

**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, DECEMBER 16, 2014  
YUCCA VALLEY COMMUNITY CENTER  
YUCCA ROOM  
57090 - 29 PALMS HIGHWAY  
YUCCA VALLEY, CALIFORNIA 92284**

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**TOWN COUNCIL**

*George Huntington, Mayor  
Robert Leone, Mayor Pro Tem  
Merl Abel, Council Member  
Rick Denison, Council Member  
Robert Lombardo, Council Member*

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**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, DECEMBER 16, 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**

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

**OPENING CEREMONIES**

**PLEDGE OF ALLEGIANCE**

**INVOCATION**

**PRESENTATIONS, INTRODUCTIONS, RECOGNITIONS**

1. Hi-Desert Medical Center

## 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.*

2. 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.**

- 1-4 3. Monthly Fire Department Statistical Report for the month of November 2014

**Recommendation: Receive and file the monthly Statistical Fire Department Reports for the month of November 2014**

- 5-178 4. Development Code Amendment, DCA-01-14  
Development Code Article 2, Zoning Districts and Development Standards  
CEQA Exemption 15061(b)(3)  
Ordinance Adoption

**AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF YUCCA VALLEY, CALIFORNIA, AMENDING TITLE 9, YUCCA VALLEY DEVELOPMENT CODE, BY ADOPTING ARTICLE 2, CHAPTER 9.05 THRU CHAPTER 9.22, ZONING DISTRICTS AND DEVELOPMENT STANDARDS, ESTABLISHING THE TOWN'S ZONING DISTRICTS AND ZONING MAP AND PROVIDING LAND USE STANDARDS AND DEVELOPMENT REQUIREMENTS FOR THE ZONING DISTRICTS AND OVERLAY DISTRICTS, AND REPEALING SECTIONS 83.020105 THRU 83.020205, SECTIONS 84.0101 THRU 84.0125, SECTIONS 84.0205 THRU 84.0250, SECTIONS 84.0301 THRU 84.0390, SECTIONS 84.0501 THRU 84.0570, SECTION 84.0601, SECTION 84.0605, SECTION 84.0620, SECTIONS 85.0101 THRU 85.0145, SECTIONS 85.020101 THRU 85.020130, SECTIONS 85.020201 THRU 85.020230, SECTIONS 85.020301 THRU 85.020335, SECTIONS 85.020401 THRU 85.020415, SECTIONS 85.020501 THRU 85.020510, SECTIONS 85.030101 THRU 85.030110, SECTIONS 85.030201 THRU 85.030220, SECTIONS 85.030301 THRU 85.030315, SECTIONS 85.030401 THRU 85.030425,**

**SECTIONS 85.030501 THRU 85-030520, SECTIONS 85.030601 THRU 85.030610, SECTIONS 88.0501 THRU 88.0520, SECTION 88.0605 AND SECTIONS 88.0701 THRU 88.0715 OF THE YUCCA VALLEY DEVELOPMENT CODE.**

**Recommendation: Adopt Ordinance No. 253**

- 179-329 5. Development Code Amendment, DCA-07-13  
Development Code Article 3, General Development Standards  
CEQA Exemption 15061(b)(3)  
Ordinance Adoption

**AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF YUCCA VALLEY, CALIFORNIA, AMENDING TITLE 9, YUCCA VALLEY DEVELOPMENT CODE, BY ADOPTING ARTICLE 3, CHAPTERS 9.30 THRU 9.52, GENERAL DEVELOPMENT STANDARDS, AND REPEALING SECTIONS 41.151 THRU 41.1569 OF THE YUCCA VALLEY MUNICIPAL CODE AND SECTIONS 84.0701 THRU 84.0740, SECTIONS 87.0101 THRU 87.0105, SECTIONS 87.0201 THRU 87.220, SECTIONS 87.0401 THRU 87.0405, SECTIONS 87.0501 THRU 87.0505, SECTIONS 87.0601 THRU 87.0645, SECTIONS 87.0901 THRU 87.0940, SECTIONS 88.0805 THRU 88.0810, SECTIONS 810.0101 THRU 810.0135, , SECTIONS 810.0201 THRU 810.0275, SECTIONS 88.0701 THRU 88.0715, SECTION 84.0610, SECTIONS 87.1110 THRU 87.1180, SECTION 812.01005, SECTION 84.0615, AND SECTIONS 811.301 THRU 811.309 OF TITLE 8 OF THE YUCCA VALLEY DEVELOPMENT CODE, AND SECTIONS 9.75.010 THRU 9.75.130 OF TITLE 9 OF THE YUCCA VALLEY DEVELOPMENT CODE.**

**Recommendation: Adopt Ordinance No. 254**

- 330-349 6. SR62 & Dumosa Avenue Traffic Signal Project – Town Project No.8456  
SANBAG – Amendment No. 1 to Contract No. C13161  
Contract Amendment No. 1 – Albert A. Webb Associates

**Recommendation:**

- 1. Approve Amendment No. 1 to the Project Funding Agreement between the Town of Yucca Valley and the San Bernardino County Transportation Authority, C13161, AUTHORIZING THE Mayor to sign all necessary documents.**
- 2. Approve Amendment No. 1 to the Agreement for Professional Consulting Services with Albert Webb Associates, to provide additional required tasks and services specifically described in Consultant’s Proposal dated November 20, 2104 and attached to the proposed amendment as Exhibit “A”; increasing the total compensation under the Agreement for Professional Consulting**

Services by \$5,800, bringing the total compensation under the Agreement to \$81,800.00.

3. Amend the budget for the Measure I Regional Fund 520 to reflect the revised appropriations and project costs.

- 350-359 7. Community Center Infield Refurbishment  
Approval of Specifications  
Authorization to Advertise for Construction

**A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF YUCCA VALLEY, CALIFORNIA, APPROVING THE PLANS AND SPECIFICATIONS FOR THE CONSTRUCTION OF COMMUNITY CENTER INFILED REFURBISHMENT IN SAID TOWN AND AUTHORIZING AND DIRECTING THE TOWN CLERK TO ADVERTISE AND RECEIVE BIDS.**

**Recommendation: Adopt the Resolution, approve the specifications for the Community Center Infield Refurbishment project, and authorize the Town Clerk to advertise and receive bids.**

- 360-368 8. Grant of Easement to the Public for Street and Utility Purposes  
Approximately 0.25 Acre dedication for Kickapoo Trail northerly from SR62  
APN#586-101-07 and Approximately 1.90 Acre on Benecia Trail Easterly from  
Kickapoo Trail APN#586-081-05

**A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF YUCCA VALLEY, CALIFORNIA, AUTHORIZING THE TOWN MANAGER TO GRANT DEDICATIONS OF EASMENTS ON KICKAPOO TRAIL APN #586-101-07 AND BENECIA TRAIL APN #586-081-05 FOR PUBLIC UTILITY PURPOSES**

**Recommendation: Approve the resolution, granting an easement(s) to the public for street and utility purposes for Kickapoo Trail and Benecia Trail, as described in Attachment "A" for APN #586-101-07 and "A" for APN #586-081-05 to this staff report, and authorize the Mayor to sign the grant of easement, and direct the Town Clerk to record the easement with the San Bernardino County Recorder's Office**

- 369-371 9. AB1234 Reporting Requirements

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

**Recommendation: Adopt Consent Agenda (items 2-9)**

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

**DEPARTMENT REPORTS**

- 372-383 10. Jacobs Park Playground Improvements-Town Project No. 8948  
Approval of Plans and Specifications  
Authorization to Advertise for Construction

**A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF YUCCA VALLEY, CALIFORNIA APPROVING PLANS AND SPECIFICATIONS FOR THE CONSTRUCTION OF THE JACOBS PARK PLAYGROUND EQUIPMENT IMPROVEMENTS IN SAID TOWN AND AUTHORIZING AND DIRECTING THE TOWN CLERK TO ADVERTISE TO RECEIVE BIDS**

**Recommendation: Adopt the Resolution, approve the plans and specifications for Project No. 8948, authorize the Town Clerk to advertise and receive bids, contingent upon final approval by San Bernardino County, and amends the budget to increase the project budget to the appropriated funding from the County for use of CDBG funds.**

- 384-400 11. Park Monument Signage

**Recommendation: Accept the recommendation of the Parks, Recreation & Cultural Commission requesting installation of park monumentation signage at Essig Park and Machris Park, and direct staff to proceed with acquisition of the recommended signage in accordance with Town Code, Policies and Procedures.**

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

- 401-404 12. Town Council Public Agency Board / Committee Assignments

**Recommendation:**

- **Review and select representatives to the various Public Agency Boards, and direct the Town Clerk to notify the agencies of any changes in**

**representation**

- **Create a Public Facilities Ad Hoc Committee and assign two Council Members to the newly created committee and dissolve any Ad Hoc Committees as needed**

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**

13. Council Member Abel
14. Council Member Denison
15. Council Member Lombardo
16. Mayor Pro Tem Leone
17. Mayor Huntington

**ANNOUNCEMENTS**

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

The Town Council will not be meeting at its next regularly scheduled meeting of Tuesday,

January 6, 2015.

The next meeting of the Yucca Valley Town Council is scheduled for Tuesday, January 20, 2015.

**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
IEEP	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



# SAN BERNARDINO COUNTY FIRE DEPARTMENT SERVING YUCCA VALLEY

## November 2014 Summary

### ADMINISTRATIVE MONTHLY REPORT

The County Fire Department responded to a total of 389 requests for assistance within our town boundaries. Division wide responses for the South Desert were 657 incidents.

#### EMERGENCY RESPONSES

##### ESTIMATED FIRE LOSS (In dollars)

Total Loss	\$	11,000	Value	\$	16,100
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##### RESPONSES OTHER THAN FIRES

Fires	8
Rupture / Explosion	1
EMS / Rescue	305
Hazardous Condition	9
Service Calls	9
Good Intent Calls	42
False Call	11
Other	1

##### ALARMS – ALL TYPES

Yucca Valley Response Area

##### 2014 Year-to-Date

TOTAL NON-FIRE RESPONSE .....	4017
TOTAL FIRE RESPONSES.....	63
TOTAL ALARMS .....	4080

##### Significant Events:

- Graduation of another CERT class with 16 students. Thank you to the Town of Yucca Valley for their facility use and support of the program.
- Participated in Veteran’s Day Tribute
- Happy Thanksgiving !!!



# SAN BERNARDINO COUNTY FIRE DEPARTMENT SERVING YUCCA VALLEY

## *Holiday Safety Tips*

### **HOLIDAY DECORATING, FESTIVE AND SAFE**

With the holiday season upon us, the San Bernardino County Fire Department reminds you of the following holiday decorating and natural Christmas tree safety tips to help keep this season safe and joyous.

#### **CHECK THE LIGHTS, CHECK THE CORDS**

Before you put up any electrically lighted or operated decorations, you should check the equipment to make sure it will operate safely. Check for damaged equipment, burned-out lights, empty sockets and broken bulbs. Inspect wires carefully for breaks, fraying and damaged connections before installing or energizing your holiday decorations. Any damaged components should be thrown out and replaced. Look for the Underwriters Laboratory (UL) label to assure safe electrical equipment.

#### **ARTIFICIAL OR NATURAL TREE?**

Many consider artificial trees, in general, to be safer than natural trees, but both can be enjoyed safely. If you use an artificial tree, make sure it is made of safe, fireproof materials. If your artificial tree is pre-lit, check carefully for burnt-out, broken or damaged light sockets before using the tree.

#### **MAKE A FRESH CUT**

If you use a natural tree, make a fresh 1-inch cut at the base to open up pores clogged by sap. The fresh cut surface should be creamy-white so that the tree will be able to drink water.

#### **PUT IN WATER**

For a natural tree, choose a sturdy stand that holds at least one gallon of water. Rinse the stand with a mixture of one capful of bleach and one cup of water before inserting the tree. This rinsing reduces the growth of microorganisms that can block the tree's ability to absorb water. If the tree is not going into the house soon after purchase, it should be stored in a bucket of water in a cool place away from wind and sun.

#### **WATER DAILY**

An average natural tree may consume between a quart and a gallon of water per day. If the water level drops below the cut end of the trunk, a seal will form and no more water will be absorbed- **so don't forget to water the**



## SAN BERNARDINO COUNTY FIRE DEPARTMENT SERVING YUCCA VALLEY

tree every day!

### **MINI-LIGHTS PRODUCE LESS HEAT**

Miniature lights produce less heat and reduce drying on a natural tree.

Always check lights for frayed or cracked wiring and broken sockets before placing on a tree. Do not attempt to repair a worn light—throw it away!

Turn off tree lights when leaving the house or before going to bed. Avoid overloading circuits. Plug no more than three light sets into a single outlet.

### **KEEP AWAY FROM HEAT SOURCES**

Place the tree away from heat sources: heating vents, fireplaces, wood stoves, radiators, T.V. sets, or sunny windows. Keep rearranged furniture away from heat sources as well. Be careful not to block a door with the tree or with rearranged furniture.

### **REMOVE AND RECYCLE THE TREE PROMPTLY**

After the holidays, remove a natural tree from the house as soon as possible. Never burn any part of a Christmas tree in a wood stove or fireplace; it burns too fast and is explosive! The best alternative is to RECYCLE your tree through your local city or county program.

Have a festive and **SAFE** holiday season!

### **PUT IN WATER**

For a natural tree, choose a sturdy stand that holds at least one gallon of water. Rinse the stand with a mixture of one capful of bleach and one cup of water before inserting the tree. This rinsing reduces the growth of microorganisms that can block the tree's ability to absorb water. If the tree is not going into the house soon after purchase, it should be stored in a bucket of water in a cool place away from wind and sun.

### **WATER DAILY**

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## SAN BERNARDINO COUNTY FIRE DEPARTMENT SERVING YUCCA VALLEY

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**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 2, CHAPTER 9.05 THRU CHAPTER 9.22, ZONING DISTRICTS AND DEVELOPMENT STANDARDS, ESTABLISHING THE TOWN’S ZONING DISTRICTS AND ZONING MAP AND PROVIDING LAND USE STANDARDS AND DEVELOPMENT REQUIREMENTS FOR THE ZONING DISTRICTS AND OVERLAY DISTRICTS, AND REPEALING SECTIONS 83.020105 THRU 83.020205, SECTIONS 84.0101 THRU 84.0125, SECTIONS 84.0205 THRU 84.0250, SECTIONS 84.0301 THRU 84.0390, SECTIONS 84.0501 THRU 84.0570, SECTION 84.0601, SECTION 84.0605, SECTION 84.0620, SECTIONS 85.0101 THRU 85.0145, SECTIONS 85.020101 THRU 85.020130, SECTIONS 85.020201 THRU 85.020230, SECTIONS 85.020301 THRU 85.020335, SECTIONS 85.020401 THRU 85.020415, SECTIONS 85.020501 THRU 85.020510, SECTIONS 85.030101 THRU 85.030110, SECTIONS 85.030201 THRU 85.030220, SECTIONS 85.030301 THRU 85.030315, SECTIONS 85.030401 THRU 85.030425, SECTIONS 85.030501 THRU 85-030520, SECTIONS 85.030601 THRU 85.030610, SECTIONS 88.0501 THRU 88.0520, SECTION 88.0605 AND SECTIONS 88.0701 THRU 88.0715 OF THE YUCCA VALLEY DEVELOPMENT CODE.**

The Yucca Valley Town Council Ordains as follows:

Section I:

**Article 2:  
Zoning Districts and Development Standards**

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## Chapter 9.05 Zoning Districts and Zoning Maps

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### Sections:

- 9.05.020 – Purpose
- 9.05.030 – Establishment of Base Zoning and Overlay Districts
- 9.05.040 – Official Zoning Map
- 9.05.050 – Rights-of-way and Vacated Boundary Lines
- 9.05.060 – Determination of Boundaries

### 9.05.020 – Purpose

This Chapter identifies and establishes base zoning districts and the overlay zones.

### 9.05.030 – Establishment of Base Zoning and Overlay Districts

**General.** The Town is divided into zoning districts to allow for the orderly development of the Town and to implement the General Plan. Table 2-1 identifies all zones. All zones shall be listed and appropriately designated on the official Zoning Map.

**Base District.** Every parcel shall have a base zone that establishes the primary type and intensity of land use permitted, along with development regulations for that particular type and intensity of land use. The Base Zoning Districts are described in Chapters 9.07 through Chapters 9.12.

**Overlay District.** An overlay zoning district supplements the base zone for the purpose of establishing special use or development regulations for a particular area in addition to the provisions of the underlying base zone. In the event of conflict between the base zone regulations and the overlay zone regulations, the provisions of the overlay zone shall apply. The Overlay Zoning Districts are described in Chapters 9.15 through Chapters 9.22.

**TABLE 2-1:  
BASE ZONING DISTRICTS IMPLEMENTING THE GENERAL PLAN**

<b>Zoning Map Symbol</b>	<b>Zone Description</b>	<b>Corresponding General Plan Land Use Designation</b>
<b>Residential Zones</b>		
R-HR	Hillside Reserve District – 1 unit/20 acres	Hillside Residential (R-HR)
RL-10	Rural Living District – 1 unit/10 acres	Rural Living (RL-10)
RL-5	Rural Living District – 1 unit/5 acres	Rural Living (RL-5)
RL-2.5	Rural Living District – 1 unit/2.5 acres	Rural Residential (RR-2.5)
RL-1	Rural Living District – 1 unit/acre	Rural Residential (RR-1)
RS-2	Single-Family Residential District – 2 units/acre	Rural Residential (RR-0.5 )
RS-3.5	Single-Family Residential District – 3.5 units/acre	Low Density Residential (LDR )
RS-5	Single-Family Residential District – 5 units/acre	Low Density Residential (LDR )
RM-4	Multi-Family Residential – 4 units/acre	Low Density Residential (LDR )
RM-8	Multi-Family Residential – 8 units/acre	Medium Density Residential (MDR )
RM-10	Multi-Family Residential – 10 units/acre	Medium High Density Residential (MHDR )
RM-14	Multi-Family Residential – 14 units/acre	Medium High Density Residential (MHDR )
<b>Commercial Zones</b>		
C-N	Neighborhood Commercial	Commercial (C)
C-G	General Commercial	Commercial (C)
C-C	Community Commercial	Commercial (C)
C-O	Office Commercial	Commercial (C)
C-MU	Commercial Mixed-Use	Mixed Use (MU)
<b>Industrial</b>		
I	Industrial	Industrial (I)
<b>Special Purpose Zones</b>		
P/QP	Public/Quasi Public	Public/Quasi-Public (P/QP)
OS	Open Space	Open Space (O-S)
SP	Specific Plan	Specific Plan Overlay (SP)

**TABLE 2-2:  
OVERLAY ZONING DISTRICTS**

<b>Zoning Map Symbol</b>	<b>Overlay District Description</b>
(AR-1), (AR-2), (AR-3)	Airport Safety Overlay Districts 1, 2, and 3
(FS)	Fire Safety Overlay District
(FP-1), (FP-2), (FP-3)	Flood Plain Safety Overlay Districts 1, 2, and 3
(GH)	Geologic and Seismic Hazards Overlay District
(HS)	Hillside Overlay District
(LA)	Large Animal Overlay District
(SP)	Specific Plan Overlay District

#### **9.05.040 – Official Zoning Map**

The official Zoning Map, together with the legend, symbols, notations, references, district boundaries and other information thereon, shall be a part of the Development Code and shall be adopted concurrently with the Development Code. Changes, additions, and amendments to the Zoning Map shall be adopted by ordinance and shall be processed, considered, and adopted in compliance with Chapter 9.62 (Amendments to Development Code and Zone Changes). The Official Zoning Map shall be kept on file with the Town Clerk and shall constitute the original record.

#### **9.05.050 – Rights-of-way and Vacated Boundary Lines**

Where a public street or alley is officially vacated or abandoned, the property encompassed by said street or alley shall be included within the zone or zones of the adjoining properties. If the adjoining properties are in different zones, the boundary lines shall be the centerline of the former street or alley and the extension of the side yard lines of the abutting properties. In the event such street, alley, or right-of-way was a boundary between two or more different zones, the new zone or zone boundary shall be the property line that is created by such vacation.

#### **9.05.060 – Determination of Boundaries**

- A.** If there is uncertainty about the location of a zone boundary shown on the official Zoning Map, the Director shall determine the location of the boundary in the following manner, except as provided in Section 9.05.050 (Rights-of-way and Vacated Boundary Lines), above:
1. Where a zone or area boundary approximately follows a lot line, street or alley line, the lot line, street centerline, or alley centerline shall be construed as the zone boundary;
  2. Where a zone or area boundary divides a lot and the boundary line location is not specified by distances indicated on the subject map, the location of the boundary shall be determined by using the scale appearing on the map;
  3. Where a public street or alley is officially vacated or abandoned, the regulations applicable to the property to which it reverts shall apply to the vacated or abandoned street or alley.
- B.** If the Director determines that the above rules do not resolve uncertainty about a boundary location, the Commission shall determine the location of the boundary.

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## Chapter 9.06 Land Use Standards and Permit Requirements

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### Sections:

- 9.06.010 – Purpose
- 9.06.020 – General Requirements of Development and New Land Uses
- 9.06.030 – Permitted Land Uses and Planning Permit Requirements

### 9.06.010 – Purpose

This Chapter describes the Town's requirements for the approval of proposed development and new land uses. The planning permit procedures established by this Development Code for specific types of development are in Chapters 9.63 through 9.78

### 9.06.020 – General Requirements of Development and New Land Uses

Each land use and/or structure shall be established, constructed, reconstructed, altered, moved or replaced in compliance with the following requirements.

- A. **Permitted Use.** The land use shall be allowed by this Development Code in the zoning district applied to the site. The basis for determining whether a use is allowed is described in Section 9.06.030 (Permitted Land Uses and Planning Permit Requirements).
- B. **Permit and Approval Requirements.** Any planning permit or other approval required by Section 9.06.030 (Permitted Land Uses and Planning Permit Requirements) shall be obtained before the issuance of any required grading, building, or other construction permit, and before the proposed use is constructed, otherwise established or put into operation, unless the proposed use is exempt.
- C. **Development Standards, conditions of approval.** Each land use and structure shall comply with the development standards of Article 2 (Zoning Districts and Development Standards), Article 3 (General Development Standards) and any applicable conditions imposed by a previously granted planning permit.
- D. **Legal parcel.** The site of a proposed development or new land use shall be a parcel that was legally created in compliance with the Subdivision Map Act and Article 6 (Subdivisions).

### 9.06.030 – Permitted Land Uses and Planning Permit Requirements

- A. **Permitted Land Uses.** The uses of land allowed by this Development Code in each zoning district are listed in Chapters 9.07 through 9.12, together with the type of planning permit required for each use. Each listed land use is defined in Article 7 (Definitions).
  - 1. Establishment of a Permitted Use.



- a. Any one or more land uses identified by the land use tables in Chapters 9.07 through 9.12 as being allowed within a specific zoning district may be established on any parcel within that zoning district, subject to the planning permit requirements of Subsection (B), and compliance with all applicable requirements of this Development Code.
  - b. Where a single parcel is proposed for development with two or more permitted land uses, the overall project shall be subject to the highest permit level required by the planning permit requirements of Subsection (B) for any individual use.
2. Use Not Listed.
- a. A use not listed in any land use table in Chapters 9.07 through 9.12, and determined by the Director to not be included in Article 7 (Definitions) under the definition of a listed land use, is not allowed unless exempt.
  - b. A use that is not listed in a land use table within a particular zoning district is not allowed within that district, unless exempt.
3. Similar and Compatible Use May be Allowed. The Director may determine that a proposed land use not listed in any land use table or Article 7 (Definitions) is allowed as follows:
- a. Required Findings. The Director may determine that a proposed use is similar to, and compatible with a listed use and may be allowed, only after first making all of the following findings with the determination:
    - (1) The characteristics of, and activities associated with the use are similar to one or more of the listed uses, and will not involve a greater intensity than the uses listed in the district;
    - (2) The use will be consistent with the purposes of the applicable zoning district;
    - (3) The use will be consistent with the General Plan, and any applicable specific plan;
    - (4) The use will be compatible with the other uses allowed in the zoning district.
  - b. Findings in Writing. A determination that a use qualifies as a similar and compatible use, and the findings supporting the determination, shall be in writing.
  - c. Applicable Standards and Permit Requirements. When the Director determines that a proposed, but unlisted, use is similar and compatible to a listed use, the proposed use will be treated in the same manner as the listed use in determining where it is allowed, what permits are required, and what other standards and requirements of this Development Code apply.
  - d. Referral for Determination. The Director may refer the question of whether a proposed use qualifies as a similar and compatible use directly to the Commission for a determination.

- e. Appeal. A determination of similar and compatible use may be appealed in compliance with Chapter 9.81 (Appeals).

**B. Permit requirements.** Chapters 9.07 through 9.13 provide tables showing allowed land use types that are:

1. "P" Uses. Permitted use, subject to compliance with all applicable provisions of this Development Code and the California Building Code. These are shown as "P" uses in the tables.
2. "CUP" Uses. Allowed projects subject to approval of a Conditional Use Permit (Chapter 9.63), and shown as "CUP" uses in the tables. Conditional Use Permits are approved by Commission and are subject to the California Environmental Quality Act (CEQA). Review of such uses is necessary and specific conditions of approval may be necessary to ensure that the uses are developed, operated, and located properly with respect to their effects on surrounding properties and so that any and all potentially adverse impacts are mitigated, and to ensure the general health, safety and welfare of the community through implementation of the General Plan through this Chapter.
3. "SUP" Uses. Allowed subject to the approval of a Special Use Permit (Chapter 9.69), and shown as "SUP" uses in the tables. Special Use Permits are subject to the approval of the Director, with public notice. Review of such uses is necessary and specific conditions of approval may be necessary to ensure that the uses are developed, operated, and located properly with respect to their effects on surrounding properties and so that any and all potentially adverse impacts are mitigated, and to ensure the general health, safety and welfare of the community through implementation of the General Plan through this Chapter.
4. "HOP" Uses. Allowed subject to the approval of a Home Occupation Permit (Chapter 9.50), and shown as "HOP" in the uses table. Home Occupation permits are subject to the approval of the Director and/or Commission, with and without public notice. Review of such uses is necessary and specific conditions of approval may be necessary to ensure that the uses are developed, operated, and located properly with respect to their effects on surrounding properties and so that any and all potentially adverse impacts are mitigated, and to ensure the general health, safety and welfare of the community through implementation of the General Plan through this Chapter.
5. "SPR" Uses. New construction and certain expansions for uses identified as "SPR" in the tables are subject to a Site Plan and Design Review (Chapter 9.68) and are approved by Commission and are subject to the California Environmental Quality Act (CEQA). The Site Plan Review procedure is intended to protect and enhance the visual appeal, environment, economic stability and property values of the Town's residential, commercial, and industrial areas through the application of the provisions of this Code and the General Plan.
6. "TSEP" Uses. Allowed subject to the approval of a Temporary Special Event Permit (Chapter 9.71), and shown as "TSEP" uses in the tables. Temporary Special Event Permits

are subject to the approval of the Director, without public notice. Temporary Special Event Permits provide for the review of events specified in this Development Code, in order to minimize any adverse effects on surrounding properties and infrastructure or on the public health, safety and welfare.

7. "TUP" Uses. Allowed subject to the provisions in Chapter 9.39 (Temporary Structures and Uses) and approval of a Temporary Use Permit (Chapter 9.72), and shown as "TUP" uses in the tables. Temporary Use Permits are subject to the approval of the Director, without public notice. Temporary Use Permits provide for the review of temporary accessory uses and for temporary uses related to current and ongoing construction activities that are not otherwise permitted or regulated in this Development Code in order to minimize any adverse effects on surrounding properties and infrastructure or on the public health, safety and welfare.
8. "PD" Uses. Allowed subject to the approval of a Planned Development Permit (Chapter 9.67) and shown as "PD" uses in the tables. PD permits are reviewed by Commission and approved by Council, and are subject to the California Environmental Quality Act (CEQA). Planned Development Permits are intended to facilitate development of properties where greater flexibility in design is desired to provide a more efficient use of land than would be possible through strict application and land use district regulations. This process is also intended to serve as an alternate site planning process that encourages more creative and imaginative planning of mixed use multi-phased residential, commercial or industrial development within the framework of a single cohesive development plan.
9. "SPL" Uses. Allowed subject to the approval of a Special License Permit for uses identified as "SPL" in the tables. Special License Permits are subject to the approval of the Director, without public notice. Review of such uses is necessary and specific conditions of approval may be necessary to ensure that the uses are developed, operated, and located properly with respect to their effects on surrounding properties and so that any and all potentially adverse impacts are mitigated, and to ensure the general health, safety and welfare of the community through implementation of the General Plan through this Chapter.
10. "NP" Uses. Not allowed in particular zoning districts, and show as "NP" in tables.

**C. Additional Permit Requirements.** A land use authorized through the approval of a Site Plan and Design Review Permit, Land Use Compliance Review, Conditional Use Permit, Planned Development Permit, or other permit required by this Article may also require a Building Permit and/or other permit required by the Town Code.

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**Chapter 9.07 Residential and Hillside Reserve Districts**

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**Sections:**

- 9.07.010 – Purpose
- 9.07.020 – General Provisions
- 9.07.030 – Residential Zoning Districts
- 9.07.040 – Permitted Uses and Permit Requirements
- 9.07.050 – Development Standards
- 9.07.060 – Accessory Buildings and Uses
- 9.07.070 – Antennas
- 9.07.080 – Drainage, On-Site Retention, and Dust Control
- 9.07.090 – Fences, Walls, and Hedges
- 9.07.100 – Manufactured Home and Single Family Residential Construction Standards
- 9.07.110 – Outdoor Lighting
- 9.07.120 – Projections and Encroachments into Required Setback Areas and Above Height Limits
- 9.07.130 – Native Landscape Documentation Package

**9.07.010 – Purpose**

These zones are established to implement the Hillside Reserve, Rural Living, Residential Single Family, and Residential Multi-Family land use designations of the General Plan. The various designations are intended to provide a range of residential densities from Hillside Reserve lands constrained by topography to higher density multi-family designations. The standards, uses and densities allowed in these zones are intended to maintain a character consistent and compatible with residential neighborhoods.

**9.07.020 – General Provisions**

- A. **Hillside Reserve.** The specific purpose of the hillside reserve zoning district regulations and standards are to:
1. Provide for limited single-family residential development within hillside areas and similarly constrained areas and provide the greatest potential for open space preservation and managed animal keeping.
  2. Provide adequate light, air, privacy, and open space for each dwelling unit and protect residents from harmful effects of excessive noise, population density, traffic congestion, and other adverse environmental impacts.
  3. Provide sites for public and semipublic land uses needed to complement residential development or requiring a residential environment.

4. Insure the provision of public services and facilities needed to accommodate planned population densities.

**B. Residential.** The specific purpose for the residential zoning district regulations and standards are to:

1. Provide adequate light, air, privacy, and open space for each dwelling unit and protect residents from harmful effects of excessive noise, population density, traffic congestion, and other adverse environmental impacts.
2. Provide sites for public and semipublic land uses needed to complement residential development or requiring a residential environment.
3. Insure the provision of public services and facilities needed to accommodate planned population densities.

#### **9.07.030 – Residential Zoning Districts**

**A. Hillside Reserve (R-HR).** The R-HR zoning district is established to provide areas for the development of hillside residential uses and similar and compatible uses and includes the following designations.

1. Hillside Reserve District (R-HR): 1 dwelling unit/20 acres

No more than one dwelling unit is allowed on each lot, except as otherwise provided in Section 9.08.100 (Second Dwelling Units).

**B. Rural Living Districts (RL).** The RL zoning districts are established to provide areas for the development and preservation of residential uses, incidental agricultural uses, and similar and compatible uses. There are four RL residential zones that provide a variety of living environments based upon the required minimum gross lot size.

1. Rural Living District (RL-10): 1 dwelling unit/10 acres
2. Rural Living District (RL-5): 1 dwelling unit/5 acres
3. Rural Living District (RL-2.5): 1 dwelling unit/2.5 acres
4. Rural Living District (RL-1): 1 dwelling unit/acre

No more than one dwelling unit is allowed on each lot, except as otherwise provided in Section 9.08.100 (Second Dwelling Units).

**C. Single-Family Residential Districts (RS).** The RS districts are established to provide areas for the development and preservation of residential subdivisions consisting of detached residences and accessory uses compatible with the residential use of the zone and includes the following designations. There are three single-family (RS) residential zones that provide a variety of living environments based upon the required minimum net lot size. No more than one dwelling unit is

allowed on each lot, except as otherwise provided in Section 9.08.100 (Second Dwelling Units). Required minimum lot sizes for each of the three zones are as follows:

1. Single-Family Residential District (RS-2): 2 dwelling units/acre
2. Single-Family Residential District (RS-3.5): 3.5 dwelling units/acre
3. Single-Family Residential District (RS-5): 5 dwelling units/acre

**D. Multi-Family Residential District (RM).** The RM zone is established to accommodate higher-density, multi-story residential development, with a focus on providing an intensity and function at locations within close proximity to recreation and community facilities and commercial services and includes the following designations.

1. Multi-Family Residential District (RM-4): up to 4 dwelling units/acre
2. Multi-Family Residential District (RM-8): up to 8 dwelling units/acre
3. Multi-Family Residential District (RM-10): up to 10 dwelling units/acre
4. Multi-Family Residential District (RM-14): up to 14 dwelling units/acre

#### **9.07.040 – Permitted Uses and Permit Requirements**

Table 2-3 identifies the uses of land allowed by this Development Code in each residential zoning district established by Chapter 9.05 (Zoning Districts and Zoning Maps).

All uses listed in the following table are subject to the applicable standards of this Development Code and the permit requirements referenced in the Notes and Other Regulations column and in Section 9.06.030B, Permit Requirements.

Pursuant to Section 9.06.030 (A)(3) – Similar and Compatible Uses May be Permitted. The Director may determine that a proposed use is permitted, provided that the Director makes the required findings that the proposed use is similar, compatible and consistent with the uses described in the table, the purposes, and the General Plan.

**TABLE 2-3:  
PERMITTED LAND USES AND PERMIT REQUIREMENTS  
FOR RESIDENTIAL AND HILLSIDE RESERVE ZONING DISTRICTS**

Type of Use	Permit Required by Zoning District				Notes and Other Regulations
	R-HR	RL	RS	RM	
<b>Zoning Districts</b> <b>R-HR:</b> Residential Hillside Reserve <b>RL:</b> Rural Living <b>RS:</b> Residential, Single-Family <b>RM:</b> Residential, Multi-Family					
<b>Permit Required</b> <b>P:</b> Permitted <b>TSEP:</b> Temporary Special Event Permit <b>SPR:</b> Site Plan and Design Review <b>CUP:</b> Conditional Use Permit <b>TUP:</b> Temporary Use Permit <b>PD:</b> Planned Development Permit <b>SUP:</b> Special Use Permit <b>HOP:</b> Home Occupation Permit <b>NP:</b> Not Allowed					
<b>Residential</b>					
Single-Family Dwelling Unit	P	P	P	P	Pursuant Residential District Standards 9.07.050
Accessory Structures and Uses	P	P	P	P	Permitted only in conjunction with an approved dwelling unit. Includes uses that are accessory or incidental to the primary use of the same property. Pursuant to Section 9.07.060 Accessory Buildings and Uses.
Garage and Yard Sales	P	P	P	P	
Home Occupation	HOP	HOP	HOP	HOP	Permitted with a Home Occupation Permit, pursuant to Chapter 9.50 Home Occupations.
Manufactured/Mobile Home Unit	P	P	P	P	Pursuant to Section 9.08.060
Mobile Home and Recreational Vehicle Parks	CUP	CUP	CUP	CUP	Pursuant to Section 9.08.060 Manufactured Housing, Mobile Home and Recreational Vehicle Parks.
Multi-Family Dwellings (1-3 units)	NP	NP	NP	P	Pursuant to Multi-Family Residential Standards 9.08.070
Multi-Family Dwellings (4 or more units)	NP	NP	NP	SPR	Pursuant to Multi-Family Residential Standards 9.08.070
Planned Residential Development	PD	PD	PD	PD	Pursuant to Section 9.08.080
Second Dwelling Unit	P	P	P	P	Pursuant Section 9.08.100
<b>Care Uses</b>					
Child Day Care, Small Family	P	P	P	P	Eight or fewer children, pursuant Residential District Standards, Section 9.08.040
Child Day Care, Large Family	SUP	SUP	SUP	SUP	Nine to fourteen children, pursuant Residential District Standards, Section 9.08.040

**TABLE 2-3:  
PERMITTED LAND USES AND PERMIT REQUIREMENTS  
FOR RESIDENTIAL AND HILLSIDE RESERVE ZONING DISTRICTS**

Zoning Districts	R-HR: Residential Hillside Reserve	RL: Rural Living
	RS: Residential, Single-Family	RM: Residential, Multi-Family

Permit Required	P: Permitted	TSEP: Temporary Special Event Permit	SPR: Site Plan and Design Review
	CUP: Conditional Use Permit	TUP: Temporary Use Permit	PD: Planned Development Permit
	SUP: Special Use Permit	HOP: Home Occupation Permit	NP: Not Allowed

Type of Use	Permit Required by Zoning District				Notes and Other Regulations
	R-HR	RL	RS	RM	
Child Day Care Center	CUP	CUP	CUP	CUP	Fifteen or more children, pursuant to Section 9.08.040
Social Care Facility, Six or fewer	P	P	P	P	Includes but is not limited to elderly care and sober living facilities. Pursuant to Residential District Standards Section 9.08.090
Social Care Facility, Seven or more	CUP	CUP	CUP	CUP	Includes but is not limited to elderly care and sober living facilities. Pursuant to Section 9.08.090 Residential/Social Care Facilities
<b>Agriculture and Animal Related</b>					
Animal Keeping of densities allowed by Section 9.08.020	P	P	P	P	Pursuant to Section 9.08.020, Animal Keeping
Animal Keeping, Breeding/Raising of densities greater than those specified by Section 9.08.020	SUP	SUP	SUP	SUP	Animal raising over densities allowed require a Special Use Permit, Pursuant to Section 9.08.020
Commercial or Private Kennels and Catteries	CUP	CUP	NP	NP	Pursuant to Section 9.08.020, minimum 1 acre parcel size
Exotic Animals (up to 2)	SUP	SUP	SUP	SUP	Pursuant to Chapter 9.49
Exotic Animals (3-4)	CUP	CUP	CUP	NP	Pursuant to Chapter 9.49
Horticulture (for private use), including growing fruit, flowers, ornamental plants, and vegetables	P	P	P	P	Permitted as a use that is incidental to the primary use
Agriculture (for commercial use), not including animal husbandry or stockyards	CUP	CUP	CUP	NP	Including, but not limited to row, field, tree, and nursery crop cultivation
<b>Other Uses</b>					
Bed and Breakfast/Lodging	SUP	SUP	SUP	SUP	Pursuant to Section 9.08.030
Temporary Special Events	TSEP	TSEP	TSEP	TSEP	Pursuant to Chapter 9.38
Temporary Uses	TUP	TUP	TUP	TUP	Pursuant to Chapter 9.39
Cemeteries	CUP	CUP	NP	NP	Pursuant to Chapter 9.45



**TABLE 2-3:  
PERMITTED LAND USES AND PERMIT REQUIREMENTS  
FOR RESIDENTIAL AND HILLSIDE RESERVE ZONING DISTRICTS**

<b>Zoning Districts</b>	<b>R-HR: Residential Hillside Reserve</b>	<b>RL: Rural Living</b>
	<b>RS: Residential, Single-Family</b>	<b>RM: Residential, Multi-Family</b>

<b>Permit Required</b>	<b>TSEP: Temporary Special Event Permit</b>	<b>SPR: Site Plan and Design Review</b>
<b>P: Permitted</b>	<b>TUP: Temporary Use Permit</b>	<b>PD: Planned Development Permit</b>
<b>CUP: Conditional Use Permit</b>	<b>HOP: Home Occupation Permit</b>	<b>NP: Not Allowed</b>
<b>SUP: Special Use Permit</b>		

Type of Use	Permit Required by Zoning District				Notes and Other Regulations
	R-HR	RL	RS	RM	

**Recreation, Education, and Public Assembly Uses (Institutional Uses)**

Arboretums, Botanical Gardens, Historic and Monument Sites, Zoos	CUP	CUP	CUP	CUP	Pursuant to Section 9.08.050
Campgrounds	CUP	CUP	NP	NP	Pursuant to Section 9.08.050
Religious Institutions, Religious Assembly, and other Public Assembly	CUP	CUP	CUP	CUP	Pursuant to Section 9.08.050
Conference Centers/Group Camps	CUP	CUP	NP	NP	Pursuant to Section 9.08.050
Governmental Facility	CUP	CUP	CUP	CUP	
Hospitals and Convalescent Homes	CUP	CUP	CUP	CUP	Pursuant to Section 9.08.050
Museum, Art Gallery, Library, and Associated Outdoor Exhibits	CUP	CUP	CUP	CUP	Pursuant to Section 9.08.050
Park/Playground	SPR	SPR	SPR	SPR	
Schools (Public and Private)	CUP	CUP	CUP	CUP	Pursuant to Section 9.08.050
Sports and Recreation Facility (commercial operations open to the general public)	CUP	CUP	CUP	CUP	Including, but not limited, equestrian facilities, golf courses, hunting clubs, , and tennis and swim clubs.
Sports or Entertainment Assembly	NP	CUP	NP	NP	Including, but not limited to racetracks and stadiums. and Per Location Criteria and Performance Standards, Section 9.08.050
Indoor Archery and Gun Ranges	NP	NP	NP	NP	
Outdoor Archery and Gun Ranges	NP	NP	NP	NP	
Off Road Vehicle Parks	CUP	CUP	NP	NP	

**Transportation, Communication and Infrastructure**

Communication Facility	CUP	CUP	NP	NP	Including, but not limited to, radio and television stations or towers, satellite receiving stations, but not wireless telecommunication facilities
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**TABLE 2-3:  
PERMITTED LAND USES AND PERMIT REQUIREMENTS  
FOR RESIDENTIAL AND HILLSIDE RESERVE ZONING DISTRICTS**

Type of Use	Permit Required by Zoning District				Notes and Other Regulations
	R-HR	RL	RS	RM	
Transmission utility lines, pipelines, and control stations	CUP	CUP	CUP	CUP	
Solar/Wind or other Alternative Energy Accessory	P	P	P	P	Pursuant to Section 9.45, permitted as a use that is incidental/accessory to the primary use
Solar/Wind or other Alternative Energy, primary use	NP	NP-	NP	NP	Pursuant to Section 9.46, not permitted as a primary use
Utility and Service Uses and Structures	CUP	CUP	CUP	CUP	Electrical Power Generation, Transportation Facilities (Airports, Bus Stations, Carpool Facilities), and Sewage Treatment and Disposal Facilities, require General Plan Amendment and Zone Change to Public/Quasi Public designation
Wireless Telecommunication Facilities	CUP	CUP	CUP	CUP	Pursuant to Chapter 9.44

**Zoning Districts**

**R-HR:** Residential Hillside Reserve

**RL:** Rural Living

**RS:** Residential, Single-Family

**RM:** Residential, Multi-Family

**Permit Required**

**P:** Permitted

**TSEP:** Temporary Special Event Permit

**SPR:** Site Plan and Design Review

**CUP:** Conditional Use Permit

**TUP:** Temporary Use Permit

**PD:** Planned Development Permit

**SUP:** Special Use Permit

**HOP:** Home Occupation Permit

**NP:** Not Allowed

**9.07.050 – Development Standards**

Subdivisions, new land uses and structures, and alterations to existing land uses and structures shall be designed, constructed, and established in compliance with the requirements in Table 2-4, in addition to the applicable standards (e.g., landscaping, parking and loading, etc.) in Article 3 (General Development Standards).

If a parcel is also located within an Overlay District, see Chapter 9.15 (Overlay Districts). In the event of conflict between the base zone regulations and the overlay zone regulations, the provisions of the overlay zone shall apply. The Overlay Zoning Districts are described in Chapters 9.16 through 9.22.

**TABLE 2-4:  
RESIDENTIAL ZONING DISTRICTS DEVELOPMENT STANDARDS**

Development Feature	Requirement by Zoning District			
	R-HR	RL	RS	RM <sup>1</sup>
Minimum Lot Size <sup>2</sup>	20 acres	RL-1: 1 ac. RL-2.5: 2.5 ac. RL-5: 5 ac. RL-10: 10 ac.	RS-5: 6,000 sf. RS-3.5: 7,200 sf. RS-2: 18,000 sf.	18,000 sf.
Minimum Lot Dimensions (W: width; D: depth)	W: 150 ft. D: 150 ft.	W: 150 ft. D: 150 ft.	< 1 ac: W: 60 D: 100 ft. ≥ 1 ac: W: 150 ft D: 150 ft.	W: 100 ft. D: 150 ft.
Minimum Street Frontage	150 ft	100 ft.	< 1 ac: 60 ft. ≥ 1 ac: 100 ft.	60 ft.
Maximum Lot Dimensions (width to depth)	1:4	< 10 ac.: 1:4 ≥ 10 ac.: 1:3	< 10 ac.: 1:4 ≥ 10 ac.: 1:3	--
Maximum Density (dwelling units [du <sup>4</sup> ]/acres [ac])	1 du/ 20 acres	RL-1: 1 du/ ac. RL-2.5: 1 du/2.5 ac. RL-5: 1 du/5 ac. RL-10: 1 du /10 ac.	RS-5: 5 du/ac RS-3.5: 3.5 du/ac RS-2: 2 du/ac	RM-4: 4 du/ac RM-8: 8 du/ac RM-10: 10 du/ac RM-14: 14du/ac
Setbacks	Minimum setbacks required unless different setbacks are delineated on Final Map, Parcel Map, Composite Development Plan, or are allowed pursuant to Section 9.07.130 Projection into Yards.			
Front	75 ft.	25 ft.	25 ft.	20 ft.
Rear	75 ft.	15 ft.	15 ft.	10 ft. per story <sup>5</sup>

**TABLE 2-4:  
RESIDENTIAL ZONING DISTRICTS DEVELOPMENT STANDARDS**

Development Feature	Requirement by Zoning District			
	R-HR	RL	RS	RM <sup>1</sup>
Side – Street Side	75 ft.	Arterial: 25 ft. Collector: 25 ft. Local: 15 ft.	Arterial: 25 ft. Collector: 25 ft. Local: 15 ft.	Arterial: 25 ft. Collector: 25 ft. Local: 15 ft.
Side – Interior (each)	75 ft.	15 ft.	5 ft on one side, 10 ft on other,	10 ft. per story <sup>5</sup>
Lot Coverage	Maximum percentage of total lot area that may be covered by buildings.			
	20%	25%	40%	60%
Height Limit	Architectural features and equipment may exceed height pursuant to Section 9.31.030			
	35 ft.	35 ft.	35 ft.	40 ft.
Minimum District Size	100 acres	30 acres	10 acres	10 acres
Parking	See Chapter 9.33 (Parking and Loading Requirements) for additional parking regulations			
	2 parking spaces per unit within a garage or carport, with minimum interior clearance of 18 ft. width for two spaces and 19 ft. length.			See Chapter 9.33
Accessory Structures	See Section 9.07.060 (Accessory Buildings and Uses). Accessory buildings have the same setback requirements as primary buildings , except they may encroach within 3 feet of rear property line, but not occupy more than 25 % of the required rear yard.			
Other Applicable Standards	<p>See Article 3 – General Development Standards including the following standards:</p> <ul style="list-style-type: none"> <li>• Dedications and Infrastructure Improvement Standards – Chapter 9.30 (Also, see Section 9.07.100.A.8 Dedication and Infrastructure Requirements for Single Family</li> <li>• Landscaping and Native Plan Protection – Chapter 9.07.130</li> <li>• Performance Standards – Chapter 9.34, relating avoiding adverse impact to adjoining properties relating to fire, explosive, or other hazards; noise or vibration; smoke, dust, odor or other form of air pollution; heat, cold, dampness; electrical or other disturbance</li> <li>• Property Maintenance Standards – Chapter 9.35</li> <li>• Signs – Chapter 9.36</li> <li>• Accessory Solar Energy Systems – Chapter 9.42</li> <li>• Accessory Wind Energy Systems – Chapter 9.43</li> <li>• Wireless Communications Facilities – Chapter 9.44</li> </ul>			

**Notes:**

1. See Section 9.08.070 for additional standards for the Multiple Residential Zoning District.
2. The above referenced acreages that are equal to one acre or more refers to gross acreage (total acreage including streets/infrastructure), less than one acre refers to net acreage (acreage not including streets, sidewalks, infrastructure).
3. Map suffix: the number placed after the zoning district initial is the allowable dwelling units (du) per one acre.
4. du: Dwelling Unit
5. One-story buildings are required to have a rear and interior side setback of 10 feet; two-story buildings are required to have a rear and interior side setback of 20 feet (for each additional story an additional 10 feet are required).

**9.07.060 – Accessory Buildings and Uses**

Residential accessory buildings include any of those customarily related to a residence, including garages, greenhouses, storage sheds, studios, barns, workshops, guest house, and similar buildings .

- A. General Development Standards.** Any new accessory buildings shall be subject to the standards in Table 2-5 (Accessory Building Development Standards).
1. Zoning District Regulations Applicable. Unless otherwise provided, accessory buildings and uses shall be subject to the same regulations as the primary building or use. Accessory buildings shall have the same setback requirements as primary buildings, except pursuant to Section 9.07.120 (Projections and Encroachments into Required Setback Areas and Above Height Limits), they may encroach within 3 feet of rear property line, but not occupy more than 25 % of the required rear yard.
  2. Accessory to Legally Established Primary Use. An accessory building or use shall always exist in conjunction with, and never without, a legally established primary building or primary use that has the same common owner. Where the primary use has not yet been established, an accessory building or structure may only be built subject to the issuance of a Temporary Use Permit in compliance with Chapter 9.72 (Temporary Use Permits ).
  3. Determination of Accessory Uses. In addition to the accessory uses specifically provided for by this Chapter or elsewhere within this Development Code, each land use shall be deemed to include other accessory uses that are necessarily and customarily associated with and are clearly incidental and subordinate to the primary land use. The Director shall be responsible for determining if a proposed accessory use meets the criteria in this Chapter.

**TABLE 2-5:  
ACCESSORY BUILDING DEVELOPMENT STANDARDS**

Development Feature	Requirement by Zoning District		
	R-HR	RL	RS
Maximum Floor Area of a single accessory building	100% of primary building	100% of primary building .	50% of the primary building
Maximum number of accessory buildings	Four, regardless of any requirement for a building permit	Four, regardless of any requirement for a building permit	Four, regardless of any requirement for a building permit
Maximum Height	25 feet, or height of primary building , whichever is greater	25 feet, or height of primary building , whichever is greater	25 feet, or height of primary building , whichever is greater

**TABLE 2-5:  
ACCESSORY BUILDING DEVELOPMENT STANDARDS**

Development Feature	Requirement by Zoning District		
	R-HR	RL	RS

Cumulative area of all buildings shall not exceed the allowable lot coverage.

Properties which are ten acres or larger in size in the Rural Hillside Reserve (R-HR) zoning district are exempt from square footage requirements for accessory buildings.

**B. Architecturally Compatible.** Any accessory building greater than 120 square feet in area shall be architecturally compatible with the primary building. To be considered architecturally compatible, accessory buildings shall be consistent with the height of the primary structure shall have a roof design, roofing materials and/or colors similar to the primary structure. Metal material roofs are allowed provided the roof is painted a similar color to the roof of the primary residence. Siding materials may consist of wood, metal, stucco or similar materials compatible with the residence. Proposed accessory buildings which do not conform to these architecturally compatible standards may be reviewed and acted upon by the Planning Commission, based upon consistency and compatibility in the residential neighborhood and surrounding areas.

**C.D. Cargo Containers.** Other than as a temporary use for construction purposes subject to, or where a building permit has been issued, cargo containers are not allowed in a residential land use districts, including containers under 120 square feet. As storage for construction clean-up or construction material, a cargo container used as a temporary storage device may be located anywhere on the property, except in the Clear Sight Triangle, see Section 9.31.020 (Clear Sight Triangle), during the duration of the construction activity associated with an active building permit subject to the approval of a Temporary Use Permit.

**9.07.070 – Antennas**

The following non-commercial, receive-only antennas for the sole use of a resident occupying a residential structure shall be permitted subject to the specified standards:

- A.** A ground or structure-mounted, radio or satellite dish antenna that does not project above the roof ridge line and does not have a diameter greater than one meter (39 inches), which does not encroach within any required setback.
- B.** A ground or structure-mounted radio or television aerial not exceeding 75 feet in overall height, which does not encroach within any required setback, and which is setback from any property line by at least half the height of the overall height of the antenna structure.
- C.** Any non-commercial, receive-only antenna which is proposed to exceed the allowed height or encroach within a described setback shall be subject to the review and approval of a Special Use Permit.

Commercial satellite and wireless communications antennas are not exempt, and are instead subject to Chapter 9.44 (Wireless Communications Facilities).

**9.07.080 – Drainage, On-Site Retention, and Dust Control**

All new construction, including Single-Family residences shall comply with Chapter 9.37 (Soil Erosion and Dust Control), which includes the following:

- A. **Drainage.** All new construction shall be designed so that drainage is directed away from any new construction. Diversions, obstructions, or confining of existing drainage courses shall not be made in a manner as to divert drainage to different properties, cause accelerated erosion, or to otherwise cause damage to other properties.
- B. **On-Site Retention.** Any development of property shall provide on-site retention facilities so to retain increment plus 10% nor concentrates flows to a greater extent than pre-development conditions.
- C. **Dust Control.** On parcels of one acre or larger, land being utilized for residential purposes may only be cleared to provide for the installation of building pads, driveways, landscaping, yards, play areas, vehicle parking, accessory structures, property access, agricultural activities, or other accessory use normally appurtenant to residential use. The purpose of this is to reduce site disturbances and to reduce the amount of fugitive dust generated from cleared land.
- D. **Easements and Deed Notices.** The Town may require offers of dedication, granting of easements, or recordation of deed notices to assist in the implementation of the Town’s Master Plan of Drainage pursuant to Chapter 9.30 (Dedications and Infrastructure Improvements)

**9.07.090 – Fences, Walls, and Hedges**

- A. **Standards.** Fences and walls within Hillside-Reserve and Residential districts shall be subject to the following standards:
  - 1. Solid walls and fences shall not exceed four feet in height within a required front yard setback area as specified in Table 2.4, Development Standards. Within the required front setback area fences up to 6 feet in height may be allowed which do not impair visibility. Horizontal fence elements shall not exceed four inches in diameter to maintain visibility.
  - 2. Barbed wire, barbless wire or similar fencing shall be allowed in the Rural Living and Hill Side Reserve land use districts on lot sizes of one acre or greater. Razor wire is not permitted.
  - 3. Barb wire, razor wire, or similar fencing or electrified fencing shall not be allowed in the Residential, Single family zoning districts.
  - 4. Fences and walls on interior side and rear lots lines may be up to six feet in height.

5. The height of walls and fences shall be measured from the highest side of the fence, however, where there are grade differences on side and rear lots lines, total height of solid fences measured from the lowest side may be increased by a maximum of two feet. Within required front yard setback areas, total height of solid walls, measured from the lowest side, shall not exceed 4 feet.
  6. Swimming pools, spas, and similar water elements shall be fenced in compliance with the California Building Codes.
  7. Materials shall include wood, stone, brick, masonry, stucco, adobe, wrought iron, chain link, or similar materials. Materials shall be consistent with Section 9.37 Property Maintenance standards and shall not include materials such as garage doors, tires, plywood, or other used materials.
  8. All fencing shall comply with the standard in 9.31.020 (Clear Site Triangle)
- B. Excess Heights.** Fence heights in excess of these standards may be allowed by an approved Conditional Use Permit or Variance or when required by the Town for reasons of health, safety, and welfare of the general public.
- C. Landscaped Hedges.** Solid landscaped hedges in excess of four feet in height that would impair visibility shall not be allowed within required front yard setback areas. Solid landscaped hedges beyond the required front yard setback areas may be allowed in excess of 4 feet in height.

#### 9.07.100 – Manufactured Home and Single Family Residential Construction Standards

- A. Standards.** The following standards shall be applied to construction or installation of all detached single-family residential structures and second units unless otherwise specified within this Code.
1. Manufactured home foundation systems. Manufactured home foundation systems shall comply with either Health and Safety Code Section 18551 or Title 25, Chapter 2, Sections 1333 and 1334 of the California Code of Regulations, and shall include tie down, clip, or anchoring systems approved by an engineer to resist lateral forces for the subject manufactured home.
  2. Manufactured home certification tag or label required. A permit from the Building and Safety Division for the installation of a manufactured home not within an approved and properly licensed mobile home park shall not be issued, if more than ten years have elapsed between the date of manufacture and the date of the application for the issuance of the permit to install such manufactured home except as provided below. Also, the manufacturer shall permanently affixed a label or tag to the manufactured home certifying that the manufactured home complies with Federal construction and safety standards applicable to the National Manufactured Housing Construction and Safety Standards Act of 1974 (42 U.S.C. Section 5401, et. Seq., Section 5415).



3. Siding. Siding material shall consist of stucco, wood, brick, stone, or decorative concrete block. Synthetic products of a similar appearance and equivalent durability shall be allowed. Metal siding, if utilized, shall be non-reflective. The exterior covering material shall extend to a point at or near grade, except if an approved solid wood, metal, concrete, or masonry perimeter foundation is used, the exterior covering material need not extend below the top of the foundation.
4. Roofing material. The roofing material shall be tile, composite shingles, wood shakes, and shingles (if allowed by the Fire Safety (FS) overlay or other applicable overlay(s), or other material customarily used in the surrounding community. Roofs shall have eave and gable overhangs of not less than 12 inches, measured from the vertical side of building, except for flat roof designs, with parapets, such as southwestern architectural styles.
5. Entries and exits. Entries and exits shall be completed in compliance with Chapter 10 of the California Building Code.
6. Minimum Size and Dimensions. Minimum floor area shall be 725 square feet measured from the exterior of the structure. Minimum floor width and depth shall each average 20 feet measured from the exterior of the structure, excluding garages, porches, patios, eaves, cabanas, and popouts.
7. Utility hookups. Utility hookups and an area suitable to accommodate the installation of a clothes washer and dryer shall be provided within the primary structure or within an enclosed accessory structure.
8. Dedication and Infrastructure requirements. A building permit shall not be issued for the construction of single-family residential dwelling unless all of the following infrastructure requirements are satisfied for an existing lot of record:
  - a. Proof of legal and physical access.
    - (1) Physical access is a route which is traversable in a standard (two-wheel drive) sedan. Proof shall consist of an Engineer or Surveyor's signed and sealed letter, certifying that physical access has been completed.
    - (2) Legal access is:
      - (a) A dedicated right-of-way;
      - (b) A dedication to the Town of Yucca Valley and to the public in general, an easement for public road, Town highway and public utility purposes of a width as established by the Circulation Element of the General Plan. The easement or road constructed on the dedicated land shall not become a Town highway until and unless the Council, by appropriate resolution, has caused the road to be accepted into the Town maintained road system.

- (c) An existing traveled way that is substantially in compliance with Town road standards, where a prescriptive right by the user has been established for the public use by court decree.
      - (d) Private road easement
    - (3) When all feasible efforts to establish legal access in accordance with 84.21.030 (j) (1) (B) have been exhausted, the lot is an existing legally created parcel, and the property owner has physical access, the Director, in his/ her discretion, may waive the requirement for legal access on the condition that the property owner enters into an agreement in the form required by the Town which includes the property owner's: (1) representation that the owner has a right to physical access; (2) acknowledgement that proof of legal access has not been provided to the Town's satisfaction; and, (3) agreement to disclose to any subsequent owners that legal access has not been established to the satisfaction of the Town. Notation of said agreement and conditions of waiver shall also be included on the building permit.
  - b. Infrastructure as determined by the Director depending on the location of the parcel to be developed. This may include, but not limited to, any of the following: paved access, curbs and gutters, sidewalk, bike paths and trails and/or appropriate drainage improvements.
  - c. Water.
    - (1) Water purveyor. Required when in the service area of a water purveyor and the purveyor can supply the water.
    - (2) Substantiated well water. If the subject parcel is not within the service area of a water purveyor, well water may be allowed if all required setbacks are met.
  - d. Sanitation.
    - (1) Sewer. Projects shall connect as required by ordinances and policies adopted by the Hi Desert Water District.
    - (2) Septic systems: Allowed in compliance with the local Regional Water Quality Control Board regulations.
  - e. Fireflow. Adequate fireflow and fire safety measures in compliance the most current regulations adopted by the San Bernardino County Fire Department.

**9.07.110 – Outdoor Lighting**

Outdoor lighting shall be fully shielded or recessed in a manner to preclude adverse impacts to adjacent properties as a result of light trespass, or to any member of the public traveling on adjacent roadways or right-of-way, pursuant to Chapter 8.70 (Outdoor Lighting) of Title 8 (Buildings and Construction) of the Yucca Valley Municipal Code for outdoor lighting standards.

**9.07.120 – Projections and Encroachments into Required Setback Areas and Above Height Limits**

- A. General Provisions.** All required yards or court areas shall be open and unobstructed from finished grade or from such other specified level at which the yard is required, to the sky, except for structures allowed in yard by table 2-6.

Nothing in this section is intended to prevent the construction of any allowed primary or accessory structure within the building envelope which is the lot area not included in any required yard or court.

**B. Clear Areas.**

1. The projections listed in the Table 2-6 may not, in any event, encroach on or into the following:
  - a. The Clear Sight Triangle (Section 9.31.020) required at street and alley intersections. The Clear Sight Triangle is measured along the edge of the ultimate right-of-way of any street or alley for thirty feet from the intersection of two streets, or street and alley with a diagonal connecting the end points. It is intended to limit objects which would obstruct the sight distance of motorists entering the intersection.
  - b. Within three feet of any lot line, unless greater setback is required as noted in Table 2-6 (Projections Into Yards).

C. Projections allowed into required yards are described in the following table.

**TABLE 2-6:  
PROJECTIONS INTO YARDS – AMOUNT OF ENCROACHMENT ALLOWED**

Facilities	Front and Street Side Yards	Interior Side Yards	Rear Yard
1. Eaves; awnings, canopies, louvers, and similar shading devices; sills, cornices, planting boxes, cantilevered closet and bay windows on the first floor, and similar features; skylights, flues, and chimneys; and other similar architectural features.	4 ft.	2 ft.	4 ft.
2. Evaporative coolers, air conditioner compressors, and pool equipment.	4 ft. when screened from view	2 ft.	4 ft.
3. Propane tanks sited per California Fire Code and Fire Hazard Design Standards specified by Chapter 9.17 (Fire Safety Overlay) of this Division.	4 ft. when screened from view	2 ft.	4 ft.
4. Attached patio roofs and similar residential structures having open, unwallled sides along not less than 50 percent of their perimeters, including top deck.	4 ft.	2 ft.	15 ft., Min. 5 ft. from rear lot line.
5. Breezeways and similar roofed passageways projecting from a residential building.	4 ft.	2 ft.	2 ft.
6. Cantilevered or supported decks; and cantilevered bay windows provided the total width of bay windows on any one story does not exceed 50 percent of the length of the wall containing them.	4 ft.	3 ft.	4 ft.
7. Roofed stairways, landings corridors and fire escapes that are enclosed.	5 ft.	3 ft.	10 ft.
8. Porches, platforms, or stairways that are uncovered, or landings of average height not greater than four feet above required yard or court level, plus railings up to four feet high.	4 ft.	4 ft.	10 ft.
9. Open storage of boats, recreational vehicles, trailers, appliances, and similar materials and temporary trash storage. This shall not be located within 10 feet of structures.	Not allowed	Allowed	Allowed
10. Slides, clotheslines, and similar equipment and radio or television masts or antennas.	Not allowed	Not allowed	Allowed

**TABLE 2-6:  
PROJECTIONS INTO YARDS – AMOUNT OF ENCROACHMENT ALLOWED**

<b>Facilities</b>	<b>Front and Street Side Yards</b>	<b>Interior Side Yards</b>	<b>Rear Yard</b>
11. Garages, carports, sheds, and other detached, enclosed accessory building which occupy no more than 25 percent of the required rear yard.	Not allowed	Not Allowed	Allowed
12. Unroofed parking and loading areas.	See parking regulations (Chapter 9.33)	Allowed	Allowed
13. Covered, underground, or partially excavated structures, such as garages, fallout shelters, wine cellars, basement and public utility or telephone/cable television vaults.	Allowed, provided that the facilities do not extend more than 30 inches above the adjoining average finished grade level.		
14. Fences, screening, safety guard rails, walls, and dense hedges along property lines in Residential Zoning Districts.	4 ft. max. height <sup>1</sup>	6 ft. max. height	6 ft. max. height
15. Signs	Allowed, subject to Sign Standards		
16. Swimming pools and spas no closer than 5 ft. from property line. Pool equipment may not project into the required setbacks.	Not allowed	Not allowed	Allowed
17. Freestanding photovoltaic or solar panels, no closer than 5 ft. from property line.	Not allowed	Not allowed	Allowed
18. Handicapped access ramps are permitted in the front, side and rear setbacks.	Allowed	Allowed	Allowed

**Notes:**

1. Pursuant to Section 9.07.090, in a front and street side yard fence height can be up to 6 ft, if it is an open design.

**D. Projections Above Height Limits**

These shall be allowed pursuant to Section 9.31.040.

**9.07.130 Native Landscape Documentation Package**

**A. General Provisions:** This section identifies the standards and requirements for native landscaping on residential developments.

Regulated desert native plants for all residential projects, include the following.

**Regulated Desert Native Plants**

<b>Botanical Name</b>	<b>Common Name</b>
<i>Yucca Brevifolia</i>	Joshua Tree
<i>Yucca Schidigera</i>	Mojave Yucca
	Nolina
<i>Juniperus Californica</i>	California Juniper
<i>Yucca Whipplei</i>	Our Lords Candle
<i>Pinus Monophylla</i>	Pinon Pine

Pursuant to section 80017 of the State Food and Agricultural Code, the clearing or removal of native plants from a canal, lateral ditch, survey line, building site, or road or other right-of-way by the landowner or his agent, if the native plants are not to be transported from the land or offered for sale, are not subject to State regulations. For plants regulated by the State to be transplanted off-site, the Town shall issue permits for their relocation in accordance with this chapter.

**B. Scope**

(1) The provisions of this Section shall apply to all land within the Town of Yucca Valley.

- (a) It is prohibited for any individual or entity to remove, transplant, damage, disturb, or destroy any part of any regulated desert native plant, except its fruit, from any privately or publicly owned piece of land in the Town of Yucca Valley, without first obtaining a Regulated Desert Native Plant Permit from the Town, unless said activity is exempt from the requirement to first obtain a Regulated Desert Native Plant Permit.
- (b) It is prohibited for any individual or entity to remove or damage all or part of any regulated desert native plant on another property without first obtaining written permission from the landowner and an approved Regulated Desert Native Plant Permit. It is unlawful for any person to falsify any document offered as evidence of permission to enter upon the property of another to remove all or parts of a regulated desert native plant, whether it is alive or dead.
- (c) It is prohibited for any individual or entity, unless exempted by this Division, to destroy, dig up, mutilate or to possess any regulated desert native plant, including the living parts of such, unless the regulated desert native plant was disturbed under a Regulated Desert Native Plant Permit. Any individual or entity shall exhibit the Regulated Desert Native Plant Permit upon request for inspection by any duly authorized entity as described in this Section.
- (d) The commercial harvesting of regulated desert native plants is prohibited.

(2) **Exceptions:** The following are exempt from the provisions of this Division.

- (a) The removal and transplanting on and off-site of regulated desert native plants on and from lands owned by the United States Government or any Federal agency, the State of

California, the County of San Bernardino, the Town of Yucca Valley, and all special districts.

- (b) The removal and transplanting on and off-site of regulated desert native plants required by other codes, ordinances or laws of Town of Yucca Valley, County of San Bernardino, the State of California or the United States Government or any Federal agency.
- (c) The removal and transplanting on and off-site of regulated desert native plants which are an immediate threat to the public health, safety or welfare, as determined by the Planning Division.
- (d) Removal as part of a bona fide agricultural activity as determined by the Town that is:
  - (1) Served by a water distribution system adequate for the proper operation of such activity; and or
  - (2) Conducted under a land conservation contract; and or
  - (3) An existing agricultural activity; and or
  - (4) A proposed bona fide agricultural activity if the Planning Division is given thirty (30) days written notice of the removal describing the location of the land and the nature of the proposed activity. The Planning Division shall notify the landowner in writing prior to the lapse of the thirty (30) day period if, in the opinion of the Planning Division the activity is not a bona fide agricultural activity or else the activity shall be deemed bona fide.
- (e) Destruction or removal of a regulated desert native plant that has died from natural causes or that has been destroyed by fire or other natural disasters,.
- (f) Any regulated desert native plant that is within the building footprint and within twenty (20) feet of the building foot print of an existing structure and for new infill residential development, as determined by the Planning Division.
- (g) When removal is required by any public utility subject to jurisdiction of the Public Utilities Commission or any other constituted public agency, including franchised Cable TV, to establish or maintain safe operation of facilities under their jurisdiction

### **(3) Permit Required**

A Native Plant Permit shall be required for the removal and transplanting on and off-site of any regulated desert native plants identified in Section 9.07.130.

- (a) A Regulated Native Plant Permit Application shall be submitted to and approved by the Town prior to the removal and transplanting on and off-site of any regulated desert native plant.

- (b) The Regulated Native Plant Permit Application shall include the following information.
- (1) The botanical and common name of the regulated desert native plant.
  - (2) A Native Plant Survey showing the precise location of each regulated desert native plant.
  - (3) The trunk or stem diameter of each regulated desert native plant.
  - (4) The height of each regulated desert native plant.
  - (5) The health or condition of the regulated desert native plant, including the identification of those regulated desert native plants that are not likely to survive transplanting procedures.
  - (6) The proposed placement or disposition of the regulated desert native plant, i.e.: transplant on-site, adopt off-site, remove, etc.
  - (7) Additional information that may be required based upon the individual application.

**C. Single-Family Residential In-Fill, Existing Single Family Residences And Multi-Family Residential Three Units Or Less**

- (1) A Regulated Desert Native Plant Permit Application shall be submitted to the Planning Division at the time of a filing building or grading permit applications for development of infill residential lots unless exempt.
- (2) A Regulated Desert Plant Permit Application shall be submitted to the Planning Division for removal or relocation on or offsite when the property owner is proposing improvements to the property including swimming pools, swing sets, horse arenas, other animal keeping activities, basketball courts, tennis courts, recreational or other vehicle parking, driveways and access, play areas, accessory structures, and other uses typical to single family residences.
- (3) The Regulated Desert Native Plant Application Documentation shall contain the following information.
  - (a) Printed Photographs depicting the proposed native plant that is to be removed or transplanted. The photographs must clearly show the location, size of the subject plant, and its surroundings. At minimum, the surrounding area photographs shall include two different views of the subject plant.
  - (b) A Plot Plan is required in order to show location of regulated desert native plants proposed to be removed, transplanted, or retained in its native location. The plot plan shall clearly demonstrate that the property meets the standards in Table 1.
- (4) Written permission from the property owner(s) authorizing the proposed removal or relocation of regulated desert native plants from the property.



- (5) The property owner may attempt to retain as many regulated desert native plants in their native location as possible. The property owner may also attempt to transplant or relocate as many regulated desert native plants as possible on-site. The property shall comply with the minimum standards specified in Table 1.
- (6) Those regulated desert native plants identified in the Permit Application to not remain on site following development, and which are not incorporated into a projects' landscaping plan, may be available for adoption at the property owners discretion.
- (7) The following chart establishes the minimum undisturbed area that shall be provided:

Table 1

Lot Size	Required undisturbed area
Up to 2.49 acres	No mandate, incentives only
2.5 to 4.99 acres	A minimum of 5% of the lot shall remain undisturbed
5+ acres	A minimum of 10% of the lot shall remain undisturbed

- (8) Single Family Residential in-fill development in the Rural Living Residential Land Use District, which exceed the minimum required undisturbed area from Table 1 by a minimum of 10%, shall be allowed up to a 10% deviation of all Development Code standards listed in table 2 and approved in conjunction with the project. The deviations include the following:

Table 2

Typical Standards		Deviations permitted
Lot size	Varies	Up to a 10% reduction in lot size based on property zoning
Front setback	25'	22.5' setback
Side/rear setbacks	15'	13.5' setback
Arterial/Collector Street side setback	25'	22.5' setback
Local street side setback	25'	22.5' setback
Lot dimensions	150'/150'	135'/135'
Lot Coverage	20%	22%

- (9) Single Family Residential in-fill development in the Single Family Residential Land Use District which voluntarily retains 10 % undisturbed area shall be allowed up to a 10% deviation of all Development Code standards listed in table 3 and approved in conjunction with the project. The deviations include the following:

Table 3

Typical Standards		Deviations permitted
Lot size	Varies	Up to a 10% reduction in lot size based on property zoning
Front setback	25'	22.5' setback

Side/rear setbacks	5'/10'	4.5'/9' setback
Arterial/Collector Street side setback	25'	22.5' setback
Local street side	15'	13.5' setback
Lot dimensions	60'/100'	54'/90'
Lot Coverage	40%	44%

- (j) Single Family Residential in-fill development in the Hillside Reserve Land Use District which exceeds the minimum required undisturbed area from Table 1 by a minimum of 10% and provide documentation that the applicant has attended educational training on native plants shall be allowed up to a 10% deviation of all Development Code standards listed in table 4 and approved in conjunction with the project. The deviations include the following:

Table 4

Typical Standards		Deviations permitted
Lot size	Varies	Up to a 10% reduction in lot size based on minimum lot size required
Front setback	75'	67.5' setback
Side/rear setbacks	75'	67.5' setback
Arterial/Collector Street side setback	75'	67.5' setback
Local street side	75'	67.5' setback

**D. Regulated Desert Native Plant Removal Procedures For All New Residential Subdivisions And Multi-Family Four Units Or More.**

Single Family Residential Subdivisions and multi-family four units or more, shall be allowed to transplant on and off-site and to remove all regulated desert native plants from their native locations within the property boundaries, pursuant to the following development standards and requirements.

- (1) A Regulated Desert Native Plant Permit Application shall be submitted to the Planning Division at the time of filing land use applications for development of residential subdivision projects. Land use applications for residential subdivision projects may include, but are not limited to, Planned Developments, Specific Plans, Parcel and Tract map applications, Grading Permit applications, Building Permit applications, and any other applications necessary for Town authorization of land disturbing or development activity. The Planning Commission shall review and approve all native plant applications for residential subdivisions.
- (2) The Regulated Desert Native Plant Application Documentation shall contain the following information:
  - (a) The botanical and common name of the regulated desert native plant.
  - (b) The precise location of each regulated desert native plant.
  - (c) The trunk or stem diameter of each regulated desert native plant.

- (d) The height of each regulated desert native plant.
  - (e) The health or condition of the regulated desert native plant, including the identification of those regulated desert native plants that are not likely to survive transplanting procedures.
  - (f) The proposed placement or disposition of the regulated desert native plant, i.e. transplant on-site, adopt off-site, remove, etc. The plans for the regulated desert native plant survey shall be no smaller than 24” by 36” unless otherwise approved by the Planning Division.
- (3) **Transplanting Off-Site and On-Site:** All regulated desert native plants identified in the regulated desert native plant survey as likely to survive transplanting shall be made available for adoption or shall be transplanted on-site as part of the projects’ landscaping plan. All native plant permit applications shall illustrate maximum utilization of regulated desert native plants in the projects’ landscaping plan. It is strongly encouraged that all *Yucca brevifolia* (Joshua Trees) identified for adoption and transplantation be relocated through the uses of an adequately sized tree spade.
- (4) **Adoption:** Those regulated desert native plants identified in the Regulated Desert Native Plant Survey as likely to survive transplanting procedures, and which are not incorporated into a projects’ landscaping plan, shall be available for adoption pursuant to Section 9.07.130 to the general public for an adoption period of thirty (30) days, or until all available plants have been adopted, whichever is sooner, prior to any other ground disturbing activity on the project site. A Thirty (30) day noticing and signage period is required which noticing period may begin prior to issuance of the Regulated Desert Native Plant Permit.
- (5) **Removal:** Those regulated desert native plants not incorporated into a projects’ landscaping plan and not adopted during the thirty (30) day adoption period are allowed to be removed.
- (6) The following additional standards shall apply to all new Residential Subdivisions:

Table 5

Proposed Lot Size	Required undisturbed area
Up to 2.49 acres	None required, incentives only
2.5 to 4.99 acres	A minimum of 5% of the project site shall remain undisturbed
5+ acres	A minimum of 10% of the project site shall remain undisturbed

- (7) New Residential Subdivisions in the Rural Living Land Use Districts, which exceed the minimum required undisturbed area from Table 5 by a minimum of 10%, and provide documentation that the applicant has attended educational training on native plants shall be allowed up to a 10% deviation of all Development Code standards listed in table 6 and approved in conjunction with the project. The deviations include the following:

Table 6

Typical Standards	Deviations permitted

Lot size	Varies	Up to a 10% reduction in lot size based on property zoning
Front setback	25'	22.5' setback
Side/rear setbacks	15'	13.5' setback
Arterial/Collector Street side setback	50'	45' setback
Local street side setback	25'	22.5' setback
Lot dimensions	150'/150'	135'/135'
Lot Coverage	20%	22%

- (8) New Residential Subdivisions in the Single Family Residential Land Use Districts which exceed the minimum required undisturbed area from Table 5 by a minimum of 10% shall be allowed up to a 10% deviation of all Development Code standards including:

Table 7

Typical Standards		Deviations permitted
Lot size	Varies	Up to a 10% reduction in lot size based on property zoning
Front setback	25'	22.5' setback
Side/rear setbacks	5'/10'	4.5'/9' setback
Arterial/Collector Street side setback	25'	22.5' setback
Local street side	15'	13.5' setback
Lot dimensions	60'/100'	54'/90'
Lot Coverage	40%	44%

- (9) New Residential Subdivisions in the Hillside Reserve Land Use District, which exceed the minimum required undisturbed area from Table 5 by a minimum of 10%, and provide documentation that the applicant has attended educational training on native plants shall be allowed up to a 10% deviation of all Development Code standards listed in table 8 and approved in conjunction with the project. The deviations include the following:

Table 8

Typical Standards		Deviations permitted
Lot size	Varies	Up to a 10% reduction in lot size based on minimum lot size required
Front setback	75'	67.5' setback
Side/rear setbacks	75'	67.5' setback
Arterial/Collector Street side setback	75'	67.5' setback
Local street side	75'	67.5' setback

Table 9

Typical Standards for Multi-Family Projects		Deviations Permitted
	Residential Multi-family RM	Residential Multi-family RM
Front setback	25	22.5'
Side/rear setback	10/10(per story)	9'/9'(per story)
Arterial/collector street side setback	35'	31.5'
Local street side setback	25'	22.5'
Lot coverage	60%	66%
Parking	Varies	10% reduction of total parking not to include handicap stalls

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## Chapter 9.08 Standards and Regulations for Specific Uses in Residential and Hillside Reserve Districts

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### Sections:

- 9.08.010 – Purpose
- 9.08.020 – Animal Keeping in Residential Districts
- 9.08.030 – Bed and Breakfast Uses
- 9.08.040 – Child Day Care Homes
- 9.08.050 – Institutional Uses
- 9.08.060 – Manufactured Housing, Mobile Homes and Recreational Vehicle Parks
- 9.08.070 – Multi-Family Residential Design Guidelines and Architectural Standards
- 9.08.080 – Planned Residential Development
- 9.08.090 – Residential/Social Care Facilities
- 9.08.100 – Second Dwelling Units

### 9.08.010 – Purpose

This Chapter provides locational, site planning, developmental, and/or operational standards for certain land uses that are allowed by this Article 2 within residential districts, and for activities that require special standards to mitigate their potential adverse impacts.

