirements, unless specifically stated otherwise.
- F. Interpretation of Boundaries.** See Chapter 9.05 (Zoning Districts and Zoning Maps).
- G. Illustrations.** The figures, diagrams, and other graphics used throughout this Development Code are for illustration purposes only and to the extent any are in conflict with the written provisions, the written provisions shall govern.

#### **9.02.020 – Relationship to General Plan**

This Development Code is the primary tool used by the Town to carry out the goals, objectives, and policies of the General Plan. It is intended that all provisions of this Development Code be consistent with the General Plan and that any development, land use, or subdivision approved in compliance with these regulations will also be consistent with these documents.

#### **9.02.030 – Severability of Any Portion of the Development Code**

If any portion of this Development Code is held to be invalid, unconstitutional, or unenforceable by a court of competent jurisdiction, such determination shall not affect the validity of the remaining portions of this title. The Council hereby declares that this title and each article, section, subsection, paragraph, subparagraph, sentence, clause, phrase and portion thereof is adopted without regard to the fact that one or more portions of this title may be declared invalid, unconstitutional, or unenforceable.

#### **9.02.040 – Legal Defense Fee Responsibility**

**A. Applicant's Agreement to Indemnify and Hold Harmless.**

The applicant shall agree to defend, indemnify and hold harmless the Town of Yucca Valley, its agents, officers and employees, at his sole expense, against any action, claim or proceedings brought against the Town or its agents, officers or employees, to attack, set aside, void, or annul this approval or because of the issuance of such approval, or in the alternative, to relinquish such approval, in compliance with the Town of Yucca Valley Development Code. The applicant shall reimburse the Town, its agents, officers, or employees for any court costs, and attorney's fees which the Town, its agents, officers or employees may be required by a court to pay as a result of such action. The Town may, at its sole discretion, participate at its own expense in the defense of any such action but such

participation shall not relieve applicant of his obligations under this condition. The Town shall promptly notify the applicant of any claim, action or proceedings arising from the Town's approval of this project, and the Town shall cooperate in the defense.

**B. Town's Duty to Notify Applicant and Cooperate in Defense.** Any condition of approval imposed in compliance with this Development Code shall include a requirement that the Town acts reasonably to promptly notify the applicant of any claim, action, or proceeding and that the Town cooperates fully in the defense.

Sections:

- 9.03.010 – Purpose and Intent
- 9.03.020 – Applicability
- 9.03.030 – Determination, Extension, and Abatement Procedures
- 9.03.040 – Nonconforming Lots
- 9.03.050 – Nonconforming Structures
- 9.03.060 – Nonconforming Uses

### 9.03.010 – Purpose and Intent

- A. **Regulation of legal conformities.** This Chapter establishes uniform provisions for the regulation of legal nonconforming land uses, structures, and parcels. Within the land use zoning districts established by this Development Code, there exist land uses, structures, and parcels that were lawfully in existence before the adoption, or amendment of this Development Code, but which would be prohibited, regulated, or restricted differently under the terms of this Development Code, as amended. This Chapter provides for their eventual elimination, but allows them to exist under the limited conditions identified in this Chapter.
- B. **Intent.** It is the intent of this Development Code to discourage the long-term continuance of these nonconformities in order to promote the public health, safety, and general welfare and to bring the uses and structures into conformity with the goals and policies of the General Plan and any applicable Specific Plan.

### 9.03.020 – Applicability

The provisions in this Chapter apply to existing legal nonconforming structures, uses, and parcels.

### 9.03.030 – Determination, Extension, and Abatement Procedures

- A. **Purpose.** This section sets forth provisions for the abatement of lots, structures, and uses deemed to be nonconforming and subject to abatement pursuant to the provisions of this Article.
- B. **Authority.** The Director shall be the designated Review Authority for determining that a lot, structure, or use is nonconforming, and the Commission shall be the designated Review Authority for action on the abatement procedures and extensions of the nonconforming lots, structures, or uses.
- C. **Notice and Hearing.** Once the Director has determined that a lot, structure, or use is nonconforming, the Director shall provide required notice for hearing and action by the

Commission. The purpose of the hearing is to determine whether the nonconformity should be abated, given a specific term prior to abatement, or granted a time extension. Notice and hearing shall be performed and conducted pursuant to Chapter 9.85 (Public Notices and Hearings).

- D. **Decision and Findings.** The Commission shall base its decision as to the length of the permitted amortization period on any competent evidence presented, included but not limited to the depreciation schedule attached to the owner's latest federal income tax return. Findings shall be made as to whether or not the balancing of the public interest and the request by the owner for continuance, alteration, or expansion of the nonconformity of the subject property requires a deviation from the's development standards. Findings shall be made in writing and provided to the property owner within 10 days after the decision is rendered.
- E. **Appeal.** Actions taken by the Commission may be appealed to the Council in accordance with provisions of Chapter 9.81 (Appeals).
- F. **Extension of Time.** The Review Authority, at its discretion, may grant an extension of time for the abatement of a nonconformity where it finds that an unreasonable hardship would otherwise be imposed on the property or business owner.
- G. **Revocation of Nonconforming Use or Structure.** The Town may revoke the right to continue a nonconforming use or structure. Revocation procedures, including notice and hearing, shall be in accordance with provisions of Chapter 9.84 (Permit Revocations).
- H. **No Reversion to Nonconformance.** When any nonconformity is eliminated or brought into conformance with the current regulations of this Development Code, the nonconforming rights and privileges with respect to that nonconformity are terminated and shall not be restored.

#### 9.03.040 – Nonconforming Lots

- A. **Continuation of Legal Nonconforming Lots.** Any lawfully created lot which becomes nonconforming with regard to lot area, street frontage, lot width, lot depth, or accessibility may continue indefinitely with such nonconformity and may be developed and used as if it were a conforming lot.
- B. **Modification of Legal Nonconforming Lots.** Legal nonconforming lots may not be modified in any manner that increases the degree of nonconformity. Where feasible, parcel modifications (through lot merger or lot line adjustment) are encouraged to eliminate or minimize the degree of nonconformity.

#### 9.03.050 – Nonconforming Structures

- A. **Continuation of Structure.** Any legally established nonconforming structure that does not conform to the provisions of this Development Code with regard to maximum permitted height, minimum

required setback, lot coverage, and/or maximum permitted encroachment into required yard areas may be continued indefinitely.

**B. Exceptions.** The following are the exceptions to the indefinite continuation of a legal nonconforming structure:

1. Residential Structures. Any increase in the number of residential units for buildings designed and occupied for residential use shall be prohibited.
2. Nonresidential Structures. Any nonresidential building, structure, or facility designed or intended only for uses which are nonconforming shall be removed, or the design and use thereof shall be made conforming in all respects within 25 years from the date of construction or the effective date of creation of the nonconformity, whichever is later.
3. Utilities. Any new or replacement utility/mechanical facilities, equipment, or construction shall conform to the maximum extent feasible, as determined by the Director.
4. Encroachments in Commercial Zones. Within the commercial zones, any nonconforming encroachment into required yards may be required to be removed or reduced upon review by the Review Authority as follows:
  - a. When an expansion in floor area which is greater than 50 percent of the existing floor area is proposed for any structure maintaining a nonconforming encroachment, or
  - b. When an expansion in floor area is proposed anywhere within an integrated development which is greater than 50 percent of the total floor area of all structures within the integrated development.
5. Trash Facilities, Outdoor Storage, and Display. Trash areas or facilities, outdoor storage areas, and outdoor display areas shall be made fully conforming at the time of any expansion or intensification of use on the site.

**C. Modification or Expansion of Legal Nonconforming Structure**

1. A legal nonconforming structure shall not be modified in a manner that expands, extends, or enlarges the use in any manner beyond its existing scope upon the date the nonconformity was created, except as follows:

- a. The modifications are, in and of themselves, in conformance with the provisions of this Development Code.
  - b. The modifications are limited to minor alterations, improvements, or repairs that do not increase the degree of nonconformity present and do not constitute or tend to produce an expansion or intensification of a nonconforming use.
  - c. The modifications are required by other laws.
  - d. The modifications are incidental to the public acquisition of a portion of a site, no greater degree of nonconformity will be created other than that caused as a result of the public acquisition, and the changed development will conform to current regulations to the maximum extent feasible.
2. No change made to any development or use shall be construed as automatically permitting an extension of any time limit for the termination of a nonconformity.

#### **D. Destruction of Legal Nonconforming Structure**

1. A nonconforming structure(s) involuntarily damaged or partially destroyed by fire, act of nature, or act of the public enemy may be repaired or rebuilt and re-occupied only as follows:
  - a. If the cost of repairing or replacing the damaged portion of the structure(s) does not exceed 75 percent of its reasonable value, the structure may be restored, provided the following conditions are met:
    - (1) The reconstruction meets current Building Code requirements.
    - (2) Reconstruction begins within 12 months of the date of damage, unless otherwise allowed by the Director, and is diligently pursued to completion.

**E. Discontinuance of Legal Nonconforming Structure.** If any legal nonconforming structure is abandoned or the use thereof discontinued for a period of 180 consecutive days or more, all future development of the land shall be in conformity with the provisions of this Development Code. Maintenance of a valid business license shall of itself not be considered a continuation of the use.

**F. Off-site Relocation.** When a structure is relocated to another lot, it shall be made conforming in all respects with the provisions of this Development Code and all other applicable laws and regulations.



### 9.03.060 – Nonconforming Uses

Except as otherwise listed below, a legal nonconforming use may continue indefinitely.

- A. **Nonconforming Commercial and Industrial Uses.** Nonconforming commercial and industrial uses shall be terminated or made conforming as to use within 10 years from the date on which the Town rendered the use nonconforming.
- B. **Other Nonconforming Nonresidential Use.** Other nonconforming non-residential uses shall be terminated or made conforming as to use within 10 years from the date on which the Town rendered the use nonconforming.
- C. **Nonconforming Mobile Home Park.** A mobile home park that is nonconforming as to use shall be terminated within 20 years from the date on which the Town rendered the use nonconforming.
- D. **Nonconforming Animal Keeping.** Any nonconforming animal keeping, whether a primary use or an accessory use, shall be terminated or made conforming within three years from the date on which the Town rendered the use nonconforming.
- E. **Nonconforming Use Eligible for Conditional Use Permit or Other Approval.** Any nonconforming use that is eligible to be considered for a Conditional Use Permit, Land Use Compliance Review, or other discretionary approval under this Development Code shall be considered to be a nonconforming use unless and until such permit or other such approval is granted.
- F. **Modifications and Extensions to Legal Nonconforming Uses**
  - 1. A legal nonconforming use shall not be modified in any manner that expands, extends, or enlarges the use beyond its existing scope upon the date the nonconformity was created, except as specified below.
    - a. The changes are, in and of themselves, in conformance with the provisions of this Development Code.
    - b. The changes are limited to minor alterations, improvements, or repairs that do not increase the degree of nonconformity present and do not constitute or tend to produce an expansion or intensification of a nonconforming use. A minor alteration shall not increase the area of the nonconforming structure by more than 120 square feet cumulative.
    - c. The changes are required by other laws.

- d. The changes are incidental to the public acquisition of a portion of a site, no greater degree of nonconformity will be created other than that caused as a result of the public acquisition, and the changed development will conform to current regulations to the maximum extent feasible.
2. No change made to any development or use shall be construed as automatically permitting an extension of any time limit for the termination of a nonconformity.
3. Notwithstanding the provisions regarding Conditional Use Permit or variance, the Director may allow the construction of an additional modification to a legally existing structure within a current yard setback area, as established by an applicable residential Land Use District, when such legally existing building is within the yard setback area, and provided such additional modification does not exceed the projection of the existing structure into such current yard setback area and does not come closer than three (3) feet to any property line.
4. The requirements for a Conditional Use Permit shall not apply to nonconforming residential uses, where such uses are being expanded or modified by no more than twenty-five percent (25%) of the floor space or ground area existing at the time such use became a nonconforming use.

### **Discontinuance of Legal Nonconforming Use**

1. If any legal nonconforming use is discontinued for a period of 180 consecutive days or more, subsequent use of the land shall be in conformity with the provisions of this Development Code. Maintenance of a valid business license shall of itself not be considered a continuation of the use.
2. This section shall not apply to any use for which a different period of discontinuance or abandonment is specified under other provisions of this Development Code.

**Section 2: Repeal of County Code as Adopted and Amended by the Town:** The Town Council hereby repeals Sections 81.0101 thru 81.1095, Section 81.0305, and Sections 84.0801 thru 84.0830 of Title 8 from the Yucca Valley Development Code.

**Section 3. Severability:** If any provision of this Ordinance or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of this Ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this Ordinance are severable. The Town Council hereby declares that it would have adopted this Ordinance irrespective of the invalidity of any particular portion thereof.

**Section 4.      Certification; Publication:** The Town Clerk shall certify to the adoption of this Ordinance and cause it, or a summary of it, to be published once within 15 days of adoption in a newspaper of general circulation printed and published within the Town of Yucca Valley, and shall post a certified copy of this Ordinance, including the vote for and against the same, in the Office of the Town Clerk in accordance with Government Code § 36933.

**Section 5.      Effective Date:** This Ordinance shall become effective thirty (30) days from its adoption.

APPROVED AND ADOPTED this \_\_\_\_ day of \_\_\_\_\_, 2014.

\_\_\_\_\_  
MAYOR

APPROVED AS TO FORM:

\_\_\_\_\_  
TOWN ATTORNEY

ATTEST:

\_\_\_\_\_  
TOWN CLERK

## DIVISION 1. GENERAL PROVISIONS

## Chapters:

1. General Authority.
2. Violations.
3. General Exceptions.

## Chapter 1

## GENERAL AUTHORITY

## Sections:

- |         |  |
|---------|--|
| 81.0101 | Citation.                                    |
| 81.0110 | Authority for Regulations.                   |
| 81.0115 | Consistency with General Plan.               |
| 81.0120 | Minimum Requirements.                        |
| 81.0125 | Interpretation.                              |
| 81.0130 | Effect on Other Regulations, Easements, Etc. |
| 81.0135 | Permits and Licenses.                        |
| 81.0140 | Validity.                                    |
| 81.0145 | Adoption of Official Land Use Plan.          |
| 81.0150 | Legal Defense Fee Responsibility.            |
| 81.0195 | Transition Provision — 1989 General Plan.    |

**81.0101 Citation.**

This Title shall be known as the "Development Code of the County of San Bernardino" or as the "Development Code."

**81.0110 Authority for Regulations.**

The Development Code is adopted pursuant to the following authority:

- (a) Local Ordinances and Regulations, California Constitution, Article XI, Section 7.
- (b) Planning and Zoning Law, California Government Code, Title 7.
- (c) Surface Mining and Reclamation Act of 1975, California Public Resources Code, Division 2, Chapter 9.
- (d) California Environmental Quality Act, California Public Resources Code, Division 13.
- (e) Mobilehome Parks Act, California Health and Safety Code, Division 13, Part 2.1.

(f) Airport Approaches Zoning Law, California Government Code, Title 5, Division 1, Part 1, Chapter 2, Article 6.5.

(g) Forest Practice Act of 1973, California Public Resources Code, Division 4, Part 2, Chapter 8.

(h) California Desert Native Plant Act, California Food and Agriculture Code, Division 23 (Section 80001 et seq.)

#### **81.0115 Consistency With General Plan.**

All of the provisions of the Development Code as well as any land use authorized by the Development Code, shall be consistent with the San Bernardino County General Plan.

#### **81.0120 Minimum Requirements.**

The provisions of the Development Code constitute minimum requirements. The County of San Bernardino may establish more stringent requirements where they are deemed necessary.

#### **81.0125 Interpretation.**

Unless otherwise provided, any ambiguity concerning the content or application of the Development Code shall be resolved by the Planning Agency.

#### **81.0130 Effect on Other Regulations, Easements, Etc.**

Where the Development Code imposes a greater restriction upon the use of building or land, or upon the height of buildings, or requires larger open spaces than are imposed or required by other ordinances, rules, regulations or by easements, covenants or agreements, the provisions of the Development Code shall control.

#### **81.0135 Permits and Licenses.**

No County-issued licenses or permits shall be issued for uses or buildings or purposes where the same would be in conflict with the provisions of the Development Code or the County General Plan. Any such license or permit, if issued in conflict with the provisions hereof, shall be null and void and shall not support any claim to a vested right to develop.

#### **81.0140 Validity.**

If any section, subsection, sentence, clause, phrase or portion of the Development Code is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of the Code. The Board of Supervisors hereby declares that it

would have adopted the Development Code and each section, subsection, sentence, clause, phrase or portion thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, phrases or portions be declared invalid or unconstitutional.

**81.0145 Adoption of Official Land Use Plan.**

An Official Land Use Plan for the unincorporated area of the County of San Bernardino, State of California, is hereby adopted and established as is hereafter set forth in this Title, to promote, protect and secure the public health, safety and general welfare; to provide the social and economic advantages resulting from an orderly, planned use of land resources, and to encourage, guide and provide a definite plan for the future growth and development of the said County.

It is recognized that the Official Land Use Plan referred to herein must be periodically reviewed, refined, and maintained, and the Board of Supervisors, in conformity with the State Planning and Zoning Law as amended, and the provisions of this Title, hereby delegates to the Planning Agency of San Bernardino County, the responsibility for conducting necessary studies, surveys and preparing of maps in order to develop detailed land use plans, and the responsibility for processing changes of land use districts for adoption by the Board of Supervisors for the various portions of the unincorporated territory of San Bernardino County as it becomes desirable, practical and practicable so that the result shall be a comprehensive land use plan for the County.

**81.0150 Legal Defense Fee Responsibility.**

(a) As a condition of approval of a Land Use application, the applicant shall agree to defend, indemnify, and hold harmless the County or its agents, officers and employees from any claim, action, or proceeding against the County or its agents, officers or employees to attack, set aside, void, or annul an approval of the County, an advisory agency, appeal board or legislative body concerning the map or permit or any other action relating to or arising out of such approval when such action is brought within the applicable statute of limitations.

~~(b) Any condition of approval imposed pursuant to the provisions of this section shall include a requirement that the County promptly notify the applicant of any claim, action, or proceeding and that the County cooperate fully in the defense. If the County fails to promptly notify the applicant of any claim, action or proceeding, or if the County fails to cooperate fully in the defense, the applicant shall not thereafter be responsible to defend, indemnify, or hold the County harmless.~~

(c) If any provision of this section is found invalid by a court of law, the remaining provisions of this section shall remain in full force and effect.

**81.0195 Transition Provisions — 1989 General Plan.**

The following rules modify the provisions of this Title in order to facilitate an orderly transition during the implementation of the revisions to the General Plan adopted in June, 1989.

(a) Land use applications other than land use district changes or General Plan Amendments which were (1) approved prior to June 9, 1989, (2) found to be consistent with the then existing General Plan at the time of their approval, and (3) have not expired, shall not be subject to the requirement that the use or uses approved in that permit be allowed in the currently applicable land use district or that the use or uses meet the currently applicable development standards contained in this Title in order to be granted a building permit or other development permit to establish those approved uses. Any substantial modifications to the use or uses approved in the previous application must meet all currently applicable standards in this Title and the modified project must be found consistent with the General Plan then applicable. No building or other development permit shall be granted under this subsection after June 8, 1991, and no permit issued under this subsection may be extended for more than one 180-day period which begins after June 8, 1991.

Notwithstanding the above, no building or grading permits shall be issued under this subsection which are inconsistent with the County open space plan as expressed in the then applicable General Plan.

(b) Building permits (for other than single-family residential uses) for which construction plans had been submitted and fees had been paid prior to June 12, 1989, shall not be subject to the requirement that the use or uses requested be allowed in the current land use district or that the use or uses meet the currently applicable development standards contained in this Title. Provided, however, that the land use proposed must be of the same fundamental land use category (e.g. multiple family residential, commercial, industrial, agricultural) as that designated in the 1989 revised General Plan.

Any significant modification of the proposed structure or land use submitted prior to June 12, 1989, shall not be permitted without full compliance with the currently applicable General Plan and Development Code.

All permits issued under this subsection must be issued prior to December 9, 1989.

(c) The expiration date of land use applications, other than land use district changes or general plan amendments, which were approved prior to June 9, 1989, may be extended under Section 83.010350 for the period which would otherwise be allowed under that section, but in no event beyond June 9, 1991, without satisfying the requirement that such extensions be found consistent with the General Plan as is required under Section 83.010350(c). This subsection shall apply only to those approvals which expire between June 9, 1989, and December 31, 1989. Applications which are found to be consistent with the then applicable General Plan may be granted the maximum extension allowed under this Code without regard to the above limitations.

Chapter 3

GENERAL EXCEPTIONS

Sections:

81.0305 General Exception.

81.0305 General Exception.

The provisions of this Development Code shall not apply to any uses or activities which are exempt from local regulation under state or federal law.



## Chapter 8

## NONCONFORMING USES

## Sections:

84.0801	General Provisions.
84.0805	Continuation of Nonconforming Uses.
84.0810	Termination of Nonconforming Uses.
84.0815	Removal or Alteration of Nonconforming Uses in Residential Districts.
84.0820	Nonconforming Commercial Chicken Ranch.
84.0825	Other Nonconforming Uses.
84.0830	Alteration of Nonconforming Uses.

**84.0801 General Provisions.**

The regulations in this chapter shall apply to all existing nonconforming buildings and uses.

**84.0805 Continuation of Nonconforming Uses.**

(a) Uses existing under valid land use permits issued in conformance with the provisions of the Development Code shall be considered conforming uses, except that this shall not preclude their becoming nonconforming due to reclassification of land use districts under this Code.

(b) Any legal nonconforming building may be continued and maintained provided there are no structural alterations, except as provided below in Sections 84.0810(b) and 84.0815.

(c) Any legal nonconforming use may be continued provided there is no increase of the space devoted to such use.

**84.0810 Termination of Nonconforming Use.**

(a) Any part of a building or land occupied by a nonconforming use which is changed to or replaced by a use conforming to the provisions of this Code as they apply to the particular district, shall thereafter be used or occupied only by a conforming use.

(b) Any part of a building or land occupied by a nonconforming use, which use is discontinued for one hundred and eighty (180) days or more, shall thereafter be used in conformity with the provisions of this Section. The provisions of this Section shall not prevent the reconstruction, repairing or rebuilding and continued use of any nonconforming building or buildings damaged by any natural or man-made catastrophe subsequent to the effective date of this Code, wherein the cost of such

reconstruction, repairing or rebuilding does not exceed seventy-five percent (75%) of the reasonable value of such building or buildings constituting a single enterprise at the time such damage occurred.

**84.0815 Removal or Alteration of Nonconforming Uses.**

(a) Every legal nonconforming use, which was designated or intended for a use not presently permitted in the district where it is located, shall be completely removed or altered to conform to the requirements for the uses permitted in such district within a time fixed by the Planning Agency. Such time for removal or alteration may not be fixed for a date before the expiration of the normal life of any building as determined by the Planning Agency. Such determination of the normal life of nonconforming building and the fixing of time for its removal or alteration may only be made after notice to the owner.

(b) An order for removal or alteration shall require such action on a date no less than five (5) years from the time such an order is made. It shall be the duty of the Planning Agency to give the owner of the affected use or building written notice thereof immediately upon the order becoming final and again not less than sixty (60) or more than one hundred eighty (180) days prior to the date such removal or alteration is required to be completed. If the Planning Agency fails to give this second notice within the above time period, the owner shall be given sixty (60) days from the notice's actual postmark date.

(c) A residential structure which complied with any applicable development standards at the time of its construction and which is utilized for residential purposes in a Land Use District which allows such residential uses is not subject to provisions of this Chapter even though it does not comply with the residential design standards established by the Land Use Districts or the Alternate Housing Standards Overlay District.

**84.0820 Nonconforming Commercial Chicken Ranch.**

(a) Any commercial chicken ranch legally existing at the time of a district change to a residential district may thereafter continue in operation and expand the flock to the full limit and extent of chicken houses, cages, brooders and similar appurtenant structures existing on the premises at that time, provided that a Certificate of Land Use Compliance is recorded, including an existing use site plan prior to the effective date of the district change.

(b) In the event such a commercial chicken ranch desires the addition of chicken houses, cages, brooders or similar structures beyond those existing as enumerated above, an approved Conditional Use Permit is required, including findings for alteration of a nonconforming use.

**84.0825 Other Nonconforming Uses.**

(a) The legal nonconforming use of land where no structure is existing at the time the Development Code became effective, may continue for a period of not more than ten (10) years therefrom, provided:

(1) The nonconforming use of land will not in any way be expanded or extended either on the same or adjoining property.

(2) The nonconforming use of land existed at the time the Development Code became effective. If thereafter discontinued or changed, it may not be reestablished; any future use of such land shall be in conformity with the provisions of the Development Code.

(b) Any legal nonconforming commercial primary or accessory signs existing at the time this Code became effective may be continued, although such use does not conform with the provisions thereof; provided, however, that all such nonconforming signs and their supporting members shall be completely removed by their owners not later than five (5) years from the effective date of this Code.

(c) The foregoing provisions shall also apply all buildings and land and uses which hereafter become nonconforming due to any reclassification of districts under this Code.

#### 84.0830 Alteration of Nonconforming Uses.

(a) A legal nonconforming use may be altered after review and approval of a Conditional Use Permit with the additional findings required for such nonconforming use alterations.

(b) Any alteration required by governmental or court action shall be exempt from these conditions.

(c) Restrictions and conditions affecting a nonconforming use shall apply to the existing use, land and structures and shall not be affected by ownership changes.

(d) Notwithstanding the provisions regarding Conditional Use Permit or variance, the Building Official may allow the construction of an additional modification to a legally existing structure within a current yard setback area, as established by an applicable residential Land Use District, when such legally existing building is within the yard setback area, and provided such additional modification does not exceed the projection of the existing structure into such current yard setback area and does not come closer than three (3) feet to any property line.

(e) The requirement for a Conditional Use Permit shall not apply to nonconforming residential uses, where such uses are being expanded or modified by no more than twenty-five percent (25%) of the floor space or ground area existing at the time such use became a nonconforming use.

(f) The requirement for a Conditional Use Permit shall not apply to any nonconforming use or structure which is being expanded, altered or modified to more closely approximate or exceed the standards of this Code with which it does not currently conform.

**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

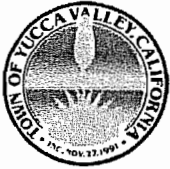
## **CLOSE PUBLIC COMMENT**

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**



**Summary Report Memorandum**  
**Attachment A: Draft Guiding Principles, Issues and Intent**  
Development Code Update- Phase I Analysis  
Town of Yucca Valley  
*(Approved by the Town Council on September 6, 2011)*

The Development Code Update Draft Guiding Principles were developed based upon review of the General Plan and Development Code, interviews with stakeholders, discussions with Town Staff, responses to the Community Survey, and a joint Town Council / Planning Commission workshop. The Guiding Principles are intended to be a guide for the Development Code Update. As the code is revised and updated, the project team will refer to the Guiding Principles to draft purpose and intent statements for standards within the Code.

The Guiding Principles are intended to be adopted by the Town Council on a conceptual basis, to provide direction for the Development Code Update team. Modifications to the guiding principles by the Town Council are encouraged and recommended as the intent of this document is to reflect the direction of the Town Council.

The Guiding Principles are further defined and expanded in the Issues and Objectives outline in the body of this document.

**Development Code Update Guiding Principles**

1. Clear, specific standards with minimum of interpretation required. The Development Code shall be straightforward, clear and easy to use for decision-makers, Town staff, developers, property owners and residents, with specific standards and a minimum of interpretation required.
2. Appropriate infrastructure. The Development Code shall require appropriate infrastructure to be provided for new development, but shall provide allowances for infill development. Infrastructure requirements shall be related to the density and intensity of the zoning designation, in a form similar to the San Bernardino County requirements.
3. Enabling the Economic Hub. Development and design standards shall provide for a balance of uses to meet the social and economic needs of the community and the Morongo basin, with higher intensity uses to address retail, commercial, employment, and housing opportunities concentrated along the Highway 62 corridor and surrounding area.
4. Reinforcing the Desert character. For the lower density residential areas of the Town, desert character consists primarily of greater openness and less urban lifestyle. Development standards shall provide greater setbacks for both primary and accessory structures, lower lot coverage, less infrastructure requirements, more animal uses, larger accessory structures, and a broader array of home occupations and businesses to be operated within residential areas. Desert vegetation shall not be cleared until properties are to be developed and clearing only necessary land for structures and specific uses is encouraged. Incorporation of native desert plants shall be encouraged through the development of landscape requirements for residential development and through the use of clustering to promote undisturbed native desert areas.

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**Summary Report Memorandum - Attachment A**  
**Draft Guiding Principles, Issues and Intent**

*(Approved by the Town Council on September 6, 2011)*

The Issues and Objectives outlined in the following table further elaborate the Guiding Principles.

1. **Guiding Principle:** Clear, specific standards with minimum of interpretation required. The Development Code shall be straightforward, clear and easy to use for decision-makers, Town staff, developers, property owners and residents, with specific standards and a minimum of interpretation required.

Issue	Objective
A) Interpretations of code sections	<ul style="list-style-type: none"> <li>▪ Include specific, quantifiable requirements and standards</li> <li>▪ Use language that is clear and concise</li> <li>▪ Avoid need for interpretations, or subjective criteria</li> <li>▪ Provide visual aids where feasible</li> </ul>
B) Enforceable code	<ul style="list-style-type: none"> <li>▪ “Shall” will be used instead of “encourage” or “should”</li> <li>▪ Provide specific standards and requirements to measure compliance against</li> </ul>
C) Ease of Use	<ul style="list-style-type: none"> <li>▪ Format and language shall be consistent throughout Development Code</li> <li>▪ Tables will be used as often as possible, with text accompanying to provide further detail</li> <li>▪ Include specific references to relevant sections for common standards</li> <li>▪ Provide clear administration standards to streamline development review process</li> <li>▪ A detailed Table of Contents will be included</li> <li>▪ Eliminate information applicable to County areas and not Town</li> </ul>
D) Smaller Code	<ul style="list-style-type: none"> <li>▪ Avoid repetition of standards</li> </ul>





**Summary Report Memorandum - Attachment A**  
**Draft Guiding Principles, Issues and Intent**  
*(Approved by the Town Council on September 6, 2011)*

Issue	Objective
	<ul style="list-style-type: none"> <li>▪ Consolidate standards and requirements of a particular type in one section, for example parking, landscaping, signs and grading</li> </ul>
E) Update for consistency with state law	<ul style="list-style-type: none"> <li>▪ Sections such as water management, transitional housing, and emergency shelters will be updated to comply with state law</li> </ul>

2. **Guiding Principle: Appropriate infrastructure.** The Development Code shall require appropriate infrastructure to be provided for new development, but shall provide allowances for infill development. Infrastructure requirements shall be related to the density and intensity of the zoning designation in a form similar to the San Bernardino County requirements.

Issue	Objective
A) Roadway improvements	<ul style="list-style-type: none"> <li>▪ Incorporate graduated improvement levels, related to density and intensity of development (see attached example from County of San Bernardino). Specifics will be determined with the drafting of the Development Code, and subsequent Town Council review and approval               <ul style="list-style-type: none"> <li>○ Paved roads for new tracts (not including parcel maps), commercial and industrial development to reduce dust and maintain air quality</li> <li>○ Roadway sections in residential areas related to density</li> <li>○ Curb and gutter/drainage improvements related to need and density and intensity of development</li> <li>○ Sidewalks along highways and arterial roads</li> </ul> </li> </ul>



**Summary Report Memorandum - Attachment A**  
**Draft Guiding Principles, Issues and Intent**

*(Approved by the Town Council on September 6, 2011)*

	<ul style="list-style-type: none"> <li>○ Sidewalks in commercial areas</li> <li>○ Sidewalks/paths/trails in residential areas related to density of development</li> <li>○ Street lights related to density and traffic safety</li> <li>▪ Provide exceptions for infill development (where 75% or more of block already developed)</li> <li>▪ Driveway improvements related to roadway improvements</li> </ul>
B) Drainage impacts	<ul style="list-style-type: none"> <li>▪ Protect drainage courses</li> <li>▪ Preserve drainage courses in natural state to extent feasible</li> <li>▪ Require new tracts, commercial and industrial development to address impacts to storm drainage, both on- and off-site</li> <li>▪ All development provide for on-site detention of storm flows</li> </ul>
C) Infill development	<ul style="list-style-type: none"> <li>▪ Provide exceptions for infill development (where 75% or more of block already developed)</li> </ul>



**Summary Report Memorandum - Attachment A**  
**Draft Guiding Principles, Issues and Intent**  
*(Approved by the Town Council on September 6, 2011)*

3. **Guiding Principle:** Enabling the Economic Hub. Development and design standards shall provide for a balance of uses to meet the social and economic needs of the community and the Morongo basin, with higher intensity uses to address retail, commercial, employment, and housing opportunities concentrated along the Highway 62 corridor and surrounding area

Issue	Objective
A) Development and design standards	<ul style="list-style-type: none"> <li>▪ Prepare design standards for subdivisions</li> <li>▪ Prepare industrial development and design standards</li> <li>▪ Provide design standards to encourage integrated development, rather than the 'strip-mall' look along Highway 62; review Sign Code for enhancement opportunity(s)</li> <li>▪ Provide standards and requirements for Mixed Use developments</li> <li>▪ Identify overlay zones and standards to identify hazard areas in the Town (flood hazard zones, fault zones, airport safety zones)</li> <li>▪ Reduce required parking requirements in non-residential areas to better reflect actual need</li> </ul>
B) Poorly kept properties/ blighted areas	<ul style="list-style-type: none"> <li>▪ Provide specific standards for Code Enforcement to rely upon in enforcing the Development Code</li> <li>▪ Maintain consistent standards to extent feasible</li> </ul>
C) Quality of development and small town atmosphere	<ul style="list-style-type: none"> <li>▪ Reduce conflicts between land uses through buffers, especially between low-density residential and commercial and industrial uses</li> <li>▪ Provide regulations for big-box commercial uses</li> <li>▪ Provide specific regulations regarding walls and fences</li> </ul>



**Summary Report Memorandum - Attachment A**  
**Draft Guiding Principles, Issues and Intent**  
*(Approved by the Town Council on September 6, 2011)*

4. **Guiding Principle: Reinforcing the Desert character.** For the lower density residential areas of the Town, desert character consists primarily of greater openness and less urban lifestyle. Development standards shall provide greater setbacks for both primary and accessory structures, lower lot coverage, less infrastructure requirements, more animal uses, larger accessory structures, and a broader array of home occupations and businesses to be operated within residential areas. Desert vegetation shall not be cleared until properties are to be developed and clearing only necessary land for structures and specific uses is encouraged. Incorporation of native desert plants shall be encouraged through the development of landscape requirements for residential development and through the use of clustering to promote undisturbed native desert areas.

Issue	Objective
A) Promoting the Desert Character appearance	<ul style="list-style-type: none"> <li>▪ Develop landscape requirements for commercial, industrial, and tract residential development mandating use of native desert plants;</li> <li>▪ Encourage clustered development through the implementation of incentives to promote set aside of undisturbed native desert areas;</li> <li>▪ Establish an Open Space fee program in lieu of property dedication in areas slated primarily for residential development</li> <li>▪ Repeal existing Native Plant Ordinance with the establishment of these programs</li> </ul>
B) Night Sky	<ul style="list-style-type: none"> <li>▪ Outdoor lighting should be oriented downward and away from adjacent properties or shielded so that light does not shine up into the sky or onto adjacent properties;</li> <li>▪ Use of motion sensors / time-of-day controls to reduce lighting impacts in retail areas;</li> <li>▪ Improve enforcement capabilities to improve compliance with existing regulations</li> </ul>
C) Hillside and ridgeline development	<ul style="list-style-type: none"> <li>▪ Grading on hillsides shall be contoured and blended to appear more like natural state and to avoid large, flat slopes with sharp edges</li> </ul>



**Summary Report Memorandum - Attachment A**  
**Draft Guiding Principles, Issues and Intent**

*(Approved by the Town Council on September 6, 2011)*

Issue	Objective
D) Low Density Residential Standards	<ul style="list-style-type: none"><li>▪ Development standards shall provide greater setbacks for both primary and accessory structures,</li><li>▪ Lower lot coverage, less infrastructure requirements,</li><li>▪ Allow for more animal uses, larger accessory structures, and a broader array of home occupations and businesses to be operated within residential areas</li></ul>
E) Water supply	<ul style="list-style-type: none"><li>▪ Promote water conservation strategies to reduce consumption (e.g., development and landscaping standards)</li></ul>
F) Grading and dust control	<ul style="list-style-type: none"><li>▪ Grading and clearing standards to minimize disturbance of the land prior to development</li></ul>

- 6. **Adopt**, Ordinance No. 230, Traffic Speed Surveys, Juarez Drive, Between Palomar and Joshua Lane, Retain Existing Posted Speed of 35 Miles Per Hour.

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF YUCCA VALLEY, CALIFORNIA, AMENDING TITLE 12 OF THE TOWN OF YUCCA VALLEY MUNICIPAL CODE BY AMENDING SECTION 12.20.020 ENTITLED "CHANGES IN STATE LAW SPEED LIMITS" OF CHAPTER 12.20 OF THE TOWN OF YUCCA VALLEY MUNICIPAL CODE ESTABLISHING SPEED LIMIT

- 7. **Adopt**, Ordinance No. 231, Continuing the Town of Yucca Valley Redevelopment Agency.

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF YUCCA VALLEY, CALIFORNIA, DETERMINING IT WILL COMPLY WITH THE VOLUNTARY ALTERNATIVE REDEVELOPMENT PROGRAM PURSUANT TO PART 1.9 OF DIVISION 24 OF THE CALIFORNIA HEALTH AND SAFETY CODE IN ORDER TO PERMIT THE CONTINUED EXISTENCE AND OPERATION OF THE REDEVELOPMENT AGENCY OF THE TOWN OF YUCCA VALLEY

- 8. **Ratify**, the Warrant Register total of \$743,393.31 for checks dated August 11, 2011 through August 25, 2011. Ratify Payroll Registers total of \$324,270.25 for checks dated August 3, 2011 through August 19, 2011.

Council Member Lombardo moved to adopt Consent Agenda Items 2-8. Council Member Hagerman seconded. Motion carried 5-0 on a roll call vote.

- AYES: Council Member Abel, Hagerman, Lombardo, Rowe and Mayor Huntington.
- NOES: None
- ABSTAIN: None
- ABSENT: None

**DEPARTMENT REPORTS**

- 9. **Development Code Update-Phase 1, Draft Guiding Principles, Issues and Intent**

Deputy Town Manager Stueckle gave the staff and a PowerPoint presentation showing the revisions made to the Guiding Principles after the August 23<sup>rd</sup> joint meeting with the Planning Commission.

Mayor Huntington questioned if the bullet point regarding providing regulations for big-box commercial uses means that we would ultimately be looking at abandonment of

big-box structures and how they could be used in the future. He noted he would think they would be structured in a way that they can be divided into smaller units. Deputy Town Manager Stueckle advised that has not been discussed at this point, but it may be as simple as architectural standards to break up the mass of the building, etc. Council will be going through that policy discussion process and there will be input from the public at hearings.

**Margo Sturges**, Yucca Valley, commented regarding the need to maintain the dark sky and clean air, and recommended caution regarding deleting the sign ordinance.

**Ramon Mendoza**, Yucca Valley, commented regarding the need to invite the public in to have discussions about what all of this means to them.

Council was satisfied with Guiding Principle No. 1, clear, specific standards with minimum of interpretation require.

With reference to Guiding Principle No. 2, Council Member Rowe gave an example of new construction on an industrial property on a dirt road and expressed concern regarding having to pave a small section of that road when existing businesses do not. Discussion ensued regarding various options to deal with a situation. Deputy Town Manager Stueckle commented one issue communities have to look at as new development comes in where there are infrastructure gaps, is what the traffic volumes are, etc. In many areas the Fire Department will dictate whether or not there must be paved access. Mayor Huntington commented that industrial roads need to be improved, noting that eventually something is going to have to be done to accommodate the traffic, dust problems etc.

Council Member Hagerman commented regarding an existing project on a dirt road and the issues involved. Advised that standards would apply to new development, noting that existing development vs. new development is the key distinction. Suggest these apply to new tract maps 5 or more residential lots and nonresidential development. Deputy Town Manager Stueckle commented the project that was mentioned could not be in that area if it were to be proposed today.

Town Manager Nuaimi commented regarding the discussion due to the concern of mandating pavement in general industrial areas, noting that staff is suggesting this should be the base line requirement. He questioned if it is expected that industrial and retail development have paved access.

Council Member Abel questioned the figure of 75% for the exceptions for infill development. Mr. Nelson advised that is from consultant experience, noting the code can also specify that new construction should install improvements when it is within so many feet of existing improvements. Council Member Abel recommended looking at

maybe lowering that to 70% etc. to encourage people to build in already established areas.

Council was in agreement with Guiding Principle 3, enabling the economic hub

With reference to Guiding Principle 4, reinforcing the desert character, Council Member Rowe commented there was feedback from previous projects to liberalize more animals, larger accessory structures, etc., and questioned how that would allow lower lot coverage. Deputy Town Manager Stueckle clarified that where it says lower lot coverage, it is not saying to lower the lot coverage allowed, it is stating that the larger lot sizes have a lower lot coverage.

Council Member Rowe questioned the third bullet in section A) regarding the establishment of an Open Space fee program in lieu of property dedication in areas slated primarily for residential development, noting she would be in favor of the fee for tract development, but not for infill. Town Manager Nuaimi commented that staff has heard that the Town's infrastructure needs are prohibitive etc. and is trying to come up with strategies to allow developers and property owners the ability to develop their parcels. He questioned if there is Council support for that item if it refers to tract maps. Council agreed. Mayor Huntington commented he would think that would also apply to parcel maps with larger lots of 2 ½ acres or more.

Council Member Hagerman commented regarding the polling during the joint meeting and his answer of "strongly disagree" to question 28 "retail lighting should be controlled to automatically reduce to security lighting only when past the operating hours" noting he feels there should be the lowest amount of light possible that will still provide for security of employees.

Council Member Rowe moved to approve and adopt the Development Code Guiding Principles, Issues and Intent. Council Member Hagerman seconded. Motion carried 5-0 on a voice vote.

## **POLICY DISCUSSION**

## **FUTURE AGENDA ITEMS**

Council Member Hagerman requested an update from the CEO of the Hi Desert Medical Center district on quarterly basis. Council agreed.

## **PUBLIC COMMENT**

**Margo Sturges**, Yucca Valley, requested that the Council consider taping the Planning Commission meetings during the upcoming discussions of the Development Code.



**TOWN COUNCIL STAFF REPORT**

**To:** Honorable Mayor and Town Council  
**From:** Shane Stueckle, Deputy Town Manager  
**Date:** October 23, 2014  
**For Council Meeting:** November 04, 2014

**Subject:** Development Code Amendment, DCA-03-14  
Draft Development Code Article 5, Administration  
CEQA Exemption 15061(b)(3)

**Prior Commission Review:** The Town Council has had no prior review of this item.

**Recommendation:** As recommended by the Planning Commission, that the Town Council:

- A. Finds 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 Development Code 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 03-14 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”.
- B. Introduces the Ordinance, Article 5, Administration, Chapters 9.80 through 9.86, and repealing Sections 81.0205-81.0235, Sections 83.010605-83.010630 and Sections 87.1201-87.1202 of Title 8 of the San Bernardino County Development Code as adopted and amended.

**Executive Summary:** Article 5, Administration, provides standards and procedures for appeals, enforcement and violations, permit amendments, permit revocations, public notices and hearings and time limitations and time extensions. This Article also repeals Sections 83.010605-83.010630, Section 81.0150, Sections 81.0205-81.0235 and Sections 87.1201-87.1202 of Title 8 of the Town of Yucca Valley Development Code

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Reviewed By: \_\_\_\_\_ Town Manager      \_\_\_\_\_ Town Attorney      \_\_\_\_\_ Mgmt Services       Dept Head

Department Report       Ordinance Action       Resolution Action       Public Hearing  
 Consent       Minute Action       Receive and File       Study Session

**Order of Procedure:**

- Request Staff Report
- Open the Public Hearing
- Request Public Testimony
- Close the Public Hearing
- Council Discussion/Questions of Staff
- Motion/Second
- Discussion on Motion
- Call the Question (Roll Call Vote)

**Discussion:** Article 5, Administration, provides standards and procedures for appeals, enforcement and violations, permit amendments, permit revocations, public notices and hearings and time limitations and time extensions and repeals Sections 83.010605-83.010630, Section 81.0150, Sections 81.0205-81.0235 and Sections 87.1201-87.1202 of Title 8 of the Town of Yucca Valley Development Code

Seven Chapters are established within Article 5, and those Chapters are structured in the following manner:

- Chapter 9.80 Administration
- Chapter 9.81 Appeals
- Chapter 9.82 Enforcement and Violations
- Chapter 9.83 Permit Amendments
- Chapter 9.84 Permit Revocations
- Chapter 9.85 Public Notices and Hearings
- Chapter 9.86 Time Limitations and Time Extensions

**Chapter 9.80 Administration**

Establishes general administrative provisions for implementation and administration of the Development Code.

**Chapter 9.81 Appeals**

Establishes procedures for the processing of appeal applications.

**Chapter 9.82 Enforcement and Violations**

Establishes provisions to ensure compliance with the requirements of the Development Code.

**Chapter 9.83 Permit Amendments**

Establishes procedures for the processing of an amendment to Conditions of Approval, project design, or alteration or expansion of an approved use.

**Chapter 9.84 Permit Revocations**

Establishes procedures the revocation of permit approvals.

**Chapter 9.85 Public Notices and Hearings**

Establishes noticing procedures for public hearings.

**Chapter 9.86 Time Limitations and Time Extensions**

Establishes time limits for permit approvals and procedures for approving time extensions.

The Planning Commission completed their public hearing on Article 5 at their meeting of September 9, 2014.

**Alternatives:** The Town Council may elect to make recommended changes to the Article. The Town Council may refer the matter to the Planning Commission for further deliberations.

The Planning Commission completed their public hearing on Article 5 at their meeting of September 9, 2014, and unanimously recommended Town Council adoption of Article 5.

**Fiscal impact:** This Ordinance is included in the Town's contract for the Development Code Update project. No additional costs are incurred beyond existing contract services.

**Attachments:** Article 5, Administration  
Notice of Hearing  
Planning Commission Minutes

ORDINANCE NO.

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF YUCCA VALLEY, CALIFORNIA, AMENDING TITLE 9, YUCCA VALLEY DEVELOPMENT CODE, BY ADOPTING ARTICLE 5, CHAPTERS 9.80 THRU 9.86, ADMINISTRATION, AND REPEALING SECTIONS 81.0205-81.0235, SECTIONS 83.010605-83.010630 AND SECTIONS 87.1201-87.1202 OF TITLE 8 OF THE YUCCA VALLEY DEVELOPMENT CODE.

The Yucca Valley Town Council ordains as follows:

Section I:

# Article 5: Administration

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## Chapter 9.80 Administration

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Sections:

- 9.80.010 – Purpose
- 9.80.020 – Permits and Conditions to Run with the Land
- 9.80.030 – Performance Guarantees
- 9.80.040 – Easements and Deed Notices
- 9.80.050 – Legal Defense Fee Responsibility

### **9.80.010 – Purpose**

This Chapter establishes general administrative provisions for implementation and administration of the Development Code and the permits which are approved pursuant to the Development Code.

### **9.80.020 – Permits and Conditions to Run with the Land**

A Conditional Use Permit, Land Use Compliance Review, Site Plan and Design Review Permit, Variance, Planned Development Permit, Specific Plan, Special Use Permit, and other permits issued and approved under this Development Code that are granted in compliance with Article 4 shall be deemed to run with the land through any change of ownership of the subject site, from the effective date of the permit, except in any case where a permit expires and becomes void. All applicable conditions of approval shall continue to apply after a change in property ownership.

### **9.80.030 – Performance Guarantees**

#### **A. Deposit of security.**

1. As a condition of approval of a Conditional Use Permit, Land Use Compliance Review, Site Plan and Design Review Permit, Specific Plan, Variance, Planned Development Permit, Special Use Permit, Temporary Special Event Permit, Temporary Use Permit, or upon a finding that the public health, safety, and welfare warrant, the review authority may require a the deposit of security in a reasonable amount to ensure the faithful performance of one or more of the conditions of approval in the event that the applicant/owner fails to perform.
2. The applicant/owner may elect to provide adequate security for the faithful performance of a condition(s) of approval imposed as part of the approval process if the Director or Planning Commission determines that the condition(s) may be implemented at a later specified date (e.g., inability to install required landscaping due to poor weather conditions).
3. The security shall, as required by law or otherwise at the option of the Town, be in the form of cash, a certified or cashier's check, letter of credit, a performance bond or other form of surety executed by the applicant and a corporate surety authorized to do business in California and approved by the Town Attorney.
4. The security shall remain in effect until all of the secured conditions have been performed.

5. Any security required in compliance with this Section shall be payable to the Town.

**B. Release of security.** Upon satisfactory compliance with all applicable provisions of this Section, the security deposit shall be released.

#### **9.80.040 – Easements and Deed Notices**

##### **A. Implementation.**

The Town may require offers of dedication, the granting of easements, or the recordation of deed notices to assist the Town in the implementation of the General Plan and/or adopted Master Plans, including but not limited to the Town's Master Plan of Drainage, Parks and Trails Master Plans, and Airport Comprehensive Land Use Plan.

##### **B. Requirements for Easements and Deed Notices**

A grant of easement or deed notice may be required by the Town as a condition of issuing a building permit for any residential or nonresidential project that includes additional square-footage for a new or existing structure and/or any other entitlement. Recordation of all grants of easement and deed notices on forms to be provided by the Town shall occur prior to the issuance of a building permit or as otherwise approved by the Town.

###### 1. Avigation and Noise Easements or Deed Notices:

- a. An Avigation and Noise Easement shall be granted to the Yucca Valley Airport District and shall be recorded against those parcels of property within the Avigation Easement Area as identified on the Avigation Easement & Deed Notice Map on file with the Town. A copy of the recorded Easement shall be forwarded to the Town and the Yucca Valley Airport District.
- b. A Deed Notice shall be recorded against those parcels of property outside of the Avigation Easement Area but within the Airport Influence Area as identified on the Airport Influence Map on file with the Town Clerk. A copy of the recorded Deed Notice shall be forwarded to the Town and the Yucca Valley Airport District.

###### 2. Drainage Easements.

A grant of easement may be required by the Town as a condition of issuing a building permit for any residential or nonresidential project that includes additional square-footage for a new or existing structure and/or any other entitlement. Parcels that are affected by the Yucca Valley Master Plan of Drainage and as deemed necessary by the Town Engineer shall offer a drainage easement to the Town and/or County of San Bernardino.

###### 3. Public Rights of Way.

A grant of easement may be required by the Town as a condition of issuing a building permit for any residential or nonresidential project that includes additional square-footage for a new or existing structure and/or any other entitlement. Owners/Applicants shall offer easements or dedication of right-of-ways for streets,

roads, alley, sidewalks, utilities or trails as deemed necessary by the Director to implement the Town's roadway and trails networks.

#### **9.80.050 – Legal Defense Fee Responsibility**

- A. Applicant's Agreement to Indemnify and Hold Harmless.** The applicant shall agree to defend, indemnify and hold harmless the Town of Yucca Valley, its agents, officers and employees, at his sole expense, against any action, claim or proceedings brought against the Town or its agents, officers or employees, to attack, set aside, void, or annul this approval or because of the issuance of such approval, or in the alternative, to relinquish such approval, in compliance with the Town of Yucca Valley Development Code. The applicant shall reimburse the Town, its agents, officers, or employees for any court costs, and attorney's fees which the Town, its agents, officers or employees may be required by a court to pay as a result of such action. The Town may, at its sole discretion, participate at its own expense in the defense of any such action but such participation shall not relieve applicant of his obligations under this condition. The Town shall promptly notify the applicant of any claim, action or proceedings arising from the Town's approval of this project, and the Town shall cooperate in the defense.



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## Chapter 9.81 Appeals

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Sections:

- 9.81.010 – Appeal of Land Use Decision
- 9.81.020 – Application for the Appeal of a Land Use Decision
- 9.81.030 – Time for Filing an Appeal
- 9.81.040 – Notice of Appeal
- 9.81.050 – Authority of Appeal Body
- 9.81.060 – Withdrawal of Appeal

### 9.81.010 – Appeal of Land Use Decision

Any land use decision made in compliance with the provisions of this Development Code by a review authority other than the Council may be appealed by the applicant or other affected party as described in this Chapter.

- A. **Director’s decisions.** The Director’s decision on determinations required by this Code where the Director’s decision would otherwise be final is subject to appeal to the Commission.
- B. **Commission’s decisions.** The Commission’s decision on determinations required by this Code where the Commission’s decision would otherwise be final is subject to appeal to the Council.
- C. **Council considerations.**
  1. The Council shall consider appeals of land use decisions made by the Commission.

### 9.81.020 – Application for the Appeal of a Land Use Decision

- A. **Appropriate forms.** Applications for an appeal of a land use decision shall be made on forms supplied by the Town.
- B. **Appeal submittals.** Applications for appeals addressed to the Commission and Town Council shall be submitted to the Planning Division.
- C. **Grounds for appeal.** Application for appeals shall include a written statement of the grounds upon which the appeal is based.
- D. **Appeal fees.** An appeal fee, as established by the Town, shall accompany any application.
- E. **Contents of appeal application.** The appeal application shall identify:

1. The subject land use application;
  2. The specific decision, condition of approval, or other matter being appealed;
  3. The date of the action;
  4. The justification for the appeal; and
  5. Any remedy or solution for which the appellant petitions.
- F. Appeal shall stay all proceedings.** A properly filed application for appeal shall stay the proceedings in the matter appealed until a decision is rendered on the appeal.

#### **9.81.030 – Time for Filing an Appeal**

Appeals shall be filed with the Planning Division within ten (10) consecutive calendar days following the date of action. If the last day to act is not a Town business day, the following business day shall be deemed to be the last day to act.

#### **9.81.040 – Notice of Appeal**

- A. Notice of appeal required.** Within 30 days of the acceptance of an application for an appeal of a land use decision, the matter shall be set for hearing and notice shall give of the date, time, and place of the hearing to the appellant, the applicant, and to any other party who has requested in writing to be so notified.
- B. Same notice as originally required.** In addition, notice shall also be given in the same manner as notice was given for the land use decision being appealed.

#### **9.81.050 – Authority of Appeal Body**

- A. Action on appeal.** Upon hearing the appeal, the appeal body shall consider the record and any additional evidence that may be offered, and may affirm, reverse, or modify, in whole or in part, the decision appealed.
- B. Applicable criteria, findings, and requirements.** The appeal body is subject to all of the criteria, findings, and requirements imposed by this Development Code upon the original decision maker (e.g., review authority).

#### **9.81.060 – Withdrawal of Appeal**

An appeal may be withdrawn before the time that the review authority issues a decision. The applicant or the applicant's representative shall notify the Town in writing that they wish to withdraw the appeal.

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## Chapter 9.82 Enforcement and Violations

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Sections:

- 9.82.010 – Purpose
- 9.82.020 – Permits and Approvals
- 9.82.030 – Authority of Enforcement
- 9.82.040 – Unlawful to Violate Development Code Provisions
- 9.82.050 – Violations of Development Code and Conditions of Approval Declared Public Nuisance
- 9.82.060 – Unlawful to Refuse or Fail to Comply With a Condition of Land Use Approval
- 9.82.070 – Enforcement
- 9.82.080 – Criminal Actions
- 9.82.090 – Civil Actions
- 9.82.100 – Filing of a Notice of Liens/Pendency

### 9.82.010 – Purpose

This Chapter establishes provisions that are intended to ensure compliance with the requirements of this Development Code and any conditions of permit approval, to promote the Town's planning efforts, and for the protection of the public health, safety, and welfare of the Town.

### 9.82.020 – Permits and Approvals

All departments, officials, and public employees of the Town who are assigned the authority or duty to issue authorizations, certificates, licenses, or permits shall comply with the provisions of this Development Code.

- A. **Permits in conflict with Development Code.** Authorizations, certificates, licenses, or permits for uses or structures that would be in conflict with the provisions of this Development Code shall not be issued.
- B. **Permits deemed void.** Any authorization, certificate, license, or permit issued in conflict with the provisions of this Development Code shall be void and of no effect.

### 9.82.030 – Authority of Enforcement

- A. **Responsibility of Director.** The Director and designated employees and representatives shall have the authority to enforce the provisions of this Development Code, and shall include and not be limited to the Town Manager, Deputy Town Manager, Town Engineer, Building Official, Code Compliance Officers, Animal Control Officers, and Town Attorney.
- B. **Authority to Inspect.** All persons authorized to enforce the provisions of this Development Code are authorized to enter upon any property or premises within the Town to ascertain whether the property or premises is in compliance with this Development Code, and to make any inspections as may be necessary in the performance of their enforcement duties. These inspections may include the taking of photographs, samples, or other physical evidence, and the making of video and/or audio recordings. All such entries and inspections shall be done in a reasonable manner. If an owner, lawful occupant, or the respective agent, employee, or representative thereof refuses permission to enter and/or inspect, the Town, acting by and through such persons authorized to

enforce this Development Code, may seek an administrative inspection warrant pursuant to the procedures provided by California Code of Civil Procedures §§ 1822.50 through 1822.59, as may be amended from time to time, or the successor provisions thereto.

#### **9.82.040 – Unlawful to Violate Development Code Provisions**

- A. It is unlawful for any person to violate or to cause or to allow a violation of any provision of this Development Code. Any act or omission constituting a violation of the Development Code includes the aiding, abetting, allowing, or causing that act or omission.
- B. Each and every day, and during any portion of which, any violation of this Development Code, or of the provisions of any code adopted and incorporated by reference by this Development Code, is committed, continued, or allowed, is a new and separate offense.

#### **9.82.050 – Violations of Development Code and Conditions of Approval Declared Public Nuisance**

- A. **Use of land.** Any use of land that is not allowed by this Development Code (either as a matter of right or through the application of the appropriate land use approval or permit) and/or which is conducted without first obtaining all permits and/or licenses otherwise required pursuant to all applicable state and/or federal laws and/or other provisions of the Development Code (and thereafter maintaining each such permit and/or license so as to remain legally valid at all times) is hereby declared unlawful and a public nuisance.
- B. **Use of occupancy of structure.** Any structure used or occupied in a manner not allowed by this Development Code (either as a matter of right or through the application of the appropriate land use approval or permit) and/or which is used or occupied without first obtaining all permits and/or licenses otherwise required pursuant to all applicable state and/or federal laws and/or other provisions of the Town Code (and thereafter maintaining each such permit and/or license so as to remain legally valid at all times) is hereby declared unlawful and a public nuisance.
- C. **Property Not in Compliance with a Condition of Land Use Approval Declared Public Nuisance.** Any property not in compliance with an applicable condition of approval imposed upon any land use approval authorization, permit, or variance is hereby declared to be unlawful and a public nuisance.

#### **9.82.060 – Unlawful to Refuse or Fail to Comply With a Condition of Land Use Approval**

- A. It is unlawful for the owner, the owner's agent or representative, or other person in whose favor or for whose benefit, a land use approval of any kind has been granted for the parcel of real property at issue, to refuse or to fail to comply with the conditions of approval, either individually or collectively.
- B. Each and every day, and during any portion of which, any failure or refusal to comply with the condition or conditions of approval imposed on any land use approval, authorization, permit, or variance, is committed, continued, or allowed, is a new and separate offense.

#### **9.82.070 – Enforcement**

- A. **Notices, orders, and citations.** This Development Code may be enforced through civil, criminal and/or administrative processes including the issuance of various notices and orders pertaining to any land use; or to any addition, alteration, construction, conversion, enlargement, installation, moving, reconstruction, rehabilitation of any structure; or to any use of any structure; that is contrary to any provision of this Development Code as provided herein. Such notices may

include, without limitation, notice of violation, notice to correct, notice to vacate, stop work orders, infraction citations, misdemeanor citations, and administrative citations.

- B. Enforcement remedies are cumulative and discretionary, not exclusive.** All remedies contained in this Development Code for the handling of violation or enforcement of the provisions of this Development Code shall be discretionary and cumulative, and not exclusive of any other applicable provisions of the Town Code or other applicable State law. The Town at its sole discretion and acting through the officials designated in this Chapter and in consultation with Town Attorney may enforce this Development Code through the application of criminal, civil, and administrative remedies as set forth in this Chapter. In the exercise of such discretion in selecting an appropriate code enforcement remedy, the Town shall not be required to institute available code enforcement remedies in any particular order, or to prefer the application of one remedy to another.

#### **9.82.080 – Criminal Actions**

- A.** Notwithstanding any other provision of the Town Code, each person violating, causing, or allowing a violation of any provision of this Development Code or any permit or condition of approval granted pursuant thereto, shall be guilty of an infraction or a misdemeanor.
- B.** Every violation of any provision of this Development Code, or of any permit issued pursuant to this Development Code (including any of the conditions of approval for such permit) that is prosecuted as an infraction shall be punishable, upon conviction or upon a plea of nolo contendere (commonly called no contest), by: (1) a base fine as established by the Council or local court of jurisdiction. Any court costs that the court may otherwise be required to impose pursuant to applicable state law or local ordinance shall be imposed in addition to the base fine. Notwithstanding the above, a first or subsequent violation of this Development Code may be charged and prosecuted as a misdemeanor.
- C.** A misdemeanor shall be punishable, upon conviction or upon a plea of nolo contendere (commonly called no contest), by a base fine as established by the Council or local court of jurisdiction, or by imprisonment in the County jail for a period of not more than six months, or by both such base fine and imprisonment. Any court costs that the court may otherwise be required to impose pursuant to applicable state law or local ordinance shall be imposed in addition to the base fine.
- D.** The conviction and punishment of any person of an offense as described in this Section or the payment of a criminal fine by or on behalf of the person convicted, shall not relieve that person from the responsibility for correcting, removing, or abating the violation that resulted in the conviction; nor prevent the enforced correction, removal or abatement thereof by the Town. The correction, removal, or abatement of a violation begun after the issuance of a criminal citation or the filing of a criminal complaint shall not be a defense to the infraction or misdemeanor so charged and, following a conviction or plea of nolo contendere, shall not be grounds for the dismissal of the action or the waiver, stay, or reduction of any fine established by Town code.

#### **9.82.090 – Civil Actions**

- A. Injunctive relief and abatement.** At the request of any person authorized to enforce this Development Code, the Town may commence proceedings for the abatement, removal, correction and enjoinder of any act or omission that constitutes or will constitute a violation of this Development Code or any permit or land use approval granted pursuant thereto, and an order

requiring the violator(s) to pay civil penalties and/or abatement costs. Where multiple violators are involved, they shall be jointly liable for the civil penalties and/or abatement costs.

- B. **Civil Remedies and Penalties.** Any person, whether acting as principal, agent, employee, owner, lessor, lessee, tenant, occupant, operator, contractor, or otherwise, who violates any provision of this Development Code or any permit or any condition of land use approval granted pursuant thereto, shall be liable for a civil penalty as established by Council per violation for each day or any portion thereof, that the violation continues.
- C. **Attorney's Fees.** In any civil action, administrative proceeding, or special proceeding to abate a public nuisance, whether by seeking injunctive relief and/or an abatement order, or other order: attorney's fees may be recovered by the prevailing party and shall not exceed the amount of reasonable attorney's fees incurred by the Town in that action or proceeding (Government Code §§ 25845).
- D. **Statute of Limitation.** Any court action or proceeding to attach, review, set aside, void or annul any decision relating to the adoption or amendment of the Town General Plan or any specific plan or any decision of matters listed in this Development Code otherwise subject to court review (other than those listed in Sections 65907 and 66499.37 of the State Government Code and Section 21167 of the State Public Resources Code) or concerning any of the proceedings, acts or determinations taken, done or made prior to such decision, or to determine the reasonableness, legality, or validity of any conditions attached thereto, shall not be maintained by any person unless such action or proceeding is commenced with service of summons effected within thirty (30) calendar days after the effective date of such decision. Thereafter, all persons are barred from any such action or proceeding or any defense of invalidity or unreasonableness of such decision or of such proceedings, acts or determinations.

#### **9.82.100 – Filing of a Notice of Liens/Pendency**

Whenever the Town institutes a judicial action or proceeding to enforce the Development Code, a Notice of Lien/Pendency of the action or proceeding may be filed with the County Recorder's Office. The notice shall be filed at the time of the commencement of the action or proceeding, and upon recordation of the notice, consistent with the standards and requirements of the County Recorder's Office. The notice shall have the same effect as a notice recorded in compliance with Section 409 of the California Code of Civil Procedure.

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## Chapter 9.83 Permit Amendments

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Sections:

- 9.83.010 – Purpose
- 9.83.020 – When Permit Amendments May be Considered.
- 9.83.030 – Types of Amendments.
- 9.83.040 – Procedures for Amendments
- 9.83.050 – Required Findings
- 9.83.060 – Limitation of Authority

### 9.83.010 – Purpose

Amendments or modifications of the conditions of approval, project design of an approved project, or the alteration or expansion of an approved use subject to a permit may be allowed through the approval of a Permit Amendment in compliance with this Chapter.

### 9.83.020 – When Permit Amendments May be Considered.

Amendments to projects approved in compliance with this Chapter may be made on the following grounds:

1. Change of circumstances;
2. New Information;
3. Correction of errors;
4. Public health, safety and welfare considerations; or
5. Changes in applicable General Plan designation or policy or applicable zoning regulations.

### 9.83.030 – Types of Amendments.

The following types of amendments apply to all projects approved in compliance with this Chapter, including Development Permits and land division approval:

- A. Minor Amendments.** A Minor Amendment may include changes to project design, improvements, or conditions of approval, if the amendment does not affect the overall concept, density or intensity of use of the approved project, and if it does not involve either a modification of a design consideration, or an improvement or a significant revision to a condition of approval which was a matter of controversy during the review and approval of the original permit, or which was required to mitigate a significant adverse environmental effect.
- B. Corrections.** A correction is a change which corrects an error or omission in an approval which is otherwise at variance with the decision of the review authority or at variance with Town ordinances or regulations, and which correction does not involve either a modification of a design consideration, an improvement or a condition of approval which was a matter of controversy during the review and approval of the original permit, or which was required to mitigate a significant adverse environmental effect.

- C. **Correction and Amendment of Subdivision Maps.** The correction and amendment of subdivision maps are provided for in Section 9.92.080 (Correction and Amendment of Recorded Maps) of this Code.
- D. **Major Amendments.** Any change to an approval which does not qualify as a Minor Amendment, Correction, or Correction and Amendment of a Subdivision Map, as defined in paragraphs A, B, and C above, shall be deemed a Major Amendment.

#### 9.83.040 – Procedures for Amendments

- A. **Initiation.** Except as otherwise provided herein, any amendment may be initiated by the current holder of the approval, the Director, the Commission, or the Council.
  - 1. **Initiation by the Director.** The Director may initiate amendments involving Minor Variations and Corrections. The Director shall send written notice of the pending action to amend the current permit to the current holder of the approved permit at least thirty (30) days prior to taking action on the amendment.
  - 2. **Initiation of corrections and amendments of subdivision maps.** The procedures and review authority for Correction and Amendment of Subdivision Maps are provided in Section 9.92.080 (Correction and Amendment of Recorded Maps) of this Code.
  - 3. **Council Initiation.** The Council, based upon a recommendation from the Commission may initiate an amendment. If the amendment is initiated by the Council, a Resolution of Intention shall be adopted. Such Resolution of Intention shall provide notice to the current holder of the approved permit at least thirty (30) days prior to an action being taken on the amendment, unless the public health, safety or welfare requires more immediate action.
  - 4. **Initiation by current holder of approved permit.** Permit amendments initiated by the current holder of an approved permit shall be made on forms provided by the Planning Division.
- B. **Review Authority.** Except as otherwise provided in this Code, the review authority for a permit amendment shall be as follows:
  - 1. **Minor amendments and corrections.** The Director shall be the review authority for Minor Variations and Corrections. No public hearing or notice of adjacent property owners shall be required.
  - 2. **Correction and amendment of subdivision maps.** The procedures and review authority for the Correction and Amendment of Subdivision Maps are provided in Section 9.92.080 (Correction and Amendment of Recorded Maps).
  - 3. **Major amendments.** The review authority and processing procedures for Major Amendments shall be the same as for the original approval.
  - 4. **Amendment initiated by the Council.** Amendments initiated by the Council shall be reviewed and final action shall be taken by the body which initiated the amendment, unless the original approving body was the Council, in which case the Council shall take final action.



**C. Referral to Next Higher Review Authority.** The provision of Section 9.60.040 of this Chapter authorizing referral to the next succeeding review authority are applicable to all types of amendments.

#### **9.83.050 – Required Findings**

Permit amendments of any type shall not be approved unless the review authority is able to make the findings required for approval of the original permit application.

#### **9.83.060 – Limitation of Authority**

The hearing on an application for a permit amendment shall be limited to that part of the project approval affected by the amendment application, unless the review authority finds that the amendment proposed should not be considered in isolation from all or any part of the project approval.

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## Chapter 9.84 Permit Revocations

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Sections:

- 9.84.010 – Purpose
- 9.84.020 – Permits Which May Be Revoked.
- 9.84.030 – Authority.
- 9.84.040 – Hearing Procedure.
- 9.84.050 – Appeal Procedures.

### 9.84.010 – Purpose

To the extent consistent with law, in order to protect the public health, safety, and welfare, and in order to enforce the provisions of this Code, it may become necessary to revoke a previously authorized approval or approved permit. The purpose of this Section is to protect the public health, safety and welfare, as well as the rights to due process of permit holders within the Town.

### 9.84.020 – Permits Which May Be Revoked.

Any permit granted in compliance with this Code may be revoked upon one or both of the following findings:

1. Any term or condition of that permit has not been, or is not being complied with; or
2. The permit has been issued or exercised in a manner which creates a nuisance, or is otherwise detrimental to the public health, safety, or welfare.

Such revocation may be initiated by a Resolution of Intention adopted by either the Commission or the Council. Such Resolution of Intention shall provide notice to the holder of the permit in noncompliance, violation or nuisance, reasonable opportunity to correct the noncompliance to the satisfaction of the Town. Such reasonable opportunity for correction may be provided by scheduling the actual hearing on revocation for a date which will allow time for such correction.

### 9.84.030 – Authority.

Authority to revoke permits or approvals shall be vested with the Commission for permits approved by staff or the Commission or vested with the Council where the Council was the final review authority in granting the permit or approval. A public hearing in compliance with Chapter 9.85 of this Code, *Public Notices and Hearings*, shall be required for revocation of permits or previous approvals.

### 9.84.040 – Hearing Procedure.

If a Resolution of Intention is adopted to initiate the revocation of any previously authorized approval or approved permit, the Commission or Council shall set the matter for a hearing, giving notice of the time, place and review authority as prescribed in Chapter 9.85 of this Code, *Public Notices and Hearings*. A copy of the Resolution of

Intention shall be sent to the permittee and the current owner of record. Upon the conclusion of the hearing, the Commission or the Council may, upon making the appropriate findings, either revoke the permit or amend the permit in lieu of revocation.

#### **9.84.050 – Appeal Procedures.**

Any decision of the Commission regarding an action to revoke a permit may be appealed to the Council in compliance with Chapter 9.81 of this Code, *Appeals*. Any decision of the Council to revoke a permit or to amend a permit shall be final.

- A. Purpose.** Discretionary permits or approvals issued in compliance with this Development Code may be revoked or modified in compliance with Chapter 9.84, Permit Revocations.
- B. Procedures.** This Section provides procedures for securing revocation or punitive modification of previously approved permits or approvals.
- C. Revocations.** The Town’s action to revoke a permit or approval shall have the effect of terminating the permit and denying the privileges granted by the original approval.
- D. Modifications.** Town modification of a permit or approval instead of revocation may include any operational aspect of the project, including buffers, duration of the permit or entitlement, hours of operation, landscaping and maintenance, lighting, parking, performance guarantees, property maintenance, signs, surfacing, traffic circulation, or any other aspect/condition determined to be reasonable and necessary to ensure that the permit is operated in a manner consistent with the original finding for approval.
- E. Hearings and notice.**
  - 1. The appropriate review authority shall hold a public hearing to revoke or modify a permit or approval granted in compliance with the provisions of this Development Code.
  - 2. At least ten days before the public hearing, notice shall be “delivered” in writing to the applicant for the permit or approval being considered for revocation, and/or owner of the property for which the permit was granted.
  - 3. Notice shall be deemed “delivered” two days after being mailed, certified and first class, through the United States Postal Service, postage paid, to the owner as shown on the County's current equalized assessment roll and to the project applicant, if not the owner of the subject property.
- F. Action by Reviewing Authority.**
  - 1. Permits. A Conditional Use Permit, Site Plan and Design Review, or other Town planning permit or approval (except a Variance, see Subsection (f)(2), below) may be revoked or modified by the reviewing authority (e.g., Director, Commission, or Council) that originally approved the permit, if the reviewing authority first makes any one of the following findings:
    - a. Circumstances under which the permit or approval was granted have been changed by the applicant to an extent that one or more of the findings that justified the original approval can no longer be made, and the public health, safety, and welfare require the revocation or modification;

- b. The permit or other approval was granted, in whole or in part, on the basis of a misrepresentation or omission of a material statement in the application, or in the applicant's testimony presented during the public hearing, for the permit or approval;
- c. One or more of the conditions of the original permit or approval have not been substantially fulfilled or have been violated;
- d. The approved use or structure has ceased to exist or has been suspended for at least 12 months;
- e. An improvement authorized in compliance with the permit is in violation of any applicable code, law, ordinance, regulation, or statute; or
- f. The improvement allowed by the permit has become detrimental to the public health, safety, or welfare or the manner of operation constitutes or is creating a nuisance.

2. Variances. A Variance may be revoked or modified by the review authority which originally approved the Variance, if the review authority first makes any one of the following findings, in addition to any one of the findings in Subsection (f)(1), above:

- a. Circumstances under which the original approval was granted have been changed by the applicant to a degree that one or more of the findings contained in the original approval can no longer be made in a positive manner, and the grantee has not substantially exercised the rights granted by the Variance; or
- b. One or more of the conditions of the Variance have not been met, or have been violated, and the grantee has not substantially exercised the rights granted by the Variance.

**G. Amortization.** If a revocation is ordered, the Commission may provide for a reasonable period of time to amortize any lawful existing uses on the site. Extensions of this time period may be granted for good cause shown on an application to the applicable review authority by any affected person.

**H. Action is appealable.** The revocation or modification of a permit or Variance is appealable in compliance with Chapter 9.81 (Appeals).

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## Chapter 9.85 Public Notices and Hearings

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Sections:

- 9.85.010 – Purpose
- 9.85.020 – Notice of Hearing
- 9.85.030 – Hearing Procedure
- 9.85.040 – Recommendation by Commission

### **9.85.010 – Purpose**

This Chapter provides procedures for public hearings required by this Development Code and State law. When a public hearing is required, advance notice of the hearing shall be given, and the hearing shall be conducted, in compliance with this Chapter.

### **9.85.020 – Notice of Hearing**

When this Development Code requires a public hearing, the public shall be provided notice of the hearing in compliance with Government Code Sections 65090 thru 65094, and Public Resources Code 21000 et seq., and as required by this Chapter.

- A. Content of notice.** Notice of a public hearing shall include all of the following information, as applicable.
1. **Hearing Information.** The date, time, and place of the hearing and the name of the review authority; a brief description of the public’s right to appear and be heard, and where an interested person may obtain additional information.
  2. **Project Information.** The name of the applicant, the Town’s file number assigned to the application; a general explanation of the matter to be considered; and a general description, in text and/or by diagram, of the location of the property that is the subject of the hearing.
  3. **Statement on environmental document.** If a proposed Negative Declaration or final Environmental Impact Report has been prepared for the project in compliance with the California Environmental Quality Act (CEQA), the hearing notice shall include a statement that the review authority will also consider approval of the proposed Negative Declaration or certification of the final Environmental Impact Report.
- B. Notification Procedures.**
1. **Published Notice.** For General Plan Amendments and Amendments to the Development Code not affecting the permitted uses or intensity of uses of real property, notice of public hearing shall be provided in at least one paper of general circulation within the Town at least 10 days prior to the hearing. If there

is no such newspaper of general circulation, the notice shall be posted at least 10 days prior to the hearing in at least three public places within the Town. If said amendment(s) affects permitted uses or intensity of uses of real property, the potentially affected property owners shall be provided notice as required by paragraph 2(d) below.

2. Mailed Notice. For all other Public Hearings required by this Code, notice shall be given in all of the following ways:
  - a. Notice of the hearing shall be mailed or delivered at least 10 days prior to the hearing to the owner of the subject real property as shown on the latest equalized assessment roll. Instead of using the assessment roll, the local agency may use records of the county assessor or tax collector if those records contain more recent information than the information contained on the assessment roll. Notices shall also be mailed to the owner's authorized agent, if any, and to the project applicant.
  - b. When the Subdivision Map Act (Div. 2 (commencing with Section 66410)) requires notice of a public hearing to be given, notice shall also be given to any owner of a mineral right pertaining to the subject real property who has recorded a notice of intent to preserve the mineral right pursuant to Section 883.230 of the Civil Code.
  - c. Notice of the hearing shall be mailed or delivered at least 10 days prior to the hearing to each local agency expected to provide water, sewage, streets, roads, schools, or other essential facilities or services to the project, whose ability to provide those facilities and services may be significantly affected.
  - d. Notice of the hearing shall be mailed or delivered at least 10 days prior to the hearing to all owners of real property as shown on the latest equalized assessment roll as follows:
    1. If the subject property is less than five (5) acres, notice shall be mailed to all property owners within 300 feet of the real property that is the subject of the hearing.
    2. If the subject property is five (5) acres or more but less than 20 acres, notice shall be mailed to all property owners within 500 feet of the real property that is subject to the hearing.
    3. If the subject property is 20 acres or more, notice shall be mailed to all property owners within 1000 feet of the real property that is the subject of the hearing.
  - e. In lieu of using the assessment roll, the local agency may use records of the county assessor or tax collector which contain more recent information than the assessment roll. If the number of owners to whom notice would be mailed or delivered pursuant to this paragraph or paragraph (1) is greater than 1,000, a local agency, in lieu of mailed or delivered notice, may provide notice by placing a display advertisement of at least one-eighth page in at least one newspaper of general circulation within the local agency in which the proceeding is conducted at least 10 days prior to the hearing.
  - f. If the notice is mailed or delivered pursuant to paragraph (d), the notice shall also either be:

- (1) Published in at least one newspaper of general circulation within the local agency which is conducting the proceeding at least 10 days prior to the hearing.
- (2) Posted at least 10 days prior to the hearing in at least three public places within the boundaries of the local agency, including one public place in the area directly affected by the proceeding.

3. Request for notification.

a. When a provision of this title requires notice of a public hearing to be given pursuant to Government Code Section 65090 or 65091, the notice shall also be mailed or delivered at least 10 days prior to the hearing to any person who has filed a written request for a notice with either the clerk of the governing body or with any other person designated by the governing body to receive these requests. The Town may charge a fee which is reasonably related to the costs of providing this service..

b. Any request for notification shall be renewed annually.

c.. As used in this chapter, “person” includes a California Native American tribe that is on the contact list maintained by the Native American Heritage Commission.

2. In addition to the notice required by this section, the Town may give notice of the hearing in any other manner it deems necessary or desirable.

### 9.85.030 – Hearing Procedure

A. **Time and place of hearing.** A hearing shall be held at the date, time, and place for which notice was given.

B. **Continued hearing.** Any hearing may be continued from time to time without further notice; provided, the chairperson of the hearing body announces the date, time, and place to which the hearing will be continued before the adjournment or recess of the hearing.

C. **Deferral of final decision.** The review authority may announce a tentative decision, and defer their action on a final decision until appropriate findings and/or conditions of approval have been prepared.

### 9.85.040 – Recommendation by Commission

After a public hearing on a proposed legislative act (e.g. amendment to the General Plan, this Development Code, a development agreement, a specific plan, a Planned Development, or an action referred to the Council by the Commission) the recommendation and findings of the Commission shall be forwarded to the Council. A copy of the recommendation shall be mailed to the applicant at the address shown on the application.

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## Chapter 9.86 Time Limitations and Time Extensions

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Sections:

- 9.86.010 – Purpose
- 9.86.020 – Effective Dates of Permits
- 9.86.030 – Time Limits
- 9.86.040 – Time Extensions

### 9.86.010 – Purpose

This Chapter provides requirements for the implementation or “exercising” of the permits and authorizations required by this Development Code, including time limits and procedures for granting extensions of time.

### 9.86.020 – Effective Dates of Permits

- A. **Effective date for planning permits and other approvals.** Except in the case of an Amendment and Zone Change (Chapter 9.62) or Development Agreement (Chapter 9.64), final action on any planning approval (e.g., Conditional Use Permits, Site Plan and Design Review, Variance, or other entitlement) shall become effective on the 11<sup>th</sup> consecutive calendar day following the date of application approval, where no appeal of the approval has been filed in compliance with Chapter 9.81 (Appeals).
- B. If the 11<sup>th</sup> day is not a Town business day, the following business day shall be deemed the effective date.

### 9.86.030 – Time Limits

#### A. Time limits.

1. Unless a condition of approval or other provision of this Development Code establishes a different time limit, a Conditional Use Permit, Site Plan and Design Review, Variance, Planned Development Permit, Land Use Compliance Review, Tentative Parcel Map or Tentative Tract Map not exercised within 36 months of the actual date of the decision granting the permit or authorization shall expire and become void, except where an extension of time is approved in compliance with Section 9.86.040 (Time Extensions), below.
2. Unless another provision of this Development Code establishes a different time limit, Special Use Permit, Temporary Use Permit or any other land use permit not exercised within 12 months of the actual date of the decision granting the permit or authorization shall expire and become void, except where an extension of time is approved in compliance with Section 9.86.040 (Time Extensions), below.



3. Definition of “exercised.” The permit or authorization shall not be deemed “exercised” until the permittee has commenced actual construction or alteration under a valid Building Permit, or has substantially commenced the approved activity or allowed use of the site in compliance with the conditions of approval, in cases where a Building Permit is not required.
4. Run with the land. After it has been exercised, a planning permit or authorization shall remain valid and run with the land in compliance with Section 9.80.020 (Permits and Conditions to Run with the Land), as long as a Building Permit is active for the project, and after a final building inspection or Certificate of Occupancy has been granted.

**B. Phased project.**

1. Projects other than Planned Development Permits. If a project (other than a Planned Development Permit) is to be developed in approved phases, each subsequent phase shall be exercised within 36 months from the date that the previous phase was exercised, unless otherwise specified in the permit or authorization, or the permit or authorization shall expire and become void, except where an extension of time is approved in compliance with Section 9.86.040 (Time Extensions), below. If the project also involves the approval of a Tentative Map, the phasing shall be consistent with the Tentative Map and the permit or authorization shall be exercised before the expiration of the Tentative Map, or the permit or authorization shall expire and become void.
2. Planned Development Permits. Notwithstanding the above provisions of this Section, a conditionally approved Planned Development Permit for a phased project shall be subject to a time limitation not to exceed that specified by the condition of approval for the Development Plan approval. The applicant, however, shall either record a tract map or obtain Building Permits for at least one phase of the project within three (3) years of the Development Plan conditional approval and, as applicable, within each succeeding three-year period. Each three-year period shall begin with the last Town approved action that was accomplished (e.g., recordation of a tract map, obtain a Building Permit).

**9.86.040 – Time Extensions**

**A. Review Authority.** Approvals for an extension of time beyond the original expiration date of any project may only be granted by the original approving review authority.

**B. Submittal Requirements.**

1. Extension of time requests for projects shall be considered only if filed with the Planning Division prior to the expiration date for the permit or approval.
2. A subdivider may request an extension for projects subject to the Subdivision Map Act by written application to the Director in accordance with Chapter 9.91.110 (Tentative Map Expiration and Extensions) of this Code, Subdivision Regulations.

- C. **Time Limits on Extensions.** Other than Tentative Parcel Maps and Tract Maps, extensions may not exceed an aggregate total of three (3) years from the original date of expiration unless otherwise provided by law, unless the review authority finds that all findings required for the original approval can still be made and the application is consistent with the General Plan, Development Code, Master Plans and Specific Plans.
- D. **Findings.**
- Requests for extensions shall only be granted if the following findings can be made:
1. The project is consistent with the provisions of the General Plan and the Town Code in effect at the time of extension request is considered.
  2. There have been no significant changes in the character of the area within which the project is located that would cause the approved project to become inconsistent or nonconforming and that the granting of an extension will not be detrimental to the public health, safety or welfare, or materially injurious to properties or improvements in the vicinity.
- E. **Action on extension of a project subject to the Subdivision Map Act.** The expiration date of a Tentative Map may only be extended in compliance with the Map Act Section 66452.6.
- F. **Effect of expiration.** After the expiration of a planning permit or authorization in compliance with Subsection 9.86.030 (A), above, no further work shall be done on the site until a new planning permit or authorization and any required Building Permit or other Town permits are first obtained.

**Section 2: Repeal of County Code as Adopted and Amended by the Town:** The Town Council hereby repeals Sections 81.0205-81.0235, Sections 83.010605-83.010630 and Sections 87.1201-87.1202 of Title 8 of the Yucca Valley Development Code.

**Section 3. Severability:** If any provision of this Ordinance or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of this Ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this Ordinance are severable. The Town Council hereby declares that it would have adopted this Ordinance irrespective of the invalidity of any particular portion thereof.

**Section 4. Certification; Publication:** The Town Clerk shall certify to the adoption of this Ordinance and cause it, or a summary of it, to be published once within 15 days of adoption in a newspaper of general circulation printed and published within the Town of Yucca Valley, and shall post a certified copy of this Ordinance, including the vote for and against the same, in the Office of the Town Clerk in accordance with Government Code § 36933.

**Section 5. Effective Date:** This Ordinance shall become effective thirty (30) days from its adoption.

APPROVED AND ADOPTED this \_\_\_\_ day of \_\_\_\_\_, 2014.

\_\_\_\_\_  
MAYOR

APPROVED AS TO FORM:

\_\_\_\_\_  
TOWN ATTORNEY

ATTEST:

\_\_\_\_\_  
TOWN CLERK

## Chapter 2

## VIOLATIONS

## Sections:

81.0205	Penalty for Violations.
81.0210	Enforcement.
81.0220	Acts Include Causing, Aiding and Abetting.
81.0225	Injunction.
81.0230	Cumulative Remedies.
81.0235	Statute of Limitations.

**81.0205 Penalty for Violations.**

Unless otherwise provided, any person, firm, partnership, corporation, or other entity violating any provision of this Title shall be guilty of an infraction or misdemeanor as hereinafter specified, and each day or portion thereof such violation is in existence shall be a new and separate offense. In addition, when one or more plants or trees are removed in violation of the provisions of this Title, the removal of each such separate plant or tree shall be a new and separate offense.

Any person so convicted shall be: (1) guilty of an infraction offense and punished by a fine not exceeding one hundred dollars (\$100) and not less than fifty dollars (\$50.00) for a first offense; (2) guilty of an infraction offense and punished by a fine not exceeding two hundred dollars (\$200.00) and not less than one hundred dollars (\$100.00) for a second offense. The third and any additional offenses shall constitute misdemeanors and shall be punishable by fines not exceeding one thousand dollars (\$1,000.00) and not less than five hundred dollars (\$500.00) or six (6) months in jail, or both. Notwithstanding the above, a first or second offense may be charged and prosecuted as a misdemeanor. Payment of any fine or service of a jail sentence herein provided shall not relieve a person, firm, partnership, corporation, or other entity from the responsibility of correcting the condition resulting from the violation. In addition to the above penalties the Court may order that the guilty party reimburse the County for all of its costs of investigating, analyzing and prosecuting the enforcement action against the guilty party; the Court shall fix the amount of any such reimbursement upon submission of proof of such costs by the County.

**81.0210 Enforcement.**

(a) The provisions of this Title shall be enforced by the officers and authorized representatives of the County Agencies, Departments, and Offices charged with the responsibility of administering, implementing, and ensuring compliance with the provisions of this Title. Among these, but not limited to, are the following designated enforcement officers for the provisions of Title 8.

- Group.
- (1) Assistant Administrative Officer for Environmental Management
  - (2) County Director of Planning.
  - (3) County Director of Building and Safety.
  - (4) County Surveyor.
  - (5) Director of Environmental Health Services Department.
  - (6) Director of County Forestry and Fire Warden Department.
  - (7) Director of Transportation and Flood Control Department.
  - (8) Director of Airports Department.
  - (9) Chief Engineer of the San Bernardino County Flood Control District.
  - (10) Director of Special Districts Department.
  - (11) County Agricultural Commissioner.
  - (12) Director of County Museums.
  - (13) Chino Hills Manager.
  - (14) Flood Plain Management Administrator.

(b) No person shall stop, impede, or interfere with any officer, employee, contractor or authorized representative of the County or with any person who owns or holds any estate or interest in any land which is subject to a review, study or compliance inspection process under the provisions of this Title, or with any person to whom such land has been lawfully sold, whenever such officer, employee, contractor, or authorized representative of the County, or person having an interest or estate in such land or purchases, is engaged in the work of conducting a review, study, or compliance inspection process on any such land pursuant to the provisions of this Title or in performing any necessary act preliminary to or incidental to such work as authorized or directed pursuant to this Title.

(c) Any person, firm, company, corporation or other entity violating the provisions of this section shall be deemed guilty of a misdemeanor and upon arrest and conviction shall be punished by a fine not in excess of five hundred dollars (\$500) and imprisonment of not more than ninety (90) days or both.

(d) Whenever the County of San Bernardino institutes a judicial action or proceeding to enforce the land use district regulations of the Development Code, a County enforcement officer may file a Notice of Pendency of the action or proceeding ~~with the County Recorder.~~ The Notice shall be filed at the time of the commencement of the action or proceeding, and upon recordation of such notice as provided in this subsection, shall have the same effect as a notice recorded pursuant to Section 409 of the Code of Civil Procedure of the State of California.

(1) The County Recorder shall record and index the Notice of Pendency of action or proceeding in the Grantor/Grantee Index.

(2) Any Notice of Pendency of action or proceeding filed pursuant to this subsection may, upon motion of a party to the action or proceeding, be vacated upon an appropriate showing of need therefore by an order of a judge of the court in which the action or proceeding is pending. A certified copy of the Order to Vacate may be recorded with the County Recorder, and upon such recordation, the Notice of Pendency of the action or proceeding shall not constitute constructive notice of any of the matters contained therein nor create any duty of inquiry in any person

thereafter dealing with the property described therein. Such an Order to Vacate shall not be appealable, but the party aggrieved by such order may, within twenty (20) days after service of written notice of the order, or within such additional time not exceeding twenty (20) days as the court may, within the original twenty (20) days allow, but in no event later than sixty (60) days after entry of the order, petition the proper reviewing court to review such order by Writ of Mandate.

No such Order to Vacate shall be effective, nor shall it be recorded with the County Recorder, until the time within which a petition for the filing of a Writ of Mandate has expired, pursuant to this subsection.

**81.0220 Acts Include Causing, Aiding and Abetting.**

Whenever in the Development Code any act or omission is made unlawful, it shall include causing, permitting, aiding or abetting such act or omission.

**81.0225 Injunction.**

Any building or structure erected or maintained, or any use of property contrary to the provisions of the Development Code or an adopted Specific Plan shall and is hereby declared to be unlawful and a public nuisance. Upon order of the County Planning Commission, Director of Planning, Director of Building and Safety, Director of Environmental Health Services, or other County enforcement officer, an action for injunctive relief shall be commenced for the abatement, removal and enjoinder thereof in the manner provided by law. Application shall be made to such court or courts which have jurisdiction to grant such relief, to abate or remove such building, structure or use, and restrain and enjoin any person from erecting or maintaining such building or structure or using any property contrary to the provisions of the Development Code.

**81.0230 Cumulative Remedies.**

All remedies provided for herein shall be cumulative and not exclusive. The conviction and punishment of any person hereunder shall not relieve such person from the responsibility of correcting prohibited conditions or removing prohibited buildings, structures or improvements, nor prevent the enforced correction or removal thereof.

**81.0235 Statute of Limitations.**

Any court action or proceeding to attack, review, set aside, void or annul any land use decision subject to court review (other than those described in Sections 65907 and 66499.37 of the California Government Code and Section 21167 of the California Public Resources Code) or concerning any of the proceedings, acts or determinations

taken, done or made prior to such decision, or to determine the reasonableness, legality or validity of any conditions attached thereto, shall not be maintained by any person unless such action or proceeding is commenced and service of summons effected within thirty (30) days after the effective date of such decision. Thereafter, all persons are barred from any such action or proceeding or any defense of invalidity or unreasonableness of such decision or of such proceedings, acts or determinations.

## Article 6. Appeals.

## Sections:

- 83.010605 Appeal of a Land Use Decision.
- 83.010610 Application for the Appeal of a Land Use Decision.
- 83.010615 Time for Filing An Appeal.
- 83.010620 Notice of Appeal.
- 83.010625 Authority of Appeal Body.
- 83.010630 Withdrawal of Appeal.

**83.010605 Appeal of a Land Use Decision.**

Prior to its effective date, any land use decision made in accordance with the provisions of this Code by a reviewing authority other than the County Board of Supervisors may be appealed by the applicant or other affected party, as follows:

- (a) The Planning Officer's decision to require preparation of an Environmental Impact report (EIR) is subject to appeal to the Planning Commission for final decision.
- (b) The Planning Commission or Planning Commission Subcommittee shall consider appeals regarding land use decisions made by any County agency, department, office, official or officer.

The Planning Commission may refer consideration of an appeal to the Board of Supervisors, except for those decisions involving only a variance, determination as to the completeness of an application, or the requirement for preparation of an Environmental Impact Report. In these instances the Planning Commission decision shall be the final and conclusive decision. The Board of Supervisors will not accept nor consider an appeal of these Planning Commission decisions.

- (c) The Board of Supervisors shall consider appeals regarding land use decisions made by the Planning Commission, except as specified above.

- (d) The Board of Supervisors shall only conduct hearings regarding an EIR or other environmental action in conjunction with consideration of the subject land use application and project for which the EIR was prepared or other environmental action proposed.

**83.010610 Application For The Appeal Of A Land Use Decision.**

Applications for an appeal of a land use decision shall be made on forms supplied by the reviewing authority to which the appeal is being made. Applications for appeals shall be accompanied by a written statement of the grounds upon which the appeal is based. A uniform fee, as established by the Board of Supervisors, shall be paid to the County upon the filing of each appeal. The appeal application shall identify (1) the subject land use application, (2) the specific decision, condition of approval or other matter being appealed, (3) the date of such action, (4) the justification for the appeal and, (5) any remedy or solution for which the appellant petitions. A properly filed application for appeal stays proceedings in the matter appealed until a decision is rendered on the appeal.



**83.010615 Time For Filing An Appeal.**

The Planning Officer or, in the case of an appeal to the Board, the Clerk of the Board of Supervisors, shall be notified by the appellant of an appeal of a land use application decision prior to the date on which such land use application decision becomes effective. The appellant shall submit at the time of such notification, or on the next County business day following such notification, an application for the appeal.

**83.010620 Notice Of Appeal.**

Within thirty (30) days of the acceptance of an application for an appeal of a land use decision, the County Office of Planning or the Clerk of the Board of Supervisors shall set the matter for hearing and shall give notice of the date, time and place of the hearing to the appellant, the applicant, and to any other party who has requested in writing to be so notified. In addition, notice shall also be given in the same manner as notice was given for the land use decision being appealed.

**83.010625 Authority Of Appeal Body.**

Upon hearing the appeal, the appeal body shall consider the record and such additional evidence as may be offered, and may affirm, reverse or modify, in whole or in part, the decision appealed. The appeal body is subjected to all of the criteria, findings, and requirements imposed by this Code upon the original decision maker.

**83.010630 Withdrawal of Appeal.**

An appeal may be withdrawn prior to the time that the reviewing authority issues a decision. The applicant or his/her representative must notify the Planning Office in writing that he/she wishes to withdraw the appeal.