### 9.08.020 – Animal Keeping in Residential Districts

- A. **Purpose.** This section establishes regulations to allow animal keeping as an accessory use to a primary single dwelling unit for all properties which allow for the keeping of animals unless otherwise specified.
- B. **Allowed Number of Animals.**
  - 1. Small Animals. Accessory small animal raising are allowed in all residential districts subject to the lot sizes and number of allowed animals identified in Table 2-7 (Allowed Number of Small Animals).

**TABLE 2-7:  
ALLOWED NUMBER OF SMALL ANIMALS**

Animal	Single Residential (RS)		Multi-Family Residential (RM) <sup>1</sup>	Rural Living (RL) and Hillside Reserve (R-HR) <sup>1</sup>
	Lot Size	Maximum Number of Animals Allowed Per Lot <sup>1</sup>		
Dogs/Cats	Less than 7,200 sq. ft.	2 dogs and 2 cats	Maximum 2 animals allowed (1 dog and 1 cat; 2 dogs or 2 cats) More dogs and cats require SUP	Less than 2 acres, RS standards apply  Greater than 2 acres, 1 additional dog and cat for each additional 20,000 sq. ft. lot (max. 8 each) Over 8 each requires SUP
	7,200 to 10,000 sq. ft.	3 dogs and 3 cats		
	10,000 to 20,000 sq. ft.	4 dogs and 4 cats		
	20,000 sq. ft. and greater	5 dogs and 5 cats		
	Over 5 dogs and over 5 cats require Special Use Permit (SUP)			
Pot-bellied Pig	Less than 20,000	1 pig allowed in lieu of 1 dog (female or neutered male only)	Not allowed	Less than 1 acre, RS standards apply 2 per first acre; 1 each additional acre.
Fowl	20,000 sq. ft. minimum	10 fowl for first 20,000 sq. ft.	Not allowed	10 fowl for first 20,000 sq. ft.
	Each additional 10,000 sq. ft.	5 additional fowl (max. 25 total)		Each additional 10,000 sq. ft.: 5 fowl (max. 25 total)
Male Fowl	20,000 sq. ft. minimum	1 male fowl per 20,000 sq. ft. min. (max. 2)	Not allowed	1 male fowl per 20,000 sq. ft. min. (max. 2)
Rabbits	20,000 sq. ft. minimum	5 rabbits for first 20,000 sq. ft.	Not allowed	5 rabbits for first 20,000 sq. ft.
	Each additional 10,000 sq. ft.	2 rabbits (max. 10 total)		Each additional 10,000 sq. ft.: 2 rabbits (max. 40 total)
Notes:	1. The cumulative total of all large animals allowed is 9 per lot. More than a cumulative total of 9 large animals shall be subject to a Special Use Permit, see Chapter 9.69			

- Large Animals. Large animal raising for parcels not located within the Large Animal Overlay district is allowed in single-family residential districts subject to the lot sizes and number of allowed animals identified in Table 2-8(Allowed Number of Large Animals Not Within Large Animal Overlay District) and Table 2-26 (Allowed Number of Large Animals Within Large Animal Overlay District). See Chapter 9.21 (Large Animal Overlay

District) for allowed large animal types and large animal densities for properties located within the Large Animal Overlay District.

**TABLE 2-8:  
ALLOWED NUMBER OF LARGE ANIMALS IN SINGLE FAMILY RESIDENTIAL  
DISTRICTS  
NOT WITHIN LARGE ANIMAL OVERLAY DISTRICT**

Animal Type	Minimum Lot Size	Maximum Number of Animal <sup>1</sup>
Equine <sup>1</sup>	20,000 sq. ft.	1 per 10,000 sq. ft. (maximum 9)
Sheep <sup>1</sup>	7,200 sq. ft.	1 per lot
Female Goat <sup>1</sup>	7,200 sq. ft.	1 per 5,000 sq. ft.
Male Goat <sup>1</sup>	20,000 sq. ft.	1 per lot
Cattle <sup>1</sup>	20,000 sq. ft. with 60 feet minimum lot frontage	1 per 10,000 sq. ft. (maximum 9)
Llamas and Camelids <sup>1</sup>	20,000 sq. ft.	1 per 10,000 sq. ft. (maximum 9)
Emus and Ostriches <sup>1</sup>	1 acre minimum lot size in RL and R-HR districts	2 pair (male and female) per acre or (1 male and 3 female). Maximum 4 on first acre. 2 additional for every 10,000 sq. ft. after first acre. Maximum 9. Over 9 requires Livestock Permit.
Notes:	1. The cumulative total of all large animals allowed is 9 per lot. More than a cumulative total of 9 large animals shall be subject to a Special Use Permit, see Chapter 9.69	

1. Animals Not Classified. Any animal not specifically classified within this section shall be classified by the Director based upon a determination of what it is most similar to and as to the probable impact on the health, safety, or general welfare of the community and the neighborhood.
2. Single family residences located on property designated as Multi-Family shall be subject to the RS standards.

**C. Accessory Animal Raising.** Accessory animal raising of densities greater than, or of animal types different from, those specified Table 2-7, Table 2-8 , and Table 2-26, shall be subject to approval of a Special Use Permit..

1. Newborn Animal Exception. Offspring of allowed adult animals shall not be counted in determining the number of adult animals on a given parcel, if such offspring do not exceed the age limitations for accessory animal keeping as identified in Table 2-9 (Newborn Animal Exception).



TABLE 2-9:  
NEWBORN ANIMAL EXCEPTION

Animal	Minimum Time Limit
Dogs/Cats	4 Calendar Months
Emu/Ostriches	12 Calendar Months
Equine	12 Calendar Months
Sheep	2 Calendar Months
Goats	2 Calendar Months
Bovine	6 Calendar Months (300 lb. max.)
Buffalo	6 Calendar Months
Swine	2 Calendar Months
Llama/Camelid	12 Calendar Months

- a. Offspring of non-allowed adult animals shall be counted as adult animals, notwithstanding their age at any particular time.
- b. The total number of offspring shall not exceed 50 percent of the number of adult animals maintained on the parcel(s) unless authorized by approval of a discretionary Livestock Permit except for offspring of dogs and cats.
- c. Bovine offspring up to 300 pounds or six months old, may be substituted for equine off-spring in all single family residential land use districts where large animal keeping is allowed.

**D. Confined Animals.** Animals which are normally maintained in aquariums, terrariums, bird cages or similar devices, each of which does not exceed 50 cubic feet and where such devices are maintained within an enclosed building, shall be allowed as an accessory animal raising use. The maximum number or density limitations for these animal types shall comply with public health regulations.

**E. Combination of Animals.** Combination of the animal types are allowed, provided:

- 1. The total number in each category is not exceeded.
- 2. Where a density ratio of animals per lot area is specified, the lot area or portion thereof shall be allocated only once to accessory animal raising use. Lot area used to qualify one animal type shall not be reused to allow another animal type.
- 3. Animal types which are limited only by a maximum number per lot are allowed in addition to any other accessory animal raising use.

4. For the purpose of this section, lots with attached multi-family residential structures shall be limited to those animals allowed on lots less than 7,200 square feet.
5. All animal raising land uses shall comply with public health laws regarding proper care and maximum number of animals.
6. Each animal raising land use includes all structures necessary to maintain and care for such animals (i.e., barn corral, stable, pens and coops). Such structures shall comply with all development standards including those specified by the land use district and this section.

**F. Animal Separation**

1. Setbacks. Animal setback requirements are identified in Table 2-10 (Animal Setback Requirements).

TABLE 2-10:  
ANIMAL SETBACK REQUIREMENTS

Setback Requirements	Equine, Fowl, Emus, and Ostrich	Cattle, Buffalo, Sheep, Goats, Llamas, Pigs, and Camelids
From nearest livable dwelling or buildable setback line of adjoining property.	70 ft.	100 ft.
From nearest livable dwelling or buildable setback line of adjoining property within the Animal Overlay District, which do not have property lines contiguous to the boundaries of the Large Animal Overlay District.	45 ft.	45 ft.
Front property line	10 ft.	10 ft.
Rear property line, if adjacent to other privately held property	10 ft.	10 ft.
Rear property line, if alleyway or dedicated flood control right of way	0 ft.	0 ft.
Side property lines	5 ft.	5 ft.
Street Side Setbacks shall be pursuant to Section 9.07.050		

2. Fencing, Shelters, and Enclosures. Animal fencing, shelter, and enclosure requirements are identified in Table 2-11 (Fencing and Shelter Requirements) and the following subsections.

TABLE 2-11:  
FENCING AND SHELTER REQUIREMENTS

Animal	Fencing Requirements	Shelter Requirements
Equine	All equine shall be maintained in a fenced area at all times.	All equine shall be provided with adequate shelter to protect them from the elements.
Cattle/Buffalo	Each individual cattle/buffalo shall be kept on private property and provided with a minimum of 400 square feet in a fenced area. Fencing shall be adequate to maintain cattle and buffalo.	All cattle/buffalo shall be provided with adequate shelter to protect them from the elements.
Goats	Fencing shall be adequate to maintain goats.	All goats shall be provided with adequate shelter to protect them from the elements.
Pigs	Pigs shall be maintained in a fenced area at all times. Fencing shall be adequate to maintain the animal on the property at all times.	Adequate cooling systems shall be required for the keeping of pigs, in addition to providing shelter from the elements.

- a. **Animal Enclosures.** Animals shall be maintained by a fence at least five feet high and made of either pipe corrals, chain link, wood with horizontal members no less than six inches apart, solid masonry or other appropriate screening and confining materials. Such a fence may be located on an interior side or rear lot line and 15 feet from a side street right-of-way.
  - (1) No barbed wire fencing shall be allowed within the incorporated Town boundaries that is specific to livestock keeping pursuant to these regulations.
  - (2) Fences which are adjoining and running parallel to private or public streets or bridle trails shall be a minimum of five feet in height with posts spaced not more than 10 feet apart.
  - (3) Animals shall be properly caged or housed in their corrals, barns, pens or other enclosures. All corrals, pens, coops, lofts, exercise areas or similar structures shall be fenced or otherwise enclosed to adequately confine the animal(s).
- b. All animals shall be kept no closer than 100 feet from domestic water well.

**G. Animal and Premise Maintenance.** The occupant of the premises on which any livestock is kept shall keep and maintain the animal(s) and premises in such a manner as not to be detrimental to the health, safety or welfare of any person on any adjoining property or of the general public, nor be materially detrimental to the use, enjoyment or value of property of other persons in the vicinity of the premises. Such maintenance shall be at least sufficient to keep dust, odors and flies from having an adverse effect on any other property. The following techniques are recommended to meet the maintenance standard specified by this section and shall be utilized if no other alternative techniques sufficient to meet that standard are utilized.

1. Sprinkler system or other control methods adequate to control dust in corrals, turn out areas, and riding rings shall be installed and utilized as necessary on the premises.
2. Lime, sand or other appropriate materials shall be utilized on the premises to eliminate odor problems.
3. Chemical spray and/or bait and other approved measures to control flies shall be utilized as frequently as necessary for vector control.
4. Livestock keeping areas shall be maintained in a clean and sanitary condition at all times.
5. Standing surface water, refuse and manure shall not be permitted to accumulate in piles that are not able to dry out. In all cases of livestock keeping, manure shall be spread to dry daily and shall not be allowed to accumulate to create a nuisance to surrounding properties.
6. Other sections of this chapter notwithstanding, no person shall keep or permit to remain on any premises within the Town any animal that habitually disturbs the peace and quiet of the inhabitant of a neighborhood by howling, barking, crying, baying, or making other noise.
8. Buildings housing farm animals, all animal enclosures, and all pasture areas shall be maintained free from litter, garbage and the accumulation of weeds or manure. Premises shall be maintained in a neat and sanitary manner. All animal raising shall comply with public health laws regarding proper care of animals. If animals are not maintained in compliance with these standards or are otherwise allowed to become a nuisance, the Town shall initiate enforcement proceedings.

**H. Commercial Animal Keeping.** Commercial animal keeping for equine and other large animals is permitted within all single-family residential land use districts subject to the standards and provisions as identified in the Development Code. Commercial uses include, but shall not be limited to, boarding, training, breeding and other similar uses related to the keeping of equine and other large animals which do not belong to the property owner or lessee and for those similar uses which generate additional traffic, noise and similar or associated impacts within the vicinity of the proposed site.

1. **Density.** The densities established for commercial animal keeping shall be the same as those densities for those single family residential land use districts located within the Large Animal Overlay District map, as accessory to the residential use.
2. **Minimum Parcel Size.** One acre is established as the minimum parcel size for the commercial keeping of large animals, except for buffalo, bulls and boars. A minimum of five acres is required for the keeping of buffalo, bulls and boars.

**I. Required Permits.** Prior to the establishment of any commercial livestock keeping activity, the property owner or lessee shall first obtain a Special Use Permit from the Town.

- J. Animals Not Classified.** Any animal not specifically classified within this chapter shall be classified by the Director based upon a determination of what it is most similar to and as to the probable impact on the health, safety, or general welfare of the community and the neighborhood.

**9.08.030 – Bed and Breakfast Uses**

This Section establishes standards for the operation of bed and breakfast facilities in order to maintain and preserve the residential character, integrity, and property values of surrounding areas within which these facilities are located and maintained.

**A. All Bed and Breakfast Uses shall be subject to the following:**

1. Special Use Permit. A Special Use Permit shall be required in compliance with Chapter 9.69 (Special Use Permits) and shall be renewed annually. The review authority may void a Special Use Permit for a bed and breakfast use for noncompliance with the conditions outlined in the approval.
2. County Health Permit. A County health permit shall be required and renewed as required by San Bernardino County Environmental Health Services.
3. Transit Occupancy Tax (bed tax) requirements. Bed and breakfast uses shall be subject to the Transient Occupancy Tax (bed tax).

**B. Development Standards and Requirements.** All Bed and Breakfast Uses shall comply with the following standards and requirements:

1. Land use zoning district requirements. Bed and breakfast uses shall be subject to the development standards for the land use zoning district in which they are located as identified in Chapter 9.07 (Residential and Hillside Reserve Districts) and the development standards in this Chapter.
2. Single-family dwelling structure only. Only a single-family dwelling structure, including related habitable accessory structures (e.g., guest house, second dwelling units, etc.) shall be considered for bed and breakfast uses.
3. Accessory to residential use. The bed and breakfast use shall be conducted as an accessory residential use only.
4. Owner residency requirement. The residential structure shall serve as the primary residence of the owner of the bed and breakfast use. If a corporation is the owner, a majority shareholder of the corporation shall reside in the residential structure where the bed and breakfast use is operated.
5. Code and State law requirements.

- a. Dwelling units proposed for bed and breakfast use shall comply with standards and specifications of the California Building Code.
  - b. Each guest room shall be equipped with a fire extinguisher and a smoke detector that conform to the California Building Code Standards (CBC No. 43-6).
  - c. An exit/egress map and an emergency evacuation map shall be displayed in a prominent location in each guest room in compliance with State law.
6. Access and driveways. The owner of the bed and breakfast use shall ensure that required access, driveways, and parking spaces remain clear and unobstructed and are available and ready for the occupants' use at all times.
7. Parking. In addition to the required parking standards for residential uses in Chapter 9.33 (Parking and Loading Standards), one parking stall measuring 19 feet in length and nine feet in width shall be provided on-site for each guest room. These additional parking spaces shall comply with the location and design standards established by the applicable land use zoning district and the provisions of Chapter 9.33 (Parking and Loading Standards). Neither on-street parking nor tandem parking shall be used to satisfy this on-site parking requirement. Additional parking spaces may be required when deemed necessary by the review authority.
8. Design standards.
- a. Number of rooms and parcel size requirements. Table 2-12 (Bed and Breakfast Uses Number of Rooms and Parcel Sizes) identifies the number of guest rooms, minimum number of bathrooms, and minimum parcel sizes applicable to each of the three types of bed and breakfast uses.

Type of Use	Number of Guest Rooms	Minimum Number of Bathrooms	Minimum Parcel Size <sup>1</sup> (Net Area)
Host Home	1	2	6,000 sq. ft.
	2	2	7,200 sq. ft.
Bed and Breakfast Home	3	3	8,200 sq. ft.
	4	3	9,200 sq. ft.
	5	3	10,200 sq. ft.
Bed and Breakfast Inn/Lodge	6 - 10	4 Access for physically handicapped required.	20,000 sq. ft. + 1,000 sq. ft per every bedroom over 6
	Over 10	Not Allowed	Not Allowed
Note: (1) A bed and breakfast use shall not be allowed in a dwelling that is located on a site that has less than the required parcel area specified by the underlying land use zoning district.			

- b. Alterations and modifications. Alterations and modifications may be made to the structures and the site but the alterations shall be compatible with the character of the neighborhood. The alterations and modifications shall also comply with applicable provisions, requirements, and standards of the Town Code.
  - c. Landscaping. Additional landscaping may be required to screen parked vehicles from direct view of the neighbors, particularly where the parking is located within the front yard setback.
  - d. Exterior lighting. All exterior lights shall comply with Chapter 8.70(Outdoor Lighting) of the Municipal Code.
  - e. Signs. A non-illuminated identification sign, not to exceed six square feet in area, shall be allowed. If not attached to the residence, the sign shall not exceed six feet in height and shall blend with the architectural style of the structure and the neighborhood.
  - f. Minimum separation requirements. No bed and breakfast use shall be allowed where more than two other bed and breakfast uses currently exist within 1,000 feet of the perimeter of the proposed site.
9. Kitchen facilities and service of meals.
- a. No cooking facilities shall be allowed in guest rooms.
  - b. The sale of food or other materials shall be limited to guests who are currently residing on the premises where the use is located and not to the general public.

10. Records of patrons. Records of all guests who patronize the bed and breakfast establishment shall be preserved for a minimum period of three years before they are discarded.
11. Pedestrian and vehicular traffic. Pedestrian and vehicular traffic shall be limited to that normally associated with residential land use zoning districts.
12. Commercial vehicles. The use shall not involve the use of commercial vehicles for the delivery of materials to or from the premises beyond those commercial vehicles normally associated with residential uses.
13. Outdoor storage. There shall be no outdoor storage of materials or equipment, nor shall merchandise be visible, from outside the home.
14. Residential character of structure. The appearance of the structure shall not be altered nor the occupancy within the residence be conducted in a manner that would cause the premises to differ from its residential character either by the use of colors, materials, construction, lighting, signs, or the emission of sounds, noises, and vibrations.
15. Utilities and community facilities. The uses of utilities and community facilities shall be limited to that normally associated with the use of the property for residential purposes.

#### **9.08.040 – Child Day Care Homes**

- A. **Purpose.** This Section provides standards for the location, development, and operation of large and small family child day care homes in compliance with State law.
- B. **Child Day Care. Large Family (9 to 14 Children)**
  1. **Purpose.** This Subsection provides standards for the location, development, and operation of large family child day care homes for nine to 14 children in compliance with State law.
  2. **Applicability.** The provisions in this Subsection shall apply to large family child day care homes, as defined by current State law, which shall be allowed in all residential zones in compliance with Article 2 (Zoning Districts and Development Standards) and the following standards.
  3. **State and Other Regulatory Requirements.** These standards shall apply in addition to requirements imposed by the California Department of Social Services and other regulatory agencies (e.g., Fire Department).
  4. **Town Standards.** All large family child day care homes shall comply with all of the following Town standards:



a. Licensing. The operator of a large family child day care home shall obtain and maintain a valid license from the California Department of Social Services in compliance with California Code of Regulations, Title 22, Division 12 (Child Care Facility Licensing Requirements).

b. Special Use Permit Required

(1) Review of Permit – Director. A Special Use Permit shall be reviewed and either approved or denied by the Director in compliance with the provisions of Health and Safety Code Section 1597.46(a)(3) and this Section.

(2) Approval of Permit. The permit may be approved only if the large family child day care home complies with Health and Safety Code Section 1597.46(d), this Section, all applicable Town ordinances, and any regulations adopted by the State Fire Marshall.

c. Care Provider’s Residence. The large family child day care home shall be the primary residence of the care provider, and the use shall be clearly residential in character and shall be incidental and accessory to the use of the property as a residence.

d. Fences or Walls Required

(1) A six-foot-high fence or wall shall be constructed and properly maintained along all property lines or around the area where outdoor care is provided (as deemed appropriate by the Director), except in the front setback area or within a clear site triangle, in compliance with the requirements of Section 9.07.090 (Fences, Hedges and Walls).

(2) Fences or walls shall provide for safety with controlled points of entry.

e. Play Area and Equipment. Outdoor play area(s), including all stationary play equipment, shall be located in the rear area of the parcel or outside of required front or side yards.

f. Separation

(1) A large family child day care home proposed within a residential zoning district shall not be located within a 300-foot radius of another large family child day care home, other day care facility, or group home facility, disregarding the corporate boundary of the Town.

(2) The Director may allow more than one large family child day care home within 300 feet of another like facility specified in Subparagraph (1), above, if the applicant first demonstrates one of the following to the satisfaction of the Director:

- (a) Any existing large family child day care home located within 300 feet is at capacity; or
  - (b) The need exists for a particular or unique service not provided by an existing like facility specified in Subparagraph (1), above, located within 300 feet of a proposed large family child day care home.
- g. Drop-off/Pick-up Areas, and Use of Garages
  - (1) A minimum of two off-street parking spaces shall be provided as a drop-off and pick-up area. The spaces shall be in addition to those required for the dwelling unit in compliance with Chapter 9.33 (Parking and Loading Requirements). A driveway may be used to provide the spaces; provided, the Town Traffic Engineer approves the arrangement based on traffic and pedestrian safety considerations.
  - (2) A passenger loading plan shall be required to minimize noise and parking issues to the maximum extent possible.
  - (3) Additional off-street parking may be required by the Director to minimize impacts on adjacent parcels.
  - (4) A facility located on a through street classified as a collector or arterial street shall provide a drop-off and pick-up area that does not require backing into the street.
  - (5) Garages shall not be used as a family child day care play area unless alternative on-site covered parking is available to meet minimum residential parking requirements and further, the garage is improved to meet Building and Fire Code regulations as a habitable space.
- h. Noise. In order to protect adjacent residential dwellings from noise impacts, a large family child day care home located within a residential zone may only operate a maximum of 17 hours each day between the hours of 6:00 A.M. and 11:00 P.M. and may only conduct outdoor activities between the hours of 7:00 A.M. and 9:00 P.M.
- i. No Exterior Evidence. There shall be no exterior evidence and/or signage identifying the large family child day care home.
- j. Inspection Required.
  - (1) Before commencing operation of a large family child day care home, the Building and Safety Division shall conduct an inspection of the premise on which the large family child day care home is to be operated to ensure that there is no unpermitted building, electrical, and/or mechanical improvements to the property.

(2) The property owner shall obtain and final all required Building Permits for all unpermitted construction on the premises before commencing the on-site operation of a large family day care home.

k. Issuance of Special Use Permit. The Director shall issue the Special Use Permit before the operation of the large family child day care home begins, once the operator has demonstrated compliance with Health and Safety Code Section 1597.46(d), this Section, all applicable Town ordinances, and any regulations adopted by the State Fire Marshall.

**C. Child Day Care: Small Family (1 to 8 Children)**

Permitted by Right. As required by State law (Health and Safety Code Section 1597.30 et seq. [Family Day Care Homes]), small family child day care homes (eight or fewer children) shall be considered a residential use of property and shall be an allowed use, permitted by right, within a residence located in a residential zone with no Town land use permits required. The operator of a small family child day care home shall obtain and maintain a valid license from the California Department of Social Services in compliance with California Code of Regulations, Title 22, Division 12 (Child Care Facility Licensing Requirements).

A.

**9.08.050 – Institutional Uses**

A. **Purpose.** This Section provides general standards applicable to institutional uses to preserve neighborhood character, provide compatibility with adjoining properties, and to insure that existing traffic improvements for the site are at appropriate levels and that traffic improvements are required in accordance with the Circulation Element of the General Plan.

B. **Applicability.** The provisions in this Section shall apply to Recreation, Education and Public Assembly (Institutional Uses) as listed in the Permitted Uses Table (Table 2-3). This includes Arboretums, Campgrounds, Religious Institutions and Other Places of Public Assembly, Conference Centers, Hospitals and Convalescent Homes, Museums, and Schools, which shall be subject to the standards of this section.

C. **Locational, Developmental, and Operational Standards.** In addition to the standards specified for the specific Zoning District in which a use is located the following shall also apply to Institutional Uses. In the event of a conflict between provisions, the following provisions shall apply.

1. The site shall be located on or adjacent to a paved street.

2. The site shall be located on an 80-foot wide collector or greater as shown on the Circulation Element of the General Plan.

3. Building setback of 50 feet from all property lines is required when developing in or adjacent to a single family residential land use district; otherwise the underlying building setback of the land use district shall apply.
4. Minimum parcel size shall be 2.5 acres in single family residential land use districts.
5. Mid-block locations within a single family residential land use districts shall be discouraged.
6. The height of any structure shall be compatible with that of the surrounding development.
7. The architectural design of facilities shall be designed in such a manner that the facility is compatible with and in scale with the surrounding development. For development within a commercial land use district the project shall be consistent with the adopted Commercial Design Guidelines.
8. Parking area for facilities in residential land use districts that accommodate a large number of vehicles shall be divided into a series of smaller parking areas by landscaping and by offsetting portions of lots in ways that effectively reduce the visual impacts of large parking areas.
9. Access drives and parking aisles shall be kept at the maximum distance possible from any adjacent residential units.

**9.08.060 – Manufactured Housing, Mobile Homes and Recreational Vehicle Parks**

**A. Manufactured Housing and Mobile Home Parks.**

1. Purpose. This subsection provides for the establishment, location, design, and improvement of mobile home parks.
2. Applicability
  - a. Where Allowed. The development standards provided in this Chapter shall apply to the establishment or enlargement of mobile home parks in zoning districts where allowed in compliance with Article 2 (Zoning Districts and Development Standards).
  - b. State Law. The requirements of this Chapter shall include the provisions of the Mobile Home Parks Act (Health and Safety Code Section 18200 et seq.) and the applicable Mobile Home Parks Regulations adopted by the State Department of Housing and Community Development (Code of Regulations, Title 25, Division 1, Chapter 2, Section 1000 et seq.) The requirements of this Chapter are intended to equal or exceed the requirements of the Mobile Home Parks Act and the Mobile Home Regulations. The requirements of the Mobile Home Parks Regulations shall

be incorporated as part of this Chapter and compliance with the regulations shall be required.

3. Enforcement Authority. The California Department of Housing and Community Development shall enforce State law and regulations that apply to the maintenance, use, occupancy, sanitation, and safety of mobile home parks or that apply to permits to operate them.
4. Development Standards
  - a. Locations. Mobile home parks/manufactured home land-lease communities shall be located where allowed in compliance with Article 2 (Zoning Districts and Development Standards) and in compliance with State law.
  - b. Parcel Size and Density. The minimum parcel sizes and density standards for mobile home parks shall be as indicated in Table 2-4 (Residential Zoning Districts Development Standards).
  - c. Drainage and flood hazard. A mobile home park shall be located on a well-drained site, properly graded to provide for adequate disposition of water runoff. The area shall be free of flood hazard from external sources. The review authority may require dedications and improvements that will ensure proper protection of a mobile home park.
  - d. Streets and highways. The review authority may require additional dedication and improvements on streets and highways abutting the proposed mobile home park in compliance with the Circulation Element of the General Plan and established widths of local and collector streets.
  - e. Parcel areas and dimensions. A parcel in a mobile home park shall contain a minimum area of 1,200 square feet with a minimum width of 30 feet fronting on a driveway, provided that:
    - (1) Parcels larger than the above minimum sizes may be required by the Commission where it is determined that the larger parcel size will be:
      - (a) Consistent with the general pattern established by mobile home parks in the vicinity, or
      - (b) Necessary to accommodate manufactured home sizes as stated in the Mobile Home Park Report submitted by the applicant.
    - (2) Parcels on curved driveways or cul-de-sacs where lot lines are either converging or diverging from the front to the rear of the parcel shall have an average width of at least 30 feet with a minimum 25-foot driveway frontage.

- f. Required Separation Distances. Mobile homes shall be located so they are at least 10 feet apart from side to side, eight feet apart from side to rear, six feet apart from rear to rear, and 10 feet from a structure, except for accessory structures used as private toilets or baths for exclusive use of the occupant of the mobile home site. Mobile home hitches shall face the access driveway.
- g. Minimum Side and Rear Setbacks. The combined side setbacks of a mobile home parcel shall total a minimum of 10 feet; provided, however, that a mobile home shall not be closer than three feet to a side or rear parcel line. Where mobile home lots abut side or rear setbacks as defined in Subsection (i) (Perimeter setbacks), below, setback areas may be included as a part of the perimeter setback.
- h. Maximum Coverage. The maximum lot or parcel coverage of a mobile home parcel shall not exceed 75 percent of the total area of the parcel. Coverage shall include any area that is covered or occupied by a trailer coach, cabana, vehicle, ramada, awning, closet, cupboard, or other structure.
- i. Perimeter setbacks. The following setbacks shall apply to the perimeters of a mobile home park:
  - (1) Front setback of at least 25 feet along the public street upon which the mobile home park fronts. This setback shall extend across the entire width of the park.
  - (2) Side setbacks of not less than five feet along each side boundary line of the mobile home park.
  - (3) A rear setback of not less than 10 feet along the rear boundary line of the mobile home park.
  - (4) Greater setbacks may be required at the discretion of the Commission where, greater setbacks are necessary due to topographic conditions, grading, drainage, or protection of adjacent property.
  - (5) No part of a mobile home shall be located within a required perimeter setback area.
- a. Circulation. Roads within mobile home parks shall be designed to provide reasonable and convenient traffic circulation and shall meet the following standards:
  - (1) A road shall not be less than 34 feet in width if car parking is allowed on one side of the road and not less than 42 feet in width if parking is allowed on both sides.

(2) Road widths shall be limited to 34 feet when parcels are located on only one side of the road. Road widths of 34 feet shall be required to provide for parking on both sides shall be necessary when parcels abut the road on both sides.

(3) The entire width of the roads within mobile home parks shall be surfaced with a minimum of two-inch thick asphalt concrete, mix, or other material as approved by a soils report.

- a. **Parking.** Two parking spaces shall be provided on each mobile home parcel, one of which shall be covered. A parking area for use by guests and visitors shall also be established and maintained. There shall be one guest parking space for every 10 mobile home parcels, or fraction of 10, within the mobile home park. Each parking space shall be 10 by 20 feet in size plus the additional area for adequate ingress and egress. Tandem parking is allowed.
- b. **Walkways.** Walkways shall be provided to allow reasonably direct access to all parcels, service structures, and other areas or structures used by occupants of the mobile homes. Collector walkways serving utility structures, playgrounds and other general areas shall be at least four feet in width and individual entrance walks to each mobile home site shall be at least three feet in width. Walkways shall be constructed of asphalt, concrete, plant mix, or other approved materials that will allow all-weather pedestrian movement.
- c. **Walls or Fences.** A wall or fence six feet in height shall be erected and maintained along each side and rear boundary of a mobile home park except along the portion of the side or rear boundary line that either abuts a public street or is within a front or side setback adjacent to the street, in which case, a wall or fence may be required. A wall or fence shall be solid and of concrete, brick, or other masonry construction or of chain link metal construction or rod iron with an evergreen hedge planted on the side facing the mobile home park. Where, in the opinion of the review authority, it is unreasonable to require the construction of a fence or wall, the review authority may waive or modify the requirements as specified in this paragraph.
- d. **Screening of Service Areas.** The Review Authority may require fencing or screen planting around areas containing garbage, rubbish, or waste disposal, or ground service, or recreational areas as a condition of approval of a mobile home park.
- e. **Storage Areas.**

(1) Common storage areas shall be provided with an enclosed fenced area for the residents of the mobile home park for the storage of licensed recreational vehicles, trailers, travel trailers, and other licensed vehicles. The storage area shall contain a minimum of 50 square feet for each mobile home parcel in the mobile home park.

(2) Storage on a mobile home parcel shall comply with the provisions of Title 25, Division 1 of the California Code of Regulations.

5. Bonds to Guarantee Improvements. If all improvements required as a condition of approval of a mobile home park are not satisfactorily completed at the time a Certificate of Occupancy is requested, the owner or owners of the mobile home park shall, before the issuance of the permit, enter as contractor into an agreement with the Town guaranteeing that the required work will be accomplished. The form and amount of security shall be determined by the Director.
  - a. Public Address Systems. Public address systems or loudspeakers shall not be allowed if audible outside the boundaries of the mobile home park.
  - b. Modifications in Design. Where a mobile home park application is submitted for approval that, although not in compliance with the design requirements in this Chapter, are consistent with the general purpose and intent of this Chapter, the review authority may approve the park with conditions and restrictions that ensure that the general purposes are satisfied.

(1) Park designs utilizing duplex or cell-type groupings of mobile home parcels or other modified designs may be approved under the provisions of this Section.

(2) Modifications of the above standards of design may be approved under the provisions of this Section for mobile home parks, travel trailer parks, recreational trailer parks, temporary trailer parks, and tent camps. However, in no case shall the modifications conflict with minimum requirements of the Mobile Home Parks Act (Health and Safety Code Section 18200 et seq.) and the applicable Mobile Home Parks Regulations adopted by the State Department of Housing and Community Development (Code of Regulations, Title 25, Division 1, Chapter 2, Section 1000 et seq.).

## **B. Recreational Vehicle Parks.**

1. Purpose. The purpose of this section is to provide general standards applicable to recreational vehicle parks to provide compatibility with adjoining properties.
2. General Standards.
  - a. All recreational vehicle parks shall contain a minimum of ten acres.
  - b. Length of occupancy for any recreational vehicle shall not exceed 120 continuous days or 180 days in any one year period.
  - c. Each site/space shall be of a size and shape that will provide reasonable area for the parking of the recreational vehicles next to the utility connections and for the parking of another vehicle side by side.



- d. Each site/space in the park shall be identified with an individual number in logical sequence and shown on the approved site plan for the park.
  - e. A six-foot high masonry wall or approved equivalent fencing shall be constructed along all exterior property lines to protect the existing or future use of the adjacent property. Fencing along any street frontage may consist of a six-foot high decorative wrought iron or masonry wall.
  - f. Each space shall have direct access to an abutting paved roadway. The roadways within the park shall be paved in accordance with Town standards to a width of not less than 30 feet for two-way traffic and a minimum width of not less than 20 feet for one-way traffic. One-way drive aisles must originate and terminate at two-way drive aisles.
  - h. Roadways shall not be used for parking.
  - i. All recreational vehicle parks shall be designed to allow for two access points to a public thoroughfare.
  - j. Each space shall contain a picnic table, barbecue, and at least one shade tree for every two RV spaces.
  - k. All exterior lighting shall comply with Chapter 8.70 (Outdoor Lighting).
  - l. Refuse containers shall be conveniently located throughout the park and contained within a trash enclosure in accordance with Town standards.
  - m. Common recreational area shall be required for all recreational vehicle parks. The recreation area may contain a clubhouse, swimming pool, game courts, and open areas. Open areas may be either designed for active or passive recreation, provided that the slope of the land does not exceed a gradient of ten percent. Grade of ten percent or more shall be common area, but not counted as recreational area.
  - n. Each space shall be improved with paving, gravel, or other non-paved surface as approved by the Town.
  - o. Each recreational vehicle park shall be landscaped in accordance with a landscape plan as approved by the Planning Division.
  - p. The facility shall have an on-site manager. The manager's living quarters can either be a recreational vehicle or single family residence.
3. Accessory Uses. The following structures and their uses are permitted in all recreational vehicle parks:

- a. Private recreation facilities for the use of the occupants of the park, including, but not limited to a swimming pool, playground area, putting green, game courts (i.e., tennis, basketball), and other similar recreational facilities..
  - b. Social and recreational clubhouse.
  - c. Common laundry facilities.
  - d. Common shower, bath, and locker room facilities.
  - e. Snack bar and food store provided this use is fully contained in a social or recreational center (clubhouse) and serving only park guests.
  - f. Other uses that are similar to those listed above and compatible with the site and surrounding land uses.
  - g. Recreation vehicle or travel trailer storage area shall be fully screened as approved by the Planning Commission with fencing not less than 6 feet in height and shall be clearly designated on the approved site plan.
4. Prohibited Uses.
- a. Except for park owner or park management personnel as allowed under Section 9.08.060(B)(1)(p), there shall be no permanent residency in a recreational vehicle park.
  - b. The on-site sale of propane is permitted subject to Fire Departments review and approval.
  - c. Except as otherwise expressly provided herein, no part of the park shall be used for any business, commercial, manufacturing, retail, vending purposes, unless those activities are approved under the CUP or separate permit
5. Setback Requirements:
- a. When the park is within the RM-10 and RM-14 land use district, the social and recreation (clubhouse) building shall maintain the following setbacks:
    - (1) 100-foot setback from all interior property lines of the park.
    - (2) 50-foot setback from all streets.
    - (3) All other accessory structures shall maintain the required building setbacks of the land use district.
  - b. When the park is within the C-G and I land use districts, the social and recreation (clubhouse) building shall maintain the following setbacks:

- (1) 50-foot setback from all interior property lines of the park.
  - (2) 15-foot from all street frontages.
  - (3) All other accessory structures shall maintain the required building setbacks of the land use district.
- c. A minimum 10-foot landscape setback shall be maintained along all street frontages.
  - d. When a park is adjacent to a residential land use district, a minimum 25-foot wide landscape buffer shall be provided between the spaces and the property line.
  - e. When a park is adjacent to a commercial or industrial land use district a minimum 10-foot wide landscape buffer shall be provided between the space and the property line.
6. Findings for Projects in the Multi-Family RM-10 and RM-14. Before taking any action to approve a project in the RM land use district, the Planning Commission or Council shall find that the proposed Recreational Vehicle Park conforms to the following criteria:
- a. Location and design be consistent with the goals and policies of the General Plan and other applicable goals and policies.
  - b. The RV Park is compatible with the surrounding land uses and does not negatively impact the surrounding neighborhood.

#### **9.08.070 – Multi-Family Residential Standards Site Design Guidelines and Architectural Design Guidelines**

##### **A. Multi-Family Development Standards**

1. General Provisions. The specific purposes of the Multiple Residential District regulations are to:
  - a. Provide appropriately located areas for multiple family dwellings that are consistent with the General Plan and the standards of public health and safety established by the Yucca Valley Municipal Code;
  - b. Provide adequate light, air, privacy, and open space for each dwelling unit and protect residents from the harmful effects of excessive noise, population density, traffic congestion and other adverse environmental impacts;
  - c. Provide sites for public and semipublic land uses needed to complement residential development or requiring a residential environment; and

- d. Insure the provisions of public services and facilities needed to accommodate planned population densities.
2. Development Standards. All multi-family housing projects shall comply with applicable site development standards of this Code. In addition, the following standards shall apply to multi-family projects:

**TABLE 2-13:  
MULTI-FAMILY DEVELOPMENT STANDARDS**

Development Feature	Required Standards				
Separation Between Buildings	<i>2 units</i>	<i>3 or more units</i>	<i>Between accessory and other buildings</i>		
	15 ft.	25 ft.	15 ft.		
Minimum Dwelling Unit Size	<i>Studio</i>	<i>One Bedroom</i>	<i>Two Bedroom</i>	<i>Three Bedroom and Larger</i>	
	500 sf.	650 sf.	750 sf.	1,000 sf.	
<b>Required Open Space</b>					
Private Open Space: Minimum Square Feet	<i>2 to 3 units</i>	<i>4 or more units</i>	<i>Waiver of Private Open Space</i>		
	450 sf. Per unit 15 ft. (Min. Dimension)	1 <sup>st</sup> Floor: 150 sf. Per unit 2 <sup>nd</sup> Floor: 75 sf. Per unit	Private open space may be waived if the dwelling unit size of the units built is at least 200 sq. ft. larger than the minimum dwelling unit size specified above.		
Common Open Space: Minimum Size	All multi-family developments, with the exception of duplexes and triplexes (2 to 3 units), shall provide not less than 30 percent of the net site area as common useable open space.				
Required Amenities: Number and size of Required Amenities	<i>2 to 3 units</i>	<i>4 to 10 units</i>	<i>11 to 50 units</i>	<i>51 to 100 units</i>	<i>101 to 200 units</i>
	Private outdoor space 450 sf.	200 sf. minimum space for each amenity			
		1	2	3	4

3. Common Usable Open Space Standards. Common usable open space shall meet the following requirements.
- a. Useable open space areas shall not include rights-of-way, vehicle parking areas, areas adjacent to or between structures less than 15 feet apart, required front setbacks, private open space areas, or areas with slopes exceeding 15 percent;
  - b. Such areas shall be planted with turf or ground cover, or other landscape material that will control dust;
  - c. Such areas shall be screened from the streets and adjacent sites;

- d. Common useable open space areas shall be unobstructed except by improvements that enhance the usability, such as swimming pools, fountains, sunshades, and plantings.
    - e. See Table 2-13 for common open space required.
4. Required Amenities. The following amenities are required for multi-family residential projects.
  - a. All multi-family housing developments shall provide recreational amenities with the site which may include: swimming pool and spa; fitness room, clubhouse; tot lot with play equipment; daycare center; picnic shelter/barbeque area with seating; court game facilities such as tennis, basketball, or racquetball, softball or baseball fields.
  - b. The type of amenities shall be reviewed and approved with the Site Plan and Design Review process for the project Additional amenity(s) may be required if the Planning Commission determines that the proposed amenity(s) are not of a quality that is in keeping with the number of dwelling units/scope of the project.
  - c. See Table 2-13 for number and size of required amenities.
5. Landscaped Setback Required. A minimum landscape setback area of 15 feet as measured from the property line shall be provided along each street frontage of the project.
6. Permitted Installations within the required Building Setback Lines. Unless specifically regulated by another section of this Code or the Town Municipal Code, permitted installations within the required building setback lines may include Landscaping, garden walls, retaining walls, parking lots, recreational facilities (side and rear only), entry statements (decorative block/stucco, boulders, signage), sidewalks and driveways, underground utilities, lighting and similar fixtures.
7. Pedestrian Circulation. An interior walkway system with a minimum width of four feet shall be incorporated into the project for the purposes of providing direct access to and from all individual dwelling units, trash storage areas, parking areas, recreational areas and other outdoor common areas.
8. Parking. The number of required parking spaces shall be in conformance with the Parking Code.
9. Laundry Facilities.
  - a. Common laundry facilities of sufficient number shall be provided (Facilities are required to be accessible, consistent with the California Building Code); or
  - b. Each dwelling unit shall be plumbed and wired for a washing machine and dryer.

10. Lighting. The following areas shall be lighted during the hours of darkness in a manner consistent with the Outdoor Lighting Ordinance:
  - Private streets and drive aisles;
  - Parking areas;
  - Walkways or pedestrian paths;
  - Individual dwelling entries;
  - Addresses;
  - Recreational facilities;
  - Active outdoor play areas; and
  - Project entryways.
11. Trash Enclosures. One trash enclosure per 10 units shall be located at convenient distances from the buildings they serve and sited to minimize visual and odor impacts to abutting properties.
12. Buffer Areas. There shall be a minimum 15 foot wide planted buffer between new multi-family residential development and existing single family developments or single family land use districts.

**B. Multi-Family Site Design Guidelines.**

1. Purpose. The Council finds that the general quality of multifamily development throughout the Town necessitates the implementation of better development standards than currently exists. The lack of architectural articulation, landscaping, proper parking accommodations, suitable amenity packages and other design features adversely affects the quality of life for multi-family development residents and adversely affects property values in these areas. Multi-family housing design standards are necessary to improve and maintain the quality of multi-family housing for the safety and benefit of residents and for the preservation of property values in the vicinity of multi-family neighborhoods.

Further, and in general, multi-family and cluster housing, because of their higher densities, tend to generate large parking areas and a decrease in private open space. If not properly designed, parking facilities can dominate the site and relegate open spaces to left over areas not related to the structure and not useful to the residents. Multi-family developments surrounded by high walls and parking lots or rows of carports along public streets are examples of undesirable design features. These design standards are intended to mitigate these undesirable design features and promote a pleasant residential environment within the context of higher density development within the Town.

2. Objectives. The following are objectives of the Design Standards:
  - a. Introduce a clear and consistent set of standards designed to assist the development community in comprehending the Town's intent in regulating design quality and insuring that long term interests of the community are met;

- b. Create an environmentally based set of standards intended to realistically reflect natural constraints and development opportunities;
  - c. To enhance and preserve neighborhoods and property values by providing good quality design;
  - d. Improve site planning and appearance through the application of modern and creative solutions to commonly repeated design problems found throughout the Town;
3. Site Planning and Design. Multi-family residential developments shall be sited to respond to and respect property views, site features, existing topography, dwelling unit privacy and any adjacent existing development. The following multi-family site planning standards shall be used to create a safe, neighborhood environment in the project area.
- a. Integrate Structures into Natural Landforms
    - (1) Site grading shall recognize existing natural landforms and drainage patterns by providing an appropriate transition of architectural elements to grade. For example, in larger developments use the natural features as amenities by leaving natural drainage swales or rock outcroppings undisturbed and orienting buildings and open spaces around them.
    - (2) Building pads and vehicle circulation shall generally follow contour lines rather than cross them. When a building must cross contour lines, step building pads down the slope rather than mass grading the site.
    - (3) The grading plan shall direct and provide for an adequate flow of surface run-off to catch or retention basins while contouring the land to blend with existing conditions at the boundaries of the site.
  - b. Neighborhood Compatibility. New multi-family residential development shall relate to adjacent single family residential districts in the following ways:
    - (1) By stepping down the scale, height and density of buildings at the edges of the development when surrounding neighborhoods are of lower density or smaller scale. Step the building down at the ends or sides nearest the single family unit to a height approximately equal to that of the adjacent single family residence (or of typical single family residences in the vicinity if adjacent to an undeveloped single family zoning district).
    - (2) By incorporating architectural elements and materials that are similar to those used in the neighborhood.
    - (3) By including a front yard that is similar to a single family residence.

- (4) By locating parking areas within the project interior or at the side or back when necessary to achieve the “residential front yard” appearance.
4. Entry Drives. The principal vehicular access into a multi-family development shall be through an entry drive rather than a parking drive. Entry drives provide access to parking areas free from parking and backing out movements, parking drives lead through parking stall areas and can be interrupted by vehicles pulling into or out of parking spaces. Colored, textured paving (i.e., interlocking pavers) treatment at the entry drives is encouraged.
  - a. Entry Statements
    - (1) Entry Statement Standards. Projects with ten or more units shall include vehicular and pedestrian entry statements that shall be consistent with the following:
      - (a) Provide one visually dominant entry to the development that conveys a sense of arrival;
      - (b) Entry statements shall provide an open view into the development with landscaping and project directories;
      - (c) Design the entry to provide a transition from the outside to an internal visual focus, such as landscaping, a water feature, sculpture or a building;
      - (d) Special attention shall be given to hardscape and landscape treatments at the entry to enhance the overall image of the development. An entry statement shall consist of at least two of the following items:
        - Hardscape structure (trellis, decorative, low garden wall with berming, guardhouse, decorative gate);
        - Specimen landscaping (large, distinctive vegetation, i.e., relocated Joshua trees) or mature trees;
        - Large boulder groupings;
        - Water saving and easy maintenance fountains;
        - Textured or stamped concrete;
        - Monument signage with accompanying landscape and berming;  
or
        - Other comparable installations.
5. Clustering of Units
  - a. Consistent Application in Site Plan. The clustering of multi-family units shall be a consistent site planning element. Structures composed of a series of simple yet varied planes assure compatibility and variety in overall building form.



- b. Perimeter Arrangement. Buildings shall be clustered to achieve a pleasing streetscape and visual variety at the perimeters of the development through variation in building siting, massing, orientation and landscaping.
  - c. Connections Between Building Clusters. In multi-building developments, pedestrian paths shall be provided to connect buildings in the development with one another, on-site amenities and adjacent streets.
6. On-Site Parking. In multi-family developments, there are generally three ways to accommodate parking: parking drives, parking lots/courts, and garages within the residential structures. Projects with either long, monotonous parking drives or large, undivided parking lots are prohibited. The following standards shall be followed in the design of parking areas for multi-family developments.
- a. Parking Lot Layout.
    - (1) In general, parking areas shall be visible from the residential units that utilize them.
    - (2) Locate required resident parking spaces convenient to the units they serve.
    - (3) The location of parking and drives aisles shall minimize the points of conflict between pedestrian and vehicular traffic.
  - b. Parking Area Landscaping
    - (1) At least one landscape or shade tree shall be provided for every seven spaces of open parking areas.
    - (2) Provide landscaped planters in parking areas to break up expanses of pavement.
    - (3) Parking drives, when located on the periphery of a project, tend to isolate the project from its surroundings. Perimeter parking drives are not desirable and shall be minimized. Where a parking area separates a group of dwellings from the street, pedestrian or bicycle paths consisting of contrasting paving material shall provide access from groups of dwellings to the street.
  - c. Parking Lots/Courts
    - (1) Parking courts shall not contain more than two adjacent double-loaded parking aisles.

- (2) The length of parking courts shall not exceed a length greater than one half the length of the lot where they are located.
    - (3) Parking courts shall be separated by structures or by a landscape buffer of at least 30 feet.
  - d. Garages/Carports
    - (1) Incorporating carports into exterior project walls adjacent to streets is strongly discouraged.
    - (2) Provide a visual buffer between the fronts of carports and residential units by use of planting screens and/or architectural features.
    - (3) Provide landscaping on exposed sides of carport or garage structures.
  - e. Parking within the Front Yard Building Setback. Parking may be located within the required front yard if it is completely screened from the street by either a landscaped hedge or a decorative, architectural screen wall, integrated into the architecture of the building by use of similar materials or accent treatments.
- 7. Connections between Buildings. In multi-family developments with three or more buildings, pedestrian paths to facilitate circulation between buildings shall be provided.
- 8. Access to Amenities. Provide a pedestrian path to facilitate access between residential units and parking areas, recreational facilities, mailboxes, common open space, and to connect the development to the Town-Wide trails system where a project is adjacent to the system.
- 9. Arrangement of Open Space. Required common open space shall be conveniently located for the majority of residents and private open spaces shall be located near the units they serve.
- 10. Visibility. Multi-family developments shall have secure open space areas and children's play areas that are visible from the units.
- 11. Location of Amenities. Recreational amenities shall be located adjacent to designated open space areas wherever possible.
- 12. Landscaped Areas
  - a. Landscaping Considerations. Landscaping is used to frame, soften and embellish the quality of the environment, to buffer units from noise or undesirable views, to break up large expanses of parking, and to separate frontage roads within the development from public streets. To accomplish these design objectives, a landscape needs vertical elements. Trees and tall shrubs are needed in addition to

groundcover and can also be used to provide shading and climatic cooling of nearby residential units.

- b. Landscape for Screening and Privacy. Landscaping shall be used to maximize the privacy of adjacent single family residences. A minimum of 20 percent of the trees used for screening purposes shall be 24 inch box size when installed.

### **C. Multi-Family Architectural Design Guidelines.**

#### 1. Dwelling Unit Architecture

- a. General. New multi-family residential development shall relate to adjacent single family residential districts in the following ways:

- (1) By stepping down the scale, height and density of buildings at the edges of the development when surrounding neighborhoods are of lower density or smaller scale. Step the building down at the ends or sides nearest the single family unit to a height approximately equal to that of the adjacent single family residence, or of typical single family residences in the vicinity if adjacent to an undeveloped single family zoning district.

- (2) By incorporating architectural elements and materials that are similar to those used in the neighborhood.

- b. Architectural Style. While there is no particular architectural style required for multifamily residential structures, the focus shall be on the development of a high quality residential environment that provides variety and visual interest while still creating an overall unified image. Desert appropriate architectural styles shall be used to blend the development into the natural desert environment to the greatest extent possible. Desert appropriate styles will respond to desert conditions such as sun, wind, heat and cold. In selecting an architectural style, compatibility with surrounding character, including compatible building style, form, size, color, materials and roofline, shall be considered.

- c. Architectural Unity and Variation. Within multi-family developments containing several buildings, a common architectural theme among the buildings must be evident so that a unified image is presented. Within the unified image, each building should contain some identifying feature(s) that sets it apart from other buildings in the development so that an occupant can readily identify his/her building.

- (1) Unified Development Image. An overall unified image in a development with several buildings can be achieved through the use of common elements and/or materials. Multifamily buildings in such a context shall incorporate the following design principles:

- (a). Building form, roofline and primary materials shall represent a common theme throughout the development;
- (b). A similar architectural character shall be provided on all sides of a building. Repeat details on all sides of a building; make them appear functional and real;
- (c). Forms, colors, architectural details and landscape materials shall be consistent throughout the development. Variations for the purpose of establishing individuality among buildings within a group shall be consistent with an overall palette of materials and colors;
- (d). Building entries shall be integrated into the building architecture. Upper decks, balconies, stair towers, utility closets and mechanical screening shall be integrated into the building architecture rather than add-on elements to a finished facade or roof
- (e). Interior and exterior storage areas shall be integrated into the building design to make them compatible with the building architecture.
- (f). Massing and Scale

1. Compatibility with Adjacent Single Family Residential Development. Because multifamily developments are frequently taller than one story, their bulk can be imposing to surrounding uses, especially single family residential uses. The scale of multi-family developments shall be considered within the context of their surroundings. This Section is not intended to limit two-story buildings but to provide transitions in rooflines and articulation of buildings and rooflines. The scale of multi-family structures shall relate to adjacent single family residential structures in a manner consistent with this Code.

j. Mitigating Mass and Scale of Unarticulated Building Planes

(1) Blank end walls are not allowed. Instead, end walls shall be given some form of articulation or architectural treatment.

(2) Balconies, porches, patios and chimneys shall be integrated into multi-family structures to break up large wall masses, and to offset floor setbacks.

(3) Long barracks-like multi-family structures shall be avoided through the use of separations, changes in roof plane, horizontal offsets, and the inclusion of elements such as balconies, varied floor elevations, awnings, porches and patios.

k. Support Facilities, Compatibility with Primary Structures. Support facilities such as laundry facilities, recreation buildings, sales/lease offices or temporary sales offices

within multi-family developments shall be consistent in architectural design, form, colors and materials with the residential structures.

- l. Detached Garages. Detached garages shall be designed as an integral part of the architecture of projects and shall be similar in style, form, scale, color, detailing and materials to the primary structure.
- m. Dwelling Unit Access and Entries

(1) Use in Providing Facade Articulation. Entry areas shall be utilized to articulate building faces through recesses, covered porches, or other architectural treatments in such a manner as to increase the sense of arrival.

(2) Provide Shelter. Entries shall provide shelter from natural elements such as sun, rain and wind.

(3) Shared Entries. Access points to residential units shall be clustered in groups of four or less. The use of long, monotonous balconies and corridors resulting in a “motel” type of appearance is discouraged.

(4) Visibility. Whenever possible, entrances to individual residential units shall be plainly visible from the parking areas that serve them.

(5) Maximize Privacy. Entries to individual units shall be spaced as far apart as possible to maximize privacy.

- n. Roof. The pitch and form of roofs are a visible community feature. A range of roof forms and roof pitches can add an appealing visual impact to the community streetscape.

(1) Roof Overhangs. Broad roof overhangs when compatible with the basic architectural theme of the structure are recommended to produce interest and to respond to climatic conditions, especially when used in combination with courtyards, porch enclosures, balconies and recesses.

(2) Roof Materials. The roofing material shall be constructed of nonreflective fire retardant materials and exhibit muted earth tones.

- o. Exterior Stairs, Integrate with Building Architecture

(1) In new buildings, simple, clean, bold projections of stairways integrated into the building architecture are encouraged to complement the architectural massing and form of the multi-family structure.

(2) Stairways integrated into the building architecture are encouraged in order to provide protection from natural elements such as sun and wind.

(3) Where modifications to existing multi-family residential structures include the addition of stairways, thin looking, open metal, prefabricated metal stairways shall be avoided. Instead, materials similar to the exterior of the building shall be used to architecturally link the stairway to the building.

- p. Walls and Fences. Fencing requirements shall remain flexible, but installations shall take advantage of the natural features of the site like topography and vegetation.

(1) Privacy Screening. Closed privacy fencing should be limited to the immediate area around the private open space areas or outbuildings. If wood fencing is proposed, the fencing shall be designed to withstand the frequent high desert winds. Chain link is not permitted

(2) Private Courtyards. Private open space courtyards utilizing decorative walls providing shelter from wind are strongly encouraged.

(3) Materials Within Front and Street Side Yard. All walls and fences within the front yard or street side yard setback area shall be constructed of decorative materials such as split face or slump stone block, river rock or other similar materials that complement the materials used on the building or as approved by the Commission.

(4) Property Line Fencing. Property line walls and fences shall be constructed of decorative materials such as rail fencing or split face block or slumpstone, or incorporate decorative enhancements such as caps or pilasters. Property line fencing with unadorned solid wood or cinder block is prohibited.

(5) Articulation. Where any solid wall or fence exceeds 40 feet in length, the wall or fence shall be visibly articulated by pilasters or changes in the wall plane such as insets for plantings. Such articulation shall occur at a minimum of 40 foot intervals. All walls shall incorporate decorative caps.

## 2. Building Color

- a. Colors should be muted and lighter in value. Primary, bright, and florescent colors shall be avoided.

**D. Multi-Family Infill in Single-Family Neighborhoods.** New multifamily developments shall be integrated into an existing single family neighborhood so that they are compatible with adjacent structures and fit within the context of the existing neighborhood. Below are additional standards for these developments.

- 1. Architectural Compatibility. New multi-family developments in existing single family neighborhoods shall incorporate the architectural characteristics and maintain the scale of existing single family structures on the site and on adjacent property; for example, building height, window and door detailing, facade decoration, materials, color, roof style, roof pitch, porches, etc.
- 2. Front Setbacks. Front setbacks for new multi-family developments in existing single family neighborhoods shall be equal to or greater than the average front setbacks for the two adjacent properties. If one or both of the adjacent properties are vacant, then the average front setback shall be calculated on the next adjacent occupied properties.

3. **Site Design.** The site design of new multi-family developments in existing single family neighborhoods shall reflect the development patterns and scale of development of the surrounding neighborhood and any existing on-site single family structures, in terms of vehicular and pedestrian circulation, access, parking and landscaping. Any substandard conditions existing on the site shall be brought up to standard with the new development.

**9.08.080 – Planned Residential Development**

**A. Purpose.** The purpose of this Chapter is to provide standards for applicants that desire to develop under the provisions of Chapter 9.67 (Planned Development Permits). The standards in this Chapter are intended to promote a more efficient use of the land and to create a more desirable and affordable living environment by providing greater design flexibility than would be possible through the strict application of standard development regulations required by a zoning district.

**B. Applicability.** The provisions in this Chapter apply to development in any residential zoning district in compliance with the application requirements identified in Chapter 9.67 (Planned Development Permits). Strict compliance with the purpose and intent of the General Plan shall be required. Only uses allowed in the zoning district for which the planned development is proposed shall be allowed.

**C. Development Standards**

1. **Size.** A minimum site of five acres shall be required for a planned residential development.
2. **Density.** The total density of a planned development shall be determined by the zoning district applicable to the subject property. Increased densities may be granted by the review authority through the bonus density or transfer of density authorized by the General Plan and implemented by this Development Code under the Housing Incentives Plan in Chapter 9.47 (Density Bonus), or a Specific Plan. However, density increases shall not be granted for that portion of a planned development for which only a Preliminary Development Plan has been approved. Parcel sizes smaller than those required by the zoning district may be approved for a Planned Development provided the overall parcel density is not exceeded, except as otherwise allowed by this Development Code and/or the General Plan. The maximum unit allowable dwelling densities shall be as follows:

Maximum Unit allowable Dwelling Density <sup>1</sup>	Slope
4.0 Dwelling Unit per Acre	0% - less than 15%
2.0 Dwelling Unit per Acre	15% - less than 30%
1.0 Dwelling Unit per 3 Acres	30% - less than 40%

1.0 Dwelling Unit per 10 Acres	40% or greater
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*Note: 1) The density shall not be more than the maximum allowed by the zoning district.*

- a. Transfer of Density. A 100 percent transfer of the density indicated on the General Plan official zoning district shall be allowed within a planned development project, provided all other performance criteria are met. The maximum allowable density transfers shall be determined by the table above. This transfer of density may include a transfer of density from adjacent property for which development restrictions in favor of the planned development project have been obtained.
  - (1) To be eligible for density transfer, adjacent private lands shall meet the following criteria:
    - (a) Private lands from which the density is being transferred shall be free of hazards or other physical constraints that prohibit the construction of residential dwellings.
    - (b) Private lands from which the density is being transferred shall be shown on the General Plan as developable for residential dwellings.
  - (2) Open space within the project that has been created as a result of a density transfer shall be common open space. However, in those circumstances when it is infeasible or impracticable for a private organization to adequately maintain and preserve the land as open space, the land may be dedicated to the public for open space purposes.
  - (3) Transferable density on slopes in within a Fire Safety Overlay shall be determined by the formulas in Section 9.17.050 (Fire Safety Development Standards).
- b. Bonus Density.
  - (1) An additional bonus in dwelling-unit density, up to 10 percent above that indicated in the zoning district for the area, may be granted by the review authority provided one of the following criteria is met:
    - (a) A publicly valuable resource is provided, preserved, or enhanced that would otherwise require the expenditure of public monies.
    - (b) A public or quasi-public feature is provided above and beyond the normal expectations.
    - (c) An amenity, convenience, or excellence in design is provided above and beyond normal expectations.



- (d) The granting of density bonuses shall further the purpose and intent of the planned development provisions of this Development Code and the General Plan.
  - (2) Density bonuses identified in State Planning and Zoning Law, including Section 65915 et seq shall also be considered.
- 3. Accessory Uses in Planned Residential Developments (PRD's).
  - a. Accessory uses allowed in the RS (Single-Family Residential) zoning district shall be allowed in a planned residential development, provided that the accessory uses are compatible with the approved PRD development plan.
  - b. When the underlying zoning district allows the keeping of horses, and where the density of a planned residential development project does not exceed four dwelling units per acre, horses shall be allowed in a PRD project as follows:
    - (1) On parcels 20,000 square feet or greater subject to the regulations of the RS (Single-Family Residential) zoning district.
    - (2) Where parcels are less than 20,000 square feet, horses shall be allowed subject to the following conditions:
      - (a) Horses shall be clustered onto common parcels.
      - (b) The maximum density of horses shall not exceed four horses per gross acre of common parcel area.
      - (c) Standards and regulations relating to keeping of horses in Section 9.08.020 Animal Keeping shall also apply.
      - (d) Maintenance and management of the clustered facilities shall be provided by the property owners' association.
  - c. Phased Development. In a phased development, safeguards shall be required in the form of easements or bonds or other commitments for open space requirements that will protect the integrity of the total project.
  - d. Subdivision. When a tentative subdivision map is filed with a planned development project, before recordation of the final subdivision map, the following items shall be filed with the appropriate agency:
    - (1) Documentation of easements, covenants, deeds, and Property Owner Association by-laws, restrictions, and articles of incorporation.

- (2) Sureties and performance bonds covering open space areas, dedicated public improvements, and other items as determined by the review authority. The amount of the performance bonds shall be reviewed annually by the appropriate agency.

**D. Design Standards**

1. Authority of Commission to Alter Standards. Unless specifically changed within this Section, adopted Town ordinances, standards, and polices shall apply to a planned development project, including those identified in this Development Code and the General Plan. The Commission may alter adopted standards, where, in the Commission's opinion, the altered standards would more adequately serve the purposes and intent of the planned development provisions of this Development Code.
2. Circulation and Parking.
  - a. Vehicular Circulation Pattern. The vehicular circulation pattern shall be designed to:
    - (1) Provide adequate vehicular access to and within the project, in compliance with adopted Town standards.
    - (2) Coordinate with external transportation networks in terms of location and loads.
    - (3) Integrate with the natural landscape and, where possible, parallel the natural drainage system.
    - (4) The noise levels from vehicular traffic shall comply with the standards outlined in Section 9.34.080 (Noise).
    - (5) The planned development project, and each phase of the project, shall have two points of vehicular ingress and egress from surrounding streets, one of which may be emergency only, if approved by the Fire Department.
    - (6) Private streets are acceptable if they are built to Town standards and are inspected by the Town. However, rights-of-way shall not be accepted by the Town nor shall private streets be accepted as part of the Town's maintained road system.
  - b. Pedestrian Circulation Pattern. The pedestrian circulation pattern shall be designed so that:
    - (1) It is separated from vehicular traffic where possible and it discourages pedestrian crossing of the vehicular network, except at controlled points that are designed for pedestrian safety.

- (2) Hard-surfaced, safely lighted pedestrian access to common open space, recreational areas, community facilities, and other logical terminal points shall be provided.
  - c. Common Off-Street Parking Areas. Common off-street parking areas shall be designed so that:
    - (1) They provide adequate, convenient, well-marked, and safely lighted parking.
    - (2) With the exception of enclosed parking structures, they shall contain appropriate landscaping to minimize the effect of large areas of asphalt or concrete.
  - d. Parking Spaces Required per Unit. Two parking spaces per dwelling unit shall be provided. Tandem parking shall not be allowed. Guest parking, either on-street or in common parking areas, shall be provided at a ratio of one space per two dwelling units.
- 3. Open Space.
  - a. Open Space Defined. For the purposes of this Chapter, open space within a planned development shall be the total area of land or water within the boundaries of a planned development, designed and intended for use and enjoyment as open space areas.
    - (1) Open space within a planned development shall include the following:
      - (a) Area of the site not covered by structures, paved areas or accessory structures, except recreational structures.
      - (b) Land that is accessible and available to all occupants of the development for which the space is intended.
    - (2) Open space within a planned development shall not include:
      - (a) Proposed and existing street rights-of-way and private streets.
      - (b) Open parking areas, driveways.
      - (c) School sites.
      - (d) Commercial, industrial, or office areas, and their structures, accessory structures, parking, and loading facilities.

- b. Minimum Open Space Required for Planned Development. A residential planned development project shall have a minimum of 40 percent private and common open space, not including balcony area.
  - c. Minimum open space required for each dwelling unit. Each dwelling unit shall have a minimum contiguous private open space area as follows:
    - (1) Ground Floor: 225 square feet.
    - (2) Upper-story dwelling without ground floor: 60 square feet.
  - d. Management of Common Facilities. Provisions for the maintenance and management of the common open space and common facilities shall be reviewed and approved by the Commission. The approval shall be based on the following criteria:
    - (1) The applicant shall establish a property owners' association before the selling of a parcel or the occupancy of a dwelling unit.
    - (2) The property owners' association by-laws, restrictions, and articles of incorporation shall include the necessary regulations required by the Federal Housing Administration. Other standards shall be approved by the Town.
4. Site Resource Utilization.
- a. The planned development shall be designed and developed to minimize the cutting of trees, disturbance of ground cover, cut and fill work, drainage alteration, and hillside development. Removal of trees shall be in compliance with Town permit procedures.
  - b. New earthwork and exposed slopes shall be suitably stabilized in compliance with Chapter 9.20.010 (Hillside Grading). Scarred and erosion prone areas shall be stabilized with appropriate planting.
5. Site and Structure Relationship.
- a. The spacing of structures shall be governed by the requirements for adequate light and air, proper access, fire regulations, and the need for visual and auditory privacy.
  - b. Whenever possible, dwelling units shall be arranged to take advantage of views and vistas.
  - c. The planned development shall be designed to minimize the likelihood of criminal activity by:
    - (1) Minimizing those areas that are neither clearly private nor public.

- (2) Planting landscaping to ensure that maximum observation is obtained while providing the desired degree of aesthetics.
  - d. Structure height, bulk, and coverage are regulated only to the extent that ensures that they meet the performance criteria identified in Section C, Development Standards.
6. Perimeter.
- a. Adjacent properties to the planned development shall be protected from adverse influences of traffic, land use, structure scale, and density by the combined use of screening, setbacks, and land use location.
  - b. Perimeter planning and coordination are required to ensure continuity in the community facilities and services. The applicant shall demonstrate that the development proposal can be adequately served by community facilities and services without undue public expenditure.
  - c. Planned development projects that are within Fire Safety (FS) Overlay shall develop perimeter areas in compliance with Section 9.17.050 (Fire Safety Development Standards)

#### 9.08.090 – Residential/Social Care Facilities

- A. **Purpose.** This Chapter provides standards for the establishment and operation of residential/social care facilities.
- B. **Applicability.** The standards in this Section apply to residential/social care facilities where allowed in residential districts, in addition to compliance with the standards in Chapter 9.07 (Residential, Open Space and Hillside Reserve Districts).

Facilities with 6 or fewer persons do not require a Conditional Use Permit and are allowed where a single-family dwelling is allowed, however, such facilities shall comply the General Requirements.

#### C. General Requirements

- 1. Applicable Zoning District Development Standards. Each social care facility shall conform to the property development standards for the zoning district in which it is located.
- 2. Separation. Social care facilities shall not be located within 300 feet of another similar facility.

3. Applicable Health and Safety Regulations. Social care facilities shall be operated in compliance with applicable State and local health and safety regulations.
4. Required Permits and Licenses. Social care facilities shall be in conformance with the California Building Code. A certificate of occupancy shall be obtained from the Building and Safety Division before occupancy of social care facilities.
5. Fire Department Requirements. Each social care facility shall provide fire extinguishers and smoke detector devices and shall meet all standards established by the Fire Chief.

**D. Development Standards.** In addition to the General Requirements residential/social care facilities with 7 or more persons shall comply with the following standards.

1. The site shall be located on or adjacent to a paved street where required street improvements can connect.
2. Building setback of 50 feet from all property lines as required when developing in or adjacent to a single family land use district; otherwise the underlying building setbacks of the land use district shall apply.
3. Common outdoor recreational amenities shall be provided subject to review and approval by the Commission.
4. The heights of any proposed structure(s) shall be compatible with that of the surrounding development.
5. The architectural design of facilities shall be compatible and in scale with the surrounding development.
6. Parking areas for facilities in residential land use districts that accommodate more than ten vehicles shall be divided into a series of smaller parking areas by landscaping and by offsetting portions of lots in ways that effectively reduce the visual impacts of large parking areas.
7. Access drives and parking aisles shall be kept at a maximum distance possible from any adjacent residential units.

**9.08.100 – Second Dwelling Units**

- A. Purpose.** The purpose of this section is to expand the variety of housing opportunities in the Town by implementing State Government Code (65852.2) as it pertains to second dwelling units. In doing so, it is the intent of these regulations to insure that second dwelling units are located in areas where services are adequate to support them and to insure that second dwelling units are maintained as compatible and integral part of the Town's residential zoning districts.

**B. Development Standards.**

1. A second dwelling unit is an additional dwelling unit either attached or detached.
  - a. Only one (1) other residential unit shall be permitted on a lot with a second unit and one of the residential units shall be owner occupied. The resident owner shall be a signatory to any lease for the rented unit and shall be the applicant for any permit issued under this Chapter.
  - b. The second unit shall not be sold or held under a different legal ownership than the primary residence; nor shall the lot containing the second unit be subdivided.
2. The parcel upon which the second dwelling unit is to be built shall comply with all development standards for the district in which it is located.
3. The total area of floor space for an attached second dwelling unit shall not exceed 30 percent of the habitable area of the main residential unit, or a detached second dwelling unit shall not exceed 60 percent of the main residential unit but not less than 725 square feet or greater than 1,200 square feet.
4. A second dwelling unit may only be permitted on a residential lot on which there is already one owner occupied single family dwelling (primary dwelling) or concurrently.
5. A second dwelling unit may not be allowed on any residential lot already containing two or more dwelling units, including dependent or guest housing.
6. The driveway serving the primary dwelling unit shall be used to serve the second unit whenever feasible.
7. The second dwelling unit may be metered separately from the main dwelling for gas, electricity, and water/sewer services.
8. The second dwelling unit shall be architecturally compatible with the design of the main dwelling and shall incorporate colors and materials that are complimentary to the primary unit.

**C. Illegal Second Units.** This section shall not validate any existing illegal secondary unit. To convert a non-allowed secondary unit to a legal, conforming unit, the standards and requirements for the conversion shall be the same as for a newly proposed secondary unit.

**D. Dependent Housing Units.** Those units approved under a Special Use Permit for a Dependent Housing Unit that do not meet these regulations shall be considered conforming.

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## Chapter 9.09 Commercial Districts

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### Sections:

- 9.09.010 – Purpose
- 9.09.020 – Permitted Uses and Permit Requirements
- 9.09.030 – Development Standards
- 9.09.040 – Projections and Encroachments into Required Setback Areas
- 9.09.050 – Native Landscape Documentation Package

### 9.09.010 – Purpose

This Chapter lists the land uses that may be allowed within the commercial zoning districts listed in Section 9.05.030, determines the type of planning permit/approval required for each use, and provides basic standards for site layout and building size.

Properties located within the Commercial Mixed Use (C-MU) zoning district are subject to the regulations and development standards of the General Commercial (C-G) zoning district until such time as Commercial Mixed Use (C-MU) regulations and development standards are adopted by the Council.

### 9.09.020 – Permitted Uses and Permit Requirements

Table 2-15 identifies the uses of land allowed by this Development Code in each commercial zoning district established by Chapter 9.05 (Zoning Districts and Zoning Map).

All uses listed in the following table are subject to the applicable standards of this Development Code and the permit requirements referenced in the Notes and Other Regulations column and in Section 9.06.030(B), Permit Requirements.

Pursuant to Section 9.06.030(A)(3) – Similar and Compatible Uses May be Permitted. The Director may determine that a proposed use is permitted, providing that the Director makes the required findings that the proposed use is similar, compatible and consistent with the uses described in the table, the purposes, and the General Plan .

The following land uses shall be permitted, pursuant to the conditions stipulated

- A. Accessory Uses including parking lots and structures, accessory signs, and exterior storage which is fully fenced and screened with a solid fence and where no storage is visible above the fence. Accessory uses and structures shall comply with all requirements of this Code.
- B. Commercial land uses proposed to operate from existing structures shall be permitted by right in the following cases
  1. The structure has historically been utilized in fashion similar to the proposed use.



2. There are no structural off-street, on-site improvements lack thereof which pose an immediate threat to the health safety or general welfare of the Town.
3. There are no additions or alterations to the square footage of the existing structure.