ORDINANCE NO. 162

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF YUCCA VALLEY, CALIFORNIA, AMENDING TITLE 8, DIVISION 7, OF THE SAN BERNARDINO COUNTY CODE AS ADOPTED BY THE TOWN OF YUCCA VALLEY BY ADDING A CHAPTER 12 RELATING TO EASEMENTS AND DEED NOTICES (DCA-02-05)

The Town Council of the Town of Yucca Valley does ordain as follows:

SECTION 1. Development Code Amended.

1.1 Title 8, Division 7, of the San Bernardino County Code as adopted by the Town of Yucca Valley is hereby amended by adding a new Chapter 12 "Easements and Deed Notices" to read as follows:

**Chapter 12**

**Easements and Deed Notices**

Sections	87.1201	Purpose
	87.1202	Requirements of Easements and Deed Notices

**87.1201 PURPOSE**

The purpose of this Chapter is to establish those conditions when the Town of Yucca Valley may require offers of dedication, the granting of easements, or the recordation of deed notices to assist the Town in the implementation of the General Plan and/or adopted Master Plans, including but not limited to the Town's Master Plan of Drainage, Parks and Trails Master Plans, and Airport Comprehensive Land Use Plan.

**87.1202 REQUIREMENTS OF EASEMENTS AND DEED NOTICES**

A grant of easement or deed notice may be required by the Town of Yucca Valley as a condition of issuing a building permit for any residential or nonresidential project that includes additional square-footage for a new or existing structure and/or any other entitlement. Recordation of all grants of easement and deed notices on forms to be provided by the Town shall occur prior to the issuance of a building permit or as otherwise approved by the Town of Yucca Valley Community Development Department, Planning Commission or Town Council.

a. **Avigation and Noise Easements or Deed Notices:**

- (1) An Avigation and Noise Easement shall be granted to the Yucca Valley Airport District and shall be recorded against those parcels of property within the Avigation Easement Area as identified on the Avigation Easement & Deed Notice Map

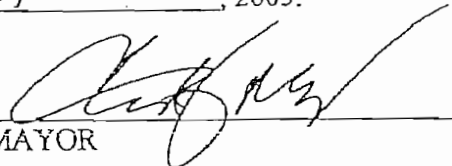
attached as Exhibit A. A copy of the recorded Easement shall be forwarded to the Town of Yucca Valley and the Yucca Valley Airport District.

- (2) A Deed Notice shall be recorded against those parcels of property outside of the Avigation Easement Area but within the Airport Influence Area as identified on the Airport Influence Map. A copy of the recorded Deed Notice shall be forwarded to the Town of Yucca Valley and the Yucca Valley Airport District.”

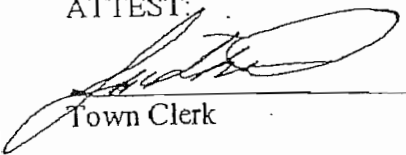
SECTION 2. NOTICE OF ADOPTION. Within fifteen (15) days after the adoption hereof, the Town Clerk shall certify to the adoption of this Ordinance and cause it to be published once in a newspaper of general circulation printed and published in the County and circulated in the Town pursuant to Section 36933 of the Government Code.

SECTION 3. EFFECTIVE DATE. This Ordinance shall become effective thirty (30) days from and after the date of its adoption.

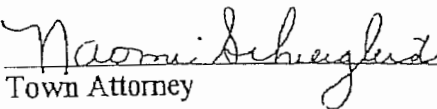
APPROVED AND ADOPTED by the Town Council and signed by the Mayor and attested by the Town Clerk this 24th day of February, 2005.

  
MAYOR

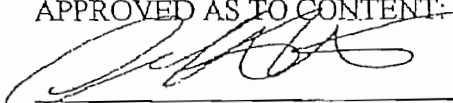
ATTEST:

  
Town Clerk

APPROVED AS TO FORM:

  
Town Attorney

APPROVED AS TO CONTENT:

  
Town Manager

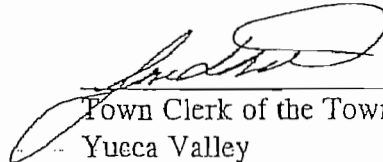
STATE OF CALIFORNIA  
COUNTY OF SAN BERNARDINO  
TOWN OF YUCCA VALLEY

I, Janet M. Anderson, Town Clerk of the Town of Yucca Valley, California hereby certify that the foregoing Ordinance No. 162 as duly and regularly introduced at a meeting of the Town Council on the 10<sup>th</sup> day of February, 2005, and that thereafter the said ordinance was duly and regularly adopted at a meeting of the Town Council on the 24<sup>th</sup> day of February, 2005, by the following vote, to wit:

Ayes: Council Members Leone, Luckino, Neeb and Mayor Mayes  
Noes: None  
Abstain: None  
Absent: Council Member Cook

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of the Town of Yucca Valley, California, this 25<sup>th</sup> day of February, 2005.

(SEAL)

  
\_\_\_\_\_  
Town Clerk of the Town of  
Yucca Valley

ORDINANCE NO. 164

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF YUCCA VALLEY, CALIFORNIA, AMENDING TITLE 8, DIVISION 7, OF THE SAN BERNARDINO COUNTY CODE AS ADOPTED BY THE TOWN OF YUCCA VALLEY BY ADDING A NEW SUBSECTION 87.1202b RELATING TO DRAINAGE EASEMENTS (DCA-02-05)

The Town Council of the Town of Yucca Valley does ordain as follows:

SECTION 1. Development Code Amended.

1.1 Title 8, Division 7, Chapter 12 of the San Bernardino County Code as adopted by the Town of Yucca Valley is hereby amended by adding a new Subsection 87.1202b to read as follows:

“ Chapter 12

Easements and Deed Notices

Sections	87.1201	Purpose
	87.1202	Requirements of Easements and Deed Notices

87.1202 REQUIREMENTS OF EASEMENTS AND DEED NOTICES

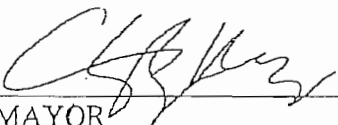
b. Drainage Easements:

- (1) Parcels that are affected by the Yucca Valley Master Plan of Drainage and as deemed necessary by the Town Engineer shall offer a drainage easement to the Town of Yucca Valley and/or County of San Bernardino.”

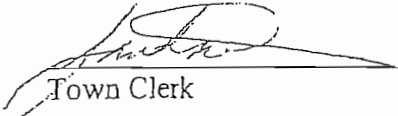
SECTION 2. NOTICE OF ADOPTION. Within fifteen (15) days after the adoption hereof, the Town Clerk shall certify to the adoption of this Ordinance and cause it to be published once in a newspaper of general circulation printed and published in the County and circulated in the Town pursuant to Section 36933 of the Government Code.

SECTION 3. EFFECTIVE DATE. This Ordinance shall become effective thirty (30) days from and after the date of its adoption.

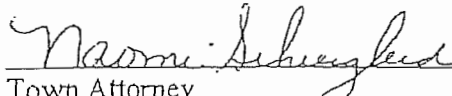
APPROVED AND ADOPTED by the Town Council and signed by the Mayor and attested by the Town Clerk this 22<sup>nd</sup> day of March, 2005.

  
MAYOR


ATTEST:

  
Town Clerk

APPROVED AS TO FORM:

  
Town Attorney

APPROVED AS TO CONTENT:

  
Town Manager

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STATE OF CALIFORNIA

COUNTY OF SAN BERNARDINO

TOWN OF YUCCA VALLEY

I, Janet M. Anderson, Town Clerk of the Town of Yucca Valley, California hereby certify that the foregoing Ordinance No. 164 as duly and regularly introduced at a meeting of the Town Council on the 10<sup>th</sup> day of March, 2005, and that thereafter the said ordinance was duly and regularly adopted at a meeting of the Town Council on the 22<sup>nd</sup> day of March, 2005, by the following vote, to wit:

Ayes: Council Members Cook, Luckino, Neeb and Mayor Mayes

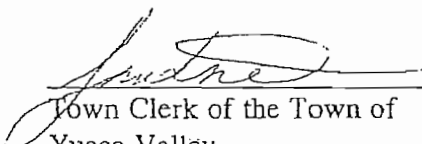
Noes: None

Abstain: None

Absent: Council Member Leone

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of the Town of Yucca Valley, California, this 25<sup>th</sup> day of March, 2005.

(SEAL)

  
Town Clerk of the Town of  
Yucca Valley

ORDINANCE NO. 166

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF YUCCA VALLEY, CALIFORNIA, AMENDING TITLE 8, DIVISION 7, CHAPTER 12 OF THE SAN BERNARDINO COUNTY CODE AS ADOPTED AND AMENDED BY THE TOWN OF YUCCA VALLEY BY ADDING A NEW SUBSECTION 87.1202c RELATING TO TRAIL AND BIKE LANE EASEMENTS (DCA-03-05)

The Town Council of the Town of Yucca Valley does ordain as follows:

SECTION 1. Development Code Amended.

1.1 Title 8, Division 7, Chapter 12 of the San Bernardino County Code as adopted and amended by the Town of Yucca Valley is hereby further amended by adding a new Subsection 87.1202c to read as follows:

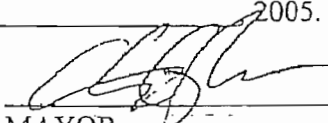
"c. **Trail and/or Bike Lane Easements**

- (1) Parcels that are affected by the Parks Master Plan and Trails and Bike Route Master Plan Map shall offer a Trail and/or Bike Lane Easement to the Town of Yucca Valley."


SECTION 2. NOTICE OF ADOPTION. Within fifteen (15) days after the adoption hereof, the Town Clerk shall certify to the adoption of this Ordinance and cause it to be published once in a newspaper of general circulation printed and published in the County and circulated in the Town pursuant to Section 36933 of the Government Code.

SECTION 3. EFFECTIVE DATE. This Ordinance shall become effective thirty (30) days from and after the date of its adoption.

APPROVED AND ADOPTED by the Town Council and signed by the Mayor and attested by the Town Clerk this 28th day of April 2005.

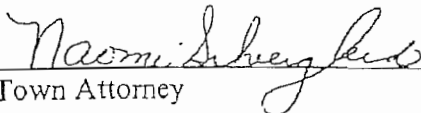
  
MAYOR

ATTEST:

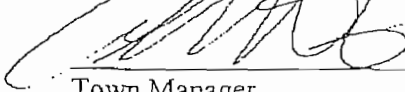
  
Town Clerk



APPROVED AS TO FORM:

  
Town Attorney

APPROVED AS TO CONTENT:

  
Town Manager

STATE OF CALIFORNIA

COUNTY OF SAN BERNARDINO

TOWN OF YUCCA VALLEY

I, Janet M. Anderson, Town Clerk of the Town of Yucca Valley, California hereby certify that the foregoing Ordinance No. 166 as duly and regularly introduced at a meeting of the Town Council on the 14<sup>th</sup> day of April, 2005, and that thereafter the said ordinance was duly and regularly adopted at a meeting of the Town Council on the 28<sup>th</sup> day of April, 2005, by the following vote, to wit:

Ayes: Council Members Cook, Leone, Luckino, Neeb and Mayor Mayes

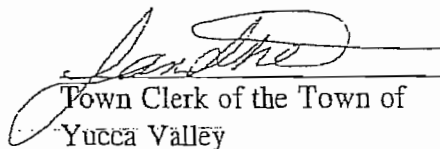
Noes: None

Abstain: None

Absent: None

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of the Town of Yucca Valley, California, this 29<sup>th</sup> day of April, 2005.

(SEAL)

  
Town Clerk of the Town of  
Yucca Valley

Commissioner Drozd asked staff about looking into background checks. Staff said that the Town currently uses live scan which would bring up any criminal records. Currently live scans are evaluated by Risk Management. Staff will have a conversation with Risk Management about the current criteria for rejecting an application based upon live scan results.

**PUBLIC HEARINGS**

**2. DEVELOPMENT CODE AMENDMENT, DCA 03-14  
ARTICLE 5, ADMINISTRATION**

Deputy Town Manager Stueckle provided the staff report. He provided an overview of the item. Staff had included, based upon Commission Direction, a tiered notification requirement based on the size of proposed development. The Commission asked for clarification over the methodology used to determine the radius around a property, and staff explained the process currently used. Commissioner Whitten asked about a question which had be raised in an email. Staff said that there might not be a clear enough break at 5 acres in the language.

Staff said that they had made no other changes to this article, and said that the only article which has not been updated is the definitions. Staff asked that the Commission start reviewing the draft code in its entirety, with a mind to the guiding principles adopted by the Town Council.

**PUBLIC COMMENTS**

None

**CLOSE PUBLIC COMMENTS**

**MOTION**

Commissioner Whitten moved that the Planning Commission find the project exempt 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 repeal Sections 83.010605-83.010630, Section 81.0150, Sections 81.0205-81.0235 and Sections 87.1201-87.1202 of Title 8 of the Town of Yucca Valley Development Code. The motion was seconded by Chair Humphreville and passed unanimously.

**3. 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, and provided an overview of the ordinance and the changes that had been made in the draft code. Staff requested that the Commission consider the lot coverage table and the accessory building standards. Staff asked the Commission to consider the standards for maximum floor area for a single accessory structure and

**TOWN OF YUCCA VALLEY  
PLANNING COMMISSION MEETING MINUTES  
August 26, 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.

Chair Humphreville opened the floor to public comments.

**PUBLIC COMMENTS**

- Steve Zimarik, Yucca Valley, objected to the Planning Commission's decision to limit home occupation firearm sales to lots of 5 acres or more in the draft Home Occupation Permit regulations.
- Brian Rush, Yucca Valley, objected to the change in draft Home Occupation Permit regulations limiting the sale of firearms.

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

**CLOSE PUBLIC COMMENTS**

**PUBLIC HEARINGS**

**1. DEVELOPMENT CODE AMENDMENT, DCA 03-14  
ARTICLE 5, ADMINISTRATION**

Deputy Town Manager Stueckle provided the staff report. He provided an overview of the proposed revisions made to Article 5, and stated that staff was recommending that the Commission continue the item to the next two meetings to allow for public participation.

**PUBLIC COMMENTS**

- None

**CLOSE PUBLIC COMMENTS**

Commissioner Bridenstine asked staff about the requirements for notices sent to properties surrounding a proposed development, and asked about making the distance greater, possibly 1,000 feet instead of 300, in rural areas where a 300 foot radius would only reach a few neighbors. She also asked staff if, given that Conditional Use Permits generally run with the land, would Conditional Use Permits associated with a home occupation also run with the land. Staff said that Conditional Use Permits do run with the land, but you can impose limitations such as time limits, and a home occupation requires a Conditional Use Permit which addresses time limitations and review periods.

Commissioner Drozd said he would hold his questions until they revisited the issue at a later meeting.

Commissioner Whitten said that he had had the same question as Commissioner Bridenstine regarding notifications, and Chair Humphreville asked staff to clarify the notification requirement.

Staff said that different cities address notification through different approaches, and the most common approach is to scale them by project size.

Chair Humphreville suggested a scale based on project sizes be included in the notice requirement. Commissioner Whitten agreed.

Staff asked the Commission to consider if notice requirements should be different in the commercial corridor and industrial areas compared to residential areas.

Commissioner Whitten said that the greatest impact was on residential areas near commercial and industrial zones. Commissioners Bridenstine, Drozd and Humphreville agreed.

Commissioner Lavender said that the though removing the language that was present in other parts of the code might lose governmental transparency.

Chair Humphreville asked if the regulations gave Code Compliance enough teeth to effectively address problems. Commissioner Whitten said they did with health and safety issues.

Commissioner Bridenstine said that she agreed with the removal of language duplicated elsewhere in the development and municipal codes. Having the same language in two places is dangerous if it is changed in one place and not the other. Commissioners Drozd, Whitten and Humphreville agreed.

## **MOTION**

Chair Humphreville moved that the Planning Commission continue this item to the next meeting. It was seconded by Commissioner Whitten and passed unanimously.

## **2. 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 item, and stated that staff was recommending that the Commission continue the item to the next two meetings.

Chair Humphreville opened the floor to public comments.

**PUBLIC COMMENTS**

- Susan Simmons, Yucca Valley, spoke about the native plant ordinance. She said the commission had previously discussed adding junipers and pinyon pine if they could be transplanted. She said that it was her understanding that those trees could only be transplanted when they were less than 3 ft tall. She said that they should be included on the list even if they could not be transplanted.

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

**CLOSE PUBLIC COMMENTS**

Chair Humphreville asked staff to make some recommendations regarding lot coverage.

Commissioner Whitten asked if the staff would providing additional information on the juniper and pinyon pine. Staff said that they would. Commissioner Whitten also asked if Article 2 contained the information about the Home Occupation Permits. Staff said that it did.

**MOTION**

Chair Humphreville moved that the Planning Commission continue this item to the next meeting. It was seconded by Commissioner Bridenstine and passed unanimously.

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

Project Engineer Alex Qishta provided the staff report. He provide an overview of the project and staff's findings. Staff's recommendation was to grant the vacation. Staff said the vacation was consistent with the new General Plan.

Chair Humphreville opened the floor to public comments.

**PUBLIC COMMENT**

- Bill Warner, the applicant's representative, said that he was there to answer any questions that the Commission had. He said that he had reviewed the traffic studies with staff and that even if you doubled the numbers from the last traffic study it would still be well under the capacity for that intersection.

was language allowing the continuation of the existing approved firearm businesses. The Commission also had questions about cottage food operations, and would suggest that in this process the Town Council evaluate the cottage food issue for a higher level of permit review.

**MOTION**

Commissioner Bridenstine moved that the Commission finds that the project is exempt from CEQA in accordance with Section 15061 (b)(3) of the California Environmental Quality Act, and that the Commission recommends that the Town Council adopt the Ordinances, repealing Development Code Section 84.0615, Chapter 6, Division 4 of Title 8, with the following two addendums: (1) that ordinances shall be changed to restrict the sale of firearms to the RL or greater zones, and that language be included to allow the continuation of currently permitted firearm businesses, and (2) that the Commission recommended the evaluation of the issues surrounding the cottage food industry for a higher level of permit review. Commissioner Whitten seconded the motion. Commissioners, Bridenstine, Drozd, Lavender, and Whitten voted for the motion and Chair Humphreville voted against. The motion carried 4 to 1.

Chair Humphreville called a five minute recess at 7:17.

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

Staff stated that they were recommending that the Planning Commission continue the public hearing on this issue to the meeting of August 26<sup>th</sup>, 2014.

Chair Humphreville opened the floor to public comments.

**PUBLIC COMMENT**

None

**CLOSE PUBLIC COMMENT**

**MOTION**

Chair Humphreville moved that the Planning Commission continue the public hearing on this issue to the meeting of August 26<sup>th</sup>, 2014. The motion was seconded by Commissioner Whitten and passed unanimously.

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

Staff stated that they were recommending that the Planning Commission continue the public hearing on this issue to the meeting of August 26<sup>th</sup>, 2014.

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**



**TOWN COUNCIL STAFF REPORT**

**To:** Honorable Mayor and Town Council  
**From:** Shane Stueckle, Deputy Town Manager  
**Date:** October 23, 2014  
**For Council Meeting:** November 04, 2014

**Subject:** Planning Commission Recommendation  
Development Code Amendment, DCA-05-14  
Draft Development Code Article 7, Definitions  
CEQA Exemption 15061(b)(3)




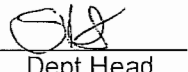
**Prior Commission Review:** The Town Council has had no prior review of this item.

**Recommendation:** As recommended by the Planning Commission, that the Town Council:

- A. Finds 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 Development Code 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 05-14 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”.
  
- B. Introduces the Ordinance, Article 7, Chapters 9.99.020 through 9.99.260 and repealing Section 812.01005, Chapters 1 through 27, Division 12, Title 8 of the Yucca Valley Development Code.

**Executive Summary:** Town Council action is required for final actions on ordinance recommendations from the Planning Commission. Article 7, Definitions, provides standard definitions for the Development Code.

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Reviewed By:	 Town Manager	 Town Attorney	 Mgmt Services	 Dept Head
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<input type="checkbox"/> Department Report	<input checked="" type="checkbox"/> Ordinance Action	<input type="checkbox"/> Resolution Action	<input checked="" type="checkbox"/> Public Hearing
<input type="checkbox"/> Consent	<input type="checkbox"/> Minute Action	<input type="checkbox"/> Receive and File	<input type="checkbox"/> Study Session

**Order of Procedure:**

- Request Staff Report
- Open the Public Hearing
- Request Public Testimony
- Close the Public Hearing
- Council Discussion/Questions of Staff
- Motion/Second
- Discussion on Motion
- Call the Question (Roll Call Vote)

**Discussion:** The Draft Development Code as recommended by the Planning Commission is divided into the following seven articles.

- Article 1: Authority and Applicability
- Article 2: Zoning Districts and Development Standards
- Article 3: General Development Standards
- Article 4: Permit Procedures
- Article 5: Administration
- Article 6: Subdivisions
- Article 7: Definitions

This structure was established based upon the Town Council's adopted Guiding Principles, Issues and Intent, dated September 6, 2011. This update addresses revisions to the County of San Bernardino Development Code as adopted and amended by the Town since incorporation. This update does not address amendments resulting from the 2014 General Plan adoption.

Those Development Code amendments resulting from the 2014 General Plan adoption will be addressed by the Planning Commission and Town Council over the next several years, as established by the General Plan policies and implementation strategies. Changes in state law as well as the desire to address local issues will also result in future Development Code amendments.

The Town Council adopted Article 4, Permit Procedures, on October 16, 2013. The Town Council also adopted Article 6, Subdivisions, on September 4, 2013.

Article 7, Definitions, provides standard definitions for the Development Code and repeals Section 812.01005 of Title 8 of the Town of Yucca Valley Development Code. For the purposes of the Development Code, certain words, phrases and terms shall have the meaning assigned to them by Article 7, except that definitions derived from State and Federal regulations that are referenced in Article 7 shall have the meaning contained in the referenced regulations. Definitions are necessary to accompany and implement standards, that as such without definitions, would be open to interpretation.

The Planning Commission held a public hearing on October 14, 2014, and the Planning Commission recommended unanimously that the Town Council adopt Article 7.

**Alternatives:** The Town Council may elect to make recommended changes to the Article. The Town Council may refer the matter to the Planning Commission for further deliberations.

**Fiscal impact:** This Ordinance is included in the Town's contract for the Development Code Update project. No additional costs are incurred beyond existing contract services.

**Attachments:** Article 7, Definitions  
Section 812.01005 of the Development Code  
Planning Commission Minutes

ORDINANCE NO.

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF YUCCA VALLEY, CALIFORNIA, AMENDING TITLE 9, YUCCA VALLEY DEVELOPMENT CODE, BY ADOPTING ARTICLE 7, CHAPTER 9.99, SECTIONS 9.99.020 THRU 9.99.260, DEFINITIONS, AND REPEALING SECTION 812.01005 CHAPTERS 1 THRU 27, DIVISION 12, TITLE 8 OF THE YUCCA VALLEY DEVELOPMENT CODE.

The Yucca Valley Town Council Ordains as follows:

Section I:

Article 7:  
Definitions

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- 9.99.240 – “W” Definitions
- 9.99.250 – “Y” Definitions
- 9.99.260 – “Z” Definitions

### 9.99.020 – “A” Definitions

**Abandoned Activity:** A business or activity with no reported sales or activity for a period of at least one hundred eighty (180) days . Exceptions are temporary closures for repairs, alterations or similar situations.

**Abandonment:** A discontinuance of any use with intent to permanently discontinue such use.

**Abatement:** The method of reducing the degree and intensity of violations of the Municipal Code and related public nuisances.

**Abut or Adjacent:** Having a common border, boundary, or lot line.

**Access:** A way or means of physical entry to a property or group of properties, commercial center, or other group of properties.

**Access Rights:** The right, claim, title or privilege of access by pedestrians or vehicles, or a public road or way.

**Accessibility for the Disabled:** Accessible services, structure or facilities are those which be entered and used by individuals despite handicapping conditions. Accessibility also includes responding to the needs of people with sight or hearing disabilities, in addition to those with developmental, activity, manual or mobility impairment, so that they may enjoy the full and free use of those services, structure or facilities.

**Accessory Use:** A use of land, building, or portion thereof that is incidental and subordinate to the primary use of the land or building.

**Acre:** A measure of land containing 43,560 square feet. .

**Acre, Gross:** The entire acreage of a property, parcel or site, calculated to the centerline of boundary streets.

**Acre, Net:** The portion of a property or site not reserved or encumbered for public use.

**Action:** A decision on a permit application or other land use matter, made by the approval authority, including but not limited to, where applicable, appropriate findings, environmental determination, and conditions of approval.

**Adaptive Reuse:** The conversion of obsolete, old or historic buildings from their original or most recent use to a new use. For example, the conversion of a former hospital or school building to residential use, or the conversion of an historic single family home to office use.

**Addition:** A structure added to the original structure after the completion of the original structure or an extension or increase in floor area or height of a building or structure.

**Administrative Office:** An establishment primarily engaged in overall management and general supervisory functions, such as executive, personnel, finance, legal and sales activities.

**Adult Oriented Business:** (See Chapter 9.52)

**Adverse Impact:** A negative consequence for the physical, social or economic environment resulting from an action or project.

**Advertisement:** The publication of a Public Hearing Notice in a paper of general circulation, and through other media sources, indicating the time, place and nature of a Public Hearing and location where the application and pertinent documents may be inspected.

**Advertising Structure:** Any structure of any kind or character erected or maintained for advertising purposes, upon which an advertising sign may be placed.

**Affordable Housing:** Housing that can be purchased or rented by a household with very low, low, or moderate income and based on a household's ability to make monthly payments necessary to obtain housing. Housing is considered affordable when a household pays less than 30% of its gross monthly income for housing including utilities.

**Agent of Owner:** A person authorized to act for the property owner.

**Agriculture:** The use of land for agricultural purposes, including the growing of vegetables, fruit, fiber, horticulture, pasturage, the keeping of apiaries and the necessary accessory uses for storing produce provided that the operations of any such accessory use shall be secondary to that of normal agricultural activities. Agriculture does not include animal husbandry or stockyards.

**Air Pollution:** Concentrations of substances found in the atmosphere that exceed naturally occurring quantities and are undesirable or harmful in some way.

**Airport or Heliport:** Runways and related facilities for the takeoff and landing of aircraft, including rotary-winged and ultra light aircraft. Airports also include facilities for repair, maintenance and storage of aircraft.

**Airport-Related Uses:** Those uses which sell products or services directly to aircraft owners, pilots or support airport operations, or are dependent on direct access to the airport runway system, or include limited industrial uses restricted to aviation related products and services.

**Aisle:** The traveled way by which cars enter and depart parking spaces.

**Alley:** Any public way or thoroughfare less than 16 feet but not less than ten feet in width which has been dedicated or deeded to the public for public use. A public way permanently reserved primarily for vehicular service access to the rear or side of properties otherwise abutting on a street and affording only secondary means of access to abutting property.

**Alluvial Fan:** A geomorphologic feature characterized by a cone or fan-shaped deposit of boulders, gravel and fine sediments that have been eroded from mountain slopes, transported by flood flows, and then deposited on the valley floors, and which is subject to flash flooding, high velocity flows, debris flows, erosion, sediment movement and deposition, and channel migration.

**Alquist-Priolo Geologic Hazard Zones Act:** The purpose of this Act is to provide for public safety in hazardous fault zones. The Act requires the delineation of potential damage called "Special Studies Zones: along known active faults throughout California. It requires local governments to withhold approval of construction permits in those zones until geologic investigation has determined that the site is not threatened by surface displacement from future faulting.

**Alteration:** Any construction, addition, or physical change in the internal arrangement of rooms or the supporting members of a building or structure, or change in the appearance of any building or structure.

**Ambulance Service:** Any business substantially devoted to providing emergency medical care and transportation, including incidental storage and vehicle maintenance.

**Amenity:** Aesthetic or other characteristics of a development that increase its desirability to the community or its marketability to the public. Amenities differ from development to development but may include recreational facilities such as swimming pools or tennis courts, security systems, views, tree preservation, gardens, or enhanced open space.

**Amortization:** A term used in zoning to mean the process by which nonconforming uses and structures must be discontinued or made to conform to requirements of the ordinance at the end of a specified period



or time. The term itself is a variation of the real estate term by which borrowers are required to pay back a debt in regular payments over a fixed period of time, e.g., installment payments on the principal of a mortgage.

**Amusement Arcade:** A building or part of a building in which five (5) or more amusement devices occupying more than ten (10) percent of the public floor area are displayed and available for use by the public.

**Amusement Device:** A player operated electronic or electrical coin-operated game available for use in return for compensation, examples of amusement devices include pinball machines and video games.

**Amusement Park:** A permanent outdoor facility with rides for entertainment, as a merry-go-round, roller coaster, etc.

**Ancillary Use:** A use incidental to and customarily associated with a specific principal use, located on the same lot or parcel.

**Animals, domestic:** Animals of the type generally accepted as pets, including dogs, cats, rabbits, fish, birds, and the like, but not including hoofed animals, chickens, ducks, geese, pea fowl, or the like,. Domestic animals shall not include any animals, birds, or fish maintained for commercial purposes.

**Animal Husbandry:** Raising of animals or production of animal products, such as eggs or dairy products, on a commercial basis. Typical uses include grazing, ranching, dairy farming, and poultry farming.

**Animal Keeping:** The keeping of domestic animals cared for and owned by the occupants of the residential property in accordance with the provisions of Title 10 of the Yucca Valley Municipal Code.

**Animal Sales and Service:**

- A. **Animal Boarding:** Provision of shelter and care for domestic animals on a commercial basis. This classification includes activities such as feeding, exercising, grooming, and incidental medical care.
- B. **Animal Grooming:** Provision of bathing and trimming services for domestic animals on a commercial basis. This classification includes boarding of domestic animals for a maximum period of 48 hours per animal.
- C. **Animal Hospitals:** Establishments where domestic animals receive medical and surgical treatment. This classification includes only facilities that are entirely enclosed and soundproofed. Grooming and temporary (30 days) boarding of animals is included if incidental to the hospital use.
- D. **Animals Retail Sales.** Retail sales and boarding of domestic animals, provided such activities take place within an entirely enclosed building. This classification includes grooming if incidental to the retail use.

**Annexation:** The incorporation of a land area into an existing city or district resulting in a change in the boundaries of the city or district.

**Antenna:** See “Wireless Communication”.

**Antenna Height:** The overall vertical distance from the base or pad to the highest point of the antenna mounted on its support structure

**Antenna Support Structure:** A free-standing, guyed or building-mounted structure, mast, pole, tripod, or tower (including appurtenances) utilized for the purpose of supporting an antenna, antennas or dish intended for airway communication purposes

**Antique Shop:** Any premises used for sale or trading of antiques of which 80 percent or more are over 50 years old or have collective value. Antique shops does not include “secondhand store.”

**Apartment:**

- A. One or more rooms of a building used as a place to live, in a building containing at least one other unit used for the same purpose.
- B. A separate suite, not owner occupied, which includes kitchen facilities and is designed for and rented as the home, residence, or sleeping place of one or more persons living as a single housekeeping unit.

**Apex:** The point of highest elevation on an alluvial fan, which on undisturbed fans is generally the point where the major stream that formed the fan emerges from the mountain front.

**Apiary:** A facility for the keeping of bees.

**Appeal:** A request for review of a decision or determination of any provision of the Development Code.

**Appeal Authority:** The agency, board group or legally designated individual empowered to review the approve an appeal of an action taken by an approval authority.

**Applicant:** Owner(s) or lessee(s) of property, or their agent(s), or person(s) who have contracted to purchase property contingent upon their ability to acquire the necessary permits under this Development Code, or the agent(s) of such persons.

**Approved Plan:** A final plan that has been approved by the appropriate jurisdictional authority.

**Approval Authority:** The staff member, board, group, agency or other legally designated individual empowered to review and approve permit applications.

**Area Of Shallow Flooding:** A designated AO zone on the Flood Insurance Rate Map (FIRM). The base flood depths range from one to three feet; a clearly defined channel does not exist; the path of flooding is unpredictable and indeterminate; and velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.

**Arcade:** Any business, use, or structure containing 6 or more coin-operated or token-operated amusement machines, or viewing machines. Any use or business with 6 or more amusement machines shall be considered an amusement center or arcade in addition to any other principal or conditional use of the land. Amusement center or arcade does not include adult motion picture theaters or adult entertainment facilities.

**Arterial Street:** Any street so designated in the Yucca Valley General Plan, existing or proposed.

**Artist Studio:** Work space for artists and artisans, including individuals practicing one of the fine arts or performing arts, or skilled in an applied art or craft.

**Attached:** Any structure that has an interior wall or roof in common with another structure.

**Automated Teller Machine (ATM):** An automated device used by the public to conduct banking and financial transactions electronically (i.e., withdrawing cash from, or depositing cash or checks into, a bank, savings, credit union, credit card or similar account). Does not apply to retail point-of-sale transactions within a fully enclosed location. Also refers to machines located on properties separate from financial institutions.

**Automobile Sales and Service:**

- A. **General, New.** Sale of new automobiles, motorcycles, recreational vehicles, trucks, and similar vehicles and equipment, including display, storage, maintenance, repair, and incidental rental of the vehicles and equipment. May include the sale, installation, and servicing of related equipment and parts.
- B. **General, Used.** Sale of used automobiles, motorcycles, recreational vehicles, trucks, and similar vehicles and equipment, including display, storage, maintenance, repair, and incidental rental of the vehicles and equipment. May include the sale, installation, and servicing of related equipment and parts.

**Automobile Service Station:** A business which provides for the servicing and/or fueling of motor vehicles, including tube and tire repairs, battery charging, storage of merchandise and supplies related to the servicing of motor vehicles, sale of gasoline and other fuel and lubricants, motor vehicle washing, grease racks, and minor motor vehicle repairs, excluding body and fender work, engine overhauling and replacement, transmission work and other similar activities.

**Automobile Storage:** Lots for the storage and parking of tow-away vehicles, impound yards, and storage lots for automobiles, trucks, buses and recreational vehicles.

**Automobile Washing:** Washing waxing, detailing, or cleaning of automobiles or similar light vehicles including the use of mechanical automobile washers.

**Automobile Wrecking (Dismantling):** The wrecking or dismantling of motor vehicles or trailers, or the storage of, sale of, or dumping of dismantled or wrecked motor vehicles or their parts.

**Awning:** A roof-like cover that is attached to and extends from the wall of a building to provide shielding of windows and entrances from inclement weather or sun.

**9.99.030 – “B” Definitions**

**Bakery:**

- A. **Retail Bakery:** A retail sales facility which offers bakery products for direct sale to the public and which, as an accessory use, may include the preparation of products normally sold in bakeries, for sale off the premises.

**B. Wholesale Bakery:** A bakery or other food store which devotes over 90 percent of its gross floor area to the preparation of bakery products for sale at other locations. Wholesale bakeries may offer bakery products for direct sale to the public.

**Balcony:** A platform that projects from the wall of a building, typically above the first level, and surrounded by a rail, balustrade, or parapet.

**Bar:** Premises used primarily for the dispensing of alcoholic beverages by the drink for on-site consumption.

**Base Flood:** A flood which has a one percent change of being equaled or exceeded in any given year (also called the *100-year flood*).

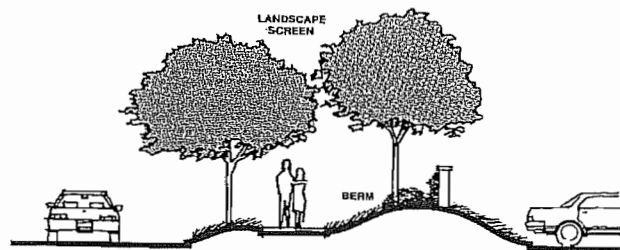
**Basement:** Any floor level below the first story in a building, except that a floor level in a building having only one floor level shall be classified as a basement unless such floor level qualifies as a first story as defined herein.

**Bazaar:** A benefit sale for a church or non-profit organization.

**Bed and Breakfast:** A transient lodging establishment primarily engaged in providing overnight or otherwise temporary lodging for the general public and may provide meals to the extent otherwise permitted by law.

**Bedroom:** A private room for sleeping, separated from other rooms and accessible to a bathroom without crossing another bedroom.

**Berm (Landscape or earthen):** A mound or embankment of earth or a mound which has been improved with landscaping.



**BERM**

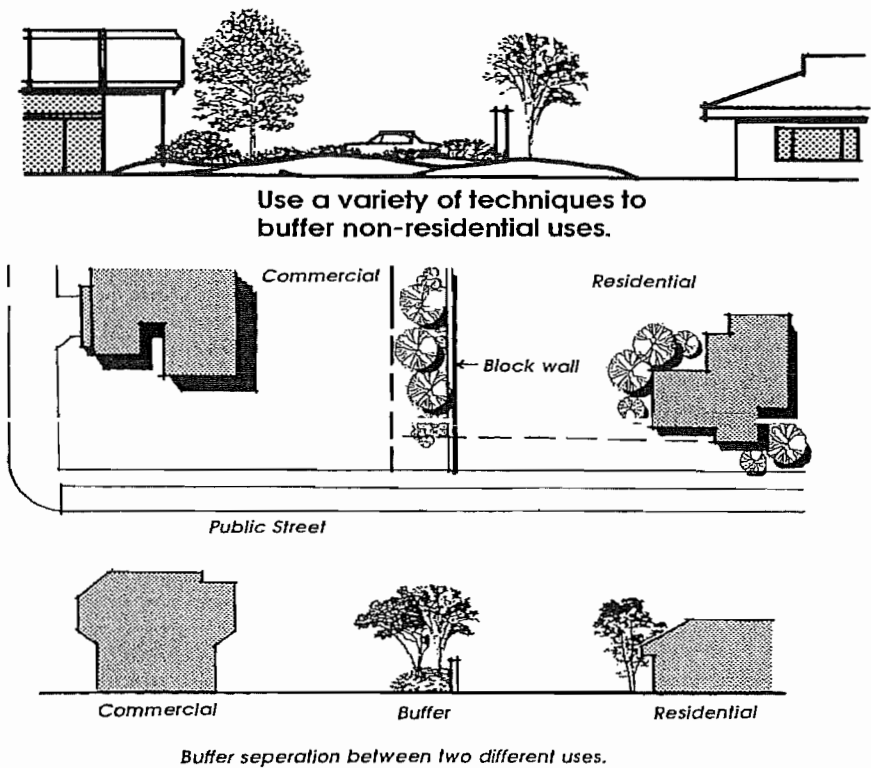
**Block:** A parcel of land surrounded by public streets, highways, freeways, railroad right-of-way, flood control channels, creeks, washes, rivers or unsubdivided acreage or any combination thereof

**Block Face:** One complete side of a block, usually facing a public street.

**Boarding House:** A dwelling with not more than five guest rooms, with not more than one person per room, where lodging and meals are provided for compensation on a weekly or greater basis, not including those facilities defined as social care facility.

**Borrow Pit:** Any place or premises where dirt, soil, sand, gravel or other material is removed below the grade of surrounding land for any purpose other than that necessary and incidental to site grading or building construction.

**Buffer Area:** A strip of land established to protect one type of land use from another land use that is incompatible. A buffer includes plantings, berms, or other screens which block vision, noise, or other negative impacts of more intense uses on less intense uses.



**Building:** 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..

**Building, Accessory:** A subordinate building, the use of which is incidental to that of the main building or main use of the land. The use of an accessory building may be for either a primary or an accessory use allowed by the appropriate land use district. An accessory building shall be located on either the same parcel as the main building or main use; or shall be located on a contiguous abutting parcel that is owned by the same owner who owns the parcel which has the main building or use. An accessory building shall always exist in conjunction with and never without a legally established main building or main use that has the same common owner.

**Building Area/Building Envelope:** The net portion of the lot remaining after deducting all required setbacks from the gross area of the lot.

**Building Coverage:** The percent of lot area which may be covered by all the footprints of buildings or structures on a lot.

**Building Height:** The vertical distance above a reference datum to the highest point of the coping of a flat roof, or to the deck line of a mansard roof, or to the average height of the highest gable of a pitched or hipped roof. The reference datum shall be selected by either of the following, whichever yields a greater height of building:

- A. The elevation of the highest adjoining sidewalk or ground surface within a five-foot horizontal distance of the exterior wall of the building when such sidewalk or ground surface is not more than ten feet above lowest grade; or
- B. An elevation ten feet higher than the lowest grade when the sidewalk or ground surface described in paragraph A above is more than ten feet above lowest grade.

The height of a stepped or terraced building is the maximum height of any segment of the building.

**Building Materials and Services:** Retailing or wholesaling of building supplies and/or equipment and excluding the general manufacturing of such supplies or equipment. This classification includes lumber yards, tool and equipment sales establishments, and building contractor's yards, but excludes establishments devoted exclusively to retail sales of paint and hardware.

**Building Permit:** Written Permission issued by the Town for the construction, repair, alteration, or addition to a structure or building.

**Building, Principal:** A building in which the principal use is conducted.

**Building Site:** The ground area of a building together with all open spaces required by this Development Code.

**Business Center:** A development in which businesses and structures are designed as an architecturally integrated and interrelated development. Such design is independent of the number of structures, lots, or parcels making up the center.

**Bus Stop Shelter:** A small, roofed structure, usually having three walls, located near a street and designed primarily for the protection and convenience of bus passengers

### 9.99.040 – “C” Definitions

**California Environmental Quality Act (CEQA):** A State law requiring State and local agencies to regulate activities with consideration for environmental protection. If a proposed activity has the potential for a significant adverse environmental impact, a Negative Declaration or Environmental Impact Report must be prepared and certified before an action is taken on the project.

**Camp, Campgrounds:** A site used or intended for use for temporary occupancy by campers traveling by automobiles or otherwise, which may include individual campsites, but where utility hookups for recreational vehicles are typically not provided. See also “Recreational Vehicle Park.” Other types of camping facilities regulated by this Development Code include the following.

**Canopy:** A permanent roof-like structure constructed of durable material extending from part or all of a building face.

**Capital Improvement:** When pertaining to government, the acquisition of real property or equipment, or the construction of major projects.

**Capital Improvement Program:** A timetable or schedule for all future capital improvements to be carried out during a specific period and listed in order of priority, together with cost estimates and the anticipated means and sources of financing each project.

**Caretaker Housing:** Separate living quarters, usually including kitchen facilities, for employees living on-site, and accessory to the primary use.

**Care Uses:**

- A. **Child Day Care:** See “Day Care, Child.”
- B. **Day Care, Adult:** A state-licensed facility that provides nonmedical care and supervision for adult clients for periods of less than 24 hours for any client.
- C. **Day Care, Child:**
  - 1. **Child Care Home, Small Family (8 or fewer children):** Day care facilities located in single-family dwellings where an occupant of the dwelling provides care and supervision for eight or fewer children. Children under the age of 10 years who reside in the dwelling count as children served by the day care facility. Such use must comply all applicable State regulations, and specifically those set forth in the California Health and Safety Code commencing with Section 1596.70, to be considered a small family child care home.
  - 2. **Child Care Home, Large Family (9 to 14 children):** Day care facilities located in single-family dwellings where an occupant of the dwelling provides care and supervision for nine to 14 children. Children under the age of 10 years who reside in the dwelling count as children served by the day care facility. Such use must comply all applicable State regulations, and specifically those set forth in the California Health and Safety Code commencing with Section 1596.70, to be considered a large family child care home.
- D. **Child Day Care, General:** See “Day Care, General” for facilities serving 15 or more children.
- E. **Day Care, General:** Establishments that provide nonmedical care for 15 or more persons on a less than a 24-hour basis, including nursery schools, preschools, and day care centers for children or adults. Such use must comply all applicable State regulations, and specifically those set forth in the California Health and Safety Code commencing with Section 1596.70, to be considered a General Day Care facility. General Day Care establishments may be accessory to an industrial, commercial or institutional use, as may be allowed by Article 2 of this Development Code.

**Carnival:** See “Circuses and Carnivals.”

**Carport:** A permanent roofed structure with not more than two completely enclosed sides used or intended to be used for vehicle storage for the occupants of the premises.

**Catering Services:** Preparation and delivery of food and beverages for off-site consumption without provision for on-site pickup or consumption.

**Cemetery:** A spatially defined area where the remains of deceased people or animals are buried or are otherwise interred. The term "cemetery" implies that the land is specifically designated as a burial ground.

- A. **Public Cemetery:** A public cemetery is one used by the general community, a neighborhood, or a church.
- B. **Private Cemetery:** A private cemetery is one used only by a family or a small portion of the community.

**Centerline, Street:** The right-of-way centerline as established by the County Surveyor, the City Engineer of the California Department of Transportation (Caltrans). If no such centerline has been established or in the event the foregoing definition is not applicable, the Approval Authority shall designate the centerline.

**Certificate of Occupancy:** A permit issued by the Planning and Building and Safety Divisions prior to occupancy of a structure to assure that the structure is ready for occupancy with all defects corrected and all construction debris removed and the site graded to final grade. Additionally, all on-site amenities (i.e., paving, landscaping, etc.) shall be in place prior to the issuance of the permit.

**Certified Farmers Market:** A location, approved by the Agricultural Commissioner of San Bernardino County, where agricultural products are sold by producers or certified producers directly to consumers.

**Change of use:** A conversion of use that substantially differs from the previous of a building or property.

**Charitable Organization:** An organization formed for the purpose of relegating resources to such needy persons.

**Charity:** An effort or act intended to relieve that plight of individuals or groups of people in need of assistance who do not have the ability or resources to attend to those needs.

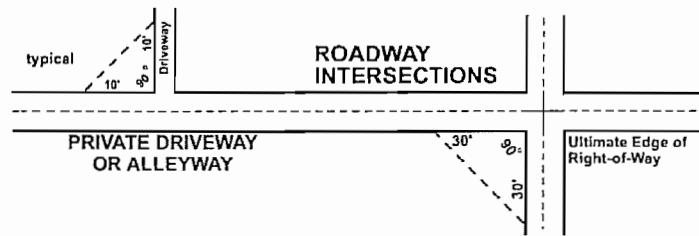
**Chemical Manufacturing/Processing:** An industrial process whereby substances are produced from or converted into other substances. In the process, the composition and properties of the starting material are altered.

**Church (Place of Religious Worship/Assembly):** An institution that people regularly attend to participate in or hold religious services, meetings, and other activities. The Term ‘church’ shall not carry a secular connotation and shall include buildings in which the religious services of any denomination are held. A place where religious worship is held. This definition includes functionally related internal facilities (i.e., kitchens, multi-purpose rooms, storage, etc.) and residences for clergy. Associated uses (i.e., day care centers, full-time or part-time schools, or emergency housing) may be allowed but require separate discretionary approvals pursuant to the requirements of this Development Code.



**Circuses and Carnivals:** A temporary attraction including, but not limited to games, eating, and drinking facilities, live entertainment (but excluding adult entertainment facilities), animal exhibits, souvenir sales and rides.

**Clear Sight Triangle:** Triangular-shaped portion of land established at a street intersection or driveway in which no signs are placed in a manner as to limit or obstruct the sight distance of motorists entering or leaving the intersection or driveway.



### CLEAR SITE TRIANGLE

**Clinic:** An establishment where patients, who are not lodged overnight, are admitted for examination and treatment by one or more of a group of physicians, dentists, psychologists, or social workers, practicing together or individually.

**Clubs and Lodges (Public or Private):** Meeting, recreational, or social facilities of a private or non-profit organization primarily for use by members or their guests, excluding “commercial recreation and entertainment.” This classification includes union halls, social clubs and youth center.

**Cluster Development:** Development in which a number of dwelling units are placed in closer proximity than usual, or are attached, with the purpose of retaining an open space area .

**Clustered Subdivision:** A subdivision development in which building lots are sized to conform to the "footprint" of the structures and sited closer together than conventional development, usually in groups or clusters, provided that the total density does not exceed that which is permitted under conventional zoning and subdivision regulations. The additional land that remains undeveloped is preserved as open space and recreation land. Private development easements around the structures are permitted for inclusion of private landscaping, pools, spas, yards, etc.

**Co-located:** The locating of wireless telecommunications equipment from more than one provider on a single wireless

**Commercial:** A land use classification that permits facilities for the buying and selling of commodities and services.

**Commercial Complex:** A group of three or more commercial uses on a single parcel or contiguous parcels which function as a common commercial area including those which utilize common off-street parking or access. Commercial

**Commercial Recreation and Entertainment:** This classification includes, but is not limited to, theaters, sports stadiums and arenas, amusement parks, bowling alleys, billiard parlors, ice/roller skating rinks, golf courses, miniature golf course, model courses, shooting galleries, tennis/racquetball courts, amusement centers or arcades and health/fitness clubs. Commercial recreation and entertainment does not include “adult entertainment facilities.”

**Commercial Vehicle:** A vehicle customarily used as part of a business for the transportation of goods or people.

**Commission:** The Planning Commission of the Town of Yucca Valley

**Common Open Space:** Land within or serving as a part of a development, not individually owned or dedicated for public use, which is designed and intended for the common use or enjoyment of the residents of the development and may include such complementary structures and improvements as are necessary and appropriate.

**Communications Equipment Building:** A building housing electrical and mechanical equipment and the administrative staff necessary for the conduct of a public communications business and open only to personnel necessary for the operation and maintenance of such equipment and administrative functions.

**Community Apartment:** A development in which an undivided interest in the land is coupled with the right of exclusive occupancy of an apartment located on the land.

**Community Care Facility:** Consistent with Health and Safety Code (Section 1267.8), the intermediate care facility shall include provisions for developmentally disabled habilitative nursing or congregate living.

**Community Center:** A building used for recreational, social, educational and cultural activities, open to the public or a designated part of the public, usually owned and operated by a public or nonprofit group or agency; A building or structure owned and operated by a governmental agency use to provide a governmental service to the public.

**Community Noise Equivalent Level (CNEL):** A 24-hour energy equivalent level derived from a variety of single-noise events, with weighing factors of 5 and 10 dBA applied to the evening (7 p.m. to 10 p.m.) and nighttime (10 p.m. to 7 a.m.) periods, respectively, to allow for the greater sensitivity to noise during those hours.

**Complete Application:** An application form completed as specified by the rules of the governmental agency and all required accompanying documents.

**Composite Development Plan:** A map or plan on file with the Building and Safety Division that reflects additional information related to the development of lots created by a Final or Parcel Map recorded after March 1, 1986. Notes on this plan or map are for informational purposes and indicate conditions and criteria that exist on the property that were known and identified as of the date of the recordation of the Final or Parcel Map. Authority for this plan is derived from California Government Code Section 66434.2.

**Concerts, Open-Air Theaters:** See "Sports or Entertainment Assembly."

**Conditional Use:** A use permitted in a particular zoning district upon showing that such use will comply with all the conditions and standards as specified in the zoning ordinance and authorized by the Approval Authority.

**Conditional Use Permit:** Uses which may be permitted, subject to approval of a Conditional Use Permit. Generally, conditional uses are those uses which have the potential objectionable operating characteristics

or appearance which may be out of character in a particular zoning district, either of which may make those uses suitable or unsuitable for a particular site or location.

**Condominium Project:** A common interest development consisting of condominiums. A condominium consists of an undivided interest in common in a portion of real property coupled with a separate interest in space called a unit, the boundaries of which are described on a recorded condominium plan in sufficient detail to locate all boundaries thereof. The area within these boundaries may be filled with air, water, or earth, or any combination thereof, and need not be physically attached to land except by easement for access, and if necessary, support.

**Congregate Care Facility:** See “Residential Care Facilities (Congregate Care)”.

**Conservation:** The planned management, protection and use of natural resources in order to prevent the wasteful exploitation, destruction or neglect of these resources.

**Consistent:** Free from variation or contradiction

**Construction Commencement:** The start of construction of substantial site and structural improvements after a building permit has been issued, subject to determination by the Building Official.

**Construction Office:** A temporary structure or a portion on an existing structure used as the primary management location of construction activities.

**Contiguous Property:** Those properties which touch property lines of any parcel, including those properties which touch said property lines of a subject parcel when such lines are projected across public or private rights-of-way, easements roads, or streets.

**Convalescent Home/ Skilled Nursing Facility:** A facility licensed by the State Department of Public Health, the State Department of Social Welfare, or the County Health Department, which provides bed and ambulatory care for patients with postoperative convalescent, chronically ill, or dietary problems, and persons aged or infirmed unable to care for themselves; but not including substance abusers or persons with mental or contagious diseases or afflictions.

**Convenience Store:** Any retail establishment offering for sale prepackaged food products, household items, and other goods commonly associated with same and having a gross floor area of less than 5,000 square feet.

**Conversion:** Changing the original use or purpose of a building to different use or purpose.

**Council:** The Town Council composed of the Mayor and Council members of the Town of Yucca Valley.

**County:** The County of San Bernardino, hereinafter referred to as County.

**Court:** An open, unoccupied space, other than a yard, on the same lot with a building and bounded on two or more side by the wall of a building.

A. Court, Inner: An open area, unobstructed from the ground to the sky, which is bounded on more than three sides by the exterior walls of one or more buildings.

Court, Outer: an open area, unobstructed from the ground to the sky, which is bounded on no more than three sides by the exterior walls of one or more buildings

**Covenants, Conditions, and Restrictions (CC&Rs):** A term used to describe restrictive limitations that may be placed on property and its use, and which usually are made a condition of holding title or lease.

**Cul-de-sac:** The turnaround at the end of a dead-end street.

**Cultural Institutions:** Institutions displaying or preserving objects of interest in one or more of the arts or sciences. This classification generally includes libraries, museums, and art galleries where displayed objects are not intended for sale.

**Curb Cut:** The lowering of a curb to permit access by vehicles, wheelchairs, carts, and pedestrians.

### 9.99.050 – “D” Definitions

**Days:** Shall always be consecutive calendar days unless otherwise stated.

**Days, Business:** Any day a specified office, department or other agency is open to the public or normal business. This term shall normally exclude all Saturdays, Sundays, and any holiday that is recognized and observed by the specified office, department or agency.

**Dedication:** The turning over by an owner or developer of private land for public use, and the acceptance of land for such use by the governmental agency having jurisdiction over the public function for which it will be used. Dedications for roads, parks, school sites, or other public uses often are made conditions for approval of a development by the Town.

**Density: The number of dwelling units, households or housing structures per unit of land.**

**Density Bonus:** An increase in the number of dwelling units over the otherwise maximum allowable residential density.

**Density, Net:** The number of dwelling units per acre of developable land exclusive of public and private streets, greenways, drainage, power transmission line easements, or other public and semipublic uses.

**Density Transfer:** The transfer of all or part of the permitted density from one parcel to another parcel.

**Destination Retail:** Retail businesses that generate a special purpose trip and that do not necessarily benefit from a high volume pedestrian location.

**Detached:** Any building or structure that does not have a wall or roof in common with any other building or structure.

**Developable Land:** Land that is suitable as a location for structures and that can be developed free of hazards to, disruption of, or significant impact on natural resource areas.

**Developer:** The legal or beneficial owner or owners of property to be developed or being developed, including the holder of an option or contract to purchase or other person(s) having enforceable proprietary interests in such property.

**Development:** The placement or erection of any solid material or structure; discharge or disposal of any dredged material or any gaseous liquid, solid or thermal waste; grading, removing, dredging, mining or extraction of any soil or materials; change in the density or intensity of use of land, including lot splits, except where the land division is brought about in connection with the purchase of such land by a public

agency for public recreational use; change in the intensity or use of water, or of access thereto; construction; reconstruction, demolition, or alteration of the size of any structure including any facility of any private, public or municipal utility; and the removal of any major vegetation. A project, as defined in Government Code Section 65931, is included in this definition.

- A. Any subdivision pursuant to the Subdivision Map Act;
- B. The division of a parcel of land into two or more parcels;
- C. The construction, reconstruction, conversion, structural alteration, relocation or enlargement of any structure;
- D. Any mining, excavation, landfill or grading;
- E. Any use or extension of the use of land; or
- F. Any other division of land, including lot splits, except where the land division is brought about in connection with the purchase of the land by a public agency for public recreational use.

**Development Agreement:** An agreement entered into between the Town of Yucca Valley and a contracting party which relates to a specific real property, subject to the terms of the agreement.

**Development Code:** A unified text incorporating areas of regulation including administration, development review, residential districts, commercial and office districts, industrial districts, other districts, overlay districts, general standards, and other related topics.

**Development Review Committee:** A committee consisting of representative from various agencies whose function are to review and makes recommendations on development proposal.

**Development Rights:** The right to develop land by a land owner who maintains fee simple ownership over the land or by a party other than the owner who has obtained the rights to develop.

**Development Plan (Planned Unit Development):** A detailed, comprehensive plan of development for a Planned Development. This development unit plan applies limits and parameters for development derived from a development suitability analysis to a specific development scheme. Development plans shall include a detail description of the proposed development and its effects including, but not limited to, a written text, diagrams or maps describing the program for development and the functional arrangement of structures and uses, the effect of such arrangement upon the physical characteristics of the site, available public services, the capacity of existing circulation system and the existing and planned land use of adjacent properties. It includes a dimensioned site plan showing the location of all structures and lots in sufficient detail to permit recordation and the preparation of construction drawings.

**Deviations:** Authorized variances from required distances, setbacks, areas or physical improvements.

**Disability:** A physical or mental impairment that substantially limits one or more of the major life activities of individuals, there is a record of such an impairment, or the individual is regarded as having such an impairment. It is the intent of this definition to substantially comply with the term “disability” as defined by the Americans With Disabilities Act of 1990, as may be amended from time to time.

**Discretionary Decision:** An action taken by a governmental agency that calls for the exercise of judgment in deciding whether to approve and/or how to carry out a project.

**District:** A zone or geographic area within the municipality within which certain zoning or development regulations apply.

**Dormitory:** A structure intended principally for sleeping accommodations where no individual kitchen facilities are provided, and where such structure is related to an educational or public institution or is maintained and operated by a recognized nonprofit welfare organization.

**Drainage:** Surface water runoff; the removal of surface water or groundwater from land by drains, grading or other means, which include runoff controls to minimize erosion and sedimentation during and after construction or development.

**Drainage area:** a geographical area, formed by topography, which collects and changes surface runoff from precipitation to natural or man made channels.

**Drive-thru:** Any portion of a building or development intended to allow service direct from the building through a window, kiosk, or automated delivery system to vehicle occupants. Such facilities include but are not limited to food service windows, ready tellers, or similar service systems.

**Drive-Thru Restaurant:** See “Restaurant, Drive-Thru”.

**Driveway:** A private roadway for the exclusive use of the occupants of a property and their guests or patrons, and which provides vehicular access to parking spaces, garages, dwellings or other structures on a site.

**Duplex:** A detached building under single ownership that is designed for occupation as the residence of two families living independently of each other.

**Dwelling:** A structure or portion thereof designed for residential occupancy, not including hotels or motels.

**Dwelling, Attached:** a dwelling joined to one or more other dwellings by common vertical walls.

**Dwelling, Detached:** A dwelling that is not attached to any other dwelling by any physical means

**Dwelling, Multiple:** A building on a single lot containing two or more dwelling units, offered for rent or lease on a monthly (or longer) basis, each of which is totally separated from the other by a wall extending from ground to roof or a ceiling and floor, extending from exterior wall to exterior wall, except for a common stairwall exterior to both (or multiple) dwelling units.

**Dwelling, Townhouse:** A single family dwelling in a row of at least three such units in which each unit has its own front and rear access to the outside, no unit is located over another unit, and each unit is separated from any other unit by one or more vertical common fire-resistant walls.

**Dwelling Unit:** A room or group of rooms (including sleeping, eating, cooking, and sanitation facilities), but not more than one kitchen, which constitutes an independent housekeeping unit, occupied or intended for occupancy by one family on a long-term basis.

**Dwelling Unit, Efficiency:** A dwelling unit consisting of not more than one habitable room together with kitchen or kitchenette and sanitary facilities.

### 9.99.060 – “E” Definitions

**Easement:** A grant of one or more property rights by the property owner for use by the public, a corporation or another person or entity.

**Easement, Conservation:** A tool for acquiring open space with less than full fee purchase, whereby a public agency buys or is granted only certain specific rights from the land owner. These may be positive rights (providing the public with the opportunity to hunt, fish, hike, or ride over the land), or they may be restrictive rights (limiting the uses to which the land owner may devote the land to in the future).

**Eating and Drinking Establishments:** Businesses serving prepared food or beverages for consumption on or off the premise. Also refer to “Food and Beverage Sales”. Related eating and drinking establishment terms are defined as follows:

- A. **Accessory Food Service:** An establishment that sells food and/or beverages as an accessory use in a retail, office, or institutional structure and that does not change the character of the primary use.
- B. **Bar, Lounges, Nightclubs, Taverns (includes independent or accessory establishments):** Any establishment that sells or serves alcoholic beverages for consumption on the premises and is holding or applying for a public premise license from ABC and in which persons under 21 years of age are restricted from the premises. References to the establishment shall include any immediately adjacent area that is owned, leased, or rented, or controlled by the licensee.
- C. **Fast Food:** A restaurant which supplies food and beverages primarily in disposable containers and which is characterized by high automobile accessibility, self-service and short stays by customers.
- D. **Outdoor Dining:** A dining area with seats and/or tables located outdoors of a sit-down restaurant, fast food, or other food service establishment. Outdoor dining is located entirely outside the walls of the contiguous structure or enclosed on one or two sides by the walls of the structure with or without a solid roof cover.
  - 1. **Limited:** Outdoor dining area encompassing up to 800 square feet of area, inclusive.
  - 2. **General:** Outdoor dining area encompassing more than 800 square feet of area.
- E. **Restaurant:** An establishment engaged in the business of selling food and beverages, including alcoholic beverages, prepared on site for primarily on-site consumption. Food and beverages are served to the customer at a fixed location (i.e., booth, counter, or table). Food and beverages are ordered from individual menus. Customers typically pay for food and beverages after service and/or consumption. The sale or service of sandwiches, whether prepared in the kitchen or made elsewhere and heated up on the premises, or snack foods, shall not constitute a sit-down restaurant. For off-site consumption, see “Food and Beverage Sales”.



- F. Take-Out Service:** An establishment that offers a limited variety of food or beverages. Transactions are sales for off-site consumption. Customers are served either at a counter or service window. Incidental seating (less than 250 sq. ft. of seating area) may be provided for limited on-site consumption of food or beverages. Typical uses include bakeries, coffee stores, ice cream and frozen dessert stores, delivery-only pizza establishments, small delicatessens, and similar establishments.

**Eaves:** The projecting overhang at the lower edge of a roof.

**Educational Institution:** A college or university, supported wholly or in part by public funds or giving general academic instruction equivalent to the standards prescribed by the State Board of Education.

**Elevation:** A vertical distance above or below a fixed reference level; a dimensioned drawing of the front, rear or side of a building showing features such as windows, doors and relationship of grade to floor level.

**Emergency Shelter:** A facility that provides immediate and short-term housing and supplemental services. Shelters come in many sizes, but an optimum size is considered to be 20 to 40 beds. Supplemental services may include food, counseling, and access to other social programs.

**Emission:** A discharge of pollutants in the air or water.

**Encroachment:** The placement or construction of a fence, building, structure or other improvement on another's property, on a public right-of-way or into a required setback.

**Entertainment, Live:** A musical, theatrical, dance, cabaret, or comedy act performed by one or more persons. Any form of dancing by patrons or guests at an eating and drinking establishment or bar is live entertainment. Live entertainment does not include the term "adult entertainment facility" or "adult entertainment establishment."

**Environment:** The physical conditions which exist within the area which will be affected by a proposed project, including land, air, water, mineral, flora, fauna, noise, and objects of historic or aesthetic significance.

**Environmental Constraints:** Environmental factors which limit or inhibit the potential for land development, including but not limited to, flood hazards, seismic hazards, air quality and water supply.

**Environmental Impact:** Projected long or short-term effects (adverse or beneficial) which a development project or plan may have on the natural and built environment if the project is carried out.

**Equestrian Facility.** A commercial facility for horses, donkeys, and/or mules. Examples include horse ranches, boarding stables, riding schools and academies, horse exhibition facilities (for shows or other competitive events), and barns, stables, corrals and paddocks accessory and incidental to these uses. Does not include the simple pasturing of horses, donkeys, and/or mules, which is instead included in "Animal Keeping." Does not include rodeo arenas, which are under "Sports or Entertainment Assembly."

**Equipment Sales, Services and Rentals:** Sales, services or rentals of equipment including, but not limited to, construction equipment and agricultural equipment.

**Erosion:** the wearing away of the ground surface as a result of the movement of wind or water or machine.

**Erosion, Accelerated:** erosion caused by a human-induced alteration of the vegetation, land surface, topography, or runoff pattern. Evidence of accelerated erosion is often indicated by exposed soils, gullies, rills, sediment deposits, or slope failures caused by human activities.

**Erosion Hazard:** The susceptibility of a site to erode, based on condition of slope, rock type, soil, and other site factors. Hazard may be determined based on a site-specific investigation, and such soil disturbance may be caused by wind, water or machine.

**Excavation:** Removal or recovery by any means of soil, rock, minerals, mineral substances, or organic substances, other than vegetation.

**Exotic Animal:** Any warm or cold blooded animal of the biological family Animalia, generally considered as wild, exotic, dangerous, venomous or not normally domesticated.

**Expansion:** The use of additional land or floor area.

**Extension:** An increase in the amount of time that a permit or approval may be valid.

#### 9.99.070 – “F” Definitions

**Façade:** The main face or front of the building.

**Fair or Festival:** Temporary gathering consisting of but not limited to, carnival, a competitive exhibition of farm, new household and manufactured products, including art and craft items, with various amusements, which may include carnival rides and games, and educational displays.

**Family:** Any group of individuals living together based on personal relationships. Family does not include larger institutional group living situations such as dormitories, fraternities, sororities, monasteries, nunneries, nor does it include such commercial group living arrangements as boardinghouses, lodging houses and farm labor camps.

**Farmers Markets:** A public market at which farmers and other vendors sell produce directly to consumers. Farmer’s Markets includes Certified Farmer’s Markets (see Definition for Certified Farmer’s Markets). Produce at Farmer’s Markets may include produce purchased from wholesalers and retailers. Farmer’s Markets shall be composed at a minimum of 80 percent business activity of fresh produce, artisan cheeses, hand-harvested honey, flowers, and other fresh, small-batch foodstuffs. The remaining 20 percent business activity at Farmers Markets may be composed of the sale of art, handcrafts, and other handmade goods.

**Fast Food:** See also “Eating and Drinking Establishments”.

**Feasible:** Capable of being done, executed or managed successfully from the standpoint of the physical and/or financial abilities of the implementer(s)

**Fence:** an exterior physical barrier erected to enclose, screen or separate areas.

**Financial Services:** A commercial land use involved with the exchange of money and services related to the financial system.

**Findings:** A set of conclusions which are required before specified permits, land use applications, deviations, ordinance changes or other entitlements may be granted.

**Fiscal Impact Analysis:** An analysis of the costs and revenues associated with impacts to a public agency of a specific development proposal.

**Fitness Center:** Facilities equipped and used for training and conditioning.

**Flag:** The symbol, insignia or display of a governmental or nonprofit organization when not displayed in connection with a commercial promotion or used as an advertising mechanism.

**Flood, Flooding or Flood Water:** A general and temporary condition of partial or complete inundation of normally dry land areas from the overflow of inland waters; the unusual and rapid accumulation or runoff of surface waters from any source.

**Flood Hazard Area, Special (SFHA):** An area having special flood risk shown on an FHBM or FIRM as Zone A, AO or AE.

**Flood Insurance Rate Map (FIRM):** The official map on which the Federal Emergency Management Agency or Federal Insurance Administration has delineated both the areas of special flood hazards and the risk premium zones applicable to the community.

**Flood Insurance Study:** The official report provided by the Federal Insurance Administration that includes flood profiles, the Flood Insurance Rate Map, the Flood Boundary and Floodway Map and the water surface elevation of the base flood.

**Floodplain or Flood-prone area:** Any land area susceptible to being inundated by water from any sources.

**Floodplain Administrator:** The individual appointed to administer and enforce the floodplain management regulations.

**Floodplain Management:** The operation of an overall program of corrective and preventive measures for reducing flood damage and preserving and enhancing, where possible, natural resources in the floodplain, including but not limited to emergency preparedness plans, flood control works, floodplain management regulations and open space plans.

**Floodplain Management Regulations:** Chapter XXX of the Municipal Code and other zoning ordinances, subdivision regulations, building codes, health regulations, special purpose ordinances (such as grading and erosion control) and other application of police power which control development in flood-prone areas. This term describes federal, state or local regulations in any combination thereof which provide standards for preventing and reducing flood loss and damage.

**Floodproofing:** Any combination of structural and nonstructural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.

**Floodway:** The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot. Also referred to as *Regulatory Floodway*.

**Floodplain Encroachment:** The advance or infringement of uses, plant growth, fill, excavation, buildings, permanent structures or development into a floodplain which may impede or alter the flow capacity of a floodplain.

**Floodway Fringe:** That area of the floodplain on either side of the *Regulatory Floodway* where encroachment may be permitted.

**Floor Area, Gross:** The total enclosed area of all floors of a building, measured to the outside face of the structural members and exterior walls, including halls, stairways, mechanical equipment rooms, and habitable basements.

**Floor Area, Net:** The total of all floor areas of a building, excluding stairwells and elevator shafts, equipment rooms, interior vehicular parking or loading, and all floors below the first or ground floor, except when used or intended to be used for human habitation.

**Floor Area Ratio (F.A.R.):** The gross floor area of a building(s) on a lot divided by the area of the lot. For example, on a site with 10,000 gross sq. ft. of land area, a Floor Area Ratio of 1.0 will allow a maximum of 10,000 sq. ft. of building floor area to be built. Similarly, an F.A.R. of 1.5 would allow 15,000 sq. ft. of floor area; an F.A.R. of 2.0 would allow 20,000 sq. ft.; and F.A.R. of 2.5 would allow 25,000 sq. ft.; and an F.A.R. of 0.5 would allow only 5,000 sq. ft. to be built. F.A.R.s shall be applied on a parcel by parcel basis as opposed to an average F.A.R. for an entire land use or zoning district.

**Food and Beverage Sales:** Retail sales of food and beverages for off-site preparation and consumption. Typical uses include groceries, liquor stores and delicatessens. Establishments at which 20 percent or more of the floor area is used for the sale of prepared food for on-site or take-out consumption shall be classified as eating and drinking establishments. See also “Eating and Drinking Establishments”.

**Footprint, Building:** The outline of a building at all of those points where it meets the ground.

**Fortunetelling:** A use involving the foretelling of the future in exchange for financial or other valuable consideration.

**Frontage:** The side of a lot abutting a street (the front lot line), except the side of a corner lot (the street side lot line). On corner lots the narrowest frontage shall be considered the front of the lot. The frontage of a non-rectangular lot or a lot located on a cul-de-sac, curved street, or dead-end street with a curved turn-around shall be measured as the chord drawn between the terminuses of the side property lines at their intersection with the street right-of-way.

**Front Wall:** The nearest wall of a structure to the street upon which the structure faces, but excluding cornices, canopies, eaves, or any other architectural embellishment.

**Funeral Services:** Establishments primarily engaged in the preparation of the deceased for burial or cremation, the temporary display of the deceased, cremations and rituals connected with the burial of cremation.

#### 9.99.080 – “G” Definitions

**Garage:** An enclosed accessory building, either attached or detached, used for the private parking or temporary storage of motor vehicles and recreational vehicles for the occupants of the premises.

**Garage, Private:** A garage used exclusively for the parking and storage of vehicles owned by residents of nearby dwelling units and their guest, which is not operated as a commercial enterprise and is not available to the general public and which is owned, leased or cooperatively operated by such residents.

**Gated Community:** A residential development enclosed by a perimeter wall and secured at each entry point with a gate, typically accessible only to the residents of the development and their guests.

**General Plan:** The Town of Yucca Valley General Plan as adopted by the Town Council.

**Glare:** The effect produced by brightness sufficient to cause annoyance, discomfort for loss of visibility.

**Governing Body:** The local governing unit empowered to adopt and implement regulations to provide for the public health, safety and general welfare of its citizenry.

**Government Agency:** Any department, commission, independent agency, or instrumentality of the United States, or a state, county, incorporated local municipality, authority, district, or any other agency so recognized as a governmental unit.

**Government Facility:** Offices and support facilities for any seat of any federal, state, county, or Town agency, or special district, providing services to the general population.

**Golf Course:** Golf courses, and accessory facilities and uses including: clubhouses with bar and restaurant, locker and shower facilities; driving ranges; “pro shops” for on-site sales of golfing equipment; and golf cart storage and sales facilities.

**Grade:** The elevation of the surface of the ground.

**Grade, Adjacent Ground Elevation:** The lowest point of elevation of the finished surface of the ground, paving or sidewalk within the area between the building and the property line.

**Grade, Finished:** The elevation of the surface of the ground after grading, construction, or landscaping activities.

**Grade, Natural:** The elevation of the surface of the ground before the ground elevation is altered by any grading, construction, or landscaping activities.

**Grading:** Any stripping, cutting, filling, or stockpiling of earth or land, including the land in its cut or filled condition, to create new grades.

**Grading, Mass:** A grading technique in which all lots, building pads and streets are graded over the entire site area resulting in the disruption of the majority of the on-site natural grade and vegetation, and often resulting in, but not required to result in successive pad/terrace configuration.

**Green House:** A building whose roof and sides are made largely of transparent or translucent material used for the cultivation of plants.

**Ground Floor:** the first floor of a building other than a cellar or basement.

**Group Home:** Any residential structure or unit, whether operated by an individual for profit or by a non-profit entity, which is not licensed by the State of California. For the purposes of this Development Code,

Group Home is a distinct category from either Transitional Housing , Supportive Housing, community care facility or residential care facility, each of which is defined separately herein.

**Guest House /Quarters:** Any structure, whether attached to or detached from the main residence on a residential lot, or a lot used for residential purposes, containing living quarters for the use by temporary guests of the residents of the main residential structure on the same premises.

**Gymnasium:** A recreational facility providing indoor athletic activities and events.

### 9.99.090 – “H” Definitions

**Habitable Structure:** A structure which includes habitable space for living, sleeping, eating or cooking. Bathrooms, toilet compartments, closets, halls, storage or utility space, and similar areas are not considered habitable space.

**Half Story:** A story under a gable, hip or gambrel roof, plates of which are not more than two feet above the floor of such story.

**Handicapped Person:** A person who may be classified as having a physical impairment that manifests itself in one or more of the following ways: non-ambulatory, semi-ambulatory, visually impaired, deaf or hard of hearing, having faulty coordination, and having reduced mobility, flexibility, coordination, or perceptiveness due to age or physical or mental conditions.

**Hawker:** A person who engages in hawking.

**Hawking:** Offering merchandise for sale on the streets by outcry or by attracting the attention of person by exposing goods in a public place, or by placards, labels or signals.

**Health Care Facility:** A public or private facility principally engaged in providing services for health maintenance and the treatment of mental or physical conditions. This includes establishments providing support to the medical profession and patients, such as medical and dental laboratories, blood banks, or oxygen and other similar types of medical supplies and services.

**Health Center:** See “Fitness Center.”

**Highest Adjacent Grade:** the highest natural elevation of the ground surface prior to construction next to the proposed wall of a structure.

**Hillside Area:** any property containing slope areas of ten (10) percent or greater.

**Home Occupation:** A commercial activity conducted in compliance with Section 9.08.050 of this Development Code, carried out by an occupant and conducted as an accessory use within the primary dwelling unit, an accessory structure or approved outdoor activity.

**Homeless Shelter:** See “Emergency Shelter”

**Homeowners Association:** An association of owners in a condominium, planned unit development, or residential subdivision established to provide management of property in which they own an undivided common interest.

**Hookah Bar/Lounge:** An establishment where patrons share flavored tobacco (Shisha-a smokable mixture of tobacco, dried fruits, molasses) or a non-tobacco based substitute from a communal Hookah (a water pipe device for smoking). A hookah is a water pipe of Middle Eastern origin that is used to smoke sweet, often flavored tobacco. The smoke is filtered through water at the base of the Hookah's pipe.

**Horse Keeping:** Boarding of horses owned by the occupants of the residential property. See also "Animal Keeping".

**Horse Boarding:** See "Animal Sales and Services, Animal Boarding/Kennels."

**Horticulture:** The study and practice of cultivating plants, such as growing fruit, flowers, ornamental plants, and vegetables.

- A. **Horticulture, Commercial.** The cultivation of agricultural products for retail or wholesale sales. Includes plant nurseries.
- B. **Horticulture, Private.** The cultivation (but not sale) of agricultural products for use or consumption only by property owner or tenant.
- C. **Horticulture, Public.** See "Plant Nursery."

**Hospital:** An institutional land use consisting of a facility licensed by the State Department of Public Health for the provision of clinical and temporary or emergency service of a medical, obstetrical, nursing, surgical, anesthesia, laboratory, radiology, pharmacy, and dietary services nature to human patients, including inpatient and outpatient care.

**Hotel:** A facility in which guest rooms or suites are offered for compensation to the general public for lodging with or without meals and where no provision is made for cooking in any individual guest room or suite.

**Human Scale:** the relationship of a building or portions of a building to a human being. Harmonious relationship of the size of parts to one another and of the human figure, usually around eight (8) to ten (10) feet in size. This distance is about the limit of sensory perception of communication between people including voice inclination and facial expression. This distance is also about the limit of an up-stretched arm reach for human beings which is another measure of human scale.

**Hydrophyte:** A plant that grows in and is adapted to an aquatic or very wet environment.

### 9.99.100 – "I" Definitions

**Impact:** The effect of any direct human-made actions or indirect repercussion of human-made actions on existing physical, social, or economic conditions.

**Impervious Surface:** Surface through which water cannot penetrate, such as roof, road, sidewalk, or paved parking lot. The amount of impervious surface increases with development and establishes the need for drainage facilities to carry the increased runoff.

**Improvement:** Any man-made, immovable item which becomes part of, placed upon, or is affixed to, real estate.

**Industrial:** The manufacture, production and processing of consumer goods. Industrial is often divided into “heavy industrial” uses, such as construction yards, quarrying and factories; and “light industrial” uses such as research and development and less intensive warehousing and manufacturing.

**Industrial Park:** A planned, coordinated development of a tract of land with two or more separate industrial buildings. Such development is planned, designed, constructed, and managed on an integrated and coordinated basis with special attention given to on-site vehicular circulation, parking, utility needs, building design and orientation, and open space. An industrial park is designed as a coordinated environment for a variety of industrial and related activities. The project is developed or controlled by one proprietary interest. It has an enforceable master plan and/or CC&Rs.

**Infill development:** Development of vacant land within areas that are already largely developed.

**Institutional Use:**

- A. Publicly or privately owned and operated activities that are institutional in nature, such as hospitals, museums, and schools;
- B. Churches and other religious organizations; and
- C. Other nonprofit activities of a welfare, educational, or philanthropic nature that can not be considered a residential, commercial, or industrial activity.

**Intensification Of Use:** A change to the existing use of a property which results in a change or increase in vehicular or pedestrian traffic, an increase in parking requirements or induces additional environmental impacts, including but not limited to noise, light, glare, vibration, traffic, water quality, air quality or aesthetics.

**Intensity Of Use:** the number of dwelling units per acre for residential development and floor area ration (FAR) for nonresidential development, such as commercial, office and industrial.

**Interim Housing:** Shared living quarters, generally without separate kitchen and bathroom facilities for each room or unit, intended to meet short-term shelter and/or other immediate needs. Interim housing includes, but is not limited to the following:

- |                   |                    |
|-------------------|--------------------|
| Homeless shelters | Emergency shelters |
| Fraternities      | Sororities         |
| Dormitories       | Labor camps        |
| Halfway houses    |                    |

Interim housing does not include residential care facilities, family day care homes, family day care centers, convalescent hospitals, hotels, motels or single room occupancy housing.

**Intermittent Stream:** A stream that normally flows for at least thirty (30) days after the last major rain of the season and is dry a large part of the year.

**Internet Café:** a bona-fide business establishment that sells internet time, which allows customers to surf the web and use computers for personal use. An internet café can also have ancillary use of food and



refreshments for patrons. Internet Cafes are not permitted to allow promotional sweepstakes or any other gambling-themed games for cash magnetic sliding cards (or similar cards), credits, monetary gifts or similar winnings or prizes (excluding California lottery sales by licensed California Lottery vendors).

**Intersection:** The location where two or more roadways cross at the same grade.

### 9.99.110 – “J” Definitions

**Junk:** Any scrap, waste, reclaimable material, or debris, whether or not stored, for sale or in the process of being dismantled, destroyed, processed, salvaged, stored, baled or disposed of.

**Junk and Salvage Facility:** Primary or accessory use of structures and/or land for storage, dismantling and/or selling of cast-off, unused, scrap or salvage material of any sort, excluding vehicles (see “Automobile wrecking”).

### 9.99.120 – “K” Definitions

**Kennels and Catteries:** Facilities for the care of dogs and cats.

- A. **Commercial Kennel or Cattery:** The boarding, breeding, raising or training of five or more dogs or cats of any age not owned by the owner or occupant of the premises, and/or for commercial gain. For the purposes of this section, a commercial kennel or cattery also includes the breeding of five or more dogs or cats of any age owned by the owner or occupant of the premises for commercial gain.
- B. **Private Kennels or Cattery:** The keeping, raising, showing, or training of five to 15 dogs or cats over six months of age for personal enjoyment of the owner or occupants of the property, and for which commercial gain is not the objective. All such animals shall be spayed or neutered.

**Kiosk Building:** An accessory building used for key shops, photo drops and the like, and generally located in a shopping center parking lot.

**Kitchen or Kitchenette:** Any room or part of a room which is designated, built, used, or intended to be used for food preparation and dishwashing; but not including a bar, butler’s pantry or similar room adjacent to or connected with a kitchen.

### 9.99.130 – “L” Definitions

**Laboratories:** Establishments providing medical or dental laboratory services or establishments providing photographic, analytical, or testing services.

**Landscaping:** Planting, including trees, shrubs, and ground covers, suitably designed, selected, installed, and maintained so as to enhance a site or roadway permanently.

**Land Use:** The occupation or utilization of land area for any human activity or any purpose defined in the General Plan.

**Land Use Application:** A request for approval of a discretionary permit that is subject to one of the permit processes specified by this Code.

**Land Use Decision:** Any decision to approve, approve with conditions, modify or deny a request to develop, divide or otherwise utilize land or to alter or establish land use regulations.

**Land Use District:** A designation established by the General Plan containing applicable rules and regulations necessary to guide development and use of all land within the district.

**Land Use Zoning District:** A portion of the town within which certain uses of land and structures are defined, and regulations are specified.

**Landscape Plan:** A component of a development plan on which is shown, including but not limited to, proposed landscape species, proposals for protection of existing vegetation during and after construction, proposed treatment of hard and soft surfaces, proposed decorative features, grade changes, buffers and screening devices.

**Legal, Non-conforming:** (See *Non-conforming Lot, Non-conforming Structure or Non-conforming Use*)

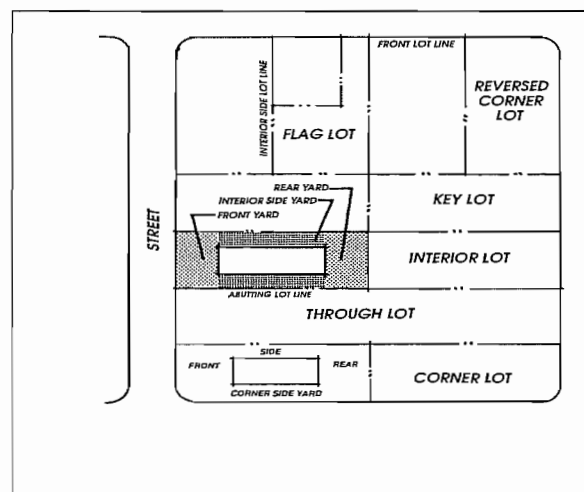
**Laundry:**

- A. **Limited.** An establishment to dry clean and/or wash and dry clothes and other fabrics brought in and carried away by the customer. This may include self-service or coin-operated facilities.
- B. **Unlimited.** An establishment where large quantities of clothes and other fabrics are washed and/or ironed but are collected and delivered primarily by laundry employees. Unlimited laundry does not include the term “Limited laundry.”

**Livestock Operations:** Intensive commercial hooved animal keeping operations including dairies, feedlots, hog ranches, etc.

**Loading Space:** An off-street space or berth used for the loading or unloading of cargo, products, or materials from vehicles.

**Lot:** A parcel, tract or area of land established by plat, subdivision, or as otherwise permitted by law, to be used, developed or built upon.



**LOT TYPES**

**Lot, Corner.** A lot located at the intersection of two (2) or more streets at an angle of not more than one hundred thirty-five (135) degrees. If the angle is greater than one hundred thirty-five (135) degrees, the lot shall be considered an "interior lot";

**Lot, Flag.** A lot having access or an easement to a public or private street by a narrow, private right-of-way;

**Lot, Interior.** A lot abutting only one street;

**Lot, Irregular.** A non-rectangular lot or rectangular lot not abutting a public street;

**Lot, Key.** A lot with a side line that abuts the rear line of any one (1) or more adjoining lots;

**Lot, Reverse Corner.** A corner lot, the rear of which abuts the side of another lot;

**Lot, Substandard:** A parcel of land that has less than the required minimum area or dimensions.

**Lot, Through.** A lot having frontage on two (2) generally parallel streets, with only one (1) primary access.

**Lot Area:** The total horizontal area included within the lot lines of a lot.

**Lot Area, Gross:** The total area within the lot lines of a parcel, including any adjacent street rights-of-way.

**Lot Area, Net:** The total area within the lot lines of a parcel, excluding any street rights-of-way.

**Lot Coverage:** That portion of the lot that is covered by buildings, sidewalks, driveways or other impervious surface.

**Lot Depth:** Lot depth is the horizontal distance between the midpoint of the front lot line and the midpoint of the rear lot line; in the case of a triangular or other irregularly shaped lot, the rear lot line is defined as a line within the lot having a length not less than ten feet, parallel to and most distant from the front lot line.

**Lot Frontage:** The portion of the lot contiguous to the street. On corner lots the narrowest frontage shall be considered the front of the lot. On a lot located on a cul-de-sac, curved street, or dead-end street with a curved turn-around, the frontage shall be measured as the chord drawn between the terminuses of the side property lines at their intersection with the street right-of-way.

**Lot Line:** Any boundary of a lot.

**Lot Line Adjustment:** The adjustment of a lot line between two or more adjacent parcels, where the land taken from one parcel is added to an adjacent parcel, and where no additional parcels are created or the number of parcels reduced.

**Lot Line, Front.** On an interior lot, the line separating the parcel from the street right-of-way. On a corner or through lot, the lot line abutting the street providing the primary access to the lot. On a flag lot, the interior lot line most parallel to and nearest the street from which access is obtained;

**Lot Line, Interior.** A lot line not intersecting a street which is not a front, rear or side lot line. For purposes of this Code setbacks from interior lot lines shall be the same as for side or street side lot lines, whichever is applicable:

**Lot Line, Rear.** A lot line which intersects a side lot line and which is most distant from and most closely parallel to the front lot line. In the case of a triangular or otherwise irregularly shaped lot, a line within the lot having a length not less than ten feet, parallel to and most distant from the front lot line shall be interpreted as the rear lot line for the purpose of determining required setbacks and other provisions of this Development Code;

**Lot Line, Side.** Those two lot lines which intersect the rear line of the front setback and at least one of which extends from the street right-of-way to the rear property line, the other may extend to an interior lot line.

**Lot of Record:** A lot that is part of a recorded subdivision or a parcel of land that has been recorded at the County recorder's office containing property tax records.

**Lot Width:** The horizontal distance between the side lot lines, measured at the required front setback line.

**Lounge:** See “Eating and Drinking Establishments.”

**Lowest Floor:** The lowest floor of the lowest enclosed area, including basement.

#### 9.99.140 – “M” Definitions

##### **Maintenance and Repair Service:**

- A. **Major.** Facilities providing equipment maintenance and repair services and materials storage areas. This classification includes, but is not limited to, corporation yards and equipment service centers, and excludes maintenance and repair of motor vehicles.
- B. **Minor.** Establishments providing appliance repair, office machine repair, or building maintenance services. This classification excludes maintenance and repair of motor vehicles.

**Manufactured Home:** A factory built structure , transported in one or more sections, that meets the National Manufactured Home Construction and Safety Standards Act, commonly known as the U.S. Department of Housing and Urban Development (HUD) Code. The term manufactured home does not include a recreational vehicle.

**Manufactured Home Park or Subdivision:** A parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

**Manufacturing:** The mechanical or chemical transformation of materials or substances into new products, including the assembling of component parts, the creation of products, and the blending of materials.

**May:** For the purposes of this Development Code, “may” is generally used to indicate a standard or requirement that is permitted or allowed.

**Median:** An island in the center of the street, highway, or other surface intended for vehicle circulation that separates opposing traffic flows.

**Medical Marijuana Cooperative:** Two or more persons collectively or cooperatively cultivating, using, transporting, processing, administering, delivering or making available medical marijuana, with or without compensation. The term “medical marijuana cooperative” shall include medical marijuana collective.

**Medical Marijuana Dispensary:** Any facility or location, including a mobile facility or delivery service whether such mobile facility or delivery service is independent from or affiliated with any fixed facility or location in the Town, where medical marijuana is made available to, distributed by, sold or supplied to one or more of the following: (1) more than a single qualified patient, (2) more than a single person with an identification card, or (3) more than a single primary caregiver. The term “medical marijuana dispensary” shall include all facilities or locations, including storefronts and offices, associated with any medical marijuana dispensary, as defined herein, that handle or process the paperwork for joining a medical marijuana or medical marijuana cooperative as defined herein, to receive financial compensation or donations for the marijuana, or give vouchers or other indicia of membership to individuals, regardless of whether marijuana is ultimately dispensed from the location or a mobile or off-site delivery source independent of the facility or location. The term “medical marijuana dispensary” shall also include a medical marijuana cooperative, and any other medical marijuana collective, operator, establishment or provider.

**Micro-Climate:** The climate of a small, distinct areas, such as a city street or a building’s courtyard; can be favorably altered through functional landscaping, architecture or other design features

**Mini-Mall:** A shopping center of from 80,000 to 150,000 square feet in size located on a site of eight to 15 acres where tenants are located on both sides of a walkway having direct pedestrian access to all establishments from the walkway. Mini-malls usually function as neighborhood shopping centers or specialty shopping centers. Mini-malls usually do not require an anchor store.

**Mini-Warehousing/Storage:** See “Warehousing and Storage, Limited”.

**Mining:** The act or process of extracting resources, such as coal, oil, or minerals, from the earth.

**Mitigate:** To ameliorate, alleviate, or avoid to the extent reasonably feasible.

**Mixed Use:** Properties on which various uses, such as office, commercial, institutional, and residential, are combined in a single building or on a single site in an integrated development project with significant functional interrelationships and a coherent physical design. A single site may include contiguous properties.

**Mobile Home:** A manufactured dwelling unit designed for use as a single family dwelling capable of being transported to a site on a trailer or on wheels in one or more sections and not designed to be affixed to a permanent foundation. A mobile home is not considered a building, as defined by the Uniform Building Code.

**Mobile Home Park:** A type of residential development, established either as a legal subdivision of land with individual mobile home pads and common areas or as a development where pads are leased or rented, for the purpose of accommodating mobile home units on individual pads as part of a coordinated

development. A mobile home park may include common areas and facilities for the use of all park residents.

**Modular Office:** A manufactured unit not designed for use as a single family dwelling that is capable of being transported to a site on a trailer or on wheels in one or more sections and not designed to be affixed to a permanent foundation.

**Motel:**

- A. A hotel for motorists.
- B. A facility in which guest rooms or suites are offered to the general public for lodging with or without meals and for compensation, and where guest parking is provided in proximity to guest rooms. Quite often, provision is made for cooking in individual guest rooms or suites.
- C. A commercial land use providing short term shelter for 28 or fewer days in one or more buildings on the same lot. The buildings contain guest rooms or dwelling units or both, which are usually individually and independently accessible from outside the building. Motel includes motor lodge, tourist court, motor hotel or any other designation intended to identify the premises as providing for rental or overnight accommodation primarily to motorists.

**Motor Vehicle:** Any motorized vehicle designed to operate on a public street including, but not limited to, automobiles, motorcycles, trucks and recreational vehicles.

**Motor Vehicle Repair**

- A. **Major.** A place providing a full range of repair and maintenance services for motor vehicles, including, cylinder head replacement, valve grinding or replacement, clutch replacement or repair, replace transmission, rear end, rear axles, king pins, body work, engine or transmission removal, fuel tank repair, radiator or heater core repair or replacement, painting; or repair activities that require entry into the engine other than those specifically defined as minor automobile repair.
- B. **Minor.** A place performing the following repair and maintenance services for motor vehicles not exceeding 1 ton carrying capacity, including any of the following:
  - 1. **Tune-ups.** Major and minor tune-up involving spark plugs, points, condensers, valve adjustment, carburetor overhaul, adjustment of fuel injection systems, fuel pump and all necessary filters;
  - 2. **Lubrication.** Oil changes and filter replacement, transmission and rear end oil change;
  - 3. **Cooling system.** Remove and replace radiator; replace water pump, heater and other hoses; replace thermostats; recharge air conditioners;

4. **Drive train.** Replacement of drive shaft universal bearings, center support bushing, accelerator and brake cables; minor repair of hydraulic systems; replacement of shock absorbers;
5. **Brakes.** Remove and replace shoes and brake pads; rebuild master and wheel cylinders and disc caliper; adjustment of brakes; machine work related to turning of drums or disc;
6. **Wheels.** Adjust steering box; replacement of rubber bushings in suspension; wheel balancing; wheel alignment; replacement of wheel bearings; tire changes and repair.
7. **Electrical.** Charge battery; remove, repair and replace starter, alternator and regulator; rewiring of automobile and lights; repair or replacement of gauges; installation of radios;
8. **Fuel system.** Change and repair of fuel lines; replace fuel gauge sending unit;
9. **Exhaust system.** Tail pipe and muffler replacement.

Any activity combining minor and major motor vehicle repair shall be defined as “major motor vehicle repair.”

**Museum, Library, Art Gallery, Outdoor Exhibit:** Public or quasi-public facilities, examples of which include: aquariums, arboretums, art galleries and exhibitions, botanical gardens, historic sites and exhibits, libraries, museums, planetariums, and zoos.

#### 9.99.150 – “N” Definitions

**Nature Preserve:** An area of land maintained in its natural state for the preservation of habitat or other natural resources

**Nightclub.** See “Eating and Drinking Establishments.”

**Noise:** Any sound that is undesirable because it interferes with speech and hearing, or is intense enough to damage hearing, or is otherwise annoying. Noise, simply, is unwanted sound.

**Noise Attenuation:** Reduction of the level of a noise source using a substance, device, material, or surface, such as earth berms and/or solid concrete walls.

**Nonconforming, Illegal:** A structure, lot, or use which did not conform to applicable laws when constructed or initiated, and does not conform to the provisions of this Development Code.

**Nonconforming Lot (Legal):** A lot, the area, frontage or dimensions of which do not conform to the provisions of this Development Code but which did conform to applicable laws at the time it was subdivided.

**Nonconforming Structure (Legal):** A structure which conformed to applicable laws when constructed but does not conform to the provisions of this Development Code.



**Nonconforming Use (Legal):** A use complying with applicable laws when established but does not conform to the provisions of this Development Code.

**Nuisance:** An interference with the enjoyment and use of the property.

**Nursery:** An establishment in which all merchandise other than plants is kept within an enclosed building or a fully screened enclosure.

### 9.99.160 – “O” Definitions

**Occupancy/Occupied:** The residing of an individual or individuals in a dwelling unit or the storage or use of equipment, merchandise, for machinery in any building.

**Off-Highway or Off-Road Vehicle Race:** Any organized sporting event or rally where motorized vehicles are utilized in a contest of speed, or in a competitive trial of speed or skill or recreational event, all or a portion of which is conducted outside dedicated public rights-of-way maintained by a public agency.