C. .

**TABLE 2-15:  
PERMITTED LAND USES AND PERMIT REQUIREMENTS  
FOR COMMERCIAL ZONING DISTRICTS**

**Zoning Districts** C-C: Community Commercial C-O: Office Commercial C-N: Neighborhood Commercial  
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Permit Required	SPR: Site Plan and Design Review		CUP: Conditional Use Permit		SUP: Special Use Permit		
	TSEP: Temporary Special Event Permit		TUP: Temporary Use Permit		S: Specific Plan		
	PD: Planned Development Review		P: Permitted		NP : Not Allowed		
Type of Use	Permit Required by Zoning District						Notes and Other Regulations
	C-C	C-G	C-O	C-MU	C-N		
<b>Residential</b>							
Mixed Use Development	NP	S	NP	S	NP		
Single-Family Dwelling Unit	NP	NP	NP	NP	NP		
Single-Room Occupancy Housing	NP	CUP	NP	CUP	CUP		
<b>Care Uses</b>							
Child Day Care (small family)	NP	CUP	NP	SPR	CUP		Single family residences located in the commercial land use districts are subject to the standards specified in Section 9.08.040
Child Day Care (large family)	NP	CUP	NP	CUP	CUP		
Child Day Care Center	NP	CUP	NP	CUP	CUP		See Section 9.14.020 (Child Day Care Centers)
Homeless Shelter	NP	NP	NP	NP	NP		Including Transitional and supportive uses.
Home Occupation	HOP	HOP	HOP	HOP	HOP		Permitted for Single family residences located in the commercial land use districts pursuant to Chapter 9.50 (Home Occupation)
Social Care, Congregate Care, Convalescent Care Facilities	NP	CUP	NP	CUP	CUP		Including but not limited to elderly care and sober living facilities

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PD: Planned Development Review P: Permitted NP: Not Allowed

Type of Use	Permit Required by Zoning District						Notes and Other Regulations
	C-C	C-G	C-O	C-MU	C-N		
<b>Agriculture, Animal Related, and Open Space Uses</b>							
Animal Care Facility (w/o exterior kennel, pens and runs)	SPR	SPR	SPR	SPR	SPR		Including, but not limited to animal hospitals, veterinarian, pet stores, and grooming.
Animal Care Facility (w/external kennel, pens and runs)	CUP	CUP	NP	NP	CUP		
Community Gardens	SPR	SPR	SPR	SPR	SPR		
Equestrian Facility	CUP	CUP	NP	NP	CUP		
Feed and Tack	CUP	CUP	NP	NP	CUP		
Horticulture/Agriculture	SPR	SPR	NP	NP	SPR		Including, but not limited to crop production, orchards, and vineyards.
Kennels and Catteries (over 15 animals)	NP	NP	NP	NP	SUP		
Livestock Operations	NP	NP	NP	NP	NP		
Natural Resources Development	NP	NP	NP	NP	NP		
Nature Preserve	SPR	SPR	SPR	SPR	SPR		
Nursery/Garden Supply (with outdoor display)	SPR	SPR	SPR	CUP	CUP		
Nursery/Garden Supply (without outdoor display)	SPR	SPR	SPR	SPR	SPR		
<b>Retail Commercial Uses</b>							
Antique/Second Hand Stores	SPR	SPR	NP	SPR	SPR		
Adult-Oriented Business	NP	CUP	NP	NP	NP		See Chapter 9.52 (Adult-Oriented Uses)
Appliance Sales and Home Goods (no repair)	SPR	SPR	SPR	SPR	NP		
Auto and Vehicle Sales and Rentals and Parts Sales	CUP	CUP	NP	CUP	CUP		

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PERMITTED LAND USES AND PERMIT REQUIREMENTS  
FOR COMMERCIAL ZONING DISTRICTS**

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Type of Use	Permit Required by Zoning District						Notes and Other Regulations
	C-C	C-G	C-O	C-MU	C-N		
Building and Landscape Materials Sales (indoor)	SPR	SPR	SPR	CUP	CUP		
Building and Landscape Materials Sales (outdoor)	CUP	CUP	NP	CUP	NP		
Convenience Store	CUP	CUP	CUP	CUP	CUP		
Construction and Heavy Equipment Sales and Rentals	NP	CUP	NP	NP	NP		
Farmers Market/Arts and Crafts Events	TSEP	TSEP	TSEP	TSEP	TSEP		See Chapter 9.38(Temporary Special Events)
Fuel/Propane Dealer	NP	NP	NP	NP	NP		See Section 9.14.040 (Gas or Other Fueling Stations)
Grocery, Supermarket, Specialty Food Store, Drug Store	SPR	SPR	SPR	SPR	SPR		
Manufactured Home Sales	NP	NP	NP	NP	NP		
Boat and Recreational Vehicle Sales	CUP	CUP	NP--	CUP	CUP		
Pawn Shop	SPR	SPR	NP	NP	NP		
Retail Store (less than 80,000 sf)	SPR	SPR	SPR	SPR	SPR		
Retail Store (80,000 or greater sf)	SPR	SPR	CUP	CUP	CUP		
Seasonal Holiday Sales Facilities	TSEP	TSEP	TSEP	TSEP	TSEP		See Chapter 9.38 (Temporary Special Events Permits )
Swap Meet, Outdoor Market, Auction Yard (permanent)	NP--	CUP	NP	NP	NP		See Section 9.14.080 (Swap Meets)
Shopping Center (neighborhood, community, or regional),	CUP	CUP	CUP	CUP	CUP		
Warehouse Retail	CUP	SPR	CUP	NP	CUP		

**TABLE 2-15:  
PERMITTED LAND USES AND PERMIT REQUIREMENTS  
FOR COMMERCIAL ZONING DISTRICTS**

**Zoning Districts** C-C: Community Commercial C-O: Office Commercial C-N: Neighborhood Commercial  
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Type of Use	Permit Required by Zoning District						Notes and Other Regulations
	C-C	C-G	C-O	C-MU	C-N		
<b>Business, Financial, and Professional</b>							
ATM	P	P	P	P	P		
Financial Institution and Related Service	SPR	SPR	SPR	SPR	SPR		
Laboratory	SPR	SPR	SPR	SPR	SPR		
Office (Business, Professional, Corporate, Medical)	SPR	SPR	SPR	SPR	SPR		
<b>Eating and Drinking Establishments</b>							
Bakery (retail), Coffee Shop and Similar Uses	SPR	SPR	SPR	SPR	SPR		Including but not limited to ice cream shops, frozen yogurt shops, and candy/sweet shops
Bakery (wholesale)	SPR	SPR	SPR	CUP	NP		
Bar, Lounge, Nightclub, Tavern, and Pool Hall	CUP	CUP	CUP	CUP	CUP		
Catering Service	SPR	SPR	SPR	SPR	SPR		
Fast Food (w/drive through, delivery)	CUP	CUP	CUP	CUP	CUP		See Section 9.14.030 (Drive-in/Drive through Establishments)
Fast Food (w/o drive through, delivery)	CUP	SPR	SPR	SPR	CUP		
Full Service Restaurant	SPR	SPR	SPR	SPR	SPR		
<b>Commercial Service Uses</b>							
Ambulance Service	SPR	SPR	SPR	NP	NP		
Appliance Sales, Service, Repair, and Rental	SPR	SPR	SPR	SPR	SPR		
Automobile Gas Station	SPR	SPR	SPR	CUP	CUP		See Section 9.14.040 (Gas or Other Fueling Stations)
Automobile Service/Repair (minor repair and maintenance)	CUP	SPR	CUP	CUP	CUP		

**TABLE 2-15:  
PERMITTED LAND USES AND PERMIT REQUIREMENTS  
FOR COMMERCIAL ZONING DISTRICTS**

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Type of Use	Permit Required by Zoning District						Notes and Other Regulations
	C-C	C-G	C-O	C-MU	C-N		
Automobile Service/Repair (major Repair/body work)	NP	CUP	NP	NP	NP		
Automobile Washing (car wash)	CUP	CUP	CUP	CUP	CUP		
Automobile Washing (car wash) (fund raising, temporary)	P	P	P	P	P		
Barber, Beauty Shop, and other Similar Personal Service Uses	SPR	SPR	SPR	SPR	SPR		
Printing and Duplication Services	SPR	SPR	SPR	SPR	SPR		
Equipment Sales, Service, Repair, and Rental	CUP	CUP	CUP	NP	CUP		
Fitness Center (less than 2,000 sf.)	SPR	SPR	SPR	SPR	SPR		
Fitness Center (more than 2,000 sf.)	CUP	CUP	CUP	NP	CUP		
Fortune Telling and Related Service	SPR	SPR	SPR	CUP	SPR		
Funeral Service (excluding crematorium)	NP	SPR	CUP	NP	NP		
Funeral Service (including crematorium)	NP	CUP	CUP	NP	NP		
Laundry and Dry Cleaning	SPR	SPR	SPR	SPR	SPR		
Locksmith	SPR	SPR	SPR	SPR	SPR		
Maintenance and Repair (Minor)	SPR	SPR	CUP	CUP	CUP		
Maintenance and Repair (Major)	NP	CUP	NP	NP	NP		

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	PD: Planned Development Review		P: Permitted		NP : Not Allowed			
Type of Use	Permit Required by Zoning District							Notes and Other Regulations
	C-C	C-G	C-O	C-MU	C-N			
Massage Establishment	SPL	SPL	SPL	SPL	SPL			See Municipal Code Section 41.11 (Massage Services and Establishments)
Studio (dance, music, martial arts, artists)	SPR	SPR	SPR	SPR/ CUP	SPR			Less than 2,000 sf (SPR for C-MU) More than 2,000 sf (CUP for C-MU)
Tattoo and Piercing	SPR	SPR	SPR	SPR	SPR			
<b>Commercial Recreation</b>								
Amusement Arcade or Park	NP	CUP	NP	NP	NP			
Carnivals/Circuses/Festivals/Fairs	TSEP	TSEP	TSEP	TSEP	TSEP			See Chapter 9.38 (Temporary Special Events)
Campgrounds	NP	NP	NP	NP	NP			
Concerts, Open-Air Theaters, Outdoor Entertainment Events	TSEP	TSEP	TSEP	TSEP	TSEP			See Chapter 9.38 (Temporary Special Events)
Game Arcade, Internet Café, and Similar Businesses	CUP	CUP	NP	CUP	CUP			
Golf Course	SPR	SPR	SPR	SPR	CUP			
Hookah Lounge	NP	CUP	NP	NP	CUP			
Parks/ Recreation Facilities	SPR	SPR	SPR	SPR	SPR			
Private Clubs and Lodges	CUP	SPR	CUP	NP	CUP			
Recreation and Entertainment (commercial indoor and outdoor)	CUP	CUP	CUP	CUP	CUP			
Recreational Vehicle Park	NP	NP	NP	NP	NP			See Section 9.08.060 (Recreational Vehicle Parks)
<b>Industry, Manufacturing and Processing, Wholesaling</b>								
Construction/Contractor Storage Yard	NP	CUP	NP	NP	NP			

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PERMITTED LAND USES AND PERMIT REQUIREMENTS  
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Type of Use	Permit Required by Zoning District						Notes and Other Regulations
	C-C	C-G	C-O	C-MU	C-N		
Hazardous Waste Operations	NP	NP	NP	NP	NP		See Section 9.34.110 (Hazardous Materials)
Manufacturing Operations	NP	NP	NP	NP	NP		
Motor Vehicle Storage/Impound Facility	NP	NP	NP	NP	NP		
Recycling Facility (small collection facility)	SUP	SUP	SUP	SUP	SUP		See Section 9.14.070 (Recycling Facilities)
Recycling Facility (processing facility)	NP	NP	NP	NP	NP		
Research and Development	SPR	SPR	SPR	CUP	SPR		
Salvage Facility	NP	NP	NP	NP	NP		
Storage – Mini-Storage (personal storage)	NP	NP	NP	NP	NP		See Section 9.14.060 (Mini-Storage Facilities)
Storage (outdoor vehicles storage)	NP	NP	NP	NP	NP		
Wholesaling and Distribution	NP	NP	NP	NP	NP		
<b>Transportation, Communications, and Infrastructure</b>							
Communication Facility	CUP	CUP	NP	NP	CUP		Including, but not limited to, radio and television stations or towers, satellite receiving stations, but not wireless telecommunication facilities
Wireless Telecommunication Facilities	CUP	CUP	CUP	CUP	CUP		Pursuant to Chapter 9.44
Parking Lot	SPR	SPR	SPR	SPR	SPR		See Chapter 9.33 (Parking and Loading Standards). Accessory or incidental to the primary use of the same property.
Public/Government Facilities	SPR	SPR	SPR	CUP	CUP		
Public Safety Uses (permanent)	SPR	SPR	SPR	SPR	SPR		

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Type of Use	Permit Required by Zoning District						Notes and Other Regulations
	C-C	C-G	C-O	C-MU	C-N		
Solar Energy Systems (accessory)	P	P	P	P	P		See Section 9.45.010 (Solar Energy Systems)
Solar Energy Systems (Utility grade/primary use)	NP	NP	NP	NP	NP		See Section 9.44.010 (Solar Energy Systems)
Transmission utility lines, pipelines, and control stations	CUP	CUP	CUP	CUP	CUP		
Utilities (major)	CUP	CUP	CUP	CUP	CUP		
Wind Energy System (accessory)	SPR	SPR	SPR	SPR	SPR		See Section 9.46.010 ( Wind Energy System)
Wind Energy System (utility grade /primary use)	NP	NP	NP	NP	NP		See Section 9.44.010 (Wind Energy System)
<b>Other Uses</b>							
Cemeteries, Including Pet Cemeteries	NP	CUP	NP	NP	NP		
Churches, Religious Assembly, and Other Public Assembly	CUP	CUP	CUP	CUP	CUP		
Conference Centers and Group Camps	CUP	CUP	CUP	NP	NP		
Correctional Institution	NP	NP	NP	NP	NP		
Emergency Facilities (temporary)	TUP	TUP	TUP	TUP	TUP		See Chapter 9.39 (Temporary Uses and Structures)
Hotels and Motels	SPR	SPR	CUP	SPR	CUP		
Hospitals/Medical/ Rehabilitation Centers/Clinics	CUP	CUP	CUP	CUP	CUP		
Medical Marijuana Dispensary	NP	NP	NP	NP	NP		See Section 9.14.050 (Medical Marijuana Dispensary)
Museum, Library, Art Gallery, Outdoor Exhibit	SPR	SPR	SPR	SPR	SPR		
Schools (private, vocational, charter, and other)	CUP	CUP	CUP	CUP	CUP		



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Type of Use	Permit Required by Zoning District						Notes and Other Regulations
	C-C	C-G	C-O	C-MU	C-N		
Temporary Special Events	TSEP	TSEP	TSEP	TSEP	TSEP		See Chapter 9.38 (Temporary Special Events)
Temporary Structures and Uses	TUP	TUP	TUP	TUP	TUP		See Chapter 9.39 (Temporary Uses and Structures)

**9.09.030 – Development Standards**

Subdivisions, new land uses and structures, and alterations to existing land uses and structures shall be designed, constructed, and established in compliance with the requirements in Table 2-X, in addition to the applicable standards (e.g., landscaping, parking and loading, etc.) in Article 3 (General Development Standards).

**TABLE 2-16:  
COMMERCIAL ZONING DISTRICTS  
DEVELOPMENT STANDARDS**

Development Feature	Requirements by Zoning District <sup>1</sup>					
	C-C	C-G	C-O	C-MU	C-N	
<b>Minimum Lot Size<sup>2</sup></b>	See map suffix <sup>3</sup>					
	1 acre <sup>4</sup>	5 acres <sup>4</sup>	1 acres <sup>4</sup>	1 acre <sup>4</sup>	1 acre <sup>4</sup>	
<b>Minimum Lot Dimensions</b> (W: width, D: depth)	W: 120 ft. D: 120 ft.	W: 120 ft. D: 120 ft.	W: 120 ft. D: 120 ft..	W: 120 ft. D: 120 ft..	W: 120 ft. D: 120 ft..	
<b>Maximum Lot Dimensions</b> (width to depth)	1:3	1:3	1:3	1:3	1:3	
<b>Setbacks</b>	Minimum setbacks required unless different setbacks are delineated on Final Map, Parcel Map, Composite Development Plan, or are allowed pursuant to Section XX.XXX.					
Front	15 ft.	15 ft.	15 ft.	15 ft.	25 ft.	
Side <sup>5</sup>	10 ft.	0 ft.	10 ft.	0 ft.	10 ft.	

Rear <sup>6</sup>	10 ft.	0 ft.	10 ft.	0 ft.	10 ft.		
Street Side	15 ft.	15 ft.	15 ft.	15 ft.	25 ft.		
Maximum Floor Area Ratio (FAR)	Maximum allowed floor area ratio (FAR): floor area/lot area.						
	0.50	0.50	1.0	0.50	0.50		
Dwelling Units/Acre	NP	NP	NP	Up to 40 with Specific Plan	NP--		
Lot Coverage	Maximum percentage of the total lot area that may be covered by structures and impervious surfaces.						
	60%	60%	60%	60%	40%		
Height Limit	40 ft.	40 ft.	40 ft.	40 ft.	35 ft.		
Minimum District Size	5 acres	5 acres	5 acres	5 acres	5 acres		
Other Applicable Standards	See Article 3 – General Development Standards including the following standards: <ul style="list-style-type: none"> <li>• Dedications and Infrastructure Improvement Standards – Chapter 9.30</li> <li>• Landscaping and Native Plan Protection – Section 9.09.050</li> <li>• Performance Standards – Chapter 9.34, relating avoiding adverse impact to adjoining properties relating to fire, explosive, or other hazards; noise or vibration; smoke, dust, odor or other form of air pollution; heat, cold, dampness; electrical or other disturbance</li> <li>• Property Maintenance Standards – Chapter 9.35</li> <li>• Signs – Chapter 9.36</li> <li>• Solar Energy Systems – Chapter 9.46</li> <li>• Wind Energy Systems – Chapter 9.46</li> <li>• Wireless Communications Facilities – Chapter 9.44</li> </ul>						

Notes:

1. All projects shall comply with the Commercial Design Guidelines,
2. Minimum lots size can be less if the subdivision application is filed concurrently with the Specific Plan, Site Plan and Design Review, or Conditional Use Permit application
3. Map suffix: the number placed after the zoning district initial is the allowable dwelling units (du) per one acre.
4. The above referenced acreages that are equal to one acre or more refers to gross acreage (total acreage including streets/infrastructure), less than 1 acre refers to net acreage (acreage not including streets/infrastructure).
5. Side yards are only required if necessary for emergency access. If adjacent property is not commercial or industrial, a side yard shall be required along that side of the property.
6. A rear yard is required only when the adjacent property is not designated commercial or industrial.

9.09.040 – Projections and Encroachments into Required Setback Areas

A. **General Provisions.** All required yards shall be open and unobstructed from finished grade or from such other specified level at which the yard is required, to the sky, except for structures allowed in yard or court by the table 2-17.

Nothing in this section is intended to prevent the construction of any allowed primary or accessory structure within the building envelope which is the lot area not included in any required yard.

B. **Clear Areas**

1. The projections listed in the Table 2-17 may not, in any event, encroach on or into the following:
  - a. The Clear Sight Triangle (Section 9.31.020) required at street and alley intersections.
  - b. Within three feet of any lot line, dividing lots not in common ownership, except as noted in Table 2-17 (Projections Into Yards and Courts).

**TABLE 2-17 :  
PROJECTIONS INTO YARDS AND COURTS**

Facilities	Front and Street Side Yards	Interior Side Yards and Courts	Rear Yard
Evaporative coolers, air condition compressors, and similar equipment.	4 ft. when screened from view	2 ft.	4 ft.
Propane tanks sited per California Fire Code and Fire Hazard Design Standards specified by Chapter 9.XX of this Division.	If allowed by fire regulations and screened	If allowed by fire regulations and screened	4 ft.
Cantilevered or supported decks; and cantilevered bay windows provided the total width of bay windows on any one story does not exceed 50 percent of the length of the wall containing them.	4 ft.	3 ft.	4 ft.
Roofed stairways, landings corridors and fire escapes that are enclosed.	5 ft.	3 ft.	10 ft.
Garages, carports, sheds, and other detached, enclosed accessory building which occupy no more than 25 percent of the yard.	Not allowed	Not Allowed	Allowed
Unroofed parking and loading areas.	See parking regulations (Chapter 9.33)	Allowed	Allowed
Covered, underground, or partially excavated structures, such as garages, fallout shelters, wine cellars, basement and public utility or telephone/cable television vaults.	Allowed, provided that the facilities do not extend more than 30 inches above the adjoining average finished grade level.		
Fences, screening, safety guard rails, walls, and dense hedges along property lines.	4 ft. max. height	10 ft. max. height	10 ft. max. height

**TABLE 2-17 :  
PROJECTIONS INTO YARDS AND COURTS**

Facilities	Front and Street Side Yards	Interior Side Yards and Courts	Rear Yard
Fence heights in excess of these standards may be allowed by an approved Conditional Use Permit or Variance or when required by the Town for reasons of health, safety, and welfare of the general public.			
Signs	Allowed, subject to Sign Design Standards.		

**9.09.050 Native Landscape Documentation Package**

General Provisions: Commercial development projects shall be allowed to transplant on and off-site and to remove all regulated desert native plants from their native locations within the property boundaries, pursuant to the following development standards and requirements. Regulated desert native plants for all commercial land development projects, include the following.

Regulated Desert Native Plants	
Botanical Name	Common Name
<i>Yucca brevifolia</i>	Joshua Tree
<i>Yucca schidigera</i>	Mojave Yucca
	Nolina
<i>Juniperus Californica</i>	California Juniper
<i>Yucca Whipplei</i>	Our Lords Candle
<i>Pinus Monophylla</i>	Pinon Pine

Pursuant to section 80017 of the State Food and Agricultural Code, the clearing or removal of native plants from a canal, lateral ditch, survey line, building site, or road or other right-of-way by the landowner or his agent, if the native plants are not to be transported from the land or offered for sale, are not subject to State regulations. For plants regulated by the State to be transplanted off-site, the Town shall issue permits for their relocation in accordance with this chapter.

- (A) A Native Landscaping Documentation Package shall be submitted to the Division at the time of filing land use applications for development of commercial projects. Land use applications for commercial projects may include, but are not limited to, Specific Plans, Conditional Use Permit, Site Plan and Development Review applications, Land Use Compliance applications, Parcel and Tract map applications, Grading Permit applications, Building Permit applications, and any other applications necessary for Town authorization of land disturbing or development activity. The Native Landscaping Documentation Package may be combined with Landscaping and Water Conservation requirements (Chapter 9.32).
- (B) The Native Landscaping Documentation Package shall contain the following information:
  - (1) The botanical and common name of the regulated desert native plant.
  - (2) The precise location of each regulated desert native plant.

- (3) The trunk or stem diameter of each regulated desert native plant.
  - (4) The height of each regulated desert native plant.
  - (5) The health or condition of the regulated desert native plant, including the identification of those regulated desert native plants that are not likely to survive transplanting procedures.
  - (6) The proposed placement or disposition of the regulated desert native plant, i.e. transplant on-site, adopt off-site, remove, etc. The plans for the regulated desert native plant survey shall be no smaller than 24" by 36" unless otherwise approved by the Director.
- (C) Transplanting Off-Site and On-Site: All regulated desert native plants identified in the Native Landscaping Documentation Package as likely to survive transplanting shall be made available for adoption or shall be transplanted on-site as part of the projects' landscaping plan. All native plant permit applications shall illustrate maximum utilization of regulated desert native plants in the projects' landscaping plan. It is strongly encouraged that all *Yucca brevifolia* (Joshua Trees) identified for adoption and transplantation be relocated through the uses of an adequately sized tree spade.
- (D) Adoption: Those regulated desert native plants identified in the Native Landscaping Documentation Package as likely to survive transplanting procedures, and which are not incorporated into a projects' landscaping plan, shall be available for adoption.
- (1) Any regulated desert native plant that is part of a commercial development project, which are determined likely to survive transplanting procedures and not incorporated into a projects' landscaping plan shall be made available for adoption. The project shall provide a minimum thirty 30 day noticing period and 30 day adoption period. The adoption period may be less than thirty 30 days if all available regulated desert native plants have been adopted.
  - (2) A Native Landscape Permit may include non-regulated desert native plants at the remover's discretion.
  - (3) In the adoption of Regulated Desert Native Plants first priority shall be within the Town of Yucca Valley and the second priority is Morongo Basin.
  - (4) It is strongly recommended by native plant experts that native plants be moved only once to ensure survivability.
  - (5) Prior to the adoption a thirty (30) day signage period is required which may commence with submittal of the Regulated Desert Native Plant Permit. All projects required by this ordinance to offer native plants for adoption shall at a minimum install the required on-site signage on the property notifying the general public pursuant to the following

- (a) A minimum of one (1) sign shall be displayed. The sign may be incorporated into a subdivision sign or other permitted sign. The minimum size of the sign shall be not less than 24-inches in height by 36-inches in width. Signs shall be no larger than thirty-two (32) square feet in area.
- (b) Signage shall be displayed perpendicular to roadways.
- (c) Where multiple signs are proposed, signs shall be displayed on separate roadways, where possible.
- (d) Signs shall, at a minimum, display the following:
  - (1) A heading and statement indicating that regulated desert native plants are available for adoption.
  - (2) The name of the individual or entity removing the regulated desert native plants.
  - (3) A phone number where the individual or entity removing the regulated desert native plants may be contacted.
  - (4) A statement indicating that the individual or entity removing the regulated desert native plants is the primary contact, and that the Town of Yucca Valley may be contacted for more information on the regulated desert native plants available for adoption and for contacting the individual or entity removing the regulated desert native plants.
  - (5) The phone number for the Town of Yucca Valley's Community Development Department.
- (e) Signs required by this Section are in addition to the subdivision signage allowed by the Town of Yucca Valley Development Code.
- (f) The sign may be installed in conjunction with the Native Landscape Documentation Package submittal.

(E) **Adoption, Transplanting and Maintenance of Regulated Desert Native Plants.** All Regulated Desert Native Plants made available for adoption shall be transplanted and/or stockpiled and maintained until transplanted in accordance with the following standards.

- (1) Written permission must be obtained from and signed by the owner of the property on which the plants are to be located. A copy of the document granting such permission shall be submitted to the Director prior to issuance of the permit.
- (2) Approval of transplanting must take into consideration the plant's original and transplanted physical orientation, prevailing wind direction, soil type of the original and transplanted

locations, and other related attributes which may affect the successful transplantation of the native plants in question

Native plants that are proposed to be removed shall be transplanted or stockpiled for future transplanting wherever possible. In the instance of stockpiling for future transplanting the permittee shall have submitted and received approval of a native plant maintenance plan. The Maintenance Plan shall include the following:

- (a) The proposed schedule of watering
- (b) The proposed location of stockpiled plants
- (c) How the plants will be supported
- (d) The method of trap fencing to be used
- (e) Removal: Those regulated desert native plants not incorporated into a projects' landscaping plan and not adopted during the thirty (30) day adoption period are allowed to be removed. In addition plants determined to be unlikely to survive transplantation may be removed.

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## Chapter 9.10 Industrial Districts

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### Sections:

- 9.10.010 – Purpose of Industrial District
- 9.10.020 – Permitted Uses and Permit Requirements
- 9.10.030 – Development Standards
- 9.10.040 – Native Landscape Documentation Package

### 9.10.010 – Purpose of Industrial District

This Chapter lists the land uses that may be allowed within the Industrial Zoning District established by the General Plan, determines the type of planning permit/approval required for each use, and provides basic standards for site layout and building size.

### 9.10.020 – Permitted Uses and Permit Requirements

Table 2-18 identifies the uses of land allowed by this Development Code in the industrial zoning district established by Chapter 9.05 (Zoning Districts and Zoning Map).

All uses listed in the following table are subject to the applicable standards of this Development Code and the permit requirements referenced in the Notes and Other Regulations column and in Section 9.06.030B, Permit Requirements.

Pursuant to Section 9.06.030.A.3 – Similar and Compatible Uses May be Permitted, the Director may determine that a proposed use permitted, providing that the Director makes the required findings that the proposed use is similar, compatible and consistent with the uses described in the table, the purposes, and the General Plan.

The following land uses shall be permitted, pursuant to the conditions stipulated.

- A. Accessory Uses including parking lots and structures, accessory signs, and exterior storage which is fully fenced and screened with a solid fence and where no storage is visible above the fence. Accessory uses and structures shall comply with all requirements of this Code.
- B. Industrial land uses proposed to operate from existing structures shall be permitted by right in the following cases
  1. The structure has historically been utilized in fashion similar to the proposed use.
  2. There are no structural off-street, on-site improvements lack thereof which pose an immediate threat to the health safety or general welfare of the Town.
  3. There are no additions or alterations to the square footage of the existing structure.



**TABLE 2-18 : PERMITTED LAND USES AND PERMIT REQUIREMENTS  
FOR THE INDUSTRIAL ZONING DISTRICT**

<b>Zoning Districts</b>		<b>I: Industrial</b>	
<b>Permit Required</b>			
<b>NP:</b> Not Allowed		<b>P:</b> Permitted	
<b>CUP:</b> Conditional Use Permit		<b>TSEP:</b> Temporary Special Event Permit	
<b>PD:</b> Planned Development Permit		<b>TUP:</b> Temporary Use Permit	
<b>SPR:</b> Site Plan and Design Review		<b>SUP:</b> Special Use Permit	
<b>Type of Use</b>	<b>Permit Required</b>	<b>Notes and Other Regulations</b>	
	<b>I</b>		
<b>Agriculture and Animal Related</b>			
Animal Care Facility	SPR	Including, but not limited to animal hospitals, veterinarian, pet stores, and grooming.	
Community Gardens	SPR		
Equestrian Facility	SPR		
Feed and Tack	SPR		
Horticulture/Agriculture	SPR	Including, but not limited to crop production, orchards, and vineyards.	
Kennels and Catteries (over 15 animals)	SUP		
Livestock Operations	SUP		
Natural Resources Development	CUP		
Nature Preserve	SPR		
Nursery/Garden Supply (w/ outdoor display	SPR		
Nursery/Garden Supply (w/o outdoor display	SPR		
<b>Industry, Manufacturing and Processing, Wholesaling</b>			
Construction/Contractor Storage Yard	SPR		
Hazardous Waste Operations	CUP	See Section 9.34.110 (Hazardous Materials)	
Manufacturing Operations	CUP		
Motor Vehicle Storage/Impound Facility	CUP		
Recycling Facility (small collection facility)	SPR	See Section 9.14.070 (Recycling Facilities)	
Recycling Facility (processing facility)	SUP		
Research and Development	SPR		
Salvage Facility	CUP		
Storage – Mini-Storage (personal storage)	SPR	See Section 9.14.060 (Mini-Storage Facilities)	
Storage (outdoor vehicles storage)	CUP		
Wholesaling and Distribution	CUP		

**TABLE 2-18 : PERMITTED LAND USES AND PERMIT REQUIREMENTS FOR THE INDUSTRIAL ZONING DISTRICT**

**Zoning Districts** I: Industrial

**Permit Required**  
 NP: Not Allowed P: Permitted SPR: Site Plan and Design Review  
 CUP: Conditional Use Permit TSEP: Temporary Special Event Permit SUP: Special Use Permit  
 PD: Planned Development Permit TUP: Temporary Use Permit

Type of Use	Permit Required	Notes and Other Regulations
	I	
<b>Retail Commercial Uses</b>		
Antique/Second Hand Stores	SPR	
Adult Oriented Business	CUP	See Chapter 9.52 (Adult-Oriented Uses)
Appliance and Home Goods Sales and Repair)	SPR	
Auto and Vehicle Sales and Rentals and Parts Sales	SPR	
Building and Landscape Materials Sales (indoor)	SPR	
Building and Landscape Materials Sales (outdoor)	SPR	
Convenience Store	SPR	
Construction and Heavy Equipment Sales and Rentals	SPR	
Farmers Market/Arts and Crafts Events	TSEP	See Chapter 9.38 (Temporary Special Events)
Fuel/Propane Dealer	SPR	See Section 9.14.040 (Gas or Other Fueling Stations)
Grocery, Supermarket, Specialty Food Stores, Drug Stores	SPR	
Manufactured Home Sales	SPR	
Boat and Recreational Vehicle Sales	CUP	
Pawn Shop	SPR	
Retail Store (less than 80,000 sf)	SPR	
Retail Store (80,000 or greater sf)	SPR	
Seasonal Holiday Sales Facilities	TSEP	See Chapter 9.38 (Temporary Special Event Permit )
Swap meet, Outdoor Market, Auction Yard (permanent)	CUP	See Section 9.14.080 (Swap Meets)
Shopping Center (neighborhood, community, or regional)	CUP	
Warehouse Retail	SPR	
<b>Business, Financial, and Professional</b>		
ATM	P	
Financial Institution and Related Services	SPR	
Laboratory	SPR	

**TABLE 2-18 : PERMITTED LAND USES AND PERMIT REQUIREMENTS FOR THE INDUSTRIAL ZONING DISTRICT**

Zoning Districts		I: Industrial	
Permit Required			
NP: Not Allowed		P: Permitted	
CUP: Conditional Use Permit		TSEP: Temporary Special Event Permit	
PD: Planned Development Permit		TUP: Temporary Use Permit	
SPR: Site Plan and Design Review		SUP: Special Use Permit	
Type of Use	Permit Required	Notes and Other Regulations	
	I		
Office (Business, Professional, Corporate, Medical)	SPR		
<b>Eating and Drinking Establishments</b>			
Bakery (retail), Coffee Shop and Similar Uses	SPR	Including but not limited to ice cream shops, frozen yogurt shops, and candy/sweet shops	
Bakery (wholesale)	SPR		
Bar, Lounge, Nightclub, Tavern, and Pool Hall	CUP		
Catering Service	SPR		
Fast Food (w/ drive through, delivery)	CUP	See Section 9.14.030 (Drive-in/Drive through Establishments)	
Fast Food (w/o drive through, delivery)	SPR		
Full Service Restaurant	SPR		
<b>Commercial Service Uses</b>			
Ambulance Service	SPR		
Appliance Sales, Service, Repair, and Rental	SPR		
Automobile Gas Station	SPR	See Section 9.14.040 (Gas or Other Fueling Stations)	
Automobile Service/Repair (minor repair and maintenance)	SPR		
Automobile Service/Repair (major repair/body work)	SPR		
Automobile Washing (car wash)	CUP		
Automobile Washing (car wash) (fund raising, temporary)	P		
Barber, Beauty Shop, and other Similar Personal Service Uses	SPR		
Printing and Duplication Services	SPR		
Equipment Sales, Service, Repair, and Rental	SPR		
Fitness Center (less than 2,000 sf.)	SPR		
Fitness Center (more than 2,000 sf.)	SPR		
Fortune Telling and Related Service	SPR		

**TABLE 2-18 : PERMITTED LAND USES AND PERMIT REQUIREMENTS  
FOR THE INDUSTRIAL ZONING DISTRICT**

<b>Zoning Districts</b>		<b>I: Industrial</b>	
<b>Permit Required</b>			
<b>NP:</b> Not Allowed		<b>P:</b> Permitted	
<b>CUP:</b> Conditional Use Permit		<b>TSEP:</b> Temporary Special Event Permit	
<b>PD:</b> Planned Development Permit		<b>TUP:</b> Temporary Use Permit	
<b>SPR:</b> Site Plan and Design Review		<b>SUP:</b> Special Use Permit	
<b>Type of Use</b>	<b>Permit Required</b>	<b>Notes and Other Regulations</b>	
	<b>I</b>		
Funeral Service (excluding crematorium)	SPR		
Funeral Service (including crematorium)	CUP		
Laundry and Dry Cleaning	SPR		
Locksmith	SPR		
Maintenance and Repair (Minor)	SPR		
Maintenance and Repair (Major)	SPR		
Massage Establishment	SPL		
Studio (dance, music, martial arts, artists)	SPR		
Tattoo and Piercing	SPR		
<b>Commercial Recreation</b>			
Amusement Arcade or Park	CUP		
Carnivals/Circuses/Festivals/Fairs	TSEP	See Chapter 9.38(Temporary Special Events)	
Campgrounds	NP		
Concerts, Open Air Theatres, Outdoor Entertainment Events	TSEP	See Chapter 9.38 (Temporary Special Events)	
Game Arcade, Internet Café, and similar Business	SPR		
Golf Course	SPR		
Parks/ Recreation Facilities	SPR		
Private Clubs and Lodges	CUP		
Recreation and Entertainment (commercial indoor and outdoor)	CUP		
Recreational Vehicle Park	CUP	See Section 9.08.060 (Recreational Vehicle Parks)	
<b>Transportation, Communication, and Infrastructure</b>			
Communication Facility	CUP	Including, but not limited to, radio and television stations or towers, satellite receiving stations, but not wireless telecommunication facilities	
Wireless Communication Facility	CUP	Pursuant to Chapter 9.44	
Parking Lot	SPR	See Chapter 9.33 (Parking and Loading Standards).	

**TABLE 2-18 : PERMITTED LAND USES AND PERMIT REQUIREMENTS  
FOR THE INDUSTRIAL ZONING DISTRICT**

Zoning Districts		I: Industrial	
Permit Required			
NP: Not Allowed		P: Permitted	
CUP: Conditional Use Permit		TSEP: Temporary Special Event Permit	
PD: Planned Development Permit		TUP: Temporary Use Permit	
SPR: Site Plan and Design Review		SUP: Special Use Permit	
Type of Use	Permit Required	Notes and Other Regulations	
	I		
		Accessory or incidental to the primary use of the same property.	
Public/Government Facilities	SPR		
Public Safety Uses (permanent)	SPR		
Solar Energy Systems (Utility grade/primary use )	NP	See Chapter 9.46 (Renewable Energy Generation Facilities)	
Transmission utility lines, pipelines, and control stations	CUP		
Utilities (major)	CUP		
Wind Energy System (Utility Grade/Primary Use)	NP	See Chapter 9.46 (Renewable Energy Generation Facilities)	
Other Uses			
Emergency Transitional Housing	SUP	See Chapter 9.48.	
Single Room Occupancy Units	CUP	See Chapter 9.48	
Cemeteries, Including Pet Cemeteries	CUP		
Religious Institutions, Religious Assembly, and Other Public Assembly	CUP		
Conference Centers and Group Camps	CUP		
Correctional Institution	CUP		
Emergency Facilities (temporary)	TUP	See Chapter 9.39 (Temporary Uses and Structures)	
Hotels and Motels	CUP		
Hospitals/Medical/Rehabilitation Centers/Clinics	CUP		
Medical Marijuana Dispensary	NP	See Section 9.14.050 (Medical Marijuana Dispensary)	
Museum, Library, Art Gallery, Outdoor Exhibit	SPR		
Schools (private, vocational, charter, and other)	CUP		
Temporary Special Events	TSEP	See Chapter 9.38 (Temporary Special Events)	
Temporary Structures and Uses	TUP	See Chapter 9.39 (Temporary Uses and Structures)	

**9.10.030 – Development Standards**

Subdivisions, new land uses and structures, and alterations to existing land uses and structures shall be designed, constructed, and established in compliance with the requirements in Table 2-19, in addition to the applicable standards (e.g., landscaping, parking and loading, etc.) in Article 3 (General Development Standards).

**TABLE 2-19:  
INDUSTRIAL ZONING DISTRICT  
DEVELOPMENT STANDARDS**

Development Feature	Standard <sup>1</sup>
Minimum Lot Size <sup>2</sup>	5 acres
Minimum Lot Dimensions (W: width, D: depth)	W: 60 ft. D: 100ft.
Maximum Lot Dimensions (width to depth)	1:3
<b>Setbacks</b>	
Front	15 ft.
Rear <sup>3</sup>	0 ft.
Side <sup>4</sup>	0 ft.
Street Side	15 ft.
Maximum Floor Area Ratio (FAR) <sup>5</sup>	1.0
Maximum Lot Coverage	70%
Height Limit	75 ft.
Minimum District Size	5 acres
<b>Other Applicable Regulations</b>	<p>See Article 3 – General Development Standards including the following standards:</p> <ul style="list-style-type: none"> <li>• Dedications and Infrastructure Improvement Standards – Chapter 9.30</li> <li>• Landscaping and Native Plan Protection – Chapter 9.40</li> <li>• Performance Standards – Chapter 9.34 relating avoiding adverse impact to adjoining properties relating to fire, explosive, or other hazards; noise or vibration; smoke, dust, odor or other form of air pollution; heat, cold, dampness; electrical or other disturbance</li> <li>• Property Maintenance Standards – Chapter 9.35</li> <li>• Signs – Chapter 9.36</li> <li>• Solar Energy Systems – Chapter 9.46</li> <li>• Wind Energy Systems – Chapter 9.46</li> <li>• Wireless Communications Facilities – Chapter 9.44</li> </ul>

**Notes:**

1. All projects must comply with the performance standards indicating the acceptable levels of noise, vibration, air pollution, glare, and other possible pollutants that are set out in Chapter 9.34 (Performance Standards).
2. Minimum lots size can be less if the subdivision application is filed concurrently with the Planned Development or Conditional Use Permit application.
3. A rear yard is required only when the adjacent property is not designated commercial or industrial, unless otherwise required by the code or fire department.
4. Side yards are only required if necessary for emergency access. If adjacent property is not commercial or industrial, a side yard shall be required along that side of the property.
5. Maximum allowed floor area ratio (FAR): floor area/lot area.

**TABLE 2-20 :  
PROJECTIONS INTO YARDS AND COURTS**

Facilities	Front and Street Side Yards	Interior Side Yards and Courts	Rear Yard
Fences, screening, safety guard rails, walls, and dense hedges along property lines.	Allowed 8 ft. max. height	Allowed 10 ft. max. height	Allowed 10 ft. max. height

**9.09.040 Native Landscape Documentation Package**

General Provisions: Industrial development projects shall be allowed to transplant on and off-site and to remove all regulated desert native plants from their native locations within the property boundaries, pursuant to the following development standards and requirements. Regulated desert native plants for all industrial land development projects, include the following.

**Regulated Desert Native Plants**

Botanical Name	Common Name
<i>Yucca brevifolia</i>	Joshua Tree
<i>Yucca schidigera</i>	Mojave Yucca
<i>Nolina Parryi</i>	Parry's Nolina
<i>Juniperus Californica</i>	California Juniper
<i>Yucca Whipplei</i>	Our Lords Candle
<i>Pinus Monophylla</i>	Pinon Pine

Pursuant to section 80017 of the State Food and Agricultural Code, the clearing or removal of native plants from a canal, lateral ditch, survey line, building site, or road or other right-of-way by the landowner or his agent, if the native plants are not to be transported from the land or offered for sale, are not subject to State regulations. For plants regulated by the State to be transplanted off-site, the Town shall issue permits for their relocation in accordance with this chapter.

- (A) A Native Landscaping Documentation Package shall be submitted to the Division at the time of filing land use applications for development of commercial projects. Land use applications for industrial projects may include, but are not limited to, Specific Plans, Conditional Use Permit, Site Plan and Development Review applications, Land Use Compliance applications, Parcel and Tract map applications, Grading Permit applications, Building Permit applications, and any other applications necessary for Town authorization of land disturbing or development activity. The Native Landscaping Documentation Package may be combined with Landscaping and Water Conservation requirements (Chapter 9.32).
- (B) The Native Landscaping Documentation Package shall contain the following information:
  - (1) The botanical and common name of the regulated desert native plant.
  - (2) The precise location of each regulated desert native plant.



- (3) The trunk or stem diameter of each regulated desert native plant.
  - (4) The height of each regulated desert native plant.
  - (5) The health or condition of the regulated desert native plant, including the identification of those regulated desert native plants that are not likely to survive transplanting procedures.
  - (6) The proposed placement or disposition of the regulated desert native plant, i.e. transplant on-site, adopt off-site, remove, etc. The plans for the regulated desert native plant survey shall be no smaller than 24" by 36" unless otherwise approved by the Director.
- (C) Transplanting Off-Site and On-Site: All regulated desert native plants identified in the Native Landscaping Documentation Package as likely to survive transplanting shall be made available for adoption or shall be transplanted on-site as part of the projects' landscaping plan. All native plant permit applications shall illustrate maximum utilization of regulated desert native plants in the projects' landscaping plan. It is strongly encouraged that all *Yucca brevifolia* (Joshua Trees) identified for adoption and transplantation be relocated through the uses of an adequately sized tree spade.
- (D) Adoption: Those regulated desert native plants identified in the Native Landscaping Documentation Package as likely to survive transplanting procedures, and which are not incorporated into a projects' landscaping plan, shall be available for adoption,
- (1) Any regulated desert native plant that is part of an industrial development project, which are determined likely to survive transplanting procedures and not incorporated into a projects' landscaping plan shall be made available for adoption. The project shall provide a minimum thirty 30 day noticing period and 30 day adoption period. The adoption period may be less than thirty 30 days if all available regulated desert native plants have been adopted.
  - (2) A Native Landscape Permit may include non-regulated desert native plants at the remover's discretion.
  - (3) In the adoption of Regulated Desert Native Plants first priority shall be within the Town of Yucca Valley and the second priority is Morongo Basin.
  - (4) It is strongly recommended by native plant experts that native plants be moved only once to ensure survivability.
  - (5) Prior to the adoption a thirty (30) day signage period is required which may commence with submittal of the Regulated Desert Native Plant Permit. All projects required by this ordinance to offer native plants for adoption shall at a minimum install the Required On-Site Signage on the property notifying the general public pursuant to the following.

(a) A minimum of one (1) sign shall be displayed. The sign may be incorporated into a subdivision sign or other permitted sign. The minimum size of the sign shall be not less than 24-inches in height by 36-inches in width. Signs shall be no larger than thirty-two (32) square feet in area.

(b) Signage shall be displayed perpendicular to roadways.

(c) Where multiple signs are proposed, signs shall be displayed on separate roadways, where possible.

(d) Signs shall, at a minimum, display the following:

(1) A heading and statement indicating that regulated desert native plants are available for adoption.

(2) The name of the individual or entity removing the regulated desert native plants.

(3) A phone number where the individual or entity removing the regulated desert native plants may be contacted.

(4) A statement indicating that the individual or entity removing the regulated desert native plants is the primary contact, and that the Town of Yucca Valley may be contacted for more information on the regulated desert native plants available for adoption and for contacting the individual or entity removing the regulated desert native plants.

(5) The phone number for the Town of Yucca Valley's Community Development Department.

(e) Signs required by this Section are in addition to the subdivision signage allowed by the Development Code.

(f) The sign may be installed in conjunction with the Native Landscape Documentation Package submittal.

(E) **Adoption, Transplanting and Maintenance of Regulated Desert Native Plants.** All Regulated Desert Native Plants entered into an Adoption Program shall be transplanted and/or stockpiled and maintained until transplanted in accordance with the following standards.

(1) Written permission must be obtained from and signed by the owner of the property on which the plants are to be located. A copy of the document granting such permission shall be submitted to the Director prior to issuance of the permit.

(2) Approval of transplanting must take into consideration the plant's original and transplanted physical orientation, prevailing wind direction, soil type of the original and transplanted

locations, and other related attributes which may affect the successful transplantation of the native plants in question

Native plants that are proposed to be removed shall be transplanted or stockpiled for future transplanting wherever possible. In the instance of stockpiling for future transplanting the permittee shall have submitted and received approval of a native plant maintenance plan. The Maintenance Plan shall include the following:

- (a) The proposed schedule of watering
- (b) The proposed location of stockpiled plants
- (c) How the plants will be supported
- (d) The method of trap fencing to be used
- (e) Removal: Those regulated desert native plants not incorporated into a projects' landscaping plan and not adopted during the thirty (30) day adoption period are allowed to be removed. In addition plants determined to be unlikely to survive transplantation may be removed.

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**Chapter 9.11 Mixed Use Districts**

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## Chapter 9.12 Public/Quasi Public and Open Space Districts

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### Sections:

- 9.12.010 – Purpose
- 9.12.020 - General Provisions
- 9.12.030 – Permitted Uses and Permit Requirements
- 9.12.040 – Development Standards
- 9.12.050– Other Applicable Regulations

### 9.12.010 – Purpose

These zones are established to implement the Public/Quasi Public zone and the Open Space District. They are established to provide for areas at suitable locations for facilities intended to provide supportive government and open space functions to the population, including community centers, nature preserves, cultural institutions, government facilities, libraries, public utilities, public schools, and parks.

### 9.12.020 -General Provisions

- A. **Public/Quasi Public.** The Specific purpose of the Public/Quasi Public zoning district regulations and standards providing for areas where facilities dedicated to public or quasi-public uses may be appropriate.
- B. **Open Space.** The specific purpose for the open space zoning district regulations and standards are to:
  - 1. Protect the physical, social, recreational, aesthetic, and economic resources of the Town.
  - 2. Preserve and enhance the use of open space lands as a limited and valuable resource.
  - 3. Permit limited but reasonable use of open space lands while protecting the public health, safety and welfare and to implement the Town’s open space element of the General Plan.

### 9.12.030 Permitted Uses and Permit Requirements

Table 2-21 identifies the uses of land allowed by this Development Code in Public/Quasi Public and Open Space zoning districts established by Chapter 9.05 (Zoning Districts and Zoning Map).

**TABLE 2-21: PERMITTED LAND USES AND PERMIT REQUIREMENTS FOR PUBLIC/QUASI PUBLIC ZONING DISTRICTS**

Zoning Districts	P/QP: Public/Quasi Public		OS: Open Space
Permit Required			
	P: Permitted	SPR: Sign Plan and Design Review	CUP: Conditional Use Permit
	SUP: Special Use Permit	PD: Planned Development Permit	TUP: Temporary Use Permit
	NP: Not Allowed	TSEP : Temporary Special Event Permit	
Type of Use	Permit Required		Notes and Other Regulations
	P/QP	OS	
<b>Agriculture and Animal Related</b>			
Community Gardens	P	P	
Natural Resources Development	CUP	CUP	
Nature Preserve	P	P	
<b>Industry, Manufacturing and Processing, Wholesaling</b>			
Recycling Facility (small collection facility)	SUP	NP	See Section 9.14.070 (Recycling Facilities)
<b>Commercial Recreation</b>			
Campgrounds	NP	SPR	
Concerts, Open Air Theatres, Outdoor Entertainment Events	TSEP	TSEP	See Chapter 9.38 (Temporary Special Events)
Parks/ Recreation Facilities	P	SPR	
Recreation and Entertainment (commercial indoor and outdoor)	CUP	CUP	
<b>Transportation, Communication, and Infrastructure</b>			
Communication Facility	CUP	CUP	Including, but not limited to, radio and television stations or towers, satellite receiving stations, but not wireless telecommunication facilities
Wireless Communication Facility	CUP	CUP	Pursuant to Chapter 9.44
Parking Lot	P	NP	See Chapter 9.33 (Parking and Loading Standards). Accessory or incidental to the primary use of the same property.
Public/Government Facilities	P	NP	
Public Safety Uses (permanent)	P	CUP	
Solar Energy Systems (Utility grade/primary use )	NP	NP	See Chapter 9.46 (Renewable Energy Generation Facilities)
Transmission utility lines, pipelines, and control stations	CUP	CUP	
Utilities (major/minor)	CUP	CUP	
Wind Energy System	NP	NP--	See Chapter 9.46(Renewable Energy

**TABLE 2-21: PERMITTED LAND USES AND PERMIT REQUIREMENTS FOR PUBLIC/QUASI PUBLIC ZONING DISTRICTS**

Zoning Districts	P/QP: Public/Quasi Public	OS: Open Space	
<b>Permit Required</b>			
	P: Permitted	SPR: Sign Plan and Design Review	CUP: Conditional Use Permit
	SUP: Special Use Permit	PD: Planned Development Permit	TUP: Temporary Use Permit
	NP: Not Allowed	TSEP: Temporary Special Event Permit	
Type of Use	Permit Required		Notes and Other Regulations
	P/QP	OS	
			GenerationFacilities)
<b>Other Uses</b>			
Cemeteries, Including Pet Cemeteries	CUP	CUP	
Religious Institution, Religious Assembly, and Other Public Assembly	CUP	NP	
Conference Centers and Group Camps	CUP	CUP	
Correctional Institution	CUP	NP	
Emergency Facilities (temporary)	TUP	TUP	See Chapter 9.39 (Temporary Uses and Structures)
Hospitals/Medical/Rehabilitation Centers/Clinics	CUP	NP	
Museum, Library, Art Gallery, Outdoor Exhibit	P	CUP	
Schools (private, vocational, charter, and other)	CUP	NP	
Temporary Special Events	TSEP	TSEP	See Chapter 9.38(Temporary Special Events)
Temporary Structures and Uses	TUP	TUP	See Chapter 9.39 (Temporary Uses and Structures)

**9.12.040 Development Standards**

Subdivisions, new land uses and structures, and alterations to existing land uses and structures shall be designed, constructed, and established in compliance with the requirements in Table 2-22 in addition to the applicable standards (e.g., landscaping, parking and loading, etc.) in Article 3 (General Development Standards).

**TABLE 2-22:  
PUBLIC/QUASI PUBLIC (P/QP) ZONING DISTRICT  
DEVELOPMENT STANDARDS**



Development Feature	Public/Quasi Public <sup>1</sup>	Open Space <sup>1</sup>
Minimum Lot Size <sup>2</sup>	10,000 sf	20 acres <sup>2</sup>
Minimum Lot Frontage	--	150 ft.
Minimum Lot Dimensions (W: width, D: depth)	W: 60 ft. D: 100ft.	--
Maximum Lot Dimensions (width to depth)	1:3	1:4
<b>Setbacks</b>		
Front	15 ft.	25 ft.
Rear <sup>3</sup>	10 ft.	25 ft.
Side <sup>4</sup>	10 ft.	25 ft.
Street Side	15 ft.	25 ft.
Maximum Floor Area Ratio (FAR) <sup>5</sup>	1.0	--
Maximum Lot Coverage	70%	10%
Height Limit <sup>6</sup>	75 ft.	35 ft.
Minimum District Size	5 acres	100 acres
<b>Other Applicable Regulations</b>	See Article 3 – General Development Standards including the following standards: <ul style="list-style-type: none"> <li>• Dedications and Infrastructure Improvement Standards – Chapter 9.30</li> <li>• Landscaping and Native Plan Protection – Section .09.050</li> <li>• Performance Standards – Chapter 9.34, relating avoiding adverse impact to adjoining properties relating to fire, explosive, or other hazards; noise or vibration; smoke, dust, odor or other form of air pollution; heat, cold, dampness; electrical or other disturbance</li> <li>• Property Maintenance Standards – Chapter 9.35</li> <li>• Signs – Chapter 9.36</li> <li>• Solar Energy Systems – Chapter 9.46</li> <li>• Wind Energy Systems – Chapter 9.46</li> <li>• Wireless Communications Facilities – Chapter 9.44</li> </ul>	

**Notes:**

1. All projects must comply with the performance standards indicating the acceptable levels of noise, vibration, air pollution, glare, and other possible pollutants that are set out in Chapter 9.34 (Performance Standards).
2. Minimum lots size can be less if the subdivision application is filed concurrently with the Planned Development or Conditional Use Permit application.
3. A rear yard is required only when the adjacent property is not designated commercial or industrial.
4. Side yards are only required if necessary for emergency access. If adjacent property is not commercial or industrial, a side yard shall be required along that side of the property.
5. Maximum allowed floor area ratio (FAR): floor area/lot area.
6. Architectural Features and equipment may exceed height pursuant to Section 9.31.030

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## Chapter 9.13 Specific Plan Districts

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### Sections:

- 9.13.010 – Purpose of Specific Plan Districts
- 9.13.020 – Effect of Specific Plan Zone
- 9.13.030 – Required Contents of a Specific Plan
- 9.13.040 – Land Use and Development Standards
- 9.13.050 – Adopted Specific Plans

### 9.13.010 – Purpose of Specific Plan Districts

The Specific Plan (SP) zone is established to implement Sections 65450 through 65457 of the State Government Code. As provided for in the Government Code, a specific plan is designed to provide for flexibility, innovative use of land resources and development, a variety of housing and other development types, and an effective and safe method of pedestrian and vehicular circulation. A specific plan may be adopted for any property or group of properties meeting the criteria set forth in this Chapter and Chapter 9.70 (Specific Plans). The Specific Plan zone shall apply to all properties lying within the boundaries of a specific plan that has been adopted by resolution or ordinance of the Council.

### 9.13.020 – Effect of Specific Plan Zone

Once adopted, a specific plan shall govern all use and development of properties within the bounds of that specific plan. Where a specific plan is silent with regard to particular development standards, the provisions of this Code shall govern. The Director shall have the authority to determine which provisions of this Code apply where a specific plan is silent.

### 9.13.030 – Required Contents of a Specific Plan

The required contents of a specific plan shall be as set forth in Government Code Section 65450 et seq.

### 9.13.040 – Land Use and Development Standards

Each adopted specific plan establishes the land use regulations and development standards applicable to the properties within the specific plan.

### 9.13.050 – Adopted Specific Plans

Table 2-23 identifies the adopted specific plans in Yucca Valley. These specific plans define the development standards and guidelines for each corresponding Specific Plan zone.

**TABLE 2-23:  
SPECIFIC PLANS**

<b>Specific Plan</b>	<b>Location</b>	<b>Adoption Date (Adoption Mechanism)</b>
Old Town Yucca Valley Specific Plan		December 13, 2007 (Ordinance 185 and Ordinance 186)
Home Depot Specific Plan		February 09, 2006 (Ordinance 179)
Super Wal-Mart Specific Plan		August 14, 2008 (Ordinance 194)

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## Chapter 9.14 Standards and Regulations for Specific Uses in Non-Residential Districts

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### Sections:

- 9.14.010 – Purpose
- 9.14.020 – Child Day Care Centers
- 9.14.030 – Drive-in/Drive-through Establishments
- 9.14.040 – Gas, or Other Fueling Stations
- 9.14.050 – Marijuana Dispensaries
- 9.14.060 – Mini/Self Storage Facilities
- 9.14.070 – Recycling Facilities
- 9.14.080 – Swap Meets

### 9.14.010 – Purpose

This Chapter provides locational, site planning, developmental, and/or operational standards for certain land uses that are allowed by this Article 2 within non-residential districts, and for activities that require special standards to mitigate their potential adverse impacts.

### 9.14.020 – Child Day Care Centers

- A. **Purpose.** Child day center regulations are intended to address child day care uses in commercial districts consistent with State law and in manner that recognizes the need for such services and importance of minimizing the effects on surrounding properties.
- B. **Child Day Care Center Types**
  - 1. Day Care Centers. Day care centers are any facility other than family day care homes that provide, but are not limited to infant centers, preschools, and extended day care facilities.
  - 2. Employer-sponsored Child Care Centers. Employer-sponsored child care centers are facilities at an employer's site of business that are operated directly or through a provider contract by any person or entity having one or more employees, and available exclusively for the care of children of that employer, and of the officers, managers, and employees of that employer.

**C. Development and Operational Standards**

1. License. Day care centers and employer-sponsored child care centers are required to obtain a business license from the Town and provide the Town with a copy of the State of California Day Care License.
2. Traffic Control. Off-street loading areas shall be provided on site and designated for the forward travel of vehicles both on entering and leaving the premises. The site plan shall clearly identify pedestrian routes to and from the drop-off and pick-up areas, including sidewalks and directional signage.
3. Parking. See Chapter 9.33 for parking requirements for commercial child day care centers.
4. Noise. In order to protect adjacent uses from noise impacts associated with child day care centers, hours of operation are limited to 17 hours a day between the hours of 6:00 a.m. and 11:00 p.m., and outdoor activities are restricted to 7:00 a.m. to 9:00 p.m. Amplification equipment shall not be used for outdoor activities associated with the day care use. Day care centers shall comply with the Section 9.34.080 (Noise).
5. Signs. See Chapter 9.36 for sign regulations for commercial child day care centers.

**9.14.030 – Drive-in/Drive-through Establishments**

- A. **Purpose.** This Section provides locational and operational guidelines for retail trade or service uses providing drive-through and drive-up facilities to ensure that the facilities are designed and operated to effectively mitigate problems of congestion, excessive pavement, litter, noise, pedestrian safety, traffic, and unsightliness.
- B. **Applicability.** The provisions in this Section shall apply to drive-through and drive-up facilities as defined in Article 7 (Definitions) and where allowed in compliance with Article 2 (Zoning Districts and Development Standards) and the following Town guidelines.
- C. **Inwardly Focused.** Drive-through aisles should be inwardly focused within the site and located away from adjoining streets and any adjoining residential properties, wherever feasible.
- D. **Pedestrian Walkways.** Pedestrian walkways (including ADA access areas) should not intersect the drive-through access aisles, but where they do they shall have clear visibility and be emphasized by enhanced paving or markings.
- E. **No Reduction in Off-street Parking.** The provision of drive-through and drive-up service facilities shall not justify a reduction in the number of required off-street parking spaces.
- F. **Accommodation of Waiting Vehicles**

1. Drive-through access aisles should provide sufficient space before the menu board to accommodate at least five waiting vehicles and at least five waiting vehicles between the menu board and the drive-up service window.
  2. Drive-through lanes shall be designed separately from drive-through access aisles and shall avoid the blocking of parking stalls or pedestrian access.
- G. Menu and Preview Boards.** Menu and preview boards may only be installed in compliance with all of the following requirements.
1. As practical, visibility of outdoor menu and preview boards should be minimized from any adjoining street(s). Additional landscape areas or shrub plantings may be required to provide proper screening.
  2. Any proposed carhop and/or walk-up menu boards shall not exceed 12 square feet in area and shall be located in areas generally defined through the required Conditional Use Permit process in compliance with Chapter 9.63.
- H. Noise.** Amplification equipment (e.g., speakers at menu boards, piped music, etc.) shall be located so as not to adversely impact adjoining uses and shall be operated in compliance with Section 9.34.080 (Noise) and 9.34.090 (Vibration).
- I. Prevention of Headlight Glare.** Each drive-through aisle should be appropriately screened with a combination of landscaping, low walls, and/or berms maintained at a minimum height of three feet to prevent headlight glare from impacting adjacent streets, adjoining properties, and parking lots.
- J. Wall Required When Adjoining Residential Uses.** A minimum six-foot-high solid decorative masonry wall shall be constructed on each property line that adjoins a parcel zoned for and/or developed with a residential use. The design of the wall and the proposed construction materials shall be subject to review and approval through the Site Plan review process. A minimum five-foot-deep landscaping strip shall be provided between the wall and any driveway.

#### 9.14.040 – Gas, or Other Fueling Stations

- A. Purpose.** This Section provides locational, developmental, and operational standards for fueling service stations.
- B. Applicability.** The provisions in this Section shall apply to fueling service stations as defined in Article 7 (Definitions) and where allowed in compliance with this Article and the following standards.
- C. Standards.** Fueling service stations shall comply with all of the following locational, developmental, and operational standards:

1. The minimum structure setback from street property lines shall be 40 feet, unless otherwise approved by the Commission for a reverse designed fueling service station (where rear of structure is placed adjacent to the street property line(s)).
2. The minimum structure setback from other property lines shall be 10 feet.
3. The minimum standard width of driveways at the sidewalk shall be 30 feet.
4. The centerline of driveways shall be perpendicular to the curbline.
5. The minimum distance from any driveway to any interior property line shall be five feet, and the minimum radius of the curb return for the driveway shall be 20 feet from full height curb on the street.
6. The minimum distance between curb cuts shall be 30 feet.
7. Parking shall comply with the design, parking ratio, and size requirements specified in Chapter 9.33 (Parking and Loading Regulations), but accessory uses associated with the fueling service station shall be parked as follows:
  - a. Accessory uses (e.g., car-wash and/or mini-market, fast food restaurant) may be allowed subject to meeting off-street parking standards for each accessory use.
  - b. The total number of off-street parking spaces shall be the sum total required for the various uses computed separately.
8. All pump or fuel dispensing islands shall be set back a minimum of 15 feet from the closest property line.
9. The maximum number of pumps or individual fuel dispensing appliances shall be as follows:
  - a. Site size of 12,000 square feet or less shall be limited to eight pumps or individual fuel dispensing appliances.
  - b. Two pumps or individual fuel dispensing appliances may be added for each additional 2,000 square feet of site area.
10. A solid decorative masonry wall of minimum six feet high, and five-foot wide landscape buffer, should be erected along all property lines separating the site from any parcel zoned for residential purposes, and along all alley property lines if the property opposite is zoned for residential purposes. The design of the wall and the proposed construction materials shall be subject to review and approval through the Site Plan review process.
11. No parking on the premises other than for those persons attending to business on the site and the vehicles of employees.

### 9.14.050 – Marijuana Dispensaries

A. Prohibition. The establishment or operation of a marijuana dispensary for the sale or distribution of marijuana, including medical marijuana, is prohibited. No special use permit, variance, building permit, or other entitlement for use shall be accepted, processed, approved or issues for the establishment or operation of, and no person shall otherwise establish a marijuana dispensary. This prohibition shall apply regardless of the professed status of any person as qualified patient or primary caregiver as those terms or defined by State law.

### 9.14.060 – Mini/Self Storage Facilities

- A. **General.** The only commercial activities permitted on the site of self-service storage facility shall be rental of storage bays and pickup and deposit of goods and/or property in dead storage. Storage bays shall not be used to: manufacture, fabricate or process goods; service or repair vehicles, boats, small engines or electrical equipment, or to conduct similar repair activities; conduct garage sales or retail sales of any kind; or conduct any other commercial or industrial activity on the site.
- B. **Security Quarters Permitted.** Residential quarters for security purposes may be established on the site.
- C. **Bays Have No Legal Address.** Individual storage bays or private postal boxes within a self-service storage facility shall not be considered a premise for the purpose of assigning a legal address in order to obtain an occupational license or other governmental permit or license to do business.
- E. **Outside Storage.**
1. Except as provided in this section, all property stored on site shall be entirely within enclosed buildings.
  2. Open storage of private recreational vehicles and dry storage of recreational boats for personal use shall be permitted within a self-service storage facility provided that the following is met:
    - a. Such storage shall take place only within a designated area. The area so designated shall be clearly delineated upon the site plan accompanying the application.
    - b. The open storage area shall not exceed 25 percent of the buildable area of the site;
    - c. The open storage area shall be entirely screened from view from adjacent residential areas and all street rights-of-way by a solid building wall or a masonry wall with a minimum height of eight feet;
    - d. Vehicles shall not be stored within the area set aside for minimum building setbacks; and



- e. No vehicle maintenance, washing or repair shall be permitted on site. Recreational boats stored on the site shall be placed and maintained upon wheeled trailers. No dry stacking of boats shall be permitted on site.

**F. Minimum Lot Size.** Notwithstanding any other provision of this code the minimum lot size for a self-storage facility shall be one acre.

**G. Separation Between Storage Buildings.** If separate buildings are constructed, there shall be a minimum 10 feet setback between individual buildings within the facility.

**H. Maximum Bay Size.** The maximum size of a storage bay shall be 500 square feet.

**I. Maximum Building Height.** With the exception of a structure used as a security quarters, the maximum height of a self-service storage facility shall be one story. The height of the building shall not exceed 20 feet, except for any architectural features located along the street entrance to the facility. In addition, a parapet wall shall be constructed to screen roof-mounted air conditioning and other equipment, if any. The combined height of the building and the parapet wall shall not exceed 25 feet.

**J. Parking Requirements.** See Section 9.33 (Parking and Loading Regulations) for mini-storage parking requirements.

**L. Miscellaneous Requirements.**

1. **Outdoor Lighting.** All outdoor lighting shall meet the requirements of Section 8.70 (Outdoor Lighting).
2. **Loudspeakers.** Exterior loudspeakers or paging equipment shall not be permitted on the site.
3. **Bay Doors.** Storage bay doors shall not face any abutting property which is residentially zoned, nor shall they be visible from any adjacent residential property or any street right-of-way.
4. **Barbed Wire.** Barbed or similar wire may be used for security purposes, but it shall not be visible from any adjacent residential property or any street right-of-way.
5. **Architectural Treatment.** The exterior facades of all structures shall receive uniform architectural treatment, including stucco and painting of surfaces. All structures adjacent to properties designated with a residential land use shall have a pitched roof or other treatment comparable to the adjacent residential development.

**9.14.070 – Recycling Facilities**

- A. Purpose.** This Section provides locational, developmental, and operational standards for various types of recycling facilities (e.g., reverse vending machine(s) and small collection facilities).
- B. Applicability.** The provisions in this Section shall apply to recycling facilities as defined in Article 7 (Definitions) and where allowed in compliance with Article 2 (Zoning Districts and Development Standards) and the following standards.
- C. Town Locational, Developmental, and Operational Standards**
1. Reverse Vending Machine(s). Reverse vending machine(s) intended solely for recycling purposes shall be allowed in compliance with all of the following standards.
    - a. The machines shall be installed as an accessory use in compliance with the applicable provisions of this Development Code and shall not require additional parking.
    - b. If located inside the primary structure, the machines shall be within 30 feet of the entrance and shall not obstruct pedestrian circulation.
    - c. If located outside the primary structure, the number of machines shall be limited to a maximum of two, shall not occupy required parking spaces, shall be constructed of durable waterproof and rustproof material(s), and shall be placed in a manner that is properly designed and constructed in terms of architectural treatment and security from vandalism, subject to the approval of the Director.
    - d. The machines shall not exceed a floor or ground area of 50 square feet for each installation, including any protective enclosure, nor eight feet in height.
    - e. The machines shall have a maximum sign area of four square feet for each machine, exclusive of operating instructions.
    - f. The machines shall have operating hours which are consistent with the operating hours of the primary use.
    - g. The area in front of the machines shall be illuminated to ensure comfortable and safe operation, if operating hours are between dusk and dawn.
  2. Small Collection Facilities. Small collection facilities shall be allowed in compliance with all of the following standards.
    - a. The facility shall not exceed a floor or ground area of 350 square feet nor three parking spaces, not including space that would be periodically needed for the removal of materials or exchange of containers.

- b. The facility shall not use power-driven processing equipment, except for reverse vending machines. The Director may allow an exception to this processing equipment limitation through the Special Use Permit process in compliance with Chapter 9.69.
- c. The facility shall not be located within 100 feet of any parcel zoned or occupied for residential use. The Director may modify this location limitation through the Special Use Permit process in compliance with Chapter 9.69.
- d. The facility shall be set back at least 10 feet from any public right-of-way, and not obstruct vehicular or pedestrian circulation.
- e. The facility shall accept only glass, metal, or plastic containers, which have a CRV value, and other household beverage containers (i.e., plastic milk containers, wine bottles, etc.).
- f. All recycled items shall be stored within a fully enclosed structure which is designed and constructed to ensure against unauthorized removal of the items. The structure and containers within the structure shall be of a capacity sufficient to accommodate the items collected and the collection schedule. Outdoor storage of recycled items shall be prohibited.
- g. The fully enclosed structure, the collection containers, and site fencing shall be of a color and design that would be compatible and harmonious with the character of their location, subject to the review and approval of the Director. Landscaping and other appropriate screening may be required on a case-by-case basis as a condition to the required Special Use Permit approval.
- h. Signs may only be provided as follows:
  - 1) Recycling facilities may have identification signs with a maximum area of 15 percent for each side of the structure or 12 square feet, whichever is greater.
  - 2) Signs shall be both compatible and harmonious with the character of their location and in compliance with Chapter 9.36 (Sign Regulations).
  - 3) Directional signs without advertising messages may be installed with the approval of the Director.
- i. Additional parking spaces shall not be required for customers of a small collection facility located in the established parking lot of the primary use.
- j. Mobile recycling units shall have an area clearly marked to prohibit other vehicular parking during hours when the mobile unit is scheduled to be present. The mobile recycling units shall only be parked within the marked area.

- k. Use of parking spaces by the patrons and the attendant shall not reduce available parking spaces below the minimum number required for the primary use.

#### 9.14.080 – Swap Meets

- A. **Purpose.** This Section provides standards for the establishment and operation of swap meets and flea market facilities.
- B. **Applicability.** The standards in this Section apply to swap meet where allowed in non-residential districts, in compliance with Chapter 9.09 (Commercial Districts).
- C. **Development Standards**
  - 1. No swap meets shall be allowed on any land that is adjacent to or abutting either SR-62 or SR-247 unless the sales activity is a minimum of 400 feet from any property line adjacent to either highway.
  - 2. In a General Commercial (CG) land use district, any sales activity, excluding parking shall be a minimum of 200 feet from any parcel zones Office Commercial, Neighborhood Commercial, Mixed Use Commercial, or any single-family residential district.
- D. **Design Standards**
  - 1. Permanent restroom facilities shall be provided in accordance with the California Building Code and the San Bernardino County Health Department Requirements.
  - 2. The sales area shall be distinctly defined in either the form of fencing or vegetation or in a manner as approved by the Town. Landscape screen shall be encouraged.
  - 3. Parking and parking lot landscaping shall be provided in accordance with the Chapter 9.33 (Parking and Loading Requirements). Additional landscaping will be required along all street right-of-way.
  - 4. Minimum parcel size shall be five acres.
  - 5. No direct access to a swap meet will be permitted from either SR-62 or SR-247, but shall be restricted to non-highway streets.

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## Chapter 9.15 Overlay Districts

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### Sections:

- 9.15.010 – Purpose
- 9.15.020 – Overlay Zoning Districts
- 9.15.030 – Zoning Map Designator

#### 9.15.010 – Purpose

The overlay districts established by this Article supplement the use regulations and/or development standards of the applicable underlying base zone, where important site, neighborhood, or area characteristics require particular attention in project planning. In the event of a conflict between the regulations of the underlying base zoning district and the overlay zoning district, the provisions of the overlay zoning district shall govern. The provisions of this chapter shall apply to all projects located in a designated overlay district.

#### 9.15.020 – Overlay Districts

The following are the Overlay Districts

- Airport Safety Overlay District
- Fire Safety Overlay District
- Flood Plain Safety Overlay
- Geologic and Seismic Hazards Overlay
- Hillside Overlay District
- Large Animal Overlay District
- Specific Plan Overlay District

#### 9.15.030 – Zoning Map Designator

Overlay district(s) shall be designated by a representative symbol on the zoning map along with the base zoning district with which it is combined. See Table 2-24 for overlay districts zoning map designator.

**TABLE 2-24:  
OVERLAY DISTRICT ZONING MAP DESIGNATOR**

Overlay District	Zoning Map Designator
Airport Safety Overlay District	AR-1, AR-2, AR-3
Fire Safety Overlay District	FS
Flood Plain Safety Overlay	FP1, FP2, FP3
Geologic and Seismic Hazards Overlay	GH
Hillside Overlay District	HS
Large Animal Overlay District	LA
Specific Plan Overlay District	SP

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## Chapter 9.16 Airport Safety Overlay District

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### Sections:

- 9.16.010 – Purpose
- 9.16.020 – Location Requirements
- 9.16.030 – Airport Safety Review Areas
- 9.16.040 – Applicable Airport Comprehensive Land Use Plans
- 9.16.050 – Review Procedures
- 9.16.060 – Development Standards

### 9.16.010 – Purpose

The Airport Safety (AR) Overlay established by Sections 9.05.030 (Establishment of Base Zoning and Overlay Districts) and Chapter 9.15 (Overlay Districts) is created to provide greater safety to aviators and the general public by establishing requirements for land use compatibility reviews within designated areas in close proximity to a public use airport or heliport.

### 9.16.020 – Location Requirements

Airport Safety (AR) Overlay boundaries are designated on the Zoning Map by the symbols AR1, AR2, and AR3, as defined in the following section:

- A. Area within an adopted Airport Comprehensive Land Use Plan for a public use airport;
- B. Area within a low altitude/high speed corridor designated for military aircraft operations.

### 9.16.030 – Airport Safety Review Areas

For the purposes of this Chapter, the following Airport Safety Review Areas are established.

- A. **Airport Safety Review Area 1 (AR1).** AR1 includes the areas at either end of a runway, outside the airport boundaries, that correspond with the FAA Runway Protection Zone (per FAR Part 152) for each runway end. AR1 also includes any area identified by an Interim Airport Land Use Plan as a crash hazard zone, or as a touchdown pad and peripheral area for a heliport.
- B. **Airport Safety Review Area 2 (AR2).** AR2 includes the areas within the adopted 65 CNEL (Community Noise Equivalency Level) or Ldn (Day-Night Average Sound Level) noise contours.
- C. **Airport Safety Review Area 3 (AR3).** AR3 includes one of the following areas, as applicable.

1. Public use airport with adopted noise contours. For a public use airport with adopted noise contours, AR3 includes the area within one mile outside the 65 Ldn noise contour, encompassing the boundaries prescribed in FAR Part 77 that depict imaginary surfaces for "objects affecting navigable airspace," as applicable to the specific FAA-approved Airport Layout and Approach Plan. The imaginary surfaces are as follows.
  - a. Approach Surface. Extending outward and upward from the end of the primary runway surface along a slope of 20 to 1 and extending for a horizontal distance of 5,000 feet. (Slope and distances increase depending on precise approach existing or planned for the particular runway.)
  - b. Horizontal Surface. A horizontal plane 150 feet above the established airport elevation. The perimeter is constructed by swinging arcs of 5,000 feet (10,000 feet for runways other than utility or visual) radii from the center of each of the primary runway surfaces (i.e., beginning points of Safety Review Area I) and connecting the adjacent arcs by lines tangent to the arcs.
  - c. Conical Surface. A surface extending outward and upward from the periphery of the horizontal surface at a slope of 20 to 1 (20:1) for a horizontal distance of 4,000 feet.
2. Public use airport without adopted noise contours. For a public use airport without adopted noise contours (e.g. 65 Ldn), AR3 includes the area within one mile of the outer boundaries of the airport ownership.
3. Heliports. The area outside the 65 Ldn noise contour for a heliport but within one-half mile of the line.

#### 9.16.040 – Applicable Airport Comprehensive Land Use Plans

This Section lists the Airport Comprehensive Land Use Plans with which development in compliance with this Chapter shall be consistent.

1. Airport Comprehensive Land Use Plan-Yucca Valley Airport

#### 9.16.050 – Review Procedures

- A. **Public Hearing.** In addition to all other requirements of this Development Code that require a public hearing before a decision on a land use application, public hearing review is also required when a proposed use is inconsistent with the Comprehensive Land Use Compatibility criteria of the applicable Airport Comprehensive Land Use Plan.
- B. **Required Findings.** The approval of a land use application for a proposed expansion, revision, or establishment of airport or heliport facilities within an Airport Safety Review Area shall require that the review authority first find that the proposal is consistent with the General Plan, and the findings, development standards and review procedures of this Chapter.



- C. **Land Use Approval.** Land use approval for any project found to be inconsistent with an adopted Airport Comprehensive Land Use Plan shall be reviewed and acted upon by the Town in the form of a minute order or resolution, in compliance with Public Utilities Code Section 21661.5, and the State Department of Transportation shall be provided a copy of the minute order or resolution.
- D. **Conditions of Approval.** Any requirements resulting from project review in compliance with this Section shall be incorporated into the project design and conditions of approval.

#### 9.16.060 – Development Standards

The following standards and criteria shall apply to each development or land use proposed within an AR Overlay or an Airport Safety Review Area, in addition to any standards required by the applicable Airport Comprehensive Land Use Plan.

- A. **Allowed land uses.** Each proposed use shall be consistent with the General Plan, any applicable Airport Land Use Plan, and this Section; provided that no permanent structure or use shall be allowed within Airport Safety Review Area 1.
- B. **Height limits.** Proposed structures and the normal mature height of any vegetation shall not exceed the height limitations established in Federal Aviation Regulations (FAR) Part 77, unless Form 7460-1 (Notice of Proposed Construction or Alteration) has been filed with and approved by the FAA before the issuance of a Building Permit. All mitigation measures recommended by the FAA shall be incorporated into the project conditions of approval. Existing topographic elevations, as compared to the elevation of the centerline of the runway, shall be considered in determining the permitted height of an affected structure.

For heliports, structures and the normal mature height of any vegetation adjacent to the helipad shall not exceed the height limitations provided by the requirements of Federal Aviation Regulations (FAR) Part 77 for heliports.

- C. **Interference with Aircraft Operations.** The proposed use or structure shall not reflect glare, emit electronic interference, produce smoke, or store or dispense hazardous materials in such a manner that would endanger aircraft operations or public safety in the event of an aircraft accident.

For heliports, uses or structures adjacent to the helipad shall not reflect glare, emit electronic interference, produce smoke, or store or dispense hazardous materials in such a manner that would endanger aircraft operations or public safety in the event of an aircraft accident.

- D. **Federal and State Requirements.** Each airport and heliport shall be constructed in compliance with FAA requirements and the requirements of applicable state law.
- E. **Noise Standards.** Noise level reduction shall be designed and constructed in all structures to maintain maximum interior noise level of 45 dba for residential uses, and 55 dba for commercial and industrial uses.

- F. Easements.** An Avigation Easement acknowledging potential noise and safety impacts and limitations on heights and lighting shall be granted to the appropriate airport and recorded at sale of property for those uses established within an AR1, AR2, or AR3. A copy of the easement shall be forwarded to the Town and the affected airport.
- G. Notifications by Property Owner.** The property owner shall provide to all renters, lessees or buyers information that the site is subject to aircraft overflight from the applicable airport, is subject to the potential noise problems associated with aircraft operations, and is subject to an Avigation Easement. The information shall be provided before completion of the rental, lease or sale, and shall be incorporated into the CC & R's recorded with the property and in all lease and rental agreements.

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## Chapter 9.17 Fire Safety Overlay District

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### Sections:

- 9.17.010 – Purpose
- 9.17.020 – Location Requirements
- 9.17.030 – Fire Safety Area (FS)
- 9.17.040 – Application Requirements
- 9.17.050 – Fire Safety Development Standards
- 9.17.060 – Alternate Hazard Protection Measures

### 9.17.010 – Purpose

The Fire Safety (FS) Overlay established by Sections 9.05.030 (Establishment of Base Zoning and Overlay Districts) and Chapter 9.15 (Overlay Districts) is created to provide greater public safety in areas prone to wildland brush fires, by establishing additional development standards for these areas.

### 9.17.020 – Location Requirements

The FS Overlay shall be designated in high fire hazard areas as mapped on the General Plan Fire Hazards Map with the locations derived from the California Department of Forestry, U.S. Forest Service, and the County Fire Department.

### 9.17.030 – Fire Safety Area (FS)

The FS Overlay corresponds to a distinct geographic area that is associated as a wildland fire hazard. The requirements applicable to each fire safety area are found in Section 9.17.050 (Fire Safety Development Standards).

- A. **Fire Safety Area (FS).** Fire Safety Area includes those lands that have gentle to moderate sloping terrain and contain light to moderate fuel loading. These areas are periodically subject to high wind conditions that have the potential of dramatically spreading wildland fires.

### 9.17.040 – Application Requirements

- A. **Notice of application or permit.** A notice of each land use application and/or development permit that would lead to the construction of one or more structures or the subdivision of land within the FS Overlay shall be sent to the responsible Fire Authority for comment.
- B. **Review authorities.** Each proposed land use application that would lead to the construction or expansion of a structure or the subdivision of land shall be submitted to the responsible fire authority for review and recommendation. Any recommendations received shall be indicated in any staff report and/or presentation for the proposed development and shall be incorporated into project conditions of approval where possible.

- C. **Density bonus.** A residential density bonus, if any, shall only be allowed through the approval of a Planned Development Permit in compliance with Chapter 9.67 (Planned Development Permits), which shall consider impacts of fire safety.
- D. **Subdivisions.** When 25 percent or more of a subdivision project site involving five or more lots is located on natural slopes greater than 30 percent, the subdivision application shall be submitted concurrently with a Planned Development application to evaluate appropriate project design in consideration of topographic limitations of the site. This provision shall not apply if all of the areas on the site with natural ungraded slopes over 30 percent are permanently restricted from structural development.
- E. **Application requirements.** Each land use and other project application shall include the following information and materials.
1. Slope analysis. Each project application shall include a slope analysis. The slope analysis shall include the following information:
    - a. A topographic map of the proposed project area and all adjoining properties within 150 feet at a scale of not less than one-inch to 200 feet. The contour interval shall not be more than two feet except that the contour interval may be five feet if the general natural ungraded slope is more than 10 percent. Contour lines shall be obtained by aerial or field survey, done under the supervision of a licensed Land Surveyor or Registered Engineer.
    - b. The natural, ungraded, slope categories to be computed are zero percent to less than 15 percent, 15 percent to less than 30 percent, 30 percent to less than 40 percent, and 40 percent and greater. The minimum area (polygon) used for slope calculation shall be 5,000 square feet.
    - c. The area, in acres, shall be tabulated for each category.
  2. Preliminary grading plan. Each project application shall include a preliminary grading plan, except that preliminary grading plan requirements may be waived by the Director if it is determined through the required preapplication conference that this requirement is unnecessary due to site specific soils, topographic or other physical conditions, or due to the specific design of the project. The preliminary grading plan shall include the following information.
    - a. A topographic map of the proposed project area and all adjoining properties within 150 feet at a scale of not less than one inch to 200 feet. The contour interval shall not be more than two feet except that the contour interval may be five feet if the natural ungraded slope is more than 10 percent. Contour lines shall be obtained by aerial or field survey, done under the supervision of a licensed Land Surveyor or Registered Engineer.

- b. Contours of the finished graded slope shown at intervals similar to that on the topographic base map.
  - c. Street grades, slope ratios, flow lines, pad elevations, maximum elevation of top and minimum elevation of toe of finished slopes over five feet in vertical height, the maximum heights of those slopes and approximate total cubic yards of cut and fill shown on the preliminary grading plan.
  - d. Compliance with the current edition of the California Building Code, as adopted by the Town, is required.
  - e. In the event no grading is proposed, a statement to that effect shall be placed on the required topographic map described in Subsection (F)(1)(a), above, and the map shall delineate the boundary of an adequately sized building pad, driveway and septic system (if proposed) for each proposed parcel.
3. Fuel modification plan. Each project application shall include a fuel modification plan describing the fuel modification area required in Subsection 9.17.050(D)(6), below. The plan may be submitted as a preliminary and final plan. A preliminary and/or final plan shall be submitted concurrently with the development application to the Department for review in conjunction with the project design review. Final plans shall be reviewed and approved by the responsible Fire Authority in conjunction with the County Fire Marshall. The fuel modification plan shall address the standards in 9.17.050(D)(6), below, and the following factors:
- a. The natural ungraded slope of the land within the project and in the areas adjacent to the project;
  - b. Fuel loading;
  - c. Access to the project and access directly to the fuel modified area;
  - d. The on-site availability of water that can be used for firefighting purposes;
  - e. The continual maintenance of the fuel modified areas;
  - f. The soil erosion and sediment control measures to alleviate permanent scarring and accelerated erosion; and
  - g. A list of recommended landscape plant materials that are fire resistant.

#### **9.17.050 – Fire Safety Development Standards**

Development proposed in Fire Safety Overlays shall comply with all applicable requirements of this Section.

- A. Fire Authority standards.** All proposed development shall comply with all other applicable standards required by the San Bernardino County Fire Department. This shall include the standards and provisions of the California Building Code (CBC) Chapter 7A (Materials and Construction Methods for Exterior Wildfire Exposure) and California Fire Code as amended by County Ordinance adopting California Fire Code, which is included in this code by reference.
- B. Applicability Zoning District Standards and Overlay Standards.** The development standards established by a zoning district and any applicable overlay shall apply, except as modified by this Chapter.
- C. Residential Density.** In order to reduce fire hazards, prevent erosion, and to preserve the existing vegetation and visual quality, the density of development for any Tentative Parcel Map or Tentative Tract Map in sloping hillside areas shall be in compliance with the following criteria:
1. One to four dwelling units per gross acre on slopes of zero to less than fifteen percent (0- <15%);
  2. Two dwelling units per gross acre on slopes of 15 to less than 30 percent (15- <30%);
  3. One dwelling unit per three gross acres on slopes of greater than 30 to less than 40 percent gradient;
  4. One dwelling unit per ten gross acres on slopes of 40 percent or greater gradient;
- D. Site Development Requirements.**
1. Site and Emergency Access. Each development project and each development project phase, except for a development project located exclusively on a cul-de-sac, shall have a minimum of two points of vehicular ingress and egress, designed to Town road standards, with a minimum width of 26 feet of all-weather surface as defined in the California Fire Code, from existing and surrounding streets. The Department may authorize one point of vehicular access to be an emergency access route with an all-weather surface if the Department first makes each of the following findings:
    - a. Two points of nonemergency access are physically infeasible;
    - b. Provisions have been made to reasonably ensure that the emergency access will be maintained; and
    - c. Based on the review and consideration of the Fire Authority's recommendation, the emergency access route will provide adequate vehicular ingress and egress during emergencies.
  2. Private Driveways or Access Roadways. Private driveways or access roadways for residential units shall not exceed 150 feet in length, unless approved by the Fire Authority in compliance with Section 10.207 of the California Fire Code.

3. Fences.
  - a. Where wood or vinyl fencing is used, there shall be a minimum five-foot separation between the wood or vinyl fencing and the wall of the nearest structure except on those properties where previous construction occurred in compliance with a previous code. Fencing within the five-foot separation area shall be of noncombustible material or modified one-hour fire-resistance-rated construction.
  - b. Fences or walls required adjacent to fuel modification areas or wildland areas as conditions of approval for a development project shall be constructed of noncombustible materials as defined in the California Building Code. All other fences, including those on the interior of a development project, are not subject to this requirement, except as required in subparagraph a, above.
  - c. Where side and rear yards are enclosed by fencing, gates shall be provided on both side yards for emergency access to the rear yard.
4. Water Supply. Each development project shall provide six-inch or larger circulating (loop) water mains as required by the California Fire Code, proper hydrant location and spacing, and have sufficient water storage capacity to provide the minimum fire flow duration requirements [gallons per minute (GPM) for a minimum number of hours or portions thereof] as specified by the minimum system standards established by the Fire Authority. Circulating (loop) mains are not required for cul-de-sacs and are not required for subdivisions that exclusively take all access from cul-de-sacs. In areas not served by water purveyors, on-site fire flow and water storage requirements shall be as specified by the California Fire Code.
5. Access to Water Supplies. There shall be vehicular access, at least 12 feet in width, to within at least 10 feet of each static water source, including ponds, lakes, swimming pools, reservoirs and water storage tanks. Access shall be either to a plumbed outlet with two-and-one-half-inch National Hose Thread Fitting, or directly to the source. This requirement shall be waived if the Fire Authority determines that the water source is sufficiently below the elevation of existing or proposed roads or driveways to make drafting of water from the source through a plumbed outlet infeasible, and that direct vehicular access to the water source would require an impractical extension of a road or driveway.
6. Fuel Modification Areas.
  - a. A permanent fuel modification area shall be required around a development project or portions thereof that are adjacent or exposed to hazardous fire areas for the purpose of fire protection. In no case shall this area be less than 100 feet in width as measured from the development perimeter. Where feasible, the area shall be designated as common open space rather than private open space. The recommended width of the fuel modification area shall be determined based on a fuel modification plan filed in compliance with Subsection 9.17.040(F)(3) (Application Requirements – Fuel modification plans), above.

- b. When a development project is phased, individual phases may be required to provide temporary fuel modification areas, where the development perimeter of a phase is contiguous to a subsequent phase of a project, which in its undeveloped state is a hazardous fire area. The need for a temporary fuel modification area shall be determined by the responsible Fire Authority in conjunction with the County Fire Marshall and shall be based upon the same considerations described in Subparagraph a, above, for permanent fuel modification areas and the factors addressed in the required fuel modification plan.
7. Setback Requirements. Each proposed structure shall comply with the following setback requirements as applicable, in addition to the setbacks required by the applicable primary zoning district, and the building separation requirements in Subsection C. (Building separation), below.
  - a. Firewood or flammable materials storage. Each area used for the storage of firewood, or other flammable materials, shall either be located at least 30 feet away from all structures, or wholly enclosed within a structure.
  - b. Fuel tanks. Fuel tanks (e.g., liquefied petroleum tanks) shall be located at least 10 feet away from any structure and shall be in compliance with the standards in the California Fire Code. The tanks shall be secured to the ground.
  - c. Sloping site setbacks or fuel modification. Each structure proposed in an area with slopes exceeding 30 percent and 30 feet in height shall comply with the following requirements:
    - (1) Where a structure is proposed or within 200 feet of a slope that is greater than 30 percent before grading and where the slope is at least 30 feet in height, the vegetation on the slopes shall be treated in a manner so that it becomes a fuel modified area. The fuel-modified area shall be maintained for either the entire slope, or 100 feet, or to the property line, whichever distance is less for existing parcels or the distance prescribed by a fuel modification plan for new development.
    - (2) Where grading is utilized that does not conform to the natural slope and the graded area is adjacent to natural ungraded slopes that are greater than 30 percent in gradient and greater than 30 feet in height, each structure shall be set back at least 30 feet from the edges of the graded area adjacent to the natural ungraded slopes.
8. Street Name Signs. All public or private streets within or bordering a development project shall have noncombustible and reflective street name signs designed to Town standards and visible at all street intersections.
9. Fire hydrant identification. Each fire hydrant shall be identified by a method specified by the Fire Authority.



10. Erosion and sediment control. Each development project, building permit, grading and any other significant land disturbing activity shall include the installation of erosion control measures in compliance with this Development Code.
11. Concealed spaces. Unenclosed or projecting assemblies (e.g., cantilevered floors, bay windows, etc.) that contain concealed space shall be protected on the exposed surface with materials approved for the modified one-hour construction.
12. Decks. Cantilevered or standard type decks shall be:
  - a. Constructed with a minimum of at least one-and-one-half-inch wood decking; and/or
  - b. Protected on the underside with materials approved for one hour fire resistive construction; and/or
  - c. Composed of noncombustible materials, as defined in the California Building Code, or other materials approved by the responsible Fire Authority.
13. Exposed piping. Exposed piping, except for plumbing vents above the roof, shall be noncombustible as defined in the California Building Code.

**E. Building Separation Standards.** The intent of the following exterior wall separation standards is to reduce the exposure and risk from adjacent structural fires and to reduce the potential spread of fire from structure to structure.

1. Building Separation. In Fire Safety Areas, the following shall apply:
  - a. Each building on a parcel shall have exterior wall separations of at least 30 feet except as modified by Subsection (C) below.
  - b. Residential structures shall have interior side yard setbacks of 20 percent of the lot width, provided that these interior side yards shall not be less than five feet and need not exceed 15 feet. In no case shall exterior wall separations be less than 10 feet for all buildings, including those on adjoining parcels. Eaves shall be permitted to project into the required setback no more than two feet. No other projections shall be allowed less than five feet to side or rear property lines.
  - c. When the exterior walls of residential and accessory buildings or portions thereof are within 15 feet of interior side or rear lot lines, or the exterior wall separation is less than 30 feet, the outside of each exterior wall or portion thereof shall be constructed with exterior wall coverings that are constructed of noncombustible materials or provide the one-hour fire-resistance-rated construction on the exterior side. Modified one-hour construction shall be defined by the Building Official.

Where building separations are less than 10 feet, additional mitigation measures may be required by the responsible Fire Authority;

- d. In compliance with Section 9.17.060 (Alternate Hazard Protection Measures), and dependent upon site specific conditions, the following measures or combinations of measures may be substituted for the exterior wall separation requirements for all structures in Fire Safety Areas:
  - (1) The expansion of fuel modified areas around the perimeter of the development project beyond that required by this Section or other requirement of the Development Code.
  - (2) A substantial transfer of density from steeper slopes, including areas with slopes less than 30 percent if they exist on-site, to less steep areas within the development project.
  - (3) Clustering of structures away from the development perimeter and away from fire hazard areas.
  - (4) Other alternate measures (e.g., sprinklers, etc.) if approved by the Department in compliance with Section 9.17.060 (Alternate Hazard Protection Measures).

#### **F. Building Construction Requirements.**

1. Eaves. Eaves shall be enclosed with a minimum seven-eighth inch stucco or equivalent protection. Fascia shall be two inches nominal solid wood or stucco or equivalent protection.
2. Exterior Doors. All exterior doors made of wood or wood portions shall be solid core wood. For exterior doors with inset windows, refer to Subparagraph 3(A), below.
3. Exterior Glazing. Exterior glazing shall comply with the provisions of the California Building Code and with the following additional requirements:
  - a. Exterior windows, window walls and glazed doors, and windows within exterior doors, shall be multi-layered glass panels (dual- or triple-paned), tempered glass, or other assemblies approved by the Building Official.
  - b. Vinyl window frame assemblies shall be prohibited, except when they have all of the following characteristics:
    - (1) Frame and sash are comprised of vinyl material with welded corners;
    - (2) Metal reinforcement in the interlock area;
    - (3) Glazed with insulated glass or tempered;

- (4) Frame and sash profiles are certified in American Architectural Manufacturing Association (AAMA) Lineal Certification Program (verified with either an AAMA product label or Certified Products Directory); and
  - (5) Certified and labeled in compliance with American National Standards Institute (ANSI)/AAMA/National Wood Window and Door Association (NWWDA) structural requirements.
4. Insulation. Paper-faced insulation shall be allowed in attics or ventilated spaces only if the paper is not exposed to the attic open space. Cellulose insulation is required to be fire retardant.
5. Roof coverings. Roof coverings shall be either noncombustible or shall be fire retardant material not composed of organic fiber with a minimum Class A rating, as defined in the California Building Code. The tile shall be tight-fitting and the open ends of high-profile tile shall be capped with non-ignitable material to prevent birds' nests or other combustible material from accumulating. Gutters and downspouts shall be constructed of noncombustible material.
6. Spark Arresters. Each chimney used in conjunction with a fireplace, or other heating appliance in which solid or liquid fuel is used, shall be maintained with a spark arrester. An approved spark arrester shall mean a device constructed of stainless steel, copper or brass, woven galvanized wire mesh, 12 gauge minimum of three-eighths inch minimum to one-half inch maximum openings, mounted in or over all outside flue openings in a vertical and near vertical position, adequately supported to prevent movement and visible from the ground.
7. Street Address Numbers. Each non-accessory building shall have internally illuminated non-combustible building address numbers legible from the street in compliance with the California Fire Code.
8. Vents and Openings. Louvers, ventilators, or openings in walls, roofs, attics, and underfloor areas having headroom less than four feet in height that are not fitted with sash or doors, shall be covered with wire screen. The screen covering the openings shall be corrosion-resistant metal or other approved material that offers equivalent protection and shall have a maximum mesh of one-eighth inch. Eave vents and roof-mounted turbine vents are prohibited.
9. Water Faucets. A minimum of two, three-quarter-inch faucets with hose connections each served by a three-quarter-inch waterline and installed before any pressure-reducing device shall be available per habitable structure separated by at least one-third of the perimeter of the structure. The faucets shall be on the sides of a structure facing fire hazardous areas whenever possible.

- G. Perimeter Access to Fuel Modified and Fire Hazard Areas.** Fire fighting vehicles shall have adequate access into areas between fire hazardous areas or fuel modified areas and the development perimeter, so that a wildland fire can be contained at the development perimeter and prevented from spreading to structures. Each development project shall provide adequate vehicular access for fire fighting vehicles to the development perimeter of the project along the portion of the development perimeter that is adjacent to either an existing or proposed fuel modified area, or a fire hazard area. Provisions shall be made and shall be required, where necessary, through conditions of approval for the development project for the continual maintenance of the areas intended to provide the access. Perimeter access shall be provided, through either of the following measures or through alternate measures in compliance with Section 9.17.060 (Alternate Hazard Protection Measures).
1. The provision of an existing or proposed road along the development perimeter, or portion thereof that is exposed to a fire hazard or fuel modified area, and which is accessible to fire fighting equipment. The road shall be capable of supporting fire-fighting equipment, shall be at least 20 feet in width, and shall not exceed a grade of 14 percent. The conditions of approval for the development project shall require provisions to ensure that the roadway will be maintained, if it is not within the publicly maintained road system.
  2. Development projects shall provide access ways, at least 12 feet in width, with a grade not to exceed 14 percent, and capable of supporting fire fighting vehicles, between the development perimeter and proposed or existing streets. Access ways shall be spaced at intervals of no more than an average of 350 feet along each street. The conditions of approval for the development project shall require specific provisions to ensure that access ways will remain unobstructed and will be maintained. Where feasible, access ways may not be paved and shall be designed so as not to detract from the visual quality of the project.
- H. Length of Cul-de-Sacs.** Cul-de-sacs shall not exceed 350 feet in length, except that they may be extended as allowed by this Subsection.
1. Exception for Parcels of Less than Five Acres. A cul-de-sac may exceed 350 feet in length but shall not exceed 600 feet in length, if parcels that take access from the cul-de-sac are less than five acres, and:
    - a. Alternate measures are utilized in compliance with Section 99.17.060 (Alternate Hazard Protection Measures); or
    - b. Based upon consideration of the recommendation of the Fire Authority, the Department determines that the cul-de-sac is situated and designed so that each parcel taking access from it is not contiguous to or exposed to either undeveloped fuel modified areas along the development perimeter of the project or to fire hazard areas, and that the extension of the cul-de-sac will not increase the exposure of buildings to wildland fires.
  2. Exception for Parcels Larger than Five Acres. A cul-de-sac may exceed 600 feet in length if all parcels that take access from the cul-de-sac are five acres or greater in area and:

- a. The proposed cul-de-sac is not within or adjacent to areas that are zoned for or subdivided to parcels of five acres or less.
  - b. Alternate measures are utilized in compliance with Section 9.17.060 (Alternate Hazard Protection Measures).
3. Alternate Measures. In compliance with Section 9.17.060 (Alternate Hazard Protection Measures) and dependent upon site specific conditions, one of the following measures or combination of measures may be used to mitigate the effect of creating cul-de-sacs up to 600 feet in length with parcels less than five acres in area:
- a. Limitation of the total number of dwelling units with access to the cul-de-sac to no more than 15, and restriction of further subdivision of parcels and construction of additional independent residential units which have access to the cul-de-sac. These restrictions shall be imposed through conditions of approval of the development project.
  - b. A continuous perimeter access road at least 20 feet in width is provided along the portion of the cul-de-sac exposed to fire hazard or fuel modified areas such that it is drivable under normal conditions by fire fighting vehicles, provides adequate maneuvering space for the vehicles, and is designed so that at least one point of access to the perimeter access road is taken from roads other than the subject cul-de-sac.
  - c. The cul-de-sac road will have a paved width of at least 40 feet with posted no parking for its entire length, and there is at least one area approximately at the midpoint of the cul-de-sac that serves the same function of a cul-de-sac bulb in allowing fire fighting vehicles adequate room to turn around. This measure may only be utilized if the expansion of the road width will not contribute to slope stability hazards either on-site or off-site.
  - d. Other alternate measures approved by the Department in compliance with Section 9.17.060 (Alternate Hazard Protection Measures).
- I. **Additional Requirements.** Dependent upon specific site conditions (e.g., building separation, fire flow, road conditions, slope, vegetation, etc.) or a combination of conditions, the responsible Fire Authority may require structures to meet more stringent construction standards (e.g., full perimeter exterior walls to be constructed to the modified or full one-hour construction standards, sprinklers, soffitted eaves, etc.) as additional mitigation to the fire threat.

#### 9.17.060 – Alternate Hazard Protection Measures

- A. **Purpose.** This Section allows greater design flexibility than would otherwise be permitted to more efficiently and effectively achieve the purposes of the FS Overlay. Design flexibility is provided by allowing the substitution of alternate measures for otherwise applicable requirements if it is

found that they provide the same or a greater level of protection from wildland fires and other natural hazards, and that they will fulfill the same purpose as the established standard or requirement.

**B. Applicability.**

1. The provisions of this Section following shall apply only to the standards and requirements of:
  - a. Subsection 9.17.050(E) (Building separation standards in FS1 and 2 areas);
  - b. Subsection 9.17.050(G) (Perimeter access to fuel modified and fire hazard areas); and
  - c. Subsection 9.17.050(H) (Length of cul-de-sacs).
2. Since these alternative measures apply to the standards and requirements that pertain to these three specific design elements, they are intended to be applied to development projects only and not to individual parcel conditions. Therefore, they do not apply to the determination of setbacks for residential construction on individual lots.

**C. Substitution of alternative measures for standards and requirements.**

1. If alternative measures are proposed, the Fire Authority shall determine, with specific consideration of the effect of the proposed alternative measures, whether the proposed development project has adequate provisions for fuel modification and management, including the ongoing maintenance of fuel modified areas.
2. If the Fire Authority makes a positive determination in compliance with Paragraph 1, above, alternate measures may be substituted for the established standards and requirements if the Department, with consideration of the recommendation of the Fire Authority, finds and justifies all of the following:
  - a. The approved alternative measures meet the intent of, and serve the same purpose as, the established standard or requirement.
  - b. The approved alternative measures provide the same or a greater level of protection or are as effective as the established standard or requirement.
  - c. There are clear and substantial reasons for utilizing the alternative measures because they provide for a more efficient and economic use of the site, or provide for a superior physical design, and are consistent with the intent of the Fire Safety Area Overlay.

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## Chapter 9.18 Flood Plain Safety Overlay

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### Sections:

- 9.18.010 – Purpose
- 9.18.020 – Location Requirement
- 9.18.030 – Applicability
- 9.18.040 – Review Area Procedures and Standards
- 9.18.050 – Development Standards
- 9.18.060 – Exceptions and Modifications
- 9.18.070 – Boundary Changes

### 9.18.010 – Purpose

The Flood Plain Safety (FP) Overlay established by Sections 9.05.030 (Establishment of Base Zoning and Overlay Districts) and Chapter 9.15 (Overlay Districts) is created to provide greater public safety, promote public health, and minimize public and private economic losses due to flood conditions by establishing regulations for development and construction within flood prone areas.

### 9.18.020 – Location Requirement

- A. The FP1, FP2, and FP3 Overlays described in Section 9.18.040 are applied to areas of special flood hazard identified by the Federal Emergency Management Agency (FEMA) or the Federal Insurance Administration in a scientific and engineering report entitled "Flood Insurance Study" for the County of San Bernardino, prepared in 1996, which has subsequent updates, with accompanying Flood Insurance Rate Maps (FIRMs). Subsequent report and map updates that may be published in the future shall further identify additional flood hazard areas.
- B. The Flood Insurance Study establishes the minimum areas to which the FP Overlays may be applied. Additional areas may be added after studies for the areas are prepared by the Flood Control District or other governmental agencies (e.g., Corps of Engineers).

### 9.18.030 – Applicability

No structure or land use shall hereafter be constructed, located, extended, converted, or altered without full compliance with the provisions of this Chapter and other applicable regulations. Violations of the provisions of this Chapter by failure to comply with any of its requirements (including violation of conditions and safeguards required by conditions of approval) shall be subject to the penalties established by this Development Code. Nothing in this Chapter shall prevent the Town from taking lawful action as is necessary to prevent or remedy any violation.

- A. **Abrogation and greater restrictions.** The provisions of this section are not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this



section and another section, easement, covenant, or deed restriction conflict or overlap, the more stringent regulations or standards shall govern.

- B. **Interpretation.** In the interpretation and application of this section all provisions shall be considered as minimum requirements, liberally construed in favor of the governing body and, deemed neither to limit nor repeal any other powers granted under state statutes.
- C. **Implementation.** The requirements of this section shall be integrated into the processing and review of all land use applications and development permits where specific flood hazard review and flood protection recommendations.

#### 9.18.040 – Review Area Procedures and Standards

The Flood Plain Safety Overlay (FP) shall be subdivided into three review areas as follows. Proposed development shall comply with the following standards of the applicable review area.

- A. **Flood Plain Review Area 1 - (FP1).** FP1 includes areas subject to a base flood (also called —100-year flood) as defined by the Federal Flood Insurance Regulations. The following FEMA-designated flood hazard zones are included in FP1: A and AE. The following standards shall apply to property within the FP1 area.
  - 1. Elevation of lowest floor. New construction and substantial improvement of any structure shall be constructed so that the first floor (including basement) shall be one foot or more above the base flood elevation, when the FEMA map base flood elevations are shown, and will not result in any significant increase in flood levels during the base flood discharge. When the base flood elevations are not shown, new construction and substantial improvement of any residential structure shall be constructed so that the first floor (including basement) shall be two feet or more above the highest adjacent grade.
  - 2. Review Procedures. A project proposed in this area shall be subject to a Flood Hazard Development Review. This review shall ensure that the proposed project complies with this Development Code regarding flood protection measures and will require the submittal of an Elevation Certificate completed by a land surveyor, engineer, or architect who is authorized by State or local law to certify elevation information.
  - 3. Development Restriction. In areas where no regulatory floodway has been designated, no new construction, substantial improvement or other development (including fill) shall be permitted within any areas designated by FEMA as A or AE on the FIRM or Flood Boundary Maps, unless it is demonstrated that the cumulative effect of the proposed development when combined with all other existing and anticipated development will not increase the water surface elevation of the base flood more than one foot at any point within the community.
- B. **Flood Plain Review Area 2 (FP2).** FP2 includes areas between limits of the base flood (100 year flood) and subject to a 500-year flood; and certain areas subject to 100 year flooding with an average depth of less than one foot or where the contributing drainage areas are less than one

square mile; or areas protected by levees from the base flood. The following FEMA-designated flood hazard zones are included in FP2: shaded Zone X. The following standards shall apply to property within the FP2 area.

1. Elevation of first floor. New construction and substantial improvement of any structure is recommended to be constructed so the first floor (including basement) shall be one foot above the highest adjacent grade.
2. Review procedures. A project proposed in this area may be subject a Flood Hazard Development Review based upon the determination by the Drainage Section of Land Development of the Town. This review shall ensure that the proposed project complies with this Development Code regarding flood protection measures and will require the submittal of an Elevation Certificate completed by a land surveyor, engineer, or architect who is authorized by State or local law to certify elevation information.

**C. Flood Plain Review Area 3 (FP3).** FP3 includes areas of shallow flooding with undetermined (D) as defined on the FIRM map, but possible, flood hazards as determined by the Town. The following standards shall apply to property within the FP3 area.

1. Field investigation required. Before a building permit can be issued on any affected lot, a field investigation shall be made of the lot to determine if the proposed construction will have any substantial detrimental effect on the drainage way. An applicant for the building permit on an affected lot shall first apply for the required field investigation and shall pay the appropriate fee. The following shall be included in the application for field investigation:
  - a. A plot plan showing the proposed structures and grading by size, location and orientation.
2. Final Building Plan Content. The final building plans that are submitted for approval shall show the approved location and mitigating measures.

#### 9.18.050 – Development Standards

**A. Standards of Construction.** The following provisions shall apply in all areas of special flood hazards:

1. Anchoring. All new construction and substantial improvements shall be anchored to the foundation to prevent flotation, collapse or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy. If a structure is elevated on fill as specified in Subsection A.2.e, and A.3.a, the anchoring requirement shall be satisfied. Other alternative anchoring techniques that are effective may be considered.
2. Construction Materials and Methods
  - a. All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage. This would include but

not be limited to water resistant lumber, floor coverings, adhesives, paints, masonry construction and finishes, water proof electrical systems, and mechanical footings, or other acceptable materials measures. (See FEMA Technical Bulletin TB 2-93.)

- b. All new construction and substantial improvements shall be constructed using methods and practices that minimize flood damage. This would include but not be limited to elevating the structure, parallel alignment of structure with water flow, increase the structural designs to withstand hydrologic and hydrographic sources, and increase depth of footings.
- c. All new construction and substantial improvements shall be constructed with electrical, heating, ventilation, plumbing and air conditioning equipment and other service facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.
- d. Adequate drainage paths are provided around structures on slopes to guide flood waters around and away from proposed structures.
- e. If fill is placed to elevate pads one foot above base elevation, it must be demonstrated that fill will not settle and is protected from erosion, scour, or differential settlement, as follows.
  - 1) Fill shall be compacted to 95 percent per ASTM (American Society of Testing Materials) Standard D-698.
  - 2) Fill slopes of granular material shall be no steeper than one-half-foot horizontal to one-foot vertical ratio unless substantiating data for steeper slopes is provided, and the slopes are approved by the Town.
  - 3) If flow velocities are greater than five feet per second, fill slopes shall be armored with stone or rock slope protection.

### 3. Elevation and Flood Proofing

- a. New construction and substantial improvement of any residential structure shall include having the lowest floor (including basement), elevated to one foot above base flood elevation or two feet or more above the highest adjacent grade in the FP1 area, and it is recommended in the FP2 area to be one foot above ground level. Upon completion of the structure, the elevation of the lowest floor (including basement) shall be certified by a registered professional engineer or licensed land surveyor, and verified by the Building Official to be properly elevated above the floodplain elevation at the time of certification. The certification or verification shall be provided to the Flood Plain Administrator. In instances when the base flood elevation data has not been provided on the Flood Insurance Rate Map (FIRM), the provisions of Subsection 82.14.050(a) (3)(B) of this Development Code shall apply.

- b. Nonresidential construction shall be either elevated in compliance with Subsection (3)(A) of this Section or together with attendant utility and sanitary facilities and shall:
  - 1) Be flood proofed so that below the base flood level the structure is watertight with walls substantially impermeable to the passage of water;
  - 2) Have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy; and
  - 3) Be certified by a registered professional engineer or architect that the standards of this subsection are satisfied. Such certifications shall be provided to the Flood Plain Management Administrator.
  
- c. All new construction and substantial improvements to existing structures, shall include fully enclosed structural areas below the lowest floor that are subject to flooding, and the areas shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement shall either:
  - 1) Be certified by a registered professional engineer or an architect; or
  - 2) Provide a minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding. The bottom of all openings shall be no higher than one foot above grade. Openings may be equipped with screens, louvers, valves or other coverings or devices provided that they permit the automatic entry and exit of floodwaters; or
  - 3) Be verified by the Flood Plain Administrator as complying with flood proofing standards approved by the Federal Insurance Administration.

**B. Utility Standards**

- 1. All new and replacement water supply and sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the system and discharge from systems into flood waters.
- 2. On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.
- 3. All public utilities and facilities such as electrical, telephone, cable TV, gas etc., shall utilize flood proofing measures in their location and construction to minimize flood damage.

**C. Zoning Application Review Requirements**

1. All preliminary proposals shall identify the special flood hazard area and the elevation of the base flood.
  2. All final plans shall provide the elevation of proposed structures and pads above the flood plain elevation as derived from the FEMA map adopted at the time of certification. If the site is filled above the base flood, the final pad elevation shall be certified by a registered professional engineer or licensed land surveyor and shall be submitted to the Flood Plain Management Administrator. The entire site need not be elevated; only the building pads need be elevated and other means of conducting storm flows through the site shall be provided.
  3. All proposals shall be consistent with the need to minimize flood damage.
  4. All proposals shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize flood damage.
  5. All proposals shall provide adequate drainage to reduce exposure to flood hazards and not deflect flood flows onto other properties.
- D. Manufactured Homes.** All new and replacement manufactured homes and additions to manufactured homes shall comply with all applicable provisions this Section.
1. Nonresidential construction shall be elevated in compliance with Subsection A.3.
  2. All manufactured homes shall be securely anchored to a permanent foundation system to resist flotation, collapse or lateral movement. Methods of anchoring shall include, but not be limited to, the use of over-the-top or frame ties to ground anchors.
- E. Floodway Standards.** Floodways are extremely hazardous areas due to the velocity of flood waters that carry debris, potential projectiles, and erosion potential, therefore, the following provisions apply.
1. Encroachments, including fill, new construction, substantial improvements, stockpiling, and other development are prohibited unless certification by a registered professional engineer or architect is provided, demonstrating that encroachments shall not result in any increase in flood levels during the occurrence of the base flood discharge.
  2. If Subsection (a)(1) is satisfied, all new construction and substantial improvements shall comply with all other applicable flood hazard reduction provisions of this Section.

#### 9.18.060 – Exceptions and Modifications

- A. Exceptions.** The following structures and land uses are exempt from the requirements and standards established by this Chapter.

1. Existing legally-constructed structures for human habitation within the Flood Plain Safety Overlay shall be considered legal nonconforming uses and subject to the privileges and regulations thereof.
2. Structures for human habitation for which there was a valid building permit in effect at the time this section became effective.
3. The reconstruction, rehabilitation or restoration of structures listed on the National Register of Historic Places or a State Inventory of Historic Places.
4. Replacement of utilities, including septic systems, in compliance with health and safety codes shall be exempt from the flood elevation requirements of this Development Code and shall otherwise be subject to the legal non-conforming use provisions of this Development Code.

**B. Modifications.** In the public interest, the Director may, without notice or public hearing, approve, conditionally approve, deny or refer to the Commission requests to modify the requirements of the Flood Plain Safety (FP) Overlay.

1. Procedure. Written application (Variance) for such modifications shall be submitted to the Planning Division, upon the forms provided by the Town for this purpose.
2. Required findings. A modification to the standards imposed by this Chapter shall be allowed subject to lawful conditions that will secure substantial protection for the public health, safety and general welfare and provided that all of the following be found and justified as being true:
  - a. The modification, if within any designated regulatory floodway, will not result in any significant increase in flood levels during the base flood discharge.
  - b. The modification is for new construction or substantial improvement on lots contiguous to and surrounded by lots with existing structures constructed below the base flood level.
  - c. The granting of the modification will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud or victimization of the public or conflict with existing laws or ordinances.
  - d. The modification is the minimum necessary, considering the flood hazard, to afford relief and is consistent with the objectives of sound flood plain management.

#### 9.18.070 – Boundary Changes

An applicant may apply to FEMA for an adjustment to the designated Base Flood elevation and/or other designations on the FIRM or Flood Boundary Maps. Prior to submitting such application to FEMA, all required documents required by FEMA must be submitted to the Town for review and acknowledgement.

Depending on the size, scope and specific design a land use proposal within the Town, an applicant for such proposal may be required to submit an application to FEMA for an adjustment to the base flood elevation. The Town will determine if this FEMA application is actually required.

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**Chapter 9.19 Geologic and Seismic Hazards Overlay**

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**Sections:**

- 9.19.010 – Purpose
- 9.19.020 – Location Requirements
- 9.19.030 – Professional Reports
- 9.19.040 – Development Standards

**9.19.010 – Purpose**

The Geologic Hazard (GH) Overlay established by Sections 9.05.030 (Establishment of Base Zoning and Overlay Districts) and Chapter 9.15 (Overlay Districts) is created to provide greater public safety by establishing investigation requirements for areas that are subject to potential geologic problems, including active faulting, landsliding, debris flow/mud flow, rockfall, liquefaction, and adverse soil conditions.

**9.19.020 – Location Requirements**

The GH Overlay shall be designated:

- A. In areas that are adjacent to active earthquake fault traces as depicted on the Alquist-Priolo Earthquake Fault Zone Maps;
- B. In areas that are adjacent to potentially active earthquake fault traces as designated by the County Geologist.
- C. In areas where landslides, debris flows/mud flows, rockfall or other slope instabilities occur;
- D. In areas where liquefaction of the soil is associated with earthquake activity; and
- E. In areas of adverse soil conditions, such as those underlain by hydrocollapsible, expansive, or corrosive soils.

**9.19.030 – Professional Reports**

Except as provided for areas of adverse soil conditions, a detailed geologic study prepared by a California Registered Professional Geologist shall be submitted with all land use applications and development permits proposed within the GH Overlay, that would lead to the construction of roads or structures or the subdivision of land.



**A. Report Contents**

1. Areas of Faulting. In areas of the GH Overlay where faulting is a concern, the geologic report shall confirm the presence or absence of active faults and, if applicable, shall establish appropriate construction setbacks from active faulting.
2. Areas of Slope Stability. In areas of the GH Overlay where slope stability is a concern, the geologic report shall evaluate landslides and other slope instabilities that could affect the project and, if applicable, shall include recommendations for mitigation.
3. Areas of Liquefaction Susceptibility. In areas of the GH Overlay where liquefaction is a concern, the geologic report shall evaluate the potential for liquefaction based upon anticipated ground shaking, historic groundwater levels and character of the alluvial materials. If the investigation determines that a potential for liquefaction exists, a geotechnical investigation may be required.
4. Areas of Adverse Soil Conditions. In areas of the GH Overlay where adverse soil conditions are known to exist, a geotechnical investigation report shall be prepared by a California Registered Professional Engineer. The investigation shall sample and conduct laboratory analysis of subsurface soils and, if applicable, shall include recommendations for mitigation.

**B. Exemptions from report requirements.** Exemptions to the requirement for a geologic study include:

1. A single-family residential wood or steel frame dwelling not exceeding two stories in height provided the proposed structure is not located within the boundaries of a mapped landslide or within that portion of the GH Overlay designated as having adverse soil conditions.
2. Single-family residential wood frame or steel dwellings located within a subdivision of land for which a geologic report was prepared and approved;
3. A non-habitable structure that is accessory to a residential use that is not physically connected to the principal structure; and
4. Alterations or additions to any structure where the value or area does not exceed 50 percent of the structure.

**9.19.040 – Development Standards**

Development and land uses proposed within the GH Overlay shall comply with the following standards.

- A. A structure used for human occupancy shall be located 50 feet or farther from any active earthquake fault traces. Lesser setbacks may be applicable in certain situations as determined by

an appropriate geologic investigation and approved by the County Geologist or other engineering geologist designated by the Town.

- B.** A structure used for critical facilities shall be located 150 feet or farther from any active earthquake fault trace as indicated by General Plan. Critical facilities shall include dams, reservoirs, fuel storage facilities, power plants, nuclear reactors, police and fire stations, schools, hospitals, rest homes, nursing homes and emergency communication facilities.
- C.** Utility lines and streets shall not be placed within the construction setback area of a hazardous fault except for crossing which can be made perpendicular to the fault trace or as recommended by the project geologist and approved by the County Geologist or individual designated by the Building Official.
- D.** The use of development restricted areas as recreation and common open spaces is encouraged.

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## Chapter 9.20 Hillside Overlay District

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### Sections:

- 9.20.010 – Purpose and Intent
- 9.20.020 – Applicability
- 9.20.030 – Hillside Grading Review
- 9.20.040 – Hillside Grading Standards

### 9.20.010 – Purpose and Intent

This Chapter establishes regulations for development within hillside areas to:

- A. Facilitate appropriate hillside development through standards and guidelines for hillside areas.
- B. Ensure that development in the hillside areas is designed to fit the existing landform.
- C. Preserve significant features of the natural topography, including swales, canyons, streams, knolls, ridgelines, and rock outcrops.
- D. Provide a safe means of ingress, egress, and traffic flow for all forms of permissible traffic within hillside areas.
- E. Provide alternative approaches to conventional grading practices by achieving development intensities that are consistent with the natural characteristics of hillside areas (e.g., land form, scenic quality, slopes, and vegetation).
- F. Encourage the planning, design, and development of sites that provide maximum safety with respect to fire hazards, exposure to geological hazards, drainage, erosion and siltation, and materials of construction; provide the best use of natural terrain; and to discourage development that will create or disproportionately increase fire, flood, slide, or other safety hazards to public health, welfare, and safety.

### 9.20.020 – Applicability

- A. **Slope Gradient of 15 Percent or Greater.** The standards contained in this Chapter apply to all uses and structures within areas having a natural slope gradient of 15 percent or greater over the area being graded and requiring a Grading Permit. For the purpose of this Chapter, slope shall be computed as set forth in Section 9.20.040 for the area being graded before grading is commenced.
- B. **Site Conditions Requiring Hillside Grading Review.** If the slope gradient is 15 percent or greater and if any one of the following thresholds applies on a particular site meeting the criteria

set forth in subsection (A) on the previous page, a full analysis and compliance with this Chapter shall be required and a Hillside Grading Review shall be conducted in compliance with Section 9.20.030 (Hillside Grading Review):

1. The volume of proposed grading is more than 500 cubic yards per lot or more than a total of 2,000 cubic yards for the total project.
2. If retaining walls or the proposed cut or fill slopes greater than 15 feet in height will be visible and exposed to permanent public view or will be adjacent to designated open space or public lands.
3. The width of proposed cut or fill slopes is greater than 150 feet as measured at the widest point of the slope.
4. The area of proposed disturbance is more than 50 percent of the site area, or the proposed disturbed area exceeds 10,000 square feet, whichever is less.

#### **9.20.030 – Hillside Grading Review**

A subdivision, land use permit, or Building Permit application for a site or development that meets or exceeds the thresholds in Section 9.20.020 (Applicability) shall require a Hillside Grading Review.

- A. Procedure.** The review shall be conducted concurrently with any required discretionary review or in conjunction with an application for a Grading Permit for any project that meets or exceeds the thresholds listed in Section 9.20.020 (Applicability).
- B. Submittal Requirements.** An application for a Hillside Grading Review shall require the following documents, reports, maps and such others as determined appropriate by the Director. Exceptions to the filing requirements shall require a written justification supported by factual information submitted to the Director for consideration. Some of the required submittals listed below may be displayed on a single map or plan.
  1. **Natural Features Map.** A natural features map shall identify all existing slope banks, ridgelines, canyons, natural drainage courses, Federally recognized blue line streams, rock outcroppings, and existing vegetation. When a geology report is required, landslides and other existing geologic hazards shall also be depicted.
  2. **Grading Plan.** A preliminary grading plan shall include the following items:
    - a. A legend with appropriate symbols shall include the following items: change in direction of drainage, elevation of regulated trees subject to the provisions of Section 9.07.130 (Native Landscape Documentation Package), estimated volumes proposed to be cut and/or filled, finished floor elevations, high point, low point, pad elevations, spot elevations, top of curb, and top of wall.

- b. A separate map, with proposed fill areas and cut areas differentiated, with areas where cut and/or fill exceed depths established in compliance with this Chapter. If custom foundations are proposed, this shall be noted on the map. Additionally, the area of cut and/or fill, calculated as a percentage of the total surface area of the site, shall be included on the plan; and
    - c. Contours for existing and natural land conditions and proposed work. Existing contours shall be depicted with a dashed line with every fifth contour line darker; and proposed contours shall be depicted similarly with solid lines. Contours shall be shown at maximum five-foot intervals above 20 percent slope.
3. Drainage Map. A conceptual drainage and flood control facilities map describing planned drainage improvements.
4. Slope Analysis Map. A slope analysis map for the purpose of determining the amount and location of land as it exists in its natural state falling into each slope category as specified in this subparagraph. This map shall be prepared and signed by a registered civil engineer or licensed land surveyor, and shall have a scale of not less than one inch to 100 feet and a contour interval of not more than two feet, provided that the contour interval may be five feet when the slope is more than 20 percent. A scale of not less than one inch to 200 feet may be used for developments greater than 100 acres in size. This map shall show the closest structures on all contiguous properties. It shall delineate slope bands in the range of zero to less than 15 percent, 15 to less than 30 percent, 30 percent to less than 40 percent, and 40 percent or greater. Also included shall be a tabulation of the land/area in each slope category specified in acres.
5. Slope Profiles. A sufficient number of slope profiles shall be provided as required by the Director to clearly illustrate the extent of the proposed grading. The slope profiles shall:
  - a. Be drawn at the same scale and indexed, or keyed, to the grading plan, and project site map.
  - b. Show existing and proposed topography, structures, and infrastructure. Proposed topography, structures, and infrastructure shall be drawn with a solid, heavy line. Existing topography and features shall be drawn with a thin or dashed line.
  - c. The slope profile shall extend far enough from the project site boundary to clearly show impact on adjacent property, within at least 150 feet.
  - d. The profiles shall be drawn along those locations of the project site where:
    - 1) The greatest alteration of existing topography is proposed;
    - 2) The most intense or dense development is proposed;
    - 3) The site that is most visible from surrounding land uses; and

- 4) At all site boundaries illustrating maximum and minimum conditions.
- e. At least two of the slope profiles shall be roughly parallel to each other and roughly perpendicular to existing contour lines. At least one other slope profile shall be roughly at a 45-degree angle to the other slope profiles and existing contour lines.

#### 9.20.040 – Hillside Grading Standards

**A. Landform Grading and Re-vegetation Standards.** Incorporation of the basic principles of the landform grading and re-vegetation concept in the design and construction of hillside development projects shall be required so that they will be in harmony with the natural topography and reflect existing plant distribution patterns. The general principles of landform grading and re-vegetation include the following elements:

1. The basic land plan flows with the natural topography rather than against it. This means that street patterns and building pad configurations follow the underlying topographic features rather than cutting across them.
2. Manufactured Sites.
  - a. All manufactured cut and fill slopes exceeding 15 feet in height, which will be either exposed to permanent public view or are adjacent to environmentally sensitive areas, shall be designed with features characteristic of natural slopes so that their ultimate appearance will resemble a natural slope. This shall include slopes along streets and highways, slopes adjacent to parks, schools, open spaces, and other public facilities, and other prominent and highly visible slopes.
  - b. Side setback slopes and rear setback slopes, less than 25 feet in height, need not have landform design applied.
  - c. Slope drainage devices (i.e., down drains and interceptor drains) shall be designed so that they are built into the natural slope features and become hidden from view.
3. When not otherwise required, terracing and the associated concrete drainage devices (i.e., terrace drains, down drains, and interceptor drains) distract from efforts to give cut and fill slopes a natural appearance and are therefore discouraged.
4. Landscaping shall be applied in patterns resembling native plant distribution.

#### **B. Slope Analysis**

1. Calculating Average Slope. Use one of the following formulas or an acceptable alternative approved by the Director that would accurately portray the steepness of areas throughout the site that are proposed for development and preservation in open space to calculate the weighted average natural slope by slope category for the entire project site and the weighted average for the area to be graded:

Example #1:

Weighted Average Slope = 0.002296 IL/A

I = Contour interval in feet

L = Summation of length of all contours in feet

A = Area in acres of parcel being considered

(minimum area to be considered shall be 10,000 square feet)

Example #2:

Weighted Average Slope = 100 IL/a

I = Contour interval in feet

L = Summation of length of all contours in feet

a = Area in square feet of parcel being considered

(minimum area to be considered shall be 10,000 square feet)

2. Slope Categories. Table 2-25 (Slope Categories) provides standards for hillside slopes in areas that will not be landform graded. These standards ensure that development will complement the existing character and topography of the land. The standards for one category may be applied to limited portions of the site in an adjacent category when a project is developed on a site with more than one slope category. The maximum allowable density for residential projects shall be determined by the formulas contained in Article 2 (Zoning Districts and Development Standards) or in Article 2 (Zoning Districts and Development Standards) if the projects is located within a Fire Safety Overlay.

**TABLE 2-25:  
SLOPE CATEGORIES**

Slope Category	Weighted Average Natural Slope Gradient	Site Standards
1	15% to less than 30%	Structures shall conform to the natural topography and natural grade by using appropriate techniques, including stepped or split-level foundations, stem walls, stacking, and clustering. Walls shall be as natural appearing as possible. Conventional grading may be considered for limited portions of a project when its plan includes special design features, extensive open space, or significant use of greenbelts.
2	31% to less than 40%	Development within this category shall be restricted to those sites where it can be demonstrated that safety will be maximized while environmental and aesthetic impacts will be minimized. Use of large parcels, variable setbacks, and variable building structural techniques (e.g., stepped foundations) shall be expected. Extra erosion control measures may be included as conditions of approval.



**TABLE 2-25:  
SLOPE CATEGORIES**

Slope Category	Weighted Average Natural Slope Gradient	Site Standards
3	41% and greater	This is an excessive slope condition. Pad grading shall not be allowed. Grading for driveways and roads shall be reviewed through the Minor Use Permit application process.

### C. Grading

#### 1. Grading Standards.

- a. Cut and fill slopes shall not be created greater than 50 percent (2:1).
- b. Where cut or fill conditions are created, slopes shall be varied rather than left at a constant angle that may be unstable or create an unnatural, rigid, "engineered" appearance.
- c. The toe and crest of any slope in excess of 10 feet in vertical height shall be rounded with vertical curves of radii no less than five feet and designed in proportion to the total height of the slope.
- d. A manufactured slope bank shall not exceed 30 feet in vertical height unless no feasible alternative exists or unless grading can be significantly reduced by increasing slope height. However, the use of an alternative design is strongly recommended as the desirable approach in reducing grading and slope height. Any bank exceeding 25 feet in height, regardless of length, shall have variable gradients.
- e. Grading shall be phased so that prompt re-vegetation or construction will control erosion. Where feasible, only those areas that will be built on, resurfaced, or landscaped shall be disturbed. Topsoil shall be stockpiled during rough grading and used on cut and fill slopes whenever feasible. Re-vegetation of cut and fill slopes shall occur within three months of grading completion.
- f. The grading operations shall install adequate erosion control measures, as required and approved by the Town Engineer..
- g. Retaining walls associated with lot pads shall not exceed four feet in height, where they will be visible to the public. Where an additional retained portion is necessary due to unusual or extreme conditions (i.e., parcel configuration, steep slope, or road design), the use of terraced retaining structures shall be considered on an individual parcel basis and shall only be allowed where landscaping is provided between the walls to soften the overall appearance. Terraced walls shall be separated by a minimum of three feet with appropriate landscaping. No more than three terraced

or stepped walls shall be permitted without obtaining a Variance for more. Terraced retaining walls shall not be used as a typical solution within a development and shall be limited to the minimum required subject to approval of the Director.

- h. Parcel lines shall be placed two feet beyond top of major slope areas within public view corridors to help ensure their maintenance by the downhill owner.
- i. Where feasible, graded areas shall be designed with manufactured slopes located on the uphill side of structures, thereby hiding the slope behind the structure.
- j. On parcels sloping with the street and other configurations not addressed above in this subparagraph 1, one retaining wall, not to exceed 42 inches in height, may be used in a side setback where necessary.

## 2. Drainage Standards.

- a. Debris basins, riprap, and energy dissipating devices shall be provided where necessary to reduce erosion when grading is undertaken. Except for necessary flood control facilities and road and utility crossings, significant natural drainage courses shall be protected from grading activity. In instances where crossing is required, a natural crossing and bank protection shall be preferred over steel and concrete systems, where such crossing is feasible. Where brow ditches are required, they shall be naturalized with plant materials and native rocks.
- b. Terrace drains shall follow landform slope configuration. Down drains shall not be placed in exposed positions. Down drains shall be hidden in swales diagonally or curvilinearly across a slope face. In this manner they shall be built into the overall landform of the slope.
- c. Building Permits and Grading Permits shall not be issued for construction on any site without an approved location for disposal of runoff waters, (i.e., a drainage channel, public street or alley, or private drainage easement).
- d. The use of cross lot drainage shall be subject to the Director's review and may be approved after demonstration that this method will not adversely affect the proposed parcels or adjacent properties, and that it is absolutely required in order to minimize the amount of grading that would result with conventional drainage practices. Where cross lot drainage is utilized, the following shall apply:
  - 1) One parcel may drain across another parcel if an easement is provided either within an improved, open V-swale gutter that has a naturalized appearance or within a closed drainage pipe that should be a minimum 12 inches in diameter. This drainage shall be conveyed to either a public street or to a drainage easement. The easement width shall be determined on an individual basis and shall be dependent on appropriate hydrologic studies and access requirements.

- 2) On-site drainage shall be conveyed in an improved, open V-swale gutter that has a naturalized appearance, or within an underground pipe as determined on an individual basis and shall be dependent on appropriate hydrologic studies and access requirements.
  - e. Slope drainage on graded slopes should be regulated per the California Building Code.
  - f. Natural drainage courses shall be preserved and enhanced to the extent feasible. Rather than filling them in, drainage features shall be incorporated as an integral part of the project design.
3. Access, Trails, and Roadway Standards.
- a. Driveway grades up to a maximum of 20 percent shall be allowed and shall be aligned with the natural contours of the land. Proper design considerations shall be employed (i.e., vertical curbs and parking landings). Parking landings shall be utilized on all driveways over 10 percent in grade.
  - b. Where retaining walls are necessary adjacent to roadways or within street setbacks, they shall be limited to four feet in height where they will be visible from the street in order to avoid obstruction of motorists' and pedestrians' field of view and to create an aesthetically pleasing streetscape. No more than four terraced or stepped retaining walls shall be utilized. Walls shall be separated by a minimum of three feet and include appropriate landscaping.
  - c. Roadways and driveways shall conform to the natural landform, where feasible. They shall not greatly alter the physical and visual character of a hillside by creating large notches in ridgelines, defining wide straight alignments, or by building switch-backs on visually prominent hillsides. Split sections and parking bays shall be utilized in the layout of hillside streets.
  - d. Where road construction is allowed in hillside areas, the extent of vegetation disturbance and visual disruption shall be minimized by the combined use of retaining structures and regrading to approximate the natural slope. The following techniques shall be used where feasible:
    - 1) Utilize landform re-vegetation planting in order to create a natural appearance and provide a sense of privacy.
    - 2) Reduce the visual and safety impacts by use of terraced retaining walls and landscaping.
    - 3) Split roadways increase the amount and appearance of landscaping and the median can be used to handle drainage.

4. Site Design.
  - a. The dimensions of a structure parallel to the direction of the slope shall be maximized in order to limit the amount of cutting and filling and to better fit the structure to the natural terrain.
  - b. Design of building sites shall be sensitive to the natural terrain. Structures shall be located in ways that minimize grading and preserve natural features (i.e., knolls or ridgelines).
  - c. Projects shall incorporate variable setbacks, multiple orientations, and other site planning techniques to preserve open spaces, protect natural features, and offer views for residents.
  
5. Landscaping Standards. In addition to the requirements in Chapter 9.XX (Landscaping Standards) the following standards shall apply to hillside development subject to the requirements of this Chapter:
  - a. Native or naturalized plants or other plant species that blend with the landscape shall be utilized in all areas with required planting.
  - b. Fire retardant plant materials shall be utilized.
  - c. A permanent landscape and irrigation system, for purposes of establishing and maintaining required planting, shall be installed on all slopes. The emphasis shall be toward using plant materials that will eventually need minimal irrigation. Water and energy conservation techniques shall be utilized, including drip irrigation, reclaimed water, and xeriscape. If a natural landscape palette is selected, permanent irrigation need not be provided if it is demonstrated to the satisfaction of the Director that permanent irrigation is unnecessary. Drip irrigation need not be provided for landscape palettes where such a system would not be water-efficient. Reclaimed water need be used only in situations where it is available at the site.
  - d. Landscaping shall be used to screen views of downslope building elevations. When the structure height exceeds 20 feet from finished grade on a downslope, additional landscaping shall be required and a landscaping plan shall be submitted for review with the submittal package.
  - e. Slopes with required planting shall be planted with informal clusters of trees and shrubs to soften and vary the slope plane. Where required by the Town, jute netting or similar material shall be used to help stabilize planting and minimize soil erosion.
  - f. Native vegetation shall be retained and supplemented within undeveloped canyons and along natural drainage courses as allowed by State and Federal resource agencies (e.g., State Department of Fish & Game, U.S. Fish and Wildlife, U.S. Army Corps of Engineers, etc.).

- g. Landscaping shall become a "re-vegetation" process and be applied in patterns that occur in nature: Trees and shrubs shall be concentrated largely in concave areas, while convex portions shall be planted mainly with groundcovers.

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## Chapter 9.21 Large Animal Overlay District

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### Sections:

- 9.21.010 – Purpose
- 9.21.020 – Location Requirement
- 9.21.030 – Development Standards

#### 9.21.010 – Purpose

The Large Animal (LA) Overlay established by Sections 9.05.030 (Establishment of Base Zoning and Overlay Districts) and Chapter 9.15 (Overlay Districts) is created to allow for properties to have an increased number of animals and allows for reduced setbacks for animal keeping activity.

#### 9.21.020 – Location Requirement

The Large Animal Overlay shall be designated: LA

#### 9.21.030 – Development Standards

A. Table 2-26 (Allowed Number of Large Animals Within Large Animal Overlay District) establishes the animal densities for those single-family residential land use districts located within the Large Animal Overlay District.

**TABLE 2-26:  
ALLOWED NUMBER OF LARGE ANIMALS  
WITHIN LARGE ANIMAL OVERLAY DISTRICT**

<b>Animal</b>	<b>Special Use Permit Required</b>	<b>Minimum Parcel Size</b>	<b>Livestock Densities</b>	<b>Maximum Number of Non-Exempt Animals without Livestock Permit</b>
Equine	No	20,000 sq. ft.	4 animals on the first 20,000 sq. ft., 1 animal for each additional 10,000 sq. ft.	23
Sheep	No	7,200 sq. ft.	6 animals on the first 20,000 sq. ft., 1 animal for each additional 10,000 sq. ft.	12
Goats	No	7,200 sq. ft.	6 animals on the first 20,000 sq. ft., 1 animal for each additional 10,000 sq. ft.	12

**TABLE 2-26:  
ALLOWED NUMBER OF LARGE ANIMALS  
WITHIN LARGE ANIMAL OVERLAY DISTRICT**

<b>Animal</b>	<b>Special Use Permit Required</b>	<b>Minimum Parcel Size</b>	<b>Livestock Densities</b>	<b>Maximum Number of Non-Exempt Animals without Livestock Permit</b>
Billy Goat (Male Breeding Goats)	No	20,000 sq. ft.	1 animals on the first 20,000 sq. ft., 1 animal for each additional 10,000 sq. ft.	3
Cattle	No	20,000 sq. ft.	4 animals on the first 20,000 sq. ft., 1 animal for each additional 10,000 sq. ft.	23
Bull	Yes	5 acres	Maximum 4 animals on minimum 5 acres	4
Buffalo	Yes	5 acres	2 animals per 5 acres, 1 additional animal for each additional 5 acres	2
Boar	Yes	1 acre	4 animals per 5 acres, with no additional animals allow unless approved under Livestock Permit	4
Pig	No	5 acres	1 animals per acre., 1 animal for each additional 10,000 sq. ft.	4
Emus and Ostriches	No	1 acre	4 animals on the first 20,000 sq. ft., 1 animal for each additional 10,000 sq. ft.	23
Llamas and Camelids	No	20,000 sq. ft.	1 acre minimum in RL and R-HR districts	2 pair (male and female) per acre or (1 male and 3 females). Maximum 4 on first acre. 2 additional for every 10,000 sq. ft. after first acre. Maximum 28. Over 28 requires Livestock Permit.





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## Chapter 9.22 Specific Plan Overlay District

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### Sections:

- 9.22.010 – Purpose
- 9.22.020 – Applicability
- 9.22.030 – Locational Requirements
- 9.22.040 – Specific Plan Required
- 9.22.050 – Existing Specific Plan Adopted
- 9.22.060 – Adoption of Regulations and Standards Through Specific Plans

### **9.22.010 – Purpose**

The purpose of the Specific Plan (SP) Overlay District is to provide for a coordinated level of site planning for specific properties. The intent is to ensure a more precise level of planning for such areas than is ordinarily possible under the Development Code. Therefore, a specific plan is an extension of the land use plan, including but not limited to the location and types of land uses, roads, infrastructure, open space, and natural resources.

### **9.22.020 – Applicability**

The provisions of this district shall apply to any parcel(s) subject to the specific plan overlay district, as shown on the Town's official Zoning Map.

### **9.22.030 – Specific Plan Required**

No new development will be approved within the specific plan areas designated in the general plan until a specific plan meeting the requirements of Section 65451 of the Government Code, has been adopted by the Town.

### **9.22.040 – Existing Specific Plan Adopted**

Where specific plans have already been adopted, new development must be consistent and comply with that specific plan.

### **9.22.050 – Adoption of Regulations and Standards Through Specific Plans**

Regulations and standards may be adopted by resolution or ordinance as a part of a specific plan. The regulations and standards for the specific plan are utilized in-lieu of adopted zoning regulations and standards (to be used instead of existing zoning districts contained in the Development Code) and the specific plan shall govern the use and development of any properties included in an adopted specific plan without regard to any adopted zoning regulations and standards (unless the specific plan contains specific provisions designed to rely on the Development Code in certain situations not covered in the specific

plan). Under these circumstances the properties included in the specific plan shall be indicated on the zoning map.

**Section 2: Repeal of County Code as Adopted and Amended by the Town:** The Town Council hereby repeals Sections 83.020105 thru 83.020205, Sections 84.0101 thru 84.0125, Sections 84.0205 thru 84.0250, Sections 84.0301 thru 84.0390, Sections 84.0501 thru 84.0570, Section 84.0601, Section 84.0605, Section 84.0620, Sections 85.0101 thru 85.0145, Sections 85.020101 thru 85.020130, Sections 85.020201 thru 85.020230, Sections 85.020301 thru 85.020335, Sections 85.020401 thru 85.020415, Sections 85.020501 thru 85.020510, Sections 85.030101 thru 85.030110, Sections 85.030201 thru 85.030220, Sections 85.030301 thru 85.030315, Sections 85.030401 thru 85.030425, Sections 85.030501 thru 85.030520, Sections 85.030601 thru 85.030610, Sections 88.0501 thru 88.0520, Section 88.0605 and Sections 88.0701 thru 88.0715 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

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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 3, CHAPTERS 9.30 THRU 9.52, GENERAL DEVELOPMENT STANDARDS, AND REPEALING SECTIONS 41.151 THRU 41.1569 OF THE YUCCA VALLEY MUNICIPAL CODE AND SECTIONS 84.0701 THRU 84.0740, SECTIONS 87.0101 THRU 87.0105, SECTIONS 87.0201 THRU 87.220, SECTIONS 87.0401 THRU 87.0405, SECTIONS 87.0501 THRU 87.0505, SECTIONS 87.0601 THRU 87.0645, SECTIONS 87.0901 THRU 87.0940, SECTIONS 88.0805 THRU 88.0810, SECTIONS 810.0101 THRU 810.0135, , SECTIONS 810.0201 THRU 810.0275, SECTIONS 88.0701 THRU 88.0715, SECTION 84.0610, SECTIONS 87.1110 THRU 87.1180, SECTION 812.01005, SECTION 84.0615, AND SECTIONS 811.301 THRU 811.309 OF TITLE 8 OF THE YUCCA VALLEY DEVELOPMENT CODE, AND SECTIONS 9.75.010 THRU 9.75.130 OF TITLE 9 OF THE YUCCA VALLEY DEVELOPMENT CODE.

The Yucca Valley Town Council Ordains as follows:

Section I:

## Article 3: General Development Standards

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## Chapter 9.30 Dedications and Infrastructure Improvements

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### Sections:

- 9.30.010 – Purpose and Intent
- 9.30.020 – Applicability
- 9.30.030 – Dedication of Street and/or Highway Right-of-Way
- 9.30.040 – Installation of Street and Infrastructure Improvements
- 9.30.050 – Delayed Improvements - Bonding
- 9.30.060 – Waiver of Requirements - Procedures
- 9.30.070 – Department Determination
- 9.30.080 – Utility Undergrounding

### 9.30.010 Purpose and Intent

This Chapter regulates and controls dedications and the installation of infrastructure improvements. The regulations are intended to preserve the public health, safety, and general welfare; to promote orderly growth and development; and to ensure the provision of adequate traffic and pedestrian circulation, utilities, flood control, trails, bike lanes and related infrastructure improvements and services.

### 9.30.020 Applicability

The requirements of this Chapter shall apply to all subdivisions and single-parcel commercial and industrial development. Single family residential infill development is subject to dedication of necessary easements only.

### 9.30.030 Dedication of Street and/or Highway Right-of-Way and Infrastructure Easements

- A. **Dedications Required to Comply With Approved Plans or Ordinances.** Prior to final inspection of structures, at the discretion of the Director, the dedication of a road, street or highway right-of-way including roadway, trail or bike lane right-of-way, flood control or drainage, public utilities or easement for other infrastructure may be required to comply with the General Plan, an adopted specific plan, master infrastructure plan, or the provisions of any specific ordinance that has established a future right-of-way line.
- B. **Dedications Required in Absence of Approved Plans or Ordinances.** Where approved plans or ordinances do not exist, the required dedications may be required for specific plans and planned development projects and shall be as follows:
  - 1. Proposed development adjacent to trail and bike lane systems may be required to dedicate land for trail and bike access points, as determined by the Director.
  - 2. The dedication or offers of dedication of trail and bike lane easements where appropriate may be required for establishing a planned trails system alignment or where an established trail is jeopardized by impending development.

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### 9.30.040 Installation of Street and Infrastructure Improvements

- A. **Installation of Street and Infrastructure Improvements.** Prior to final inspection of any building, structure or improvement resulting in an increase or change of vehicular traffic, increases in run-off, or increases in demand on infrastructure systems such that the construction of street or infrastructure improvements are necessary for the purposes of protecting public safety and health, the installation of street improvements and infrastructure shall be required in accordance with the following and other current adopted standards, subject to the review of the Director. "Street improvements" include any or all curb and gutter, sidewalks, street lights, concrete driveway approaches, drainage structures, paving, back-filling and preparation of the road surface to rough grade for the placement of paving and other necessary improvements as determined by the Director.
1. Proof of legal and physical access is required.
    - a. Physical access is a route which is traversable in a standard (two-wheel drive) sedan. Proof of physical access shall be determined by the Director.
    - b. Legal access is:
      - 1) A dedicated right-of-way;
      - 2) A dedication to the Town of Yucca Valley and to the public in general, an easement for public road, highway and public utility purposes of a width as established by the Circulation Element of the General Plan. The easement or road constructed on the dedicated land shall not become a Town roadway until and unless the Council, by appropriate resolution, has caused the road to be accepted into the Town Maintained Road System.
      - 3) An existing traveled way that is substantially in compliance with Town road standards, where a prescriptive right by the user has been established for the public use by court decree.
      - 4) Private road easement
    - c. When all feasible efforts to establish legal access in accordance with 9.30.040 (A)(1)(b) have been exhausted, the lot is an existing legally created parcel, and the property owner has physical access, the Director, may waive the requirement for legal access on the condition that the property owner enters into an agreement in the form required by the Town which includes the property owner's: (1) representation that the owner has a right to physical access; (2) acknowledgement that proof of legal access has not been provided to the Town's satisfaction; and, (3) agreement to disclose to any subsequent owners that legal access has not been established to the satisfaction of the Town. Notation of said agreement and conditions of waiver shall also be included on the building permit.
  2. Water.

- a. Water purveyor. Required when in the service area of a water purveyor and the purveyor can supply the water.
  - b. Substantiated well water. If the subject parcel is not within the service area of a water purveyor, well water may be allowed if all required setbacks are met.
3. Sanitation.
- a. Sewer. Project shall connect as required by the ordinances and policies of the Hi Desert Water District.
  - b. Septic systems: Allowed in compliance with the local Regional Water Quality Control Board regulations.
4. Fireflow. Adequate fireflow and fire safety measures in compliance with the most current regulations adopted by San Bernardino County Fire Department.
5. Street and Infrastructure Improvements. Street and infrastructure improvements shall be required for all residential and non-residential subdivisions (parcel maps and tract maps) and commercial and industrial projects in accordance with Table 3-1.

**TABLE 3-1  
STREET AND INFRASTRUCTURE IMPROVEMENTS**

Standards	Residential (Lot sizes are the size of the resultant parcels after the subdivision)		Non-Residential
	Less than 1.0 acres	1.0 acres or larger (Or within Large Animal Overlay District) <sup>(1)</sup>	All Lot Sizes
Paved Access to nearest paved road	Yes <sup>(1)</sup>	No	Yes
Paved General Plan Roads Shown on the Circulation Plan Within or Abutting the Subdivision	Yes	Yes	Yes
Paved Internal Roadways, other than General Plan Roads	Yes <sup>(1)</sup>	No	Yes
Curbs and Gutters	Yes	No, except General Plan roads	Yes
Sidewalks	Yes <sup>(1)(2)</sup>	No, except General Plan roads	Yes <sup>(2)</sup>
Street Lights	Yes <sup>(1)</sup>	No, except General Plan roads	Yes

Notes:

(1)Residential Parcel Maps (4 lots or less) with resultant parcels greater than 1 acre and more than 500 feet from the nearest paved road may be exempted from this requirement.

(2)Sidewalks are required both sides of the road, except sidewalks are only required on one side of the roadway for Local Residential and Industrial Roads, not including roads shown on the General Plan Circulation Plan, where the resultant parcels after subdivision are 1acre or larger.

**9.30.050 Delayed Improvements - Bonding**

Such dedications and installation of street and infrastructure improvements shall be required prior to the occupancy of the premises or commencement of the above- referenced uses. Where it is impractical to



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install the required improvements at the time of the proposed development, an agreement in writing shall be entered into with the Town to make such improvements, and a cash deposit, a surety bond or such other form of surety as may be acceptable to the Town in an amount equal to the estimated cost of the improvements as determined by the Director, shall be posted with the Town in lieu thereof, to guarantee the installation of such improvements. In the latter event, the actual installation of street improvements may be delayed until written demand therefore is made by the Town. If surety bonds are submitted, they shall be furnished by a surety company authorized to write such bonds in the State of California.

### **9.30.060 Waiver of Requirements - Procedures**

- A. Requirements for all improvements in the public right-of-way will be specified by the Town. Request for a waiver of any of these requirements may be made to the Commission who shall have the authority to approve modifications or reject any of the requirements.
1. Prior to waiving or modifying any improvement requirement, the Commission shall find as follows:
    - a. That the waiver or modification of the required improvement would not adversely affect the public health and safety.
    - b. That neither the improvements being waived nor the modifications authorized delete improvements which are a necessary prerequisite to the orderly development of the surrounding area.
  2. Prior to waiving any improvement requirement, the Commission may require a written agreement from the applicant, agreeing to participate in any street improvement program for the area in which the property is located, whether privately or publicly initiated. This agreement shall be recorded with the County Recorder.
  3. Appeal of Action. Any decision by the Commission pertaining to a request to waive or modify required improvements may be appealed to the Council.

### **9.30.070 Department Determination**

Prior to final inspection of any such building or structure, the Department shall determine the following:

- A. That all of the required dedications have been provided.
- B. That all of the required street improvements have either been installed or that a cash deposit, surety bond or other form of acceptable surety in an amount equal to the estimated cost of the street improvements has been posted with the Town to assure the installation of said street improvements.

### **9.30.080 Utility Undergrounding**

See Section 87.11 (Undergrounding Utility Districts) in Title 8 (Buildings and Construction) of the Yucca Valley Municipal Code.

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## Chapter 9.31 General Development Standards

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### Sections:

- 9.31.010 – Purpose and Applicability
- 9.31.020 – Clear Sight Triangle
- 9.31.030 – Height Regulations and Exceptions

### 9.31.010 Purpose and Applicability

- A. **Purpose.** The purpose of this Chapter is to ensure that all development produces an environment of stable and desirable character that is harmonious with existing and future development, and protects the use and enjoyment of neighboring properties, consistent with the General Plan.
- B. **Applicability.** The standards of this Chapter apply to all zones. These standards shall be considered in combination with the standards for each zone in Article 2 (Zoning Districts and Development Standards). Where there may be a conflict, the standards specific to the zone or specific land use shall override these general standards. All structures, additions to structures, and uses shall conform to the standards of this Chapter, as determined applicable by the Director.

### 9.31.020 Clear Sight Triangle

- A. **Visibility Required.** To safeguard against vehicular, bicycle, and pedestrian collisions caused by visual obstructions at street and alley intersections, and at any point where a driveway intersects a street or alley, there shall be no visual obstruction within the clear sight triangle established in this Section. Such space shall be kept free of buildings, structures, and landscaping that constitutes a visual obstruction. In hillside areas, clear sight triangle shall include such grading as may be necessary to provide for reasonable intersection visibility.
- B. **Clear Sight Triangle Described.** The clear sight triangle is defined as:
  - 1. The triangular-shaped area on a corner lot, or at a point where a driveway intersects a street, formed by measuring the prescribed distance from the intersection of the front (or rear) and street side property lines at an intersecting street or alley, and connecting the lines diagonally across the property making a 90-degree triangle; and
  - 2. The triangular-shaped area on each side of any driveway intersecting a street or alley.

**Figure 3-1:  
Clear Sight Triangle Graphic**

[To be added]

- C. **Clear Sight Triangle Required Dimensions.** Table 3-2 (Clear Sign Triangle Required Dimensions) identifies the required dimensions for a clear sight triangle:

**TABLE 3-2:  
CLEAR SIGHT TRIANGLE REQUIRED DIMENSIONS**

Type of Intersection	Required Dimension for a Clear Sight Triangle	
	Standard Lot	Irregular Lot With No Intersection Visibility
Street Right-of-Way and Alley	15 ft.	17 ft.
Two Intersecting Alleys	15 ft.	17 ft.
Street Right-of-Way and Driveway	10 ft.	17 ft.
Street and Street	30 ft.	35 ft.

- D. **Maximum Height Requirement.** The following shall not be erected, placed, or planted, or allowed to grow over 30 inches in height above the nearest street curb elevation within a clear sight triangle:

1. Fences and walls.
2. Signs, see also Section 9.36 (Sign Regulations).
3. Structures.
4. Mounds of earth.
5. Other visual obstructions.