#### **Office:**

- A. **Administrative Business Professional, Corporate:** Offices of or organizations providing professional, executive, management, or administrative services, such as architectural, engineering, real estate, insurance, investment, legal, and medical/dental laboratories incidental to an office use, but excluding banks, savings and loan associations and other similar financial institutions and dental and medical offices.
- B. **Government:** An administrative, clerical, or public contact office of a government agency, including postal facilities, together with the incidental storage and maintenance of vehicles.
- C. **Medical and Dental:** An office or health facility providing health services including, without limitation, preventative and rehabilitation treatment, diagnostic services, testing and analysis. This use includes offices providing medical, dental, surgical, rehabilitation, podiatry, optometric, chiropractic and psychiatric services, and medical or dental laboratories incidental to these offices, but exclude inpatient services and overnight accommodation.

**Off-site:** Located outside the lot lines of the lot in question.

**Off-site Improvements:** Improvements required as a result of the development and including, but not limited to curb, gutter, sidewalk, road widening and upgrading, stormwater facilities, and traffic improvements.

**Off-site Parking:** Parking provided for a specific use but located on a site other than the one on which the specific use is located.

**Official Map:** An Official Map is a map prepared in compliance with this Development Code and shall be substituted for a final map when it is certified, filed and bound, but not before.

**Open Space (Useable):** Open Areas within a multiple-family or planned residential development project which are to be used for scenic, landscaping or recreational purposes by all the residents of the project. This does not include flood control channel right-of-way, areas devoted to parking, vehicular traffic,

service areas, or slopes over 10 percent, required setbacks, and any other area which does not significantly lend itself to the overall benefit of a particular development or surrounding environment. Usable common open space shall be devoted primarily to active recreational opportunities (i.e., pool, court games, wading pools, barbecue area or other recreational facilities for the common use of all residents. Open space areas shall not have any dimension less than 25 feet, except decks or balconies, which shall not have any dimension less than 6 feet to qualify as usable open space. Decks shall not be counted as usable open space where they are used solely as a passageway and entrance to a dwelling. Where decks are private in nature or are for the general use of tenants residing on the property and do not serve principally as a passageway, such decks may be counted as usable open space when otherwise conforming with the requirements of this Chapter.

**Outdoor Dining:** See “Eating and Drinking Establishments”.

**Outdoor Events:** Activities conducted outside for public benefit and participation including but not limited to parades, concerts, rallies, sports competitions, etc.

**Outdoor Facilities:** Any business enterprise, temporary use, sales or service, storage or activity conducted outside an enclosed building.

**Outdoor Sales:** The display and sale of products and services outside of a building or structure.

**Outdoor Storage:** The keeping, in an unenclosed area, of any goods, junk, material, merchandise, or vehicles in the same place for more than 24 hours.

**Overlay District:** A set of zoning requirements that are described in the text of the Zoning Regulations and which are imposed in addition to those requirements of the base district.

#### 9.99.170 – “P” Definitions

**Parapet:** The extension of the main walls of building above the roof line.

**Parcel:** A lot, or contiguous group of lots, in single ownership or under single control, usually considered a unit for purposes of development.

**Park:** A tract of land, designated and used by the public for active and/or passive recreation:

**Park and Recreation Facilities:** Noncommercial parks, playgrounds, recreation facilities, and open spaces.

**Parking, Commercial Lot:** A business enterprise engaged in providing the service of parking space of vehicles for short-term use, typically less than 24 hours in duration.

**Parking Lot:** A site or a portion of a site, devoted to the temporary off-street parking of vehicles, including parking spaces, aisles, access drives, and landscaped areas, and providing vehicle access to a public street.

**Parking, Off-Street Loading Facilities:** A site or a portion of a site, including loading berths, aisles, access drives, and landscape areas, devoted to the loading or unloading of people or materials.

**Parking, Shared:** Joint use of a parking area for more than one use.

**Parking Space:** A readily accessible area maintained exclusively for the parking of one motor vehicle. The parking space may be either within a structure or in the open and does not include driveways, ramps, loading or working areas, and conforms to dimensions and standards established in this Chapter.

**Parkway:** The area of a public street that lies between the curb and the adjacent property line or physical boundary definition such as fences or walls, which is used for landscaping and/or passive recreational purposes.

**Pawn Shop:** An establishment engaged in retail sales of new or secondhand merchandise and offering loans secured by personal property.

**Peddler:** A person who engages in peddling.

**Peddling:** Selling merchandise which is transported from place to place in the course of approaching prospective customers or selling merchandise or services from door to door.

**Pedestrian Food Vendor:** A person who sells or offer for sale any food or beverage from any portable box, pushcart, stand, bag, or similar container on any public street, including parkways or sidewalks within the Town.

**Performance Standards:** Zoning regulations that set standards of operation. Performance standards provide specific criteria limiting noise, air pollution, emissions, odors, vibration, dust, dirt, glare, heat, fire hazards, wastes, traffic impacts and visual impact of a use.

**Permit:** Written governmental permission issued by an authorized official, empowering the holder thereof to do some act not forbidden by law but not allowed with such authorization.

**Permitted Use/Structure:** Any use allowed in a land use district and subject to the provisions applicable to that district..

**Person:** Any individual, firm, co-partnership, joint venture, association, social club, fraternal organization, company, joint stock association, corporation, estate, trust, organization, business, business trust, public agency, school district, State of California and its political subdivisions or instrumentalities, receiver, syndicate or any group or combination thereof, acting as a unit, including any trustee or assignee.

**Personal Improvement Services:** Services or facilities including, but not limited to, photography, fine arts, crafts, driving schools, beauty and hair salon, and diet centers.

**Personal Service:** A commercial land use providing recurrently needed services of a personal nature. Personal services generally include barber and beauty shops, seamstresses, tailors, shoe repair shops, dry cleaning (except bulk processing plants), photo processing, photo-copying, and self-service laundries.

**Places of Assembly:** Includes public and private institutions, such as religious uses, lodges, clubs, senior citizen centers, youth centers, community centers and YMCA/YWCA facilities.

**Planned Residential Development (PRD):** A type of development characterized by comprehensive planning for the project as a whole, clustering of structures to preserve usable open space and other natural features, and a mixture of housing types within the prescribed densities.

**Planning Division:** An administrative and professional division within the municipal structure charged with the responsibility of providing long range and short term planning services and zoning administration to the community, as established by the Town.

**Plat:** A map representing a tract of land showing the boundaries and location of individual properties and streets; A map of a subdivision or site plan.

**Plaza:** An open space which is improved and landscaped, usually surrounded by streets and buildings.

**Plot:** A single unit parcel of land; A parcel of land that can be identified and referenced to a recorded plat or map.

**Porch:** A roofed open area, which may be screened, usually attached to or part of and with direct access to or from a building.

**Porte-cochere:** A large entrance gateway into a courtyard; A kind of porch roof projecting over a driveway at an entrance.

**Planned Residential Development.** An area of land, controlled by a landowner, to be developed as a unified project and single entity for a group of townhouse dwellings and/or detached dwelling units, the plan for which may not correspond in lot size, bulk or type of dwelling, density, lot coverage, setback or required open space to the regulations in this Development Code.

**Plant Nursery:** A place where plants are propagated and grown to usable size. They include retail nurseries which sell to the general public, wholesale nurseries which sell only to businesses such as other nurseries and to commercial gardeners, and private nurseries which supply the needs of institutions or private estates.

**Playground:** See “Parks and Recreation Facilities.”

**Pre-existing:** In existence prior to the effective date of this Chapter, as amended.

**Prezoning:** The process or action by which cities are able to designate that portion of an unincorporated area for future annexation, with specific zoning districts which will apply, upon annexation of the property to the Town

**Principal Building:** A building in which the primary use of the lot on which the building is located is conducted.

**Principal Use:** The primary or predominant use of any lot, building or structure.

**Printing and Publishing:**

- A. **Limited:** The preparation of camera-ready artwork and text, photocopying, printing, and binding in a building not exceeding 1,000 square feet.
- B. **Unlimited:** The preparation of camera-ready artwork and text, photocopying, printing and binding in a building exceeding 1,000 square feet.

**Private Clubs and Lodges:** An association of persons, whether incorporated or unincorporated and organized for some common nonprofit purpose, but not including a group organized solely or primarily to render a service customarily carried on as a business.

**Private Home Rental, Short-Term:** A dwelling unit, including either a single-family detached or multi-family attached unit, owned, leased or rented on a less than 30-day basis. This definition includes a second dwelling unit on-site. This does not include the ongoing month-to-month tenancy granted to the same renter for the same unit.

**Private Recreational Facilities:** Facilities including, but not limited to, country clubs, tennis and swim clubs, golf courses, racquetball and handball facilities, YMCA, YWCA, and limited commercial uses which are commonly associated and directly related to these primary uses.

**Professional Offices:** See “Office”.

**Public and Semipublic Uses:** A class of uses generally open to the public and maintained and supported by public or nonprofit agencies or organizations and which are of a recreational, civic, educational, religious or cultural nature.

**Public Improvement:** Any improvement or facility, together with the right-of-way necessary to provide transportation, drainage, utilities, or other facilities that are usually owned, operated and/or maintained by a government agency.

**Public Park:** A park, playground, swimming pool, beach, pier, reservoir, golf course or athletic field within the Town which is under the control, operation or management of the Town, the County or State.

**Public Right-of-Way:** A strip of land acquired by reservation, dedication, prescription or condemnation and intended to be occupied by a road, trail, water line, sanitary sewer and/or other public use(s).

**Public Safety Facilities:** Facilities for public safety and emergency services, including police and fire protection.

**Public Utility Service Yard:** A premises used for the office, warehouse, storage yard, or vehicle and equipment maintenance of a public utility. Public utility service yard may included microwave, radio, cable, and/or other communication equipment.

**Pushcart:** Any wagon, cart or similar wheeled container, not a vehicle as defined in the Vehicle Code of the State of California from which food or beverage is offered for sale to the public.

### 9.99.180 – “Q” Definitions

**Quarry:** A place where rock, ore, stone and similar materials are excavated and processed for sale or for off-site use.

**Queue Line:** An area for the temporary waiting of motor vehicles while obtaining a service or other activity such as a drive-thru restaurant or a car wash.

### 9.99.190 – “R” Definitions

**Ramp:** A sloping walkway, roadway or passage used to join and provide a smooth transition between two levels of different elevations; Driveways leading to parking aisles.

**Reclamation:** The combined process of land treatment that minimizes water degradation, air pollution, and damage to wildlife habitat, flooding, and erosion caused by either surface mining operations or adverse surface effects incidental to underground mines. Mined lands are reclaimed to a usable condition when they are readily adaptable for alternate land uses and create no danger to public health or safety. The process may extend to affected lands surrounding mined land and may require backfilling, grading, resoiling, revegetation, soil compaction, stabilization or other measures.(Public Resources Code, Section 2733)

**Recreation, Active:** A type of recreation or activity that requires the use of organized play areas including, but not limited to, softball, baseball, football and soccer fields, tennis and basketball courts and various forms of children's play equipment.

**Recreation, Commercial:** A commercial land use providing facilities for recreation in exchange for financial or other consideration.

**Recreation, Passive:** A type of recreation of activity that does not require the use of organized play areas.

**Recreational Courts:** Facilities developed for the purpose of playing court sports, including but not limited to tennis, paddle tennis, handball, racquetball, and other similar uses.

**Recreational Vehicle:** A vehicle towed or self-propelled on its own chassis or attached to the chassis of another vehicle and designed or used for recreational or sporting purposes. The term recreational vehicle includes, but is not limited to, travel trailers, pickup campers, camping trailers, motor coach homes, converted trucks or buses, boats and boat trailers, and all terrain vehicles.

**Recreational Vehicle Park:** An area where spaces are offered to users of recreational vehicles for occupancy on a temporary basis.

**Recyclable Material:** Reusable material, including but not limited to metals, glass, plastic, paper and wood, intended for reuse, remanufacture or reconstitution for the purpose of being used in an altered form.

**Recycling:** The process by which waste products, including automobiles, are reduced to raw materials and transformed into new products.

**Recycling Facilities:** This land use type includes a variety of facilities involved with the collection of recyclable materials. A "certified" recycling or processing facility is certified by the California Department of Conservation as meeting the requirements of the California Beverage Container Recycling and Litter Reduction Act of 1986. Recyclable material includes reusable domestic containers and other materials that can be reconstituted, remanufactured, or reused in an altered form, including glass, metals, paper, and plastic. Recyclable material does not include refuse or hazardous materials. This land use does not include storage containers located on a residentially, commercially, or industrially designated site used solely for the recycling of material generated on the site.

A. **Collection Facility (small):** A facility that occupies an area of 350 square feet or less where the public may donate, redeem, or sell recyclable materials and may include:

1. A mobile unit;

2. Bulk reverse vending machines or a grouping of reverse vending machines occupying more than 50 square feet. A bulk reverse vending machine is a reverse vending machine that is larger than 50 square feet, is designed to accept more than one container at a time, and issues a cash refund or redeemable credit slip based on total weight instead of by container.
  3. Kiosk-type units that may include permanent structures.
- B. Collection Facility (large):** A facility that occupies an area of more than 350 square feet and/or includes permanent structures where the public may donate, redeem, or sell recyclable materials.
- C. Reverse Vending Machine:** An automated mechanical device which accepts at least one or more types of empty beverage containers and issues a cash refund or a redeemable credit slip with a value not less than the container's redemption value, as determined by State law. These vending machines may accept aluminum cans, glass and plastic bottles, and other containers. The vending machines typically occupy an area of less than 50 square feet.
- D. Processing Facility:** A structure or enclosed space used for the collection and processing of recyclable materials. Processing means the preparation of material for efficient shipment, or to an end-user's specifications, by such means as bailing, briquetting, compacting, flattening, grinding, crushing, mechanical sorting, shredding, cleaning and remanufacturing. Processing facilities are not allowed in the Town of Yucca Valley.

**Recycling Collection Point:** An incidental use that serves as a neighborhood drop-off point for temporary storage of recoverable resources where no processing of such items is allowed. This facility would generally be located in a shopping center parking lot or in other public/quasi-public area.

**Recycling Plant:** A facility that is not a junkyard and in which recoverable resources, such as newspapers, magazines, books, and other paper products; glass; metal cans; and other products that are recycled, reprocessed, and treated to return such products to a condition in which they may again be used for production.

**Regulatory Floodway:** The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot.

**Religious Assembly:** See "Church (Place of Religious Worship/Assembly)".

**Religious Institution:** See "Church (Place of Religious Worship/Assembly)".

**Research and Development Services:** Establishments primarily engaged in industrial or scientific research, including limited product testing.

**Residential:** A land use category with the principal purpose of providing shelter for people on a long-term basis.

**Residential Care Facilities (Congregate Care):** Residential facilities in which group care, supervision and/or assistance are provided for persons who may or may not have a disability. Residential facilities do not include family day care, foster care or any medical services, including nursing services, beyond that required by the residents of the facility for sustaining the activities of daily living. Examples of residential care facilities include, but are not limited to, facilities for the following:

- A. **Elderly Residential Care Facility:** Provides 24-hour care for adults 60 years of age and older.
- B. **Adult Residential Care Facility:** Provides 24-hour care for adults who are between 18-59 years of age.
- C. **Group Home:** Provides 24-hour care for children under 18 years of age.

**Resort Hotel:** A group of buildings containing guest rooms and providing outdoor recreational activities.

**Restaurant:** See “Eating and Drinking Establishment”.

**Restaurant, Drive-Thru:** A use providing preparation and retail sale of food and beverages, as defined under Restaurant with the added provision of one or more drive-thru lanes for the ordering and dispensing of food and beverages to patrons remaining in their vehicles.

**Retail:** The exchange of goods directly to the ultimate consumer in exchange for financial or other consideration.

**Retail Sales:** Establishments engaged in selling goods or merchandise to the general public for personal for household consumption and rendering services incidental to the sale of such goods

**Reverse Vending Machine:** See “Recycling Facilities”.

**Reversion of Acreage:** The process by which subdivided real property may be reverted to acreage.

**Review Authority:** The person, committee, Commission or Council responsible for the review and/or final action on a land use entitlement or discretionary decision.

**Rezoning:** An amendment to the map and/or text of a zoning ordinance to effect a change in the nature, density, intensity or regulation of uses allowed in a zoning district and/or on a designated parcel or land area or an amendment to procedures regarding implementation of zoning regulations.

**Right-of-way:** (See *Public Right-of-way*)

**Riparian Lands:** Riparian lands are comprised of the vegetative and wildlife areas adjacent to perennial and intermittent streams. Riparian areas are delineated by the existence of plant species normally found near fresh water.

**Room, Habitable:** A room meeting the requirements of the Uniform Housing Code.

**Rounding of Quantities:** The consideration of distances, unit density, density bonus calculations, or other aspects of development or the physical environment expressed in numerical quantities which are fractions of whole numbers; the numbers are to be rounded to the nearest highest whole number when the



fraction is 0.5 or more, and to the next lowest whole number when the fraction is less than 0.5, except as otherwise may be provided in this Development Code.

**Runoff:** That portion of rain or snow that does not percolate into the ground and is instead discharged into streams or other bodies of water.

### 9.99.200 – “S” Definitions

**Salvage and Wrecking Operation:** A place where used motor vehicles or trailers, or portions thereof, are discarded, bought, sold, exchanged, baled, packed, disassembled, stored, displayed or handled; house-wrecking operations; used lumber or other building material yards; places for storage of salvaged building materials and structural steel materials and equipment; but not including the sale of used motor vehicles in operable condition, establishments for the sale, purchase, or storage of used furniture and household fixtures when conducted entirely within an enclosed building.

**Satellite Dish Antenna:** An apparatus capable of receiving or transmitting communications from a satellite.

**Scale:** The measurement of the relationship of the size and bulk of one object to another object.

**School, Commercial:** Any building or part thereof which is designed, constructed or used for education or instruction in any branch of knowledge or art form for commercial purposes

**School, Elementary and High:** An institution of learning for minors, whether public or private, which offers instruction in those courses of study required by the California Education Code or which is maintained pursuant to standards set by the State Board of Education.

**School, Private:** Any building or group of buildings, the use of which meets state requirements for elementary, secondary, or higher education and which use does not secure the major part of its funding from any governmental agency.

**School, Vocational:** A technical, trade or self-improvement school providing highly specialized technical courses or a limited range of technical courses not recognized by accredited organizations

**School, Secondary:** Any school licensed by the State, authorized to award diplomas for secondary education.

**School District:** A district that serves as a unit for State financing and administration of elementary and secondary schools.

**Screening:** The method by which a view of one site from another adjacent site is shielded, concealed, or hidden. Screening techniques include fences, walls, hedges, trees and/or other plantings, berms or other features. Screening should include materials of sufficient mass to be opaque or that shall become opaque after 12 months and which shall be maintained in an opaque condition.

**Screening Materials:** When the provisions of this code allow for, or require, the installation of fencing to screen objects located behind said fence from public view, such fencing shall consist of new solid materials or, if chain link fencing, such chain link fencing must include redwood or durable plastic/metallic slats installed and maintained in such a manner so the material being stored behind the fencing cannot be seen directly, indirectly, silhouetted or in any other manner, directly or at an oblique angle to the fence.

**Second Dwelling Unit:** A self contained living unit, either attached to or detached from, and in addition to, the primary residential unit of a single lot.

**Secondhand Store:** Any premises used or the sale or handling of used goods. Secondhand store includes establishments for the sale or trade of used clothing, furniture and appliances.

**Security Quarters:** A dwelling unit, commercial coach, or travel trailer utilized to provide temporary quarters to security personnel hired to guard part or all of the property on which the security quarters are located.

**Senior (Senior Citizen):** A person who is 55 years of age or older.

**Senior Center:** An assembly building intended to provide non-residential services for senior citizens.

**Senior Congregate Care Housing:** A structure(s) providing residence for a group of senior citizens with or without common kitchen and dining facilities with separate bedrooms and/or living quarters.

**Setback:** The horizontal distance between the property line and any structure.

**Setback, Building:** The required distance between the building and any lot line.

**Setback Line:** The line that establishes the area of the property within which structures or other designated uses may be erected or placed.

**Shall:** For the purpose of this Development Code, the word “shall” is used to indicate a requirement or standard that is mandatory.

**Shopping Center:** A group of two or more commercial establishments, the perimeter of which is clearly definable, developed on a continuous area of land, planned and developed as single unit and providing shared on-site parking, access, landscaping, and signage.

**Should:** For the purpose of this Development Code, “should” is used to indicate the preferred option.

**Short-Term Private Home Rental:** See “Private Home Rental, Short-Term.”

**Sidewalk:** A paved, surfaced or leveled area paralleling and usually separated from the street, used as a pedestrian walkway.

**Sidewalk/Parking Lot Sale:** A promotional sales event conducted by one or more businesses which is held outside the confines of the commercial or manufacturing structure(s) in which such business is normally conducted. Such sale involves outdoor display within a paved or concreted area on the same lot as the structure(s), of merchandise which is normally displayed within the structure(s). Sale events shall be conducted solely on private property and not encroach within public rights-of-way.

**Sign:** A sign that identifies, advertises or otherwise attracts attention to a product or business. Related sign terms are defined as follows:

**Awning, Canopy, or Marquee Sign:** Signs which are placed on or integrated into fabric awnings or other material canopies which are mounted on the exterior of a building which extend from the

wall of a building to provide shielding of windows and entrances from inclement weather and the sun.

**Banner, Flag, Pennant or Balloon:** Any cloth, bunting, plastic, paper, vinyl, or similar material used for advertising purposes attached to or pinned on or from any structure, staff, pole, line, framing, or vehicle, including captive balloons and inflatable signs but not including official flags of the United States, the State of California, County of San Bernardino or Town of Yucca Valley.

**Bench Sign:** Copy painted on any portion of a bus stop bench.

**Building Wall:** The individual sides of a building.

**Billboard:** Any off-premise outdoor advertising sign structure which advertises products, services, or activities not conducted or performed on the same site upon which the outdoor advertising sign structure is located and governed by the Outdoor Advertising Act.

**Building Face and/or Frontage:** The exterior wall of a building exposed to public view or that wall viewed by persons not within the building.

**Business Entrance Identification:** A sign adjacent to, or on the entrance door of a business which names, gives the address and such other appropriate information as store hours and telephone numbers.

**Cabinet:** A three dimensional structure which includes a frame, borders, and sign face panel and may include internal lighting upon which the sign letters and logos are placed or etched, and is architecturally integrated with the building.

**Canopy Sign:** Refer to definition of a Shingle Sign

**Changeable Copy Sign”** A sign designed to allow the changing of copy through manual, mechanical, or electrical means including time and temperature.

**Channel Letter Sign:** Three dimensional individually cut letters or figures, illuminated or non-illuminated, affixed to a building or sign structure.

**Civic Event Sign:** A temporary sign, other than a commercial sign, posted to advertise a civic event sponsored by a public agency, school, church, civic-fraternal organization, or similar noncommercial organization.

**Flashing Sign:** A sign that contains an intermittent or sequential flashing light source.

**Construction Sign.** A temporary sign erected on the parcel on which construction is taking place, limited to the duration of the construction, indicating the names of the architects, engineers, landscape architects, contractors, or similar artisans, and the owner, financial supporters, sponsors, and similar individuals or firms having a major role or interest with respect to the structure or project.

**Directional Sign:** Signs limited to directional messages, principally for pedestrian or vehicular traffic, such as "one way", "entrance", or "exit". Directory Sign. A sign for listing the tenants or occupants and their suite numbers of a building or center. Double-faced Sign. A single structure

designed with the intent of providing copy on both sides. Eaveline. The bottom of the roof eave or parapet.

**Entryway Sign:** A sign which is placed on the perimeter of a recorded subdivision, townhouse project, commercial district, master planned community, hotel, motel, or guest ranch at a major street or driveway entrance to identify the name of the interior project. Such signs may flank both sides of the entrance and may include monument or landscape wall sign types.

**Fascia Sign:** A sign placed on a parapet type wall used as part of the face of a flat roofed building and projecting not more than one foot from the building face and may be incorporated as an architectural element of the building.

**Freestanding Sign:** Any sign which is supported by structures or supports that are placed on, or anchored in the ground which are independent from any building, such as a pole and monument signs.

**Future Tenant Identification Sign:** A temporary sign which identifies a future use of a site or building.

**Grand Opening:** A promotional activity used by newly established businesses, within 2 months after occupancy, to inform the public of their location and service available to the community. Grand Opening does not mean an annual or occasional promotion of retail sales or activity by a business.

**Height of Sign:** The greatest vertical distance measured from the immediate adjacent roadway grade level or existing grade, to the highest element of the sign structure

**Holiday Decoration Sign:** Temporary signs, in the nature of decorations, clearly incidental to and customarily associated with holidays.

**Illegal Sign.** Any sign erected without first obtaining a sign permit, or a sign. for which the permit has expired or been revoked.

**Illuminated Sign:** A sign with an artificial light source for the purpose of lighting the sign.  
**Institutional Sign.** A sign identifying the premises of a church, school, hospital rest home, or similar institutional facility.

**Kiosk.** An off-premise sign used for directing people to the sales office or models of a residential subdivision project

**Logo:** An established identifying symbol or mark associated with a business or business entity.

**Logo Sign:** An established trademark or symbol identifying the use of a building.

**Model Home.** A single family residential structure when used as a temporary sales office and model home for the sale of construction services to build single family residential units on vacant lots.

**Monument Sign:** An independent structure supported from grade to the bottom of the sign with the appearance of having a solid base.

**Moving Sign:** Animated signs or signs which contain any moving elements as part of the structure but does not include reflective, shimmering devices.

**Nonconforming Sign:** A legally established sign which fails to conform to the regulations of this Chapter.

**Off-Site Sign:** Any sign which advertises or informs in any manner businesses, services, goods, persons, or events at some location other than that upon which the sign is located.

**Open House Sign:** A temporary sign posted to indicate a salesperson is available to represent the property subject to sale, lease, or rent.

**Outdoor Advertising Sign Structure (Billboards):** A sign, display, or devise affixed to the ground or attached to or painted or posted onto any part of a building or similar permanent structure, used for the display of an advertisement to the general public.

**Pole/Pylon Sign:** A two-sided sign with an overall height as allowed by Code and having one or more supports permanently attached directly into or upon the ground with the lower edge of the sign face to be at least seven feet above grade or four feet above grade if the sign is located within a street landscape setback.

**Political Sign:** A temporary sign directly associated with national, state, county or local elections.

**Portable Sign.** A sign that is not permanently affixed to a structure or the ground, not including A-frame signs.

**Projecting Sign:** A sign other than a wall sign suspended from, or supported by, a building or structure and projecting outward.

**Promotional Sign:** A sign erected on a temporary basis to promote the sale of new products, new management, new hours of operation, a new service, or to promote a special sale.

**Real Estate Sign:** An on-site sign pertaining to the sale or lease of the premises.

**Roof Sign:** A sign erected, constructed, or placed upon or over a roof of a building, including a mansard roof and which is wholly or partly supported by such buildings.

**Shingle Sign (Canopy Sign).** A sign suspended from a roof overhang of a covered porch or walkway that identifies the tenant of the adjoining space.

**Sign:** Any structure, housing, device, figure, statuary, painting, display, message placard, or other contrivance, or any part thereof, which is designed, constructed, created, engineered, intended, or used to advertise, or to provide data or information in the nature of advertising, for any of the following purpose: to designate, identify, or indicate the name of the business of the owner or occupant of the premises upon which the advertising display is located; or, to advertise the business conducted, services available or rendered, or the goods produced, sold, or available for sale, upon the property where the advertising display is erected.

**Sign Area:** The entire face of a sign, including any framing, projections, or molding, but not including the support structure. Individual channel-type letters mounted on a building shall be measured by the area enclosed by straight lines not to exceed ten sides, containing words, letters, figures, or symbols, together with any frame or material forming an integral part of the display but excluding support structures.

**Sign Program:** A coordinated program of one or more signs for an individual building or building complexes with multiple tenants.

**Special Event:** An event such as sales, grand openings, going out of business, or other promotional events that are not part of typical business, cultural, or civic activity.

**Temporary Sign:** A sign intended to be displayed for a limited period of time.

**Tract:** A residential subdivision of contiguous lots within a recorded tract where five or more lots are concurrently undergoing construction.

**Trademark:** A word or name which, with a distinctive type or letter style, is associated with a business or business entity in the conduct of business.

**Two-sided Sign:** Means a freestanding sign where two identical sign faces are placed back to back on the same structure. Any other configuration is considered to be a sign with more than two faces except as allowed by the freestanding sign standards.

**Vehicle Sign:** A sign which is attached to or painted on a vehicle which is parked on or adjacent to any property, the principal purpose of which is to attract attention to a product sold or an activity or business located on such property.

**Wall Sign:** A sign painted on or fastened to a wall and which does not project more than 12 inches from the building or structure.

**Window Sign:** Any sign that is applied or attached to a window so that it can be seen from the exterior of the structure.

**Single Room Occupancy:** A multiple-tenant building that houses one or two people in individual rooms (sometimes two rooms, or two rooms with a bathroom or half bathroom), or to the single room dwelling itself. SRO tenants typically share bathrooms and/or kitchens, while some SRO rooms may include kitchenettes, bathrooms, or half-baths.

**Site:** A parcel of land or contiguous parcels where land alterations or activities, including grading, clearing or construction are performed or proposed.

**Site Plan:** The development plan for one or more lots on which is shown the existing and proposed condition of the lot, including any information that may be required for an informed decision to be made by the Approval Authority.

**Site Plan Review:** A review process conducted in accordance with Division 3, Chapter 3 of this Title.

**Slope:** The land gradient described as the vertical rise divided by the horizontal run, and expressed in terms of percent.

**Social Care Facility:** Any facility in the general classification of boarding home for aged persons, boarding home for children, day care home for children, day nursery, nursing home or parent child boarding home. These facilities consist of a building or group of buildings used or designed for the housing of sick, demented, injured, convalescent, infirm, or well, normal healthy persons, requiring licensing or certification by regulating government agencies. This definition shall not include use of a part of any single or multiple dwelling, hotel, apartment, or motel not ordinarily intended to be occupied by these persons unless so licensed or certified by the governmental agency concerned with the administration of each specific classification.

**Solar Access:** the provision of direct sunlight to an area specified for solar energy collection when the sun's azimuth is within forty-five (45) degrees of true south.

**Solar Energy System:** Any solar collector solar device, or structural design feature of a building whose primary purpose is to provide for the collection, storage, and distribution of solar energy for space heating or cooling; for domestic, recreational, therapeutic, or service water heating; for the generation of electricity; for the production of process heat; and for the production of mechanical work. Solar energy systems include passive thermal systems, semipassive thermal systems, active thermal systems and photovoltaic systems. This category does not include parabolic mirror and devices of a similar nature.

**Solar Facilities:** The airspace over a parcel that provides access for a solar energy system to absorb energy from the sun.

**Solar System, Active:** A system that uses a mechanical device, such as pumps or fans run by electricity in addition to solar energy, to transport air or water between a solar collector and the interior of a building for heating or cooling.

**Solar System, Passive:** A system that distributes collected heat via direct transfer from a thermal storage medium rather than mechanical power. Passive systems rely on building design and materials to collect and store heat and to create natural ventilation for cooling.

**Soliciting:** The act of asking or inviting person to pay money in return for merchandise or services to be delivered in the future or asking for charitable donations.

**Solicitor:** A person who engages in soliciting.

**Specific Plan:** A detailed plan that includes the text and maps or diagrams that specifically follow a portion of the area covered by the General Plan:

- A. Land use;
- B. Distribution, location, and extent and intensity of major components of public and private transportation, sewage, water, drainage, solid-waste disposal, energy, and other public facilities and services;
- C. Standards and criteria by which development will proceed; and
- D. The relationship of the Specific Plan to the adopted General Plan.

**Speculative Building:** A permanent structure for which the specific use or uses are not known at the time application is made for building permits.

**Sports or Entertainment Assembly.** A large-scale indoor or outdoor facility accommodating spectator-oriented sports, concerts, and other entertainment activities. Examples of this land use include amphitheatres, race tracks, rodeo arenas, stadiums and coliseums. May also include commercial facilities customarily associated with the above uses, including bars and restaurants, gift shops, video game arcades, etc.

**Sports and Recreation Facility:** See “Sports or Entertainment Assembly.”

**Square:** A public open space in a developed area.

**Stable, Commercial:** A structure for the keeping of horses, mules or ponies which are boarded for compensation.

**Stable, Private:** An accessory structure for the keeping of horses or ponies for the use of occupants of the premises.

**Staff:** The staff of the various departments or divisions of the Town of Yucca Valley.

**Standard:**

- A. A rule or measurement establishing a level of quality or quantity that must be complied with or satisfied. Examples of standards might include the number of acres of park land per 1,000 population that the community will attempt to acquire and improve, or the planned traffic level of service (LOS).
- B. Requirements in a zoning ordinance that govern building and development as distinguished from use restrictions; for example, site design regulations such as minimum lot area, height limit, frontage, landscaping and floor area ratio.

**Storage:** A space or place where goods, materials and/or personal property is put for more than twenty-four (24) hours.

**Story:** That portion of a building included between the upper surface of any floor and the upper surface of the floor next above, except that the topmost story shall be that portion of a building included between the upper surface of the topmost floor and the ceiling or roof above. If the finished floor level directly above a usable or unused under floor space is more than six feet above grade as defined herein for more than 50 percent of the total perimeter or is more than 12 feet above grade as defined herein at any point, such usable or unused under-floor space shall be considered as a story.

**Story, First:** The lowest story in a building which qualifies as a story, as defined herein, except that a floor level in a building having only one floor level shall be classified as a first story, provided such floor level is not more than four feet below grade, as defined herein, for more than 50 percent of the total perimeter, or not more than eight feet below grade, as defined herein, at any point.

**Street:** Any thoroughfare or public way not less than 16 feet in width which has been dedicated or deeded to the public for public use.

**Street Furniture:** Man-made above-ground items that are usually found in street rights-of-way, including benches, kiosks, plants, canopies, shelters and phone booths.



**Street Hardware:** Mechanical and utility systems within a street right-of-way such as hydrants, manhole covers, traffic lights and signs, utility poles and lines, parking meters and the like.

**Street, Private:** A street that has not been accepted by the Town or other governmental agency.

**Streetscape:** An urban design component that concentrates on making the road system and road environment useful as a instrument in understanding and organizing the urban development. It may be defined as the sensitive placement of landscaping, signage, lighting and street furniture. Views, driver orientation, meaningful visual sequences, and the design of compatible land use edge conditions are essential objectives of a streetscape system. The primary objective of a streetscape system is to design the major streets with a consistent landscape pattern and appropriate scale to distinguish them from the lesser streets and provide strong visual orientation for the driver.

**Strip Development:** Commercial or retail development, usually one store deep, that fronts a street.

**Structure:** That which is built or constructed, an edifice or building of any kind, or any piece of work artificially built up or composed of parts joined together in some definite manner. (By this definition all buildings are structures, however, not all structures are buildings.)

**Subdivision:** The division, by any subdivider, of any unit or units of improved or unimproved land, or any portion of land thereof, shown on the latest equalized County assessment roll as a unit or as contiguous units, for the purpose of sale, lease or financing, whether immediate or future, except for leases of agricultural land for agricultural purposes (i.e., the cultivation of food or fiber or the grazing or pasturing of livestock). Property shall be considered as contiguous units even if it separated by roads, streets, utility easement or railroad rights of way. "Subdivision" includes a condominium project, as defined in Section 1350 of the Civil Code, or a community apartment project, as defined in Section 11004 of the California Business and Professions Code or the conversion of five or more existing dwelling units to a stock cooperative, as defined in Section 11003.2 of the California Business and Professions Code. A conveyance of land to or from a governmental agency, public entity, public utility, common carrier or subsidiary of a public utility for conveyance to the public utility for rights of way shall not be considered a division of land for the purpose of computing the number of parcels.

**Substandard Housing Unit:** A dwelling unit which is either dilapidated or unsafe or does not have adequate plumbing or heating facilities, thus endangering the health or safety of the occupant.

**Substantial Damage:** Damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed seventy-five (75) percent of the market value of the structure before the damage occurred.

**Substantial Improvement:** Any reconstruction, rehabilitation, addition, or other proposed new development of a structure the cost of which equals or exceeds XXX% of the market value before the start of construction of the improvement. This term includes structures which have incurred "substantial damage" regardless of the actual work performed.

**Supportive Housing:** Housing with no limit on length of stay that is occupied by a target population defined as having low incomes and one or more disabilities, including mental illness, HIV or AIDS, substance abuse, or other chronic health conditions, or individuals eligible for services provided under the Lanterman Development Disabilities Services Act ( Division 4.5, commencing with Section 4500 of

California Welfare and institutions Code.) Target populations may included but are not limited to adults, emancipated youth, families, families with children, elderly persons, young adults aging out of the foster care system, individuals exiting from institutional settings, veterans, and homeless people. As defined in this Development Code, sexual offenders, parolees, or persons on probation are not permitted to be housed in supportive housing facilities. Supportive housing is linked to onsite or offsite services that assist the supportive housing resident in retaining the housing, improving his or her health status, and maximizing his or her ability to live, and when possible, work in the community. See also Emergency Shelter, Single Room Occupancy, Transitional Housing.

**Swap Meets:** Any indoor or outdoor place, location, or activity where new or used goods or secondhand personal property is offered for sale or exchange to the general public by a multitude of individual, licensed vendors usually in compartmentalized spaces. A fee may be charged to prospective buyers for admission, or a fee may be charged for the privilege of offering or displaying such merchandise. The term swap meet is interchangeable with and applicable to: flea markets, auctions, open air markets, farmers markets, or other similarly named or labeled activities, but the term does not include the usual supermarkets or department store retail operations.

**Swimming Pools, Hot Tubs and Spas:** Any constructed or prefabricated water-filled vessel which is not drained, cleaned, or refilled for each individual, and is used for swimming, soaking, or recreation.

#### 9.99.210 – “T” Definitions

**Take-Out Services:** See “Eating and Drinking Establishments”.

**Temporary Use:** A use established for a specified period of time, with the intent to discontinue the use at the end of the designated time period.

**Tentative Map:** A map made for the purpose of showing the design and improvements of the proposed subdivision, to include the street pattern, lot layout, easements that are to remain, and existing and proposed subdivision. The Tentative Map need not be based upon an accurate or detailed final survey of the property. See also “Vesting Tentative Map.”

**Terrace:** A level, landscaped and/or surfaced area, also referred to as a patio, directly adjacent to a primary building and not covered by a permanent roof.

**Thrift Store:** See “Secondhand Store”.

**Topography:** Configuration of the surface of land, including its relief and the position of natural and man-made features

**Town:** The Town of Yucca Valley

**Townhouse; Townhome:** An attached single family dwelling in which each unit has its own front and rear access to the outside, no unit is located over another unit, and each unit is separated from any other unit by one or more common and fire-resistant walls. Townhouses usually have separate utilities; however, in some condominium situations, common areas are serviced by utilities purchased by a homeowners' association on behalf of all members of the association.

**Town of Yucca Valley General Plan:** The long range and comprehensive plan for the orderly growth and development of Yucca Valley, including text, maps, and amendments, adopted by the Town Council in accordance with the laws of the State of California. Also referred to as the “General Plan.”

**Transfer Station:** A collection and transportation facility used by persons and route collection vehicle to deposit collected solid waste from off-site into a larger transfer vehicle for transport to a solid waste handling facility. Transfer station may also include recycling facility.

**Transient Basis:** A continuous period of two (2) weeks or less.

**Transit:** The conveyance of persons or goods from one place to another by means of a local, public transportation system.

**Transit, Public:** A system of regularly-scheduled buses and/or trains available to the public on a fee-per-ride basis. Also called mass transit.

**Transitional Housing:** Shelter provided to the homeless for an extended period, often as long as 18 months, and generally integrated with other social services and counseling programs to assist in the transition to self-sufficiency.

**Transportation Demand Management:** A strategy for reducing demand on the road system by reducing the number of vehicles using the roadways and/or increasing the number of persons per vehicle. TDM attempts to reduce the number of persons who drive alone on the roadway during the commute period and to increase the number in carpools, vanpools, buses, trains, walking and biking.

**Travel Services:** Office establishments providing travel information and reservations to individuals and businesses.

**Trellis:** An open framework or lattice used for training vines and climbing plants.

**Trip:** A one-way journey that proceeds from an origin to a destination via a single mode of transportation; the smallest unit of movement considered in transportation studies. Each trip has one production end (or origin, often from home, but not always) and one attraction end (destination).

**Truck Depot:** A facility for the temporary storage, servicing, or maintenance of trucks or buses. Truck depots may include fueling facilities, traffic routing office, restaurants, wash racks, minor facilities and related business offices and motels.

**Truck Parking Permit:** The Commercial Vehicle Parking Permit issued by the Town of Yucca Valley.

**Truck Terminal:** An area and building where trucks load and unload cargo and freight and where the cargo and freight may be aggregated into smaller or larger loads for transfer to other vehicles or modes of transportation.

**Truck Tractor:** A motor vehicle designed and used primarily for drawing another vehicle and not so constructed as to carry a load other than a part of the weight of the vehicle and load so drawn. As used in this section “load” does not include items carried on the truck tractor in conjunction with the operation of the vehicle if the load carrying space for these items do not exceed 34 square feet.

**Truck Yard:** A facility used exclusively for breaking-down and assembling tractor-trailer transport, or for parking of heavy vehicles for short periods of time. Truck yard does not include facilities for the loading and unloading of materials being transported.

### 9.99.220 – “U” Definitions

**Undevelopable:** Specific areas where topographic, geologic, and/or surface soil conditions indicate a significant danger to future occupants and a liability to the Town are designated as undevelopable by the Town.

**Urban Design:** The attempt to give form, in terms of both beauty and function, to selected urban areas or to whole cities. Urban design is concerned with the location, mass, and design of various urban components and combines elements of urban planning architecture and landscape architecture.

**Use:** The purpose for which a lot or structure is or may be leased, occupied, maintained, arranged, designed, intended, constructed, erected, moved, altered and/or enlarged in accordance with this Development Code.

**Use Initiation:** The implementation of a use on a parcel or occupancy of a structure, or construction of substantial site improvements after a building permit has been issued, subject to determination by the Director.

**Use, Primary:** the principal or predominant use of any lot or parcel.

**Usable Common Open Space:** Areas that are readily accessible, practical and generally acceptable for active and/or passive recreational use. Usable common open space shall be devoted primarily to active recreational opportunities (i.e pool, court games, wading pools, barbecue area, or other recreational facilities, for the common use of all residents.

#### Utilities:

- A. **Major:** Generating plants, electrical substations, above-ground electrical transmission lines, microwave or cellular antennas, water reservoirs, flood control or drainage facilities, water or wastewater treatment plants, transportation facilities, and similar facilities of public agencies or public utilities.
- B. **Minor:** Utility facilities that are necessary to support legally established uses and involve only minor structures such as electrical distribution line and underground water and sewer lines.

### 9.99.230 – “V” Definitions

**Variance:** A deviation from any provision of the zoning requirements except for a land use activity, for a specific parcel without changing the zoning ordinance or the underlying zoning of the parcel. A variance usually is granted only upon demonstration of hardship based on the peculiarity of the property in relation to other properties in the same zoning district.

**Vehicle:** A device by which any person or property may be propelled, moved, or drawn upon a highway, excepting a device moved exclusively by human power or used exclusively upon stationary rails or tracks. Trailers, semi trailers, and truck tractors are considered vehicles.

**View Corridor:** The line of sight identified as to height, width and distance of an observer looking toward an object of significance to the community (e.g., ridgeline, river, historic building, etc.); the route that directs the viewer's attention.

**Viewshed:** The area within view from a defined observation point.

**Violations:** The failure of a structure or other development to be fully compliant with this Code. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in this code is presumed to be in violation until such time as that documentation is provided.

#### 9.99.240 – “W” Definitions

**Wall:** The vertical exterior surface of a building; Vertical interior surfaces that divide a buildings space into rooms.

#### **Warehousing and Storage Facility:**

- A. **Limited:** A building or group of buildings in a controlled access compound that contains individual compartmentalized stalls which are rented or leased for the storage of customer goods or wares, and which may include an on-site manager's quarters, but excludes “warehousing and storage, wholesale distribution.” Limited warehousing and storage shall also mean “Mini-warehousing.”
- B. **Wholesale Distribution:** A building or group of buildings used for storage and distribution of wholesale goods without direct public access.

Warehousing and storage does not include direct sales, offices, manufacturing, and assembly of goods or animal storage.

**Watercourse:** A lake, river, creek, stream, wash, arroyo, channel or other topographic feature on or over which waters flow at least periodically. Watercourse includes specifically designated ares in which substantial flood damage may occur.

**Wetland:** An area that is inundated or saturated by surface water or groundwater at a frequency and duration sufficient to support, and that, under normal circumstances, does support, a prevalence of vegetation typically adapted for like in saturated soil conditions, commonly known as hydrophytic vegetation.

**Wheel Stops:** Permanent devices that block the front wheels of a vehicle in a parking stall.

**Wholesale for Retail Sales:** The exchange of goods not intended for direct sale to the public but intended for future distribution and resale for financial or other consideration.

**Wildlands:** Any area of land that is essentially unimproved, in a natural state of hydrology, vegetation and animal life, and not under cultivation.

**Wind Energy System:** A system that utilizes wind energy to pump a fluid or gas, or to drive a mechanical device to generate electricity. Related wind energy terms are defined as follows:

- A. **Accessory Wind Energy System:** A wind energy conversion system consisting of a wind turbine and blades, a tower, and associated control or conversion electronics, which will be used primarily to reduce onsite consumption of utility power.
- B. **System Height:** The combined height of the tower, the turbine and any blade when at the 12 o'clock position.

**Wireless Communication:** A broad range of telecommunication services that enable people and devices to communicate independent of location. This includes the current technologies of cellular communications and personal communications services. This excludes noncommercial antennas, radio, and television signals, and noncommercial satellite dishes. Related wireless communication terms are defined as follows:

**Antenna:** An antenna is any system of dishes, panels, poles, reflecting disks, rods, and wire or similar devices used for the transmission or reception of electromagnetic signals.

**Antenna Height:** The overall vertical distance from the base or pad to the highest point of the antenna mounted on its support structure.

**Antenna Structure:** An antenna structure is any structure, including mast, pole, or tower, whether ground mounted or mounted on another structure that supports an antenna or an array of antennas. The height of an antenna structure is measured to the highest point of any antenna mounted upon it or to any higher point of the antenna structure.

**Cell Site:** A cell site is a parcel of land that contains a Wireless Communication Facility/ies (WCFs).

**Co-Location:** Co-location is the placement of two or more WCF on the same site, building, or structure where each facility is operated by a different carrier, operator, or owner.

**Lattice Tower:** A guyed or self-supporting, three or four sided, open frame structure used to support telecommunications equipment.

**Monopole.** A monopole is a freestanding antenna structure with antennas attached to it that consists of a single shaft, including stealth designs (e.g., flag poles, monopalms, monopines) and has a single continuous footing designed to be self-supporting without the use of any guy wires.

**Mount:** A mount is the structure or surface upon which antennas are mounted. There are two types of mounts: (1) Ground mounted – mounted on the ground, including but not limited to, monopoles, and (2) structure mounted – mounted to the façade or roof of an existing structure.

**Stealth and Stealthing:** Stealth and stealthing is a WCF that is: (1) not easily identifiable as a WCF by a casual observer, and (2) aesthetically compatible and blends with the cell site and immediate surroundings. Stealthing may be achieved by any means or combination of means including, but not limited to, the use of camouflage, painting, screening, textures, or architectural integration with the surroundings (e.g., a bell tower within a church or a church steeple, an

unobtrusive penthouse on a roof, false structure integrated into the design of existing site or structure, false rock, or false tree amongst existing or new vegetation).

**WCF Support Facilities:** WCF support facilities are any enclosed box, cabinet, shed, or structure located on the cell site which houses, among other things, batteries, electrical, or other equipment necessary for the operation of the WCF. This shall apply to any associated structures deemed necessary for the operation of the WCF.

**Wireless Communication Facility/ies (WCFs):** Wireless Communication Facility/ties (WCF/s) are any co-located, ground-mounted, roof-mounted, or stealth device or system used for transmitting and/or receiving electromagnetic signals, including, but not limited to, microwaves and radio waves for cellular technology, data transmission, e-mail, mobile services, paging systems, personal communications services, and related technologies. A WCF includes antennas, antenna structures, microwave dishes, parabolic structures; WCF support facilities that house support equipment; and other accessory development, equipment, improvements, and structures used to support the operation of the WCF.