- E. **Exceptions.** The requirements for clear sight triangle shall not apply to:

1. Traffic safety devices.
2. Trees trimmed from the ground surface up to eight feet above the adjoining curb.
3. Utility poles.
4. Other utility installed or maintained devices allowed by this Development Code.
5. Free standing sign when the lower edge of the sign face is at least eight feet above grade and where there are no more than two posts or columns, each with a maximum width or diameter of 12 inches, supporting the sign.

- F. **Prohibited**

Real Estate Signs  
Sign Twirlers  
Political Signs

**9.31.030 Height Regulations and Exceptions**

- A. General Provisions.** The maximum structure height development standards established by the zoning districts may be increased as specified by this section, provided such increase does not conflict with airport safety regulations or approved conditions of approval.
- B. Permitted Structural Height Increases**
  - 1. **Single-Family Dwelling Unit.** Single-family dwelling units in zoning districts that impose a height limitation of 35 feet or less may exceed the height limit by up to 25%, when two side yards of at least 20 feet are provided.
  - 2. **Institutional Structures.** Institutional structures in zoning districts that impose a height limitation of 35 feet or less may exceed the height limit by up to 25%, when the required front, side and rear yards are increased an additional one foot in excess of minimum requirements for each four feet in height above 35 feet.
  - 3. **Miscellaneous Structures.** The maximum structure height specified in a zoning district may be exceeded by no more than 50 percent for structures identified in Table 3-3 (Structures That May Exceed Height Limit), subject to an approved Land Use Compliance Review:

**TABLE 3-3:  
STRUCTURES THAT MAY EXCEED HEIGHT LIMIT**

<ul style="list-style-type: none"> <li>a. Cupolas, domes, skylights, and gables.</li> <li>b. Ornamental towers and spheres.</li> <li>c. Church steeples and towers.</li> <li>d. Flag poles.</li> <li>e. Bird houses.</li> <li>f. Residential chimney, flues, smokestacks, and enclosures.</li> <li>g. Mechanical equipment and its screening.</li> <li>h. Elevator housing.</li> <li>i. Bulkhead and skylights.</li> <li>j. Monuments.</li> <li>k. Barns, silos, grain elevators, , and other farm buildings or structures in Open space, Residential Hillside Reserve, and Rural Living zoning districts.</li> <li>l. Noncommercial antennas up to 65 feet in residential zoning districts.</li> </ul>	<ul style="list-style-type: none"> <li>m. Fire or parapet walls.</li> <li>n. Fire and hose towers.</li> <li>o. Stairway housing.</li> <li>p. Water tanks and water towers.</li> <li>q. Cooling towers, gas holders, smokestacks, or other structures in industrial zoning districts which are required by permitted industrial processes.</li> <li>r. Observation and carillon towers.</li> <li>s. Radio and television station towers.</li> <li>t. Distribution and transmission cables and towers</li> <li>u. Outdoor theater screens.</li> <li>v. Sign spires</li> <li>w. Penthouses.</li> <li>x. Other roof structures and mechanical equipment similar to those listed above.</li> </ul>
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## Chapter 9.32 Landscaping and Water Conservation

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### Sections:

- 9.32.010 – Purpose and Intent
- 9.32.020 – Applicability
- 9.32.030 – Exemptions to the Landscaping Requirements
- 9.32.040 – Modification to the Landscaping Requirements
- 9.32.050 – Landscape Documentation Package
- 9.32.060 – Landscaping Area Requirements
- 9.32.070 – Development Standards
- 9.32.080 – Irrigation Scheduling and Maintenance Required
- 9.32.090 – Landscape Certificate of Completion Submittal
- 9.32.100 – Non-potable/Recycled Water
- 9.32.110 – Storm Water Management

### **9.32.010 Purpose and Intent**

The Town promotes the value and benefits of landscapes while recognizing the need to use water and other resources as efficiently as possible. In compliance with applicable State standards and guidelines, this Chapter establishes minimum landscape standards for all uses for the purpose of enhancing the appearance of developments, reducing heat and glare, controlling soil erosion, conserving water, establishing a buffer and/or screen between residential and non-residential land uses, and ensuring the ongoing maintenance of landscape areas. Water conservation measures shall be addressed through landscape and irrigation design.

### **9.32.020 Applicability**

The Director may delegate authority for review, inspection and approval of plans and installations, as well as other implementation of this Chapter to the local water purveyor in order to avoid duplication of processes and efforts specific to allowable water use, irrigation system design, metering requirements and other standards regulated by the local water purveyor.

A landscape document package shall be submitted for review and approval for the following projects:

- A. All new and rehabilitated landscapes associated with homeowner installed residential uses (including single residential units/projects) with a total landscape area that is 5,000 square feet or greater.
- B. All new and rehabilitated landscapes associated with any developer-installed residential uses (including single and multiple residential projects) with a total landscape area that is 2,500 square feet or greater.

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- C. All new and rehabilitated landscapes associated with any owner and/or developer installed commercial, institutional, and/or industrial uses with a total landscape area that is 2,500 square feet or greater.
  - D. All new and rehabilitated landscapes within cemeteries. These projects need only prepare a water budget that specifies the facilities Maximum Applied Water Allowance (MAWA) and Estimated Annual Water Use (EAWU), and they must meet the provisions set forth in Sections 9.32.060 and 9.32.070 of this Chapter.
  - E. If existing physical constraints on the site (e.g., structures, parking, circulation, etc.) limit the amount of landscaping that can be provided, whatever additional landscaping the site can accommodate towards meeting the landscape area requirements of this Chapter shall be provided.

#### **9.32.030 Exemptions to the Landscaping Requirements**

The following projects shall be exempt from landscaping requirements:

- A. Those properties that have been registered as local, state, and/or federally historical sites.
- B. Undisturbed portions of residential subdivisions, such as areas which are to remain natural for native plant protection and/or management, for the protection of a wildlife corridor, or for other natural resource management all of which will not require supplemental water or the approval as a viable landscape by the Director.
- C. Undisturbed portions of nonresidential project sites.
- D. Those properties that are currently in agricultural production are exempt from the requirements of this Chapter. Commercial agriculture production requiring more intense water usage shall be subject to separate water efficiency standards as regulated by the State of California and local water resource agencies.
- E. Those properties that are part of an ecological restoration project(s) and do not require the use of a permanent irrigation system.
- F. Those properties that are part of a mined-land reclamation project(s) and do not require the use a permanent irrigation system.
- G. Those plant collections, as part of botanical gardens and arboretums that are open to the public.

#### **9.32.040 Modification to the Landscaping Requirements**

- A. **Director Approval.** The Director may approve modifications to the requirements of this Chapter. The modifications shall be limited to the following:
  - 1. Minor modifications to the approved landscape documentation package that comply with the spirit and intent of the requirements, including, but not limited to, revising or substituting plant varieties, container sizes, plant locations, irrigation specifications, hardscape components, berm heights and/or locations, slope features, and other similar changes.

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2. Any minor modifications of planting, installation, and/or soil preparation details as listed within the approved landscape documentation package.
  3. The occupancy of structures prior to the installation of landscaping due to exceptional and unforeseen circumstances when a bond or other surety is provided in compliance with SubSection 9.32.050 (C) (Statement of surety).

**B. Conditions imposed in connection with modifications.** In granting modifications to any approved landscape documentation package, the Director may impose conditions as deemed necessary to comply with the spirit and intent of these regulations.

### **9.32.050 Landscape Documentation Package**

**A. Landscape Documentation Package Requirements.** A landscape documentation package shall be submitted for review and approval for those projects specified in Subsection 9.32.020 (Applicability), consisting of the following:

1. Title Sheet. Pertinent project information (i.e. applicant contact information, representative contact information if applicable, assessor's parcel number, etc.) shall be included on a title sheet. The following statement is to be placed on the title sheet of the landscape documentation package:

*I agree that this landscape documentation package complies with the landscaping requirements as outlined by Chapter 9.32 of the Town of Yucca Valley Development Code; as well as any other requirements as outlined in supporting documentation regarding water efficient-landscaping requirements provided by the Town of Yucca Valley.*

The Title sheet shall bear the signature of a licensed professional authorized to design landscape plans.

2. Demolition Plan. The landscape demolition plan, if applicable, shall show all landscape elements, and/or hardscape elements, that will affect the proposed landscaped areas, and identify each element to be removed or protected in place. Any existing regulated native species shall be identified and shall not be removed without a removal permit.
3. Construction Plan. The landscape construction plan shall detail the hardscape elements, i.e. sidewalks, mowcurbs, aesthetic elements, etc., that are proposed as part of the landscape design.
4. Water Budget. A project's water budget shall be based on the following calculations and shall be included on the irrigation plan:
  - a. Maximum Applied Water Allowance (MAWA): The MAWA for the project shall be calculated using the following formula:

$$\text{MAWA (in gallons)} = (\text{ETo})(0.62)[(0.7 \times \text{LA}) + (0.3 \times \text{SLA})]$$

Where:

- 
- 1) ETo: The project area specific reference evapotranspiration rate (inches), as outlined in the California Irrigation Management Information System (CIMIS), other equivalent data, or soil moisture sensor data.
  - 2) 0.62: The conversion factor, which converts acre-inches per acre per year to gallons per square foot per year.
  - 3) 0.70: The ET adjustment factor, that, when applied to the ETo, adjusts for plant factors and irrigation efficiency, which are two major influences upon the amount of water that needs to be applied to the project's landscaped areas. Those areas using non-potable/recycled water for irrigation purposes may use the ET adjustment factor, which shall not exceed of 1.0. The ET adjustment factor is figured by dividing the average site-wide plant factor, found in the Water Use Classifications of Landscape Species, third edition (WUCOLS III), with the average irrigation efficiency of 0.71, as defined by State law;
  - 4) LA: The project's total landscaped area (including SLA) in square feet; and
  - 5) SLA: The project's total special landscaped area (i.e. areas dedicated to edible plants, areas irrigated with non-potable/recycled water, and publicly accessible areas dedicated to active play such as parks, sports fields, golf courses, and where turf provides a playing field or where turf is needed for high traffic activities) in square feet.
- b. Estimated Annual Water Use (EAWU). The EAWU for project specific hydrozones shall be calculated using the following formula:

$$\text{EAWU (in gallons)} = (\text{ETo})(0.62)[((\text{PF} \times \text{HA})/\text{IE}) + \text{SLA}]$$

Where:

- 1) ETo: The project area specific reference evapotranspiration rate (inches), as outlined in the California Irrigation Management Information System (CIMIS), other equivalent data, or soil moisture sensor data.
- 2) 0.62: The conversion factor, which converts acre-inches per acre, per year to gallons per square foot, per year.
- 3) PF: The plant factor found in the Water Use Classifications of Landscape Species, third edition (WUCOLS III) publication, available from the Department of Water Resources. The plant factors range from: low (0 to 0.3), medium (0.4 to 0.6), and high (0.7 to 1.0).
- 4) HA: The hydrozone area in a square foot number based on water usage areas within the particular landscaping area (i.e. high, medium, and low, see above). If plants with low water requirements are used within a medium water use hydrozone (those plants that can also survive/flourish in a medium water use application), they shall be counted as a medium water use in the water budget calculations. The same requirement applies for those plants that can also be utilized in a high water use application.



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5) IE: The irrigation efficiency of the projects irrigation systems. For the purposes of determining the EAWU, the average irrigation efficiency is assumed to be 0.71, based on State law. All project irrigation systems shall be designed, maintained, and managed to meet or exceed an average irrigation efficiency of 0.71, as defined by State law.

6) SLA: The project's total special landscaped area (i.e. areas dedicated to edible plants, areas irrigated with non-potable/recycled water, and publicly accessible areas dedicated to active play such as parks, sports fields, golf courses, and where turf provides a playing field or where turf is needed for high traffic activities) in square feet.

7) The landscaping plans shall provide the EAWU (in the same units as the MAWA is provided) for each valve stationed on the project specific irrigation controller. The sum of the projected EAWU shall not exceed the projected MAWA for the project.

5. Landscape Planting Plan

a. Plant Groupings. Plants selected for the landscape planting plan shall have similar water needs and be grouped together in distinct hydrozones for water maximum efficiency.

b. Plant Hardiness. Plants selected for the landscape planting plan shall be selected based upon their adaptability to the climate in which the project is located, as well as the geologic and topographical conditions. Where possible, the preservation and protection of existing native plant species and natural areas shall be encouraged.

6. Landscape Irrigation Plan. The plan shall include all components of the irrigation system (i.e., valves, heads, sensors, etc.). The water budget information shall be used in the preparation of the irrigation plan and shall be included on the plan.

7. Hydrozone Plan. A separate hydrozone plan shall be prepared in conjunction with the irrigation plan calling out the distinct hydrozone plant groupings.

8. Landscape Grading Plan. If the proposed grading exceeds 50 cubic yards, the developer shall submit the most recent rough/precise grading plans and elevations for the project site. These plans shall bear the signature of a licensed professional authorized by law.

9. Soil Management Report. To help further reduce runoff and help encourage healthy plant growth, a project-specific soil management report with soil amendment recommendations shall be submitted as part of the landscape documentation package.

**B. Review and approval.** Prior to the issuance of permits, the developer shall submit a complete Landscape Documentation Package for review and approval.

**C. Statement of Surety.** When required by the Director, a statement of surety in the form of cash, performance bond, letter of credit, or certificate of deposit in an amount equal to 120 percent of the total value of all plant materials, irrigation equipment, installation, and maintenance shall be posted with the Town for a two-year period. The Director may require statements of surety for phased development projects, a legitimate delay in landscape installation due to seasonal requirements (including adverse weather conditions) and similar circumstances where it may not be advisable or desirable to install all of a project's landscaping before occupancy of a site.

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- D. Local Water Purveyor.** If special provisions have been arranged for a local water purveyor to review and approve a specific project's landscape documentation package, a stamped set of plans approved by the local water purveyor shall be provided.

### 9.32.060 Landscaping Area Requirements

**A. General requirements.**

1. **Setbacks.** Setback and open space areas required by this Development Code shall be landscaped based on the requirements of this Chapter, except the portion where a sidewalk or driveway occur in the required setback. Required setbacks that are screened from public view in commercial and industrial zones, and are not adjacent to residentially-zoned property, are exempt from the provisions of this Chapter.
2. **Unused Areas.** Areas of a project site not intended for a specific use shall be landscaped based on the requirements of this Chapter, unless exempt in compliance with Subsection 9.32.030 (Exemptions from the Landscaping Requirements).
3. **Parking Areas.** Parking areas shall be landscaped in compliance with Chapter 9.33.110 (K) (Landscape Requirements for Parking Areas) and the water-efficient landscaping requirements of this Chapter.

- B. Landscaping In Lieu of Parking Spaces.** Landscaping may be provided in lieu of 10 percent of the total number of parking spaces required, provided the landscaping is arranged so that parking may be installed at a later date if a demand arises, and further provided, that the owner agrees to provide parking at the request of the reviewing agency.

### 9.32.070 Development Standards

- A. Design Standards.** The elements within the landscape documentation package (i.e. planting, irrigation, construction, etc.) shall incorporate the following:

1. **Cohesive Landscape Design.** Landscaped areas shall be made an integral part of the overall project design and shall not be simply located in excess space after parking areas and structures have been planned on-site. Additionally, landscaped areas should have a coordinating design that blends with the architectural influence of the site. Larger developments may utilize a variety of themes throughout landscaped areas to distinguish key areas and elements within the development, yet these design concepts shall be consistent with the unifying concept established for the development.
2. **Scale and Character.** Landscape materials (i.e. planting and hardscape) shall be selected so that the scale and character are appropriate to the site architecture and/or use of the site.
3. **Functional Landscapes.** Landscaped areas shall be utilized to enhance and define entrances, sidewalks, and pedestrian areas. Additionally, landscaped areas shall be utilized to control microclimates as well as enhance views. Plant materials that provide seasonal color via flowers or foliage shall be provided as an accent to entrances and sidewalks, and shall be considered throughout the landscape.
4. **Landscape Design Features.** Aesthetic landscape design features such as sculptures, decorative paving, benches, trellises, arbors, etc. shall be strongly encouraged within

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landscaped areas. Aesthetic landscape design features do not include driveways, parking areas, and/or storage areas.

5. Sidewalks. All sidewalks, where necessary and appropriate, shall be shown on the landscape plans (i.e. planting, irrigation, construction, etc.). This will ensure proper planting and irrigation design around proposed sidewalks.
6. Alternative Hardscape Materials. Decomposed granite, pea gravel, mulch, bark, recycled tire mulch, play area surfacing, and other similar materials may be used in functional activity areas (i.e., patios, rear entry walks, trails, etc.).
7. Water Features. If a water feature such as a pond or fountain is used within a project's landscape then the project's water budget calculations (MAWA) will need to include the surface area of the water feature with the evaporation rate equivalent to that of a high water use plant. Where available, if not utilized by the public as a recreation source, a non-potable/recycled water source shall be used for any decorative water features. Decorative water features shall be on a recirculating system and shall be maintained on a regular basis.
8. Screening. Planting material and/or hardscape material, such as block walls, wood fencing, vinyl fencing, etc., shall be required to screen storage areas, trash enclosures, parking areas, air conditioning units, and other such elements (except residential driveways). Additionally, any above ground public utilities, such as, but not limited to electrical substations, water storage facilities, and treatment plants shall also be provided with perimeter landscape screening to the extent possible.
9. Bio-swales. Where possible, bio-swales shall be incorporated into landscaped areas to help maintain, manage, and prevent run-off. All bio-swales shall be a mixture of hardscape materials, i.e. rocks, boulders, rip rap, and plant materials suitable for bio-swales; impermeable surfacing shall be avoided in all bio-swales.
10. High Maintenance Landscaping. High maintenance landscaped areas shall be kept to a minimum. If high maintenance landscaped areas are proposed as part of a project's landscaping, these areas shall be located near primary uses and high activity areas.
11. Maximum Height for Clear Sight Triangles. Any planting material and/or hardscape elements over 30 inches in height shall not be allowed within a clear sight triangle formed by the intersection of public rights-of-way, parking lot entrances and exits, pedestrian rights-of-way, driveways, or alleys as described in Subsection 9.31.020 (Clear Sight Triangles).
12. Phased development. Disturbed nonresidential project sites, including those that have been approved with phasing, where future development is intended within six months of approval, or intended to begin within six months after the completion of a previous phase shall be hydro-seeded with a non-irrigated mix of annuals and natives. Supplemental water shall be provided to the hydro-seeded areas to establish plant health. The hydro-seeded areas shall be maintained in a weed-free condition until development occurs on-site. The proposed hydro-seed mix shall be submitted for review and approval.

**B. Planting Plan Requirements.** Planting plans shall include the following:

1. Plant Material Varieties. Plant materials shall include water-conserving trees (deciduous and evergreen), shrubs, and groundcover that are attractive and useful for erosion control. The use of one predominant species shall be avoided to prevent spread of disease and pests.
2. Plant Materials. Plant materials shall be a cohesive mix of evergreen and deciduous trees, shrubs, groundcovers, succulents, and native plant material that are drought and infestation tolerant; turf is highly discouraged and shall be minimized and be placed in compliance with this Chapter. Appropriate desert plant materials shall be selected based on their appropriate plant hardiness climate zones as defined by Sunset Western Garden Book and their classifications per the Water Use Classifications of Landscape Species, third edition (WUCOLS III) publication, available from the Department of Water Resources.
3. Coordination of Plant Materials. Plant types shall be grouped together based on their water, soil, sun, and shade requirements, as well as their relation to natural watercourses on-site, existing vegetation that is to remain, and their relationship to building orientation. Plant types with different water needs shall be placed on separate irrigation valves within specific hydrozones. Plant types with similar classifications such as high and moderate, moderate and low, low and very low, per the WUCOLS III publication, shall be grouped together in planting areas.
4. Native and Drought-tolerant Plant Materials. Native and drought-tolerant plant materials capable of surviving with a minimal amount of supplemental water shall be utilized.
5. Landscaped Setbacks. The front yard and street side yard setback areas of a parcel shall be landscaped using xeriscape landscaping techniques, which combines drought tolerant plant and hardscape materials in a variety of aesthetically pleasing designs. For sites where no disturbance of land within setbacks is proposed, landscaping shall not be required.
6. Mulch. Where appropriate, use rock mulch including cobble stones, crushed rock, and similar gravels in place of organic mulch. Rock mulch can assist in dust control as well.
7. Dust Control. If grading takes place, then a dust control plan shall be submitted for review.
8. Shade Trees. Where appropriate, shade trees shall be provided for residential, commercial, institutional, and industrial buildings, parking lots, open space areas, etc. The trees shall be incorporated to provide natural cooling opportunities and water conservation.
9. Invasive Plants. The use of invasive plant materials shall be avoided in areas near parks, buffers, conservation areas/reserves, and other open space areas because of the potential to cause harm to environmentally sensitive areas.
10. Vines. To aid in the prevention of graffiti, self-clinging vines shall be planted to help ensure full coverage of the public-facing side of all walls.
11. Edible Plants. If edible plant material is proposed as part of the landscape design, it shall be clearly defined and kept separate from all other plant material. Non-potable/recycled water shall not be used to irrigate edible plant material areas.

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12. Fire-prone Plants. Plant materials that are fire-prone and highly flammable shall be avoided.
  13. Plant Material Spacing. Trees proposed within the road right-of-way shall be planted 30 linear feet on-center from one another, unless another on-center spacing is specified within the project's conditions of approval. In open space areas, trees shall be planted in odd number groupings to allow for a more natural look and feel. The on-center spacing for shrub and groundcover materials shall be based on the size of the specific plant species at maturity. Careful consideration shall be given to proposed plant materials height and spreads so that at maturity they do not interfere with service lines, a driver's or pedestrian's view of public rights-of-way (e.g., the view of approaching, merging, or intersecting traffic, etc.), or otherwise impair public safety, or interfere with the safe operation of a motor vehicle on public streets.
  14. Plant Material Container Sizes. Plant materials shall be provided in an array of several container sizes. Container sizes for plant material shall include some of the following:
    - a. Trees: 15 gallon, 24-inch box, 36-inch box, 48-inch box, and 52-inch box, 72-inch box, 96-inch box, and field dug.
    - b. Palms: six- to 15-foot brown trunk height (BTH).
    - c. Shrubs: one-gallon, two-gallon, five-gallon, and 15-gallon.
    - d. Groundcovers: flats and one-gallon.
  15. Plant Solar Orientation. Plant materials shall be planted in a manner considerate of solar orientation to help maximize summer shade and water conservation.
  16. Turf. Turf is prohibited for use as aesthetic landscaping in commercial and industrial projects. Turf is only allowed for limited uses within parks, sports fields, golf courses, and where turf provides a playing field or where turf is needed for high traffic activities. Where turf is installed, the use of warm season turf shall be strongly encouraged. Furthermore, unless subsurface or other low-flow or non-spray irrigation is proposed, all turf areas shall be a minimum 24 inches away from non-permeable surfaces as to minimize irrigation runoff and overspray.
  17. Slope Design. Slopes with a 5:1 ratio or greater; cut slopes with a five-foot vertical height or greater; and fill slopes with a three-foot vertical height or greater shall be protected against damage from erosion. In addition to the stabilizing mulch, drought-tolerant plant material and hardscape features shall be utilized on slopes to promote water retention and erosion control. Decorative boulders and other suitable hardscape materials may be utilized on slopes, but the dominant visual character of the slope shall be made up of drought-tolerant plant materials. Shrubs shall be used in combination with lateral spreading groundcovers; trees shall be used where slope exceeds 15 feet vertical height. Trees and shrubs shall be planted in visually attractive groupings that provide a more natural appearance.

**C. Irrigation Plan Requirements.** Irrigation plans shall include the following:

1. **Efficiency.** Irrigation systems shall be designed, installed, maintained, and managed to achieve the highest efficiency rate as possible, and shall meet and maintain an average efficiency rate of 0.71, as defined by State law. High efficiency methods of irrigation (i.e., drip irrigation, efficient rotators, rotary nozzles, micro sprays, etc.) are recommended within the irrigation design.
2. **Water Pressure.** Static water pressure, dynamic, or operating pressure and flow reading of the water supply shall be measured at the point of connection (POC). These pressure and flow measurements shall be conducted at the design stage to help aid in the design of the irrigation systems. If these measurements are not available at the design stage, the measurements shall be obtained at time of construction and the irrigation design adjusted accordingly. The design of the irrigation systems will ensure that each emission device is within the manufacturer's recommended dynamic pressure range for optimal performance.
3. **Variables in Static Pressure.** If the measured static pressure is above or below the required dynamic pressure for optimal performance of the irrigation system then pressure-regulating devices (i.e. inline pressure regulators, booster pumps, etc.) shall be specified and installed in order to meet the dynamic pressure required for optimal performance of the irrigation systems.
4. **Matched Precipitation Rates.** Irrigation heads (i.e. spray heads, rotors, etc.) and other emission devices shall have matched precipitation rates unless otherwise directed by the manufacturer's specifications.
5. **Capacity.** The capacity of the irrigation system shall not exceed the capacity required based on the water budget calculations for peak water demand, meter capacity, and/or the backflow preventer type and device capacity. If the project is served by a local water purveyor then it is recommended that the project developer contact the water purveyor and inquire about peak water demands (on the main water supply system) and any known water restrictions that could possibly impact the effectiveness of the irrigation systems.
6. **Runoff and Overspray.** Soil types and infiltration rates shall be taken into account when irrigation systems are designed and installed. Irrigation systems shall be designed and installed to prevent runoff, low head drainage, overspray, or other similar conditions where water flows onto adjacent property, non-irrigated areas, sidewalks, roadways, or structures. The use of check valves shall be required on all irrigation systems to prevent low head drainage. Proper irrigation design, equipment, and schedules, including repeating cycles, shall be used in order to match application rates and help minimize runoff.
7. **Head to Head Coverage.** Irrigation systems shall be designed to utilize head-to-head coverage with matched precipitation rate nozzles. Rotors and spray heads shall be zoned separately. When using rotors, half arc rotors and full rotors shall be zoned separately, unless matched precipitation rate nozzles are utilized.
8. **Water Waste.** Water waste is the result of inefficient irrigation due to runoff, overspray, low head drainage, and other similar conditions that causes flows to run onto adjacent non-irrigated areas, walks, roadways, parking lots, etc. It shall be the responsibility of the property owner to prevent water waste on their property by properly maintaining,

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managing, and replacing irrigation equipment per the regular maintenance schedule. Restrictions in regards to overspray may be considered and modified if the following occur:

- a. The landscaped area is directly adjacent to a permeable surface and no runoff occurs; or
  - b. If the directly adjacent non-permeable surfaces have been designed and installed to drain entirely into a landscaped area on-site.
9. Meters. Meters shall be provided in accordance with Hi Desert Water District standards and requirements.
10. Valves. Separate valves shall be provided for those planting areas with similar water uses, so plantings with similar water needs are on the same irrigation valve. All turf areas shall be placed on a separate valve from non-turf areas. Where feasible, trees shall be placed on a separate deep root watering system with its own valve.
11. Equipment. All irrigation systems shall be equipped with the following:
- a. “Smart” Irrigation Controller. All irrigation systems shall be equipped with a smart irrigation control, which automatically adjusts the frequency and/or duration of irrigation events in response to changing environmental conditions. Landscaped areas shall be zoned together in relation to moisture control zones, which shall be based on similarity of water needs (i.e. turf separate from shrubs and groundcovers, sun exposure areas separate from shade areas, top of slope separate from toe of slope, etc.).
  - b. Weather Sensing Devices. All irrigation systems shall be equipped with weather sensing devices (i.e. rain, wind, freeze, etc.), either integral or auxiliary, that suspend or alter system operations during unfavorable weather conditions.
  - c. Flow Sensor. A flow-sensing device is recommended for all irrigation systems so that irregular flows within the system can be detected and repaired.
  - d. Manual Shut-off Valves. All irrigation systems shall be equipped with manual shut-off valves (i.e. gate valve, ball valve, butterfly valve, etc.) that are located as close as possible to the irrigation systems point of connection (POC) and also where jointed transitions occur on the mainline to minimize water loss in case of an emergency and/or scheduled routine repair.
  - e. Pressure Regulator. All irrigation systems shall be equipped with a pressure regulator that regulates when the static pressure is above or below the recommended operating pressure for the designed irrigation system.
  - f. Backflow Preventers. All irrigation systems shall be equipped with a backflow prevention device in accordance with Hi Desert Water District and California Building Code standards and requirements.
  - g. Swing Joints/Riser Protection. In order to prevent damage that maybe caused to irrigation heads adjacent to hardscape and high traffic areas, all irrigation systems shall utilize swing joints and other riser protection.

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12. Soils. Relevant information provided in the soil management report, such as soil types and infiltration rates shall be utilized when irrigation systems are designed.
  13. Non-permeable Surfaces. Conventional spray irrigation shall not be permitted within 24 inches of any non-permeable surface. Irrigation systems that are allowed within the 24-inch setback from a non-permeable surface range from drip, drip line, other low-flow or non-spray technology. If the landscape area is adjacent to permeable surfacing and no overspray or run off occurs then there shall be no restrictions on the irrigation system type.
  14. Irregular Shaped Areas. Those areas that are long, narrow, and/or irregular shaped, including turf areas, less than eight feet in any direction shall be irrigated with low-volume irrigation or subsurface irrigation technology.
  15. Irrigation on Slopes. Non-turf areas located on slopes greater than 25 percent shall be irrigated with a drip irrigation system or other low volume irrigation technology. This requirement may be modified and an alternative design and/or technology proposed if that design/technology demonstrates that no run-off or erosion will occur.
  16. Mulched Planting Areas. In planting areas that utilize a form of mulch, the use of a low volume irrigation system shall be required in order to maximize water infiltration into the plants root zone.
  17. Non-potable/Recycled water. Where available, the use of non-potable/recycled water to irrigate planting areas shall be utilized. If facilities are made available, water systems for common open spaces (i.e. parks, preserves, etc.) shall use non-potable/recycled water. If non-potable/recycled water is used for irrigation systems then all systems shall be designed to meet all applicable local agency and State codes regarding the use of non-potable/recycled water.
  18. Hydrozones. Irrigation systems shall be zoned in accordance to plant water use, slope aspects, and sun/shade microclimates.
- D. Hydrozone Plan.** Each irrigation design plan shall include a separate hydrozone plan outlining the hydrozones that are valved separately within all landscaped areas.
- E. Grading Plan Requirements.** For the efficient use of water, grading of the project site shall be designed so that soil erosion, runoff, and water waste are minimized. As part of the landscape document package, if a project's grading exceeds 50 cubic yards, then the project developer shall submit the most recent rough and/or precise grading plan(s) that have been prepared and signed by a licensed professional as authorized by law.
- F. Soil Management Report.** A soil management report is required as part of the landscape documentation package when mass grading is not proposed. When mass grading is proposed, the soil management report shall be submitted with the certificate of completion.
1. Development of the Soil Management Report. The steps listed below are intended to help guide the developer in the preparation of the soil management report:
    - a. Perform a preliminary site inspection;



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- b. To obtain the necessary sample, determine the appropriate level of soil sampling and sampling method;
  - c. To determine the soil in the landscape area has sufficient depth to support proposed plants perform a soil probe test; and
  - d. Obtain appropriate soil sample.
2. Soil Sample(s). Once a soil sample(s) has been obtained from the project site it shall be submitted to the appropriate laboratory for analysis and recommendations. Minimum requirements for the soil analysis should include soil texture, infiltration rate determined by lab tests or soil texture infiltration rate table, pH, total soluble salts, sodium, and any recommendations.

### 9.32.080 Irrigation Scheduling and Maintenance Required

- A. **Landscape Maintenance.** All landscaped areas shall be properly maintained to ensure water use efficiency and overall plant health. A regular maintenance schedule shall be submitted to the Town and the local water purveyor, if applicable, with the Landscape Certificate of Completion for all projects subject to the provisions of this Chapter.
1. Responsibilities of Property Owners. Property owners shall be responsible for the installation and the regular maintenance and management of landscaped areas on their property and within the contiguous landscaped rights-of-way/parkways. Those rights-of-way/parkways that are maintained by the Town shall not be the responsibility of the property owner.
  2. Maintenance Practices. The following maintenance practices shall be part of the regular maintenance schedule and shall be performed on a regular basis to ensure water use efficiency and overall plant health:
    - a. For the overall health of plant material pruning, cultivating, weeding, fertilizing, watering, and replenishing mulch on a regular basis shall be part of a regular maintenance schedule. All pruning shall be in compliance with the adopted pruning standards of the Western Chapter of the International Society of Arboriculture.
    - b. The removal of dead, decayed, diseased, or hazardous trees and/or shrubs, weeds, and debris constituting unsightly appearance, dangerous to public safety and welfare or detrimental to neighboring properties or property.
    - c. Any dead or dying plant material shall be removed and replaced as quickly as possible. Any accumulation of leaves, twigs, bark, and other similar materials shall be removed on a regular basis. All landscaped areas shall be kept in a weed-free fashion at all times.
    - d. Litter removal from all landscaped areas shall be performed on a regular basis.
    - e. All turf areas shall be mowed, aerated, and dethatched on a regular basis to ensure the overall health of the turf.
    - f. Plantings shall be irrigated as often as necessary to maintain healthy growing conditions. Damage to the landscaping and irrigation systems shall be corrected as quickly as possible.

- g. All irrigation systems, and components, shall be routinely inspected, adjusted, and repaired. Any obstructions to emission devices shall be removed. If repair to the irrigation equipment is necessary, the replacement parts shall conform to all standards that govern the original irrigation installation and/or approved landscaping plans.
  - h. Mulch shall be routinely replenished as part of the regular maintenance schedule. The depth, type, and replenishment frequency of all mulch within landscaped areas shall be listed as part of the regular maintenance schedule.
  - i. The operation of the irrigation systems outside of the normal watering window shall only be allowed for system auditing and maintenance.
  - j. The property owner is encouraged to implement sustainable and/or environmentally friendly practices for overall landscape maintenance. If sustainable and/or environmentally friendly landscape maintenance practices are utilized then those practices shall be outlined within the regular maintenance schedule.
3. Trimming to prevent encroachment or obstruction. Plant material (i.e. trees and shrubs), when established, shall be trimmed so that they do not encroach upon sidewalks, property lines, or streets. Plant materials shall not encroach, impede and/or interfere with vehicle or pedestrian traffic, or obstruct the illumination from any streetlight to the street or sidewalk. Refer to Subsection 9.31.020 (Clear Sight Triangle) concerning clear sight triangles and Section 9.07.130 and 9.09.040 (Permitted Projections into Required Setback Areas) concerning projections into yards.
  4. Trees.
    - a. In residential subdivisions, the developer shall guarantee street trees for a minimum of one year after acceptance of the tract or until 80 percent of the units are occupied, whichever is later. Maintenance of all trees shall become the responsibility of the homeowner upon occupancy.
    - b. As necessary, all tree guys, stakes, etc. shall be adjusted on a regular basis and replaced in order to maintain a neat appearance and to prevent damage to trees. All tree guys, stakes, etc. shall be removed after the first growing season to ensure the continuing health of the plant.

**B. Irrigation Schedule.** An irrigation schedule shall be developed for all landscaped areas in order to ensure the efficient use of water. The site-specific irrigation schedule shall be developed, managed, and evaluated to utilize the least amount of water required to ensure plant health. The site-specific irrigation schedule shall meet the following criteria:

1. Two Separate Irrigation Schedules. Two site-specific irrigation schedules shall be prepared. The first schedule shall be for the initial establishment period of six months and the second schedule shall be for the established landscape, and shall incorporate the specific water needs of on-site plant material throughout the calendar year.
2. Watering Window for Conventional (overhead) Spray Systems. All conventional (overhead) spray systems shall be scheduled to run between the hours of 8:00 P.M. to 9:00 A.M. The project developer shall check with the local water purveyor, if applicable, to determine their suggested watering window, and the stricter of the two shall apply. The

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operation of the irrigation systems outside of the normal watering window shall only be allowed for system auditing and maintenance.

3. Maximum Applied Water Allowance (MAWA). The total water applied to the site landscaping shall be less than or equal to the site-specific Maximum Applied Water Allowance (MAWA).
4. Copies of Irrigation Schedule. A copy of the project-specific irrigation schedule shall be located within the irrigation controller enclosure for maintenance purposes. Additionally, a copy of the schedule shall be given to the property owner prior to occupancy.

### **9.32.090 Landscape Certificate of Completion Submittal**

Prior to the issuance of the certificate of occupancy or final inspection for a project that is subject to the requirements within this Chapter; a Landscape Certificate of Completion shall be submitted to the Community Development Department certifying that the landscape has been installed in accordance with the approved project specific landscape documentation package. The Landscape Certificate of Completion shall be signed and dated by the licensed professional who prepared the plans and shall include the following information:

- A. Date.
- B. Project information to include project name, project applicant name, telephone and mailing address, project address, location, and Assessor's Parcel Number, and property owner name and mailing address.
- C. A statement certifying that the landscaping has been installed in accordance with the approved project specific landscape documentation package.
- D. Evidence that the party who is responsible for the installation of the irrigation systems has conducted a preliminary field inspection prior to backfilling, and that the irrigation systems are in working order (evidence of field inspection shall be attached).
- E. An irrigation audit report indicating that a certified irrigation auditor has performed and completed an irrigation audit on the installed irrigation systems, and has ensured water efficiency, and that the irrigation systems are not in excess of the site-specific Maximum Applied Water Allowance (MAWA) per the water budget.
- F. Documentation that the specified smart irrigation controller has been set according to the correct irrigation schedule.
- G. Documentation that all on-site irrigation systems have been adjusted to maximize irrigation efficiency and eliminate irrigation runoff and overspray.
- H. Documentation that a copy of both of the project specific irrigation schedules have been given to the property owner for future maintenance and management obligations.
- I. If mass grading occurred on the site, a soil management report shall be included. Mass grading is defined as a reconfiguration of existing land form to where drainage patterns are altered and a substantial amount of clearing is done.

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### **9.32.100 Non-potable/Recycled Water**

Where available, the installation of non-potable/recycled water irrigation systems (i.e., dual distribution systems, purple pipe, and interchangeable components) shall be required to allow for the current and future use of non-potable/recycled water.

### **9.32.110 Storm Water Management**

- A. Stormwater management practices minimize runoff and increase infiltration which recharges groundwater and improves water quality. Implementing stormwater best management practices into the landscape and grading design plans to minimize runoff and to increase on-site retention and infiltration are encouraged.
- B. Project applicants shall refer to the local agency or Regional Water Quality Control Board for information on any applicable stormwater ordinances and stormwater management plans.
- C. Rain gardens, cisterns, and other landscapes features and practices that increase rainwater capture and create opportunities for infiltration and/or onsite storage are recommended.

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## Chapter 9.33 Parking and Loading Regulations

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### Sections:

- 9.33.010 – Purpose and Intent
- 9.33.020 – Basic Requirements for Off-Street Parking and Loading
- 9.33.030 – Off-Street Loading Spaces Requirements
- 9.33.040 – Off-Street Parking Spaces Requirements
- 9.33.050 – Parking Spaces for People with Physical Disabilities
- 9.33.060 – Bicycle Parking
- 9.33.070 – Parking Area Design Standards
- 9.33.080 – Location and Design of Off-Street Loading Spaces
- 9.33.090 – Parking Area Plan Required
- 9.33.100 – Standards for Truck Parking
- 9.33.110 - Parking Design Guidelines

### **9.33.010 Purpose and Intent**

- A. Ensure that off-street parking and loading facilities are provided for new land uses, and for major alterations and enlargements of existing uses in proportion to the need for such facility created by each use.
- B. Ensure that off-street parking and loading facilities are designed in a manner that will ensure efficiency, protect the public health, safety, and welfare, and where appropriate, insulate surrounding land uses from the adverse impacts of parking facilities and ingress/egress.
- C. To ensure improved health, safety, and welfare for the motoring public through controlling areas to and from public roadways.

### **9.33.020 Basic Requirements for Off-Street Parking and Loading**

- A. Off-street parking and loading facilities are required based on the following:
  - 1. **New Construction.** For all new construction, off -street parking, loading, ingress and egress shall be provided in accordance with this chapter.
  - 2. **Expansion of Existing Structures.** For any expansion/addition to an existing building that creates the need for additional parking facilities, parking shall be provided for the existing structure and the expansion area in accordance with this chapter.
  - 3. **Change in Use of an Existing Structure with Existing Parking.** Parking shall be provided in accordance with this chapter for any change in use that results in the requirement for an increase in the number of parking spaces:
    - a. No additional parking will be required where the total number of spaces required for the change in use is less than ten percent of the number of spaces required and existing for the

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use prior to such change. A change in occupancy is not a change of use unless the new occupant is considered a different land use classification than the former occupant

4. Change in use when no paved parking exists: Where a change in use requires additional parking on a site where there is no existing paved parking, fifty percent of the required number of parking spaces shall be improved in accordance with this chapter.
- B. Nonconforming Parking or Loading.** No existing use of land or structure shall be deemed to be nonconforming solely because of the lack of off-street parking or loading facilities required by this chapter, provided that facilities being used for off-street parking and loading as of the date of adoption of this chapter is not being reduced.
- C. Spaces required for Multiple Uses.** In the case of mixed occupancies for all new development, the total requirements for off-street parking shall be the sum of the requirements for the various uses computed separately. Development projects with uses having different peak hours may be eligible for a reduction in parking up to a maximum of 20 percent.
- D. Location and Ownership.** Parking required to serve a residential use shall be on the same site as the use served, except that subject to approval of the Director, parking for interim housing may be located on a different site under the same or different ownership provided it is adjacent to the use served. Parking required to serve a non-residential use shall be on the same site as the use served or different site under same or different ownership with an approved parking agreement. Any required landscape setback shall not be used to meet off-street parking requirements.
- E. Common Loading Facilities.** The off-street loading facilities required by this chapter may be satisfied by the permanent allocation of the prescribed number of spaces for each use in a common truck loading facility, provided that the total number of spaces shall not be less than the sum of the individual requirements.
- F. Computation of Spaces Required.** If, in the application of the requirements of this chapter, a fractional number is obtained, the number shall be rounded up or down to the nearest whole number.
- G. Mixed Use Developments.** For planned mix-use developments which consist of retail, office, and theater or hotel, or other similar combination of uses parking may be reduced by a maximum of 20 percent provided documentation is provided which demonstrates sufficient parking is being provided. Reduced parking would not be considered for development consisting of only retail and office.

### 9.33.030 Off-Street Loading Spaces Requirements

- A.** The required number of loading spaces shall be provided in accordance with Table 3-4 (Required Loading Spaces).
- B.** References to spaces per square foot are to be computed on the basis of gross floor area unless otherwise specified, and shall include allocations of shared restroom, halls, and lobby area, but shall exclude area for stair or elevators.

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**TABLE 3-4:  
REQUIRED LOADING SPACES**

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Gross Floor Area	Loading Spaces Required
General Commercial and Institutional Uses	
Less than 5,000 sq. ft.	None required
5,000 to 20,000 sq. ft.	1 loading space
Each additional 20,000 sq. ft.	1 additional loading space
Professional Office Uses	
Less than 10,000 sq. ft.	None required loading space
10,000 to 99,999 sq. ft.	1 loading space
Each additional 100,000 sq. ft.	1 additional loading space
Manufacturing, Wholesale, Warehousing, and Other Industrial Uses	
Less than 20,000 sq. ft.	1 loading space
Each additional 20,000 sq. ft.	1 additional loading space

- C. Loading spaces shall not be allocated or located in required parking areas or within minimum driveway aisles.

### 9.33.040 Off-Street Parking Spaces Requirements

- A. **Residential Parking Space Requirements.** The required number of parking spaces for residential uses is provided in Table 3-5 (Residential Parking Space Requirements).

**TABLE 3-5:  
RESIDENTIAL PARKING SPACE REQUIREMENTS**

Use	Parking Spaces Required
Day Care Home, Large	1 space per 6 children, maximum enrollment based on maximum occupancy load.
Interim Housing	1 space per sleeping room plus 1 per 100 sq. ft. used for assembly purposes or for common sleeping areas.
Single-family Dwelling Unit	2 spaces within a garage or carport.
Second Dwelling Unit	1 per second unit; a minimum of 2 spaces covered per site (in association with primary unit).
Duplex Dwelling Unit	1 space per dwelling unit within a garage or carport.
Multi-Family	1.5 spaces for each unit containing 1 bedroom; 2 spaces for each unit containing two or more bedrooms. At least one of the spaces required for each unit shall be within a garage or carport.
Mobile Home Park	2 spaces per unit, 1 covered; tandem parking is permitted, plus 1 space per 8 units which must be designed for guest parking.
Residential Related	
Residential Care	1 space per 3 licensed beds.

**TABLE 3-5:  
RESIDENTIAL PARKING SPACE REQUIREMENTS**

Use	Parking Spaces Required
Bed and Breakfast	1 space per room available for rent in addition to that required for the primary residence.
Boarding House	1 space per sleeping room or 1 space per bed, whichever is greater.
Senior Housing	1 space per unit within a carport or garage.

**B. Commercial Parking Space Requirements.** The required number of parking spaces for commercial uses is provided in Table 3-6 (Commercial Parking Space Requirements).

**TABLE 3-6:  
COMMERCIAL PARKING SPACE REQUIREMENTS**

Use	Parking Spaces Required
Commercial Retail and Services	
Ambulance Service	1 space per 500 sq. ft. plus 1 space per ambulance.
Animal Service:	
Animal Boarding	1 space per 400 sq. ft.
Animal Grooming	1 space per 400 sq. ft.
Animal Hospital	1 space per 400 sq. ft.
Auto Repair and Service	6 spaces plus 3 spaces per bay.
Automobile Sales, Boat Sales, Mobile Home Sales and Other Similar Uses	1 space per 2,000 sq. ft. of open area devoted to display or sales; provided that where such areas exceed 10,000 sq. ft., only 1 space need to provide for each 5,000 sq. ft. above the first 10,000 sq. ft. contained in such area.
Auto Rental	1 space per 300 sq. ft. of lot area, plus 1 per rental vehicle.
Auto Storage	1 space per 5,000 sq. ft. of lot area, plus a minimum of 2 spaces outside any perimeter fence or secure area.
Bingo Parlors	1 space per 2 seats.
Catering Services	1 space per 400 sq. ft.
Carwash:	
Full Service	1 space per 200 sq. ft. of sales, office, or waiting area; plus a 5 space stacking lane per washing station.
Self Service	1 space per stall, plus 2 space stacking lane in front of each stall.
Communications Facility	1 space per 500 sq. ft.
Daycare Center	1 space per each employee or teacher, and 1 space for each 5 children that the facility is designed to accommodate.
Fitness Center	1 space per 200 sq. ft. of gross floor area
Furniture Stores, Appliance Store, Home Improvement	1 space per 300 sq. ft.



**TABLE 3-6:  
COMMERCIAL PARKING SPACE REQUIREMENTS**

Use	Parking Spaces Required
Funeral and Interment Services	1 space per 50 sq. ft. of seating area.
Hotel/Motel	1 space per guest room, plus 1 space per 3 employees on largest shift, plus, 1 space per 50 sq. ft. of banquet seating area, plus parking for other uses and facilities as required by this schedule.
Lumber yards and Plant Nurseries; (non warehouse retail facilities)	1 space per 300 sq. ft. of interior space plus 1 space per 1,000 sf of outdoor or open area used for display or service
Maintenance and Repair (No Autos)	1 space per 400 sq. ft.
Restaurants (including cafés, night clubs, bars, taverns and other similar establishments)	1 space per 50 sq. ft. of seating area (Including outdoor dining)
Restaurants (Fast Food with Drive Through)	1 space per 50 sq. ft. of seating area (Including outdoor dining), plus a stacking area to accommodate a minimum of 10 cars for drive-through service independent of any on-site parking, parking maneuvering areas, and traffic ways. The drive-through lanes shall be protected and/or defined by a curbed landscape strip not less than 3 feet wide or the driveway shall be segregated to as to not interfere with pedestrian or vehicle traffic and parking as approved by the Commission.
Restaurants (Take Out Service – No Seating)	1 space per 250 sq. ft.
Retail Sales	1 space per 250 sq. ft.
Shopping Centers	1 space per 250 sq. ft.
Studio (art, dance, martial arts, music)	1 space per employee, plus 1 space per 2 students at maximum capacity based on occupancy of the building per California Building Code.
Swap Meet	1 space per 1,000 sq. ft. of lot area.
Theaters, Movie, or Live Performance	1 space per 4 fixed seats for up to 800 seats, plus 1 per 8 fixed seats for seats in excess of 800 seats.
<b>Commercial Recreation</b>	
Bowling Alleys	5 spaces per alley, 2 per pool/billiard table, plus 1 per 250 sq. ft. of public assembly and retail areas.
Driving Range	3 spaces plus 1 space per tee.
Golf Course	4 spaces per hole, plus as required for any accessory use.
Gymnasium	1 space per 600 sq. ft. of floor area plus 1 per employee.
Miniature Golf	3 spaces per hole, plus as required for any accessory use.
Pool/Billiards Hall	2 spaces per pool/billiard table, plus 1 space per 250 sq. ft. of public assembly area.

**TABLE 3-6:  
COMMERCIAL PARKING SPACE REQUIREMENTS**

Use	Parking Spaces Required
Tennis/Racquet Ball Courts	2 per court, plus as required for any accessory uses.
Skating Rink (ice or roller)	1 per 5 fixed seats, or 1 per 35 sq. ft. of seating area if there are no fixed seats; plus 1 per 250 sq. ft. of additional public assembly area and retail sales (excluding rink area)
Video Arcade, Internet café	1 space per 200 sq. ft. or 1 space per computer terminal, whichever is greater.
Offices	
General Office	1 space per 250 sq. ft., minimum of 4 spaces
Medical and Dental	1 space per 200 sq. ft., minimum of 4 spaces

**C. Industrial Parking Space Requirements.** The required number of parking spaces for industrial uses is provided in Table 3-7 (Industrial Parking Space Requirements).

**TABLE 3-7:  
INDUSTRIAL PARKING SPACE REQUIREMENTS**

Use	Parking Spaces Required
Hazardous Waste Facility	1 space for each 4000 sq ft of outdoor storage of material or 1 space for 250 sq ft of office space or 1 space for each 500 sq ft of indoor storage, whichever is greater.
General Manufacturing and Industrial Uses	1 per 350 sq. ft. of industrial use plus 1 per 350 sq. ft. of office use plus 1 per vehicle operated in conjunction with the business
Mini-Storage/Public Storage	6 spaces plus 2 for caretaker, when meeting Fire Dept. drive aisle width requirements.
Recycling Facility (Large and Small Collection Facilities)	1 space for each 4,000 sq. ft. of outdoor storage of material or 1 space for 250 sq. ft. of office space or 1 space for each 500 sq. ft. of indoor storage, whichever is greater.
Research and Development	1 per 500 sq. ft.
Salvage and Wrecking Yard	1 per 5,000 sq. ft. of lot area, plus 1 per 300 sq. ft. for office and sales area
Warehousing	1 per 1,000 sq. ft. plus 1 per 250 sq. ft. for auxiliary office and sales uses

**D. Public Facilities Parking Space Requirements.** The required number of parking spaces for public facility uses is provided in Table 3-8.

**TABLE 3-8:  
PUBLIC FACILITIES PARKING SPACE REQUIREMENTS**

Use	Parking Spaces Required
Places of assembly	1 space for every 4 permanent seats in principal assembly area or room. Where no permanent seats are provided, one space for every 30 sq. ft. of floor area in principal assembly room. 24 linear inches of bench or pew shall be considered a fixed seat.
Airports/Heliports	As specified by Conditional Use Permit (Section 9.63)
Convalescent facilities , congregate care, assisted living facility	1 space per 4 licensed beds plus one per employee on largest shift plus one per staff doctor
Retirement or Rest Homes	1 space per 3 beds plus one per employee on largest shift
Cultural Institutions/Museums	1 space per 300 sq. ft.
Hospitals	1 space per patient beds
Schools (Public/Private): Nursery/Preschool K to 8th Grades 9th to 12th Grades Community College, University	1 space per staff member, plus 1 space per 10 children 2 spaces per classroom 7 spaces per classroom 10 spaces per classroom 10 spaces per classroom, plus 1 space per faculty member and employee on the largest shift
Vocational, Trade, or Technical Schools	1 space per 1.3 faculty, support staff, students during largest attendance period.
Park Facilities	5 spaces per acre

### 9.33.050 Parking Spaces for People with Physical Disabilities

- A. All parking facilities shall comply with the requirements of the California Administrative Code (Title 24) and with the sign requirements of the California Vehicle Code, Section 22511.7. One space shall be provided for each dwelling unit designated for individuals with physical disabilities. Parking for individuals with physical disabilities shall be provided for all other projects on the basis of total parking provided on-site as shown in Table 3-9 (Required Number of Parking Spaces For People with Physical Disabilities).

**TABLE 3-9:  
REQUIRED NUMBER OF PARKING SPACES FOR PEOPLE WITH PHYSICAL  
DISABILITIES**

<b>Number of Required Parking Spaces</b>	<b>Required Disabled Parking Spaces</b>
1-25	1
26-50	2
51-75	3
76-100	4
101-150	5
151-200	6
201-300	7
301-400	8
401-500	9
Over 500	Add 1 space per each additional 200 spaces

- B. Disabled Parking Lot Dimensions.** Table 3-10 (Disabled Parking Space Dimensions) identifies the dimensions for disable parking areas.
- C.** One in every eight required accessible spaces, but not less than one, shall be served by an access aisle 96 inches wide minimum and shall be designed as “Van Accessible”. See Table 3-10 for van accessible spaces parking dimensions.

**TABLE 3-10:  
DISABLED PARKING SPACE DIMENSIONS**

<b>Disabled Parking Space</b>	<b>Parking Area</b>	<b>Loading Area/ Access Aisle</b>	<b>Total</b>	<b>Depth</b>
Each Parking Space	9 ft.	5 ft.	14 ft.	19 ft.
Two Adjoining Parking Spaces	9 ft. for each space (2 spaces)	5 ft. (shared)	23 ft.	19 ft.
Van Accessible Spaces	9 ft.	8 ft. (passenger side)	17 ft.	19 ft.

### **9.33.060 Bicycle Parking**

Bicycle racks may be required for all commercial, industrial, public, and semipublic projects. Bicycle parking would be in addition to automobile parking spaces pursuant to Chapter 9.41 (Trip Reduction Requirements).

### 9.33.070 Parking Area Design Standards

Each off-street parking stall shall consist of a minimum dimensions identified in Table 3-11 (Parking Spaces Dimensions), including standards spaces and compacts spaces.

**TABLE 3-11:  
PARKING SPACES DIMENSIONS**

Parking Space	Width	Depth	Number of Required Spaces	Other Requirements
Standard Parking Space	9 ft.	19 ft.	See Tables 3-4 to 3-9	N/A
Compact Space	7 ½ ft.	15 ft.	In parking lots which exceed 10 spaces capacity and serve non-residential uses, 25 percent of the required spaces may be allocated for compact parking.	All compact spaces shall be clearly marked and be posted with signs stating "Compact Cars Only"

- B. Any parking adjacent to any building or structure, wall, or fence shall have wheel stops not less than 6 inch in height and a distance not less than three feet from said building or structure, wall, or fence.
- C. Individual parking stalls shall be clearly striped and permanently maintained with double or hairpin lines on the surface of the parking facility, with the two lines being located an equal nine inches on either side of the stall sidelines.
- D. Minimum Aisle Widths.
  - 1. One-Way Traffic. One-way access drives leading to aisles within a parking area shall be a minimum width of 12 feet, and within the aisles as shown in Table 3-12 (One-Way Traffic Standards).

**TABLE 3-12:  
ONE-WAY TRAFFIC STANDARDS**

Parking Stall Angle (Degrees)	Minimum Aisle (Feet)
Parallel	12
1 to 45	14
46 to 60	17
61 to 90	26

- 2. Two-Way Traffic. The aisles and the two-way access drives leading to aisles within a parking area shall be a minimum width of 26 feet.
- 3. Drive aisle widths shall comply with all Fire Department requirements, which may result in modifications to the standards listed in Table 3-12.

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- E. All off-street parking and loading areas for commercial and industrial development and outdoor vehicle sales areas, including driveways, aisles, turning and maneuvering areas and parking spaces shall be paved with not less than two and one-half inches of asphalt concrete or an equivalent surfacing and shall be graded and drained so as to dispose of all surface water, and shall be maintained in good repair.
  - F. All parking areas shall be well lit with sufficient lighting to illuminate all areas for security and safety and shall comply with the provisions of Chapter 8.70 (Outdoor Lighting) of Title 8 (Buildings and Construction) of the Yucca Valley Municipal Code.
  - G. All street frontage parking shall have a three foot high wall, solid hedge or landscape berm or a combination thereof or an alternate buffer may be used subject to approval of the Director, to buffer off-street parking, loading areas, and outdoor sales display areas. The buffer shall be measured from the grade of the parking, loading, outdoor sales area and in the case of hedges, shall be situated at the rear of the landscape setback. This paragraph shall not apply to single family residence or a two- unit duplex.
  - H. Where more than twenty parking spaces are required in a commercial, office, or multifamily zone, the parking area shall be landscaped a minimum five percent of the net off-street parking area.
  - I. Drought tolerant, desert compatible shade trees and other landscape material shall be included in the parking lot design in order to reduce the visual effects of large asphalt areas and to assist in improving the appearance of the property from street frontage.
  - J. Parking area shall be maintained at all times in a clean, neat, and orderly condition.
  - K. All spaces in a parking facility, except single family and multifamily dwellings with up to two dwellings, shall be accessible and all circulation shall be internal without reentering a public right-of-way unless it is determined by the Director to be physically impossible to provide for such access. However, an alley may be used as maneuvering space for access to off-street parking. Off-street parking shall generally be located so as to be more convenient and accessible than on-street parking with respect to entrances of buildings and pedestrian circulation on the site served.
  - L. Nonresidential parking, loading, or sales areas which abut residential land use districts, shall be separated by a solid fence or wall six feet in height, measured from finish grade of parking lot. However, such fence or wall shall be reduced to a maximum four feet in height within the required front or street side yard. Where no front or street side yard is required, such wall or fencing shall be four feet high within 10 feet of the right-of-way.
  - M. In single family residential land use districts where the parcel abuts a paved street or road, the driveway shall be surfaced with a minimum of two inches of road mixed surfacing, except for single family residential uses on lots of 18,000 square-feet or larger, in which case the driveway shall be dust proof with materials which may include slag, gravel, or similar materials.

### **9.33.080 Location and Design of Off-Street Loading Spaces**

- A. Each loading space shall not be less than 10 feet in width, 20 feet in length.
- B. Required loading spaces shall not be within a building, but shall be on the site of the use served or on an adjoining site. On a site adjoining an alley, a required loading space shall be accessible from the alley unless an alternative access is approved by the Director. A required loading space shall be accessible without backing a truck across property lines unless the Director determines that

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provision of turn-around space is feasible and approves alternative access. An occupied loading space shall not prevent access to a required off-street parking space. A loading area shall not be located in a required landscape setback.

- C. Except in the Industrial District, a loading facility which serves a project(s) in excess of 50,000 square-feet that is visible from any public rights of way shall be screened from view.

### **9.33.090 Parking Area Plan Required**

Prior to the construction of an off- street parking area for a non-residential use or a multi-family dwelling with four or more units, a plan shall be submitted to the Planning Division for the purpose of indicating compliance with the provisions of this Chapter. This plan shall include:

- A. The location and placement of required landscaped areas, including a computation of the required area;
- B. A planting plan including a list of plants by name and size keyed to their location on the parking area;
- C. Location and description of fencing and architectural screen walls;
- D. Layout and method of irrigation of landscaped areas;
- E. Location and placement of parking stalls, including bumpers, striping and circulation, and directional signs, and all dimensions to permit comparison with approved parking standards;
- F. Placement and illumination data of parking area lights, including photometric study; and
- G. Method of drainage.

### **9.33.100 Standards for Truck Parking**

Excluding pick-up trucks and sport utility vehicles, it shall be unlawful for any commercial vehicle having an unladen vehicle weight (as defined under the California Vehicle Code) of 10,000 pounds or more to be parked in a residential land use district except for Tow Trucks which comply with the following requirements.

- A. **Tow Truck Operator.** A tow truck operator may apply for a Commercial Vehicle Parking permit subject to the following standards:
  - 1. The tow truck must be registered to a permanent tow truck business located within a commercial or industrial land use district.
  - 2. The tow truck shall be used for emergency calls only between the hours of 5 P.M. and 8 A.M. and on weekends and legal holidays. No parking shall occur at the residence between 8 A.M. and 5 P.M., except on weekends and legal holidays.
  - 3. Trucks shall not be parked within the required front yard setback of the district in which it is located and must be parked a minimum of 15 feet from any side or rear property line.

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### 9.33.110 Parking Design Guidelines

- A. Purpose.** The following design guidelines are intended as reference to assist the designer in understanding the Town's goals and objectives for parking and loading design. These guidelines complement the mandatory parking and loading regulations contained in this chapter by providing good examples of potential design solutions and by providing design interpretations of various regulations.

The design guidelines are general and may be interpreted with some flexibility in their application to specific projects. The guidelines will be utilized to encourage the highest level of design quality while at the same time providing the flexibility necessary to encourage creativity on the part of project designers.

- B. General Design Principles.** A well designed parking facility depends on a variety of desirable elements, including:

1. Ease and convenience to all users;
2. The best utilization of available space;
3. Ease of access;
4. Good internal circulation;
5. Easy parking maneuvers;
6. Public transit;
7. Safety; and
8. Aesthetics.

- C. Access.**

1. Locate driveways with left-turn movements with special attention to spacing driveways relative to the nearest point of street traffic control, especially a signal. Left turn movements are relatively hazardous.
2. Locate driveways with right-turn entry movements with special attention to their location relative to street traffic control. Such movements which may impede through traffic shall be minimized.
3. Driveway design should be directly related to the layout of the parking area, amount of stacking distance (e.g., drive-in service facilities), type of loading facility, circulation pattern, building placement, and relation to the design of the public street, traffic control devices, traffic volumes and placement of other driveways.
4. Driveways "throat" distance should be sufficient to minimize any effect on traffic movements on adjacent streets.
5. Avoid locating entry and exit points where vehicles entering or leaving the site would conflict with large numbers of pedestrians.
6. The access points should be limited to minimize the number of potential conflict points with public streets.



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7. Driveway distance should be sufficient to prevent vehicles from backing into the public street.
  8. Access roads and aisles for parking should be kept at the maximum distance possible from residential units.

**D. Parking Lot Layout.**

1. When possible, segregate employee parking from customer parking. Employees will generally walk further from parking to their work destinations than shoppers will walk from parking to stores.
2. Larger parking lots should be broken into smaller modules to reduce the size and visual impact of expansive parking areas or should be designed with additional shade trees/landscaping and other material to assist in minimizing the visual effect of large parking facilities.
3. Minimize the number of continuous parking spaces without interruption.
4. Consolidated parking lots for multiple uses are encouraged where practical.
5. Parking should be designed so that backing and turning movements associated with parking layout will not obstruct or conflict with traffic, either on-or-off-site.
6. Parking lots shall be designed with adequate room to allow vehicles to turn around within the parking lot and enter an adjoining street in a forward direction.
7. Parking shall be provided with curbs, wheel stops or other barriers to prevent vehicles from extending beyond the perimeter of the parking lot and to prevent vehicles from contacting a wall, a fence or a sidewalk.
8. Access aisles should be designed to allow the user to walk directly toward, rather than parallel to, the building front.
9. End islands should be used to enhance the functional and aesthetic qualities of a parking lot in the following ways:
  - a. Delineating on-site circulation roadways;
  - b. Ensuring adequate sight distance at the intersections of the parking aisles and driveways;
  - c. Defining the area and geometry of intersections of parking aisles and driveways;
  - d. Protecting the vehicles at the end of a parking bay; and
  - e. Providing aesthetic enhancement of the site design.

**E. Parking Stalls.**

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1. In apartment parking lots, parking stalls should be located to protect the privacy of residents by providing buffers, e.g. fences, walls or landscaping, from the effects of engine noise, automobile headlights and vehicle emissions.
  2. Apartment parking stalls should generally be located no further than 150 feet from the entrance to each dwelling unit to avoid cars from parking on the street and to provide convenient access for unit residents.
  3. Whenever possible all parking stalls should be aligned with the same orientation. Having one section at right angles to another tends to create confusion and can produce accident-prone intersections.

**F. Loading.**

1. Loading and unloading facilities should be located on site and not within public right-of-way. There shall be no backing of vehicles onto the public right-of-way from loading areas.
2. Loading areas should be screened from entrances and other highly visible areas of the site. Adequate turn around and backing areas shall be provided without disruption of circulation or parking facilities.

**G. Lighting.**

1. All parking lot and loading facility lighting shall be shielded in accordance with Chapter 8.70 (Outdoor Lighting) of Title 8 (Buildings and Construction) of the Yucca Valley Municipal Code so that substantially all the directly emitted light falls within the property line.
2. No illumination is to be designed or used which produces direct, or reflected light that interferes with the safe movement of motor vehicles on public streets including:
  - a. Any light fixture not designed for street illumination that produces light that could interfere with the operation of a motor vehicle;
  - b. Any light that may be confused with or construed as a traffic control device; or
  - c. Any animated, flashing, or changing intensity lights, except for temporary holiday displays.

**H. Pedestrian.**

1. A system of interior pedestrian paths or sidewalks integrated with the parking lot should link the different parts of the development with one another and with transit stops.
2. Provide clearly discernible pedestrian walkways where there is adequate vehicular sight distance. The use of textured or colored pavement and signage should be used.

**I. Transit**

1. Large scale commercial developments and employment centers should provide transit access as near as possible to the main entrance to the facility.

2. Transit stops should be designed as an integrated component of the site and feature pedestrian amenities and shelter. Secured transit information centers or kiosks with bus routes and schedule information should be provided if feasible.
3. Non-residential development should orient the front or main entrance to the facility toward major streets with transit facilities.
4. Where parking areas separate the front or main entrance of the building from the transit facility, a separate pedestrian walkway or sidewalk may be required.

**J. Bicycles.**

1. Bicycle parking facilities should be located outside of a vehicular or pedestrian way and be protected and separated from motor vehicle traffic and parking lots by either a 5 foot separation distance or a curb or other physical barrier.
2. Bicycle parking facilities should be made out of a durable and strong material, be permanently anchored to the ground and be designed so as to allow bikes to be locked to it.
3. Bicycle parking facilities should be sufficiently illuminated.

**K. Landscaping Requirements for Parking Areas.**

1. Pre-cast and other masonry planters may be used to provide for some buffering for existing parking areas. Landscaping should be used to enhance the safety of parking lots by guiding the circulation of cars and people and by ensuring that the driver's vision is unobstructed.
2. Use of landscaping to control access to parking lots, to make traffic diverters prominent and to direct the flow of traffic within the lot.
3. Parking lots should be screened from surrounding public streets, sidewalks, parks and other public properties. Berms, walls, fences, plants, planters or similar means should be used to create the parking lot screen.
4. Whenever structures such as walls or fences are used to create a screen, plants should be located on the sides of the structure which can be seen from surrounding streets, sidewalks, parks and other public properties.
5. All areas within the perimeter of parking lots not used for parking, loading, circulation, transit or pedestrian facilities should be landscaped to minimize the feeling of expansive hard surfaced areas and to improve the parking lot appearance. Landscape design shall provide for adequate plant aeration and traffic safety.
6. Plant materials should be placed on islands, entry drives, pedestrian walls and along end islands which separate parking from drive aisles. Xeriscape landscaping shall be used.
7. Two feet at the end of landscape islands should be left unplanted. The use of cobbles, patterned concrete, or brick pavers should be considered in these end areas.

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8. Protect the root zones of trees at maturity by retaining a planted area encompassing the drip line.”

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## Chapter 9.34 Performance Standards

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### Sections:

- 9.34.010 – Purpose
- 9.34.020 – Applicability
- 9.34.030 – Modification of Standards
- 9.34.040 – Air Quality
- 9.34.050 – Electrical Disturbances
- 9.34.060 – Fire Hazards
- 9.34.070 – Heat
- 9.34.080 – Noise
- 9.34.090 – Vibration
- 9.34.100 – Waste Disposal
- 9.34.110 – Hazardous Materials

### 9.34.010 Purpose

This Chapter establishes performance standards to guard against the use of any property or structure in any zone in any manner which would create any dangerous, injurious, noxious, or otherwise objectionable fire, explosive, or other hazards; noise or vibration; smoke, dust, odor or other form of air pollution; heat, cold, dampness; electrical or other substance, condition or element in such a manner that adversely affects the health and safety of the public and the surrounding area or adjoining premises.

### 9.34.020 Applicability

- A. These performance standards shall apply to all uses in all zones, except for legal nonconforming uses which, based on a written opinion of the Town Attorney, have an established right not to comply with the provisions of this Chapter.
- B. Compliance may be waived by the Commission if a condition created under prior ordinances physically precludes the reasonable application of the standards. Additional categorical exemptions from compliance with the performance standards are as follows.
  - 1. Temporary Activity. Festivals and other special events with approved temporary use permits or other required permits, where such activities otherwise comply with other applicable provisions of this Development Code.
  - 2. Emergency Activities. Any emergency activity on the part of the Town or a private party.
  - 3. Construction Activity. Temporary construction activity is exempted except where such activity is explicitly regulated by other regulations of the Municipal Code.

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### 9.34.030 Modification of Standards

- A. **Modification by Specific Reference.** The provisions of this Chapter shall prevail should they conflict with the provisions of a land use zoning district or specific plan, unless the land use zoning district or plan standard specifically overrides or modifies the provisions of this Chapter by specific reference.
- B. **Modification by Establishment of Overlay or Approval of Planned Development, Specific Plan or Variance.** An overlay, approved Planned Development, specific plan or approved Variance may modify the provisions of this Chapter.

### 9.34.040 Air Quality

- A. **Equipment permit and inspection requirements.** Required permits shall be obtained from the Mojave Desert Air Quality Management District. Before the equipment may be constructed, plans and specifications shall be submitted to the MDAQMD for approval.
- B. **Permits from Air Quality Management Districts.** Permits shall be obtained from the Mojave Desert Air Quality Management District. If requested by the Director, uses, activities, or processes that require Air Quality Management District approval to operate shall file a copy of the permit with the Department within 30 days of its approval.
- C. **Diesel Exhaust Emissions Control Measures.** The following emissions control measures shall apply to all discretionary land use projects approved by the Town on or after January 15, 2009:
  - 1. **On-Road Diesel Vehicles.** On-road diesel vehicles are regulated by the State of California Air Resources Board.
  - 2. **Off-Road Diesel Vehicle/Equipment Operations.** All business establishments and contractors that use off-road diesel vehicle/equipment as part of their normal business operations shall adhere to the following measures during their operations in order to reduce diesel particulate matter emissions from diesel-fueled engines:
    - a. Off-road vehicles/equipment shall not be left idling on site for periods in excess of five minutes. The idling limit does not apply to:
      - (1) Idling when queuing;
      - (2) Idling to verify that the vehicle is in safe operating condition;
      - (3) Idling for testing, servicing, repairing or diagnostic purposes;
      - (4) Idling necessary to accomplish work for which the vehicle was designed (such as operating a crane);
      - (5) Idling required to bring the machine system to operating temperature; and
    - b. Use reformulated ultra low-sulfur diesel fuel in equipment and use equipment certified by the U. S. Environmental Protection Agency (EPA) or that pre-dates EPA regulations.
    - c. Maintain engines in good working order to reduce emissions.

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- d. Signs shall be posted requiring vehicle drivers to turn off engines when parked.
  - e. Any requirements or standards subsequently adopted by the Mojave Desert Air Quality Management District or the California Air Resources Board.
  - f. Provide temporary traffic control during all phases of construction.
  - g. Onsite electrical power connections shall be provided for electric construction tools to eliminate the need for diesel-powered electric generators, where feasible.
  - h. Maintain construction equipment engines in good working order to reduce emissions. The developer shall have each contractor certify that all construction equipment is properly serviced and maintained in good operating condition.
  - i. Contractors shall use ultra low sulfur diesel fuel for stationary construction equipment as required by Air Quality Management District (AQMD) Rules 431.1 and 431.2 to reduce the release of undesirable emissions.
  - j. Substitute electric and gasoline-powered equipment for diesel-powered equipment, where feasible.
3. Project Design. Distribution centers, warehouses, truck stops and other facilities with loading docks where diesel trucks may reside overnight or for periods in excess of three hours shall be designed to enable any vehicle using these facilities to utilize on-site electrical connections to power the heating and air conditioning of the cabs of such trucks, and any refrigeration unit(s) of any trailer being pulled by the trucks, instead of operating the diesel engines and diesel refrigeration units of such trucks and trailers for these purposes. This requirement shall also apply to Recreational Vehicle Parks (as defined in Section 9.68 of this title) and other development projects where diesel engines may reasonably be expected to operate on other than an occasional basis.

#### **9.34.050 Electrical Disturbances**

No use shall be permitted where such use results in electric or electromagnetic interference that adversely affects the operation of any equipment other than that belonging to the creator of such interference, or that does not conform to the regulations of the Federal Communications Commission.

#### **9.34.060 Fire Hazards**

This Section establishes standards for storage of solid materials susceptible to fire hazards and flammable liquids and gases where allowed in compliance with Article 2 (Zoning Districts and Development Standards).

- A. **Combustible Solids.** Land uses that include the storage of solid materials susceptible to fire hazards shall be subject to the following storage standards in the indicated land use zoning districts.
  1. Industrial (I) Zoning District.

- a. Inside Storage. A structure utilized for the storage, manufacture, or use of flammable solid materials shall be located no less than 40 feet from any lot line and any other on-site structures or shall adhere to standards specified in Subsection 2, below.
  - b. Outdoor Storage. Outdoor storage of flammable solid materials shall be no less than 50 feet from any lot line and any other on-site structures.
2. All other manufacturing or industrial uses legally established within any other land use zoning district. The storage, manufacture, or use of highly flammable solid materials shall take place in enclosed spaces having fire resistance of no less than two hours and protected with an automatic fire extinguishing system and shall comply with San Bernardino County Fire Department requirements.

**B. Flammable Liquids and Gases.** Land uses that involve the storage of flammable liquids and gases shall be subject to the following standards when established within the land use zoning districts indicated.

1. Setbacks. Setback requirements for flammable liquids and gases shall be in accordance with Fire Department requirements.
2. Storage Capacity. The total storage capacity of flammable liquids and gases on a parcel shall not exceed the quantities indicated in Table 3-13 (Storage Standards for Flammable Liquids and Gases).

**TABLE 3-13:  
STORAGE STANDARDS FOR FLAMMABLE LIQUIDS AND GASES**

Stored Substance	Zoning District	Maximum Capacity
Liquids	Industrial District	120,000 gallons
	All other manufacturing or industrial uses legally established within any other zoning district	60,000 gallons
Liquid Petroleum Gas	All manufacturing or industrial uses legally established within zoning district	Per Fire Department requirements
	All commercial uses legally established within zoning district	15,000 gallon per tank 20,000 gallon maximum aggregate total
	All agricultural uses legally established within zoning district	15,000 gallon per tank aggregate total
Gases other than	Industrial District	300,000 standard cubic feet above ground 600,000 standard cubic feet below ground



**TABLE 3-13:  
STORAGE STANDARDS FOR FLAMMABLE LIQUIDS AND GASES**

Stored Substance	Zoning District	Maximum Capacity
liquefied petroleum gas	All other manufacturing or industrial uses legally established within any other zoning district	150,000 standard cubic feet above ground 300,000 standard cubic feet below ground

**C. Liquefied Petroleum Gas (LPG).**

1. General Requirements.
  - a. Agricultural, Commercial, Industrial, or Manufacturing Uses and Zoning Districts. Liquefied petroleum gas (LPG) storage and distribution facilities for agricultural, commercial, industrial, or manufacturing uses shall be allowed subject to a Conditional Use Permit in compliance with Article 2 (Zoning Districts and Development Standards). The location, installation, operation, and maintenance of LPG storage and distribution facilities shall be subject to:
    - (1) The standards in this Subsection.
    - (2) The conditions, requirements, and standards imposed by the Review Authority in compliance with this Chapter.
  - b. Residential Uses and Zoning Districts. Standards for residential uses and residential land use zoning districts for LPG storage shall be in accordance with Fire Department requirements.
  - c. Conflict Between Zoning District and Use Permit Requirements. In the event of a conflict between the provisions of this Subsection 9.34.060(C) (Liquefied Petroleum Gas [LPG]) and the provisions of a land use zoning district, including the requirement for a Conditional Use Permit, the provisions of this Section shall prevail and control.
2. Fire Protection Requirements for All Parcels.
  - a. Setbacks for LPG storage and distribution facilities from structures and property lines shall be those specified by Fire Department requirements.
  - b. LPG storage tanks shall be centrally located on the parcel to the satisfaction of the Fire Department.
3. Additional Fire Protection Requirements for Specific Types of Parcels. For parcels that have no more than one occupied structure less than 5,000 square feet in size and where the water system provides substandard flows per International Standards Organization (ISO) standards for structure protection, additional fire protection requirements shall be as follows:

**TABLE 3-14:  
ADDITIONAL FIRE PROTECTION**

Parcel Size	LPG Storage Tank Standards	Fire Flow
10.1 acres or more	N/A	Fire flow shall be calculated for exposures only in compliance with the San Bernardino County Code Title 2, Division 3 (Fire Protection and Explosives and Hazardous Materials).
5.1 to 10 acres	A one-hour approved protective coating shall be applied to the LPG storage tank.	
2.5 to 5 acres	A two-hour approved protective coating shall be applied to the LPG storage tank.	

4. Additional fire protection requirements for any parcel with adequate fire flow available per ISO Standards:
  - a. Fire hydrant(s) shall serve the parcel in compliance with Fire Department requirements.
  - b. Fire flow shall provide for exposure protection (ISO Calculation) and LPG storage tank protection/suppression.
    - 1) Sprinklers shall use calculations, as adopted by Fire Department requirements.
    - 2) Hose lines shall use the formula:  $GPM = 5 \text{ times the square root of the tank capacity.}$
  - c. Additional Protection.
    - 1) Where the Fire Chief determines that water can be applied to the tank or exposures by the Fire Department in required amounts in eight minutes or less, no additional protection shall be required.
    - 2) Where the Fire Chief determines that water cannot be applied to the tank or exposures by the Fire Department in required amounts in eight minutes or less, one of the following protection measures shall be required:
      - a) One hour approved protective coating shall be applied to the LPG storage tank; or
      - b) A fixed spray water system shall be installed as approved by the Fire Department.
5. Additional fire protection requirements for any parcel not included in either Subsections 9.34.060(C)(3) or (4) above:
  - a. Either a one-hour or more protective coating shall be applied to the LPG storage tank, as required by the Fire Department, or a fixed spray water system shall be installed instead of coating the tank.
  - b. Fire flow shall be calculated for exposure only, in compliance with Fire Department requirements.

### 9.34.070 Heat

Land uses in industrial districts shall not emit heat that would cause a temperature increase on any adjacent property in excess of 10 degrees Fahrenheit, whether the change is in the air, on the ground, or in a structure.

### 9.34.080 Noise

This Section establishes standards concerning acceptable noise levels for both noise-sensitive land uses and for noise-generating land uses.

**A. Noise measurement.** Noise shall be measured:

1. At the property line of the nearest site that is occupied by, and/or zoned or designated to allow the development of noise-sensitive land uses;
2. With a sound level meter that meets the standards of the American National Standards Institute (ANSI Section SI4 1979, Type 1 or Type 2);
3. Using the "A" weighted sound pressure level scale in decibels (ref. pressure = 20 micro newtons per meter squared). The unit of measure shall be designated as dB(A).

**B. Noise Impacted Areas.** Areas within the Town shall be designated as noise-impacted if exposed to existing or projected future exterior noise levels from mobile or stationary sources exceeding the standards listed in Subsection (D) (Noise standards for stationary noise sources) and Subsection (E) (Noise standards for adjacent mobile noise sources), below. New development of residential or other noise-sensitive land uses shall not be allowed in noise-impacted areas unless effective mitigation measures are incorporated into the project design to reduce noise levels to these standards. Noise-sensitive land uses shall include residential uses, schools, hospitals, nursing homes, religious institutions, libraries, and similar uses.

**C. Noise Standards for Stationary Noise Sources.**

1. Noise Standards. Table 3-15(Noise Standards for Stationary Noise Sources) describes the noise standard for emanations from a stationary noise source, as it affects adjacent properties:

**TABLE 3-15:  
NOISE STANDARDS FOR STATIONARY NOISE SOURCES**

<b>Affected Land Uses</b>	<b>7 AM to 10 PM Leq</b>	<b>10 PM to 7 AM Leq</b>
Residential	55 dB(A)	45 dB(A)
Professional Services	55 dB(A)	55 dB(A)
Other Commercial	60 dB(A)	60 dB(A)
Industrial	70 dB(A)	70 dB(A)

**TABLE 3-15:  
NOISE STANDARDS FOR STATIONARY NOISE SOURCES**

Affected Land Uses	7 AM to 10 PM Leq	10 PM to 7 AM Leq
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Leq = (Equivalent Energy Level). The sound level corresponding to a steady-state sound level containing the same total energy as a time-varying signal over a given sample period, typically 1, 8 or 24 hours.

dB(A) = (A-weighted Sound Pressure Level). The sound pressure level, in decibels, as measured on a sound level meter using the A-weighting filter network. The A-weighting filter de-emphasizes the very low and very high frequency components of the sound, placing greater emphasis on those frequencies within the sensitivity range of the human ear.

Ldn = (Day-Night Noise Level). The average equivalent A-weighted sound level during a 24-hour day obtained by adding 10 decibels to the hourly noise levels measured during the night (from 10 pm to 7 am). In this way Ldn takes into account the lower tolerance of people for noise during nighttime periods.

2. Noise Limit Categories. No person shall operate or cause to be operated a source of sound at a location or allow the creation of noise on property owned, leased, occupied, or otherwise controlled by the person, which causes the noise level, when measured on another property, either incorporated or unincorporated, to exceed any one of the following:
  - a. The noise standard for the receiving land use as specified in Subsection B (Noise-impacted areas), above, for a cumulative period of more than 30 minutes in any hour.
  - b. The noise standard plus five dB(A) for a cumulative period of more than 15 minutes in any hour.
  - c. The noise standard plus 10 dB(A) for a cumulative period of more than five minutes in any hour.
  - d. The noise standard plus 15 dB(A) for a cumulative period of more than one minute in any hour.
  - e. The noise standard plus 20 dB(A) for any period of time.
3. Noise Standards for Adjacent Mobile Noise Sources. Noise from mobile sources may affect adjacent properties adversely. When it does, the noise shall be mitigated for any new development to a level that shall not exceed the standards described in the following Table 3-16 (Noise Standards for Adjacent Mobile Noise Sources).

**TABLE 3-16:  
NOISE STANDARDS FOR ADJACENT MOBILE NOISE SOURCES**

Categories	Uses	Ldn (or CNEL) dB(A)	
		Interior	Exterior
Residential	Single-Family, Multi-Family, Duplex, Mobile Homes	45	60
Commercial	Hotel, Motel, Transient Housing	45	60
	Commercial Retail, Bank, Restaurant	50	N/A

**TABLE 3-16:  
NOISE STANDARDS FOR ADJACENT MOBILE NOISE SOURCES**

Categories	Uses	Ldn (or CNEL) dB(A)	
		Interior	Exterior
	Office Building, Research and Development, Professional Offices	45	65
	Amphitheater, Concert Hall, Auditorium, Movie Theater	45	N/A
Institutional/Public	Hospital, Nursing Home, School Classroom, Religious Institution, Library	45	65
Open Space	Park	N/A	65

Notes:

(1) The indoor environment shall exclude bathrooms, kitchens, toilets, closets and corridors.

(2) The outdoor environment shall be limited to:

Hospital/office building patios

Hotel and motel recreation areas

Mobile home parks

Multi-family private patios or balconies

Park picnic areas

Private yard of single-family dwellings

School playgrounds

(3) An exterior noise level of up to 65 dB(A) (or CNEL) shall be allowed provided exterior noise levels have been substantially mitigated through a reasonable application of the best available noise reduction technology, and interior noise exposure does not exceed 45 dB(A) (or CNEL) with windows and doors closed. Requiring that windows and doors remain closed to achieve an acceptable interior noise level shall necessitate the use of air conditioning or mechanical ventilation.

CNEL = (Community Noise Equivalent Level). The average equivalent A-weighted sound level during a 24-hour day, obtained after addition of approximately five decibels to sound levels in the evening from 7 P.M. to 10 A.M. and 10 decibels to sound levels in the night before 7 A.M. and after 10 P.M.

**D. Increases in Allowable Noise Levels.** If the measured ambient level exceeds any of the first four noise limit categories in Subsection (C)(2), above, the allowable noise exposure standard shall be increased to reflect the ambient noise level. If the ambient noise level exceeds the fifth noise limit category in Subsection (C)(2), above, the maximum allowable noise level under this category shall be increased to reflect the maximum ambient noise level.

**E. Reductions in Allowable Noise Levels.** If the alleged offense consists entirely of impact noise or simple tone noise, each of the noise levels in Table 3-15 (Noise Standards for Stationary Noise Sources) shall be reduced by five dB(A).

**F. Exempt Noise.** The following sources of noise shall be exempt from the regulations of this Section:

1. Motor vehicles not under the control of the commercial or industrial use.
2. Emergency equipment, vehicles, and devices.
3. Temporary construction, maintenance, repair, or demolition activities between 7AM and 10 PM, except Sundays and Federal holidays.

**G. Noise Standards for Other Structures.** All other structures shall be sound attenuated against the combined input of all present and projected exterior noise to not exceed the criteria shown in Table 3-17 (Noise Standards for Other Structures).

**TABLE 3-17:  
NOISE STANDARDS FOR OTHER STRUCTURES**

Typical Uses	12-Hour Equivalent Sound Level (Interior) in dBA Ldn
Educational, institutions, libraries, meeting facilities, and similar.	45 <sup>1</sup>
General office, reception, and similar.	50 <sup>1</sup>
Retail stores, restaurants, and similar.	55 <sup>1</sup>
Other areas for manufacturing, assembly, testing, warehousing, and similar.	65 <sup>1</sup>

1. In addition, the average of the maximum levels on the loudest of intrusive sounds occurring during a 24-hour period shall not exceed 65 dB(A) interior.

#### 9.34.090 Vibration

- A. **Vibration Standard.** No ground vibration shall be allowed that can be felt without the aid of instruments at or beyond the lot line, nor shall any vibration be allowed which produces a particle velocity greater than or equal to 0.2 inches per second measured at or beyond the lot line.
- B. **Vibration Measurement.** Vibration velocity shall be measured with a seismograph or other instrument capable of measuring and recording displacement and frequency, particle velocity, or acceleration. Readings shall be made at points of maximum vibration along any lot line next to a parcel within a residential, commercial and industrial land use zoning district.
- C. **Exempt Vibrations.** The following sources of vibration shall be exempt from the regulations of this Section.

Motor vehicles not under the control of the subject use.

Temporary construction maintenance or demolition activities between 7AM and 10PM.

#### 9.34.100 Waste Disposal

- A. **Liquid Waste Disposal and Runoff Control.** No liquids of any kind shall be discharged into a public or private sewage or drainage system, watercourse, body of water, or into the ground, except in compliance with applicable regulations of the Town Municipal Code and related Federal regulations.

#### 9.34.110 Hazardous Materials

- A. **Regulated by State of California and the U.S. EPA.** The use, handling, storage, and transportation of hazardous and extremely hazardous materials shall comply with the provisions of the California Hazardous Materials Regulations (California Administrative Code, Title 22, Division 4). The U.S. Environmental Protection Agency and the California Department of Health Services identify hazardous materials and prescribe handling, use, and disposal practices. The use,

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storage, manufacture, and disposal of hazardous materials shall be regulated and monitored according to the standards established by these agencies and any delegated government agencies.

**B. Combustibles and Explosives.**

1. The use, handling, storage, and transportation of combustibles and explosives shall comply with the provisions of Title 19 of the California Code of Regulations, Chapter 10 (Explosives).
2. No gasoline or other inflammables or explosives shall be stored unless the location, plans, and construction conform to the laws and regulations of the State of California and have the approval of the Town.

**C. Maintenance of Equipment.**

1. Objects such as vehicle motor parts containing grease, oil or other hazardous substances, and unsealed receptacles containing hazardous materials, shall not be stored in areas susceptible to runoff.
2. Any machine which is to be repaired or maintained in an uncovered outdoor area shall be placed on a pad of absorbent material to contain leaks, spills or small discharges.
3. Machinery and equipment, including motor vehicles, which are leaking significant amounts of oil or fluid must be repaired.

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## Chapter 9.35 Property Maintenance Standards

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### Sections:

- 9.35.010 – Purpose
- 9.35.020 – Applicability.
- 9.35.030 – Relationship to Other Laws.
- 9.35.040 – General Maintenance Provisions
- 9.35.050 – Residential Structure Maintenance.
- 9.35.060 – Fencing and Walls.
- 9.35.070 – Visible Storage or Maintenance.
- 9.35.080 – Litter and Refuse.
- 9.35.090 – Parking Areas and Driveways.
- 9.35.100 – Landscaping and Vegetation.
- 9.35.110 – Maintenance Responsibility.

### **9.35.010 Purpose**

This Chapter sets forth comprehensive minimum maintenance standards for residential structures, yards, land, landscaping, facilities, and equipment for the purpose of protecting the health, safety, and welfare of the public, and helping to preserve property values.

### **9.35.020 Applicability.**

The provisions of this Section shall apply to all private and public residential property within the Town of Yucca Valley. Property maintenance standards shall apply to all residential development, whether constructed before or after the effective date of this Section.

### **9.35.030 Relationship to Other Laws.**

In the event of any inconsistency between this Section and any other provisions of this Development Code or other sections of the Municipal Code, including Chapter 6.08 (Maintenance of Abandoned Properties), Chapter 11.10 (Vehicle Abatement), Chapter 11.20 (Graffiti Removal), Chapter 11.60 (Dumping Waste; Nuisance Vehicles), and Chapter 11.70 (Litter and Loitering), or in the event that this Section conflicts with laws of the State or other Town ordinances, the higher standard – the standard that provides for a higher level of property maintenance – shall prevail, unless otherwise specified. This Section shall supplement and be an addition to the other relevant regulatory codes, statutes, and ordinances enacted by the Town of Yucca Valley, State of California, or any other legal entity or agency having jurisdiction.

### **9.35.040 General Maintenance Provisions**

- A. **General.** All residential properties within the Town shall be kept and maintained in a clean, neat, orderly, operable, and usable condition that is safe both to occupants and passersby. This



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requirement applies to structures, portions of structures, paving, fences, walls, landscaping, water, earth, and any other structure or natural feature.

- B. Prohibition on Attractive Nuisances.** Any property which can be easily accessed by children must be kept clear of attractive nuisances that create a danger for children and other persons, including but not limited to inoperative vehicles, abandoned, neglected, or broken equipment, machinery, appliances, refrigerators or freezers; construction materials and construction equipment; and hazardous pools, ponds, and excavations.

### **9.35.050 Residential Structure Maintenance.**

All structures and paved areas shall be kept and maintained in a manner so as to not detract from the appearance of surrounding properties, and that protects the health, safety and welfare of the user, occupant, and the general public. All such structures and paved areas shall be deemed substandard and in violation of this Chapter, as determined by the Building Official or Code Compliance Officer, when such structures or paved areas display evidence of dilapidated conditions including, but not limited to, the following:

- A. Faulty, sagging, or leaking roof, missing roof tiles, or other visible roofing materials such that the roof is structurally unsafe or allows penetration of water to the sub-structural elements such as sheathing, roofing felt, rafters or ceiling, or exposes sub-structural elements to view;
- B. Substantial areas of deteriorated structure siding materials including, but not limited to, dry rot, termite infestation, dented or rusting metal siding, broken or missing pieces of stucco, or other siding materials such that the building or structure is unsightly;
- C. Broken or missing windows which constitute a hazard and an invitation to trespassers or vagrants;
- D. Inadequate site drainage and/or standing water which causes hazardous or unsightly conditions, a breeding area for insects, or erosion of structure foundations or soil;
- E. Broken, inoperable or abandoned sanitary and plumbing facilities and/or fixtures;
- F. Broken or missing foundation;
- G. Broken, damaged or missing window screens, attic vent screens, or underfloor vents, rendering these items unusable and causing an attractive nuisance;
- H. Structural defects such as warped, bowed or sagging structural members including, but not limited to, headers, sills, beams, eaves, doorways, door jambs, and similar structural or architectural elements;
- I. Damaged woodwork or wall coverings, including but not limited to, unpainted surfaces, weathered or peeling paint, damaged brickwork, stonework or stucco, such that the affected area is in excess of the following
  1. Ten percent of the total exposed material used for trim, fascia, rafters and rain gutters
  2. Five percent of wall surfaces as measured along any single plane of the building.

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### 9.35.060 Fencing and Walls.

All fences and walls shall be kept and maintained in a manner that does not detract from the appearance of the immediate neighborhood, and that protects the health, safety, and welfare of the user, occupant, and general public. Fences and walls shall be deemed substandard and in violation of this Chapter when they display evidence of dilapidation or other conditions, such as any or all of the following:

- A. Sagging, broken, rotted, or defective support posts or other structural members;
- B. Missing or broken fence boards;
- C. Damaged or missing blocks from a block wall;
- D. Substantial areas of deterioration including dry rot, broken or missing pieces of stucco, holes, or warped or leaning fence or wall areas;
- E. Chain link fence material which is damaged or broken;
- F. Portions of the fence or wall which are substantially defaced with graffiti;
- G. Any condition of deterioration or any fault resulting in the fence or wall being structurally unsound or otherwise hazardous to property owners, occupants, or passersby;
- H. Height extensions of walls or fences in violation of this Development Code.

### 9.35.070 Visible Storage or Maintenance.

Storage and Maintenance to be Screened. Parking, storage, stockpiling, or maintenance of any of the following items on private property must be screened from any public right-of-way and adjoining properties, except as provided in section C, below. Objects and activities will be considered "screened" when they are either 1) not visible from a public right-of-way or 2) behind a solid six-foot-high fence or wall.

- A. **Furniture and Other Equipment.** Furniture or other equipment, including but not limited to couches and chairs, household appliances, sinks, heaters, boilers, tanks, other household equipment, or any parts thereof.
- B. **Materials.** Building materials, including but not limited to packing boxes, lumber, dirt piles, wood, landscape materials, or debris.
- C. **Exceptions.** The following may be allowed in front yards under the noted circumstances:
  - 1. Waste haulers and recycling containers may be placed for pickup in accordance with Chapter 9.07.120 of this code.
  - 2. Portable on demand storage containers (PODS) used for the temporary storage of personal property owned or rented by the occupants may be allowed for a period not to exceed two weeks.
  - 3. Building materials, vehicles, equipment, or construction tools may be placed in yards during construction with a valid building permit.

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4. Personal property owned or rented by the occupants may be repaired, washed, cleaned, and serviced, subject to any other relevant regulations, provided that vehicles are parked in a driveway and that all work is completed within 30 days.
  5. Barbecues and furniture that is designed and intended for outdoor use may remain on a porch or patio.

#### **9.35.080 Litter and Refuse.**

All yards, landscaped areas, and other areas of private property surrounding structures shall be kept free of trash, old building materials, junk, unregistered or inoperative vehicles, broken or discarded furniture, boxes, salvage materials, shopping carts, and other such material and equipment which, by its appearance, location or use, makes it incompatible with the principal use or other predominate principal uses in the immediate neighborhood.

#### **9.35.090 Parking Areas and Driveways.**

- A. All parking areas and driveways shall be kept and maintained so as to not detract from the appearance of surrounding properties, and to protect the health, safety and welfare of the user, occupant and general public. Such areas shall be kept in a neat and clean condition, free of inoperative vehicles, abandoned items, trash, debris or rubbish, furniture, equipment, play equipment, or similar materials, and free of potholes, sinkholes, standing water, cracks, and/or broken areas.
- B. When any paved area, which includes sidewalks, driveways, and private roadways, is dilapidated, deteriorated or destroyed to such an extent as to no longer be effective it shall be deemed substandard and in violation of this Chapter.

#### **9.35.100 Landscaping and Vegetation.**

- A. All landscaped areas shall be kept and maintained in a manner that does not detract from the appearance of the surrounding properties, and that protects the health, safety, and welfare of the user, occupants, and general public.
- B. Landscaped areas shall be kept in a neat and clean condition, free of weeds, debris and dead, diseased or dying vegetation, and broken or defective decorative elements of the landscaped area.
- C. Vegetation in landscaped areas shall be mowed, groomed, trimmed, pruned, and watered as to keep the same in a healthy, growing condition. Irrigation systems shall be kept in good working condition and repair so as to prevent leaks or public health hazards.
- D. Vegetative overgrowth shall not be permitted in a manner that is likely to harbor rodents, vermin, insects, or other nuisances; or impede, obstruct, or deny pedestrian or other lawful travel on sidewalks, walkways or other public rights-of-way.

#### **9.35.110 Maintenance Responsibility.**

- A. It shall be the responsibility of any owner of any structure, residence, property, grounds or lots to ensure or compel compliance with the property maintenance standards set forth in this Chapter.

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- B.** It shall be the responsibility of any owner, tenant, lessee, or occupant of any structure, residence, property, grounds or lots to remove debris and remove any vegetation that is in violation of this Chapter that has accumulated on any streets within the Town, if such person(s) placed the debris on such private property or streets, or otherwise owns, is occupying, or has custody or control over such private property or streets.

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# Chapter 9.36 Sign Regulations

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Sections: Reserved

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## Chapter 9.37 Soil Erosion and Dust Control

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### Sections:

- 9.37.010 – Purpose
- 9.37.020 – Applicability
- 9.37.030 – Exempt Activities
- 9.37.040 – Soil Erosion, Sediment and Dust Control Plans
- 9.37.050 – Wind-Borne Soil Erosion
- 9.37.060 – Erosion Control, Runoff Control, and Enforcement

### 9.37.010 Purpose

The Chapter establishes uniform standards and processes for regulating development that disturbs the surface of lands. The intent of these provisions is to ensure conservation of soil, water, and other valuable natural resources, reduce erosion and maintain soil productivity, maintain healthy environments and air quality, and guide the planning and evaluation of proposed development.

### 9.37.020 Applicability

Each Section in this Chapter describes activities that disturb land surfaces; identifies required permits and plans for the activities; and provides regulations to mitigate the adverse impact of the activities from new development.

### 9.37.030 Exempt Activities

The intent of this Section is not to invalidate existing discretionary permits issued by the Town, but rather to prevent or mitigate accelerated erosion. The following activities shall be exempt from the provisions of this Chapter.

- A. **Activities not resulting in land disturbance.** Activities where the Director recognizes that no land disturbance will take place or otherwise determines activities to be exempt, including:
  - 1. Change of use permits where there would be no expansion of land disturbing activities.
  - 2. Construction within an existing structure.
- B. **Agricultural activities.** Agricultural grading and routine agricultural activities (e.g., plowing, harrowing, discing, ridging, listing, land planning, and similar operations to prepare a field for a crop, including routine clearing to maintain existing rangeland, etc.)
- C. **Land clearing activities for fire prevention.** Land clearing and vegetation clearance around structures as required by State and local fire codes and fire prevention guidelines. Land clearing shall be limited to that required to comply with applicable fire codes and regulations.
- D. **Septic system and well installation and repair activities.** Activities in compliance with a valid permit for septic system installation and repair or well drilling.

E. **Soil testing activities.** Routine testing of soil type and characteristics to determine soil suitability, water percolation, or similar soil tests; provided, however, that sediment from these activities shall not be allowed to enter a stream, drainage course, body of water, or onto adjacent properties.

F. **Installation or Repair of Utility Services Within Public Rights-of-Way.** When necessary to grade, trench, or otherwise install, repair or replace utility services within the boundaries of utility or public rights-of-way when the activities are completed within 72 hours.

### 9.37.040 Soil Erosion, Sediment and Dust Control Plans

This Section provides regulations for project planning, preparation of Soil Erosion, Sediment and Dust Control Plans, run-off control, and land clearing to control disturbances to fragile desert soils in order to reduce the amount of fugitive dust that may (for long periods of time) adversely affect those who own, possess, control, or use parcels of land; and those who are located downwind of a parcel of land whose surface is being disturbed.

A. **Applicability.** The provisions in this Section apply to development applications on parcels that are one acre or greater in size or have a slope of greater than 10 percent.

B. **Permit requirements.** No person except as provided in this Chapter, shall commence with a disturbance of land (e.g. grading or land clearing) or construction activity that has that potential to cause erosion without first obtaining approval of erosion control measures to ensure that erosion would not reasonably be expected to occur. Best Management Practices (BMP's) shall be implemented at all land disturbance sites, regardless of the area of disturbance. A land use permit shall not be required for grading, land clearing, or vegetation removal activities that comply with Subsection (C) (Dust control standards), below. If more extensive grading, land clearing, or vegetation removal activities are proposed than allowed in Subsection (C), the activities shall be require approval of a Site Plan and Design Review Permit in compliance with Chapter 9.87 (Site Plan and Design Review Permit).

1. **Permit application.** An application for the Grading Permit shall be made in writing to the Department on forms provided by the Town. The application shall be accompanied by specified plans and supporting data/materials and a fee established by resolution of the Council to cover the costs of handling and processing the application.
2. **Conditions.** The Grading Permit shall be subject to conditions that the Director may impose to ensure that surface protection is provided before, during, and/or after the time of the disturbance of the surface or subsurface of the land. Protective measures required by the Director shall be provided by means of measures or any other effective method, or combination of methods, of holding the soil in place.
3. **Annual permit renewals and fee payments.** Annual renewal and payment of appropriate fees shall be required until the Director releases the permittee from the permittee's obligations under the permit in compliance with Subsection (4), (Continuing obligation to prevent erosion until release), below.
4. **Continuing obligation to prevent erosion until release.** In order to prevent the soil on the land from being eroded by wind and blown onto public roads or other public or private property, the permittee's obligations under the Grading Permit shall continue in force and effect, regardless of whether the permit has been renewed as required by Subsection (3)

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(Annual permit renewals and fee payments), until the Town has notified the permittee in writing that the permittee's obligations under the Grading Permit are released.

- C. **Dust control standards.** Land shall be cleared or natural vegetation shall be removed only in order to provide for the installation of building pads, driveways, landscaping, agriculture, or some other structure or allowed use normally related or accessory to residential uses. No person, except as provided in this Chapter, shall commence with a disturbance of land (e.g., grading or land clearing) without first obtaining approval to assure that said disturbance will not result in a significant increase of fugitive dust. Said approval may be in the form of a development permit.

### 9.37.050 Wind-Borne Soil Erosion

This Section provides regulations to conserve soil resources and to minimize the injurious effects of dust storms.

A. **Statement of hazardous wind erosion conditions.**

1. Existence of hazardous wind erosion conditions. Serious and hazardous wind erosion problems exist within the Town creating conditions that adversely affect the health, safety, welfare, and property of residents of the Town.
2. Reasons for hazardous wind erosion conditions. These conditions exist because of:
  - a. Improper and untimely disturbance of the surface or subsurface of land, the soil of which is coarse textured and of a sandy nature; and
  - b. The character and the presence of strong prevailing winds, seasonal and otherwise, that progressively erode land and blow soil in substantial quantity onto public and private property.
3. Public nuisance. The hazardous wind erosion conditions constitute a public nuisance.
4. Areas of hazardous wind erosion conditions. Hazardous wind erosion conditions are prevalent and in need of correction within the Town.

- B. **Dust Prevention Required.** To conserve the soil resources and to minimize the injurious effects of dust storms, the owner and all persons in possession of real property subject to any development permit within the Town shall take reasonable measures and means to prevent dust blowing from the property.

- C. **Enforcement.** Enforcement of this Section shall be pursuant to the provisions of Section 9.37.060, Erosion Control, Runoff Control, and Enforcement

### 9.37.060 Erosion Control, Runoff Control, and Enforcement

A. **General erosion control requirements.**

1. Conditions causing accelerated erosion prohibited. No person shall cause, or allow the continued existence of, a condition on a site that is causing or is likely to cause accelerated erosion as determined by the Director.



2. Notification to control erosion. Upon notification by the Director, the responsible person shall take appropriate measures to control erosion on the site within a reasonable period of time as determined by the Director.
3. Plan/Permit approval. The Director may require that a property owner, whose property has been cited in non-compliance with Subsection (2) (Notification to control erosion), above, file and obtain approval of a Soil Erosion and Sediment Control Plan and Grading Permit in compliance with Subsection (b) (Soil Erosion and Sediment Control Plans), above.
4. Cessation of activities due to inclement weather. The Director may require that a particular operation, process, or construction be stopped during periods of inclement weather if the Director determines that erosion problems are not adequately being controlled.

**B. Runoff control measures.** Activities subject to a development permit (e.g. Conditional Use Permit, Building Permit, Grading Permit, Planned Development Permit, Site Plan and Design Permit, Temporary Use Permit, etc.) shall implement measures to control runoff in order to prevent erosion. Measures shall be adequate to control runoff from a 100-year storm.

1. Prevention of sediment discharge. Erosion control and surface flow containment facilities shall be constructed and maintained to prevent discharge of sediment to surface waters or storm drainage systems.
2. Permeability rate.
  - a. More than two inches per hour. Where soils have a permeability rate of more than two inches per hour, runoff shall be retained on the site by methods and in quantities approved by the Building Official, at the level of increment plus 10% that percolates within 48 hours. This may be accomplished through the use of infiltration basins, percolation pits or trenches, or other suitable means. This requirement may be waived where the Director determines that high groundwater, slope stability problems, etc., would inhibit or be aggravated by onsite retention, or where retention will provide no benefits for groundwater recharge or erosion control. The runoff water shall be discharged over non-erodible surfaces or at a velocity that will not erode.
  - b. Two inches per hour or less. Where soils have a permeability rate of two inches per hour or less and onsite percolation is not feasible, runoff shall be detained or dispersed over non-erodible vegetated surfaces so that the runoff rate does not exceed the predevelopment level, while implementing measures designed to retain increment plus 10% retained that percolates within 48 hours where feasible. The runoff water shall be discharged over non-erodible surfaces or at a velocity that will not erode. The Director shall require onsite detention unless the applicant shows that the runoff will not contribute to downstream erosion, flooding, or sedimentation.
3. Onsite percolation devices. Concentrated runoff that cannot be effectively dispersed over non-erodible channels or conduits to the nearest drainage course shall be contained within onsite percolation devices.
4. Energy dissipaters at point of discharge. Where water will be discharged to natural ground or channels, appropriate energy dissipaters shall be installed to prevent erosion at the point of discharge.

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5. Detention or filtration mechanisms. Runoff from disturbed areas shall be detained or filtered by berms, vegetated filter strips, catch basins, or other means necessary to prevent the escape of sediment from the disturbed area.
  6. Deposition of earth or materials prohibited. No earth, organic, or construction material shall be deposited in or placed where it may be directly carried into a stream, lake, marsh, slough, lagoon, or body of water.
  7. Buffer zone along land/water margin. Where land disturbing activities are in proximity to lakes or natural watercourses, a buffer zone shall be required along the land/water margin of sufficient width to confine visible siltation within 25 percent of the buffer zone nearest the land disturbing activities.

**C. Authority.**

1. Authorized actions. The Town shall have authority, at all reasonable times, to enforce this Chapter and to:
  - a. Enter upon any property to investigate for violations of this Chapter.
  - b. Issue Temporary Stop Work Orders.
  - c. Issue a citation to a person committing a misdemeanor or an infraction offense under this Chapter within the presence of the Director.
2. Inspection or abatement.
  - a. The inspection or abatement of a structure or private property shall be made:
    - (1) With the consent of the owner or occupant of the property; or
    - (2) If consent is refused, with a warrant issued in compliance with California Code of Civil Procedure Section 1822.50 (Title 13 [Inspection Warrants] of Part 3 [Special Proceedings of a Civil Nature]).
  - b. However, in the event of an emergency affecting the public health or safety, an inspection or abatement may be made without consent or the issuance of a warrant.

**D. Abatement of hazardous conditions.**

1. Notice of hazardous conditions. When land presents a hazardous condition that may affect the health, safety, and welfare of neighboring residents (because of the condition of the land with regard to loose soil and windy conditions), the landowners of record shall be notified by the Director in writing by first class mail of the conditions.
2. Deadline for abatement. If these conditions are not corrected within 30 days of the mailing of the notice, the Director may order the conditions to be corrected as reasonably and economically as possible at the discretion of the Director. However, when time is of the essence and emergency action is necessary to put into effect these protective provisions, the Director may take immediate steps to abate the hazardous soil erosion condition.

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**E. Temporary Stop Work Orders.**

1. Issuance. The Director may issue a Temporary Stop Work Order and the subject soil disturbing operation shall immediately be stopped, whether a permit has been issued or not, when:
  - a. A permit has been issued, but not all of the permit requirements have been complied with. The Temporary Stop Work Order may require that all work cease until all the permit requirements have been met.
  - b. Operations are in progress, with a permit or not, and weather conditions are causing substantial dust to be carried into the air. The Temporary Stop Work Order may require the cessation of all work until the current dust air pollution is abated.
  - c. Operations are in progress, regardless of weather conditions, and a soil disturbance permit has not been issued.
2. Appeal not allowed. A Temporary Stop Work Order shall not be subject to an appeal.

## Chapter 9.38 Temporary Special Events

Sections:

- 9.38.010 – Purpose
- 9.38.020 – Duration and Frequency
- 9.38.030 – Permit Required
- 9.38.040 – Standards and Regulations
- 9.38.050 – Requests for Law Enforcement Services at Special Events
- 9.38.060 – Temporary Special Event Amendment
- 9.38.070 – Temporary Special Event Revocation

### 9.38.010 Purpose

This Chapter provides development standards for temporary special events to ensure that basic health, safety, and community welfare standards are met, while approving suitable temporary special events with the minimum necessary conditions or limitations consistent with the temporary nature of the activity. A Temporary Special Event Permit allows short-term activities that might not meet the normal development or use standards of the applicable zoning district, but may be considered acceptable because of their temporary nature. These activities are regulated to avoid incompatibility between the proposed activity and surrounding areas.

### 9.38.020 Duration and Frequency

- A. Temporary special events shall be permitted with a Temporary Special Event permit as specified below which indicate each temporary special event permitted, the zones in which the use is allowed, the maximum number of days each use is allowed and the maximum number of occurrences in each calendar year:

**TABLE 3-24:  
SPECIAL EVENTS**

Permitted Special Events (With a Special Event Permit)	Land Use District Permitted	Maximum Number of Days Per Events	Maximum Number of Events Per Calendar Year Per Location and/or Vendor
Church tent rival meetings	All Land Use Districts	10	3
Circus, carnival	All "C", "I", and Public/Quasi Public Land Use Districts, , all land use districts in Old Town Specific Plan Area	10	4

**TABLE 3-24:  
SPECIAL EVENTS**

<b>Permitted Special Events (With a Special Event Permit)</b>	<b>Land Use District Permitted</b>	<b>Maximum Number of Days Per Events</b>	<b>Maximum Number of Events Per Calendar Year Per Location and/or Vendor</b>
Fair, concerts, parades, exhibits, festivals, art shows, car shows, street fairs or similar events	All "C", "I", and Public/Quasi Public Land Use Districts, all land use districts in Old Town Specific Plan Area	10	10
Certified Farmers Markets	All "C", "I", and Public/Quasi Public Land Use Districts, all land use districts in Old Town Specific Plan Area	Two days per week	Permit is valid for one year
Seasonal Holiday Sales Facilities	Non-Residential Districts	See Subsection D	3

- B.** Where uncertainty exists regarding the interpretation of any provision of this Chapter or its application to specific special event which may not be listed, the Director shall determine the intent of the provision and or determine whether the proposed event is consistent with the provisions of this Chapter.
- C.** Multiple Temporary Special Events may be combined into a single permit, however Certified Farmers Markets shall comply with the California Code Of Regulations, section 1392 and obtain all required permits from the Town.
- D. Seasonal Holiday Sales Facilities.** Seasonal holiday sales activities (e.g., Christmas, Halloween, Thanksgiving, etc.) including temporary residence/security trailers, on nonresidential properties, for up to 45 days.
1. **Date of Opening.** A Christmas tree sales facility shall not be open for business during any calendar day before Thanksgiving. Other holiday sales facilities shall not be open more than 30 days before the holiday.
  2. **Additional Permits.** The applicant shall secure an electrical permit if the facility is to be energized and the proper permits from the Building Division for any temporary structure or shelter.
  3. **Fire Prevention.** Each Christmas tree/holiday sales facility shall comply with fire prevention standards as approved and enforced by the Fire Chief, including any burning or open fires or flocking or painting.
  4. **Maintenance.** Seasonal holiday sales facilities shall be kept clean and free of debris at all times during use of the property.
  5. **Merchandise.** A seasonal holiday sales facility shall not engage in the sale of any merchandise not directly associated with the holiday identified by the applicant as the basis for the seasonal holiday facility.

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6. Off-street Parking. The Director shall approve all public access.
  7. Removal of Facility. The seasonal holiday facility shall be removed within 14 days after Christmas or other holiday.

### **9.38.030 Permit Required**

Except as otherwise provided by the Town of Yucca Valley or state law, no person or entity shall operate, maintain, conduct, advertise, or provide admission for any temporary special event within the Town of Yucca Valley without possessing an unexpired, unsuspended and unrevoked permit from the Planning Division for each such temporary special event.

To ensure cleanup and restoration of the site, an applicant may be required to post a deposit at the time the application is submitted. Upon the completion of the event and inspection of the site by the Town, the deposit may be returned to the applicant if the cleanup and restoration of the site has been determined by the Town to be sufficient.

### **9.38.040 Standards and Regulations**

**Change of Date.** Upon the request of the applicant, the issuing authority shall have the power, upon a showing of good cause, to change the date for which the permit has been issued provided established limitations are complied with in respect to time and location.

### **9.38.050 Requests for Law Enforcement Services at Special Events**

Any person or entity required to obtain a permit in accordance with the provisions of this chapter may request law enforcement services to preserve the peace at special events. Such application shall be made to the Sheriff's Department and shall be in writing, stating the name and address of the applicant, the place where the special event is to be held, the estimated number of persons to be present and the purpose of the special event. Upon receipt of said application, the Sheriff's Department shall determine whether law enforcement services are necessary to preserve the peace, and if the Sheriff's Department so determines, and if the services will not reduce the normal and regular on-going service that the Town would otherwise provide, the Sheriff's Department shall contract with the applicant to provide the services at an amount to include all costs to the Town of Yucca Valley.

### **9.38.060 Temporary Special Event Amendment**

Refer to Article 5, Chapter 9.83 Permit Amendments.

### **9.38.070 Temporary Special Event Revocation**

Refer to Article 5, Chapter 9.84 Permit Revocations.

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## Chapter 9.39 Temporary Uses and Structures

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### Sections:

- 9.39.010 – Purpose and Intent
- 9.39.020 – Applicability
- 9.39.030 – Exempt Temporary Structures and Uses
- 9.39.040 – Structures and Uses Allowed with Temporary Use Permit
- 9.39.050 – Permitted Temporary Uses
- 9.39.060 – Additional Development Standards
- 9.39.070 – Interim Operation of Activities Requiring a Conditional Use Permit
- 9.39.080 – Camping or Occupancy of Temporary Structure Prohibited
- 9.39.090 - Temporary Use Amendment
- 9.39.100 - Temporary Use Revocation

### 9.39.010 Purpose and Intent

This purpose of this Chapter is to provide development and use standards for temporary structures and uses that might not meet the normal development or use standards of the applicable land use zoning district, but may otherwise be acceptable because of their temporary nature, and to prohibit the use of vehicles as substitutes for structures unless otherwise allowed, permitted, or exempted. The intent of these standards is to minimize the potential incompatibility of a temporary structure or use of a vehicle in lieu of such structures and to regulate the location, operation, and/or duration to protect the public convenience, health, interest, safety, and general welfare.

### 9.39.020 Applicability

This Chapter provides development and use standards for structures and uses that fall within the categories in Section 9.39.040 (Structures and Uses Allowed with Temporary Use Permit). Regulations for temporary special events are provided in Chapter 9.38 (Temporary Special Events). See Chapter 9.72 (Temporary Use Permit) for permit requirements and procedures.

### 9.39.030 Exempt Temporary Structures and Uses

The temporary structures and uses listed in this Section shall be exempt from obtaining a Temporary Use Permit. Temporary structures and uses that do not fall within the following categories shall comply with Section 9.39.040 (Structures and Uses Allowed with Temporary Use Permit).

- A. **Construction Yards - On-Site.** On-site contractors' construction yards, for an approved construction project. The construction yard shall be removed immediately upon completion of the construction project, or the expiration of the Building Permit authorizing the construction project, whichever first occurs.
- B. **Emergency Facilities.** Emergency public health and safety needs/land use activities, as determined by the Town.

- C. **Events on Sites Approved For Public Assembly.** An event on the site of, or within, a golf course, meeting hall, religious facility, school, theater, or other similar facility designed, and approved by the Town for public assembly.
- E. **Location Filming.** The temporary use of a specific site for the location filming of commercials, movies, videos, and similar filming, for the time specified by the Director. Even though this use is exempt from a Temporary Use Permit, it may require a Film Permit issued by the Community Development Department and processed in compliance with Chapter 9.78 (Filming Permits).
- F. **Public Property or Public Right-of-Way.** Construction and maintenance activities conducted on public properties that are authorized by an Encroachment Permit issued by the Department of Public Works.
- G. **Emergency public health and safety activities.**

**9.39.040 Structures and Uses Allowed with Temporary Use Permit**

The temporary structures and uses identified in this Section shall be allowed in any land use zoning district subject to the standards in this Section and a Temporary Use Permit issued in compliance with Section 9.72 (Temporary Use Permits).

- A. **Batch Plants.** Batch plants necessary for the construction of major public infrastructure improvements provided proper review in compliance with the California Environmental Quality Act (CEQA) is completed.
- B. **Construction Yards - Off-site.** Off-site contractors' construction yards, for an approved construction project. The construction yard shall be removed immediately upon completion of the construction project, or the expiration of the Building Permit authorizing the construction project, whichever first occurs.

**9.39.050 Permitted Temporary Uses**

An application for a Temporary use Permit shall be required for the following temporary uses and shall be subject to conditions established in this Code and any other additional conditions as may be prescribed by the Director. The following temporary uses may be permitted subject to the approval of a Temporary Use Permit:

- A. **Temporary Residential Quarters.** Manufactured homes and self-contained recreational vehicles may be used for temporary residential quarters only in the following instances and for a period of time not to exceed one (1) year with one (1) year extensions; not to exceed an aggregate total of four (4) years:
  1. Temporary residential quarters for individuals involved in the construction of the first permanent dwelling unit on the same parcel. Such Temporary Use Permits may be approved when construction permits have been issued by the Building and Safety Division;
  2. Temporary residential quarters for security personnel for construction projects for which construction permits have been issued by the Building and Safety Division;
  3. Temporary residential quarters for security personnel for the short-term protection of permitted commercial, commercial agricultural, industrial or institutional use;



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4. The provisions of this Section shall not apply to public school property;
  5. Temporary Use Permits issued pursuant to this Section shall become invalid upon the cancellation of the building permit or the completion of the construction project for which the building permit and Temporary Use Permit were issued.

**B. Temporary Nonresidential Quarters.** Manufactured homes, commercial coaches, self-contained recreational vehicles, mobile office vehicles or other appropriate and approved structures may be used for temporary nonresidential quarters as an accessory use to a primary permitted use. Such temporary nonresidential quarters may be used to provide temporary office, retail, meeting, assembly, wholesale, manufacturing and/or storage space for commercial, commercial agricultural, industrial or institutional uses for a period of time not to exceed one (1) year with one (1) year extensions; not to exceed an aggregate total of four (4) years.

1. The Town shall determine that the proposed use complies with the development standards in Article 2 (Zoning Districts and Development Standards) including:

- a. Adequate access, circulation, and parking.
- b. Appropriate buffering from abutting uses.
- c. Fencing.
- d. Landscaping.
- e. Lighting.

2. Under exceptional or extraordinary circumstances, a Temporary Use Permit for temporary nonresidential structures may be extended beyond the five-year limitation at the discretion of the Town

**C. Temporary Construction Office Quarters.** In conjunction with approved construction projects, manufactured homes, commercial coaches, self-contained recreational vehicles, mobile office vehicles or other appropriate and approved structures may be used for temporary construction office quarters for a period of time not to exceed one (1) year with one (1) year extensions; not to exceed an aggregate total of four (4) years. Temporary Use Permits issued pursuant to this Section shall become invalid upon the cancellation of the building permit or the completion of the construction project for which the building permit and Temporary Use Permit were issued.

**D. Temporary Real Estate Model Home/Sales Offices.** Dwelling units located in residential developments and subdivisions may be used for temporary real estate model home/sales office. Said model home sales office may be used only for conducting the activities necessary for the initial sale or lease of the land or structure located within the residential development or subdivision in which the model home/sales office is located.

1. Model Homes. A model home or model home complex may be authorized before the completion of subdivision improvements in compliance with the following standards.

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- a. The sales office and any off-street parking shall be converted back to residential use and/or removed before the issuance of the Final Occupancy Permit or within 14 days from the close of escrow of the last parcel in the subdivision, whichever first occurs.
  - b. The model home complex shall be used to sell only units within the development within which the complex is located.
  - c. Model home permits and model home sign permits will be finalized and the model homes will be allowed to be open to the public only after all required bonding has been accomplished and accepted by the Town and a Temporary Use Permit has been issued.
  - d. At least one model home shall be fully landscaped with drought tolerant xeriscape materials.
  - e. The Town may require other conditions of approval deemed necessary to protect the public health, safety, and general welfare of persons residing or working in the neighborhood.
2. Real Estate Sales Offices. A temporary real estate sales office (modular structure) may be established within the area of an approved subdivision, solely for the first sale of homes. An application for a temporary real estate office may be approved for a maximum of 12 months from the date of approval.

**E. Temporary On-Your-Lot Builder Model Home/Sales Office.** Single family dwelling units may be used for temporary on-your-lot builder model homes/sales offices subject to a Temporary Use Permit and the provisions of the Chapter, including the following:

1. Intent. The provisions of this section are intended to regulate the use of a single family dwelling unit 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. These provisions are not intended to allow a permanent or temporary real estate office involved in real estate sales other than those involving lots sold in conjunction with the construction services being offered;
2. Finding. Prior to the issuance of a Temporary Use Permit, the reviewing authority shall find and justify that the proposed on-your-lot builder model homes/sales office structure is located fronting on a roadway designated by the Circulation Plan of the General Plan as identified in (5) below.
3. Activities Restricted to Construction Services and Related Sales of Vacant Lots. The on-your-lot builder model home/sales office shall be used only for the sale of construction services to build single-family residential dwelling units on vacant lots and related real estate sales. Real estate sales shall be limited to the sale of vacant lots in conjunction with the sale construction services for the same lot. Real estate sales shall be an accessory and subordinate use to the primary use of construction service or sales.
4. Inspection Annually by Fire Department. An annual inspection shall be made by the Fire Department in order to ensure compliance with conditions of approval of the Temporary Use Permit.

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5. Location of Structure. The on-your-lot builder model home/sales office structure shall be located fronting on a roadway designated by the General Plan in the Circulation Element as one of the following:
    - (1) Highway (6 lanes divided)
    - (2) Highway (4 lanes divided)
    - (3) Arterial (4 lanes divided)
    - (4) Collector (4 lanes)
    - (5) Collector (2 lanes)
    - (6) Industrial (2 lanes).
  - 6.. Parking. A minimum of two paved and two other alternate parking spaces shall be provided. The Town shall approve alternate parking spaces subject to surfacing requirements and possible alternate locations (e.g., on-street parking) where it is deemed necessary and appropriate.
  7. Performance Bond. A bond shall be required to ensure removal of any signs or flags and to reconvert, where necessary, any garage conversion.
  8. Xeriscape. The model home shall be fully landscaped with drought-tolerant xeriscape materials.
  9. Transfer of Permit. A Temporary Use Permit for an on-your-lot builder model home/sales office may be transferred to another party. A transfer shall not entitle the new owner to use the Temporary Use Permit for a longer time period than five years from the issuance of the original permit. The Code Enforcement Division shall be notified of any transfer of ownership.
    - (a) Agreement to Terminate a Temporary Use. Before the issuance of the Temporary Use Permit for the first year and as a condition of the permit approval, the permittee shall enter into an agreement with the Town, which shall be recorded in the Official Records of the County by the County Recorder. The agreement shall establish the responsibility of the permittee to comply with the provisions of this Chapter. This will include acknowledgement that the permittee shall terminate the model home/sales office no later than five years from the date of the initial permit and shall restore the structure to a use allowed by the current land use zoning district in which the subject property is located.

**F. Temporary Outdoor Storage or Sales.** Interim operation of an exterior storage area or short-term exterior sales display area. Provisions regulating seasonal sales lots are in 9.39.040 (D) (Seasonal Holiday Sales Facilities).

**H. Temporary Work Trailers.** A trailer or mobile home used as a temporary work site for employees of a business; provided, that:

1. The use is authorized by a Building Permit for the trailer or mobile home, and the Building Permit for the permanent structure;
2. The use is appropriate because:

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- a. The trailer or mobile home will be in place during construction or remodeling of a permanent commercial or manufacturing structure for a maximum of 12 months, or upon expiration of the Building Permit for the permanent structure, whichever first occurs; or
  - b. The applicant has demonstrated that the temporary work site is a short-term necessity for a maximum of 12 months, while a permanent work site is being obtained; and
  3. The trailer or mobile home is removed before final building inspection or the issuance of a Certificate of Occupancy for the permanent structure.
  4. A Temporary Use Permit issued in conjunction with a construction project shall become invalid upon:
    - a. Cancellation of the Building Permit for the approved temporary structure or use; or
    - b. Completion of the Building Permit for the approved temporary structure or use; or
    - c. Expiration of the time for which the approval has been granted.

**I. Temporary signs.** See Section 9.36.100 (Temporary Signs).

**J. Temporary Transportable Treatment Units.** Temporary Transportable Treatment Units (TTTU) used for treating hazardous waste or groundwater contamination.

1. Temporary transportable treatment units shall only be allowed in either of the following instances:
  - a. The site where a TTTU will be located and operated complies with the siting criteria and procedures identified in the San Bernardino County Hazardous Waste Management Plan; or
  - b. The County Environmental Health Services Division determines that the proposed TTTU use does not create additional health risks as demonstrated by a site-specific health risk assessment and a Land Use Compliance Review is issued and recorded in compliance with Chapter 9.66 (Land Use Compliance Review).
2. A Temporary Use Permit issued in conjunction with a TTTU shall become invalid upon the occurrence of one of the following:
  - a. Violation of a permitting requirement; or
  - b. Completion of the project; or
  - c. Expiration of the time for which the approval has been granted.
3. The County Environmental Health Services Division shall conduct an annual inspection in order to ensure compliance with any conditions of approval.
4. A Temporary Use Permit for a temporary transportable treatment unit shall not be granted or extended for a period of time to exceed five years after the date the Temporary Use Permit was first issued.

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- K. **Accessory Storage Structures.** A detached, accessory storage structure, where the primary use does not yet exist, shall only be allowed with appropriate bonding to remove the accessory structure if the primary use is not completed within two years.
  - L. **Similar Temporary Activities.** A temporary activity that the Director determines is similar to the other activities listed in this Section and compatible with the applicable land use zoning district and surrounding land uses.

#### 9.39.060 Additional Development Standards

- A. **Additional Standards.** In addition to the standards in Section 9.39.050 (Permitted Temporary Uses), above, the Director shall establish the following additional standards for a proposed temporary structure or use, using the requirements of the applicable zoning district and Article 2 (Zoning Districts and Development Standards) for guidance:
  - 1. **Structure and Property Development Improvements.** Access, floor areas, heights, landscaping, off-street parking, setbacks, signs, utilities, and other structure and property development improvements and features;
  - 2. **Removal of the Activity and Site Restoration.** Measures for removal of the activity and site restoration, to ensure that no changes to the site would limit the range of possible future land uses otherwise allowed by this Development Code. Performance security may be required before installation of the temporary structure or initiation of the temporary use to ensure cleanup after the structure is removed or the use is finished in compliance with Section 9.80.030(Performance Guarantees); and
  - 3. **Time Limitation.** Limitation on the duration of an approved "temporary structure," to a maximum of 12 months, so that it shall not become a permanent or long-term structure.
- B. **Display of Permit and Approvals.** A valid Temporary Use Permit shall be prominently displayed so that it is visible at all times from the exterior of the permitted structure or use and available for inspection. A permitted temporary structure shall provide evidence of approval by the State Department of Housing and Community Development as required by the Health and Safety Code or the U.S. Department of Housing and Urban Development, where applicable.
- C. **Other Regulations.** Installation of a permitted structure or use shall comply with the requirements and regulations of the Department and the following:
  - 1. Development Code.
  - 2. Building and Safety Division.
  - 3. Fire Department.
  - 4. Environmental Health Services Division.
  - 5. Applicable State and Federal regulations.

#### 9.39.070 Interim Operation of Activities Requiring a Conditional Use Permit

- A. **Interim Operation of Activities Requiring a Conditional Use Permit.** A Temporary Use Permit may be issued for the interim operation of any use requiring a Conditional Use Permit for a period

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of time not to exceed 12 months, provided the Temporary Use Permit does not authorize the construction or establishment of new permanent structures and the review authority makes the findings required for approval of a Conditional Use Permit in compliance with Chapter 9.63 (Conditional Use Permit).

- B. Concurrent Application Filing.** The Temporary Use Permit application shall be filed concurrently with an application for Conditional Use Permit, where appropriate.

### **9.39.080 Camping or Occupancy of Temporary Structure Prohibited**

**A. Prohibited Use.**

1. Prohibition. It shall be unlawful to place, install, build, maintain, use, or occupy any temporary structure on any parcel of real property subject to the provisions of this Development Code for the purpose of camping, dwelling, maintaining or establishing temporary or permanent residency unless such placement, installation, construction, maintenance, use, or occupancy is first authorized by a Temporary Use Permit, Special Event Permit, or other land use approval required by this Development Code or as otherwise made an exception herein.

**B. Applicability.** This section shall apply to the following temporary structure:

1. Any tent, lean-to, box, or other make-shift building or enclosure constructed of any material for which no building permit has been issued and no Temporary Use Permit, Special Use Permit, or other land use approval has been granted;
2. Any vacant building, temporary or permanent, deemed substandard pursuant to Chapter 6.08 (Maintenance of Abandoned Properties) of Title 6 (Health and Sanitation) of the Yucca Valley Municipal Code; and
3. Any building under construction and unfinished, regardless of whether or not building, (plumbing, etc.) permits have been issued.

**C. Camping in Vehicle Prohibited.**

1. Prohibition. It shall be unlawful to place, maintain, use, or occupy any vehicle on any parcel of real property for the purpose of camping, dwelling, or maintaining or establishing a temporary or permanent residency unless such placement, maintenance, use, or occupancy is authorized pursuant to this chapter.

**D. Vehicle Applicability.** This section shall apply to the following vehicle types:

1. All recreational motor vehicles;
2. Recreational towed vehicles;
3. Mobile homes;
4. Commercial coaches;
5. Office trailers;
6. Park trailers
7. Passenger vehicles;
8. Trailers;
9. Campers; and

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10. Commercial vehicles.

**E. Notice to Abate.**

1. The Director may issue to any person occupying any structure or vehicle parked in violation of this Section a notice, including an order to vacate the structure or vehicle after 30 days of the date of the notice.
2. If deemed necessary by the Director to prevent or remedy an immediate threat to health and safety of the public or occupants of the structure, the Director may issue any person occupying any structure or vehicle prohibited in violation of this Section an order to vacate the structure or vehicle with less than 30 days notice; or institute any appropriate action or proceeding to prevent, restrain, correct, or abate the violation or nuisance.

**9.39.090 Temporary Use Amendment**

Refer to Article 5, Chapter 9.83 Permit Amendments.

**9.39.100 Temporary Use Revocation**

Refer to Article 5, Chapter 9.84 Permit Revocations.

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## Chapter 9.40 Surface Mining and Land Reclamation

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### Sections:

- 9.40.010 – Purpose
- 9.40.020 – Incorporation of SMARA and State Regulations
- 9.40.030 – Applicability
- 9.40.040 – Permit, Plan, and Financial Assurance Requirements
- 9.40.050 – Vested Rights
- 9.40.060 – Application Filing, Processing, and Review
- 9.40.070 – Additional Conditions of Approval
- 9.40.080 – Financial Assurances
- 9.40.090 – Reclamation Standards
- 9.40.100 – Interim Management Plans
- 9.40.110 – Annual Report
- 9.40.120 – Inspections
- 9.40.130 – Violations Penalties
- 9.40.140 – Post-Approved Procedures

### 9.40.010 Purpose

- A. **Extraction of minerals essential to Town economic well-being.** The Town recognizes that the extraction of minerals is essential to the continued economic well-being of the Town and its residents and to societal needs and that the reclamation of mined lands is necessary to prevent or minimize adverse effects on the environment and to protect the public health and safety.
- B. **Surface mining in diverse areas.** The Town also recognizes that surface mining takes place in diverse areas where the geologic, topographic, climatic, biological, and social conditions are significantly different and that reclamation operations and their related specifications may vary accordingly.
- C. **Purpose and intent.** The purpose and intent of this Chapter is to ensure the continued availability of important mineral resources, while regulating surface mining operations as required by:
  - 1. California's Surface Mining and Reclamation Act of 1975 (Public Resources Code Sections 2710 et seq.) (SMARA).
  - 2. Public Resources Code Section 2207 (relating to annual reporting requirements).
  - 3. State Mining and Geology Board regulations ("State regulations") for surface mining and reclamation practice (California Code of Regulations Sections 3500 et seq.) to ensure that:
    - a. Adverse environmental effects are prevented or minimized and that mined lands are reclaimed to a usable condition that is readily adaptable for alternative land uses.



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- b. The production and conservation of minerals are encouraged, while giving consideration to values relating to recreation, watershed, wildlife, range and forage, and aesthetic enjoyment.
  - c. Residual hazards to the public health and safety are eliminated.

#### **9.40.020 Incorporation of SMARA and State Regulations**

- A. **Incorporation of SMARA and State Regulations.** The provisions of the California Surface Mining and Reclamation Act of 1975 (Public Resources Code Section 2710 et seq.), Public Resources Code Section 2207, and the regulations implementing the act (California Code of Regulations Section 3500 et seq.) (“State Regulations”) are made a part of this Chapter by reference with the same force and effect as if the provisions were specifically and fully contained in this Chapter; except that when the provisions of this Chapter are more restrictive than correlative State provisions, this Chapter shall prevail.
- B. **Amendments to SMARA.** In the event that the State amends SMARA to the extent that it adds to or conflicts with this Chapter, State law shall prevail.

#### **9.40.030 Applicability**

The provisions of this Chapter shall apply to all public and private property in the Town.

#### **9.40.040 Permit, Plan, and Financial Assurance Requirements**

- A. Approval of Conditional Use Permit, Reclamation Plan, and financial assurance required. Unless exempted by SMARA, State Regulations, or Subsection (b) (Exemptions), below, any person who proposes to engage in surface mining operations shall, before the commencement of the operation, obtain Town approval of a Conditional Use Permit, Reclamation Plan, and financial assurances for reclamation in compliance with this Chapter. An exemption from these approval requirements shall not automatically exempt a project or activity from the application of other Town regulations, ordinances, or policies (e.g., the application of CEQA; the requirements of Conditional Use Permits or other permits; the payment of development impact fees; the imposition of other dedications and exactions as may be allowed under the law; etc.).
- B. **Exemptions.** This Chapter shall not apply to the following activities, subject to the exceptions noted in Subsection (a), above:
  - 1. Excavations or grading conducted for farming or for the purpose of restoring land following a flood or natural disaster.
  - 2. Onsite excavation and onsite earthmoving activities that are an integral and necessary part of a construction project and that are undertaken to prepare a site for construction of structures, landscaping, or other land improvements, including the related excavation, grading, compaction, or the creation of fills, road cuts, and embankments, whether or not surplus materials are exported from the site, subject to all of the following conditions:
    - a. All required permits for the construction, landscaping, or related land improvements have been approved by a public agency in compliance with applicable provisions of State law

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and locally adopted plans and ordinances, including the California Environmental Quality Act (CEQA).

- b. The Town's approval of the construction project:
  - 1) Is consistent with the General Plan.
  - 2) Included consideration of the onsite excavation and onsite earthmoving activities in compliance with CEQA.
- c. Surplus materials shall not be exported from the site unless and until the site accepting the surplus materials has also been approved for development according to the appropriate procedures of the agency having land use jurisdiction.
- d. Surplus materials shall not be exported from the site unless and until actual construction work has commenced and shall cease if it is determined that construction activities have terminated, have been indefinitely suspended, or are no longer being actively pursued.
3. Operation of a plant site used for mineral processing, including associated onsite structures, equipment, machines, tools, or other materials, including the onsite stockpiling and onsite recovery of mined materials, subject to all of the following conditions:
  - a. The plant site is located on lands with an appropriate land use zoning district designation commensurate with the activity according to the General Plan (e.g. Industrial (I)).
  - b. None of the minerals being processed are being extracted onsite.
  - c. Reclamation work has been completed in compliance with the approved Reclamation Plan for mineral extraction activities that occurred onsite after January 1, 1976.
4. Prospecting for, or the extraction of, minerals for commercial purposes and the removal of overburden in total amounts of less than 1,000 cubic yards in any one location of one acre or less.
5. Limited surface mining operations that are required by Federal law in order to protect a mining claim, if those operations are conducted solely for that purpose (otherwise known as "assessment work.")
6. Other surface mining operations that the State Mining and Geology Board determines to be of an infrequent nature and that involve only minor surface disturbances.
7. Emergency excavations or grading conducted by the Department of Water Resources or the Reclamation Board for the purpose of averting, alleviating, repairing, or restoring damage to property due to imminent or recent floods, disasters, or other emergencies.
8. Road construction and maintenance for timber or forest operations, if the land is owned by the same person or entity and if the excavation is conducted adjacent to timber or forest operation roads. This exemption shall only be available if slope stability and erosion are controlled in compliance with State Mining and Geology Board Reclamation Regulations and, upon closure of the site, the person closing the site implements, where necessary, re-vegetation measures and post-closure uses in consultation with the Department of Forestry

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and Fire Protection. This exemption shall not apply to onsite excavation or grading that occurs within 100 feet of a Class One watercourse or 75 feet of a Class Two watercourse, or to excavations for materials that are, or have been, sold for commercial purposes.

#### **9.40.050 Vested Rights**

- A. Pre-SMARA and post-SMARA right to conduct surface mining operations.** A Conditional Use Permit shall not be required for any person who has obtained a vested right to conduct surface mining operations before January 1, 1976, as long as the vested right continues and as long as no substantial changes have been made in the operation except in compliance with SMARA, State regulations, and this Chapter. Where a person with vested rights has continued surface mining in the same area subsequent to January 1, 1976, the person shall obtain Town approval of a Reclamation Plan covering the mined lands disturbed by the subsequent surface mining. In those cases where an overlap exists (in the horizontal and/or vertical sense) between pre-SMARA and post-SMARA mining, the Reclamation Plan shall require reclamation proportional to that disturbance caused by the mining after January 1, 1976 (i.e., the effective date of SMARA).
- B. Other requirements applicable to vested mining operations.** All other requirements of State law and this Chapter shall apply to vested mining operations.

#### **9.40.060 Application Filing, Processing, and Review**

- A. Application Filing.**
1. Applications for a Conditional Use Permit and/or Reclamation Plan for surface mining or land reclamation projects shall be made on forms provided by the Department and filed in compliance with Chapter 9.61 (Application Processing Procedures).
  2. The forms for Reclamation Plan applications shall require, at a minimum, each of the elements required by SMARA (Public Resources Code Sections 2772-2773) and other State regulations, and any other requirements deemed necessary to facilitate an expeditious and fair evaluation of the proposed Reclamation Plan, to be established at the discretion of the Director. For surface mining operations that are exempt from a Conditional Use Permit in compliance with this Chapter, the Reclamation Plan application shall include information concerning the mining operation that is required for processing the Reclamation Plan. All documentation for the Reclamation Plan shall be submitted to the Town at one time.
  3. As many copies of the Conditional Use Permit application and the Reclamation Plan application as may be required by the Director shall be submitted to the Department.
  4. Applications shall include all required environmental review forms and information prescribed by the Director.
- B. Fees.**
1. Establishment of fees. The Town shall establish processing fees that it deems necessary to cover the reasonable costs incurred in implementing this Chapter and the State regulations,

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(e.g., costs of processing of applications, annual reports, inspections, monitoring, enforcement, compliance etc.). The fees shall be included in the Planning Fee Schedule.

2. Payment of fees. The fees shall be paid by the operator, as required by the Town, at the time of filing of the Conditional Use Permit application, Reclamation Plan application, and at other times that are determined by the Town to be appropriate in order to ensure that reasonable costs of implementing this Chapter are borne by the mining operator.

### C. Processing.

1. Within 30 days of acceptance of an application for a Conditional Use Permit for surface mining operations and/or a Reclamation Plan as complete, the Department shall notify the State Department of Conservation of the filing of the application(s).
2. Whenever mining operations are proposed in the 100-year flood plain of any stream, as shown in Zone A of the Flood Insurance Rate Maps issued by the Federal Emergency Management Agency, and within one mile, upstream or downstream, of any State highway bridge, the Department shall also notify the State Department of Transportation that the application has been received.
3. The Department shall process the application(s) through environmental review in compliance with the California Environmental Quality Act (Public Resources Code Sections 21000 et seq.) and the Town's Environmental Review Guidelines.
4. Subsequent to the appropriate environmental review, the Department shall prepare a staff report with recommendations for consideration by the Commission.
5. Before final approval of a Reclamation Plan and financial assurances (as required in this Chapter), or any amendments to the Reclamation Plan or existing financial assurances, the Director shall:
  - d. Certify to the State Department of Conservation that the Reclamation Plan and/or financial assurance complies with the applicable requirements of State law, and
  - e. Submit the Reclamation Plan, financial assurances, or amendments to the State Department of Conservation for review.
- c. Review by Commission and State.
6. In compliance with Public Resources Code Section 2774(d), the State Department of Conservation (DOC) shall be given:
  - a. Thirty days to review and comment on the Reclamation Plan; and
  - b. Forty-five days to review and comment on the financial assurance.
7. The Commission shall evaluate written comments received, if any, from the DOC during the comment periods.
8. Staff shall prepare a written response describing the disposition of the major issues raised by the State for the Commission's approval. In particular, when the Commission's position is at variance with the recommendations and objections raised in the State's comments, the written response shall address, in detail, why specific comments and suggestions were not

accepted. The Commission staff report including the staff prepared responses to the DOC, along with the minutes of the hearing, shall constitute the written response to the State.

- D. Public hearing.** Upon completion of the environmental review procedure and filing of documents required by the Director, a public hearing before the Commission shall be held to consider approval of the Conditional Use Permit or Reclamation Plan for the proposed or existing surface mine in compliance with Public Resources Code Section 2774.
- E. Action by Commission.** The Commission shall then take action to approve, conditionally approve, or deny the Conditional Use Permit and/or Reclamation Plan, and to approve the financial assurances in compliance with Public Resources Code Section 2770(d).
- F. Conditional approval.** If a Conditional Use Permit is being processed concurrently with the Reclamation Plan and it becomes necessary to comply with permit processing deadlines, the Commission may conditionally approve the Conditional Use Permit with the condition that the Department shall not issue the Conditional Use Permit for the mining operations until cost estimates for financial assurances have been reviewed by the State Department of Conservation and final action has been taken on the Reclamation Plan and financial assurances.
- G. Approved Conditional Use Permit and Reclamation Plan copies provided to State.** The Department shall forward a copy of each approved Conditional Use Permit for mining operations and/or approved Reclamation Plan, and a copy of the approved financial assurances to the State Department of Conservation within 30 days of approval.
- H. Statement of Responsibility.** Before commencing mining operations, the property owner and/or mining operator shall sign a Statement of Responsibility accepting responsibility for reclaiming mined lands in compliance with the Reclamation Plan. The Department shall retain the Statement of Responsibility in the mining operation's permanent record. Upon sale or transfer of the operation, the new operator shall submit a new Statement of Responsibility in compliance with Subsection (j) (Transfer of ownership), below.
- I. Transfer of Ownership.** Upon sale or transfer of a mining operation and for the purpose of documenting a transfer of ownership of an approved Conditional Use Permit or Reclamation Plan, a new property owner and/or mining operator of a mining operation shall submit the following documents before taking over a mining operation:
- 1 The new operator of a mining operation shall file a Transfer of Ownership application with the Department. The Director shall approve the application and the Transfer of Ownership form shall be placed in the Department's permanent record.
- The new property owner and/or mining operator of a mining operation shall file a new Statement of Responsibility with the Department. The Director shall approve the Statement of Responsibility and the new Statement of Responsibility shall be placed in the Department's permanent record.
- J. Findings for approval of permits and plans.**

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1. Conditional Use Permits. In addition to the findings required by Chapter 9.63(Conditional Use Permits), Conditional Use Permits for surface mining operations shall include a finding that the project complies with the provisions of SMARA and State regulations.
  2. Reclamation Plans. In order to approve Reclamation Plans, all of the following findings shall be made in the affirmative:
    - f. The Reclamation Plan complies with SMARA (Public Resources Code Section 2772-2773 and any other applicable provisions).
    - g. The Reclamation Plan complies with applicable requirements of State regulations (California Code of Regulations Sections 3500-3505 and 3700-3713).
    - h. The Reclamation Plan and potential use of land reclaimed in compliance with the Plan are consistent with this Chapter and the General Plan and any applicable resource plan or element.
    - i. The Reclamation Plan has been reviewed in compliance with CEQA and the Town's environmental review guidelines, and all significant adverse impacts from reclamation of the surface mining operations are mitigated below a level of significance or to the maximum extent feasible.
    - j. The land and/or resources, such as water, will be reclaimed to a condition that is compatible with, and blends in with, the surrounding natural environment, topography, and other resources, or suitable off-site development will compensate for related disturbance to resource values.
    - k. The Reclamation Plan will reclaim the mined lands to a usable condition which is readily adaptable for alternative land uses consistent with the General Plan and applicable resource plan.
    - l. A written response to the State Department of Conservation has been prepared, describing the disposition of major issues raised by that Department. Where the Town's position is at variance with the recommendations and objections raised by the State Department of Conservation, the response shall address, in detail, why specific comments and suggestions were not accepted.

#### **9.40.070 Additional Conditions of Approval**

- A. **Protection of mines from incompatible uses.** Mine development is encouraged in compatible areas before encroachment of conflicting uses. Mineral resource areas that have been classified by the State Department of Conservation's Division of Mines and Geology or designated by the State Mining and Geology Board as Mineral Resource Zones (MRZ), as well as existing surface mining operations that remain in compliance with the provisions of this Chapter, shall be protected from intrusion by incompatible land uses that may impede or preclude mineral extraction or processing, to the extent possible for consistency with the General Plan. Before approving a use that would otherwise be incompatible with mineral resource protection, conditions of approval may be applied to encroaching development projects to minimize potential conflicts.
- B. **Mapping of identified resources areas.** In compliance with Public Resources Code Section 2762, the General Plan and resource maps shall be updated to reflect mineral information (classification and/or designation reports) within 12 months of receipt from the State Mining and

Geology Board of the information. Land use decisions within the Town shall be guided by information provided on the location of identified mineral resources of regional significance. Conservation and potential development of identified mineral resource areas shall be considered and encouraged. Recordation on property titles of the presence of important mineral resources within the identified mineral resource areas may be encouraged as a condition of approval of any development project in the impacted area.

#### **9.40.080 Financial Assurances**

- A. Security required as condition of approval.** To ensure that reclamation will proceed in compliance with the approved Reclamation Plan, the Town shall require as a condition of approval security that will be released upon satisfactory performance.
1. Acceptable types of security. The applicant may post security in the form of a surety bond, trust fund, irrevocable letter of credit from an accredited financial institution, or other method acceptable to the Town and the State Mining and Geology Board as specified in State regulations, and that the Town reasonably determines are adequate to perform reclamation in compliance with the surface mining operation's approved Reclamation Plan.
  2. Required payees. Financial assurances shall be made payable to the Town and the State Department of Conservation. In the case where the approved Reclamation Plan involves unpatented land under the control of the Bureau of Land Management (BLM), National Park Service, or U. S. Forest Service, the appropriate agency shall also be added as a third payee.
- B. Purpose of security.** Financial assurances shall be required to ensure compliance with elements of the Reclamation Plan, including the following:
1. Re-vegetation and landscaping requirements.
  2. Reclamation of aquatic or wildlife habitat.
  3. Reclamation of water bodies and water quality.
  4. Slope stability and erosion and drainage control.
  5. Disposal of hazardous materials.
  6. Removal of equipment and buildings that are not part of an approved end use.
  7. Other measures, if necessary.
- C. Cost estimates for security.**
1. Cost estimates for the financial assurance shall be submitted to the Department for review and approval before the operator actually obtains financial assurances.
  2. The Director shall forward a copy of the cost estimates, together with supporting documentation, to the State Department of Conservation for review.

3. If the State Department of Conservation does not comment within 45 days of receipt of these estimates, it shall be assumed that the cost estimates are adequate, unless the Town has reason to determine that additional costs may be incurred.
4. The Director shall have the discretion to approve the financial assurance if it meets the requirements of this Chapter, SMARA, and State regulations.

**D. Cost estimates to determine amount of security required.**

1. The amount of the financial assurance shall be based upon the estimated costs of reclamation stipulated in the approved Reclamation Plan, including any maintenance of reclaimed areas as may be required, subject to adjustment for the actual amount required to reclaim lands disturbed by surface mining activities since January 1, 1976, and new lands to be disturbed by surface mining activities in the upcoming year.
2. Cost estimates shall be prepared by the mine operator, a licensed engineer, or other professional experienced in the reclamation of mined lands.
3. The estimated amount of the financial assurance shall be based on the following:
  - a. An analysis of physical activities necessary to implement the approved Reclamation Plan.
  - b. The unit costs for each of the physical activities.
  - c. The number of units of each of the physical activities.
  - d. The actual administrative costs.
4. Financial assurance to ensure compliance with re-vegetation, reclamation of water bodies, reclamation of aquatic or wildlife habitat, and other elements of the approved Reclamation Plan shall be based upon cost estimates that include:
  - a. Labor,
  - b. Equipment.
  - c. Materials.
  - d. Mobilization of equipment.
  - e. Administration.
  - f. Reasonable profit by a commercial operator other than the permittee
5. A contingency factor of 10 percent shall be added to the cost of financial assurances to cover the Town's reasonable expenses for the administrative and legal fees required to foreclose on the financial assurance instrument.
6. In projecting the costs of financial assurances, it shall be assumed without prejudice or insinuation that the surface mining operation could be abandoned by the operator and, consequently, the Town or State Department of Conservation may need to contract with a third party commercial company for reclamation of the site.

- E. Time period that security required to remain in effect.** The financial assurance shall remain in effect for the duration for the surface mining operation and any additional period specified in the Reclamation Plan for the purpose of monitoring until reclamation is completed (including any maintenance required).



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- F. Annual adjustment in amount of security.** The amount of financial assurances required of a surface mining operation for any one year shall be adjusted annually to account for new lands disturbed by surface mining operations, inflation, and giving credit for reclamation of lands accomplished in compliance with the approved Reclamation Plan. The financial assurances shall include estimated to cover reclamation for existing conditions and anticipated activities during the upcoming year, excepting that the permittee may not claim credit for reclamation scheduled for completion during the coming year. The annual SMARA inspection by the Town shall, in most cases, be used to validate the submitted estimate.
- G. Submittal of revised security figures.** Revisions to financial assurances shall be submitted to the Director each year before the anniversary date for approval of the financial assurances. The financial assurance shall cover the cost of existing disturbance and anticipated activities for the next calendar year, including any required interim reclamation. If revisions to the financial assurances are not required, the operator shall explain, in writing, why revisions are not required.

#### **9.40.090 Reclamation Standards**

- A. Applicable State Law.**
1. Reclamation Plans shall comply with the provisions of SMARA (Public Resources Code Section 2772-2773) and State reclamation regulations (California Code of Regulations Sections 3500-3505).
  2. Reclamation Plans approved after January 15, 1993, Reclamation Plans for proposed new mining operations and any substantial amendments to previously approved Reclamation Plans shall also comply with the reclamation standards in California Code of Regulations Sections 3700-3713.
- B. Additional Performance Standards.** The performance standards in Division 3 (Townwide Development Standards) shall apply to Reclamation Plans. In addition, the applicable Review Authority may impose additional performance standards as developed in review of individual projects, as warranted.
- C. Phasing of Reclamation.**
1. Reclamation activities shall be initiated at the earliest possible time on those portions of the mined lands that will not be subject to further disturbance. Interim reclamation may also be required for mined lands that have been disturbed and that may be disturbed again in future operations. Reclamation may be done on an annual basis, in stages compatible with continuing operations, or on completion of all excavation, removal, or fill, as approved by the Town.
  2. Each phase of reclamation shall be specifically described in the Reclamation Plan and shall include all of the following information:
    - m. The beginning and expected ending dates for each phase.

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- n. All reclamation activities required.
  - o. Criteria for measuring completion of specific reclamation activities.
  - p. Estimated costs for completion of each phase of reclamation

#### **9.40.100 Interim Management Plans**

- A. Deadline for submittal of Interim Management Plan (IMP).** Within 90 days of a surface mining operations becoming idle, the operator shall submit to the Department a proposed Interim Management Plan (IMP).
- B. IMP submittal requirements.**
  - 1. The proposed IMP shall fully comply with the requirements of SMARA and all Conditional Use Permit conditions and shall provide measures the operator will implement to maintain the site in a stable condition, taking into consideration public health safety.
  - 2. The proposed IMP shall be submitted on forms provided by the Department and shall be processed as an amendment to the Reclamation Plan.
  - 3. An IMP shall not be considered a project for the purposes of environmental review.
- C. Continuation of security required.** Financial assurances for idle operations shall be maintained as though the operation were active, or as otherwise approved through the idle mine's IMP.
- D. State Department of Conservation review.** Upon receipt of a complete proposed IMP, the Department shall forward the IMP to the State Department of Conservation for review. The IMP shall be submitted to the State Department of Conservation at least 30 days before approval by the Director.
- E. Director's action on IMP.** Within 60 days of receipt of the proposed IMP, or a longer period mutually agreed upon by the Director and the operator, the Director shall review and approve or deny the IMP in compliance with this Chapter. The operator shall have 30 days, or longer period mutually agreed upon by the operator and the Director, to submit a revised IMP. The Director shall approve or deny the revised IMP within 60 days of receipt. If the Director denies the revised IMP, the operator may appeal that action in compliance with Chapter 9.81 (Appeals).
- F. Duration of approved IMP.** The IMP may remain in effect for a period not to exceed five years, at which time the Director may renew the IMP for another period not to exceed five years, or require the surface mining operator to commence reclamation in compliance with its approved Reclamation Plan.