**Wireless Communication Facilities – Height:** The height of wireless communication towers or poles shall be measured from natural, undisturbed ground surface below the center of the tower or pole to the top of the highest antenna or piece of equipment attached thereof. In the case of building mounted facilities, the height shall include the height of the portion of the building on which it is mounted.

**Whip Antennas:** An omni directional antenna that is very thin, less than two inches in diameter, and not exceeding 18 feet in height.

#### **9.99.250 – “Y” Definitions**

**Yard:** An open space on a parcel of land, other than a court, unobstructed and unoccupied from the ground upward, except for projections permitted by this Development Code.

**Yard, Front (Setback):** An area extending across the full width of the lot between the front lot line or the existing or future street right-of-way and the front structural setback line.

**Yard, Rear (Setback):** An area extending across the full width of the lot between the rear lot line and the rear structural setback line.

**Yard, Side or Street Side (Setback):** An area bounded by the front and rear structural setback lines, the side lot lines or street right-of-way, and the side or street side structural setback line.

#### **9.99.260 – “Z” Definitions**

**Zero Lot Line:** The location of a structure on a lot in such a manner that one or more of the structure's sides rest directly on a lot line.

**Zoning:** The division of the Town by legislative regulation into areas, districts or zones, which specify allowable uses for real property and size restrictions for structures within these areas; a program that implements the policies of the General Plan.

**Zoning District:** A designated section of the Town for which prescribed land use requirements and building and development standards are uniform.

**Zoning, Exclusivity:** Development regulations that result in the exclusion of low and moderate income families from a community.

**Zoning, Inclusiveness:** Regulations which increase housing choice by providing the opportunity to construct more affordable, diverse, and economical housing to meet the needs of low and moderate income families.”

**Zoning Map:** The map or maps that are a part of the zoning ordinance that delineate the boundaries of the zoning districts.

**Section 2: Repeal of County Code as Adopted and Amended by the Town:** The Town Council hereby repeals Section 812.01005 Chapters 1 thru 27, Division 12, Title 8 of the Yucca Valley Development Code.

**Section 3. Severability:** If any provision of this Ordinance or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of this Ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this Ordinance are severable. The Town Council hereby declares that it would have adopted this Ordinance irrespective of the invalidity of any particular portion thereof.

**Section 4. Certification; Publication:** The Town Clerk shall certify to the adoption of this Ordinance and cause it, or a summary of it, to be published once within 15 days of adoption in a newspaper of general circulation printed and published within the Town of Yucca Valley, and shall post a certified copy of this Ordinance, including the vote for and against the same, in the Office of the Town Clerk in accordance with Government Code § 36933.

**Section 5. Effective Date:** This Ordinance shall become effective thirty (30) days from its adoption.

**APPROVED AND ADOPTED** this \_\_\_\_ day of \_\_\_\_\_, 2014.

\_\_\_\_\_  
MAYOR

APPROVED AS TO FORM:

\_\_\_\_\_  
TOWN ATTORNEY

ATTEST:



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TOWN CLERK



**Summary Report Memorandum**  
**Attachment A: Draft Guiding Principles, Issues and Intent**  
Development Code Update- Phase I Analysis  
Town of Yucca Valley  
*(Approved by the Town Council on September 6, 2011)*

The Development Code Update Draft Guiding Principles were developed based upon review of the General Plan and Development Code, interviews with stakeholders, discussions with Town Staff, responses to the Community Survey, and a joint Town Council / Planning Commission workshop. The Guiding Principles are intended to be a guide for the Development Code Update. As the code is revised and updated, the project team will refer to the Guiding Principles to draft purpose and intent statements for standards within the Code.

The Guiding Principles are intended to be adopted by the Town Council on a conceptual basis, to provide direction for the Development Code Update team. Modifications to the guiding principles by the Town Council are encouraged and recommended as the intent of this document is to reflect the direction of the Town Council.

The Guiding Principles are further defined and expanded in the Issues and Objectives outline in the body of this document.

**Development Code Update Guiding Principles**

1. Clear, specific standards with minimum of interpretation required. The Development Code shall be straightforward, clear and easy to use for decision-makers, Town staff, developers, property owners and residents, with specific standards and a minimum of interpretation required.
2. Appropriate infrastructure. The Development Code shall require appropriate infrastructure to be provided for new development, but shall provide allowances for infill development. Infrastructure requirements shall be related to the density and intensity of the zoning designation, in a form similar to the San Bernardino County requirements.
3. Enabling the Economic Hub. Development and design standards shall provide for a balance of uses to meet the social and economic needs of the community and the Morongo basin, with higher intensity uses to address retail, commercial, employment, and housing opportunities concentrated along the Highway 62 corridor and surrounding area.
4. Reinforcing the Desert character. For the lower density residential areas of the Town, desert character consists primarily of greater openness and less urban lifestyle. Development standards shall provide greater setbacks for both primary and accessory structures, lower lot coverage, less infrastructure requirements, more animal uses, larger accessory structures, and a broader array of home occupations and businesses to be operated within residential areas. Desert vegetation shall not be cleared until properties are to be developed and clearing only necessary land for structures and specific uses is encouraged. Incorporation of native desert plants shall be encouraged through the development of landscape requirements for residential development and through the use of clustering to promote undisturbed native desert areas.

Page 1



**Summary Report Memorandum - Attachment A**  
**Draft Guiding Principles, Issues and Intent**  
*(Approved by the Town Council on September 6, 2011)*

The Issues and Objectives outlined in the following table further elaborate the Guiding Principles.

1. **Guiding Principle:** Clear, specific standards with minimum of interpretation required. The Development Code shall be straightforward, clear and easy to use for decision-makers, Town staff, developers, property owners and residents, with specific standards and a minimum of interpretation required.

Issue	Objective
A) Interpretations of code sections	<ul style="list-style-type: none"> <li>▪ Include specific, quantifiable requirements and standards</li> <li>▪ Use language that is clear and concise</li> <li>▪ Avoid need for interpretations, or subjective criteria</li> <li>▪ Provide visual aids where feasible</li> </ul>
B) Enforceable code	<ul style="list-style-type: none"> <li>▪ "Shall" will be used instead of "encourage" or "should"</li> <li>▪ Provide specific standards and requirements to measure compliance against</li> </ul>
C) Ease of Use	<ul style="list-style-type: none"> <li>▪ Format and language shall be consistent throughout Development Code</li> <li>▪ Tables will be used as often as possible, with text accompanying to provide further detail</li> <li>▪ Include specific references to relevant sections for common standards</li> <li>▪ Provide clear administration standards to streamline development review process</li> <li>▪ A detailed Table of Contents will be included</li> <li>▪ Eliminate information applicable to County areas and not Town</li> </ul>
D) Smaller Code	<ul style="list-style-type: none"> <li>▪ Avoid repetition of standards</li> </ul>



**Summary Report Memorandum - Attachment A**  
**Draft Guiding Principles, Issues and Intent**  
*(Approved by the Town Council on September 6, 2011)*

Issue	Objective
	<ul style="list-style-type: none"> <li>▪ Consolidate standards and requirements of a particular type in one section, for example parking, landscaping, signs and grading</li> </ul>
E) Update for consistency with state law	<ul style="list-style-type: none"> <li>▪ Sections such as water management, transitional housing, and emergency shelters will be updated to comply with state law</li> </ul>

2. **Guiding Principle: Appropriate infrastructure.** The Development Code shall require appropriate infrastructure to be provided for new development, but shall provide allowances for infill development. Infrastructure requirements shall be related to the density and intensity of the zoning designation in a form similar to the San Bernardino County requirements.

Issue	Objective
A) Roadway improvements	<ul style="list-style-type: none"> <li>▪ Incorporate graduated improvement levels, related to density and intensity of development (see attached example from County of San Bernardino). Specifics will be determined with the drafting of the Development Code, and subsequent Town Council review and approval               <ul style="list-style-type: none"> <li>○ Paved roads for new tracts (not including parcel maps), commercial and industrial development to reduce dust and maintain air quality</li> <li>○ Roadway sections in residential areas related to density</li> <li>○ Curb and gutter/drainage improvements related to need and density and intensity of development</li> <li>○ Sidewalks along highways and arterial roads</li> </ul> </li> </ul>



**Summary Report Memorandum - Attachment A**  
**Draft Guiding Principles, Issues and Intent**  
*(Approved by the Town Council on September 6, 2011)*

	<ul style="list-style-type: none"><li>o Sidewalks in commercial areas</li><li>o Sidewalks/paths/trails in residential areas related to density of development</li><li>o Street lights related to density and traffic safety</li><li>▪ Provide exceptions for infill development (where 75% or more of block already developed)</li><li>▪ Driveway improvements related to roadway improvements</li></ul>
B) Drainage impacts	<ul style="list-style-type: none"><li>▪ Protect drainage courses</li><li>▪ Preserve drainage courses in natural state to extent feasible</li><li>▪ Require new tracts, commercial and industrial development to address impacts to storm drainage, both on- and off-site</li><li>▪ All development provide for on-site detention of storm flows</li></ul>
C) Infill development	<ul style="list-style-type: none"><li>▪ Provide exceptions for infill development (where 75% or more of block already developed)</li></ul>



**Summary Report Memorandum - Attachment A**  
**Draft Guiding Principles, Issues and Intent**  
*(Approved by the Town Council on September 6, 2011)*

3. **Guiding Principle:** Enabling the Economic Hub. Development and design standards shall provide for a balance of uses to meet the social and economic needs of the community and the Morongo basin, with higher intensity uses to address retail, commercial, employment, and housing opportunities concentrated along the Highway 62 corridor and surrounding area

Issue	Objective
A) Development and design standards	<ul style="list-style-type: none"> <li>▪ Prepare design standards for subdivisions</li> <li>▪ Prepare industrial development and design standards</li> <li>▪ Provide design standards to encourage integrated development, rather than the 'strip-mall' look along Highway 62; review Sign Code for enhancement opportunity(s)</li> <li>▪ Provide standards and requirements for Mixed Use developments</li> <li>▪ Identify overlay zones and standards to identify hazard areas in the Town (flood hazard zones, fault zones, airport safety zones)</li> <li>▪ Reduce required parking requirements in non-residential areas to better reflect actual need</li> </ul>
B) Poorly kept properties/ blighted areas	<ul style="list-style-type: none"> <li>▪ Provide specific standards for Code Enforcement to rely upon in enforcing the Development Code</li> <li>▪ Maintain consistent standards to extent feasible</li> </ul>
C) Quality of development and small town atmosphere	<ul style="list-style-type: none"> <li>▪ Reduce conflicts between land uses through buffers, especially between low-density residential and commercial and industrial uses</li> <li>▪ Provide regulations for big-box commercial uses</li> <li>▪ Provide specific regulations regarding walls and fences</li> </ul>



**Summary Report Memorandum - Attachment A**  
**Draft Guiding Principles, Issues and Intent**

*(Approved by the Town Council on September 6, 2011)*

4. **Guiding Principle: Reinforcing the Desert character.** For the lower density residential areas of the Town, desert character consists primarily of greater openness and less urban lifestyle. Development standards shall provide greater setbacks for both primary and accessory structures, lower lot coverage, less infrastructure requirements, more animal uses, larger accessory structures, and a broader array of home occupations and businesses to be operated within residential areas. Desert vegetation shall not be cleared until properties are to be developed and clearing only necessary land for structures and specific uses is encouraged. Incorporation of native desert plants shall be encouraged through the development of landscape requirements for residential development and through the use of clustering to promote undisturbed native desert areas.

Issue	Objective
A) Promoting the Desert Character appearance	<ul style="list-style-type: none"> <li>▪ Develop landscape requirements for commercial, industrial, and tract residential development mandating use of native desert plants;</li> <li>▪ Encourage clustered development through the implementation of incentives to promote set aside of undisturbed native desert areas;</li> <li>▪ Establish an Open Space fee program in lieu of property dedication in areas slated primarily for residential development</li> <li>▪ Repeal existing Native Plant Ordinance with the establishment of these programs</li> </ul>
B) Night Sky	<ul style="list-style-type: none"> <li>▪ Outdoor lighting should be oriented downward and away from adjacent properties or shielded so that light does not shine up into the sky or onto adjacent properties;</li> <li>▪ Use of motion sensors / time-of-day controls to reduce lighting impacts in retail areas;</li> <li>▪ Improve enforcement capabilities to improve compliance with existing regulations</li> </ul>
C) Hillside and ridgeline development	<ul style="list-style-type: none"> <li>▪ Grading on hillsides shall be contoured and blended to appear more like natural state and to avoid large, flat slopes with sharp edges</li> </ul>



**Summary Report Memorandum - Attachment A**  
**Draft Guiding Principles, Issues and Intent**

*(Approved by the Town Council on September 6, 2011)*

Issue	Objective
D) Low Density Residential Standards	<ul style="list-style-type: none"><li>▪ Development standards shall provide greater setbacks for both primary and accessory structures,</li><li>▪ Lower lot coverage, less infrastructure requirements,</li><li>▪ Allow for more animal uses, larger accessory structures, and a broader array of home occupations and businesses to be operated within residential areas</li></ul>
E) Water supply	<ul style="list-style-type: none"><li>▪ Promote water conservation strategies to reduce consumption (e.g., development and landscaping standards)</li></ul>
F) Grading and dust control	<ul style="list-style-type: none"><li>▪ Grading and clearing standards to minimize disturbance of the land prior to development</li></ul>



- 6. **Adopt**, Ordinance No. 230, Traffic Speed Surveys, Juarez Drive, Between Palomar and Joshua Lane, Retain Existing Posted Speed of 35 Miles Per Hour.

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF YUCCA VALLEY, CALIFORNIA, AMENDING TITLE 12 OF THE TOWN OF YUCCA VALLEY MUNICIPAL CODE BY AMENDING SECTION 12.20.020 ENTITLED "CHANGES IN STATE LAW SPEED LIMITS" OF CHAPTER 12.20 OF THE TOWN OF YUCCA VALLEY MUNICIPAL CODE ESTABLISHING SPEED LIMIT

- 7. **Adopt**, Ordinance No. 231, Continuing the Town of Yucca Valley Redevelopment Agency.

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF YUCCA VALLEY, CALIFORNIA, DETERMINING IT WILL COMPLY WITH THE VOLUNTARY ALTERNATIVE REDEVELOPMENT PROGRAM PURSUANT TO PART 1.9 OF DIVISION 24 OF THE CALIFORNIA HEALTH AND SAFETY CODE IN ORDER TO PERMIT THE CONTINUED EXISTENCE AND OPERATION OF THE REDEVELOPMENT AGENCY OF THE TOWN OF YUCCA VALLEY

- 8. **Ratify**, the Warrant Register total of \$743,393.31 for checks dated August 11, 2011 through August 25, 2011. Ratify Payroll Registers total of \$324,270.25 for checks dated August 3, 2011 through August 19, 2011.

Council Member Lombardo moved to adopt Consent Agenda Items 2-8. Council Member Hagerman seconded. Motion carried 5-0 on a roll call vote.

- AYES:** Council Member Abel, Hagerman, Lombardo, Rowe and Mayor Huntington.
- NOES:** None
- ABSTAIN:** None
- ABSENT:** None

**DEPARTMENT REPORTS**

- 9. **Development Code Update-Phase 1, Draft Guiding Principles, Issues and Intent**

Deputy Town Manager Stueckle gave the staff and a PowerPoint presentation showing the revisions made to the Guiding Principles after the August 23<sup>rd</sup> joint meeting with the Planning Commission.

Mayor Huntington questioned if the bullet point regarding providing regulations for big-box commercial uses means that we would ultimately be looking at abandonment of

big-box structures and how they could be used in the future. He noted he would think they would be structured in a way that they can be divided into smaller units. Deputy Town Manager Stueckle advised that has not been discussed at this point, but it may be as simple as architectural standards to break up the mass of the building, etc. Council will be going through that policy discussion process and there will be input from the public at hearings.

**Margo Sturges**, Yucca Valley, commented regarding the need to maintain the dark sky and clean air, and recommended caution regarding deleting the sign ordinance.

**Ramon Mendoza**, Yucca Valley, commented regarding the need to invite the public in to have discussions about what all of this means to them.

Council was satisfied with Guiding Principle No. 1, clear, specific standards with minimum of interpretation require.

With reference to Guiding Principle No. 2, Council Member Rowe gave an example of new construction on an industrial property on a dirt road and expressed concern regarding having to pave a small section of that road when existing businesses do not. Discussion ensued regarding various options to deal with a situation. Deputy Town Manager Stueckle commented one issue communities have to look at as new development comes in where there are infrastructure gaps, is what the traffic volumes are, etc. In many areas the Fire Department will dictate whether or not there must be paved access. Mayor Huntington commented that industrial roads need to be improved, noting that eventually something is going to have to be done to accommodate the traffic, dust problems etc.

Council Member Hagerman commented regarding an existing project on a dirt road and the issues involved. Advised that standards would apply to new development, noting that existing development vs. new development is the key distinction. Suggest these apply to new tract maps 5 or more residential lots and nonresidential development. Deputy Town Manager Stueckle commented the project that was mentioned could not be in that area if it were to be proposed today.

Town Manager Nuaimi commented regarding the discussion due to the concern of mandating pavement in general industrial areas, noting that staff is suggesting this should be the base line requirement. He questioned if it is expected that industrial and retail development have paved access.

Council Member Abel questioned the figure of 75% for the exceptions for infill development. Mr. Nelson advised that is from consultant experience, noting the code can also specify that new construction should install improvements when it is within so many feet of existing improvements. Council Member Abel recommended looking at

maybe lowering that to 70% etc. to encourage people to build in already established areas.

Council was in agreement with Guiding Principle 3, enabling the economic hub

With reference to Guiding Principle 4, reinforcing the desert character, Council Member Rowe commented there was feedback from previous projects to liberalize more animals, larger accessory structures, etc., and questioned how that would allow lower lot coverage. Deputy Town Manager Stueckle clarified that where it says lower lot coverage, it is not saying to lower the lot coverage allowed, it is stating that the larger lot sizes have a lower lot coverage.

Council Member Rowe questioned the third bullet in section A) regarding the establishment of an Open Space fee program in lieu of property dedication in areas slated primarily for residential development, noting she would be in favor of the fee for tract development, but not for infill. Town Manager Nuaimi commented that staff has heard that the Town's infrastructure needs are prohibitive etc. and is trying to come up with strategies to allow developers and property owners the ability to develop their parcels. He questioned if there is Council support for that item if it refers to tract maps. Council agreed. Mayor Huntington commented he would think that would also apply to parcel maps with larger lots of 2 1/2 acres or more.

Council Member Hagerman commented regarding the polling during the joint meeting and his answer of "strongly disagree" to question 28 "retail lighting should be controlled to automatically reduce to security lighting only when past the operating hours" noting he feels there should be the lowest amount of light possible that will still provide for security of employees.

Council Member Rowe moved to approve and adopt the Development Code Guiding Principles, Issues and Intent. Council Member Hagerman seconded. Motion carried 5-0 on a voice vote.

## POLICY DISCUSSION

## FUTURE AGENDA ITEMS

Council Member Hagerman requested an update from the CEO of the Hi Desert Medical Center district on quarterly basis. Council agreed.

## PUBLIC COMMENT

Margo Sturges, Yucca Valley, requested that the Council consider taping the Planning Commission meetings during the upcoming discussions of the Development Code.

**TOWN OF YUCCA VALLEY  
PLANNING COMMISSION MEETING MINUTES  
October 14, 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 Bridenstine moved to approve the agenda. Commissioner Whitten seconded, and the motion passed unanimously.

Chair Humphreville opened the floor to public comments.

**PUBLIC COMMENTS**

None

**CLOSE PUBLIC COMMENTS**

**PUBLIC HEARINGS**

**1. DEVELOPMENT CODE AMENDMENT, DCA 05-14  
ARTICLE 7, DEFINITIONS  
CEQA EXEMPTION, SECTION 15061(b)(3)**

Planning Technician Olsen provided the staff report. She provided an overview of the purpose of Article 7 of the Development Code which provides definitions of terms commonly used within the code. Staff recommended that the Planning Commission find the project exempt from CEQA under section 15061(b)(3); and that the Planning Commission recommends the approval of Article 7 the Town Council.

Chair Humphreville opened the floor to public comments.

**PUBLIC COMMENTS**

None

**CLOSE PUBLIC COMMENTS**

Commissioner Drozd suggested modifying the definition of Clear Sight Triangle to state "at every corner."

Commissioner Bridenstine suggested including a definition of hillside which would establish what percentage of steepness would cause an area to be considered hillside for the purpose of hillside grading. She also suggested including a definition of mass grading, which the Commission had previously discussed.

Commissioner Lavender said that he had found some errors that he would provide to staff. He also pointed out that in the definition of Floor Area Ratio, it didn't make sense to include as examples ratios which would allow for buildings twice the size of the lot.

Commissioner Whitten suggested adding the definition of architectural compatibility. He also asked why the definition of medical marijuana dispensary was included given that the town currently prohibits them. He also said that he thought that the definition of building was too broad, and it could apply to structures which should not be treated as buildings such as outdoor storage or greenhouses. He suggested adding language to require that the structure be occupiable.

Chair Humphreville said that the percentages outlined in the hillside grading ordinance should be the definition of hillside. He also said that he didn't have a problem with the definition of building as it was presented in the draft.

**MOTION**

Chair Humphreville moved that the Planning Commission find the project exempt from CEQA under Section 15061(b)(3), and that the commission recommend that the Town Council approve Article 7 after the clarification of those definition discussed by the Planning Commission. Commissioner Bridenstine seconded, and the motion passed unanimously.

**DEPARTMENT REPORT**

**2. SITE PLAN REVIEW, SPR 02-07 MILLER  
REQUEST FOR EXTENSION**

Project Engineer Alex Qishta provided the staff report. She provided an overview of the item, which was for extension of a Site Plan Review. Staff recommended that the Commission approve the request for a three year extension on the project, expiring on November 06, 2017.

**PUBLIC COMMENTS**

Art Miller, the applicant, thanked the staff and Commission for reviewing his request for extension. He said that the project took a long time to initially develop, and when it was ready to be built the economy did not support the construction. He also said that he thought the project would benefit the community, and is asking for the three year extension because he would like to see it built.

**CLOSE PUBLIC COMMENTS**

Commissioner Whitten asked staff for clarification on the location of the project, which staff provided.

Chair Humphreville asked staff to confirm that the project was consistent with the new General Plan. Staff said that it was.

## **MOTION**

Chair Humphreville moved that the Planning Commission approve the extension of Site Plan Review SPR 02-07 Miller for three years, to expire on November 6, 2017. Commissioner Bridenstine seconded, and the motion passes unanimously.

## **CONSENT AGENDA**

### **1. MINUTES**

A request that the Planning Commission approves as submitted the minutes of the meetings held on September 9, 2014.

### **PUBLIC COMMENTS**

None

### **END PUBLIC COMMENTS**

Commissioner Whitten provided a correction to the draft minutes and stated that one public comment had incorrectly been attributed to Susan Simmons.

## **MOTION**

Commissioner Whitten moved that the Commission approve as submitted the minutes of the meetings held on September 23, 2014 with the correction provided by Commissioner Whitten. Commissioner Bridenstine seconded the motion and it passed unanimously.

## **STAFF REPORTS AND COMMENTS**

Staff provided an overview of the status of private land development projects currently active in the town.

Town Manger Yakimow thanked the Commissioners for all of their hard work on the Development Code. He said that staff appreciated the time and effort they put into it. He said that the Development Code would go the Town Council in November.

## **COMMISSIONER REPORTS AND REQUEST:**

Commissioner Drozd thanked everyone for their hard work

Commissioner Whitten thanked staff for their work. He also mentioned that he had seen political signs within the clear site triangle in the Town.

Vice Chairman Bridenstine thanked staff, and encouraged everyone to vote.

**ANNOUNCEMENTS:**

The next regular meeting of the Planning Commission is scheduled for October 28, 2014 at 6:00pm.

**ADJOURNMENT**

There being no further business, the meeting adjourned at 6:20.

Respectfully submitted,

Allison Brucker  
Secretary

Approved by the Planning Commission on \_\_\_\_\_, 2014.





**TOWN OF YUCCA VALLEY  
PLANNING COMMISSION MEETING MINUTES  
October 14, 2014**

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

The Pledge of Allegiance was led by Chair Humphreville.

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

Chair Humphreville opened the floor to public comments.

**PUBLIC COMMENTS**

None

**CLOSE PUBLIC COMMENTS**

**PUBLIC HEARINGS**

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Chair Humphreville opened the floor to public comments.

**PUBLIC COMMENTS**

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**CLOSE PUBLIC COMMENTS**

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Vice Chairman Bridenstine thanked staff, and encouraged everyone to vote.

**ANNOUNCEMENTS:**

The next regular meeting of the Planning Commission is scheduled for October 28, 2014 at 6:00pm.

**ADJOURNMENT**

There being no further business, the meeting adjourned at 6:20.

Respectfully submitted,

Allison Brucker  
Secretary

Approved by the Planning Commission on \_\_\_\_\_, 2014.

## ORDINANCE NO. 212

### AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF YUCCA VALLEY, CALIFORNIA, REPEALING AND RESTATING TITLE 8, DIVISION 12, CHAPTERS 1 THROUGH 27 OF THE COUNTY OF SAN BERNARDINO CODE AS ADOPTED BY THE TOWN OF YUCCA VALLEY RELATING TO DEFINITIONS

The Town Council of the Town of Yucca Valley, California, does ordain as follows:

#### SECTION 1. Code Amended

Chapters 1 through 27 of Division 12 of Title 8 of the San Bernardino County Code as adopted by the Town of Yucca Valley is hereby amended in its entirety to read as follows:

#### “Chapter 1

#### DEFINITIONS

**Sections:**

Definition: 812.01005

**Abut or Adjacent:** Having a common border, boundary, or lot line.

**Access Rights:** The right, claim, title or privilege of access by pedestrians or vehicles, or a public road or way.

**Accessibility for the Disabled:** Accessible services, structure or facilities are those which be entered and used by individuals despite handicapping conditions. Accessibility also includes responding to the needs of people with sight or hearing disabilities, in addition to those with developmental, activity, manual or mobility impairment, so that they may enjoy the full and free use of those services, structure or facilities.

**Accessory Building:** A subordinate building, the use of which is incidental to that of the main building or main use of the land and not designed for living or sleeping purposes. The use of an accessory building may be for either a primary or an accessory use allowed by the appropriate land use district. An accessory building shall be located on either the same parcel as the main building or main use; or shall be located on a contiguous abutting parcel that is owned by the same owner who owns the parcel which has the main building or use. An accessory building shall always exist in conjunction with and never without a legally established main building or main use that has the same common owner.

**Acre:** 43,560 square feet of the land area.

**Advertising Structure:** Any structure of any kind or character erected or maintained for advertising purposes, upon which an advertising sign may be placed.

**Affordable Housing:** Housing that can be purchased or rented by a household with very low, low, or moderate income and based on a household's ability to make monthly payments necessary to obtain housing. Housing is considered affordable when a household pays less than 30% of its gross monthly income for housing including utilities.

**Agent of Owner:** A person authorized to act for the property owner.

**Agriculture:** The use of land for agricultural purposes, including the growing of vegetables, fruit, fiber, horticulture, pasturage, the keeping of apiaries and the necessary accessory uses for storing produce provided that the operations of any such accessory use shall be secondary to that of normal agricultural activities. Agriculture does not include animal husbandry or stockyards.

**Airport or Heliport:** Runways and related facilities for the takeoff and landing of aircraft, including rotary-winged and ultra light aircraft. Airports also include facilities for repair, maintenance and storage of aircraft.

**Airport-Related Uses:** Those uses which sell products or services directly to aircraft owners, pilots or support airport operations, or are dependent on direct access to the airport runway system, or include limited industrial uses restricted to aviation related products and services.

**Alley:** Any public way or thoroughfare less than sixteen (16) feet but not less than ten (10) feet in width which has been dedicated or deeded to the public for public use. A public way permanently reserved primarily for vehicular service access to the rear or side of properties otherwise abutting on a street and affording only secondary means of access to abutting property.

**Alteration:** Any construction, addition, or physical change in the internal arrangement of rooms or the supporting members of a building or structure, or change in the appearance of any building or structure.

**Ambulance Service:** Any business substantially devoted to providing emergency medical care and transportation, including incidental storage and vehicle maintenance.

**Amenity:** Aesthetic or other characteristics of a development that increase its desirability to the community or its marketability to the public. Amenities differ from development to development but may include recreational facilities such as swimming pools or tennis courts, security systems, views, tree preservation, gardens, or enhanced open space.

**Amortization:** A term used in zoning to mean the process by which nonconforming uses and structures must be discontinued or made to conform to requirements of the ordinance at the end of a specified period or time. The term itself is a variation of the real estate term by which borrowers are required to pay back a debt in regular payments over a fixed period of time, e.g., installment payments on the principal of a mortgage.

**Amusement Device:** A player operated electronic or electrical coin-operated game available for use in return for compensation, examples of amusement devices include pinball machines and video games.

**Amusement Park:** A permanent outdoor facility with rides for entertainment, as a merry-go-round, roller coaster, etc.

**Ancillary Use:** A use incidental to and customarily associated with a specific principal use, located on the same lot or parcel.

**Animals, domestic:** Animals of the type generally accepted as pets, including dogs, cats, rabbits, fish, birds, and the like, but not including hoofed animals, chickens, ducks, geese, pea fowl, or the like,. Domestic animals shall not include any animals, birds, or fish maintained for commercial purposes.

**Animal Husbandry:** Raising of animals or production of animal products, such as eggs or dairy products, on a commercial basis. Typical uses include grazing, ranching, dairy farming, and poultry farming.

**Animal Sales and Service:**

- A. **Animal boarding.** Provision of shelter and care for domestic animals on a commercial basis. This classification includes activities such as feeding, exercising, grooming, and incidental medical care.
- B. **Animal grooming.** Provision of bathing and trimming services for domestic animals on a commercial basis. This classification includes boarding of domestic animals for a maximum period of 48 hours per animal.
- C. **Animal hospitals.** Establishments where domestic animals receive medical and surgical treatment. This classification includes only facilities that are entirely enclosed and soundproofed. Grooming and temporary (30 days) boarding of animals is included if incidental to the hospital use.
- D. **Animals retail sales.** Retail sales and boarding of domestic animals, provided such activities take place within an entirely enclosed building. This classification includes grooming if incidental to the retail use.

**Antenna:** The arrangement of wires, metal rods or dish used in the sending and/or receiving of electromagnetic waves.

**Antenna Height:** The overall vertical distance from the base or pad to the highest point of the antenna mounted on its support structure.

**Antenna Support Structure:** A free-standing, guyed or building-mounted structure, mast, pole, tripod, or tower (including appurtenances) utilized for the purpose of supporting an antenna, antennas or dish intended for airway communication purposes.



**Antique Shop:** Any premises used for sale or trading of antiques of which 80 percent or more are over 50 years old or have collective value. Antique shops does not include “secondhand store.”

**Apartment:**

- A. One or more rooms of a building used as a place to live, in a building containing at least one other unit used for the same purpose.
- B. A separate suite, not owner occupied, which includes kitchen facilities and is designed for and rented as the home, residence, or sleeping place of one or more persons living as a single housekeeping unit.

**Applicant:** Owner(s) or lessee(s) of property, or their agent(s), or person(s) who have contracted to purchase property contingent upon their ability to acquire the necessary permits under this Development Code, or the agent(s) of such persons.

**Arcade:** Any business, use, or structure containing 6 or more coin-operated or token-operated amusement machines, or viewing machines. Any use or business with 6 or more amusement machines shall be considered an amusement center or arcade in addition to any other principal or conditional use of the land. Amusement center or arcade does not include adult motion picture theaters or adult entertainment facilities.

**Arterial Street:** Any street so designated in the Yucca Valley General Plan, existing or proposed.

**Artist Studio:** Work space for artists and artisans, including individuals practicing one of the fine arts or performing arts, or skilled in an applied art or craft.

**Attached:** Any structure that has an interior wall or roof in common with another structure.

**Automobile Sales and Service:** An open area used for the display, sale and/or rental of new or used automobiles including incidental storage and maintenance.

**Automobile Service Station:** A business which provides for the servicing and/or fueling of motor vehicles, including tube and tire repairs, battery charging, storage of merchandise and supplies related to the servicing of motor vehicles, sale of gasoline and other fuel and lubricants, motor vehicle washing, grease racks, and minor motor vehicle repairs, excluding body and fender work, engine overhauling and replacement, transmission work and other similar activities.

**Automobile Storage:** Lots for the storage and parking of tow-away vehicles, impound yards, and storage lots for automobiles, trucks, buses and recreational vehicles.

**Automobile Washing:** Washing waxing, detailing, or cleaning of automobiles or similar light vehicles including the use of mechanical automobile washers.

**Automobile Wrecking (Dismantling):** The wrecking or dismantling of motor vehicles or trailers, or the storage of, sale of, or dumping of dismantled or wrecked motor vehicles or their parts.

**Awning:** A roof-like cover that is attached to and extends from the wall of a building to provide shielding of windows and entrances from inclement weather or sun.

**Bakery:**

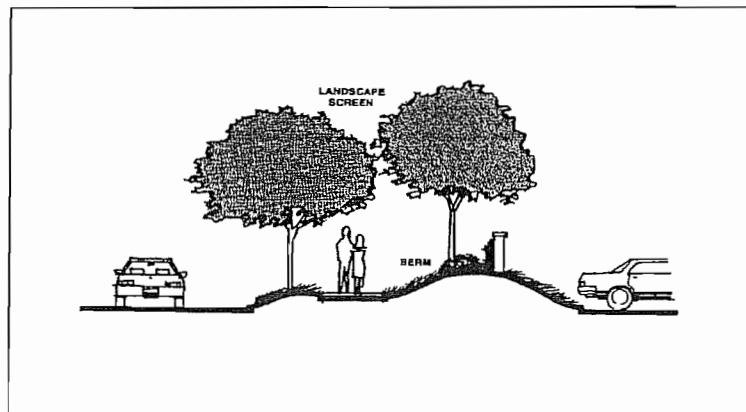
- A. **Retail bakery.** A retail sales facility which offers bakery products for direct sale to the public and which, as an accessory use, may include the preparation of products normally sold in bakeries, for sale off the premises.
- B. **Wholesale bakery.** A bakery or other food store which devotes over 90 percent of its gross floor area to the preparation of bakery products for sale at other locations. Wholesale bakeries may offer bakery products for direct sale to the public.

**Basement:** Any floor level below the first story in a building, except that a floor level in a building having only one (1) floor level shall be classified as a basement unless such floor level qualifies as a first story as defined herein.

**Bazaar:** A benefit sale for a church or non-profit organization.

**Bed and Breakfast:** A transient lodging establishment primarily engaged in providing overnight or otherwise temporary lodging for the general public and may provide meals to the extent otherwise permitted by law.

**Berm (Landscape or earthen):** A mound or embankment of earth or a mound which has been improved with landscaping.



**BERM**

**Block:** A parcel of land surrounded by public streets, highways, freeways, railroad right-of-way, flood control channels, creeks, washes, rivers or unsubdivided acreage or any combination thereof

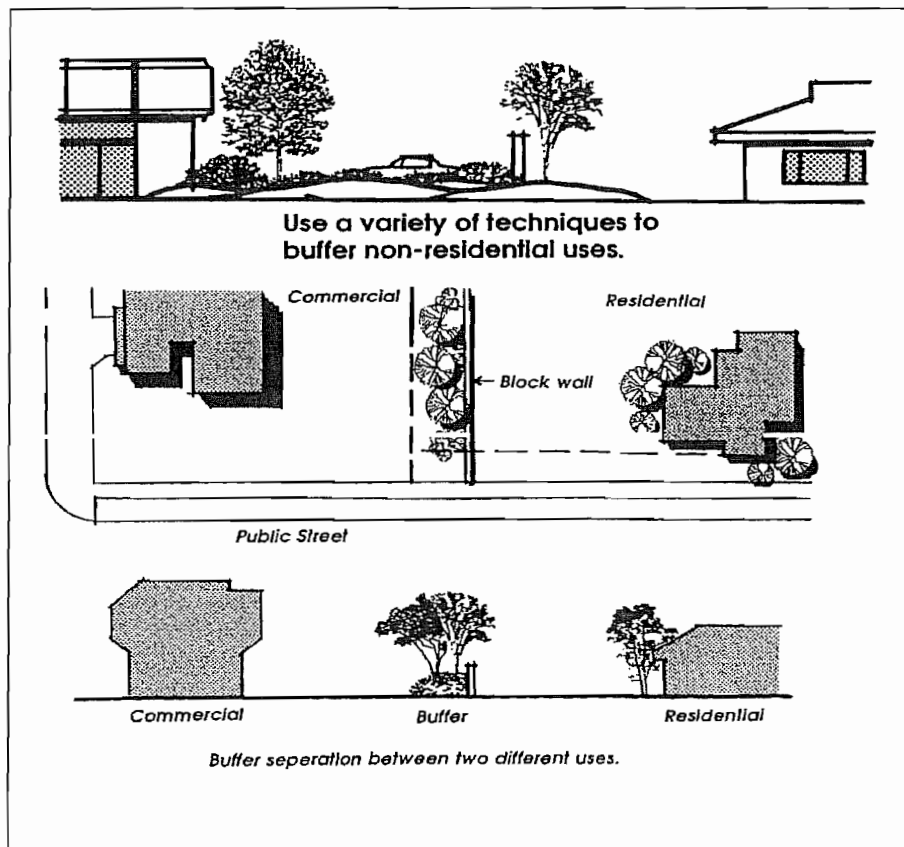
**Block Face:** One complete side of a block, usually facing a public street.

**Boarding house:** A dwelling with not more than five (5) guest rooms, with not more than one (1)

person per room, where lodging and meals are provided for compensation on a weekly or greater basis, not including those facilities defined as social care facility.

**Borrow Pit:** Any place or premises where dirt, soil, sand, gravel or other material is removed below the grade of surrounding land for any purpose other than that necessary and incidental to site grading or building construction.

**Buffer Area:** A strip of land established to protect one type of land use from another land use that is incompatible. A buffer includes plantings, berms, or other screens which block vision, noise, or other negative impacts of more intense uses on less intense uses.



### BUFFER AREAS

**Building:** Any structure used or intended for supporting or sheltering any use or occupancy.

**Building Area:** The net portion of the lot remaining after deducting all required setbacks from the gross area of the lot.

**Building Coverage:** The percent of lot area which may be covered by all the footprints of buildings or structures on a lot.

**Building Height:** The vertical distance above a reference datum to the highest point of the coping of a flat roof, or to the deck line of a mansard roof, or to the average height of the highest gable of a pitched or hipped roof. The reference datum shall be selected by either of the following, whichever yields a greater height of building:

- A. The elevation of the highest adjoining sidewalk or ground surface within a five (5) foot horizontal distance of the exterior wall of the building when such sidewalk or ground surface is not more than ten (10) feet above lowest grade; or
- B. An elevation ten (10) feet higher than the lowest grade when the sidewalk or ground surface described in paragraph A above is more than ten (10) feet above lowest grade.

The height of a stepped or terraced building is the maximum height of any segment of the building.

**Building Materials and Services:** Retailing or wholesaling of building supplies and/or equipment and excluding the general manufacturing of such supplies or equipment. This classification includes lumber yards, tool and equipment sales establishments, and building contractor's yards, but excludes establishments devoted exclusively to retail sales of paint and hardware.

**Building Site:** The ground area of a building together with all open spaces required by this Development Code.

**Business Center:** A development in which businesses and structures are designed as an architecturally integrated and interrelated development. Such design is independent of the number of structures, lots, or parcels making up the center.

**California Environmental Quality Act (CEQA):** A State law requiring State and local agencies to regulate activities with consideration for environmental protection. If a proposed activity has the potential for a significant adverse environmental impact, a Negative Declaration or Environmental Impact Report must be prepared and certified before an action is taken on the project.

**Canopy:** A permanent roof-like structure constructed of durable material extending from part or all of a building face.

**Carport:** A permanent roofed structure with not more than two completely enclosed sides used or intended to be used for vehicle storage for the occupants of the premises.

**Catering Services:** Preparation and delivery of food and beverages for off-site consumption without provision for on-site pickup or consumption.

**Certificate of Occupancy:** A permit issued by the Planning and Building and Safety Divisions prior to occupancy of a structure to assure that the structure is ready for occupancy with all defects corrected and all construction debris removed and the site graded to final grade. Additionally, all on-site amenities (i.e., paving, landscaping, etc.) shall be in place prior to the issuance of the permit.

**Certified Farmers Market:** A location, approved by the Agricultural Commissioner of San Bernardino County, where agricultural products are sold by producers or certified produces directly to consumers (See Farmer's Markets).

**Chemical Manufacturing/Processing:** An industrial process whereby substances are produced from or converted into other substances. In the process, the composition and properties of the starting material are altered.

**Church (or place of religious worship):** An institution that people regularly attend to participate in or hold religious services, meetings, and other activities. The Term "church" shall not carry a secular connotation and shall include buildings in which the religious services of any denomination are held. A place where religious worship is held.

**Circuses and Carnivals:** A temporary attraction including, but not limited to games, eating, and drinking facilities, live entertainment (but excluding adult entertainment facilities), animal exhibits, souvenir sales and rides.

**Clinic:** An establishment where patients, who are not lodged overnight, are admitted for examination and treatment by one or more of a group of physicians, dentists, psychologists, or social workers, practicing together or individually.

**Clubs and Lodges (Public or Private):** Meeting, recreational, or social facilities of a private or non-profit organization primarily for use by members or their guests, excluding "commercial recreation and entertainment." This classification includes union halls, social clubs and youth center.

**Cluster Development:** Development in which a number of dwelling units are placed in closer proximity than usual, or are attached, with the purpose of retaining an open space area .

**Clustered Subdivision:** A subdivision development in which building lots are sized to conform to the "footprint" of the structures and sited closer together than conventional development, usually in groups or clusters, provided that the total density does not exceed that which is permitted under conventional zoning and subdivision regulations. The additional land that remains undeveloped is preserved as open space and recreation land. Private development easements around the structures are permitted for inclusion of private landscaping, pools, spas, yards, etc.

**Commercial:** A land use classification that permits facilities for the buying and selling of commodities and services.

**Commercial Recreation and Entertainment:** This classification includes, but is not limited to, theaters, sports stadiums and arenas, amusement parks, bowling alleys, billiard parlors, ice/roller skating rinks, golf courses, miniature golf course, model courses, shooting galleries, tennis/racquetball courts, amusement centers or arcades and health/fitness clubs. Commercial recreation and entertainment does not include "adult entertainment facilities."

**Commercial Vehicle:** A vehicle customarily used as part of a business for the transportation of goods or people.

**Communications Equipment Building:** A building housing electrical and mechanical equipment and the administrative staff necessary for the conduct of a public communications business and open only to personnel necessary for the operation and maintenance of such equipment and administrative functions.

**Community Apartment:** A development in which an undivided interest in the land is coupled with the right of exclusive occupancy of an apartment located on the land.

**Community Care Facility:** Consistent with Health and Safety Code (Section 1267.8), the intermediate care facility shall include provisions for developmentally disabled habilitative nursing or congregated living.

**Community Noise Equivalent Level (CNEL):** A 24-hour energy equivalent level derived from a variety of single-noise events, with weighing factors of 5 and 10 dBA applied to the evening (7 p.m. to 10 p.m.) and nighttime (10 p.m. to 7 a.m.) periods, respectively, to allow for the greater sensitivity to noise during those hours.

**Conditional Use Permit:** Uses which may be permitted, subject to approval of a Conditional Use Permit. Generally, conditional uses are those uses which have the potential objectionable operating characteristics or appearance which may be out of character in a particular zoning district, either of which may make those uses suitable or unsuitable for a particular site or location.

**Condominium Project:** A common interest development consisting of condominiums. A condominium consists of an undivided interest in common in a portion of real property coupled with a separate interest in space called a unit, the boundaries of which are described on a recorded condominium plan in sufficient detail to locate all boundaries thereof. The area within these boundaries may be filled with air, water, or earth, or any combination thereof, and need not be physically attached to land except by easement for access, and if necessary, support.

**Congregate Care Facility:** Apartment housing, usually for seniors, in a group setting that includes independent living and sleeping accommodations in conjunction with shared dining and recreational facilities.

**Construction Commencement:** The start of construction of substantial site and structural improvements after a building permit has been issued, subject to determination by the Building Official.

**Convalescent Home/ Skilled Nursing Facility:** A facility licensed by the State Department of Public Health, the State Department of Social Welfare, or the County Health Department, which provides bed and ambulatory care for patients with postoperative convalescent, chronically ill, or dietary problems, and persons aged or infirmed unable to care for themselves; but not including substance abusers or persons with mental or contagious diseases or afflictions.

**Convenience Store:** Any retail establishment offering for sale prepackaged food products, household items, and other goods commonly associated with same and having a gross floor area of less than five thousand (5,000) square feet.

**Conversion:** Changing the original use or purpose of a building to different use or purpose.

**Council:** The Town Council composed of the Mayor and Council members of the Town of Yucca Valley.

**County:** The County of San Bernardino, hereinafter referred to as County.

**Covenants, Conditions, and Restrictions (CC&Rs):** A term used to describe restrictive limitations that may be placed on property and its use, and which usually are made a condition of holding title or lease.

**Cultural Institutions:** Institutions displaying or preserving objects of interest in one or more of the arts or sciences. This classification generally includes libraries, museums, and art galleries where displayed objects are not intended for sale.

**Curb Cut:** The lowering of a curb to permit access by vehicles, wheelchairs, carts, and pedestrians.

**Dedication:** The turning over by an owner or developer of private land for public use, and the acceptance of land for such use by the governmental agency having jurisdiction over the public function for which it will be used. Dedications for roads, parks, school sites, or other public uses often are made conditions for approval of a development by the Town.

**Density:**

- A. **Density bonus.** An increase in the number of dwelling units over the otherwise maximum allowable residential density.
  
- B. **Density, net.** The number of dwelling units per acre of developable land exclusive of public and private streets, greenways, drainage, power transmission line easements, or other public and semipublic uses.

**Destination Retail:** Retail businesses that generate a special purpose trip and that do not necessarily benefit from a high volume pedestrian location.

**Detached:** Any building or structure that does not have a wall or roof in common with any other building or structure.

**Developable Land:** Land that is suitable as a location for structures and that can be developed free of hazards to, disruption of, or significant impact on natural resource areas.

**Development:** The placement or erection of any solid material or structure; discharge or disposal of any dredged material or any gaseous liquid, solid or thermal waste; grading, removing, dredging,

mining or extraction of any soil or materials; change in the density or intensity of use of land, including lot splits, except where the land division is brought about in connection with the purchase of such land by a public agency for public recreational use; change in the intensity or use of water, or of access thereto; construction; reconstruction, demolition, or alteration of the size of any structure including any facility of any private, public or municipal utility; and the removal of any major vegetation. A project, as defined in Government Code Section 65931, is included in this definition.

- A. Any subdivision pursuant to the Subdivision Map Act;
- B. The division of a parcel of land into two or more parcels;
- C. The construction, reconstruction, conversion, structural alteration, relocation or enlargement of any structure;
- D. Any mining, excavation, landfill or grading;
- E. Any use or extension of the use of land; or
- F. Any other division of land, including lot splits, except where the land division is brought about in connection with the purchase of the land by a public agency for public recreational use.

**Development Agreement:** An agreement entered into between the Town of Yucca Valley and a contracting party which relates to a specific real property, subject to the terms of the agreement.

**Development Code:** A unified text incorporating areas of regulation including administration, development review, residential districts, commercial and office districts, industrial districts, other districts, overlay districts, general standards, and other related topics.

**Development Review Committee:** A committee consisting of representative from various agencies whose function are to review and makes recommendations on development proposal.

**Development Rights:** The right to develop land by a land owner who maintains fee simple ownership over the land or by a party other than the owner who has obtained the rights to develop.

**Development Plan (Planned Unit Development):** A detailed, comprehensive plan of development for a Planned Development. This development unit plan applies limits and parameters for development derived from a development suitability analysis to a specific development scheme. Development plans shall include a detail description of the proposed development and its effects including, but not limited to, a written text, diagrams or maps describing the program for development and the functional arrangement of structures and uses, the effect of such arrangement upon the physical characteristics of the site, available public services, the capacity of existing circulation system and the existing and planned land use of adjacent properties. It includes a dimensioned site plan showing the location of all structures and lots in sufficient detail to permit recordation and the preparation of construction drawings.