#### **9.40.110 Annual Report**

Surface mining operators shall forward an annual surface mining report to the State Department of Conservation and to the Department on a date established by the State Department of Conservation, upon forms furnished by the State Mining and Geology Board. New mining operations shall file an initial surface mining report and any applicable filing fees with the State Department of Conservation within 30 days of initial permit approval, or before commencement of operations, whichever is sooner. Applicable fees, together with a copy of the annual inspection report, shall be forwarded to the State Department of Conservation at the time of filing the annual surface mining report.

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#### 9.40.120 Inspections

- A. **Inspection within 6 months of Annual Report.** The Department shall arrange for inspection of a surface mining operation within six months of receipt of the Annual Report required in Section 9.40.110 (Annual Report), to determine whether the surface mining operation is in compliance with the approved Conditional Use Permit and/or Reclamation Plan, approved financial assurances, and State regulations.
- B. **Minimum 1 inspection per calendar year.** In no event shall less than one inspection be conducted in any calendar year.
- C. **Eligible inspectors.** The inspections may be made by a State registered geologist, State registered civil engineer, State licensed landscape architect, or State registered forester, who is experienced in land reclamation and who has not been employed by the mining operation in any capacity during the previous 12 months, or other qualified specialists, as selected by the Director.
- D. **Inspection forms.** Inspections shall be conducted using a form approved and provided by the State Mining and Geology Board.
- E. **Notification of inspection to State.** The Department shall notify the State Department of Conservation within 30 days of completion of the inspection that the inspection has been conducted, and shall forward a copy of the inspection notice and any supporting documentation to the mining operator.
- F. **Payment for inspection.** The operator shall be solely responsible for the reasonable cost of the inspection.

#### 9.40.130 Violations Penalties

If the Director, based upon an annual inspection or otherwise confirmed by an inspection of the mining operation, determines that a surface mining operation is not in compliance with this Chapter, the applicable Conditional Use Permit, and/or the Reclamation Plan, the Town shall follow the procedures outlined in Public Resources Code, Sections 2774.1 and 2774.2 concerning violations and penalties, as well as the provisions of Chapter 9.82 (Enforcement) for initiating enforcement action, which could include the revocation of a Conditional Use Permit.

#### 9.40.140 Post-Approval Procedures

- A. **Transfer of Ownership and Statement of Responsibility.** See Subsection 9.40.060(H) (Statement of Responsibility) and Subsection 9.40.060(I) (Transfer of Ownership), above, for provisions governing ongoing post-approval responsibilities and evidence of transfer of property ownership.
- B. **Other post-approval procedures.** The procedures and requirements in Article 5 (Administration), related to permit implementation, time limits, extensions, appeals, and revocations, shall apply following the decisions on Conditional Use Permits and Reclamation Plans.



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## Chapter 9.41 Trip Reduction Requirements

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### Sections:

- 9.41.010 – Purpose
- 9.41.020 – Non-Residential Projects
- 9.41.030 – Multiple-Family Dwellings
- 9.41.040 – Modifications

### 9.41.010 Purpose

The purpose of this Chapter is to reduce vehicle trips thereby reducing air congestion and pollutants and improving air quality, to comply with State law, and to promote an improved quality of life. This Chapter is intended to satisfy the legal requirements of Chapter 5 of the San Bernardino County Congestion Management Plan (CMP) as adopted by the San Bernardino Associated Governments (SANBAG).

### 9.41.020 Non-Residential Projects

The following trip reduction measures shall be implemented for non-residential projects requiring a Site Plan and Design Review or Conditional Use Permit:

- A. **Bicycle Racks.** A bicycle rack, locker, or other secure bicycle facility shall be provided for every thirty (30) parking spaces within a project and at least one (1) bicycle rack capable of holding three (3) bicycles shall be provided for all projects. Safe and convenient access to bicycle racks must be provided from public streets.
- B. **Pedestrian and Bicycle Connection to Streets.** On-site pedestrian walkways and bicycle facilities are to be provided connecting each building in a development to public streets.
- C. **Passenger Loading Areas.** A passenger loading area in a location close to the main building entrance shall be provided for projects with one hundred (100) or more parking spaces. The area devoted to loading and unloading of passengers shall be equivalent to a minimum of five (5) parking spaces.
- D. **Carpool/Vanpool Parking.** A parking space located in close proximity to the building entrance shall be reserved for use by potential carpool/vanpool vehicles for projects with one hundred (100) or more parking spaces. All preferential parking spaces for carpool/vanpool shall be signed and striped. Such spaces shall be accessible to vanpool vehicles. If a vanpool parking space is located within a parking structure, a minimum vertical clearance of nine (9) feet shall be maintained.
- E. **Transit Facilities.** Transit facilities, such as bus shelter, bus pullouts, and bus pads, shall be provided if the Director, in consultation with local transit providers, determines they are needed to serve the development.
- F. **Video Conferencing.** On-site video conferencing facilities for office buildings with a capacity of one thousand (1,000) employees or greater is required.

- G. Shower Facilities.** A minimum of one (1) shower facility accessible to both men and women shall be provided for persons bicycling or walking to work for each project which exceeds the following thresholds:

Use	Threshold
Commercial	250,000 sq. ft.
Industrial	325,000 sq. ft.
Office	125,000 sq. ft.

#### 9.41.030 Multiple-Family Dwellings

The following trip reduction measures shall be implemented for multiple-family dwellings of four units or more.

- A. Bicycle Racks.** A bicycle rack, locker, or other secure bicycle parking facility is to be provided for every thirty (30) parking spaces. Each project is to include a minimum of one (1) bicycle rack capable of holding three (3) bicycles.
- B. Sidewalks.** Sidewalks shall be provided from the public streets to each building within the complex.
- C. Passenger Loading Areas.** A passenger loading area in a location close to the building entrances shall be provided for projects with one hundred (100) or more parking spaces. The area devoted to loading and unloading of passengers shall be equivalent to five (5) parking spaces.
- D. Transit Facilities.** Transit Facilities, such as bus shelters, bus pullouts, and bus pads, shall be provided if the Director, in consultation with local transit providers, determines they are needed to serve the development.

#### 9.41.040 Modifications

The Commission, or Council, as appropriate, may modify all or part of the trip reduction measures for new projects.

**A. Findings.** A modification may be approved only if the following findings are made by the Reviewing Authority:

1. One (1) or more of the measures are not applicable due to special circumstances, including, but not limited to, the location or configuration of the project, the implementation of existing trip reduction measures and transportation demand strategies or other specific factors which make implementation infeasible, or reduce the effectiveness of the prescribed measures.
2. An alternative trip reduction and transportation demand management strategy will be implemented to reduce an equal amount of trips as would have occurred as a result of imposition of the prescribed measures. Implementation of the alternative strategy shall be a condition of project approval.

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**B. Credits.** Credit may be granted for trip reduction and transportation demand programs and facilities, as follows:

1. Existing trip reduction and transportation demand programs and facilities in a development program may satisfy all or in part the requirements of this section as pertaining to new construction within the complex, subject to the approval of the Commission or Council, as appropriate. The amount of credit given shall be determined through an assessment of how the existing facilities would meet the requirements of this section if based on the gross floor area of the entire complex
2. The Commission may determine that a reduction in the required number of parking spaces for the proposed use or uses is acceptable because implementation of the trip reduction and transportation demand management measures would eliminate some of the demand for parking.

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## Chapter 9.42 Accessory Solar Energy Systems

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### Sections:

- 9.42.010 – Purpose
- 9.42.020 – Applicability
- 9.42.030 – Development Standards
- 9.42.040 – Plan Approval Required

#### 9.42.010 Purpose

This Chapter establishes standards and processes for accessory solar energy systems in order to encourage the use of solar energy to reduce reliance on non-renewable energy sources.

#### 9.42.020 Applicability

Solar energy systems shall be allowed as an accessory use in all zoning classifications where structures of any sort are allowed, subject to certain requirements of this Chapter.

#### 9.42.030 Development Standards

- A. **Height.** Solar energy systems must meet the following height requirements:
1. Building- or roof- mounted solar energy systems shall not exceed the maximum allowed height in any zoning district. For purposes for height measurement, solar energy systems other than building-integrated systems shall be considered to be mechanical devices and are restricted consistent with other building-mounted mechanical devices. Building-integrated solar energy systems are active solar energy systems that are an integral part of a principal or accessory building, rather than a separate mechanical device, replacing or substituting for an architectural or structural component of the building. Building-integrated systems include but are not limited to photovoltaic or hot water solar energy systems that are contained within roofing materials, windows, skylights, and awnings.
  2. Ground- or pole- mounted solar energy systems shall not exceed 20 feet in height when oriented at maximum tilt.
- B. **Set-back.** Solar energy systems must meet the accessory structure setback for the zoning district and primary land use associated with the lot on which the system is located.
1. Roof-mounted Solar energy systems. In addition to the building setback, the collector surface and mounting devices for roof-mounted solar energy systems shall not extend beyond the exterior perimeter of the building on which the system is mounted or built. Exterior piping for solar hot water systems shall be allowed to extend beyond the perimeter of the building on a side or rear setback..
  2. Ground-mounted solar energy systems. Ground mounted solar energy systems may not extend into the front, side and street side setbacks when oriented at minimum design tilt.



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C. **Visibility.** Solar energy systems shall be designed to blend into the architecture of the building or be screened from routine view from public right-of-ways other than alleys. The color of the solar collector is not required to be consistent with other roofing materials.

1. **Building Integrated Photovoltaic Systems.** Building integrated photovoltaic solar energy systems shall be allowed regardless of whether the system is visible from the public right-of-way, provided the building component in which the system is integrated meets all required setback, land use or performance standards for the district in which the building is located.
2. **Solar Energy Systems with Mounting Devices.** Solar energy systems using roof mounting devices or ground-mount solar energy systems shall not be restricted if the systems that are visible from the nearest edge of the street frontage right-of-way shall be no higher than twenty-four (24) inches above the roof, unless screened by a parapet or other screening to blend with the structure or roof.
3. **Coverage.** Roof or building mounted solar energy systems, excluding building-integrated systems, shall not cover more than 80% of the roof upon which the panels are mounted, and shall be set back from the roof edge by a minimum of one(1) foot. The surface area of pole or ground mount systems shall not exceed half the building footprint of the principal structure.

D. **Compliance with Building Codes.** All solar energy systems shall comply with Building, Electrical, and Plumbing Codes and shall also require a permit from the Building Division.

#### 9.42.040 Plan Approval Required

A. **Plan Applications.** Plan applications for solar energy systems shall be accompanied by to-scale horizontal and vertical (elevation) drawings. The drawings must show the location of the system on the building or on the property for a ground-mount system, including the property lines.

1. **Pitched Roof Mounted Solar Energy Systems.** For all roof-mounted systems other than a flat roof the elevation must show the highest finished slope of the solar collector and the slope of the finished roof surface on which it is mounted.
2. **Flat Roof Mounted Solar Energy Systems.** For flat roof applications a drawing shall be submitted showing the distance to the roof edge and any parapets on the building and shall identify the height of the building on the street frontage side, the shortest distance of the system from the street frontage edge of the building, and the highest finished height of the solar collector above the finished surface of the roof.

B. **Plan Approval.** Solar energy systems shall be subject to review and approval by the Director. Plan approval does not indicate compliance with Building, Electric, or Plumbing codes.

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## Chapter 9.43 Accessory Wind Energy Systems

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### Sections:

- 9.43.010 – Purpose
- 9.43.020 – Applicability
- 9.43.030 – Development Standards

#### 9.43.010 Purpose

As allowed by Government Code Section 65893, the purpose of this Section is to provide a uniform and comprehensive set of standards for the placement of accessory wind energy systems on parcels in order to encourage the generation of electricity for on-site use, thereby reducing the consumption of electrical power supplied by utility companies. These regulations are intended to ensure that accessory wind energy systems are designed and located in a manner that minimizes visual and safety impacts on the surrounding community.

#### 9.43.020 Applicability

This Section provides development standards for accessory wind energy systems.

#### 9.43.030 Development Standards

- A. **Number of Wind Energy Systems.** Only one unit per parcel shall be allowed with a minimum one acre lot size.
- B. **Maximum Tower Height.** The tower height limitations in Table 3-25 (Maximum Tower Heights for Accessory Wind Energy Systems) shall apply to all accessory wind energy systems, provided that the application for a system includes evidence that the proposed height does not exceed the height recommended by the manufacturer or distributor of the system.

**TABLE 3-25:  
MAXIMUM TOWER HEIGHTS AND MINIMUM PARCEL SIZE FOR ACCESSORY WIND ENERGY  
SYSTEMS**

<b>Residential Zoning District (Minimum Parcel Size in Zoning District)</b>		<b>Minimum Parcel Size</b>	<b>Maximum Tower Height</b>
OS	Open Space	1 Acre	52.5 Feet
R-HR	Hillside Reserve District	1 Acre	52.5 feet
RL	Rural Living District	1 Acre	52.5 Feet
RL	Rural Living District )	1 Acre	52.5 Feet
RS	Single-Family Residential District	1 Acre	52.5 Feet
RM	Multi-Family Residential District	1 Acre	52.5 Feet
	All Other Land Use Districts	1 Acre	52.5 Feet

- C. Setbacks.** The minimum setback from any property line shall be equal to the system height.
- D. Climbing Apparatus.** Climbing apparatus shall be located at least 12 feet above the ground, and the tower shall be designed to prevent climbing within the first 12 feet.
- E. Lighting.** Tower structure lighting shall be prohibited unless required by another code or regulation.
- F. Noise.** The noise performance standards in Section 9.34.080 (Noise) shall apply, except during short-term events (e.g., utility outages, windstorms, etc.).
- G. Visual effects.** An accessory wind energy system shall not substantially obstruct views of adjacent property owners.
- H. Location.** An accessory wind energy system shall not be placed or constructed where otherwise prohibited by the terms of any easement.
- I. Turbine Certification.** The system's turbine shall be approved or shall have been approved by the California Energy Commission or certified by a national program (i.e., National Electrical Code (NEC), American National Standards Institute (ANSI), and Underwriters Laboratories (UL).
- J. Engineering Analysis.** The application shall include standard drawings and an engineering analysis of the system's tower, showing compliance with the California Building Code and certification by a professional mechanical, structural, or civil engineer licensed by the State.
- K. Compliance with aviation law.** The system shall comply with all applicable Federal Aviation Administration requirements and the State Aeronautics Act (Public Utilities Code Section 21001 et seq.).

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- L. **Compliance with electrical code.** The application shall include a line drawing of the electrical components of the system detail to allow for a determination that the installation conforms to the National Electric Code.
  
  - M. **Reduction in onsite electricity consumption.** The system shall be used primarily to reduce onsite consumption of electricity.

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## Chapter 9.44 Wireless Communications Facilities

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### Sections:

- 9.44.010 – Purpose.
- 9.44.020 – Applicability.
- 9.44.030 – Special Design Areas.
- 9.44.040 – Permitted Zoning Districts.
- 9.44.050 – Review Process.
- 9.44.060 – General Policies
- 9.44.070 – Visual Impact and Screening Standards.
- 9.44.080 – Abandonment.

#### **9.44.010 Purpose.**

The purpose of this section is to provide site selection and general standards applicable to wireless communications facilities, as well as special design standards for Town entry points, scenic corridors, and buffer areas in order to preserve the Town's desert rural neighborhood character and protect and enhance aesthetic and scenic values reflecting the community's image and character consistent with the goals and policies of the General Plan.

#### **9.44.020 Applicability.**

This section identifies regulations applicable Townwide for the location, design, and screening of all wireless communication facilities, including satellite, cellular, paging, and other wireless communication technologies.

#### **9.44.030 Special Design Areas.**

Special Design Areas shall be located within 5,000 feet on both sides of State Highways 62 and 247, Joshua Lane, and Pioneertown Road or within 500 feet of property zoned for residential units with a minimum lot size of one acre or less. . Additional special landscape and architectural treatments shall be given to major Entry Points of the Town.

#### **9.44.040 Permitted Zoning Districts.**

Wireless communications facilities may be permitted in all zoning districts, subject to the reviews specified by Article 2 (Zoning Districts and Development Standards) and further defined in Subsection (9.44.050), Review Process.

#### 9.44.050 Review Process.

- A. **Wireless communications facilities within Special Design Areas**, identified in Subsection 9.44.030 (Special Design Areas), except those located on existing structures and natural features in compliance with Subsection 9.44.060 (General Policies) shall be subject to a Conditional Use Permit.
- B. **Wireless communication facilities greater than 30 feet in height** shall be subject to Conditional Use Permit.
- C. **Wireless communication facilities** located on existing structures and natural features less than 30 feet in height shall be subject to a Land Use Compliance Review.

#### 9.44.060 General Policies

- A. **General.** Community and neighborhood visual concerns should be considered paramount in the consideration of and selection of wireless communications facilities sites. These concerns should be evaluated in consideration of the goals, policies, and programs of the General Plan and the standards set forth in this section.
- B. **Site Selection and General Standards.** The following standards shall apply to all wireless communications facilities.
  - 1. Within any land use district, wireless communications facilities sites should be located in the following order of preference:
    - a. On existing structures such as buildings, communication towers, water towers, or similar structures. Antennas should be located so that they do not extend above the height or profile of the structure on which they are located. When located on a building or structure, antennas shall be painted and texturized to match the existing building or structure.
    - b. On natural features or topography, located so that structures or antennas, other than whip antennas, do not project above the ridgeline or into the skyline for both community and neighborhood views.
    - c. Outside the Special Design Areas identified in Section 9.44.030 (Special Design Areas).
    - d. Sites otherwise located shall comply with the visual impact and screening requirements in Section 9.44.070 (Visual Impact and Screening Standards).
  - 2. Facilities, including any towers and equipment buildings, should be located to avoid the dominant silhouette on ridgelines. Preservation of viewsheds of surrounding residential development should also be considered in the location and design of facilities.
  - 3. Facilities greater than 30 feet in height shall be subject to Commission review and approval and may be required to provide additional visual mitigation to disguise their appearance to look like a tree, natural feature, building, or other structure. Such designs shall be in scale with the surrounding development or landscaping.

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4. Facilities, including equipment buildings, shall be architecturally and visually compatible; including scale, size, and use of similar colors and building materials, with surrounding existing buildings, structures, and uses in the vicinity.
  5. Antennas shall not be light reflective and shall not have any sign copy on them, nor shall they be illuminated.
  6. Where the result of adding a second facility on an existing tower or monopole is of a less visual impact than what exists and sufficient vertical separation can be provided, sites should be co-located with other wireless communication providers.
  7. All sites shall be landscaped or treated with a soil binder to prevent erosion, including wind erosion.
  8. Applicants for wireless communications facilities shall submit a certification from an engineer qualified in radiofrequency radiation that the proposed facility complies with the Federal Communications Commission (FCC) Guidelines for Evaluating the Environmental Effects of Radiofrequency Radiation and complies with the standards for maximum emissions of radiofrequency radiation of the American National Standards Institute (ANSI)/Institute of Electronics and Electrical Engineers (IEEE) C95.1-1992 and the National Council on Radiation Protection and Measurement (NCRP).
  9. A visual simulation and detailed viewshed analyses shall be prepared to demonstrate the compatibility of the proposal with the standards and criteria of this ordinance and with surrounding development and viewsheds.
  10. Site location and development shall preserve the pre-existing vegetation, topography, and character of the site as much as possible.
  11. Security fencing shall be kept to a minimum and shall be colored or shall be of a design that blends into the character of the existing environment.
  12. Access roads shall be limited to 12 feet in width except where the Fire Department requires a greater width. The access road may be paved unless a gravel or other non-paved surface is approved by the Town.
  13. Any new parking areas constructed shall be no larger than to accommodate two parking spaces and maneuvering area.
  14. The proposed antenna facility will operate in compliance with all applicable Federal safety regulations for such facilities in that the applicant provides documentation to show that their facility will operate below such standards and conditions have been included requiring testing upon installation and operation on the facility.
  15. New projects shall be conditioned to ensure the facilities do not cause interference with other utilities or communication infrastructure or services.

16. Existing facilities shall not cause interference or disturbance with other utilities or communication infrastructure or services. If it is determined that existing facilities do cause such interference, operations shall cease until repairs are made or further clearance is granted.

#### **9.44.070 Visual Impact and Screening Standards.**

Facilities within Special Design Areas shall comply with the following standards, in addition to the policies in SubSection 9.44.060 (General Policies).

- A. Within Special Design Areas, antennas shall be located on existing buildings, communication towers, water towers, or similar structures; on natural features or topography; or shall be disguised or screened in a manner compatible with the Town's desert rural neighborhood character.
- B. Facilities should be located so that they do not extend above the height or profile of the structure on which they are located. When located on a building or structure, antennas shall be painted and texturized to match the existing building or structure.
- C. Structures or antennas located on natural features or topography, other than whip antennas, should not project above the ridgeline, or into the skyline for both community and neighborhood views. Free-standing monopole and/or lattice towers shall be designed to disguise their appearance, to look like a tree, natural feature, building, or other structure subject to the approval of the Commission. Such designs shall be in scale with surrounding development or landscaping
- D. Free-standing monopole and/or lattice towers shall have a minimum setback of 450 feet from any property zoned for residential units with a minimum lot size of one acre or less. Those facilities designed to disguise their appearance in accordance with Section (C) above shall have a minimum setback of 275 feet from any property zoned for residential units with a minimum lot size of one acre or less. Non mono-pole or lattice tower facilities may be allowed a reduced setback based upon height, dimensions, relation to the built environment or other similar factors.
- E. Sites shall be landscaped to screen buildings, equipment and the base of any towers from surrounding land uses.
- F. Location of equipment necessary to serve the wireless facility may be required to be located away from residentially designated properties and or provide addition design standards to avoid potential impacts to surrounding properties.

#### **9.44.080 Abandonment.**

Lawfully erected wireless communication facilities that are abandoned shall be removed promptly from the premises, and no later than 90 days after the discontinuance of use. A wireless communication facility is considered abandoned if it no longer provides wireless communication service. In the case of multiple operators sharing use of a single tower, this provision shall become effective until all users cease operation. Such removal shall be in accordance with proper health and safety requirements. A written notice of the determination of abandonment shall be sent or delivered to the operator of the wireless communication facility. The operator shall have 90 days to remove the facility or provide the Director with evidence that the use has not been discontinued. All abandoned facilities not removed within the 90



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day period shall be in violation of the Code and operators of the facility and the owners of the property shall be subject to penalties in accordance with the Town of Yucca Valley Municipal Code.

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## Chapter 9.45 Cemeteries

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### Sections:

- 9.45.010 – Purpose.
- 9.45.020 – Applicability.
- 9.45.030 – Findings.
- 9.45.040 – Requirements.

#### **9.45.010 Purpose.**

The purpose of this section is to provide standards for publicly and privately owned and operated cemeteries.

#### **9.45.020 Applicability.**

The standards in this Chapter shall apply to cemeteries where allowed in compliance with the provisions of Article 2( Zoning Districts and Development Standards).

#### **9.45.030 Findings.**

The Commission when approving a Conditional Use Permit for the establishment or expansion of a cemetery, including pet cemeteries, shall find and justify the following to be true:

- A. The present or probable population density in the area contiguous to said proposed cemetery or extension of an existing cemetery is not adversely affected by the cemetery development.
- B. The proposed cemetery or extension of an existing cemetery does not interfere with the free movement of traffic, or the movement of police, ambulance, or fire equipment for the protection of the lives and property of the public.
- C. A Final Map is required to be submitted to the Town Engineer for review and recordation as specified by and subject to Section 9.92.050.
- D. The proposed cemetery or expansion complies with the California Health and Safety Code, Division 8.

#### **9.45.040 Requirements.**

- A. In addition to any conditions necessary to ensure protection of public health, safety, and general welfare, the Town may require adequate screening or fencing of the property reserved for cemetery purposes in order to clarify the ultimate boundaries of said cemetery.
- B. An approved Conditional Use Permit or revised Conditional Use Permit shall be required for the establishment of cemetery boundaries or the expansion of previously approved boundaries. Such approvals shall identify all proposed structures and major grading activities.

- C. A Conditional Use Permit shall not be required for normal on-site development of grave sites within previously approved or established cemeteries that have recorded a map in compliance with Section 9.92 of this Code.

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## Chapter 9.46 Renewable Energy Generation Facilities

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Sections:

9.46.010 – Purpose

9.46.020 – Prohibited

### **9.46.010 Purpose**

The provisions of this Chapter, as determined by the Council, are intended to be in the best interest of the Town for the public health, safety and welfare of the community through implementation of the General Plan through this Chapter.

### **9.46.020 Prohibited**

Commercial Solar Energy and Wind Energy Facilities shall be a prohibited use in all land use districts within the Town. No Conditional Use Permit, Site Plan Review, building permit or other entitlement for use shall be accepted, processed, approved or issued for the establishment of a Renewable Energy Generation Facility.

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## Chapter 9.47 Density Bonus

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### Sections

- 9.47.010 - Definitions
- 9.47.020 - General Density Bonus Provisions
- 9.47.030 – Incentives and Concessions
- 9.47.040 – Waiver of Reduction of Development Standards
- 9.47.050 – Calculation of Density Bonus
- 9.47.060 – Additional Density Bonus through Donation of Land
- 9.47.070 – Additional Density Bonus or Concession or Incentive through Provision of Child Care Facility
- 9.47.080 – Town’s Discretion in Granting Density Bonus
- 9.47.090 – Parking Requirements

### **9.47.010 Definitions**

For purpose of this chapter, the following definitions apply:

“Affordable housing cost” has the definition set forth in California Health & Safety Code section 50052.5.

“Affordable rent” has the definition set forth in California Health & Safety code section 50053.

“Child care facility” means a facility other than a family day care home, including but not limited to, infant centers, preschools, extended day care facilities, and school age child care centers.

“Common interest development” has the definition set forth in California Civil Code section 1351.

“Concession or “Incentive” means any of the following:

A reduction in site development standards or a modification of zoning code requirements or architectural design requirements that exceed the minimum building standards approved by the California Building Standards Commission, as provided in part 2.5 (the State Building Code commencing with Health & Safety Code 18901) of Division 13 of the Health and Safety Code, including but not limited to, a reduction in setback and square footage requirements, and in the ratio of vehicular parking spaces that would otherwise be required, that results in identifiable, financially sufficient, and actual cost reductions.

Approval of mixed use zoning in conjunction with a housing project, if commercial, office, industrial or other land uses will reduce the cost of a housing development, and if the commercial, office, industrial or other land uses are compatible with the housing project and the existing or planned development in the area where the proposed housing project will be located.

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Other regulatory incentives or concessions proposed by the applicant or the Town that result in identifiable, financially sufficient and actual cost reductions.

This definition does not limit or require the provision of direct financial incentives for a housing development, including the provision of publicly owned land, by the Town or the waiver of fees or dedication requirements.

“Density bonus” means a density increase over the otherwise maximum allowable residential density under the applicable zoning code provisions and the land use element of the general plan as of the date of application by the applicant to the Town.

“Development standard” means the site or construction conditions that apply to a residential development pursuant to any ordinance, general plan element, specific plan, or other Town condition, law, policy, resolution or regulation.

“Housing development” means a development project for five or more residential units. “Housing development: also includes a subdivision or common interest development, or the substantial rehabilitation of an existing multifamily dwelling where the result of the rehabilitation would be a net increase in the number of residential units.

“Lower income households: has the definition set forth in California Health & Safety Code section 50079.5.

“Maximum allowable residential density” means the density allowed under the zoning code, or if a range of density is permitted, the maximum allowable density for the specific zoning range applicable to the project.

“Moderate income households” has the definition for “persons or families of moderate income” set forth in California Health & Safety code section 50093(b).

“Multifamily dwelling” has the definition set forth in California Government Code section 65863.4(b)

“Senior citizen housing development” has the definition set forth in California Civil Code section 51.3

“Specific, adverse impact” has the definition set forth in California Government Code section 65589.5(d) (2).

“Very low income households” has the definition set forth in California Health & Safety Code section 50105.

#### **9.47.020 General density bonus provisions.**

- A. Application.** Any person that desires a density bonus shall make an application on a form approved by the Director at the time of submitting an entitlement application for the housing development for which a density bonus is requested. The density bonus provided by this chapter only applies to housing developments consisting of five or more dwelling units.

- B. Incentives and concessions.** When an applicant seeks a density bonus for a housing development or for the donation of land for housing within the Town, the Town shall provide the applicant incentives or concessions for the production of housing units and child care facilities as provided in this chapter.
- C. Available density bonus options.** The Planning Commission will grant one density bonus, the amount of which will be as specified in Section 9.47.050, *Calculation of Density Bonus*, and incentives or concessions as described in Section 9.47.030, *Incentives and Concessions* when an applicant for a housing development seeks and agrees to construct a housing development, excluding any units permitted by the density bonus awarded pursuant to this chapter, that will contain at least one of the following:
1. 10 percent of the total units of a housing development for lower income households.
  2. 5 percent of the total units of a housing development for very low income households.
  3. 10 percent of the total dwelling units in a common interest development for moderate income households,  
provided that all units in the housing development are offered to the public for purchase.
  4. A senior citizen housing development.

As used in this subsection, “total units” or “a total dwelling unit” does not include units permitted by a density bonus awarded pursuant to this chapter.

- D. Applicants election of basis for bonus.** For purposes of calculating the amount of the density bonus pursuant to Section 9.47.050, the applicant who requests a density bonus pursuant to this section shall elect whether the bonus will be awarded on the basis of paragraphs (1), (2), (3) or (4) of subsection (C) of this section.
- E. Continued affordability.**
1. An applicant shall agree to the continued affordability of all low and very low income units that qualified the applicant for the award of the density bonus for 30 years or a longer period of time if required by any applicable construction or mortgage financing assistance program, mortgage insurance program, or rental subsidy program. Rents for the lower income density bonus units shall be set at an affordable rent. Owner-occupied units shall be available at an affordable housing cost.
  2. An applicant shall agree that the initial and subsequent occupants of the moderate income units that are directly related to the receipt of the density bonus in a common interest development are moderate income households and that the units are offered at an affordable housing cost for the required affordability period.

#### **9.47.030 Incentives and Concessions**

- A.** An applicant for a density bonus pursuant to Section 9.47.020 may submit a proposal for the specific incentives or concessions that the applicant requests pursuant to this chapter.
- B.** Subject to subsection (C) below, the applicant will receive the following number of incentives or concessions:

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1. One incentive or concession for projects that include at least 10 percent of the total units for lower income households, at least 5 percent for very low income households, or at least 10 percent for moderate income households in a common interest development.
  2. Two incentives or concessions for projects that include at least 20 percent of the total units for lower income households, at least 10 percent for very low income households, or at least 20 percent for moderate income households in a common development.
  3. Three incentives or concessions for projects that include at least 30 percent of the total units for lower income households, at least 15 percent for very low income households, or at least 30 percent for moderate income households in a common interest development.

C. The Planning Commission shall grant the concession or incentive requested by the applicant, unless it makes a written finding, based upon substantial evidence, that:

1. The concession or incentive is not required in order to provide for affordable housing costs or for rents for the targeted units to be set as specified in Section 9.47.020(E)
2. The concession or incentive would have a specific, adverse impact upon public health and safety, or the physical environment, or on any real property listed in the California Register of Historical Resources, and there is no feasible method to satisfactorily mitigate or avoid the specific adverse impact without rendering the development unaffordable to low and moderate income households; or
3. The concession or improvement would be contrary to state or federal law.

#### **9.47.040 Waiver or reduction of development standards.**

- A. An applicant may submit to the Town a proposal for the waiver or reduction of development standards that the applicant believes will have the effect of physically precluding the construction of a housing development that meets the criteria of Section 9.47.020(C) at the densities or with the concessions or incentives permitted by this chapter, and may request a meeting with the director. Such proposal may not increase the number of incentives or concessions that the applicant is entitled to under Section 9.47.030.
- B. The Planning Commission shall waive or reduce the development standard requested by the applicant, unless it makes a written finding, based upon substantial evidence, that:
  1. The waiver or reduction would have a specific, adverse impact upon public health and safety, or the physical environment, or on any real property listed in California Register of Historical Resources, and there is no feasible method to satisfactorily mitigate or avoid the specific adverse impact: or
  2. The waiver or reduction would be contrary to state or federal law.

#### **9.47.050 Calculation of density bonus.**



A. The applicant may elect to accept a lesser percentage of density bonus.

B. The amount of density bonus to which the applicant is entitled will vary according to the amount by which the percentage of affordable housing units exceeds the percentage established in Section 9.47.020 (C)

C. For housing developments meeting the criteria of Section 9.47.020(C) (1), the density bonus will be calculated as follows:

Percentage Low Income Units	Percentage Density Bonus
10	20
11	21.5
12	23
13	24.5
14	26
15	27.5
17	30.5
18	32
19	33.5
20	35

D. For housing developments meeting the criteria of Section 9.47.020(C) (2), the density bonus will be calculated as follows:

Percentage Very Low Income Units	Percentage Density Bonus
5	20
6	22.5
7	25
8	27.5
9	30
10	32.5
11	35

E. For housing developments meeting the criteria of Section 9.47.020(C) (4), as senior housing developments, the density bonus will be 20 percent.

F. For housing developments meeting the criteria of Section 9.47.020(C) (3), the density bonus will be calculated as follows:

Percentage Moderate Income Units	Percentage Density Bonus
10	5
11	6
12	7

13	8
14	9
15	10
16	11
17	12
18	13
19	14
20	15
21	16
22	17
23	18
24	19
25	20
26	21
27	22
28	23
29	24
30	25
31	26
32	27
33	28
34	29
35	30
36	31
37	32
38	33
39	34
40	35

- G. All density calculations resulting in fractional units will be rounded up to the next whole number. The granting of a density bonus will not be interpreted, in and of itself, to require a general plan amendment, zoning change or other discretionary approval.

**9.47.060 Additional density bonus through donation of land.**

When an applicant for a tentative subdivision map, parcel map, or other residential development approval donates land to the Town, as provided for in this section, the applicant will be entitled to a 15 percent increase above the otherwise maximum allowable residential density under the applicable zoning and the land use element of the general plan for the entire development, as follows:

Percentage Very Low Income	Percentage Density Bonus
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10	15
11	16
12	17
13	18
14	19
15	20
16	21
17	22
18	23
19	24
20	25
21	26
22	27
23	28
24	29
25	30
26	31
27	32
28	33
29	34
30	35

**A.** This increase will be in addition to any increase in density mandated by Section 9.47.020(C).

1. All density calculations resulting in fractional units will be rounded up to the next whole number.
2. Nothing in this section will be construed to enlarge or diminish the authority of the Town to require a developer to donate land as a condition of development.

**B.** An applicant will be eligible for the increased density bonus described in this section if all of the following conditions are met.

1. The applicant donates and transfers the land no later than the date of approval of the final subdivision map or parcel map or residential development application.
2. The developable acreage and zoning classification of the land being transferred are sufficient to permit construction of units affordable to very low income households, in an amount not less than 10 percent of the number of residential units of the proposed development.
3. The transferred land is at least one acre in size or of sufficient size to permit development of at least 40 units, has the appropriate general plan designation, is appropriately zoned for

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development as affordable housing, and is or will be served by adequate public facilities and infrastructure.

- a. The land shall have appropriate zoning and development standards to make the development of the affordable units feasible.
  - b. No later than the date of approval of the final subdivision map, parcel map, or of the residential development, the transferred land shall have all the permits and approvals, other than building permits, necessary for the development of the very low income housing units on the transferred land, except that the local government may subject the proposed development to subsequent design review, to the extent authorized by California Government Code section 65583.2(i), if the design is not reviewed by the town prior to the time of transfer.
4. The transferred land and the affordable units will be subject to a deed restriction ensuring continued affordability of the units consistent with Section 9.47.020(E) (1) and (2), which restriction will be recorded on the property at the time of transfer.
  5. The land is transferred to the Town or to a housing developer approved by the Town. The Town may require the applicant to identify and transfer the land to such housing developer.
  6. The transferred land shall be within the boundary of the proposed development or, if the town agrees, within one-quarter mile of the boundary of the proposed development.

**9.47.070 Additional density bonus or concession or incentive through provision of child care facility.**

- A. When an applicant proposes to construct a housing development that conforms to the requirements of Section 9.47.020(C) and includes a child care facility that will be located on the premises of, as part of, or adjacent to, the project, the Planning Commission shall grant either of the following:
  1. An additional density bonus that is an amount of square feet of residential space that is equal to or greater than the amount of square feet in the child care facility.
  2. An additional concession or incentive that contributes significantly to the economic feasibility of the construction of the child care facility.
- B. The Planning Commission shall require, as a condition of approving the housing development, that the following occur:
  1. The child care facility shall remain in operation for a period of time that is as long as or longer than the period of time during which the density bonus units are required to remain affordable pursuant to Section 9.47.020(E).
  2. Of the children who attend the child care facility, the children of very low income households, lower income households, or moderate income households, shall equal a percentage that is equal to or greater than the percentage of dwelling units that are required for very low income households, lower income households, or moderate income households pursuant to Section 9.47.020(C).

- C. Notwithstanding any requirement of this section, the Planning Commission is not required to provide a density bonus or concession for a child care facility if it finds, based upon substantial evidence, that the community has adequate child care facilities.
- D. For the purpose of calculating a density bonus, the residential units do not have to be based upon individual subdivision maps or parcels. The density bonus is permitted in geographic areas of the housing developments.
- E. The granting of a concession or incentive will not be interpreted, in and of itself, to require a general plan amendment, zoning change, or other discretionary approval.

**9.47.080 Town's discretion in granting density bonus.**

Nothing in this chapter will be construed to prohibit the Planning Commission from granting a density bonus greater than what is described in this chapter for a development that meets the requirements of this chapter, or from granting a proportionately lower density bonus than what is required by this chapter for developments that do not meet the requirements of this chapter.

**9.47.090 Parking requirements**

- A. Upon the request of the applicant, the Town will not require a vehicular parking ratio, inclusive of handicapped and guest parking, of a development meeting the criteria of Section 9.47.020(C) that exceeds the following ratios:
  - 1. Zero to one bedrooms: one onsite parking space
  - 2. Two to three bedrooms: two onsite parking spaces.
  - 3. Four and more bedrooms: two and one-half parking spaces.
- B. If the total number of parking spaces required for a development is other than a whole number, the number will be rounded up to the next whole number. For purposes of this section, a development may provide "onsite parking" through tandem parking or uncovered parking, but not through on-street parking.
- C. This section applies to a development that meets the requirements of Section 9.47.020(C), but only at the request of the applicant. An applicant may request additional parking incentives or concessions beyond those provided in this chapter, subject to Section 9.47.030.

Sections

- 9.48.010 - Permitted Land Uses
- 9.48.020 - Emergency Transitional Housing
- 9.48.030 – Single Room Occupancy

**9.48.010 Permitted Land Uses**

Emergency Transitional Housing is permitted in the Industrial zoning district subject to a Special Use Permit

Single Room Occupancy Units are permitted in the Industrial zoning district subject to a Conditional Use Permit

**9.48.020 Emergency Transitional Housing**

- (A) This section establishes standards for Emergency Transitional Housing as defined in subdivision (e) of Section 50801 of the Health and Safety Code, which are in compliance with state law, including the limitations on the Town’s authority to regulate these facilities in zones without a discretionary approval.
- (B) These standards apply in addition to all other applicable provisions of this Chapter and any requirements imposed by the State Department of Housing and Community Development through its oversight.
  - (1) The maximum number of beds or persons to be served nightly shall be fifty (50), and shall not exceed 1 per 125 square feet of floor area.
  - (2) The maximum length of stay for any one individual shall not exceed 180 days in a 365 day period.
  - (3) Off street parking shall be provided at a rate of one parking space for every four beds and one parking space for each employee on shift.
  - (4) No emergency shelter shall be located within 300 feet of another shelter.
  - (5) Exterior and interior waiting and client intake areas shall be provided on site to accommodate waiting clients and to prevent queuing into any public rights of way. An exterior waiting area shall be physically separated and visually screened from the public right of way.
  - (6) An on-site manager shall be present at all times, 24 hours per day, 7 days per week. The onsite manager shall not be an individual or individuals who utilize the homeless beds or services and shall maintain their own residence off site.

- (7) Lighting shall be provided for all entrances, parking lots, pathways and public areas.
- (8) Stays at the Emergency Shelter facility shall be limited to between the hours of 5PM and 8AM
- (9) Nonoperational and unregistered vehicles shall not be kept on site. Towing shall be the responsibility of the shelter operator.
- (10) A minimum distance of 300 feet shall be maintained from another emergency shelter. The distance of separation shall be measured in a straight line between the property lines of each use without regard to intervening structures or objects.
- (11) Alcohol and narcotics use and consumption are prohibited within the facility and on the property.
- (12) An operations plan shall be submitted for review and approval by the Director and the Chief of Police prior to operation of the Emergency Shelter. The plan shall include minimum provisions related to on-site security and safety, staff training, loitering control, client eligibility, counseling services and indoor and outdoor management of the facility.
- (13) The shelter operator shall regularly patrol the area surrounding the shelter site during hours that the shelter is in operation to ensure that homeless persons who have been denied access are not congregating in the neighborhood.
- (14) Each shelter shall be operated by a responsible agency or organization, with experience in managing and/or providing social services.
- (15) Staff and services shall be provided to assist residents to obtain permanent shelter and provide referral information and/or services for health or mental health services, educational opportunities, job training/employment and life skills training.
- (16) There shall be at least one on-site supervisor per 25 persons during the hours of operation.
- (17) Operators shall maintain a log of occupants which may be reviewed by the Town at any time to assure compliance with these regulations and standards.
- (18) Security systems shall be installed prior to issuance of a certificate of occupancy. Security systems shall include an alarm system to detect unrecorded or unauthorized entry or exiting of a facility, and a camera surveillance system which shall be installed in locations to the satisfaction of the Chief of Police.

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(19) The outdoor areas and yards of shelters and surrounding areas shall be kept clean and free of debris, litter, and storage of personal effects shall not be allowed.

- (C) Transitional Housing is a development with buildings configured as rental housing developments, but operated under program requirements that call for the termination of assistance and recirculation of the assisted unit to another eligible program recipient at some predetermined future point in time, which shall be no less than six months. Transitional housing that is provided in single family dwelling, multi-family dwelling units, residential care facilities or boarding house uses, shall be permitted, conditionally permitted or prohibited in the same manner as the other single family dwelling, multi-family dwelling units, residential care facilities, or boarding house uses under this code.
- (D) Supporting housing is housing with no limit on length of stay, that is occupied by the target population, and that 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. Supportive housing that is provided in single family dwellings, multi-family dwelling units, residential care facilities, or boarding house uses, shall be permitted, conditionally permitted, or prohibited in the same manner as the other single family dwelling, multi-family dwelling units, residential care facilities, or boarding house uses under this code.

#### **9.48.030 Single Room Occupancy Units**

- (A) Single Room Occupancy Purpose and Intent: It is the purpose and intent of this section to regulate the development and operation of Single Room Occupancy land uses. Single Room Occupancy units provide housing opportunities for lower-income individuals, persons with disabilities, the elderly and formerly homeless individuals.
- (B) Single Room Occupancy shall mean a facility providing dwelling units where each unit has a minimum floor area of 150 square feet and a maximum floor area of 350 square feet. These dwellings units may have kitchen or bathroom facilities and shall be offered on a monthly basis or longer.
- (C) Single Room Occupancy Units shall be located exclusively in the Industrial (I) land use district with the approval of a Conditional Use Permit. An application pursuant to this section shall be processed concurrently with any other application(s) required for housing development.
- (D) The following development standards shall be used in conjunction with the industrial district standards for any Single Room Occupancy development.
- (1) Unit Size: The minimum size of a unit shall be 150 square feet and the maximum size shall be 350 square feet which may include bathroom and/or kitchen facilities.
  - (2) Occupancy: An SRO unit shall accommodate a maximum of two persons.
  - (3) Common Areas: A minimum of 10 square feet for each unit shall be provided for common area. All common areas shall be within the structure. Dining rooms, meeting rooms, recreational rooms or other similar areas may be considered common areas.



Shared bathrooms, kitchens, janitorial storage, laundry facilities and common hallways shall not be considered as common areas.

- (4) Kitchen Facilities: An SRO is not required to but may contain partial or full kitchen facilities. A full kitchen includes a sink, a refrigerator and a stove, range top or oven. If a full kitchen is not provided, common kitchen facilities shall be provided with at least one kitchen per floor.
- (5) Bathroom Facilities: For each unit a private toilet and sink in an enclosed compartment with a door shall be provided. This compartment shall be a minimum of 15 square feet. If private bathing facilities are not provided for each unit, shared shower or bathtub facilities shall be provided in accordance with the most recent edition of the California Building Codes for congregate residences with at least one full bathroom per every three units on a floor. The shared shower or bathtub facility shall be accessible from a common area or hallway. Each shared shower or bathtub facility shall be provided with an interior lockable door.
- (6) Closet: Each SRO shall have a separate closet.
- (7) Laundry Facilities: Laundry facilities shall be provided in a separate room at the ratio of one washer and dryer for every 10 units, with at least one washer and dryer per floor.
- (8) Cleaning Supply room: A cleaning supply room or utility closet with a wash tub with hot and cold running water shall be provided on each floor.
- (9) Management: A management plan shall be submitted with the development application for an SROP facility and shall be approved by the Director and the Chief of Police. The management plan must address management and operation of the facility, rental procedures, safety and security of the residents and building maintenance.

Sections:

- 9.49.010 Definitions
- 9.49.020 Permitted Land Use
- 9.49.030 Procedures and Requirements
- 9.49.040 General Standards
- 9.49.050 General Conditions
- 9.49.060 Findings
- 9.49.070 Revocation

9.49.010 Definitions

**"Exotic Animal:** Means any animal of the class Aves (birds), class Mammalia (mammals), class Amphibia (frogs, toads, salamanders), class Osteichtyes (bony fishes), class Monorhina (lampreys), class Reptilia (reptiles), class Crustacea (crayfish), or class Gastropoda (slugs, snails) that are restricted by the State.

**Zoo:** Means a zoological garden or other collection of exotic animals which are raised, bred, trained and/or maintained for on-site display that is open to the general public, education, tours and exhibition which is accredited by the American Zoo and Aquarium Association (AZA).

**9.49.020 Permitted Land Use**

- A. The keeping of exotic animals as defined in this Chapter shall be permitted as an accessory use to single dwelling unit in accordance with this Code as follows:

Any exotic animal as defined in this Chapter with a State Fish and Game caging requirement of 50 square-feet or less and kept within an enclosed building shall be permitted provided the applicant registers said animal(s) on a form to be provided by the Town's Animal Control Section. The applicant must provide a copy of the applicant's State Department of Fish and Game permit for each animal(s) registered.

The keeping or maintaining of exotic animals on any property within the Town with a State Department of Fish and Game caging requirement of up to 149 square feet may be permitted as an accessory to a single family dwelling located within the Large Animal Overlay District subject to the provisions of this code. A Special Use Permit is required for the keeping or maintaining of up to two exotic animals and a Conditional Use Permit is required for the keeping or maintaining of 3 to 4 exotic animals.

Any exotic animal with a caging requirement of 150 square-feet and greater is prohibited as an accessory use to a single family dwelling, except as a zoo.

The keeping or maintaining of any exotic animal(s) for on-site display open to the general public shall be permitted subject to the issuance of a Conditional Use Permit by

the Planning Commission and the further requirements of this code for the establishment of a zoo.

**9.49.030 Procedures and Requirements for Conditional Use Permit and Special Use Permit**

- A. Prior to giving a public hearing notice, the reviewing authority shall request that a Veterinarian that is recognized by the Department of Fish and Game submit a statement regarding the particular animal's mature behavior and personality characteristics specific to the animals being requested.
- B. Any action to approve a request for an exotic animal shall not be effective until written evidence is received by the Director that the applicant has received a permit from the State Department of Fish and Game.
- C. A Special Use Permit or Conditional Use Permit for the keeping of an exotic animal shall be noticed in accordance with Chapter 9.85 (Public Notices and Hearings).
- D. Applicant shall provide any documentation or written notice received from State Department of Fish and Game regarding prior violations and corrective action pertaining to the keeping of the animal(s). Following the application submittal, Planning staff shall send a written letter to the State Department of Fish and Game requesting information on any prior violations and what the corrective measures were.

**9.49.40 General Standards for Conditional Use Permit and Special Use Permit**

- A. A person may keep or maintain in their possession or control an exotic animal with a caging requirement ranging from 51 to 149 square-feet on any property within the town on any parcel zoned for single family residential purposes only as specifically authorized by the provisions of this chapter and the site is located within areas identified on the Town adopted *Large Animal Overlay District Map*.
- B. The keeping of the animal(s) must comply with all setback requirements of Section 9.08.020 (Animal Keeping in Residential Districts).
- C. The keeping of exotic animals as allowed by this Code shall be subject to the following parcel size and density restrictions:

Minimum State Fish and Game Caging Requirements	Minimum Parcel Size /Density
Animals which are normally maintained in aquariums, terrariums, bird cages or similar devices, each of which does not exceed a floor area of fifty (50) square-feet and where such devices/cages are maintained within an enclosed building.	None
Requires a floor area of 50 sq. ft. or less per animal which are not maintained within an enclosed building.	1 per 10,000 sq. ft. Maximum of 4

Requires a floor area between 51 sq. ft. and 99 sq. ft. per animal which are not maintained within an enclosed building	1 per 20,000 sq. ft. Maximum of 4
Requires a floor area between 100 sq. ft and 149 sq. ft. per animal which are not maintained within an enclosed building,	1 acre minimum. 20,000 sq. ft for every additional animal. Maximum of 4

- D. If the permit being requested from the Department of Fish and Game is an Exhibiting Permit that includes public on-site display of the animal(s), the following provisions shall apply:
1. A minimum parcel size of 20 acres shall be required for a facility that proposes any public on-site display of the animal(s).
  2. Visitor parking shall be provided in accordance with the Chapter 9.33, (Parking and Loading Requirements).
  3. Permanent restroom facilities shall be provided in accordance with the California Building and San Bernardino County Health Department requirements.
  4. All appropriate off-site improvements including access to the facility must be in existence or be constructed prior to the housing of any animal.
  5. The facility shall be accredited by the American Zoo and Aquarium Association (AZA).
  6. Any applicant proposing a zoo facility within a residential land use district or on a site that abuts a residential land use district shall include with the application written consent to the approval of the zoo facility dated within ninety days prior to the filing of such application from each owner(s) of property within 1,325 feet of the lot on which the facility is proposed.

**9.49.050 General Conditions for Conditional Use Permit and Special Use Permit.**

Any action to approve a request for an exotic animal shall include the following conditions in addition to any conditions deemed appropriate by the reviewing authority:

- A. The keeping of the animal must comply with all Town Code requirements including setbacks from property lines and other dwellings.
- B. The keeping/caging of the animal must comply with all applicable Federal and State requirements.
- C. Each animal must have sufficient area to be maintained and exercised in a normal healthy manner as determined by the State Department of Fish and Game.
- D. Each permit shall specify the annual renewal period and inspection requirements. Permits for any animal shall be issued for a period not to exceed twelve (12) months.

- E. The applicant agrees to allow reasonable inspection of the property by Animal Control staff and/or designee to ensure compliance with the Conditions of Approval. Inspections shall include, at a minimum, one inspection per year following approval of the permit and at each renewal. At such time the applicant shall provide Animal Control with written documentation/ records from a qualified veterinarian that the animal(s) are being properly cared for.
- F. Upon the renewal of the permit and inspection, the applicant shall supply written documentation from the State Department of Fish and Game that the facility and the keeping of the animals are in compliance with all Federal and State requirements.
- G. The applicant obtains a permit from the State Department of Fish and Game.
- H. All cages shall be constructed by a licensed contractor and shall provide certification that the cages were constructed and installed in accordance with the approved plans and all State and/or Federal caging requirements.
- I. The area where the animals are to be kept shall be screened from public view.
- J. The applicant/owner shall agree to defend, indemnify, and hold harmless the Town, its agents, officers, or employees from any claim, action, or proceeding against the Town or its agents, officers, or employees to attack, set aside, void, or annul an approval of the Town an advisory agency, appeal board or legislative body concerning the permit or any other action relating to or arising out of such approval. Any condition of approval imposed pursuant to the provisions of this condition shall include a requirement that the Town promptly notify the applicant of any claim, action, or proceeding and that the Town cooperate fully in the defense. If the Town fails to promptly notify the applicant of any claim, action, or proceeding, or if the Town fails to cooperate fully in the defense, the applicant shall not thereafter be responsible to defend, indemnify, or hold the Town harmless. If any provision of this condition is found invalid by a court of law, the remaining provisions of this condition shall remain in full force and effect.
- K. The occupant of the premises on which the exotic animal is kept shall keep and maintain the animal(s) and the premises in such a manner as not to be detrimental to the health, safety or welfare of any person on any adjoining property or of the 4 general public. Such maintenance shall be at least sufficient to keep dust, odor, and flies from having an adverse effect on any other property.
- L. Immediate notification shall be given to the Department of Fish and Game, San Bernardino County Sheriff Department, and Town of Yucca Valley Animal Control in the event the animal(s) escape from the premises.
- M. Prior to occupancy of the site by any exotic animal, the applicant shall develop a comprehensive emergency plan for State Department of Fish and Game, local police and Animal Control for review and approval. This comprehensive plan of action shall be developed to address the following situations:
  - 1. Damaged to the enclosures. Temporary holding facilities shall be identified. Necessary mechanisms to safely transport the animal(s) to another holding enclosure shall be on hand.
  - 2. Animal attacking and/or injuring humans: include a list of safety equipment that will be available for use.

3. Escape of animal from its enclosure: recapture plans shall outline the procedures for handling and recapture of the escaped animal(s), equipment to be used, people to be contacted, various restraint methods, including conditions which warrant the use of lethal force.

- N. Prior notification of inspection is not required if Town Animal Control staff has reason to believe the health and safety of the public or the animal is in danger if there is a delay.
- O. Any excessively disturbing noises, including, but not limited to, continued and repeated howling, barking, whining, or other utterances causing unreasonable annoyance, disturbance or discomfort to neighbors or others in close proximity to the premises where the animals is kept or harbored shall be considered a nuisance.
- P. Prior to occupancy of the site with any exotic animal as approved under a SUP or CUP, the applicant shall provide proof of their ability to respond in damages to and including the amount of one hundred thousand dollars (\$100,000.00) by obtaining a policy of insurance coverage in said amount for bodily injury or death of any person(s) or for damage to property owned by any other person which may result from the ownership, keeping or maintaining of an exotic animal(s). Proof of liability shall be provided as required by this ordinance in a form approved by the Town Attorney, a certificate of insurance issued by a solvent corporation authorized to issue bonds under the laws of the State. Such certificate of insurance or bond shall be provided that no cancellation of the insurance or bonds will be made unless thirty (30) days written notice is first given to the Town Community Development Planning Section.

#### **9.49.060 Findings for Conditional Use Permit and Special Use Permit**

Prior to taking action to approve a Special Use Permit or Conditional Use Permit for any exotic animal(s), the reviewing authority shall find and justify that all of the following are true:

- A. That the impacts which could result from the keeping of exotic animal(s), and the proposed location, size, design and operating characteristics of the animal and/or 5 use, and the conditions under which it would be operated or maintained will not be considered to be detrimental to the public health, safety and welfare of the community or be materially injurious to properties and/or improvements within the immediate vicinity or be contrary to the General Plan;
- B. Adequate safeguards have been established and will be maintained that effectively control all dangerous or vicious propensities of such animals;
- C. That the proposed animal keeping will comply with each of the applicable provisions of the Development Code, and applicable Town policies, except approved variances and State and Federal requirements;
- D. That the location of the animal keeping area and any proposed structures and improvements are compatible with the site's natural landform, surrounding sites, and structures.
- E. That the proposed animal keeping will not create such an attractive nuisance by nature of its existence that it would draw undue attention to the activity by an increase in foot or vehicular traffic to the surrounding neighborhood or might entice the general public onto the property.

#### **9.49.070 Revocation of Permit**

A Conditional Use Permit or Special Use Permit may be revoked by the Town Council if any one of the following findings can be made:

- A. That the permit was obtained by misrepresentation or fraud.
- B. That the use for which the permit was granted has ceased or has been suspended for six or more consecutive months.
- C. That the use is in violation of one or more of the Conditions of Approval.
- D. That the use is in violation of any State or Federal requirement."

Sections

- 9.50.010 – Purpose and Applicability
- 9.50.020 – Classes of Home Occupations Described
- 9.50.030 – Development Standards
- 9.50.040 – Review
- 9.50.050 – Renewal
- 9.50.060 - Amendment
- 9.50.070 - Revocation
- 9.50.080 – Appeal

**9.50.010 Purpose and Applicability**

- A. **Purpose.** The purpose of this Section is to establish regulations allowing for the operation of certain business activities in single and multi-family residential neighborhoods. The standards and requirements are intended to ensure that home occupation operations do not alter the character of any residential neighborhood, or create impacts or activities that are not typically and commonly associated with residential neighborhoods. It is the intent of this Section to allow for commercial uses that are accessory and incidental to the primary purpose of residential zones , which is that of providing a habitable dwelling for the owner or occupant as the primary use of the residential dwelling unit.
- B. **Applicability.** The provisions in this Section shall apply to home occupations as defined in Article 7, *Definitions* and where allowed in compliance within this Article and the following standards. A home occupation shall only be allowed as an accessory use on a parcel with a legal residential dwelling unit.

A Home Occupation is defined as “a commercial activity conducted in compliance with this Chapter, carried out by an occupant and conducted as an accessory use within the primary dwelling unit, an accessory structure or approved outdoor activity”.

**9.50.020. Classes of Home Occupations Described**

- A. Home occupations are commercial uses that are accessory and incidental to a residential land use and that do not alter the character or the appearance of the residential environment or neighborhood.
- B. No person shall engage in a home occupation without first obtaining a Home Occupation Permit from the Planning Division consistent with the requirements of this Chapter, unless otherwise exempt. In addition, the operator of the home occupation shall procure a Business Registration in compliance with Municipal Code Chapter 5.20 (Business Registration Certificate), including home occupations that are exempt from permitting.



## **1. Class I, Exempt from Permitting**

Class I Home Occupations shall have no impact on the neighborhood in which they are located. Work is performed exclusively by phone and mail, or over the internet, and/or the activity is limited so that there are no impacts on the neighborhood. Class I Home Occupations are allowed in any residential zoning district.

These uses include telecommuting and internet or electronic based businesses, or other similar activities that are transparent inside the residential structure, and do not involve customers to the site, employees, or any structural alteration.

In addition, no permit is required for home based businesses where no business activity takes place other than the scheduling of appointments or paperwork, there are no customers received at the residence, the exterior of the property is not modified for the business and there is no outdoor storage of materials or vehicles, except as normally associated with and allowed in a residential area. These business activities include, but are not limited to, contractors, housecleaning, carpet cleaning, mobile carwash or gardeners.

Class I Development Standards:

1. No customers or clients shall visit the residence
2. All employees shall be members of the resident family and shall reside on the premises.
3. .

## **2. Class II, No Hearing Required.**

Class II Home Occupations may have a limited impact on the neighborhood in which they are located. Class II Home Occupations shall be allowed in the Residential Single Family (RS), Rural Living (RL) and Rural Hillside Reserve (R-HR) zoning districts.

Subject to the authority and discretion of the Director, Home occupations that meet the following standards, after appropriate application and subject to a field investigation, may be permitted without notice or a hearing. Alternatively, the Director may schedule a hearing or forward the matter to the Commission for action. The Director may establish any other special condition of approval for any Home Occupation Permit as necessary to carry out the intent of this subsection.

Class II Development Standards:

1. There may sales of products on the premises.
2. A maximum of three customers or clientele per day may visit the residence.
3. All employees, except one, shall be members of the resident family and shall reside on the premises.

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4. Operating hours of a home occupation in which there are customers visiting the site shall be between the hours of 9:00 a.m and 5:00 p.m. Operating hours of all other home occupations requiring a permit shall be between the hours of 7:00 a.m. and 7:00 p.m.
  5. There shall be no outdoor home occupation activity, and screened outdoor storage of material shall be limited to 10% of the lot area.

### **3. Class III, Notice and Hearing Required**

Class III Home Occupations may have a limited impact on the neighborhood in which they are located but are also slightly more intense than Class II in that they may involve outdoor storage of material and/or outdoor home occupation activities that do not impact the neighborhood. Class III Home Occupations are permitted in the Rural Living (RL) and Rural Hillside Reserve (R-HR) zoning districts.

Class III Home Occupations shall be subject to notice and hearing. The Commission is the review authority, and the Commission may forward the application to the Council for consideration.

Class III Development Standards:

1. There may be sales of products on the premises.
2. Customers may visit the residence and then only by appointment. This is restricted to a single appointment at a time. The monthly average of the total trip count for business activities shall not exceed 12 trips per day in all zoning districts.
  3. All employees, except two, shall be members of the resident family and shall reside on the premises.
  4. Operating hours of a home occupation in which there are sales on the premises or customers visiting the site shall be between the hours of 9:00 a.m and 5:00 p.m. Operating hours of all other home occupations requiring a permit shall be between the hours of 7:00 a.m. and 7:00 p.m.
  5. Lots in the Rural Living (RL) and Hillside Reserve (R-HR) zoning districts that are one acre or larger shall be permitted outdoor business activity or screened outdoor storage of materials subject to review and approval by the Commission.

### **4. Class IV, Conditional Use Permit.**

Home Occupations which may exceed the standards provided in (D (2) or (3) may be approved subject to the review and approval of a Conditional Use Permit by the Commission.

**TABLE 3-26:  
PERMITTED LAND USES AND PERMIT REQUIREMENTS  
FOR RESIDENTIAL ZONING DISTRICTS**

**Zoning Districts:** R-HR: Rural Hillside Reserve    RL: Rural Living  
RS: Residential Single Family    RM: Residential Multi Family

**Permit Required**    CUP: Conditional Use Permit    SPR: Site Plan and Design Review  
HOP: Home Occupation Permit    SUP: Special Use Permit  
**E: Exempt**    **NP: Prohibited**

Type of Use	Permit Required by Zoning District				Notes and Other Regulations
	R-HR	RL	RS	RM	
<b>Care Uses</b>					
Child Day Care (small family)	E	E	E	NP	Eight or fewer children, pursuant to Residential District Standards, Section 9..08.040
Child Day Care (large family)	SUP	SUP	SUP	NP	Nine to fourteen children, pursuant to Residential District Standards, Section 9..08.040
Child Day Care Center	CUP	CUP	CUP	NP	Fifteen or more children, pursuant to Section 9..08.040
Homeless Shelter	NP	NP	NP	NP	Including Transitional and supportive uses.
Social Care Facility, Six or Fewer	E	E	E	E	Includes but is not limited to elderly care and sober living facilities. Pursuant to Residential District Standards Section 9..08.090
Social Care Facility, Seven or More	CUP	CUP	CUP	NP	Includes but is not limited to elderly care and sober living facilities See Section 9..08.090 (/Residential/Social Care Facilities)
<b>Agriculture, Animal Related, and Open Space Uses</b>					
Animal Care Facility	NP	NP	NP	NP	Including, but not limited to animal hospitals, veterinarian, pet stores, and grooming.
Community Gardens	HOP	HOP	NP	NP	
Equestrian Facility	SUP	SUP	NP	NP	
Feed and Tack	NP	NP	NP	NP	

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                               E: Exempt    NP: Prohibited

Type of Use	Permit Required by Zoning District				Notes and Other Regulations
	R-HR	RL	RS	RM	
Horticulture for private use, including growing fruit, flowers, ornamental plants and vegetables	E	E	E	E	Permitted as a use that is incidental to the primary use
Agriculture for commercial use not including animal husbandry or stockyards	CUP	CUP	NP	NP	Including but not limited to row, field, tree, and nursery crop cultivation
Kennels and Catteries (over 15 animals)	NP	NP	NP	NP	
Livestock Operations	NP	NP	NP	NP	
Natural Resources Development	NP	NP	NP	NP	
Nature Preserve	NP	NP	NP	NP	
Nursery/Garden Supply (with outdoor display)	NP	NP	NP	NP	
Nursery/Garden Supply (without outdoor display)	NP	NP	NP	NP	
<b>Retail Commercial Uses</b>					
Ammunition Sales	NP	NP	NP	NP	
Antique/Second Hand Stores	NP	NP	NP	NP	
Adult-Oriented Business	NP	NP	NP	NP	
Appliance Sales and Home Goods (no repair)	NP	NP	NP	NP	

**TABLE 3-26:  
PERMITTED LAND USES AND PERMIT REQUIREMENTS  
FOR RESIDENTIAL ZONING DISTRICTS**

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**Permit Required    CUP: Conditional Use Permit    SPR: Site Plan and Design Review  
HOP: Home Occupation Permit    SUP: Special Use Permit  
E: Exempt    NP: Prohibited**

Type of Use	Permit Required by Zoning District				Notes and Other Regulations
	R-HR	RL	RS	RM	
Auto and Vehicle Sales and Rentals and Parts Sales	NP	NP	NP	NP	
Building and Landscape Materials Sales (indoor)	NP	NP	NP	NP	
Building and Landscape Materials Sales (outdoor)	NP	NP	NP	NP	
Convenience Store	NP	NP	NP	NP	
Construction and Heavy Equipment Sales and Rentals	NP	NP	NP	NP	
Farmers Market/Arts and Crafts Events	NP	NP	NP	NP	
Firearms Sales	HOP	HOP	NP	NP	
Fuel/Propane Dealer	NP	NP	NP	NP	
Grocery, Supermarket, Specialty Food Store, Drug Store	NP	NP	NP	NP	
Manufactured Home Sales	NP	NP	NP	NP	
Boat and Recreational Vehicle Sales	NP	NP	NP	NP	
Pawn Shop	NP	NP	NP	NP	
Retail Store (less than 80,000 sf)	NP	NP	NP	NP	
Retail Store (80,000 or greater sf)	NP	NP	NP	NP	

**TABLE 3-26:  
PERMITTED LAND USES AND PERMIT REQUIREMENTS  
FOR RESIDENTIAL ZONING DISTRICTS**

**Zoning Districts:** R-HR: Rural Hillside Reserve    RL: Rural Living  
                           RS: Residential Single Family    RM: Residential Multi Family

**Permit Required**    CUP: Conditional Use Permit    SPR: Site Plan and Design Review  
                           HOP: Home Occupation Permit    SUP: Special Use Permit  
                           E: Exempt            NP: Prohibited

Type of Use	Permit Required by Zoning District				Notes and Other Regulations
	R-HR	RL	RS	RM	
Seasonal Holiday Sales Facilities	NP	NP	NP	NP	
Swap Meet, Outdoor Market, Auction Yard (permanent)	NP	NP	NP	NP	
Shopping Center (neighborhood, community, or regional),	NP	NP	NP	NP	
Warehouse Retail	NP	NP	NP	NP	
<b>Business, Financial, and Professional</b>					
ATM	NP	NP	NP	NP	
Financial Institution and Related Service	NP	NP	NP	NP	
Laboratory	NP	NP	NP	NP	
Office	E	E	E	E	Provided that no customers are clients are visiting the residence.
Office	HOP	HOP	HOP	NP	Customers or clients visiting the residence

### Eating and Drinking Establishments

Bakery (retail), Coffee Shop and Similar Uses	NP	NP	NP	NP	
Bakery (delivery only)	HOP	HOP	HOP	NP--	
Bar, Lounge, Nightclub, Tavern, and Pool Hall	NP	NP	NP	NP	
Catering Service	HOP	HOP	HOP	NP--	
Cottage Food Operation	HOP	HOP	HOP	HOP	
Fast Food (w/drive through, delivery)	NP	NP	NP	NP	
Fast Food (w/o drive through, delivery)	NP	NP	NP	NP	
Full Service Restaurant	NP	NP	NP	NP	

### Commercial Service Uses

Ambulance Service	NP	NP	NP	NP	
Appliance Sales, Service, Repair, and Rental	NP	NP	NP	NP	
Automobile Gas Station	NP	NP	NP	NP	
Automobile Service/Repair (minor repair, maintenance, upholstery, painting)	NP	NP	NP	NP	
Automobile Service/Repair (major repair/body work)	NP	NP	NP	NP	
Automobile Washing (car wash)	NP	NP	NP	NP	
Barber, Beauty Shop, and other Similar Personal Service Uses	HOP	HOP	HOP	NP	
Printing and Duplication Services	HOP	HOP	HOP	NP	
Equipment Sales, Service, Repair, and Rental	NP	NP	NP	NP	

Fitness Center	NP	NP	NP	NP	
Fortune Telling and Related Service	HOP	HOP	HOP	NP	
Funeral Service (excluding crematorium)	NP	NP	NP	NP	
Funeral Service (including crematorium)	NP	NP	NP	NP	
Laundry and Dry Cleaning	NP	NP	NP	NP	
Locksmith	HOP	HOP	HOP	NP	
Maintenance and Repair, General (Minor)	HOP	HOP	NP	NP	
Maintenance and Repair (Major)	NP	NP	NP	NP	
Massage Establishment	NP	NP	NP	NP	
Personal Trainer	HOP	HOP	HOP	NP	Customers or clients visiting the residence
Studio (dance, music, martial arts, artists)	HOP	HOP	HOP	NP	
Tattoo and Piercing	NP	NP	NP	NP	
<b>Commercial Recreation</b>					
Amusement Arcade or Park	NP	NP	NP	NP	
Carnivals/Circuses/Festivals/ Fairs	NP	NP	NP	NP	
Campgrounds	NP	NP	NP	NP	
Concerts, Open-Air Theaters, Outdoor Entertainment Events	NP	NP	NP	NP	
Game Arcade, Internet Café, and Similar Businesses	NP	NP	NP	NP	
Golf Course	NP	NP	NP	NP	
Hookah Lounge	NP	NP	NP	NP	
Parks/ Recreation Facilities	NP	NP	NP	NP	



Private Clubs and Lodges	NP	NP	NP	NP	
Recreation and Entertainment (commercial indoor and outdoor)	NP	NP	NP	NP	
Recreational Vehicle Park	NP	NP	NP	NP	
<b>Industry, Manufacturing and Processing, Wholesaling</b>					
Construction/Contractor Storage Yard	NP	NP	NP	NP	
Hazardous Waste Operations	NP	NP	NP	NP	
Manufacturing Operations	NP	NP	NP	NP	
Motor Vehicle Storage/Impound Facility	NP	NP	NP	NP	
Recycling Facility (small collection facility)	NP	NP	NP	NP	
Recycling Facility (processing facility)	NP	NP	NP	NP	
Research and Development	NP	NP	NP	NP	
Salvage Facility	NP	NP	NP	NP	
Storage – Mini-Storage (personal storage)	NP	NP	NP	NP	
Storage (outdoor vehicles storage)	NP	NP	NP	NP	
Welding and machining	NP	NP	NP	NP	
Wholesaling and Distribution	NP	NP	NP	NP	
<b>Transportation, Communications, and Infrastructure</b>					
Communication Facility	NP	NP	NP	NP	Including, but not limited to, radio and television stations or towers, satellite receiving stations, but not wireless telecommunication facilities

Wireless Telecommunication Facilities	CUP	CUP	CUP	CUP	Pursuant to Chapter 9.44(Wireless Communications Facilities)
Parking Lot	NP	NP	NP	NP	
Public/Government Facilities	NP	NP	NP	NP	
Public Safety Uses (permanent)	NP	NP	NP	NP	
Solar Energy Systems (accessory )	P	P	P	P	See Section 9.45.010 (Solar Energy Systems)
Solar Energy Systems (Commercial /primary use )	NP	NP	NP	NP	
Transmission utility lines, pipelines, and control stations	NP	NP	NP	NP	
Utilities (major)	NP	NP	NP	NP	
Wind Energy System (accessory)	SPR	SPR	SPR	SPR	See Section 9.46.010 ( Wind Energy System)
Wind Energy System (Commercial /primary use)	NP	NP	NP	NP	
<b>Other Uses</b>					
Archery and Gun Ranges (Indoor)	NP	NP	NP	NP	
Archery and Gun Ranges (Outdoor)	NP	NP	NP	NP	
Bed and Breakfast	SUP	SUP	SUP	NP	See Section 9.08.030 (Bed and Breakfast)
Cemeteries, Including Pet Cemeteries	NP	NP	NP	NP	
Churches, Religious Assembly, and Other Public Assembly	NP	NP	NP	NP	
Conference Centers and Group Camps	NP	NP	NP	NP	
Correctional Institution	NP	NP	NP	NP	
Emergency Facilities (temporary)	NP	NP	NP	NP	
Hotels and Motels	NP	NP	NP	NP	

Hospitals/Medical/ Rehabilitation Centers/Clinics	NP	NP	NP	NP	
Medical and Dental Offices, clinics, laboratories	NP	NP	NP	NP	
Medical Marijuana Dispensary	NP	NP	NP	NP	
Museum, Library, Art Gallery, Outdoor Exhibit	NP	NP	NP	NP	
Schools (private, vocational, charter, and other)	NP	NP	NP	NP	Not to include home schooling

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### **9.50.030 Development Standards.**

All home occupations shall comply with all of the following conditions of approval at all times:

1. No dwelling or accessory structure shall be built, altered, furnished or decorated for the purpose of conducting the home occupation in such a manner as to change the residential character and appearance of the dwelling, or in such a manner as to cause the structure to be recognized as a place where a home occupation is conducted;
2. There shall be no displays, sale, or advertising signs on the premises;
3. There shall be no signs other than one unlighted identification sign containing the name and address of the owner attached to the building not exceeding two square feet in area per street frontage;
4. All maintenance or service vehicles and equipment, or any vehicle bearing any advertisement, shall be in conformance with Town regulations regarding vehicle signs;
5. The home occupation shall not encroach into any required parking, setback, or open space area and required covered parking shall not be altered for the purpose of conducting the home occupation.
6. There shall be no outdoor home occupation activity or outdoor storage of stock, merchandise, scrap supplies, or other materials or equipment on the premises, except as approved by the Commission.
7. Any storage of hazardous, toxic, or combustible materials in amounts exceeding those typically found in residential uses shall be prohibited;
8. There shall be complete conformity with Fire, Building, Plumbing, Electrical, and Health Codes and to all applicable State and Town laws and ordinances. Activities conducted and equipment or material used shall not change the fire safety or occupancy classification of the premises;
9. No home occupation shall generate pedestrian or vehicular traffic in excess of that customarily associated with a residential use and the neighborhood in which it is located;
10. No home occupation shall be initiated until a current business registration certificate is obtained, including home occupations that are exempt from permitting;
11. A Home Occupation Permit shall not be transferable to another person or property;
12. No use shall create or cause noise in excess of noise standards established for residential zoning districts, dust, light, vibration, odor, gas, fumes, toxic or hazardous materials, smoke, glare, electrical interference, or other hazards or nuisances;

13. Public advertising shall only list phone number, operators name, post office box and description of business. Business address or location shall not be included in any public advertising.
14. Parking shall comply with the requirements of Chapter 9.33. One additional parking space shall be provided for each non-resident employee.
15. If the home occupation is to be conducted on rental property, written permission from the property owner shall be submitted.

#### **9.50.040 Review.**

The Review Authority shall review all applications for a Home Occupation Permit to determine if the proposed use is consistent with the provision of this Chapter. If all standards are met after complying with the noticing provisions of Section 9.75, the review authority shall make the following findings prior to issuance of the permit;

1. That the proposed use is not prohibited;
2. That the proposed use will comply with all applicable standards;
3. That the issuance of the Home Occupation Permit will not be detrimental to the public health, safety, and general welfare;
4. That the proposed use will be consistent with any applicable specific plan.
5. That the proposed use will not alter the character of the neighborhood and will not induce physical or socioeconomic changes to the neighborhood that are inconsistent with the goals and objectives of the General Plan, and the Development Code, and that do not create characteristics more closely associated with commercial, office or industrial land use activities.

#### **9.50.050 Home Occupation Permit Renewal**

Home Occupation Permits are approved for a period of three (3) years. The Director shall be the review authority for all home occupation permits renewals.

#### **9.50.060 Home Occupation Permit Amendment**

Refer to Article 5, Chapter 9.83 Permit Amendments

#### **9.50.070. Home Occupation Permit Revocation**

Refer to Article 5, Chapter 9.84 Permit Revocation

#### **9.50.080. Appeal.**

Refer to Article 5, Chapter 9.81 Appeals

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## Chapter 9.51 Dedication of Land for Park and Recreation Purposes

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### Sections:

9.51.010 - Purpose and Intent

9.51.020 - Park Land Dedication Requirements

9.51.030 - Payment of In-Lieu Fees For Park and Recreational Purposes

9.51.040 - Combination of Land and Fees Required

9.51.050 – Procedure

9.51.060 – Credit for Private Open Space

9.51.070 – Improvements to Dedicated Parkland and Adjoining Public Rights-Of-Way

9.51.080 – Alternative Method

9.51.090 - Severability

### **9.51.010 Purpose and Intent.**

This chapter is enacted pursuant to the authority granted by Section 66477 of the California Government Code which authorizes a city to require the dedication of land for park and recreation facilities or payment of in-lieu fees incident to and as a condition of approval of a tentative tract map or tentative parcel map for certain subdivisions. The purpose and intent of this Chapter is to implement the General Plan, the Parks Master Plan, and any specific or other plan in requiring the dedication of land for park and recreation purposes. The purpose and intent of this Chapter is also to ensure the adequate provision of park and recreation facilities to meet the needs of neighborhood residents for both active and passive recreational functions.