**Disability:** A physical or mental impairment that substantially limits one or more of the major life activities of individuals, there is a record of such an impairment, or the individual is regarded as having such an impairment. It is the intent of this definition to substantially comply with the term “disability” as defined by the Americans With Disabilities Act of 1990, as may be amended from time to time.

**Discretionary Decision:** An action taken by a governmental agency that calls for the exercise of judgment in deciding whether to approve and/or how to carry out a project.

**Dormitory:** A structure intended principally for sleeping accommodations where no individual kitchen facilities are provided, and where such structure is related to an educational or public institution or is maintained and operated by a recognized nonprofit welfare organization.

**Driveway:** A private roadway for the exclusive use of the occupants of a property and their guests or patrons, and which provides vehicular access to parking spaces, garages, dwellings or other structures on a site.

**Duplex:** A detached building under single ownership that is designed for occupation as the residence of two (2) families living independently of each other.

**Dwelling:** A structure or portion thereof designed for residential occupancy, not including hotels or motels.

**Dwelling, Multiple:** A structure containing two (2) or more dwelling units or a combination of two (2) or more separate single family dwelling units.

**Dwelling Unit:** A room or group of rooms (including sleeping, eating, cooking, and sanitation facilities), but not more than one kitchen, which constitutes an independent housekeeping unit, occupied or intended for occupancy by one family on a long-term basis.

**Easement:** A grant of one (1) or more property rights by the property owner for use by the public, a corporation or another person or entity.

**Easement, Conservation:** A tool for acquiring open space with less than full fee purchase, whereby a public agency buys or is granted only certain specific rights from the land owner. These may be positive rights (providing the public with the opportunity to hunt, fish, hike, or ride over the land), or they may be restrictive rights (limiting the uses to which the land owner may devote the land to in the future).

**Eating and Drinking Establishments:** Businesses serving prepared food or beverages for consumption on or off the premise. Also refer to “Food and Beverage Sales”.

**Educational Institution:** A college or university, supported wholly or in part by public funds or giving general academic instruction equivalent to the standards prescribed by the State Board of Education.

**Emergency Shelter:** A facility that provides immediate and short-term housing and supplemental services. Shelters come in many sizes, but an optimum size is considered to be twenty (20) to forty (40) beds. Supplemental services may include food, counseling, and access to other social programs.

**Entertainment, Live:** A musical, theatrical, dance, cabaret, or comedy act performed by one or more persons. Any form of dancing by patrons or guests at an eating and drinking establishment or bar is live entertainment. Live entertainment does not include the term “adult entertainment facility” or “adult entertainment establishment.”

**Environment:** The physical conditions which exist within the area which will be affected by a proposed project, including land, air, water, mineral, flora, fauna, noise, and objects of historic or aesthetic significance.

**Equipment Sales, Services and Rentals:** Sales, services or rentals of equipment including, but not limited to, construction equipment and agricultural equipment.

**Fair or Festival:** Temporary gathering consisting of but not limited to, carnival, a competitive exhibition of farm, new household and manufactured products, including art and craft items, with various amusements, which may include carnival rides and games, and educational displays.

**Family:** Any group of individuals living together based on personal relationships. Family does not include larger institutional group living situations such as dormitories, fraternities, sororities, monasteries, nunneries, nor does it include such commercial group living arrangements as boardinghouses, lodging houses and farm labor camps.

**Farmers Markets:** A public market at which farmers and other vendors sell produce directly to consumers. Farmer’s Markets includes Certified Farmer’s Markets (see Definition for Certified Farmer’s Markets). Produce at Farmer’s Markets may include produce purchased from wholesalers and retailers. Farmer’s Markets shall be composed at a minimum of 80 percent business activity of fresh produce, artisan cheeses, hand-harvested honey, flowers, and other fresh, small-batch foodstuffs. The remaining 20 percent business activity at Farmers Markets may be composed of the sale of art, handcrafts, and other handmade goods.

**Financial Services:** A commercial land use involved with the exchange of money and services related to the financial system.

**Findings:** The result(s) of an investigation and the basis upon which decisions are made. Findings are used by government agencies to justify action taken by them.

**Fitness Center:** Facilities equipped and used for training and conditioning.

**Floor Area, Gross:**

- A. The total enclosed area of all floors of a building, measured to the outside face of the structural members and exterior walls, including halls, stairways, mechanical equipment rooms, and habitable basements.

**Floor Area Ratio (F.A.R.):** The gross floor area of a building(s) on a lot divided by the area of the lot. For example, on a site with 10,000 gross sq. ft. of land area, a Floor Area Ratio of 1.0 will allow a maximum of 10,000 sq. ft. of building floor area to be built. Similarly, an F.A.R. of 1.5 would allow 15,000 sq. ft. of floor area; an F.A.R. of 2.0 would allow 20,000 sq. ft.; and F.A.R. of 2.5 would allow 25,000 sq. ft.; and an F.A.R. of 0.5 would allow only 5,000 sq. ft. to be built. F.A.R.s shall be applied on a parcel by parcel basis as opposed to an average F.A.R. for an entire land use or zoning district.

**Food and Beverage Sales:** Retail sales of food and beverages for offsite preparation and consumption. Typical uses include groceries, liquor stores and delicatessens. Establishments at which 20 percent or more of the floor area is used for the sale of prepared food for on-site or take-out consumption shall be classified as eating and drinking establishments.

**Footprint, Building:** The outline of a building at all of those points where it meets the ground.

**Fortunetelling:** A use involving the foretelling of the future in exchange for financial or other valuable consideration.

**Frontage:** The side of a lot abutting a street (the front lot line), except the side of a corner lot (the street side lot line). On corner lots the narrowest frontage shall be considered the front of the lot. The frontage of a non-rectangular lot or a lot located on a cul-de-sac, curved street, or dead-end street with a curved turn-around shall be measured as the chord drawn between the terminuses of the side property lines at their intersection with the street right-of-way.

**Front Wall:** The nearest wall of a structure to the street upon which the structure faces, but excluding cornices, canopies, eaves, or any other architectural embellishment.

**Funeral Services:** Establishments primarily engaged in the preparation of the deceased for burial or cremation, the temporary display of the deceased, cremations and rituals connected with the burial or cremation.

**Garage:** An enclosed accessory building, either attached or detached, used for the private parking or temporary storage of motor vehicles and recreational vehicles for the occupants of the premises.

**General Plan:** The Town of Yucca Valley General Plan as adopted by the Town Council.

**Grade:** The elevation of the surface of the ground.

**Grade, Adjacent Ground Elevation:** The lowest point of elevation of the finished surface of the ground, paving or sidewalk within the area between the building and the property line.

**Grade, Finished:** The elevation of the surface of the ground after grading, construction, or landscaping activities.

**Grade, Natural:** The elevation of the surface of the ground before the ground elevation is altered by any grading, construction, or landscaping activities.

**Habitable Structure:** A structure which includes habitable space for living, sleeping, eating or cooking. Bathrooms, toilet compartments, closets, halls, storage or utility space, and similar areas are not considered habitable space.

**Half Story:** A story under a gable, hip or gambrel roof, plates of which are not more than two (2) feet above the floor of such story.

**Home Occupation:** A commercial activity conducted in compliance with Chapter 6, Section 84.0615 of this Development Code, carried out by an occupant and conducted as an accessory use within the primary dwelling unit.

**Hospital:** An institutional land use consisting of a facility licensed by the State Department of Public Health for the provision of clinical and temporary or emergency service of a medical, obstetrical, nursing, surgical, anesthesia, laboratory, radiology, pharmacy, and dietary services nature to human patients, including inpatient and outpatient care.

**Hotel:** A facility in which guest rooms or suites are offered for compensation to the general public for lodging with or without meals and where no provision is made for cooking in any individual guest room or suite.

**Impact:** The effect of any direct man-made actions or indirect repercussion of man-made actions on existing physical, social, or economic conditions.

**Impervious Surface:** Surface through which water cannot penetrate, such as roof, road, sidewalk, or paved parking lot. The amount of impervious surface increases with development and establishes the need for drainage facilities to carry the increased runoff.

**Improvement:** Any man-made, immovable item which becomes part of, placed upon, or is affixed to, real estate.

**Industrial Park:** A planned, coordinated development of a tract of land with two or more separate industrial buildings. Such development is planned, designed, constructed, and managed on an integrated and coordinated basis with special attention given to on-site vehicular circulation, parking, utility needs, building design and orientation, and open space.

An industrial park is designed as a coordinated environment for a variety of industrial and related activities. The project is developed or controlled by one proprietary interest. It has an enforceable master plan and/or CC&Rs.

**Infill development:** Development of vacant land within areas that are already largely developed.

#### **Institutional Use**

- A. Publicly or privately owned and operated activities that are institutional in nature,

- such as hospitals, museums, and schools;
- B. Churches and other religious organizations; and
- C. Other nonprofit activities of a welfare, educational, or philanthropic nature that can not be considered a residential, commercial, or industrial activity.

**Interim Housing:** Shared living quarters, generally without separate kitchen and bathroom facilities for each room or unit, intended to meet short-term shelter and/or other immediate needs. Interim housing includes, but is not limited to the following:

- |                          |                           |
|--------------------------|---------------------------|
| <i>Homeless shelters</i> | <i>Emergency shelters</i> |
| <i>Fraternities</i>      | <i>Sororities</i>         |
| <i>Dormitories</i>       | <i>Labor camps</i>        |
| <i>Halfway houses</i>    |                           |

Interim housing does not include residential care facilities, family day care homes, family day care centers, convalescent hospitals, hotels, motels or single room occupancy housing.

**Junk and Salvage Facility:** Primary or accessory use of structures and/or land for storage, dismantling and/or selling of cast-off, unused, scrap or salvage material of any sort, excluding vehicles (see “Automobile wrecking”).

**Kiosk Building:** An accessory building used for key shops, photo drops and the like, and generally located in a shopping center parking lot.

**Kitchen or Kitchenette:** Any room or part of a room which is designated, built, used, or intended to be used for food preparation and dishwashing; but not including a bar, butler’s pantry or similar room adjacent to or connected with a kitchen.

**Laboratories:** Establishments providing medical or dental laboratory services or establishments providing photographic, analytical, or testing services.

**Landscaping:** Planting, including trees, shrubs, and ground covers, suitably designed, selected, installed, and maintained so as to enhance a site or roadway permanently.

**Land Use:** The occupation or utilization of land area for any human activity or any purpose defined in the General Plan.

**Land Use Zoning District:** A portion of the town within which certain uses of land and structures are defined, and regulations are specified.

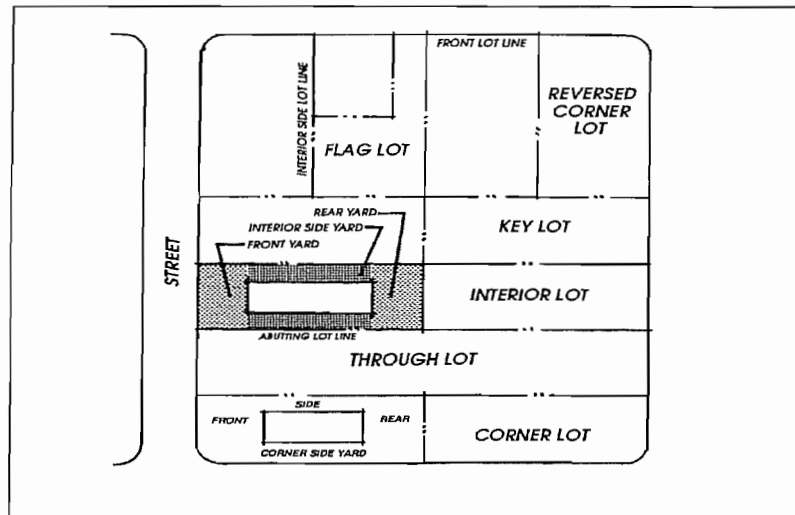
**Laundry:**

- A. **Limited.** An establishment to dry clean and/or wash and dry clothes and other fabrics

brought in and carried away by the customer. This may include self-service or coin-operated facilities.

- B. Unlimited.** An establishment where large quantities of clothes and other fabrics are washed and/or ironed but are collected and delivered primarily by laundry employees. Unlimited laundry does not include the term "Limited laundry."

**Lot:** A parcel, tract or area of land established by plat, subdivision, or as otherwise permitted by law, to be used, developed or built upon.



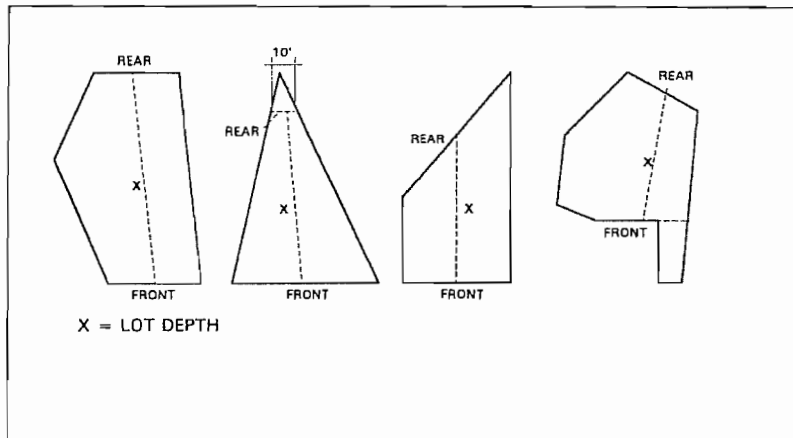
**LOT TYPES**

- A. Corner.** A lot located at the intersection of two (2) or more streets at an angle of not more than one hundred thirty-five (135) degrees. If the angle is greater than one hundred thirty-five (135) degrees, the lot shall be considered an "interior lot";
- B. Flag.** A lot having access or an easement to a public or private street by a narrow, private right-of-way;
- C. Interior.** A lot abutting only one street;
- D. Irregular.** A non-rectangular lot or rectangular lot not abutting a public street;
- E. Key.** A lot with a side line that abuts the rear line of any one (1) or more adjoining lots;
- F. Reverse Corner.** A corner lot, the rear of which abuts the side of another lot;

- G. **Through.** A lot having frontage on two (2) generally parallel streets, with only one (1) primary access.

**Lot Area:** The total horizontal area included within the lot lines of a lot.

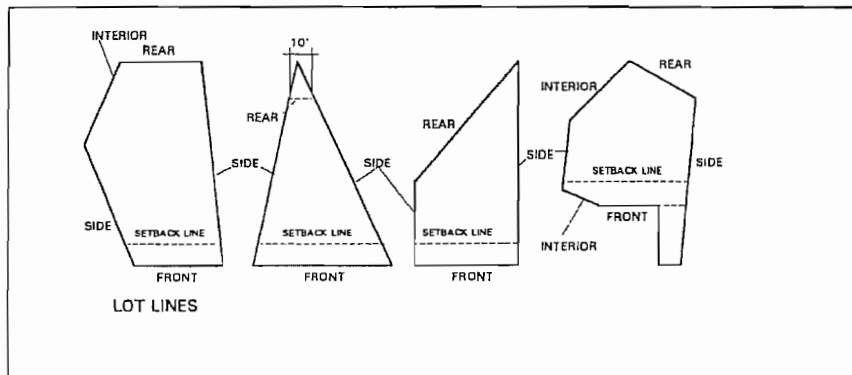
**Lot Depth:** Lot depth is the horizontal distance between the midpoint of the front lot line and the midpoint of the rear lot line; in the case of a triangular or other irregularly shaped lot, the rear lot line is defined as a line within the lot having a length not less than ten feet, parallel to and most distant from the front lot line.



**LOT DEPTH**

**Lot Frontage:** The portion of the lot contiguous to the street. On corner lots the narrowest frontage shall be considered the front of the lot. On a lot located on a cul-de-sac, curved street, or dead-end street with a curved turn-around, the frontage shall be measured as the chord drawn between the terminuses of the side property lines at their intersection with the street right-of-way .

**Lot Line:** Any boundary of a lot.

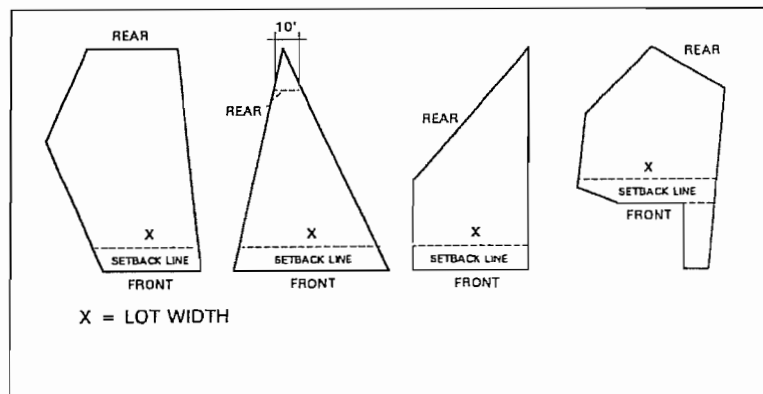


**LOT LINES**

- A. **Front.** On an interior lot, the line separating the parcel from the street right-of-way. On a corner or through lot, the lot line abutting the street providing the primary access to the lot. On a flag lot, the interior lot line most parallel to and nearest the street from which access is obtained;
- B. **Interior.** A lot line not intersecting a street which is not a front, rear or side lot line. For purposes of this Code setbacks from interior lot lines shall be the same as for side or street side lot lines, whichever is applicable;
- C. **Rear.** A lot line which intersects a side lot line and which is most distant from and most closely parallel to the front lot line. In the case of a triangular or otherwise irregularly shaped lot, a line within the lot having a length not less than ten feet, parallel to and most distant from the front lot line shall be interpreted as the rear lot line for the purpose of determining required setbacks and other provisions of this Development Code;
- D. **Side.** Those two lot lines which intersect the rear line of the front setback and at least one of which extends from the street right-of-way to the rear property line, the other may extend to an interior lot line.

**Lot of Record:** A lot that is part of a recorded subdivision or a parcel of land that has been recorded at the County recorder's office containing property tax records.

**Lot Width** The horizontal distance between the side lot lines, measured at the required front setback line.



**LOT WIDTH**



**Maintenance and Repair Service:**

- A. **Major.** Facilities providing equipment maintenance and repair services and materials storage areas. This classification includes, but is not limited to, corporation yards and equipment service centers, and excludes maintenance and repair of motor vehicles.
- B. **Minor.** Establishments providing appliance repair, office machine repair, or building maintenance services. This classification excludes maintenance and repair of motor vehicles.

**Manufactured Housing:** Residential structures that are constructed entirely in the factory, and that since June 15, 1976 have been regulated by the Federal Manufactured Home Construction and Safety Standards Act of 1974 under the administration of the U.S. Department of Housing and Urban Development (HUD).

**Median Strip:** A paved or planted area separating a street or highway into two (2) or more opposing lanes of travel.

**Mini-Mall:** A shopping center of from eighty thousand (80,000) to one hundred fifty thousand (150,000) square feet in size located on a site of eight (8) to fifteen (15) acres where tenants are located on both sides of a walkway having direct pedestrian access to all establishments from the walkway. Mini-malls usually function as neighborhood shopping centers or specialty shopping centers. Mini-malls usually do not require an anchor store.

**Mini-Warehousing/Storage:** See “Warehousing and storage, limited”.

**Mining:** The act or process of extracting resources, such as coal, oil, or minerals, from the earth.

**Mitigate:** To ameliorate, alleviate, or avoid to the extent reasonably feasible.

**Mixed Use:** Properties on which various uses, such as office, commercial, institutional, and residential, are combined in a single building or on a single site in an integrated development project with significant functional interrelationships and a coherent physical design. A single site may include contiguous properties.

**Mobile Home:** A manufactured dwelling unit designed for use as a single family dwelling capable of being transported to a site on a trailer or on wheels in one or more sections and not designed to be affixed to a permanent foundation. A mobile home is not considered a building, as defined by the Uniform Building Code.

**Modular Office:** A manufactured unit not designed for use as a single family dwelling that is capable of being transported to a site on a trailer or on wheels in one or more sections and not designed to be affixed to a permanent foundation.

**Motel**

- A. A hotel for motorists.
- B. A facility in which guest rooms or suites are offered to the general public for lodging with or without meals and for compensation, and where guest parking is provided in proximity to guest rooms. Quite often, provision is made for cooking in individual guest rooms or suites.
- C. A commercial land use providing short term shelter for 28 or fewer days in one or more buildings on the same lot. The buildings contain guest rooms or dwelling units or both, which are usually individually and independently accessible from outside the building. Motel includes motor lodge, tourist court, motor hotel or any other designation intended to identify the premises as providing for rental or overnight accommodation primarily to motorists.

**Motor Vehicle:** Any motorized vehicle designed to operate on a public street including, but not limited to, automobiles, motorcycles, trucks and recreational vehicles.

**Motor Vehicle Repair**

- A. **Major.** A place providing a full range of repair and maintenance services for motor vehicles, including, cylinder head replacement, valve grinding or replacement, clutch replacement or repair, replace transmission, rear end, rear axles, king pins, body work, engine or transmission removal, fuel tank repair, radiator or heater core repair or replacement, painting; or repair activities that require entry into the engine other than those specifically defined as minor automobile repair.
- B. **Minor.** A place performing the following repair and maintenance services for motor vehicles not exceeding 1 ton carrying capacity, including any of the following:
  - 1. **Tune-ups.** Major and minor tune-up involving spark plugs, points, condensers, valve adjustment, carburetor overhaul, adjustment of fuel injection systems, fuel pump and all necessary filters;
  - 2. **Lubrication.** Oil changes and filter replacement, transmission and rear end oil change;
  - 3. **Cooling system.** Remove and replace radiator; replace water pump, heater and other hoses; replace thermostats; recharge air conditioners;

4. **Drive train.** Replacement of drive shaft universal bearings, center support bushing, accelerator and brake cables; minor repair of hydraulic systems; replacement of shock absorbers;
5. **Brakes.** Remove and replace shoes and brake pads; rebuild master and wheel cylinders and disc caliper; adjustment of brakes; machine work related to turning of drums or disc;
6. **Wheels.** Adjust steering box; replacement of rubber bushings in suspension; wheel balancing; wheel alignment; replacement of wheel bearings; tire changes and repair.
7. **Electrical.** Charge battery; remove, repair and replace starter, alternator and regulator; rewiring of automobile and lights; repair or replacement of gauges; installation of radios;
8. **Fuel system.** Change and repair of fuel lines; replace fuel gauge sending unit;
9. **Exhaust system.** Tail pipe and muffler replacement.

Any activity combining minor and major motor vehicle repair shall be defined as “major motor vehicle repair.”

**Noise:** Any sound that is undesirable because it interferes with speech and hearing, or is intense enough to damage hearing, or is otherwise annoying. Noise, simply, is unwanted sound.

**Noise Attenuation:** Reduction of the level of a noise source using a substance, device, material, or surface, such as earth berms and/or solid concrete walls.

**Nonconforming, Illegal:** A structure, lot, or use which did not conform to applicable laws when constructed or initiated, and does not conform to the provisions of this Development Code.

**Nonconforming Lot (Legal):** A lot, the area, frontage or dimensions of which do not conform to the provisions of this Development Code but which did conform to applicable laws at the time it was subdivided.

**Nonconforming Structure (Legal):** A structure which conformed to applicable laws when constructed but does not conform to the provisions of this Development Code.

**Nonconforming Use (Legal):** A use complying with applicable laws when established but does not conform to the provisions of this Development Code.

**Nursery:** An establishment in which all merchandise other than plants is kept within an enclosed building or a fully screened enclosure.

**Office:**

- A. **Business & professional.** Offices of or organizations providing professional, executive, management, or administrative services, such as architectural, engineering, real estate, insurance, investment, legal, and medical/dental laboratories incidental to an office use, but excluding banks, savings and loan associations and other similar financial institutions and dental and medical offices.
  
- B. **Medical and dental.** Offices used for the practice of medicine, dentistry and various forms of physical therapy, but not including psychiatric medicine or psychology services and not including the overnight care of a patient.

**Open Space (Useable):** Open Areas within a multiple-family or planned residential development project which are to be used for scenic, landscaping or recreational purposes by all the residents of the project. This does not include flood control channel right-of-way, areas devoted to parking, vehicular traffic, service areas, or slopes over 10 percent, required setbacks, and any other area which does not significantly lend itself to the overall benefit of a particular development or surrounding environment. Usable common open space shall be devoted primarily to active recreational opportunities (i.e., pool, court games, wading pools, barbecue area or other recreational facilities for the common use of all residents. Open space areas shall not have any dimension less than 25 feet, except decks or balconies, which shall not have any dimension less than 6 feet to qualify as usable open space. Decks shall not be counted as usable open space where they are used solely as a passageway and entrance to a dwelling. Where decks are private in nature or are for the general use of tenants residing on the property and do not serve principally as a passageway, such decks may be counted as usable open space when otherwise conforming with the requirements of this Chapter.

**Outdoor Facilities:** Any business enterprise, temporary use, sales or service, storage or activity conducted outside an enclosed building.

**Overlay District:** A set of zoning requirements that are described in the text of the Zoning Regulations and which are imposed in addition to those requirements of the base district.

**Parcel:** A lot, or contiguous group of lots, in single ownership or under single control, usually considered a unit for purposes of development.

**Park and Recreation Facilities:** Noncommercial parks, playgrounds, recreation facilities, and open spaces.

**Parking Lot:** A site or a portion of a site, devoted to the temporary off-street parking of vehicles, including parking spaces, aisles, access drives, and landscaped areas, and providing vehicle access to a public street.

**Parking, Off-street Loading Facilities:** A site or a portion of a site, including loading berths, aisles, access drives, and landscape areas, devoted to the loading or unloading of people or materials.

**Parking Space:** A readily accessible area maintained exclusively for the parking of one motor vehicle. The parking space may be either within a structure or in the open and does not include driveways, ramps, loading or working areas, and conforms to dimensions and standards established in this Chapter.

**Parkway:** The area of a public street that lies between the curb and the adjacent property line or physical boundary definition such as fences or walls, which is used for landscaping and/or passive recreational purposes.

**Pawn Shop:** An establishment engaged in retail sales of new or secondhand merchandise and offering loans secured by personal property.

**Pedestrian Food Vendor:** A person who sells or offer for sale any food or beverage from any portable box, pushcart, stand, bag, or similar container on any public street, including parkways or sidewalks within the Town.

**Performance Standards:** Zoning regulations that set standards of operation. Performance standards provide specific criteria limiting noise, air pollution, emissions, odors, vibration, dust, dirt, glare, heat, fire hazards, wastes, traffic impacts and visual impact of a use.

**Permitted Use/Structure:** Refers to a use or structure which is allowed without the requirement for approval of a Conditional Use Permit, Land Use Compliance Review, Site Plan Review or Planned Unit Development Permit and subject to the provisions applicable to that district.

**Person:** Any individual, firm, co-partnership, joint venture, association, social club, fraternal organization, company, joint stock association, corporation, estate, trust, organization, business, business trust, public agency, school district, State of California and its political subdivisions or instrumentalities, receiver, syndicate or any group or combination thereof, acting as a unit, including any trustee or assignee.

**Personal Improvement Services:** Services or facilities including, but not limited to, photography, fine arts, crafts, driving schools, beauty and hair salon, and diet centers.

**Personal Service:** A commercial land use providing recurrently needed services of a personal nature. Personal services generally include barber and beauty shops, seamstresses, tailors, shoe repair shops, dry cleaning (except bulk processing plants), photo processing, photo-copying, and self-service laundries.

**Pre-existing:** In existence prior to the effective date of this Chapter, as amended.

**Principal Building:** A building in which the primary use of the lot on which the building is located is conducted.

**Principal Use:** The primary or predominant use of any lot, building or structure.

**Printing & Publishing:**

- A. **Limited.** The preparation of camera-ready artwork and text, photocopying, printing, and binding in a building not exceeding 1,000 square feet.
- B. **Unlimited.** The preparation of camera-ready artwork and text, photocopying, printing and binding in a building exceeding 1,000 square feet.

**Private Recreational Facilities:** Facilities including, but not limited to, country clubs, tennis and swim clubs, golf courses, racquetball and handball facilities, YMCA, YWCA, and limited commercial uses which are commonly associated and directly related to these primary uses.

**Professional Offices:** A use providing professional or consulting services in the fields of law, medicine, architecture, design, engineering, accounting and similar professions, but not including financial institutions or real estate or insurance offices.

**Public and Semipublic Uses:** A class of uses generally open to the public and maintained and supported by public or nonprofit agencies or organizations and which are of a recreational, civic, educational, religious or cultural nature.

**Public Park:** A park, playground, swimming pool, beach, pier, reservoir, golf course or athletic field within the Town which is under the control, operation or management of the Town, the County or State.

**Public Right-of-Way:** A strip of land acquired by reservation, dedication, prescription or condemnation and intended to be occupied by a road, trail, water line, sanitary sewer and/or other public use(s).

**Public Safety Facilities:** Facilities for public safety and emergency services, including police and fire protection.

**Public Utility Service Yard:** A premises used for the office, warehouse, storage yard, or vehicle and equipment maintenance of a public utility. Public utility service yard may included microwave, radio, cable, and/or other communication equipment.

**Pushcart:** Any wagon, cart or similar wheeled container, not a vehicle as defined in the Vehicle Code of the State of California from which food or beverage is offered for sale to the public.

**Quarry:** A place where rock, ore, stone and similar materials are excavated and processed for sale or

for off-site use.

**Queue Line:** An area for the temporary waiting of motor vehicles while obtaining a service or other activity such as a drive-thru restaurant or a car wash.

**Recreational Courts:** Facilities developed for the purpose of playing court sports, including but not limited to tennis, paddle tennis, handball, racquetball, and other similar uses.

**Recreational Vehicle:** A vehicle towed or self-propelled on its own chassis or attached to the chassis of another vehicle and designed or used for recreational or sporting purposes. The term recreational vehicle includes, but is not limited to, travel trailers, pickup campers, camping trailers, motor coach homes, converted trucks or buses, boats and boat trailers, and all terrain vehicles.

**Recreational Vehicle Park:** An area where spaces are offered to users of recreational vehicles for occupancy on a temporary basis.

**Recreation, Active:** A type of recreation or activity that requires the use of organized play areas including, but not limited to, softball, baseball, football and soccer fields, tennis and basketball courts and various forms of children's play equipment.

**Recreation, Commercial:** A commercial land use providing facilities for recreation in exchange for financial or other consideration.

**Recreation, Passive:** A type of recreation of activity that does not require the use of organized play areas.

**Recycling:** The process by which waste products, including automobiles, are reduced to raw materials and transformed into new products.

**Recycling Center:** A building in which used material is separated and processed prior to shipment to others who will use the material to manufacture new products. A facility that is not a junkyard and in which recoverable resources, such as newspapers, glassware, and metal cans, are collected, stored, flattened, crushed, or bundled, essentially by hand within a completely enclosed building.

**Recycling Collection Point:** An incidental use that serves as a neighborhood drop-off point for temporary storage of recoverable resources where no processing of such items is allowed. This facility would generally be located in a shopping center parking lot or in other public/quasi-public area.

**Recycling Plant:** A facility that is not a junkyard and in which recoverable resources, such as newspapers, magazines, books, and other paper products; glass; metal cans; and other products that are recycled, reprocessed, and treated to return such products to a condition in which they may again be used for production.

**Religious Assembly:** Facilities for religious worship and incidental religious education, but not including schools as defined in this Section.

**Religious Institution:** A structure which is used primarily for religious worship and related religious activities.

**Research and Development Services:** Establishments primarily engaged in industrial or scientific research, including limited product testing.

**Residential:** A land use category with the principal purpose of providing shelter for people on a long-term basis.

**Residential Care Facilities (Congregate Care):** Residential facilities in which group care, supervision and/or assistance are provided for persons who may or may not have a disability. Residential facilities do not include family day care, foster care or any medical services, including nursing services, beyond that required by the residents of the facility for sustaining the activities of daily living. Examples of residential care facilities include, but are not limited to, facilities for the following:

- A. Elderly Residential Care Facility: Provides 24-hour care for adults 60 years of age and older.
- B. Adult Residential Care facility: Provides 24-hour care for adults who are between 18-59 years of age.
- C. Group Home: Provides 24-hour care for children under 18 years of age.

**Resort Hotel:** A group of buildings containing guest rooms and providing outdoor recreational activities.

**Restaurant:** A use providing preparation and retail sale of food and beverages; such uses include cafes, coffee shops, sandwich shops, ice cream parlors, fast food take-out (i.e., pizza), and similar uses, and may include licensed on-site provision of alcoholic beverage for consumption on the premises when accessory to such food service.

**Restaurant, Drive-thru:** A use providing preparation and retail sale of food and beverages, as defined under Restaurant with the added provision of one (1) or more drive-thru lanes for the ordering and dispensing of food and beverages to patrons remaining in their vehicles.

**Retail:** The exchange of goods directly to the ultimate consumer in exchange for financial or other consideration.

**Retail Sales:** The retail sale of merchandise or product.



**Reverse Vending Machine:** An automated mechanical device which accepts one or more types of empty beverage container including but not limited to aluminum cans, glass, and plastic bottles and issues a cash deposit or redeemable credit voucher for not less than the redemption value of the container as determined by the State. A reverse vending machine may sort and process containers mechanically provided the entire process is enclosed within the machine.

**Review Authority:** The person, committee, Commission or Council responsible for the review and/or final action on a land use entitlement or discretionary decision.

**Rezoning:** An amendment to the map and/or text of a zoning ordinance to effect a change in the nature, density, intensity or regulation of uses allowed in a zoning district and/or on a designated parcel or land area or an amendment to procedures regarding implementation of zoning regulations.

**Riparian Lands:** Riparian lands are comprised of the vegetative and wildlife areas adjacent to perennial and intermittent streams. Riparian areas are delineated by the existence of plant species normally found near fresh water.

**Room, Habitable:** A room meeting the requirements of the Uniform Housing Code.

**Rounding of Quantities:** The consideration of distances, unit density, density bonus calculations, or other aspects of development or the physical environment expressed in numerical quantities which are fractions of whole numbers; the numbers are to be rounded to the nearest highest whole number when the fraction is 0.5 or more, and to the next lowest whole number when the fraction is less than 0.5, except as otherwise may be provided in this Development Code.

**Runoff:** That portion of rain or snow that does not percolate into the ground and is instead discharged into streams or other bodies of water.

**Salvage and Wrecking Operation:** A place where used motor vehicles or trailers, or portions thereof, are discarded, bought, sold, exchanged, baled, packed, disassembled, stored, displayed or handled; house-wrecking operations; used lumber or other building material yards; places for storage of salvaged building materials and structural steel materials and equipment; but not including the sale of used motor vehicles in operable condition, establishments for the sale, purchase, or storage of used furniture and household fixtures when conducted entirely within an enclosed building.

**Satellite Dish Antenna:** An apparatus capable of receiving or transmitting communications from a satellite.

**School (Elementary and High):** An institution of learning for minors, whether public or private, which offers instruction in those courses of study required by the California Education Code or which is maintained pursuant to standards set by the State Board of Education.

**Screening:** The method by which a view of one site from another adjacent site is shielded, concealed, or hidden. Screening techniques include fences, walls, hedges, trees and/or other plantings, berms or other features. Screening should include materials of sufficient mass to be opaque or that shall become opaque after twelve (12) months and which shall be maintained in an opaque condition.

**Second dwelling unit:** A self contained living unit, either attached to or detached from, and in addition to, the primary residential unit of a single lot.

**Secondhand Store:** Any premises used for the sale or handling of used goods. Secondhand store includes establishments for the sale or trade of used clothing, furniture and appliances.

**Senior (Senior Citizen):** A person who is 55 years of age or older.

**Setback:** The horizontal distance between the property line and any structure.

**Shopping Center:** A group of 2 or more commercial establishments, the perimeter of which is clearly definable, developed on a continuous area of land, planned and developed as single unit and providing shared on-site parking, access, landscaping, and signage.

**Sidewalk/Parking Lot Sale:** A promotional sales event conducted by one or more businesses which is held outside the confines of the commercial or manufacturing structure(s) in which such business is normally conducted. Such sale involves outdoor display within a paved or concreted area on the same lot as the structure(s), of merchandise which is normally displayed within the structure(s). Sale events shall be conducted solely on private property and not encroach within public rights-of-way.

**Site Plan Review:** An review process conducted in accordance with Division 3, Chapter 3 of this Title.

**Solar Facilities:** The airspace over a parcel that provides access for a solar energy system to absorb energy from the sun.

**Specific Plan:** A detailed plan that includes the text and maps or diagrams that specifically follow a portion of the area covered by the General Plan:

- A. Land use;
- B. Distribution, location, and extent and intensity of major components of public and private transportation, sewage, water, drainage, solid-waste disposal, energy, and other public facilities and services;
- C. Standards and criteria by which development will proceed; and
- D. The relationship of the Specific Plan to the adopted General Plan.

**Speculative Building:** A permanent structure for which the specific use or uses are not known at the time application is made for building permits.

**Square:** A public open space in a developed area.

**Stable, Commercial:** A structure for the keeping of horses, mules or ponies which are boarded for compensation.

**Stable, Private:** An accessory structure for the keeping of horses or ponies for the use of occupants of the premises.

### **Standard**

- A. A rule or measurement establishing a level of quality or quantity that must be complied with or satisfied. Examples of standards might include the number of acres of park land per 1,000 population that the community will attempt to acquire and improve, or the planned traffic level of service (LOS).
- B. Requirements in a zoning ordinance that govern building and development as distinguished from use restrictions; for example, site design regulations such as minimum lot area, height limit, frontage, landscaping and floor area ratio.

**Storage:** A space or place where goods, materials and/or personal property is put for more than twenty-four (24) hours.

**Story:** That portion of a building included between the upper surface of any floor and the upper surface of the floor next above, except that the topmost story shall be that portion of a building included between the upper surface of the topmost floor and the ceiling or roof above. If the finished floor level directly above a usable or unused under floor space is more than six (6) feet above grade as defined herein for more than fifty (50) percent of the total perimeter or is more than twelve (12) feet above grade as defined herein at any point, such usable or unused under-floor space shall be considered as a story.

**Story, First:** The lowest story in a building which qualifies as a story, as defined herein, except that a floor level in a building having only one (1) floor level shall be classified as a first story, provided such floor level is not more than four (4) feet below grade, as defined herein, for more than fifty (50) percent of the total perimeter, or not more than eight (8) feet below grade, as defined herein, at any point.

**Street:** Any thoroughfare or public way not less than sixteen (16) feet in width which has been dedicated or deeded to the public for public use.

**Street Furniture:** Man-made above-ground items that are usually found in street rights-of-way, including benches, kiosks, plants, canopies, shelters and phone booths.

**Street Hardware:** Mechanical and utility systems within a street right-of-way such as hydrants, manhole covers, traffic lights and signs, utility poles and lines, parking meters and the like.

**Streetscape:** An urban design component that concentrates on making the road system and road environment useful as a instrument in understanding and organizing the urban development. It may be defined as the sensitive placement of landscaping, signage, lighting and street furniture. Views, driver orientation, meaningful visual sequences, and the design of compatible land use edge conditions are essential objectives of a streetscape system. The primary objective of a streetscape system is to design the major streets with a consistent landscape pattern and appropriate scale to distinguish them from the lesser streets and provide strong visual orientation for the driver.

**Strip Development:** Commercial or retail development, usually one store deep, that fronts a street.

**Structure:** That which is built or constructed, an edifice or building of any kind, or any piece of work artificially built up or composed of parts joined together in some definite manner. (By this definition all buildings are structures, however, not all structures are buildings.)

**Swimming Pools, Hot Tubs and Spas:** Any constructed or prefabricated water-filled vessel which is not drained, cleaned, or refilled for each individual, and is used for swimming, soaking, or recreation.

**Temporary Use:** A use established for a specified period of time, with the intent to discontinue the use at the end of the designated time period.

**Topography:** Configuration of the surface of land, including its relief and the position of natural and man-made features

**Townhouse; Townhome:** An attached single family dwelling in which each unit has its own front and rear access to the outside, no unit is located over another unit, and each unit is separated from any other unit by one (1) or more common and fire-resistant walls. Townhouses usually have separate utilities; however, in some condominium situations, common areas are serviced by utilities purchased by a homeowners' association on behalf of all members of the association.

**Town of Yucca Valley General Plan:** The long range and comprehensive plan for the orderly growth and development of Yucca Valley, including text, maps, and amendments, adopted by the Town Council in accordance with the laws of the State of California. Also referred to as the "General Plan."

**Transfer Station:** A collection and transportation facility used by persons and route collection vehicle to deposit collected solid waste from off-site into a larger transfer vehicle for transport to a solid waste handling facility. Transfer station may also include recycling facility.

**Transit:** The conveyance of persons or goods from one place to another by means of a local, public transportation system.

**Transit, Public:** A system of regularly-scheduled buses and/or trains available to the public on a fee-per-ride basis. Also called mass transit.

**Transitional Housing:** Shelter provided to the homeless for an extended period, often as long as 18 months, and generally integrated with other social services and counseling programs to assist in the transition to self-sufficiency.

**Transportation Demand Management:** A strategy for reducing demand on the road system by reducing the number of vehicles using the roadways and/or increasing the number of persons per vehicle. TDM attempts to reduce the number of persons who drive alone on the roadway during the commute period and to increase the number in carpools, vanpools, buses, trains, walking and biking.

**Travel Services:** Office establishments providing travel information and reservations to individuals and businesses.

**Trip:** A one-way journey that proceeds from an origin to a destination via a single mode of transportation; the smallest unit of movement considered in transportation studies. Each trip has one production end (or origin, often from home, but not always) and one attraction end (destination).

**Truck Depot:** A facility for the temporary storage, servicing, or maintenance of trucks or buses. Truck depots may include fueling facilities, traffic routing office, restaurants, wash racks, minor facilities and related business offices and motels.

**Truck Yard:** A facility used exclusively for breaking-down and assembling tractor-trailer transport, or for parking of heavy vehicles for short periods of time. Truck yard does not include facilities for the loading and unloading of materials being transported.

**Undevelopable:** Specific areas where topographic, geologic, and/or surface soil conditions indicate a significant danger to future occupants and a liability to the Town are designated as undevelopable by the Town.

**Urban Design:** The attempt to give form, in terms of both beauty and function, to selected urban areas or to whole cities. Urban design is concerned with the location, mass, and design of various urban components and combines elements of urban planning architecture and landscape architecture.

**Use:** The purpose for which a lot or structure is or may be leased, occupied, maintained, arranged, designed, intended, constructed, erected, moved, altered and/or enlarged in accordance with this Development Code.

**Use Initiation:** The implementation of a use on a parcel or occupancy of a structure, or construction of substantial site improvements after a building permit has been issued, subject to determination by the Director.

**Utilities:**

- A. **Major.** Generating plants, electrical substations, above-ground electrical transmission lines, microwave or cellular antennas, water reservoirs, flood control or drainage facilities, water or wastewater treatment plants, transportation facilities, and similar facilities of public agencies or public utilities.
- B. **Minor.** Utility facilities that are necessary to support legally established uses and involve only minor structures such as electrical distribution line and underground water and sewer lines.

**Variance:** A deviation from any provision of the zoning requirements except for a land use activity, for a specific parcel without changing the zoning ordinance or the underlying zoning of the parcel. A variance usually is granted only upon demonstration of hardship based on the peculiarity of the property in relation to other properties in the same zoning district.

**View Corridor:** The line of sight identified as to height, width and distance of an observer looking toward an object of significance to the community (e.g., ridgeline, river, historic building, etc.); the route that directs the viewers attention.

**Vocational School:** A technical, trade or self-improvement school providing highly specialized technical courses or a limited range of technical courses not recognized by accredited organizations.

**Warehousing and Storage Facility:**

- A. **Limited.** A building or group of buildings in a controlled access compound that contains individual compartmentalized stalls which are rented or leased for the storage of customer goods or wares, and which may include an on-site manager’s quarters, but excludes “warehousing and storage, wholesale distribution.” Limited warehousing and storage shall also mean “Mini-warehousing.”
- B. **Wholesale distribution.** A building or group of buildings used for storage and distribution of wholesale goods without direct public access.

Warehousing and storage does not include direct sales, offices, manufacturing, assembly of goods or animal storage.

**Wetland:** An area that is inundated or saturated by surface water or groundwater at a frequency and duration sufficient to support, and that, under normal circumstances, does support, a prevalence of vegetation typically adapted for like in saturated soil conditions, commonly known as hydrophytic vegetation.

**Wholesale for Retail Sales:** The exchange of goods not intended for direct sale to the public but intended for future distribution and resale for financial or other consideration.

**Wildlands:** Any area of land that is essentially unimproved, in a natural state of hydrology, vegetation and animal life, and not under cultivation.

**Wireless Communication:** A broad range of telecommunication services that enable people and devices to communicate independent of location. This includes the current technologies of cellular communications and personal communications services. This excludes noncommercial antennas, radio, and television signals, and noncommercial satellite dishes.

**Yard:** An open space on a parcel of land, other than a court, unobstructed and unoccupied from the ground upward, except for projections permitted by this Development Code.

**Yard, Front (Setback):** An area extending across the full width of the lot between the front lot line or the existing or future street right-of-way and the front structural setback line.

**Yard, Rear (Setback):** An area extending across the full width of the lot between the rear lot line and the rear structural setback line.

**Yard, Side or Street Side (Setback):** An area bounded by the front and rear structural setback lines, the side lot lines or street right-of-way, and the side or street side structural setback line.

**Zero Lot Line:** The location of a structure on a lot in such a manner that one or more of the structure's sides rest directly on a lot line.

**Zoning:** The division of the Town by legislative regulation into areas, districts or zones, which specify allowable uses for real property and size restrictions for structures within these areas; a program that implements the policies of the General Plan.

**Zoning District:** A designated section of the Town for which prescribed land use requirements and building and development standards are uniform.


**Zoning, Exclusivity:** Development regulations that result in the exclusion of low and moderate income families from a community.

**Zoning, Inclusiveness:** Regulations which increase housing choice by providing the opportunity to construct more affordable, diverse, and economical housing to meet the needs of low and moderate income families.”

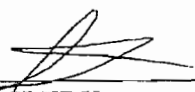
SECTION 2. NOTICE OF ADOPTION. Within fifteen (15) days after the adoption hereof, the Town Clerk shall certify to the adoption of this Ordinance and cause it to be published once in a newspaper of general circulation printed and published in the County and circulated in the Town pursuant to Section 36933 of the Government Code.

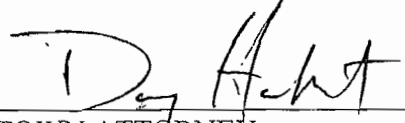
SECTION 3. EFFECTIVE DATE. This Ordinance shall become effective thirty (30) days from and after the date of its adoption.

APPROVED AND ADOPTED by the Town Council and signed by the Mayor attested by the Town Clerk this 18<sup>th</sup> day of May, 2010.

  
\_\_\_\_\_  
MAYOR

ATTEST:

  
\_\_\_\_\_  
TOWN CLERK

APPROVED AS TO FORM:  
  
\_\_\_\_\_  
TOWN ATTORNEY



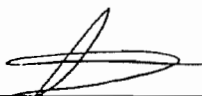
STATE OF CALIFORNIA  
COUNTY OF SAN BERNARDINO  
TOWN OF YUCCA VALLEY

I, Janet M. Anderson, Town Clerk of the Town of Yucca Valley, California hereby certify that the foregoing Ordinance No. 212 as duly and regularly introduced at a meeting of the Town Council on the 4<sup>th</sup> day of May, 2010, and that thereafter the said ordinance was duly and regularly adopted at a meeting of the Town Council on the 18<sup>th</sup> day of May, 2010, by the following vote, to wit:

- Ayes: Council Members Huntington, Luckino, Neeb, and Mayor Mayes
- Noes: None
- Abstain: Council Member Herbel
- Absent: None

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of the Town of Yucca Valley, California, this 19<sup>th</sup> day of May, 2010.

(SEAL)

  
\_\_\_\_\_  
Town Clerk of the Town of  
Yucca Valley

## TOWN COUNCIL STAFF REPORT

**To:** Honorable Mayor & Town Council  
**From:** Curtis Yakimow, Town Manager  
Shane Stueckle, Deputy Town Manager  
**Date:** October 29, 2014  
**For Council Meeting:** November 4, 2014

**Subject:** Brehm Youth Sports Park  
Acquisition Agreement

**Prior Council Review:** The Town Council and the Basin Wide Foundation have discussed an acquisition/donation of a Youth Sports Park facility in various forms over the past eight years. The Town Council previously reviewed the Brehm Park transition/acquisition in April 2013 and with the adoption of the FY 2014-16 Budget. The Council appointed the Ad Hoc Committee of Mayor Lombardo and Council Member Abel to meet with Basin Wide Foundation representatives to discuss facility transition provisions.

At the meeting of May 6, 2014, the Town Council directed staff to proceed with the acquisition process. At the July 15, 2014, Town Council reviewed and continued the acquisition process transaction with direction to return to the Council as soon as practically possible.

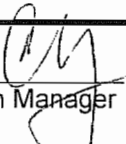
**Recommendation:** That the Town Council approves the acquisition agreement subject to non-substantive changes, authorizing the Town Attorney, Mayor and Town Manager to sign the Agreement and all necessary documents to open and close escrow and to acquire the property, contingent upon the California Department of Finance final review and approval of the acquisition financing as included on the FY 2014-15B ROPS schedule, as recommended by the Town Council's Brehm Park Ad Hoc Committee.

**Order of Procedure:**

- Request Staff Report
- Request Public Comment
- Council Discussion/Questions of Staff
- Motion/Second
- Discussion on Motion
- Call the Question (Roll Call Vote)


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Reviewed By:

  
Town Manager

\_\_\_\_\_  
Town Attorney

\_\_\_\_\_  
Mgmt Services

  
Dept Head

---

Department Report  
 Consent

Ordinance Action  
 Minute Action

Resolution Action  
 Receive and File

Public Hearing  
 Study Session

**Discussion:** Based upon past Town Council direction, and specific Town Council direction at the meeting of May 6, 2014, the attached Draft Acquisition Agreement has been prepared for acquisition of the park. This agreement is based upon the Basin Wide Foundation's Proposal for Brehm Park Transition. Over the course of the past two months, Town and Basin Wide staffs have met to review and discuss the proposal. Finally, the Town's Brehm Park Ad Hoc Committee has reviewed and provided input and suggestions regarding the proposal in an effort to simplify and streamline the overall transaction.

As outlined in the Basin Wide Foundation's proposal, the scope of this project has been modified multiple times over the past eight years. From the proposal:

*"As the Town and Ad Hoc committee are aware, the history of this valuable project has had modifications and alterations due to many different factors, such as requests, resources and costs. However, the goal has remained consistent – to deliver a premium sports park and recreational facility to the community that embraces the desires and goals of the Basin Wide Foundation and to then provide scholarships to athletes in need after the park is built and transitioned to the town. To that end, we are excited to be approaching the final phase of this project. What began as a limited scope 9 acre sports field project, has now transformed into a 13 acre premium park with numerous amenities including the following:"*

#### **Brehm Youth Sports Complex Amenities**

- *Three Multi-use lighted sports fields (two natural turf, one artificial turf)*
- *Multiple picnic areas*
- *Miracle League field*
- *Roller-derby flat track*
- *Multi-purpose meeting room and offices*
- *Parking improvements plus elevated stage parking area*
- *Shaded Playground with multi-age play structures*
- *Sidewalks, fencing and landscaping detail*
- *Maintenance building*

#### **Transaction Terms**

Primary components of the Transition Plan include the following.

- Town to own the Brehm Park facility upon close of escrow;
- Town to complete Palm street improvements.
- Town to no longer provide partnership funding to the Basin Wide Foundation.
- Basin Wide Foundation to complete the following improvements prior to close of

escrow, and within 180 days:

- Playground Equipment Installation
  - Playground Fall Surface
  - Playground Shade Sails
  - Roller Derby Flat Track
  - Artificial Turf Tournament Field
  - Turf Field Fencing
  - Northwest Parking Lot Fence Line and Gate
  - Front Entry Walk and Recognition Sculpture
  - Completion of the West Side Parking Lot in Concrete
  - Completion of the Stage Area in Concrete
  - General Clean-up and Debris Removal
- Acquisition price of \$450,000; reflecting the general value of the unimproved land at a discounted rate, with all park improvements being gifted to the Town by the Foundation in their entirety.
  - Transition in operational control from Basin Wide Foundation to the Town at the close of escrow.

The attached draft acquisition agreement is structured to utilize an escrow account to administer the transaction, and will provide for a listing of the remaining improvements to be completed, as well as a timeframe for acquisition payments.

**Alternatives:** Staff recommends no alternative actions.

**Fiscal impact:** Capital costs for the acquisition were incorporated in the Successor Agency's planned bond expenditures as reflected in the FY 2014-15B Recognized Obligation Payment Schedule. Approval of this schedule is expected by November 15, 2014. Any recommended action should be contingent upon DOF approval of that schedule. Annual operating costs for the Park are incorporated in the FY 2014-16 Budgets, and are anticipated to range from \$65,000 - \$120,000 depending on scheduled use and environmental factors. Offsetting revenue will be generated from user fees.

**Attachments:** Proposal for Transition/Escrow  
July 15, 2014 & May 6, 2014 Town Council Minutes  
Draft Acquisition Agreement



56711 29 Palms Hwy., Yucca Valley, CA 92284 - 760.365.7219

## PROPOSAL FOR BREHM PARK TRANSITION/ESCROW

Town of Yucca Valley  
Brehm Park Ad Hoc Committee

October 25, 2014

After many years in visioning, planning, designing and development, the Basin Wide Foundation is nearing completion of the amazing Brehm Youth Sports Complex here in Yucca Valley. The Foundation is actively pursuing completion of the final elements of the complex, and wanted to provide an update on both the anticipated completion schedule, as well as the proposed general terms of transition.

### Construction Update and Schedule

It is the Foundation's desire to deliver the following elements in completion of the Youth Sports Complex:

1. Artificial Turf Tournament field. 86,000 square foot field, pre-stripped for both football and soccer. For your reference, this amenity is planned to be graded and installed by Artificial Grass Liquidators; the initial field we considered is used, but less than three years old and has the remainder of the color warranty along with new infill and safety certification. However, if a suitable donor can be found, AGL has also given us pricing on a new field at a considerable discount. (AGL also offers an annual cleaning and maintenance program that you might find of interest upon transition). AGL will have their name in the field somewhere since they are donating the install.
2. Fencing will continue along the west side of the football field to keep the general soccer population off of the field unless authorized games are in session.
3. Completion of the west side parking lot in concrete (5" over native per plan), in addition to the stage area, stopping just before the Water District's native plant walk way that is underway by HDWD.
4. Completion of the fence line on the north west side of the parking lot, including a gate between the parking lot and stage area.
5. Front entry walk and recognition sculpture.
6. Maintenance building and surrounding areas will be cleaned up and debris removed prior to transition.
7. As an update, the two natural turf soccer fields, picnic areas, playground, roller derby flat track, miracle league field, sidewalks, lighting, parking areas and building are all complete.

Allowing for unforeseen delays, the Foundation anticipates that these improvements will be completed in approximately 180 days or sooner.

### General Terms of Transition

As the Town and Ad Hoc committee are aware, the history of this valuable project has had modifications and alterations due to many different factors, such as requests, resources and costs. However, the goal has remained consistent – to deliver a premium sports park and recreational facility to the community that embraces the desires and goals of the Basin Wide Foundation and to then provide scholarships to athletes in need after the park is built and transitioned to the town. To that end, we are excited to be approaching the final phase of this project. What began as a limited scope 9 acre sports field project, has now transformed into a 13 acre premium park with numerous amenities including the following:

### Brehm Youth Sports Complex Amenities

- Three Multi-use lighted sports fields (two natural turf, one artificial turf)
- Multiple picnic areas
- Miracle League field
- Roller-derby flat track
- Multi-purpose meeting room and offices
- Parking improvements plus elevated stage parking area
- Shaded Playground with multi-age play structures
- Sidewalks, fencing and landscaping detail, including a demonstration garden walk
- Maintenance building

The market value of this project is conservatively estimated at over \$6,000,000, with the unimproved land valued at \$589,000. To finalize the transfer of this facility upon completion to the Town, the Foundation proposes a simplified purchase agreement in an amount of \$450,000 payable in three equal installments at the beginning, mid-point and termination of escrow. Under this scenario, it is anticipated that the Town would no longer provide partnership funding to the Basin Wide Foundation for its youth scholarship program. This proposed funding structure approximates the value of the unimproved land discounted over 20% from the BWF's purchase costs of \$589,000, with the park improvements on that land being gifted to the Town by the Foundation in their entirety.

The Foundation once again thanks the Town and ad hoc committee for their partnership and support of this project.

Respectfully,

A handwritten signature in black ink, appearing to read 'Cindy Melland', written in a cursive style.

Cindy Melland, BWF

Youth Sports Park Coalition

**CHAPTER 12.20 OF THE TOWN OF YUCCA VALLEY MUNICIPAL CODE ESTABLISHING SPEED LIMITS**

- 8. **Adopt** Resolution No. 14-12 appointing Christy Marie Lopez as Assistant Town Attorney
- 9. **Ratify** the Payroll Register total of \$121,257.51 dated April 11, 2014.  
**Ratify** Warrant Register total of \$355,121.86 for checks dated April 17, 2014.

Mayor Lombardo opened public comment for items on the Consent Agenda. With no members of the public wishing to speak, Mayor Lombardo closed public comments.

Council Member Abel moved to approve consent agenda items 4-9. Mayor Pro Tem Huntington seconded. Motion carried 5-0 on roll call vote.

**AYES:** Council Members Abel, Huntington, Leone, Rowe and Mayor Lombardo  
**NOES:** None  
**ABSTAIN:** None  
**ABSENT:** None

**DEPARTMENT REPORTS**

**10a. Brehm Park Ad Hoc Committee Recommendation**

Deputy Town Manager presented the staff report, explaining that the Brehm Park Ad Hoc Committee met with Basin Wide Foundation over the past several months to discuss the Brehm Park facility transition provisions.

Over-arching provisions brought forward by the Ad-Hoc Committee for Council’s consideration to transition the facility as of July 1, 2014, the Town of Yucca Valley will become the owners of the park facility, Basin Wide Foundation to complete playground equipment installation, fall surface and playground equipment shade sails, Town to complete the west parking lot and Palm Street improvements. The Town is also to provide \$10,000 annually for low income youth sports participation program for 10 years, with the opportunity for Basin Wide Foundation to request a 5-year extension. Basin Wide Foundation will also have the opportunity to complete a roller-derby flat track.

Mayor Lombardo opened public comments.

City Melland, Basin Wide Foundation spoke in favor of the provisions presented and thanked the Ad-Hoc Committee and staff for their support in the process. Melland spoke of the many volunteers involved with making the park a beautiful asset in the community.

With no other members of the public wishing to speak, Mayor Lombardo closed public comments.



Council Member Rowe spoke in favor of the Town acquiring the park and asked about the provisions of low income grants, and if there could be a priority for Yucca Valley residents when using these funds for activity fees. Rowe also inquired on the cost of improvement provisions.

Mayor Pro Tem Huntington thanked the Brehm Family for the contribution to the community.

Council Member Leone also thanked the Brehm Family for a beautiful facility.

Mayor Lombardo spoke of park amenities and stated the facility would be a highlight in the Town's park inventory.

Council Member Rowe moved to accept the Brehm Park Ad Hoc Committee with two modifications: 1) The General Fund expenditures for the Youth Sports Participation Program, include prioritization given to Town of Yucca Valley residents, and 2) staff return back to the Town Council with a transition process beginning July 1, 2014 with recommendations of delivering future amenity projects at the lowest possible cost to the community which includes private donations as well as public tax payers dollars. Mayor Pro Tem Huntington seconded. Motion carried 5-0 on a roll call vote.

**AYES:** Council Members Abel, Huntington, Leone, Rowe and Mayor Lombardo  
**NOES:** None  
**ABSTAIN:** None  
**ABSENT:** None

**10b. State Safe Routes to School Grant Funds (SR2S)  
Sage Avenue Safe Route to School (SR2S) Improvements – Town Project No. 8320  
Reject all Bids and Re-advertise**

Project Engineer Qishta presented the staff report, reviewing the original project scope and the bidding process for the Safe Routes to School Improvement project. Qishta explained that the lowest bid came in approximately 29 percent over the engineer's estimate. Suggested project modifications were discussed, including the elimination of the sidewalk construction along the east side of Sage and the elimination of the flashing beacon at the corner of Sage Avenue and Pueblo Trail.

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

Council Member Leone commented favorably on rejecting the bids and modifying the scope of the project.

**7. Item Pulled**

Mayor Lombardo opened public comments on the consent agenda.

David Mahaffey, Yucca Valley commented on the signal sensors on some of the newer signals in Yucca Valley, stating that the sensors don't seem to pick up the presence of a motorcycle staging at the signal.

With no other members of the public wishing to speak, Mayor Lombardo closed public comments.

Mayor Pro Tem Huntington moved to approve consent agenda items 1-6. Council Member Rowe seconded. Motion carried 5-0 on roll call vote.

- AYES:** Council Members Abel, Huntington, Leone, Rowe and Mayor Lombardo
- NOES:** None
- ABSTAIN:** None
- ABSENT:** None

**Item 7. Warrant Register**

Council Member Leone stated he pulled the item to discuss the payment to Southern California Edison, and inquired if the Town was seeing any savings to electrical costs, since the installation of solar panels.

Mayor Lombardo suggested a future discussion of additional solar usage at Town facilities.

Council Member Leone moved to **Ratify** Payroll Register total of \$284,440.45 for checks dated June 6, 2014 and June 20, 2014 and to **Ratify** Warrant Register total of \$476,518.36 for checks dated June 12, 2014 and June 26, 2014. Council Member Abel seconded. Motion carried 5-0 on a roll call vote.

- AYES:** Council Members Abel, Huntington, Leone, Rowe and Mayor Lombardo
- NOES:** None
- ABSTAIN:** None
- ABSENT:** None

**DEPARTMENT REPORT**

**8. Brehm Youth Sport Park Acquisition Agreement**

The staff report was presented by Deputy Town Manager Shane Stueckle. At the Town Council's direction at the May 6, 2014 meeting, a proposed agreement between the Town of Yucca Valley and the Basin Wide Foundation – Youth Sports Park Coalition is being brought before the Council.

The donor, Basin Wide Foundation desires to transfer six (6) parcels of real property in return for the Town's commitment to accept, maintain and operate the property as a public park, based upon the approved plans for the facility. The following are additional highlights from the proposed agreement.

Also included in the proposed agreement, the Town shall provide Ten Thousand Dollars (\$10,000) annually for low income youth sports participation programs for ten (10) years, with the opportunity for Basin Wide Foundation to request a five (5) year extension of this program. The Town would retain complete discretion to determine appropriate funding sources for the low income youth sports program.

Additionally, the Town shall complete Palm Ave. street improvements and coordinate necessary utility relocations in order to accomplish the necessary street improvements. The Town will coordinate the timing of construction of said street improvements with utility companies and Town infrastructure plans and programs.

It is also proposed that the Town will complete the west parking lot in accordance with the approved plans.

The Town shall provide priority scheduling for recognized and organized sports and recreation organizations for use of the facility including the Morongo Basin Youth Soccer Association, the Miracle League, and the Rattle Skaters. The Town will coordinate use of the property with these and other recognized sports and recreation organizations in accordance with adopted Town facility use policies.

Basin Wide Foundation would be expected to complete improvements for certain components of the property prior to the Town accepting the property, including the roller derby flat track, playground equipment installation, fall surface, playground equipment shade sails, and brick entrance signage. Basin Wide Foundation may contribute future improvements, in-kind donations or other elements subject to the Town's approval.

Mayor Lombardo opened public comment.

Cindy Melland of Basin Wide Foundation thanked Town staff for working with the Foundation and gave a brief update on recent work continuing at the park facility.

David Mahaffey, Yucca Valley commented favorably on the beautiful park to be enjoyed by the community.

With no other members of the public wishing to speak, Mayor Lombardo closed public comment.

Council Member Abel asked for clarification on the revised acquisition agreement and joint escrow instructions. Abel commented favorably on giving consideration of local user groups using the facility.

Council Member Rowe stated she would like to have more time to review the revised agreement.

Mayor Pro Tem Huntington also stated he would like to continue the item for further review of the agreement.

Council Member Rowe moved to continue the Brehm Youth Sports Park Acquisition Agreement to a future meeting. Mayor Pro Tem Huntington seconded. Motion carried 5-0 on a roll call vote.

**AYES:** Council Members Abel, Huntington, Leone, Rowe and Mayor Lombardo  
**NOES:** None  
**ABSTAIN:** None  
**ABSENT:** None

## 9. **Black Rock Canyon Road**

Town Project Engineer Qishta presented the staff report seeking approval of the maintenance area of Black Rock Canyon Road, between the Town's southern boundary and to the northern edge of San Marino Drive. The proposed approval includes the direction of staff to obtain necessary easements and accepts Black Rock Canyon Road into the Town's Maintained Road System.

Qishta continued to give background on the item, explaining Traffic Safety Policy No. 5. This policy establishes the standards by which roads may be dedicated to the Town for ongoing maintenance. These standards ensure that privately developed roads meet minimum Town standards before being accepted into the Town's Maintained Road System, similar in practice to the County of San Bernardino prior to the Town's incorporation. When roads were not developed to the Town (or County) standards, those roads were not accepted into either Maintained Road System.

Black Rock Canyon Road, from the south side of San Marino Drive southerly to the National Park Boundary is not within the Town's Maintained Road System. The roadway has now developed severe potholing as well as edge raveling.

Engineer Qishta, presented various options of road improvements for discussion.

## REAL PROPERTY ACQUISITION AGREEMENT AND JOINT ESCROW INSTRUCTIONS

THIS REAL PROPERTY ACQUISITION AGREEMENT AND JOINT ESCROW INSTRUCTIONS (this "Agreement") is made this \_\_\_\_ day of \_\_\_\_\_, 2014 ("**Agreement Date**") by and among the **TOWN OF YUCCA VALLEY**, a public body, corporate & politic ("**Town**"), **BASIN WIDE FOUNDATION—YOUTH SPORTS PARK COALITION**, a California non-profit corporation ("**Donor**") and **FIDELITY NATIONAL TITLE INSURANCE COMPANY**, a California corporation ("**Escrow Holder**").

### RECITALS:

- A. Donor is a non-profit corporation dedicated to the acquisition and development of park facilities for youth sports programs and recreation related activities, and the support of local community youth sports organizations.
- B. Donor is the owner of six (6) parcels of real property (APNs 0595-131-01, 0595-131-49, 0595-131-45, 0595-131-17, 0595-031-47 & 0595-131-11) located to the north east of the intersection of Sunland Drive and Palm Avenue in the Town of Yucca Valley and legally described on Exhibit A attached hereto ("**Property**") and depicted in Exhibit B.
- C. Donor desires to sell the Property to the Town in return for the Town's commitment to accept, maintain and operate the Property as a public park, based upon the approved plans for the facility, as indicated in Exhibit C.
- D. Town shall purchase the Property from the Donor and agrees to accept, maintain and operate the Property as a public park based upon the approved plans for the facility and to retain the Property consistent with the approved plans. Such approved plans, as evidenced by Exhibit C, prioritize the Property to be utilized primarily as a sports field complex, and secondarily for general public park use.
- E. Town shall complete Palm Avenue street improvements and coordinate necessary utility relocations in order to accomplish the necessary street improvements. Town will coordinate the timing of construction of said street improvements with utility company and Town infrastructure plans and programs.
- F. Donor shall complete prior planned improvements for certain components of the Property prior to Town accepting the Property, including the following; playground equipment installation, playground fall surface, playground shade sails, roller derby flat track, artificial turf tournament field, turf field fencing, northwest parking lot fence line and gate, front entry walk and recognition sculpture, west side parking lot completion in concrete, completion of the stage area in concrete, and general clean-up and debris removal. Donor may contribute future improvements, in-kind donations or other elements subject to, and at the sole discretion of the Town. Any such improvements must conform to applicable laws.
- G. Town shall provide priority scheduling for recognized and organized sports and recreation organizations for use of the facility including the Morongo Basin Youth Soccer Association, The Miracle League, and the Rattle Skaters. Town shall coordinate use of the Property with these and other recognized and organized sports and recreation organizations in accordance with adopted Town facility use policies.

NOW, THEREFORE, the parties agree as follows:

## **TERMS AND CONDITIONS**

1. **PURCHASE AND SALE OF PROPERTY.** Upon the terms and conditions set forth in this Agreement, Town hereby agrees to purchase from Donor, and Donor agrees to sell to Town the Property.
2. **OPENING OF ESCROW.** Within three (3) business days of execution of this Agreement, the parties shall open an escrow ("**Escrow**") with Escrow Holder by causing an executed copy of this Agreement to be deposited with Escrow Holder. Escrow shall be deemed open on the date that a fully executed copy of this Agreement is delivered to Escrow Holder and accepted by Escrow Holder as evidenced by Escrow Holder's execution of this Agreement ("**Opening of Escrow**").
3. **CONSIDERATION.** The consideration for the purchase of the Property is the agreement of the Town to accept, operate and maintain the Property, and provide purchase consideration in the amount of \$450,000. Such consideration shall be provided in three equal installments with the first payment due at the initiation of escrow, the second after ninety days, and the final payment at the close of escrow. Town shall deposit all closing funds with Escrow Holder in "good funds" which is defined to mean a wire transfer of funds, cashier's or certified check drawn on or issued by the offices of a financial institution located in the State of California, or cash.
4. **DONOR'S CONSTRUCTION OF IMPROVEMENTS.** Prior to Close of Escrow (as defined in Section 6.1), Donor shall, at its sole cost and expense, construct improvements for certain park components on the Property including playground equipment installation, playground fall surface, playground shade sails, roller derby flat track, artificial turf tournament field, turf field fencing, northwest parking lot fence line and gate, front entry walk and recognition sculpture, west side parking lot completion in concrete, completion of the stage area in concrete, and general clean-up and debris removal ("**Improvements**"). The Improvements shall be constructed as mutually agreed by the parties and shall be completed within one-hundred eighty (180) days of commencement but, in no event, later than June 30, 2015... Donor shall comply with all the Town's standard approval processes for the Improvements.
5. **FUNDS AND DOCUMENTS REQUIRED FROM TOWN AND DONOR.**
  - 5.1. **Donor.** Donor agrees that on or before 12:00 noon one (1) business day prior to the Closing Date, Donor will deposit with Escrow Holder all items and instruments (executed and acknowledged, if appropriate) as may be necessary in order for the Escrow Holder to comply with this Agreement, including, without limitation:
    - a. Executed and recordable grant deed in the form acceptable to the parties ("**Grant Deed**") and such other documents as reasonably required by Title Company.
    - b. A Non-Foreign Affidavit ("**Non-foreign Affidavit**").
    - c. Any documents (including indemnities) and affidavits required by the Title Company for the issuance of the Title Policy to confirm, among other things, that all contractors, subcontractors, workers, materialmen and suppliers for the Improvements have been fully paid and that no third parties have any rights with respect to the Property including, but not limited to, tenants.

- d. Such funds and other items and instruments as may be necessary in order for Escrow Holder to comply with this Agreement.

**5.2. Town.** Town agrees that on or before 12:00 noon one (1) business day prior to the Closing Date, Town will deposit with Escrow Holder all funds and/or documents (executed and acknowledged, if appropriate) which are necessary to comply with the terms of this Agreement, including, without limitation:

- a. A Preliminary Change of Ownership Statement completed in the manner required by San Bernardino County.
- b. Written acceptance of the Grant Deed as required by Govt Code §27281.
- c. Such funds and other items and instruments as may be necessary in order for Escrow Holder to comply with this Agreement.

**6. CLOSING DATE; TIME IS OF ESSENCE.**

**6.1. Closing Date.** Escrow shall close within thirty (30) days of Donor's completion of the Improvements as required by Section 4 and acceptable to the Town as acknowledged in writing by the Town Manager ("**Closing Date**"), unless otherwise extended in writing by the parties. The terms "Close of Escrow" and/or "Closing" are used herein to mean the date that the Grant Deed is filed for recording by the Escrow Holder in the Official Records in accordance with the terms of this Agreement.

**6.2. Time is of Essence.** Town and Donor specifically understand that time is of the essence. Town and Donor specifically agree to strictly comply and perform their obligations herein in the time and manner specified and waive any and all rights to claim such compliance by mere substantial compliance with the terms of this Agreement. Unless otherwise expressly provided in this Agreement, any reference in this Agreement to time for performance of obligations or to elapsed time shall mean Pacific Standard Time and time periods shall mean consecutive calendar days, months or years, as applicable.

**6.3. Extensions.** The Town Manager or his designee shall in its sole and exclusive discretion, on behalf of Town, have the authority to approve written requests for extending any deadline under this Agreement. All extension shall be in writing and signed by the Town Manager or his designee.

**7. TITLE POLICY.**

**7.1. Title Policy.** At Closing, Fidelity National Title Insurance Company ("**Title Company**") shall issue an ALTA (non-extended) owner's title insurance policy in the amount of the Five Hundred Twenty-Five Thousand Seven Hundred Dollars (\$589,000)<sup>1</sup> showing title vested in Town subject only to (i) non-delinquent real property taxes, and (ii) exceptions acceptable to the Town as shown on a preliminary title report issued by the Title Company ("**Preliminary Title Report**"). The Title Policy shall include any extended coverage or endorsements that Town has reasonably requested at Town's sole expense. If the Preliminary Title Report is amended for any reason prior to Closing, Town shall have the right to approve any new exceptions in its sole discretion.

**7.2. Possession.** Possession of the property shall be delivered by Donor to Town no later than 5:00 p.m. on the Closing Date free of all tenancies and claims of ownership. Donor shall remove

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<sup>1</sup> This amount is the total paid by Donor for the acquisition of the Property.

any personal property not included in this transfer and all debris from the Property prior to relinquishing the Property to Town.

**8. TRANSFER DISCLOSURE STATEMENT; DUE DILIGENCE.**

**8.1. Transfer Disclosure Statement.** Within three (3) days after the Opening of Escrow, Donor shall provide a completed and executed Transfer Disclosure Statement (as specified in Civil Code Section 1102) ("**TDS**") applicable to APN 0595-131-49 (residential parcel) for Town's review and approval. If Town disapproves the completed TDS, Town shall notify Donor with a copy to Escrow Holder within the Due Diligence Period (as defined in Section 7.2).

**8.2. Due Diligence.** For a period of twenty (20) days following the Opening of Escrow ("**Due Diligence Period**"), Town shall have the right to review and inspect the Property. Donor grants to Town, its agents and employees, upon reasonable notice to Donor, a limited license to enter the Property for the purpose of conducting such due diligence as reasonably required by Town at Town's sole cost and expense. As a condition to Town's entry and inspection, Town shall keep the Property free and clear of all materialmen's liens, lis pendens or any other liens arising out of the entry and any work performed under this Agreement. Town shall notify Donor in writing ("**Town's Due Diligence Notice**") on or before the expiration of the Due Diligence Period of Town's approval of the condition of the Property, including, but not limited to, the TDS.

**9. CONDITIONS PRECEDENT TO CLOSE OF ESCROW.**

**9.1. Town's Obligations.** The obligations of Town under this Agreement shall be subject to the satisfaction or written waiver, in whole or in part, by Town of each of the conditions precedent set forth below. If any such condition is not satisfied or waived by Town at or prior to the Close of Escrow for any reason other than a default by Town, Town may, in its sole discretion and without limiting any of Town's legal remedies or remedies under this Agreement, terminate this Agreement by written notice to Donor:

- a. Title Company will issue the Title Policy as required by Section 6.1.
- b. Donor has completed the Improvements in accordance with Section 4.
- c. Town has approved all Due Diligence matters on or before the Due Diligence Date.
- d. Escrow Holder holds and will deliver to Town the instruments and funds, if any, accruing to Town pursuant to this Agreement.
- e. Donor is not in default under this Agreement.

**9.2. Condition to Donor's Obligations.** The obligations of Donor under this Agreement shall be subject to the satisfaction or written waiver, in whole or in part, by Donor of the following conditions precedent:

- a. Escrow Holder holds and will deliver to Donor the instruments and funds accruing to Donor pursuant to this Agreement.
- b. Town is not in default under this Agreement.

**10. REPRESENTATIONS, WARRANTIES AND COVENANTS.** Donor, to the best of Donor's knowledge, makes the following representations, warranties and covenants to Town, each of which is



true in all respects as of the date hereof and shall be true in all respects on the date of Close of Escrow on the Property:

- a. Donor has received no notice and/or has no knowledge that any governmental authority or any employee or agent thereof considers the present or proposed operation, use or ownership of the Property to violate or have violated any ordinance, rule, law, regulation or order of any government or agency, body or subdivision thereof, or that any investigation has been commenced or is contemplated respecting such possible violations.
- b. There are no pending or threatened lawsuits or claims which would affect the Property.
- c. The Property is not in violation of any federal, state or local law, ordinance or regulation relating to industrial hygiene or to the environmental conditions on, under or about the Property including, but not limited to, soil and ground water conditions. Donor has received no written notice from any third parties, prior owners of the Property, or any federal, state or local governmental agency indicating that any hazardous waste remedial or clean-up work will be required on the Property. There are no environmental, health or safety hazards on, under or about the Property, including but not limited to soil and groundwater conditions.
- d. There are no contracts, leases, claims or rights affecting the Property and no agreements entered into by or under Donor that shall survive the Close of Escrow, except those agreements entered into between the Donor and organized and recognized sports and recreation organizations which have approved by the Town Manager prior to Close of Escrow.
- e. Until the Closing, Donor shall not do anything which would impair Donor's title to any of the Property.
- f. Donor is not, and as of the Close of Escrow will not be, a foreign person within the meaning of Internal Revenue Code Section 1445 or an out-of-state Donor under California Revenue and Tax Code Section 18805 and that it will deliver to Town through Escrow a non-foreign affidavit on Escrow Holder's standard form pursuant to Internal Revenue Code Section 1445(b)(2) and the Regulations promulgated thereunder and a California Form 590-RE.
- g. Until the Closing, if Donor learns of any fact or condition which would cause any of the warranties and representations in this Section not to be true as of the Closing, Donor shall immediately give written notice of such fact or condition to Town.
- h. No construction or repair work has been done on the Property within the six (6) months prior to the Opening of Escrow, except the Improvements unless approved by the Town Manager in writing.
- i. The information provided in the TDS is true, correct and complete.

In addition to any other indemnification obligations set forth in this Agreement, Donor agrees to indemnify, defend with counsel selected by Town, protect and hold harmless Town, its officers, employees and agents from and against all claims, damages, costs, liabilities and expenses of any kind whatsoever paid, incurred or suffered by or asserted against the Property or any indemnified party directly or indirectly arising from or attributable to any breach by Donor of any of its agreement warranties or representations set forth in this Agreement. This provision together with Sections 10.3, 12 & 14 shall survive Close of Escrow.

## 10. ESCROW PROVISIONS.

**10.1. Escrow Instructions.** Sections 1 through 6, inclusive, 7.1, 8.1, 9, 10 & 13 shall constitute escrow instructions to Escrow Holder. The terms and conditions in sections of this Agreement not specifically referenced above are additional matters for information of Escrow Holder, but about which Escrow Holder need not be concerned. Town and Donor will receive Escrow Holder's general provisions directly from Escrow Holder and will execute such provision upon Escrow Holder's request. To the extent that the general provisions are inconsistent or conflict with this Agreement, the general provisions will control as to the duties and obligations of Escrow Holder only. Town and Donor agree to execute additional instructions, documents and forms provide by Escrow Holder that are reasonably necessary to close Escrow.

**10.2. Miscellaneous.** Escrow Holder shall deliver the Title Policy to the Town and instruct the San Bernardino County Recorder to mail the Grant Deed to Town at the address set forth below after recordation. All funds received in this Escrow shall be deposited in one or more general escrow accounts of the Escrow Holder with any bank doing business in San Bernardino County, California, and may be disbursed to any other general escrow account or accounts. All disbursements shall be according to that party's instructions. Within three (3) days of Opening of Escrow, Escrow Holder shall provide the statement of information form to Donor who shall complete and return same to Escrow Holder within three (3) days of receipt.

**10.3. Proration of Real Property Taxes.** All non-delinquent general and special real property taxes shall be prorated to the Close of Escrow on the basis of a thirty (30) day month and a three hundred sixty (360) day year. Donor shall pay any delinquent real property taxes. Donor acknowledges that Town is a governmental agency not subject to payment of real property taxes. Accordingly, Donor shall be solely responsible for seeking a refund of any overpayment of taxes from the appropriate taxing agencies. Any supplemental tax bills received after Close of Escrow shall be paid by Donor to the extent they relate to a period prior to Close of Escrow and in the event that the supplemental tax bill covers a period commencing before and continuing after Close of Escrow, Donor will pay the tax and be solely responsible for seeking any refund from the appropriate taxing agency. The provisions of this Section shall survive Close of Escrow.

**10.4. Costs; Documentary Transfer Taxes; Closing Statement.**

- a. **Cost Allocation.** Town shall pay the costs for the Title Policy, any documentary transfer taxes, the entire Escrow fee, and other closing costs and fees ("**Donor's Charges**"). Town is exempt from recordation fees for the Grant Deed.
- b. **Real Property Taxes.** Real property taxes will be prorated and allocated between the parties in accordance with Section 10.3.
- c. **Documentary Transfer Taxes.** Town is exempt from documentary transfer taxes. However, the documentary transfer tax amount shall not be shown on the Grant Deed and Escrow Holder shall cause a separate statement of such taxes to be submitted to the County Recorder concurrently with the Grant Deed as authorized pursuant to Section 11932 of the California Revenue and Taxation Code.
- d. **Closing Statement.** At least three (3) business days prior to the Closing Date Escrow Holder shall furnish Town and Donor with a preliminary Escrow closing statement which shall include each party's respective shares of costs. The preliminary closing statement shall be approved in writing by Town and Donor. As soon as reasonably possible following the Close of Escrow, Escrow Holder shall deliver a copy of the final Escrow closing statement to Town and Donor.

**10.5. Termination of Escrow.** If Escrow fails to close as provided above, either party may elect to terminate this Agreement and the Escrow by delivering written notice to the other party and Escrow Holder. Upon such termination of this Agreement and the Escrow not as the result of the breach by either party, Escrow Holder is instructed to return all funds and documents then in Escrow to the respective depositor of the same.

**10.6. Information Report.** Escrow Holder shall file and Town and Donor agree to cooperate with Escrow Holder and with each other in completing any report ("**Information Report**") and/or other information required to be delivered to the Internal Revenue Service pursuant to Internal Revenue Code Section 6045(e) regarding the real estate sales transaction contemplated by this Agreement, including without limitation, Internal Revenue Service Form 1099-B as such may be hereinafter modified or amended by the Internal Revenue Service, or as may be required pursuant to any regulation now or hereinafter promulgated by the Treasury Department with respect thereto. Town and Donor also agree that Town and Donor, their respective employees and attorneys, and Escrow Holder and its employees, may disclose to the Internal Revenue Service, whether pursuant to such Information Report or otherwise, any information regarding this Agreement or the transactions contemplated herein as such party reasonably deems to be required to be disclosed to the Internal Revenue Service by such party pursuant to Internal Revenue Code Section 6045(e), and further agree that neither Town nor Donor shall seek to hold any such party liable for the disclosure to the Internal Revenue Service of any such information.

**10.7. Brokerage Commission.** Town and Donor each represent and warrant to the other that no third party is entitled to a broker's commission and/or finder's fee with respect to the transaction contemplated by this Agreement. Town and Donor each agree to indemnify and hold the other party harmless from and against all liabilities, costs, damages and expenses, including, without limitation, attorneys' fees, resulting from any claims or fees or commissions, based upon agreements by it, if any, to pay a broker's commission and/or finder's fee.

**11. RISK OF PHYSICAL LOSS.** Risk of physical loss to the Property shall be borne by Donor prior to the Close of Escrow and by Town thereafter. In the event that the Property shall be damaged by fire, flood, earthquake or other casualty Town shall have the option to terminate this Agreement, provided notice of such termination is delivered to Donor within ten (10) days following the date Town learns of the occurrence of such casualty. If Town fails to terminate this Agreement pursuant to the foregoing sentence within said ten (10) day period, Town shall complete the acquisition of the Property, in which case Donor shall assign to Town the interest of Donor in all insurance proceeds relating to such damage. Donor shall consult with Town regarding any proposed settlement with the insurer and Town shall have the reasonable right of approval thereof. Donor shall hold such proceeds until the Close of Escrow. In the event this Agreement is terminated for any reason, Town shall have no right to any insurance proceeds.

**12. NO COLLUSION.** No official, officer, or employee of Town has any financial interest, direct or indirect, in this Agreement, nor shall any official, officer, or employee of Town participate in any decision relating to this Agreement which may affect his/her financial interest or the financial interest of any corporation, partnership, or association in which (s)he is directly or indirectly interested, or in violation of any interest of any corporation, partnership, or association in which (s)he is directly or indirectly interested, or in violation of any State or municipal statute or regulation. The determination of "financial interest" shall be consistent with State law and shall not include interest found to be "remote" or "non interest" pursuant to California Government Code Sections 1091 and 1091.5. Donor warrants and represents that she has not paid or given, and will not pay or give, to any third party including, but not limited to, Town or any of its officials, officers, or employees, any money, consideration, or other thing of value as a result or consequence of obtaining this Agreement. Donor further warrants and represents that she has not engaged in any act(s), omission(s), or other conduct or collusion that would result in the payment of any money, consideration, or other thing of value to

any third party including, but not limited to, any official, officer, or employee of Town, as a result or consequence of obtaining this Agreement. Donor is aware of and understands that any such act(s), omission(s) or other conduct resulting in the payment of money, consideration, or other thing of value will render this Agreement void and of no force or effect.

### 13. MISCELLANEOUS

**13.1 Assignment.** Neither Town nor Donor may assign this Agreement or any of its rights or obligations hereunder (including, without limitation, its rights and duties of performance) to any third party or entity without the prior written consent of the other party which shall not be unreasonably withheld, conditioned or delayed. Agreement will be binding upon and inure to the benefit of each of the parties hereto and, except as otherwise provided herein, their respective legal successors and permitted assigns.

**13.2 Notices.** Any notices, demands or communications under this Agreement between the parties shall be in writing, and may be given either by (i) personal service, (ii) overnight delivery, or (iii) mailing via United States mail, certified mail, postage prepaid, return receipt requested ("**US Mail**"), addressed to each party as set forth below or such other address as may be furnished in writing by a party, and such notice or communication shall, if properly addressed, be deemed to have been given as of the date so delivered, or three (3) business days after deposit into the U.S. Mail.

**To Donor:** Basin Wide Foundation–Youth Sports Park Coalition  
56711 29 Palms Hwy  
Yucca Valley, CA 92284  
Attn: \_\_\_\_\_

**To Town:** Town of Yucca Valley  
57090 29 Palms Highway  
Yucca Valley, California 92284  
Attention: Town Manager

**With Copy to:** Aleshire & Wynder, LLP  
18881 Von Karman Ave.  
Suite 1700  
Irvine, CA 92612  
Attention: Lona Laymon, Esq.  
Facsimile: 949 223-1180

**13.3 Severability.** If any term of this Agreement is held by a court of competent jurisdiction to be invalid or unenforceable, then this Agreement, including all of the remaining terms, will remain in full force and effect as if such invalid or unenforceable term had never been included.

**13.4 Governing Law.** This Agreement shall be construed and enforced in accordance with the laws of the State of California. If any legal action is necessary to enforce the terms and conditions of this Agreement, the parties agree that a court of competent jurisdiction in San Bernardino County shall be the sole venue and jurisdiction for the bringing of such action.

**13.5 Legal Fees and Costs.** In the event of any litigation or other legal proceeding including, but not limited to, arbitration or mediation between the parties arising from this Agreement, the prevailing party will be entitled to recover, in addition to any other relief awarded or granted, its reasonable costs and expenses (including attorney's fees) incurred in the proceeding.

**13.6 Final Agreement.** This Agreement supersedes all prior agreements and under-

standings between the parties with respect to such subject matter.

**13.7 Construction.** In determining the meaning of, or resolving any ambiguity with respect to, any word, phrase or provision of this Agreement, no uncertainty or ambiguity shall be construed or resolved against a party under any rule of construction, including the party primarily responsible for the drafting and preparation of this Agreement. Headings used in this Agreement are provided for convenience only and shall not be used to construe meaning or intent. As used in this Agreement, masculine, feminine or neuter gender and the singular or plural number shall each be deemed to include the others wherever and whenever the context so dictates.

**13.8 Qualification; Authority.** Each individual executing this Agreement on behalf of a party which is an entity, represents, warrants and covenants to the other party that (a) such person is duly authorized to execute and deliver this Agreement on behalf of such entity in accordance with authority granted under the organizational documents of such entity, and (b) such entity is bound under the terms of this Agreement.

**13.9 Force Majeure.** Each party's performance under this Agreement shall be excused to the extent that such performance is hindered, delayed or made commercially impractical by causes beyond that party's reasonable control.

**13.10 Modifications in Writing.** Any modification or amendment of any provision of this Agreement must be in writing and executed by both parties. A copy of any such modification or amendment shall be promptly provided to Escrow Holder.

**13.11 No Waiver.** The failure of either party to enforce any term, covenant, or condition of this Agreement on the date it is to be performed shall not be construed as a waiver of that party's right to enforce this, or any other, term, covenant, or condition of this Agreement at any later date or as a waiver of any term, covenant, or condition of this Agreement.

**13.12 No Third Party Beneficiaries.** This Agreement is only between the parties, and is not intended to be nor shall it be construed as being for the benefit of any third party.

**13.13 Counterparts.** This Agreement may be executed in any number of counterparts, each of which shall be deemed an original but all of which shall be deemed but one and the same instrument, and a facsimile copy of such execution shall be deemed an original.

**13.14 Exhibits.** Exhibits A, B and C attached hereto are incorporated herein by reference.

**[SIGNATURES ON FOLLOWING PAGE]**

IN WITNESS WHEREOF, the parties hereto have executed this Agreement for Purchase and Sale of Residential Real Property and Escrow Instructions as of the date set forth above.

**DONOR:**

BASIN WIDE FOUNDATION – YOUTH  
SPORTS PARK COALITION, a California  
non-profit corporation

By: \_\_\_\_\_

Its: \_\_\_\_\_

**TOWN:**

TOWN OF YUCCA VALLEY, a public body,  
corporate and politic

By: \_\_\_\_\_

Robert Lombardo, Mayor

\_\_\_\_\_, 2014

**ESCROW HOLDER:**

Accepted and agreed to:

FIDELITY NATIONAL TITLE INSURANCE  
COMPANY, a California corporation

By: \_\_\_\_\_

Its: \_\_\_\_\_

**ATTEST:**

\_\_\_\_\_  
Lesley Copeland, Town Clerk

APPROVED AS TO FORM:

ALESHIRE & WYNDER, LLP

By: \_\_\_\_\_

Lona Laymon  
Town Counsel

**EXHIBIT "A"**  
**LEGAL DESCRIPTION OF PROPERTY**

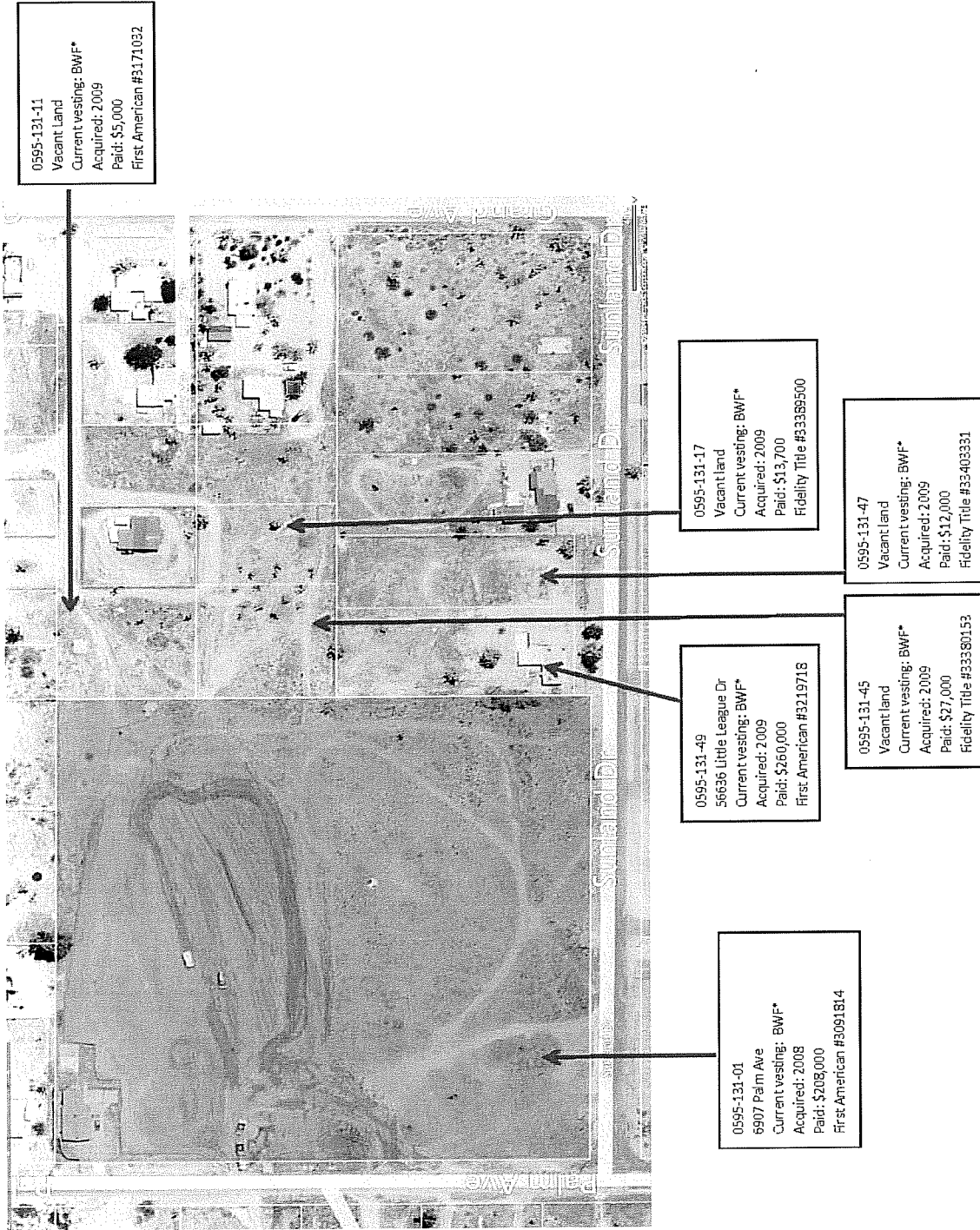
That certain real property in the State of California, County of San Bernardino, Town of Yucca Valley, as described as follows:

San Bernardino County Assessor Parcel Numbers 0595-131-01, 0595-131-49, 0595-131-45, 0595-131-17, 0595-031-47 & 0595-131-11, all of which are a portion of the East ½ of Section 35, T1N, R5E, SBBM

**TOGETHER WITH all existing electrical, mechanical, lighting, plumbing and heating fixtures, ceiling fans, fireplace inserts, gas logs and grates, solar systems, built-in appliances (including but not limited to, the dishwasher and microwave oven with vent system), window and door screens, awnings, shutters, window coverings, attached floor coverings, television antennas, satellite dishes, private integrated telephone systems, air coolers/conditioner, pool/spa equipment, garage door openers/remote controls, mailbox, in-ground landscaping, trees/shrubs, water softeners, water purifiers, security systems/alarms.**

# EXHIBIT "B" DEPICTION OF PROPERTY

Depiction of Property



\* Basin Wide Foundation - Youth Sports Park Coalition,  
a non-profit corporation



EXHIBIT "C"  
APPROVED PLANS – STATEMENT OF PURCHASE

Exhibit to come

DRAFT