### **9.51.020 Park Land Dedication Requirements.**

**A. Applicability.** The dedication of land for park and recreation facilities shall be required incident to and as a condition of the approval of a tentative tract map or tentative parcel map for a subdivision. Subdivisions containing less than five parcels and not used for residential purposes shall be exempted from the requirements of this chapter; provided, however, that a condition shall be placed on the approval of such parcel map that if a building permit is requested for construction of a residential structure or structures on one or more of the parcels within four years of the date of approval of the parcel map, the fee may be required to be paid by the owner of each such parcel as a condition to the issuance of such permit. The provisions of this chapter do not apply to commercial or industrial subdivision or to condominium projects or stock cooperatives which consist of division of airspace in an existing multifamily residential building which is more than five years old when no new dwelling units are added.

**B. Use of Land and Fees.** The land, fees or combination of land and fees, are to be used only for the purpose of providing park or recreational facilities within the Town which will serve or benefit future inhabitants of such subdivision, and the park and recreational facilities so developed shall bear a reasonable relationship to the needs thereof by the inhabitants of the subdivision. The park and recreational facilities shall be consistent with the standards and policies for park and recreation facilities, adopted in the General Plan, the Parks Master Plan or an applicable specific plan.

**C. Establishment and Development Time.** The Town Council shall specify by resolution at the time approval is given to the final map when the development of a park or recreation facility to serve the subject subdivision will begin. The starting date shall be reasonable with respect to (1) the need for such park or facility, (2) weather constraints, (3) minimized disruption of the neighborhood, and (4) the accumulation of the necessary funds and land.

**D. Land Disposition.** In the event that opportunities for better recreation facilities than those provided by the dedication materialize, the land so dedicated may be sold and the proceeds used for suitable park and recreation facilities which serve the neighborhood or area in which that subdivision is located.

**E. Standards for Dedications.** The amount of land required to be dedicated to the Town for park and recreation facilities incident to and as a condition of the approval of a tentative tract map or tentative parcel map for a subdivision shall bear a reasonable relationship to the use or benefits of the park and recreation facilities by the future inhabitants of the subdivision. It is found and determined that the public interest, convenience, health, welfare and safety require that three (3) acres of usable land for each one thousand (1,000) persons residing within the Town be devoted to neighborhood or community park and recreation facilities. The park land to be so dedicated shall conform to locations and standards set forth in the General Plan and the Parks Master Plan, or as necessary to implement the General Plan and Parks Master Plan. The slope, topography and geology of the site, as well as its surroundings, must be suitable for the intended park and recreation purposes. The primary intent of this section shall be construed to provide the land for functional recreation units of local, neighborhood, or community park services, including but not limited to: tot lots, playlots, playgrounds, neighborhood parks, playfields, and other specialized recreational facilities that may serve the organized recreation programs, family group and also senior citizens.

**F. Amount of Land to be Dedicated.** Except as otherwise provided in this chapter, the number of acres or fraction of an acre of usable land required to be dedicated to the Town for park and recreation facilities incident to and as a condition of the approval of a tentative tract map or tentative parcel map shall be the product of the following:

1. The number of proposed dwelling units within the subdivision; multiplied by
2. The average number of residents per dwelling unit within the incorporated territory of the city, as determined by the most recent federal census or a census taken pursuant to the provisions of Title 4, Division 3, Part 2 of the California Government Code (commencing with Section 40200), or such other acceptable means of determination provided by California Government Code Section 66477, divided by;
3. 1000, multiplied by;
4. 5

#### **9.51.030. Payment of In-Lieu Fees for Park and Recreation Purposes.**

**A. Amount of In-Lieu Fees Required.** Where a fee is required to be paid in-lieu-of dedicating land, the fee shall be based on the fair market value of the amount of land which would otherwise be required for dedication, as provided in Section 9.51.020. Such fee shall be determined each year in the amount as set forth in a park fee study. The fair market value of a buildable acre shall be based on an appraisal of similarly situated property for usable park land within the Town as determined by the Town Manager. If the subdivider objects to such evaluation, the subdivider may, at its own expense, obtain an appraisal of

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the property by a qualified real estate appraiser approved by the Town Manager, with the appraisal accepted by the Town Council if found reasonable or the city and subdivider may agree to the fair market value.

**B. Fifty Parcels or Less.** The payment of fees in-lieu-of dedication may be required in subdivisions containing fifty (50) or less lots or parcels, except that when a condominium project, stock cooperative or community apartment project exceeds fifty (50) dwelling units, dedication of land may be required notwithstanding that the number of parcels may be less than fifty-one (51).

**9.51.040. Combination of Land and Fees Required.**

When only a portion of the required land is dedicated as required by Section 9.51.020, an in-lieu fee for the remaining required acres of land shall be paid in accordance with Section 9.51.030.

**9.51.050 Procedure.**

The procedure for determining whether the subdivider is to dedicate land, pay a fee, or both, shall be as follows:

**A. Action by Subdivider.** At the time of filing a tentative tract map or tentative parcel map for approval, the subdivider shall, as part of such filing state in writing whether such subdivider desires to dedicate property for park and recreation purposes or to pay a fee in-lieu thereof. If the subdivider desires to dedicate land for this purpose, the area shall be designated on the tentative tract or parcel map as submitted.

**B. Actions of Town.** At the time of the tentative tract map or tentative parcel map approval, the Parks, Recreation and Cultural Commission (the "Advisory Agency") shall recommend to the Planning Commission, and Town Council if required, whether to require dedication of the land within the subdivision, payment of a fee in-lieu thereof, or a combination of both, and shall incorporate such recommendation, as may be amended, as a part of its approval of the tentative tract map or tentative parcel map.

**C. Prerequisites for Approval of Final Map.** Where dedication is offered and accepted, it shall be accomplished in accordance with the Subdivision Map Act. Where fees are required, such fees shall be deposited with the Town prior to the approval of the final tract map. Open space covenants for private park or recreation facilities shall be submitted to the Town prior to the approval of the final tract map and shall be recorded contemporaneously with the final tract map.

**D. Determination.** The Parks, Recreation, and Cultural Commission shall recommend whether to require land dedication, require payment of a fee in-lieu thereof, or a combination of both, by consideration of the following:

1. Recreational element of the Town's General Plan and the Town's Parks Master Plan; and
2. Topography, geology, access and location of land within the subdivision available for dedication; and
3. Size and shape of the subdivision and land available for dedication.

**E. Conveyances.** All dedications of land shall be in accordance with the Subdivision Map Act. Land shall be conveyed in fee simple to the Town free and clear of all encumbrances. Properly executed deeds shall



be delivered to the Town before the approval of the final map or parcel map. The subdivider shall also obtain at its sole cost, a policy of Title Insurance insuring the Town in an amount equal to the value of the dedicated land. If the final map or parcel map is disapproved, or if it is withdrawn by the subdivider, the deeds shall be returned to the subdivider. If the final map or parcel map is approved, the deeds shall be recorded concurrently with the final map/parcel map by the Town.

#### **9.51.060. Credit for Private Open Space.**

When private open space for park and recreation purposes is provided in a proposed subdivision and such space is to be privately owned and maintained by future residents of the subdivision, such areas shall be credited up to twenty-five (25) percent against the requirement of a dedication of park and recreation purposes set forth in Section 9.51.020 or the payment of fees set forth in Section 9.51.030, provided the Parks, Recreation and Cultural Commission finds that it is in the public interest to do so, and that the following standards are met:

- A. That yards, court areas, setbacks and other open areas required to be maintained by the zoning, land use district, and building regulations shall not be included in the computation of such private open space; and
- B. That the private ownership and maintenance of the private open space is adequately provided for by written agreement; and
- C. That the use of the private open space is restricted for park and recreation purposes by recorded covenants which run with the land in favor of the future owners of the property within the tract; and
- D. That the proposed private open space is reasonably adaptable for use for park and recreation purposes, taking into consideration such factors as size, shape, topography, geology, access and location of the private open space land; and
- E. That facilities proposed for the open space are in substantial accordance with the provisions of the city's General Plan and Parks Master Plan and are approved by the Parks, Recreation, and Cultural Commission; and
- F. That the private recreational facilities include one or more of the following active recreational elements: (1) Open spaces dedicated to active recreational pursuits such as soccer, golf, baseball, softball and football; (2) basketball courts, tennis courts, badminton courts, shuffleboard courts or other similar hard-surfaced areas and volleyball courts, especially designed and exclusively used for court games; and (3) recreational swimming pools and other swimming areas. The Town may consider acceptance of passive open space, based upon preservation of the natural environment, topography, creation of useable passive open space reflective of the desert environment, consistent with the adopted General Plan.

#### **9.51.070 Improvements to Dedicated Parkland and Adjoining Public Rights of Way**

When the Town has required the dedication of land for park facilities incidental to and as a condition of the approval of a tentative tract map or tentative parcel map for a residential subdivision, the Town shall, as a further condition of such approval, require the construction and installation of the following public improvements within the dedicated parkland and adjoining public rights-of-way, which are in addition to any park and recreation facilities and improvement impact fees, including but not limited to:

1. Storm drainage facilities necessary for the conveyance and disposal of storm waters generated within or flowing through the dedicated parkland.
2. Fencing necessary in order to provide an appropriate barrier between the dedicated parkland and adjoining properties.
3. Street improvements within the adjoining public rights-of-way including, but not limited to, street paving, sidewalks, curbs, gutters, street trees and traffic control devices;
4. Grading necessary for facilitation of the project;
5. Any other public improvements which the Town determines are necessary in order to make the dedicated parkland suitable for development as a park facility.
6. Provide access from the park and recreational facilities to an existing or proposed public street, unless the Town determines that such access is unnecessary for maintenance of the park area or use of the park by the residents of the area.
7. Provide all utilities to the site.

No grading, drainage, irrigation, planting, street or utility improvements required under this section shall be eligible for a credit against the land to be dedicated or fees paid under the provisions of this section.

#### **9.51.080. Alternative Method.**

This chapter is intended to establish an alternative method for spreading the costs of the park and recreation facilities against the lands which will be benefited thereby; and the provisions of this chapter shall not be construed to limit the powers of the Town Council to utilize any other method for accomplishing this purpose but shall be in addition to any other requirements which the Town Council is authorized to impose as a condition to approving new development pursuant to state and local statutory and decisional law.

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## Chapter 9.52 Adult Oriented Business

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Sections: Reserved

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**Section 2: Repeal of County Code as Adopted and Amended by the Town:** The Town Council hereby repeals Sections 41.151 thru 41.1569 of the Yucca Valley Municipal Code and Sections 84.0701 thru 84.0740, Sections 87.0101-87.0105, Sections 87.0201 thru 87.220, Sections 87.0401 thru 87.0405, Sections 87.0501-87.0505, Sections 87.0601 thru 87.0645, Sections 87.0901 thru 87.0940, Sections 88.0805 thru 88.0810, Sections 810.0101 thru 810.0135, Sections 88.0701-88.0715, Sections 810.0201 thru 810.0275, Sections 88.0701-88.0715, Section 84.0610, Sections 87.1110-87.1180, Section 812.01005, Section 84.0615, and Sections 811.301-811.309 of Title 8 of the Yucca Valley Development Code, and Sections 9.75.010 thru 9.75.130 of Title Nine 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

TOWN COUNCIL STAFF REPORT

To: Honorable Mayor & Town Council
From: Shane Stueckle, Deputy Town Manager
Alex Qishta, Project Engineer
Date: December 3, 2014
For Council Meeting: December 16, 2014

Subject: SR62 & Dumosa Avenue Traffic Signal Project – Town Project No.8456
SANBAG – Amendment No. 1 to Contract No. C13161
Contract Amendment No. 1 – Albert A. Webb Associates

Prior Council Review: On May 16, 2013, the Town Council adopted Resolution No.13-21 amending the 2012/2013 FY Budget, and awarded a contract for professional design services to Albert A. Webb Associates for the preparation of plans, specifications and estimates, including bid ready documents, for the design of the traffic signal project at SR 62 and Dumosa Avenue, in the amount of \$72,262.00 and \$3,738.00 for incidental charges (printing, mileage, postage) for a total of \$76,000.

On June 18, 2013, the Town Council approved the Project Funding Agreement between the Town of Yucca Valley and the San Bernardino County Transportation Authority, C13161, for the construction of the Project.

On July 15, 2014, the Town Council adopted a Resolution approving the plans and specifications for Project No. 8456, and authorized Town Clerk to advertise and receive bids.

On September 2, 2014, the Town Council:

- 1- Adopted Resolution No 14-29, requesting additional Major Local Highway Program (MLHP) Funds, and authorized the Mayor to sign the funding request letter;
2- Awarded the construction contract to DBX, Inc., contingent upon SANBAG allocating additional MLHP funds, in the amount of \$588,338 and authorized a construction contingency in the amount of \$58,662, for a total contract amount of \$647,000, 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.
3. Amended the FY 2014-16 adopted for Fund 520 to reflect the increase in contract.

Reviewed By: [Signature] Town Manager, [Signature] Town Attorney, [Signature] Finance Manager, SRS Department

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

On October 7, 2014, The Town Council amended the budget to reflect the carryforwards from the prior fiscal year.

**Recommendation:** That the Town Council:

- 1- Approves Amendment No. 1 to the Project Funding Agreement between the Town of Yucca Valley and the San Bernardino County Transportation Authority, C13161, AUTHORIZING THE Mayor to sign all necessary documents.
- 2- Approves Amendment No. 1 to the Agreement for Professional Consulting Services with Albert Webb Associates, to provide additional required tasks and services specifically described in Consultant's Proposal dated November 20, 2104 and attached to the proposed amendment; increasing the total compensation under the Agreement for Professional Consulting Services by \$5,800, bringing the total compensation under the Agreement to \$81,800.00.
- 3- Amends the budget for the Measure I Regional Fund 520 to reflect the revised appropriations and project costs.

**Executive Summary:** Project No. 8456 involves construction of a signal light at the intersection of SR62 and Dumosa Avenue, and includes all appurtenant labor, materials and equipment.

The Town received an allocation of MLHP funding in the amount of \$471,000 for the design and construction of signal light at the intersection of SR62 and Dumosa Avenue. Based on the bids received, additional funding in the amount of \$215,000 is required to complete the construction of the signal light project.

Additionally, new requirements by Caltrans to prepare a Fact Sheet necessitate additional tasks and services by the Consultant to complete the Design and to obtain Caltrans approvals. These additional tasks are a result of Caltrans requirements and could not be anticipated at the beginning of the design phase. The proposed amendment modifies the existing Agreement thus requiring Town Council approval.

**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)

**Discussion:** The project consists of the construction of a traffic signal at the intersection of SR62 and Dumosa Avenue. The project also includes raised median construction on Dumosa Avenue south of SR62, as well as modifications to the existing turn pockets for east and west bound traffic on SR 62.

On September 2, 2014, Town Council Awarded the construction contract to DBX Inc. in the amount of \$647,000 including contingency. The Town received an allocation of MLHP funding in the amount of \$471,000 for the design and construction of the project. The Town requested an additional MLHP funds in the amount of \$215,000 to complete the construction of the project. SANBAG staff approved the request of the additional funds and it will go to the SANBAG Board in January 2015.

SANBAG, acting as the San Bernardino County Transportation Authority, requires the Project Funding Agreement in order for the Town to access the funding resources.

During the design phase of the project, Caltrans asked for additional tasks that were not anticipated. The additional tasks are discussed in detail in Consultant's proposal which is attached to the proposed Amendment and are summarized as follows.

1. Preparation of Design Fact Sheet;
2. Provide additional Detail for Handicap Ramp;
3. Additional Coordination with Caltrans.

The above items are described in more detail in Consultant's proposal.

Consultant costs to prepare the documents needed are \$5,800.

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

**Fiscal impact:** Funding priority for this project will utilize MLHP funds first, followed by Traffic Safety Funds. The following is a recap of the available funds for the project.

### Project Budget Summary

Construction Project Contract- DBX, Inc. (base bid)	\$ 588,338
Construction Project Contract- DBX, Inc. (contingency)	58,662
Indirect and Other	39,000
<b>Total Construction Cost</b>	<b>686,000</b>
Design Contract - Albert Webb	76,000
Design Contract - Albert Webb Amendment	5,800
<b>Total Design Costs</b>	<b>81,800</b>
Program Analysis & Evaluation Dir (PA & ED)	50,000
Other incidental costs (postage, delivery, plans, etc.)	5,600
<b>Total Estimated Project Costs</b>	<b>823,400</b>

### Funding Summary

<u>Funding for Project Costs.</u>	
SANBAG MLHP Initial Funding	471,000
SANBAG MLHP additional Funding 12/2014	215,000
Traffic Safety Fund 507	137,400
<u>Funding for Indirect Cost Recovery</u>	
Traffic Safety Fund 507	-
<b>Total Funding Available for Phase</b>	<b>823,400</b>
<b>Total Project Costs</b>	<b>823,400</b>
<b>Funding Surplus</b>	<b>-</b>

**Attachments:** Albert Webb – Proposed First Amendment to Original Contract  
SANBAG Amendment No. 1 to Contract No. C13161  
May 16, 2013 TC Minutes  
June 18, 2013 TC Minutes  
July 15, 2014 TC Minutes  
September 2, 2014 TC Minutes  
Measure I Regional Fund 520 Budget Amendment





**Corporate Headquarters**  
3788 McCray Street  
Riverside, CA 92506  
951.686.1070

**Palm Desert Office**  
36-951 Cook Street #103  
Palm Desert, CA 92211  
760.568.5005

**Murrieta Office**  
41391 Kalmia Street #320  
Murrieta, CA 92562

November 20, 2014

Mr. Alex Qishta, P.E.  
Principal Engineer  
**TOWN OF YUCCA VALLEY**  
58928 Business Center Dr.  
Yucca Valley, CA 92284

**RE: Change Order No. 1 – State Route 62 (SR62) and Dumosa Avenue–Additional Services**

Dear Alex:

Albert A. WEBB Associates is submitting this request for Change Order No. 1 for the additional services provide for the Intersection of SR62 and Dumosa Avenue:

- Preparation of Design Fact Sheet
- Provide Additional Detail for Handicap Ramp
- Additional Coordination with Caltrans

Based upon the scope of services outlined above, Albert A. WEBB Associates hereby respectfully requests the issuance of a contract change order in the amount of **\$5,800.**

We appreciate this opportunity to be of service and look forward to hearing from you. Should you have any questions regarding this change order, please feel free to contact me at (951) 686-1070.

Sincerely,

**ALBERT A. WEBB ASSOCIATES**

A handwritten signature in black ink, appearing to read "Dilish R. Sheth".

Dilish R. Sheth, PE / TE  
Vice President

**FIRST AMENDMENT TO CONTRACT SERVICES AGREEMENT FOR  
PROFESSIONAL CONSULTING SERVICES BETWEEN THE TOWN OF  
YUCCA VALLEY ("TOWN") AND ALBERT A. WEBB ASSOCIATES  
("CONSULTANT")**

RECITALS

1. On May 16, 2013, TOWN and CONSULTANT entered in an Agreement for Professional Consulting Services consisting of professional engineering services to perform a design services for SR62 & Dumosa Avenue Traffic Signal Project. In the amount of \$76,000.00, which sum represented a portion of CONSULTANT'S proposed fee.
2. CONSULTANT proposes Amendment No. 1, attached hereto as Exhibit "A", to the Agreement for Professional Consulting Services in the amount of \$5,800.00 to cover the cost of additional, new Caltrans requirements, bringing the total compensation to \$81,800.00.
3. The total compensation to CONSULTANT as a result Amendments No. 1, to the original Agreement for Professional Consulting Services shall be \$81,800.00.

That certain Contract Services Agreement for Professional Consulting Services between the TOWN and CONSULTANT dated May 16, 2013 and attached herein is amended in the following respects only:

**Section 2.1. Compensation. is hereby amended to read:**

“Section 2.1. Compensation. Compensation to the CONSULTANT shall not exceed Eighty One Thousand Eight Hundred Dollars (\$81,800.00) for services including proposed PS&E services described in Consultant’s Proposal dated November 20, 2014 and attached hereto as Exhibit “A”.

Except as amended, all of the terms and conditions of the original Agreement are re-affirmed and incorporated as though fully set forth herein.

Dated: December 16, 2014

For the Consultant

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Dilesh Sheth  
Vice President

For the Town of Yucca Valley

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Curtis Yakimow,  
Town Manager

Approved as to Form

---

Lona N. Laymon  
Town Attorney

**AMENDMENT NO. 1 TO**

**CONTRACT NO. C13161**

**BY AND BETWEEN**

**SAN BERNARDINO ASSOCIATED GOVERNMENTS, acting in its capacity as the  
SAN BERNARDINO COUNTY TRANSPORTATION AUTHORITY**

**AND**

**TOWN OF YUCCA VALLEY**

**FOR**

**THE STATE ROUTE 62/DUMOSA AVENUE TRAFFIC SIGNAL PROJECT,  
TOWN OF YUCCA VALLEY**

THIS AMENDMENT NO. 1 to CONTRACT No. C13161 is made by and between the Town of Yucca Valley (hereinafter called "TOWN") and the San Bernardino Associated Governments, acting in its capacity as the San Bernardino County Transportation Authority (hereinafter referred to as "AUTHORITY").

RECITALS

WHEREAS, TOWN has requested additional Major Local Highway Program (MLHP) Funds to fully fund the State Route 62/Dumosa Avenue Traffic Signal Project.

WHEREAS, the parties desire to amend the Contract terms regarding "Amount" as requested by TOWN.

NOW, THEREFORE, in consideration of the terms and conditions set forth herein, TOWN and AUTHORITY agree as follows:

1. Paragraph 1 of Section I is deleted in its entirety and replaced with the following:

"1. To reimburse TOWN for the actual cost of the PROJECT up to a maximum of \$686,000 in MLHP Funds. An estimate of costs for the PROJECT is provided in Attachment B. AUTHORITY shall have no further responsibilities to provide any funding for PROJECT exceeding this amount."

2. Paragraph 2 of Section I is deleted in its entirety and replaced with the following:

"1.2. To reimburse TOWN within 30 days after TOWN submits an original and two copies of the signed invoices in the proper form covering those actual allowable PROJECT expenditures that were incurred by TOWN up to a maximum of \$686,000, consistent with the invoicing requirements of the

Measure I 2010-2040 Strategic Plan, including backup information. Invoices may be submitted to AUTHORITY as frequently as monthly.”

3. Paragraph 2 of Section II is deleted in its entirety and replaced with the following:
  - “2. To be responsible for expending that portion of the eligible PROJECT expenses that are incurred by TOWN, subject to reimbursement by AUTHORITY hereunder, for an amount not to exceed \$686,000 in MLHP Funds, and are reimbursable by AUTHORITY in accordance with Section I, Paragraph 2. Expenses relative to time spent on the PROJECT by TOWN are considered eligible PROJECT expenses and may be charged to the PROJECT funds subject to AUTHORITY’s guidelines.”
4. Attachments A and B to the Agreement are replaced in their entirety with Attachments A.1 and B.1, attached to and incorporated into this Amendment.
5. The Agreement is incorporated into this Amendment.
6. Except as expressly modified by this Amendment, all other terms and conditions of the Agreement shall remain in full force and effect.

This Agreement is effective and shall be dated on the date executed by AUTHORITY.

-----SIGNATURES ON FOLLOWING PAGE-----

**TOWN OF YUCCA VALLEY**

**SAN BERNARDINO COUNTY  
TRANSPORTATION AUTHORITY**

By: \_\_\_\_\_  
George Huntington  
Mayor

By: \_\_\_\_\_  
L. Dennis Michael  
President, Board of Directors

Date: \_\_\_\_\_

Date: \_\_\_\_\_

**APPROVED AS TO FORM:**

By: \_\_\_\_\_  
Eileen Monaghan Teichert  
General Counsel

**CONCURRENCE:**

By: \_\_\_\_\_  
Jeffery Hill  
Procurement Manager

# ATTACHMENT A.1

## DESCRIPTION OF PROJECT AND SCHEDULE

Project Title			
State Route 62/Dumosa Ave Traffic Signal in the Town of Yucca Valley			
Location, Project Limits, Description, Scope of Work, Legislative Description			
Construction of a traffic signal at the intersection of SR62 and Dumosa Avenue including ADA compliant ramps, raised median construction on Dumosa Ave south of SR62 and modifications to the existing turn pockets for east and west bound traffic on SR62.			
Purpose and Need			
The existing commercial shopping centers, Town Hall Complex and proposed 75 unit Senior Housing Development generates a highly traveled intersection by both pedestrians and vehicles. The purpose of the project is to provide safe and efficient interstate and interregional mobility of visitors and goods and an improved and safe transportation corridor through the Town of Yucca Valley for both visitors and local residents who use the route to access not only our public & commercial facilities, but also Joshua Tree National Park and the California Welcome Center as well as military vehicles accessing the Twentynine Palms Marine Corps Air Ground Combat Center.			
Project Benefits			
Project benefits include increased pedestrian safety, increased pedestrian and vehicular visibility resulting in a potential reduction of vehicular conflicts, installation of ADA compliant curb ramps, signalization, elimination of two way center left turn lane and construction of medians resulting in a reduction of vehicular turning movements and expanding existing turn lanes resulting in potential reduction in vehicular conflicts.			
Project Milestone	Proposed		
Project Study Report Approved			
Begin Environmental (PA&ED) Phase	06/01/13		
Circulate Draft Environmental Document	<table border="1" style="display: inline-table; vertical-align: middle;"><tr><th style="background-color: #cccccc;">Document Type</th><td>N/A</td></tr></table>	Document Type	N/A
Document Type	N/A		
Draft Project Report	08/01/13		
End Environmental Phase (PA&ED Milestone)	08/01/13		
Begin Design (PS&E) Phase	07/01/13		
End Design Phase (Ready to List for Advertisement Milestone)	09/01/13		
Begin Right of Way Phase			
End Right of Way Phase (Right of Way Certification Milestone)			
Begin Construction Phase (Contract Award Milestone)	11/01/14		
End Construction Phase (Construction Contract Acceptance Milestone)	01/31/15		
Begin Closeout Phase	02/01/15		
End Closeout Phase (Closeout Report)	07/01/17		

## ATTACHMENT B.1

### STATE ROUTE 62/DUMOSA AVENUE TRAFFIC SIGNAL PROJECT, TOWN OF YUCCA VALLEY

#### Funding Summary

Phase	Cost	AUTHORITY Share*	TOWN Share
PA&ED	\$ 50,000.00	\$ -	\$ 50,000.00
Final Design	\$ 76,000.00	\$ -	\$ 86,000.00
Right of Way	\$ -	\$ -	\$ -
Construction	\$ 588,338.00	\$ 588,338.00	\$ -
Contingency	\$ 58,662.00	\$ 58,662.00	\$ -
Construction Support	\$ 14,000.00	\$ 39,000.00	\$ -
Total	\$ 823,400.00	\$ 686,000.00	\$ 136,000.00

\*AUTHORITY's Share can be from sources under control of AUTHORITY including but not limited to Measure I Major/Local Highways program, State Transportation Improvement Program (STIP), or Surface Transportation Program (STP) without necessitating an amendment of this agreement.



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

**Item 5- Rejection of One (1) Claim**

Town Manager Nuaimi introduced the item regarding the submission of one claim by Friederich Koenig on April 25, 2013. Council Member Leone moved to take this item into closed session for discussion. Council Member Huntington seconded. Motion carried, 5-0 on a roll call vote.

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

**Item 8- Budget Amendment, Professional Services Agreement, Design Services, SR 62 @ Dumosa Ave Traffic Signal Project, Albert A. Webb Associates, San Bernardino Associated Governments, Major Local Highways Program Funding, Resolution**

Town Manager Nuaimi reported on the item, explaining the process for awarding the professional services agreement for the design of the traffic signal slated for SR 62 at Dumosa Avenue.

Mayor Pro Tem Lombardo questioned the cost involved if the alternative suggestion by Mr. Cohen was implemented. Nuaimi explained the traffic flow patterns in the vicinity of the senior housing project and the Town Hall complex.

Council Member Huntington inquired about the bidding process for the design services.

Council Member Leone voiced concern with the proposed changes in traffic flow patterns around the Yucca Valley Community Center and expressed that this is the first time hearing that the plan was to limit thru-traffic on Antelope Trail. Leone recommended not having a signal at the Dumosa Ave location.

Council Member Rowe explained that Town Council has had prior discussion on the traffic on Antelope Trail and has received input from residents living on the street. Rowe also asked for clarification on the obligation toward the senior housing project related to the Dumosa signal.

Mayor Abel asked about the traffic signal synchronization program schedule. Deputy Town Manager Stueckle explained that the project plans are approved, the project is fully funded, and waiting for a federal funding letter to move forward. Abel mentioned that he supports the Dumosa signal for additional pedestrian control, especially with the senior housing project, park visitors, and shopping center visitors in this highly used area.

Council Member Huntington commented that there are alternate traffic patterns being proposed such as those included in the Compass Blueprint Civic Center Plan and expressed that he is not concerned about SANBAG approval.

Council Member Leone moved to wait on approving the SR 62 at Dumosa Avenue signal until approval is received from SANBAG. Motion died for a lack of second.

Council Member Leone moved to wait on approving the SR 62 at Dumosa Ave signal until the public has more time to comment on the changes to traffic flow on Antelope Trail. Motion died for a lack of second.

Council Member Huntington moved to Adopt Resolution No. 13-21 amending the 2012/2013 FY Budget, and award a contract or professional design services to Albert A. Webb Associates for the preparation of plans, specifications and estimates, including bid ready documents, for the design of the traffic signal project at SR 62 and Dumosa Avenue, in the amount of \$72,262.00 and \$3,738.00 for incidental charges (printing, mileage, postage) for a total of \$76,000, and authorize the Town Manager, Town Attorney, and the Mayor to sign all necessary documents to complete the project. Council Member Rowe seconded. Motion carried on a 4-1 roll call vote.

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF YUCCA VALLEY, CALIFORNIA, APPROPRIATING MEASURE I FUND 522, MAJOR ARTERIAL FUNDS, FOR THE PREPARATION OF PLANS, SPECIFICATIONS AND ESTIMATES FOR THE SR 62 AT DUMOSA AVENUE TRAFFIC SIGNAL FOR EXPENDITURES PRIOR TO SAN BERNARDINO ASSOCIATED GOVERNMENTS PROJECT FUNDING

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

**Item 9- Resolution in Support of H.R. 1676 the Johnson Valley National Off-Highway Vehicle Recreation Area Establishment Act**

Town Manager Nuaimi presented the staff report, explaining HR 1676.

Council Member Leone moved to approve Resolution No. 13-22 in support H.R. 1676, the Johnson Valley National Off-Highway Vehicle Recreation Area Establishment Act. Council Member Lombardo seconded. Motion carried 5-0 on a voice vote.

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF YUCCA VALLEY, CALIFORNIA, IN SUPPORT OF H.R. 1676, THE JOHNSON VALLEY NATIONAL OFF HIGHWAY VEHICLE RECREATION AREA ESTABLISHMENT ACT

an RFP before returning the information technology contract in the future. Council Member Lombardo seconded. Motion carried 5-0 on a voice vote.

**Item 9- SR62 @ Dumosa Traffic Signal Project: San Bernardino Associated Governments (SANBAG) Project Funding Agreement C13161**

Council Member Leone stated he was in favor of the funding agreement with SANBAG for the Dumosa Signal, but was opposed to the closure of Antelope Trail.

Fritz Koenig, Yucca Valley spoke in opposition of the Dumosa traffic signal.

Council Member Rowe moved to approve Project Funding Agreement C13161 between the Town of Yucca Valley and SANBAG. Council Member Huntington seconded. Motion carried on a 4-1 voice vote.

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

**NOES:** Leone

**ABSTAIN:** None

**ABSENT:** None

**PUBLIC HEARING**

**12. Resolution No. 13-24, Annual Assessment Engineer's report for Previously Formed Street and Draining and Landscape & Lighting Maintenance Districts Levying Annual Assessments Upon Real Property Within the Districts.**

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF YUCCA VALLEY, CALIFORNIA CONFIRMING THE ASSESSMENTS AS SET FORTH IN THE ENGINEER'S REPORTS FOR LANDSCAPE AND LIGHTING MAINTENANCE DISTRICTS AND STREET AND DRAINAGE MAINTENANCE DISTRICTS AND DECLARING ITS INTENT LEVY AND COLLECT ASSESSMENTS UPON REAL PROPERTY WITHIN SAID DISTRICTS FOR THE 2013-14 TAX YEAR

Mayor Abel opened the public hearing and questioned if the Town Clerk has any written communication regarding the street vacation. Deputy Town Clerk Copeland advised no written communication has been received.

Deputy Town Manager Stueckle presented the staff report and explained that before the annual assessment can be established, Town Council approval is necessary following a public hearing. The assessment of an annual fee upon properties within the district provides the revenue to offset the cost of maintenance of the public improvements necessary to serve the development.

With no one wishing to speak on the item, Mayor Abel closed the public hearing.

The motion passed unanimously with a 5-0 roll call vote.

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

**APPROVAL OF AGENDA**

Mayor Pro Tem Huntington moved to approve the agenda for the Town Council Meeting of July 15, 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

**CONSENT AGENDA**

1. **Waive** further reading of all ordinances and read by title only
2. **Approve** the Town Council Meeting Minutes for the Special Meeting of June 23, 2014
3. **Award** the SR62, Camino del Cielo to Acoma, Signal Synchronization Project, Town Project No. 8028, Federal Project No. CMLN 5466(019) construction contract to DBX, Inc., in the amount of \$49,600 and authorize a construction contingency in the amount of \$4,960, for a total contract amount of \$54,560, 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.
4. **Adopt** Resolution No. 14-24, approve the plans and specifications for the SR62 & Dumosa Avenue Traffic Signal Project, Town Project No. 8456, and authorize the Town Clerk to advertise and receive bids.
5. **Review and approve** the selection of TelePacific, Inc. to provide telecommunication services to the Town for a three-year term with option to renew, and authorize the Mayor, Town Manager and Town Attorney to make any necessary non-substantive changes and sign all related documents in a form approved by the Town Attorney.
6. **Authorize** the Town Manager to execute the Amendment of the professional services agreement with Desert Arc, with a maximum annual contract value of \$50,614.00, based upon organizational need and efficiency, and extend the Agreement for two years ending on June 30, 2016.
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

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.

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

Proposed Amendment

	2013-14		2014-15		2015-16
	Amended Budget	Actual	Adopted Budget	Amended Budget	Adopted Budget
<b>520 - Measure I - 2010-40 Regional Funds</b>					
<b>RECEIPTS</b>					
Revenue SANBAG Regional Funds-MLHP 4164	\$ 696,000	\$ 59,278	\$ 346,000	\$ 626,722	\$ -
Revenue SANBAG Regional Funds-TCRP		85,500	-	4,500	-
Revenue SANBAG Regional Funds-PLHD	-	-	-	135,000	-
<b>TOTAL RECEIPTS</b>	<b>696,000</b>	<b>144,778</b>	<b>346,000</b>	<b>766,222</b>	<b>-</b>
<b>EXPENDITURES</b>					
Indirect Cost Recovery 7999	22,081	2,266	27,791	27,196	-
<b>TOTAL EXPENDITURES</b>	<b>22,081</b>	<b>2,266</b>	<b>27,791</b>	<b>27,196</b>	<b>-</b>
<b>CAPITAL OUTLAY</b>					
Work in Progress	441,535	56,656	555,825	679,898	-
<b>TOTAL CAPITAL OUTLAY</b>	<b>441,535</b>	<b>56,656</b>	<b>555,825</b>	<b>679,898</b>	<b>-</b>
<b>OPERATING TRANSFERS IN (OUT)</b>					
Transfer INT - Fund 507 4999	-	-	225,000	87,400	-
Transfer OUT - Fund 513	(90,000)	(85,500)	-	(4,500)	-
Transfer OUT - Fund 522	(7,384)	(7,384)	-	-	-
Transfer OUT - Fund 527	(135,000)	-	-	(135,000)	-
<b>TOTAL OPERATING TRANSFERS IN (OUT)</b>	<b>(232,384)</b>	<b>(92,884)</b>	<b>225,000</b>	<b>(52,100)</b>	<b>-</b>
<b>INCREASE (DECREASE) IN FUND BALANCE</b>					
	-	(7,028)	(12,616)	7,028	-
<b>BEGINNING FUND BALANCE</b>					
	-	-	12,616	(7,028)	-
<b>ENDING FUND BALANCE</b>					
	<b>\$ -</b>	<b>\$ (7,028)</b>	<b>\$ -</b>	<b>\$ 0</b>	<b>\$ -</b>

**520 - Measure I - 2010-40 Regional Funds**

Work in Progress Detail Project	Account	2013-14		2014-15	2014-15	2015-16
		Amended Budget	Projected Actual	Adopted Budget	Amended Budget	Adopted Budget
Dumosa Traffic Signal Design	520 55-59 8310 8456 000	441,535	56,656	555,825	32,898	-
Dumosa Traffic Signal Const	520 55-59 8310 8456 001				647,000	-
		<b>441,535</b>	<b>56,656</b>	<b>555,825</b>	<b>679,898</b>	<b>-</b>



## TOWN COUNCIL STAFF REPORT

**To:** Honorable Mayor & Town Council  
**From:** Shane Stueckle, Deputy Town Manager  
Alex Qishta, Project Engineer  
**Date:** December 2, 2014  
**For Council Meeting:** December 16, 2014

**Subject:** Community Center Infield Refurbishment  
Approval of Specifications  
Authorization to Advertise for Construction

**Prior Council Review:** The Town Council has had no prior review of this item.

**Recommendation:** That the Town Council adopts the Resolution, approves the specifications for the project, and authorizes the Town Clerk to advertise and receive bids.

**Executive Summary:** Town Council authorization to advertise construction of capital projects is sought prior to staff proceeding with the advertising process. The bidding period for this project concludes on January 8, 2015. Bid recommendations are anticipated to be made to the Town Council at the January 16, 2015 Town Council meeting.

**Order of Procedure:**



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

**Discussion:** The Community Center Infields Refurbishment project includes the refurbishment of a standard size softball infield. The Community Center infield is approximately 8,000 square feet in size. In summary, this project brings new clay infield materials onto the softball field, which are necessary for safe and quality field surfaces. The warning tracks will not receive new clay material.

Project Specifications are on file in the Town Clerk's Office for review.

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

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Reviewed By:	 Town Manager	_____ Town Attorney	 Finance Manager	SRS Department
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<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

**Fiscal impact:** The following outlines preliminary project costs of completion of work without contingency:

**Project Budget Summary**

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Project Budget-Capital Projects Reserve Fund 800	\$ 16,000
<b>Total Project Budget</b>	<b>16,000</b>
Project Expenditures	
Estimated Project Costs	16,000
<b>Total Estimated Project Costs</b>	<b>16,000</b>
<b>Expenditure Budget Surplus</b>	<b>\$ -</b>

**Attachments:**

Resolution No. 14-  
Notice Inviting Bids  
Budget Pages

**RESOLUTION NO.**

**A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF YUCCA VALLEY, CALIFORNIA, APPROVING THE PLANS AND SPECIFICATIONS FOR THE CONSTRUCTION OF COMMUNITY CENTER INFIELD REFURBISHMENT IN SAID TOWN AND AUTHORIZING AND DIRECTING THE TOWN CLERK TO ADVERTISE AND RECEIVE BIDS.**

**WHEREAS,** it is the intention of the Town of Yucca Valley to construct certain improvements in the Town; and

**WHEREAS,** the Town has prepared plans and specifications for the construction of certain improvements.

**NOW, THEREFORE, THE TOWN COUNCIL OF THE TOWN OF YCCA VALLEY, CALIFORNIA, RESOLVES AS FOLLOWS.**

**SECTION 1:** The plans and specifications presented to the Town Council are hereby approved as the plans and specifications for: **COMMUNITY CENTER INFIELD REFURBISHMENT**

**SECTION 2:** The Town Clerk is hereby authorized and directed to advertise as required by law for the receipt of sealed bids or proposals for doing of the work specified in the aforesaid plans and specifications, which said advertisement shall be in form and content as approved by the Town Attorney and a copy of this Resolution shall be contained in each specification package for the work.

**"NOTICE INVITING SEALED BIDS OR PROPOSALS"**

Pursuant to a Resolution of the Town Council of the Town of Yucca Valley, directing this notice, **NOTICE IS HEREBY GIVEN** that the said Town of Yucca Valley will receive at the Office of the Town Clerk in the Town Hall of the Town of Yucca Valley, on or before the hour of 3:00 P.M. **on the January 8<sup>th</sup>, 2015** sealed bids or proposals for the construction of:

**COMMUNITY CENTER INFIELD REFURBISHMENT**

Bids will be opened and publicly read immediately thereafter.

Bids must be made on a form provided for the purpose, addressed to the Town of Yucca Valley marked: Bid for Construction of:

**COMMUNITY CENTER INFIELD REFURBISHMENT**

**PREVAILING WAGE:** Notice is hereby given that in accordance with the provisions of California Labor Code, Division 2, Part 7, Chapter 1, Articles 1 and 2, the Contractor is required to pay not less than the general prevailing rate of per diem wages for work of a similar character in the locality in which the public work is performed, and not less than the general prevailing rate of per diem wages for holiday and overtime work. In that regard, the Director of the Department of Industrial Relations of the State of California is required to and has determined such general prevailing rates of per diem wages. Copies of such prevailing rates of per diem wages are on file in the office of the Town Clerk, 57090 29 Palms Highway, Yucca Valley, California, and are

available to any interested party on request. The Town also shall cause a copy of such determinations to be posted at the job site.

Pursuant to Labor Code § 1775, the Contractor shall forfeit, as penalty to the Town, not more than fifty dollars (\$50.00) for each laborer, workman, or mechanic employed for each calendar day or portion thereof, if such laborer, workman, or mechanic is paid less than the general prevailing rate of wages hereinbefore stipulated for any work done under the contract, by him or by any subcontractor under him, in violation of the provisions of said Labor Code.

In accordance with the provisions of § 1777.5 of the Labor Code, as amended, and in accordance with the regulations of the California Apprenticeship Council, properly indentured apprentices may be employed in the prosecution of the work.

Attention is directed to the provisions in §§ 1777.5 and 1777.6 of the Labor Code concerning the employment of apprentices by the Contractor or any subcontractor under him.

§ 1777.5, as amended, requires the Contractor or subcontractor employing tradesmen in any apprenticeable occupation to apply to the joint apprenticeship committee nearest the site of the public works project and which administers the apprenticeship program in that trade for a certificate of approval. The certificate will also fix the ratio of apprentices to journeymen that will be used in the performance of the contract. The ratio of apprentices to journeymen in such cases shall not be less than one to five except:

- A. When employment in the area of coverage by the joint apprenticeship committee has exceeded an average of 15 percent in the 90 days prior to the request for certificate, or
- B. When the number of apprentices in training in the area exceeds a ratio of one to five, or
- C. When the trade can show that it is replacing at least 1/30 of its membership through apprenticeship training on an annual basis statewide or locally, or
- D. When the Contractor provides evidence that he employs registered apprentices on all of his contracts on an annual average of not less than one apprentice to eight journeymen.

The Contractor is required to make contributions to funds established for the administration of apprenticeship programs if he employs registered apprentices or journeymen in any apprenticeable trade on such contracts and if other contractors on the public works site are making such contributions.

The Contractor and subcontractor under him shall comply with the requirements of §§ 1777.5 and 1777.6 in the employment of apprentices.

Information relative to apprenticeship standards, wage schedules, and other requirements may be obtained from the Director of Industrial Relations, *ex-officio* the Administrator of Apprenticeship, San Francisco, California, or from the Division of Apprenticeship Standards and its branch offices.

Eight (8) hours of labor shall constitute a legal day's work for all workmen employed in the execution of this contract and the Contractor and any subcontractor under him shall comply with and be governed by the laws of the State of California having to do with working hours as set

forth in Division 2, Part 7, Chapter 1, Article 3 of the Labor Code of the State of California as amended.

The Contractor shall forfeit, as a penalty to the Town, twenty-five dollars (\$25.00) for each laborer, workman, or mechanic employed in the execution of the contract, by him or any subcontractor under him, upon any of the work hereinbefore mentioned, for each calendar day during which said laborer, workman, or mechanic is required or permitted to labor more than eight (8) hours in violation of said Labor Code.

Contractor agrees to pay travel and subsistence pay to each workman needed to execute the work required by this contract as such travel and subsistence payments are defined in the applicable collective bargaining agreements filed in accordance with Labor Code § 1773.8.

The bidder must submit with his proposal cash, cashier's check, certified check, or bidder's bond, payable to the Town for an amount equal to at least ten percent (10%) of the amount of said bid as a guarantee that the bidder will enter into the proposed contract if the same is awarded to him, and in event of failure to enter into such contract said cash, cashier's check, certified check, or bond shall become the property of the Town.

If the Town awards the contract to the next lowest bidder, the amount of the lowest bidder's security shall be applied by the Town to the difference between the low bid and the second lowest bid, and the surplus, if any, shall be returned to the lowest bidder.

The amount of the bond to be given to secure a faithful performance of the contract for said work shall be one hundred percent (100%) of the contract price thereof, and an additional bond in an amount equal to one hundred (100%) of the contract price for said work (except as otherwise modified in the General Provisions section of the contract documents) shall be given to secure the payment of claims for any materials or supplies furnished for the performance of the work contracted to be done by the Contractor, or any work or labor of any kind done thereon, and the Contractor will also be required to furnish a certificate that he carries compensation insurance covering his employees upon work to be done under contract which may be entered into between him and the said Town for the construction of said work.

No proposal will be considered from a Contractor who is not properly licensed as required by the Notice Inviting Bids at time of bid in accordance with the provisions of the Contractor's License Law (California Business and Professions Code, § 7000, *et seq.*) and rules and regulations adopted pursuant thereto or to whom a proposal form has not been issued by the Town.

The work is to be done in accordance with the profiles, plans, and specifications of the Town of Yucca Valley on file in the Office of the Town Clerk. Copies of the plans and specifications will be furnished upon application to the Town and payment of **\$15.00**, said \$15.00 is nonrefundable.

Upon written request by the bidder, copies of the plans and specifications will be mailed when said request is accompanied by payment stipulated above, together with an additional non-reimbursable payment of **\$10.00** to cover the cost of mailing charges and overhead.

The successful bidder will be required to enter into a contract satisfactory to the Town.

In accordance with the requirements of the General Provisions, as set forth in the Plans and Specifications regarding the work contracted to be done by the Contractor, the Contractor may, upon the Contractor's request and at the Contractor's sole cost and expense, substitute authorized securities in lieu of moneys withheld (performance retention).

The Town of Yucca Valley reserves the right to reject any and all bids.

ADOPTED AND APPROVED this 16th day of December, 2014.

\_\_\_\_\_  
MAYOR

ATTEST:

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

## **NOTICE INVITING SEALED BIDS OR PROPOSALS**

Pursuant to a Resolution of the Town Council of the Town of Yucca Valley, directing this notice, NOTICE IS HEREBY GIVEN that the said Town of Yucca Valley will receive at the Office of the Town Clerk in the Town Hall of the Town of Yucca Valley, on or before the hour of 3:00 o'clock P.M. on the **8<sup>th</sup> day of January, 2015**, sealed bids or proposals for the Construction of:

### **Community Center Infield Refurbishment**

in said Town. Bids will be opened and publicly read immediately thereafter.

Bids must be made on a form provided for the purpose, addressed to the Town of Yucca Valley marked: Bid for Construction of

### **Community Center Infield Refurbishment**

PREVAILING WAGE: Notice is hereby given that in accordance with the provisions of California Labor Code, Division 2, Part 7, Chapter 1, Articles 1 and 2, the Contractor is required to pay not less than the general prevailing rate of per diem wages for work of a similar character in the locality in which the public work is performed, and not less than the general prevailing rate of per diem wages for holiday and overtime work. In that regard, the Director of the Department of Industrial Relations of the State of California is required to and has determined such general prevailing rates of per diem wages. Copies of such prevailing rates of per diem wages are on file in the office of the Town Clerk, 57090 29 Palms Highway, Yucca Valley, California, and are available to any interested party on request. The Town also shall cause a copy of such determinations to be posted at the job site.

Pursuant to Labor Code § 1775, the Contractor shall forfeit, as penalty to the Town, not more than fifty dollars (\$50.00) for each laborer, workman, or mechanic employed for each calendar day or portion thereof, if such laborer, workman, or mechanic is paid less than the general prevailing rate of wages hereinbefore stipulated for any work done under the attached contract, by him or by any subcontractor under him, in violation of the provisions of said Labor Code.

In accordance with the provisions of § 1777.5 of the Labor Code, as amended, and in accordance with the regulations of the California Apprenticeship Council, properly indentured apprentices may be employed in the prosecution of the work.

Attention is directed to the provisions in §§ 1777.5 and 1777.6 of the Labor Code concerning the employment of apprentices by the Contractor or any subcontractor under him.

SUBCONTRACTED WORK: The name and location of business of any subcontractor who will perform work exceeding 1/2 of 1% of the prime contractor's total bid or ten thousand dollars (\$10,000), whichever is greater, must be submitted with the bid. Any other information regarding the foregoing subcontractors that is required by Town to be submitted may be submitted with the bid, or may be submitted to Town up to 24 hours after the deadline established herein for receipt of bids. The additional

information must be submitted by the bidder to the same address and in the same form applicable to the initial submission of bid.

**INELIGIBLE SUBCONTRACTORS:** The successful bidder shall be prohibited from performing work on this project with a subcontractor who is ineligible to perform work on the project pursuant to Section 1999.1 or 1777.7 of the Labor Code.

**YOU MUST SUBMIT** with your proposal cash, cashier's check, certified check, or bidder's bond, payable to the Town of Yucca Valley in an amount equal to at least ten percent (10%) of the bid as a guarantee that the bidder will enter into the contract if the same is awarded to him, and in the event of failure to enter into such contract said cash, cashier's check, certified check, or bond shall become the property of the Town of Yucca Valley. If the Town of Yucca Valley awards the contract to the next lowest bidder, the amount of the lowest bidder's security shall be applied to the difference between the low bid and second lowest bid, and the surplus, if any, shall be returned to the lowest bidder.

The Contractor shall be required to post a bond in the amount of 100% of the contract price and a labor and material bond equal to 50% of the contract price. No proposal will be considered from a Contractor who is not licensed as a Class "A" or "B" contractor, at time of bid, or to whom a proposal form has not been issued by the Town of Yucca Valley.

The work is to be done in accordance with the plans and specifications on file in the Office of the Town Clerk. Copies of the plans and specifications will be furnished upon application to the Town and payment of **\$15.00** which sum is nonrefundable. Upon written request, copies of the plans and specifications will be mailed when said request is accompanied by payment stipulated above, together with a nonrefundable payment of **\$10.00** to cover mailing charges and overhead.

The Contractor may, upon the Contractor's request and the Contractor's sole cost and expense, substitute authorized securities in lieu of moneys withheld (performance retention).

The successful bidder will be required to enter into a contract satisfactory to the Town of Yucca Valley. The Town of Yucca Valley reserves the right to reject any and all bids, or to waive any irregularities in the bids.

By order of the Town Council this 16<sup>th</sup> day of December 2014.

By: \_\_\_\_\_  
Town Clerk  
Town of Yucca Valley



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

Amended CM 10/7

	2013-14		2014-15		2015-16
	Amended Budget	Actual	Adopted Budget	Amended Budget	Adopted Budget
<b>800 - Capital Projects Reserve</b>					
<b>RECEIPTS</b>					
Cap Proj Reimb-YVHS Lift 800 00-00 8310 8048 821	\$ -	\$ -	\$ -	\$ -	\$ -
Cap Project Reimb	-	-	-	-	-
<b>TOTAL RECEIPTS</b>	-	-	-	-	-
<b>EXPENDITURES</b>					
Indirect Cost	-	-	-	-	-
Specialized Professional Services	-	-	-	100,000	-
<b>TOTAL EXPENDITURES</b>	-	-	-	<b>100,000</b>	-
<b>CAPITAL OUTLAY</b>					
Construction Projects	82,991	23,657	100,000	125,000	-
Capital Replacement	75,000	-	104,000	104,000	134,000
Capital Maintenance	66,630	40,740	224,897	624,897	150,000
<b>TOTAL CAPITAL OUTLAY</b>	<b>224,621</b>	<b>64,397</b>	<b>428,897</b>	<b>853,897</b>	<b>284,000</b>
<b>OPERATING TRANSFERS IN (OUT)</b>					
Transfer OUT - Fund 001 001.40.45-Animal Shelter	(133,750)	(94,982)	-	-	-
Transfer IN - Fund 001	170,000	170,000	120,000	120,000	150,000
Transfer OUT- Fund 527	(113,553)	(22,153)	-	(91,400)	-
Transfer IN - Fund 540	-	-	-	-	-
Transfer IN (OUT) - Fund 350	-	-	(19,329)	(19,329)	-
Transfer IN - Fund 001 FY13-14	-	-	-	500,000	-
<b>TOTAL OPERATING TRANSFERS IN(OUT)</b>	<b>(77,303)</b>	<b>52,865</b>	<b>100,671</b>	<b>509,271</b>	<b>150,000</b>
<b>INCREASE (DECREASE) IN FUND BALANCE</b>	<b>(301,924)</b>	<b>(11,532)</b>	<b>(328,226)</b>	<b>(444,626)</b>	<b>(134,000)</b>
Unassigned Cap Reserve Fund	379,375	379,375	747,100	747,100	302,474
Animal Shelter Reserve	429,257	429,257	50,000	50,000	50,000
<b>BEGINNING FUND BALANCE</b>	<b>808,632</b>	<b>808,632</b>	<b>797,100</b>	<b>797,100</b>	<b>352,474</b>
Unassigned Cap Reserve Fund	77,451	697,100	418,874	302,474	218,474
Animal Shelter Reserve	429,257	100,000	50,000	50,000	-
<b>ENDING FUND BALANCE</b>	<b>\$ 506,708</b>	<b>\$ 797,100</b>	<b>\$ 468,874</b>	<b>\$ 352,474</b>	<b>\$ 218,474</b>

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

Amended CM 10/7

		2013-14		2014-15		2015-16
		Amended		Adopted	Amended	Adopted
		Budget	Actual	Budget	Budget	Budget
<b>800 - Capital Projects Reserve</b>						
<b>Project Detail</b>	<b>Account</b>					
<b>Construction Projects</b>						
Brehm 2 Sports Park	800 00-00 8310 3089-000	-	18,818	-	-	-
Old Kennel Demolition	800 00-00 8310 8045-000	36,662	3,092	50,000	50,000	-
Kennel Project-DIF Portion	800 00-00 8310 8045-350	21,329	1,747	-	-	-
Paradise Park Improvements	800 00-00 8310 8048 809	25,000	-	-	25,000	-
Jacobs Park Improvements	800 00-00 8310 8948 000	-	-	50,000	50,000	-
		<b>82,991</b>	<b>23,657</b>	<b>100,000</b>	<b>125,000</b>	<b>-</b>
<b>Capital Replacement Program</b>						
Cap Projects- Contingency	800 00-00 8310 8048 810	75,000	-	50,000	50,000	50,000
Scorpio Radio Upgrades	800 00-00 8310 8017 000	-	-	25,000	25,000	-
New telephone system	800 00-00 8310 8018 000	-	-	5,000	5,000	30,000
Financial Software	800 00-00 8310 8019 000	-	-	-	-	5,000
New website	800 00-00 8310 8020 000	-	-	5,000	5,000	20,000
PEG Operations	800 00-00 8310 8029 000	-	-	5,000	5,000	20,000
Agenda Management System	800 00-00 8310 8030 000	-	-	14,000	14,000	9,000
		<b>75,000</b>	<b>-</b>	<b>104,000</b>	<b>104,000</b>	<b>134,000</b>
<b>Capital Maintenance Program</b>						
<b>Facilities Maintenance</b>						
Town Hall Carpeting		-	-	25,000	25,000	-
Community Ctr - Re-plumb	800 00-00 8310 8048 802	-	-	-	-	-
Town-wide Re-Key Prog Ph 1	800 00-00 8310 8048 803	26,733	26,430	-	-	-
Roof Re-coat Projects	800 00-00 8310 8048 818	-	-	-	-	-
		<b>26,733</b>	<b>26,430</b>	<b>25,000</b>	<b>25,000</b>	<b>-</b>
<b>Parks Maintenance</b>						
YVHS Lift	800 00-00 8310 8048 821	-	-	-	-	-
YVHS Pool Motor Replc	800 00-00 8310 8048 820	11,000	-	-	-	-
YVHS Pool Lights		-	-	-	-	-
Community Ctr Ball Fields	800 00-00 8310 8048 819	13,897	-	13,897	13,897	-
Com Ctr in field clay		-	-	12,000	12,000	-
Com Ctr- Basketball resurface		-	-	10,000	10,000	-
Machris- infield clay		-	-	12,000	12,000	-
Jacobs Ten Ct Resurface		-	-	12,000	12,000	-
Park Picnic Tables	800 00-00 8310 8048 814	15,000	14,310	20,000	20,000	-
		<b>39,897</b>	<b>14,310</b>	<b>79,897</b>	<b>79,897</b>	<b>-</b>
<b>Public Works</b>						
Town-wide Infrastructure	800 00-00 8310 8048 815	-	-	120,000	520,000	150,000
Church/Joshua/Onaga	800 55-59 8310 8348	-	-	-	-	-
Street Proj Contingency	800 55-59 8310 9999	-	-	-	-	-
		<b>-</b>	<b>-</b>	<b>120,000</b>	<b>520,000</b>	<b>150,000</b>
<b>Capital Maintenance subtotal</b>		<b>66,630</b>	<b>40,740</b>	<b>224,897</b>	<b>624,897</b>	<b>150,000</b>

**TOWN COUNCIL STAFF REPORT**

**To:** Honorable Mayor & Town Council  
**From:** Shane Stueckle, Deputy Town Manager  
Alex Qishta, Project Engineer  
**Date:** December 2, 2014  
**For Council Meeting:** December 16, 2014

**Subject:** Grant of Easement to the Public for Street and Utility Purposes  
Approximately 0.25 Acre dedication for Kickapoo Trail northerly from SR62  
APN#586-101-07 and Approximately 1.90 Acre on Benecia Trail Easterly  
from Kickapoo Trail APN#586-081-05

**Prior Council Review:** The Town Council has no prior review of this item.

**Recommendation:** That the Town Council approves the granting of an easement(s) to the public for street and utility purposes for Kickapoo Trail and Benecia Trail, as described in Attachment "A" for APN #586-101-07 and "A" for APN #586-081-05 to this staff report, and authorizes the Mayor to sign the grant of easement, and directs the Town Clerk to record the easement with the San Bernardino County Recorder's Office.

**Executive Summary** Public agencies are required to obtain right-of-way or easements for construction of public improvements including roadways, flood control facilities, wastewater facilities, and other public works improvements

**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:** 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.

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Reviewed By:                                                                                      
Town Manager                  Town Attorney                  Finance Manager                  Department

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<input 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

The identified portions of Kickapoo Trail and Benecia Trail today are held in fee title by the Town of Yucca Valley. As such, no easements exist for the placement of utility company facilities or other infrastructure commonly located within public streets.

In order to address this issue, the recommended action includes granting an easement to the public for public street and utility purposes as outlined in Attachment "A" for APN #586-101-07 and "A" for APN #586-081-05.

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

**Fiscal impact:** NA

**Attachments:** Resolution No. 14-  
Exhibit "A" Legal Description and Map - APN#586-101-07  
Exhibit "B" Legal Description and Map - APN#586-081-05

RESOLUTION NO. 14 -

**A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF YUCCA VALLEY, CALIFORNIA, AUTHORIZING THE TOWN MANAGER TO GRANT DEDICATIONS OF EASEMENTS ON KICKAPOO TRAIL APN #586-101-07 AND BENECIA TRAIL APN #586-081-05 FOR PUBLIC UTILITY PURPOSES**

WHEREAS, PUBLIC UTILITY COMPANIES ARE REQUESTING THE Town to grant public utility easements on Kickapoo Trail and Benecia Trail for replacement of utility infrastructure within Town owned property; and

WHEREAS, the Town Council desires to provide an efficient and prompt process for approving various dedications of easements for public utility purposes; and

WHEREAS, the dedications shall be in a form approved by the Town Attorney; and

WHEREAS, the dedications requests shall be reviewed by the Engineering Department.

NOW THEREFORE, THE TOWN COUNCIL OF THE TOWN OF YUCCA VALLEY, CALIFORNIA, RESOLVES AS FOLLOWS:

**SECTION 1:** Town Manager is hereby authorized on behalf of the Town to grant dedications of easements within Kickapoo trail APN#586-101-07 and Benecia Trail APN#586-081-05 for public utility purposes and execute same on behalf of the Town of Yucca Valley

**SECTION 2:** The Town Clerk is directed to cause a copy of this Resolution to be Recorded with the San Bernardino County Office of the Recorder.

PASSED, APPROVED AND ADOPTED THIS 16<sup>th</sup> day of December, 2014.

\_\_\_\_\_  
MAYOR

ATTEST:

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

This is to certify that the easement offered by this instrument is hereby acknowledged and consent is hereby given for the recordation hereof by the undersigned officer/agent on behalf of the Town Council of the Town of Yucca Valley, County of San Bernardino, State of California, pursuant to authority conferred by a resolution of said Council which was adopted on October 7, 1993 in accordance with Ordinance No. 3 of the Town of Yucca Valley Code.

Date: \_\_\_\_\_

By: \_\_\_\_\_  
CURTIS YAKIMOW, Town Manager

WHEN RECORDED MAIL TO:  
Barbara Noble  
Town of Yucca Valley  
58928 Business Center Dr.  
Yucca Valley, CA 92284

APN: 586-101-07

### GRANT OF EASEMENT

For a valuable consideration, receipt of which is hereby acknowledged,

The Town of Yucca Valley, a municipal corporation

hereby GRANT(S) to the Town of Yucca Valley, a municipal corporation

and the public in general and those public utilities authorized to provide service,

an easement for street and public utility purposes across the real property in the Town of Yucca Valley, County of San Bernardino, State of California, described as:

**SEE ATTACHED EXHIBIT "A" and "B"**

TOWN OF YUCCA VALLEY

By: \_\_\_\_\_  
CURTIS YAKIMOW, TOWN MANAGER

Dated: \_\_\_\_\_

STATE OF \_\_\_\_\_ )  
COUNTY OF \_\_\_\_\_ ) ss. \_\_\_\_\_

On \_\_\_\_\_ before me, \_\_\_\_\_ personally appeared \_\_\_\_\_, who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledge to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s) or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature \_\_\_\_\_

(This area for official notarial seal)

MAIL TAX STATEMENTS AS DIRECTED ABOVE

## EXHIBIT "A"

THAT PORTION OF LOT 21, TRACT 3081 OF YUCCA VILLAGE #3, AS SHOWN IN MAP BOOK 42, PAGES 57 AND 58, RECORDS OF SAN BERNARDINO COUNTY, IN THE TOWN OF YUCCA VALLEY, COUNTY OF SAN BERNARDINO, STATE OF CALIFORNIA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER OF SAID LOT 21;

THENCE NORTH  $73^{\circ}04'31''$  EAST 125.73 ALONG THE NORTHERLY LINE OF SAID LOT 21 TO THE BEGINNING OF A NON-TANGENT CURVE CONCAVE NORTHWESTERLY, HAVING A RADIUS OF 440.00 FEET, A RADIAL LINE TO SAID POINT BEARS SOUTH  $66^{\circ}31'58''$  EAST;

THENCE SOUTHERLY ALONG SAID CURVE 100.59 FEET THROUGH A CENTRAL ANGLE OF  $13^{\circ}05'54''$  TO THE BEGINNING OF A REVERSE CURVE CONCAVE SOUTHEASTERLY, HAVING A RADIUS OF 360.00 FEET;

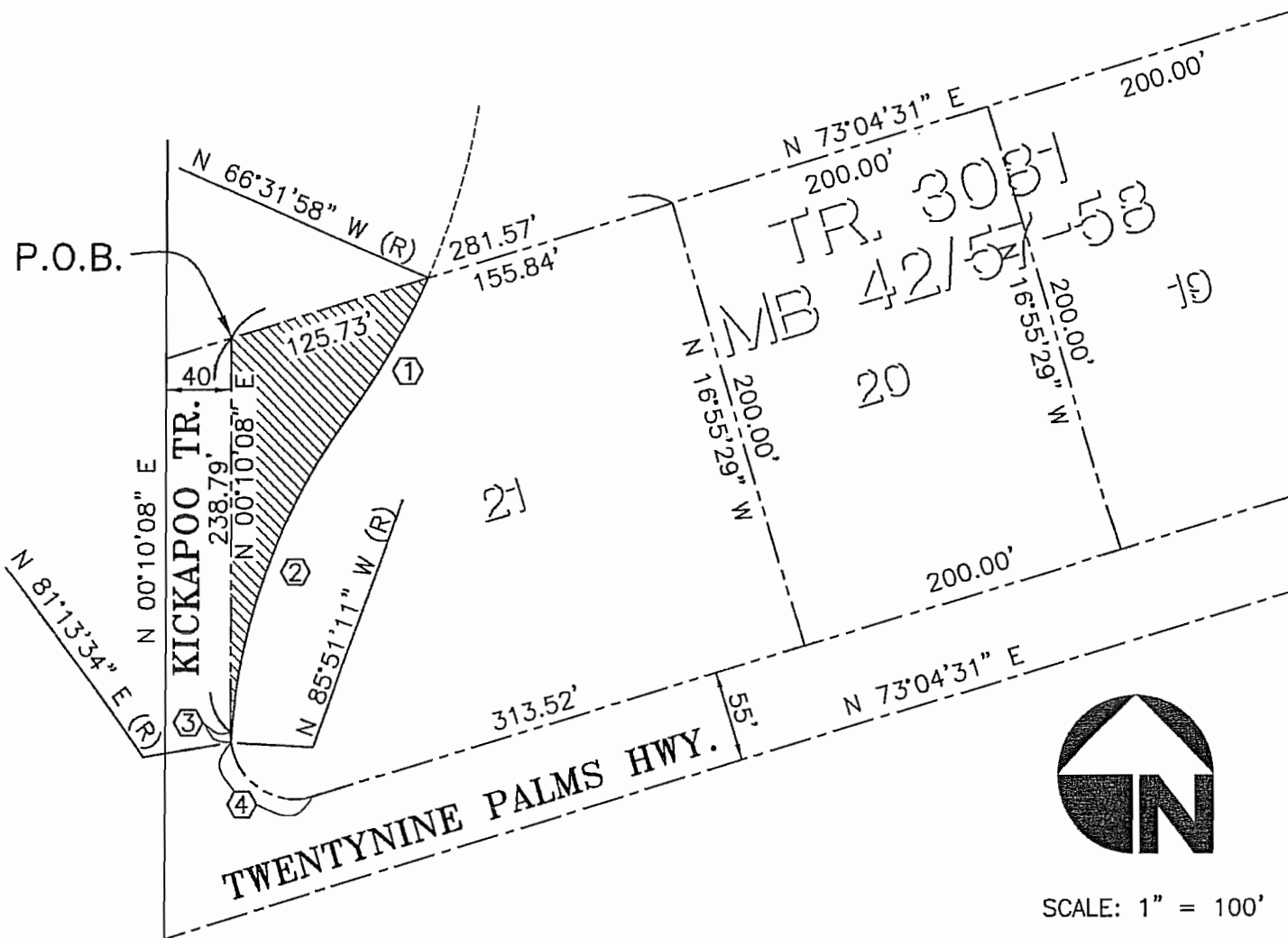
THENCE SOUTHERLY ALONG SAID CURVE 209.97 FEET THROUGH A CENTRAL ANGLE OF  $23^{\circ}05'27''$  TO THE BEGINNING OF A NON-TANGENT CURVE CONCAVE EASTERLY, HAVING A RADIUS OF 40.00 FEET, A RADIAL LINE TO SAID POINT BEARS SOUTH  $81^{\circ}13'34''$  WEST;

THENCE NORTHERLY ALONG SAID CURVE 6.24 FEET THROUGH A CENTRAL ANGLE OF  $08^{\circ}56'34''$  TO THE EASTERLY 40.00 FOOT HALF-STREET RIGHT OF WAY OF KICKAPOO TRAIL;

THENCE NORTH  $00^{\circ}10'08''$  EAST 238.79 FEET ALONG SAID EASTERLY RIGHT OF WAY TO THE POINT OF BEGINNING.



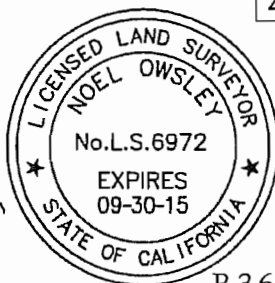
# EXHIBIT "B"



SCALE: 1" = 100'

## CURVE DATA

⊙	DELTA	RAD.	LEN.	TAN.
1	$13^{\circ}05'54''$	$440.00'$	$100.59'$	$50.51'$
2	$23^{\circ}05'27''$	$360.00'$	$209.97'$	$108.07'$
3	$08^{\circ}56'34''$	$40.00'$	$6.24'$	$3.13'$
4	$98^{\circ}09'03''$	$40.00'$	$68.52'$	$46.14'$



*Noel Owsley* 11-12-14  
 NOEL OWSLEY, L.S. DATE  
 L.S. 6972, EXP. 9/30/15

### NRO Engineering

ENGINEERING SURVEYING

41-945 Boardwalk, Suite H Palm Desert, California 92211

(760) 346-3250



This is to certify that the easement offered by this instrument is hereby acknowledged and consent is hereby given for the recordation hereof by the undersigned officer/agent on behalf of the Town Council of the Town of Yucca Valley, County of San Bernardino, State of California, pursuant to authority conferred by a resolution of said Council which was adopted on October 7, 1993 in accordance with Ordinance No. 3 of the Town of Yucca Valley Code.

Date: \_\_\_\_\_

By: \_\_\_\_\_  
CURTIS YAKIMOW, Town Manager

WHEN RECORDED MAIL TO:  
Barbara Noble  
Town of Yucca Valley  
58928 Business Center Dr.  
Yucca Valley, CA 92284

APN: 586-081-05

### GRANT OF EASEMENT

For a valuable consideration, receipt of which is hereby acknowledged,

The Town of Yucca Valley, a municipal corporation

hereby GRANT(S) to the Town of Yucca Valley, a municipal corporation

and the public in general and those public utilities authorized to provide service,

an easement for street and public utility purposes across the real property in the Town of Yucca Valley, County of San Bernardino, State of California, described as:

SEE ATTACHED EXHIBIT "A" and "B"

TOWN OF YUCCA VALLEY

By: \_\_\_\_\_  
CURTIS YAKIMOW, TOWN MANAGER

Dated: \_\_\_\_\_

STATE OF \_\_\_\_\_ )  
COUNTY OF \_\_\_\_\_ ) ss. \_\_\_\_\_  
On \_\_\_\_\_ before me, \_\_\_\_\_ personally  
appeared \_\_\_\_\_, who proved to me on the  
basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and  
acknowledge to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their  
signature(s) on the instrument the person(s) or the entity upon behalf of which the person(s) acted, executed the  
instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature \_\_\_\_\_

(This area for official notarial seal)

MAIL TAX STATEMENTS AS DIRECTED ABOVE

## EXHIBIT "A"

THAT PORTION OF THE NORTHWEST ¼ OF SECTION 3, TOWNSHIP 1 SOUTH, RANGE 5 EAST, SAN BERNARDINO MERIDIAN, ACCORDING TO THE UNITED STATES GOVERNMENT TOWNSHIP PLAT THEREOF, IN THE TOWN OF YUCCA VALLEY, COUNTY OF SAN BERNARDINO, STATE OF CALIFORNIA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE POINT OF INTERSECTION OF THE WEST LINE OF SAID SECTION WITH THE NORTHWESTERLY LINE OF TRACT 3081, AS SHOWN IN MAP BOOK 42, PAGES 57 AND 58, RECORDS OF SAN BERNARDINO COUNTY;

THENCE NORTH 00°10'08" EAST 375.86 FEET ALONG SAID WESTERLY LINE TO THE SOUTHERLY LINE OF EXCEPTED PARCEL 1 PER INSTRUMENT RECORDED DECEMBER 8, 1947, IN BOOK 2171, PAGE 446, OFFICIAL RECORDS OF SAID COUNTY;

THENCE NORTH 80°01'08" EAST 617.47 FEET ALONG SAID SOUTHERLY LINE TO THE WESTERLY LINE OF EXCEPTED PARCEL 2 PER INSTRUMENT RECORDED DECEMBER 8, 1947, IN BOOK 2171, PAGE 446, OFFICIAL RECORDS OF SAID COUNTY;

THENCE SOUTH 16°55'29" EAST 30.14 FEET ALONG SAID SAID WESTERLY LINE OF SAID EXCEPTED PARCEL;

THENCE SOUTH 78°33'01" WEST 425.75 FEET TO THE BEGINNING OF A TANGENT CURVE CONCAVE SOUTHEASTERLY HAVING A RADIUS OF 25.00 FEET;

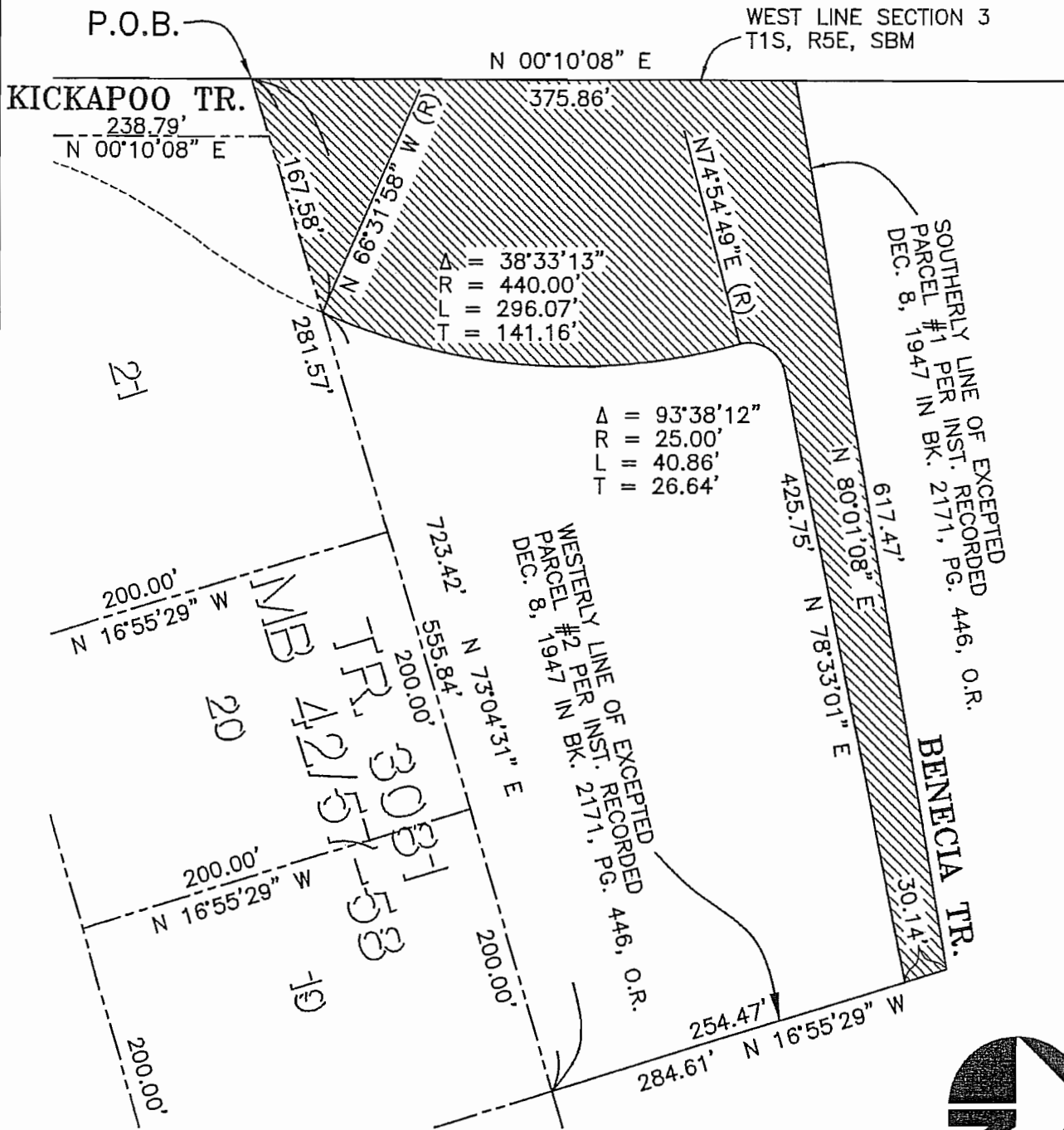
THENCE WESTERLY AND SOUTHERLY ALONG SAID CURVE 40.86' FEET THROUGH A CENTRAL ANGLE OF 93°38'12" TO THE BEGINNING OF A REVERSE CURVE CONCAVE NORTHWESTERLY HAVING A RADIUS OF 440.00 FEET;

THENCE SOUTHERLY ALONG SAID CURVE 296.07 FEET THROUGH A CENTRAL ANGLE OF 38°33'13" TO THE NORTHWESTERLY LINE OF SAID TRACT 3081;

THENCE SOUTH 73°04'31" WEST 167.58 FEET ALONG SAID NORTHWESTERLY LINE TO THE POINT OF BEGINNING.



# EXHIBIT "B"



SOUTHERLY LINE OF EXCEPTED  
PARCEL #1 PER INST. RECORDED  
DEC. 8, 1947 IN BK. 2171, PG. 446, O.R.

WESTERLY LINE OF EXCEPTED  
PARCEL #2 PER INST. RECORDED  
DEC. 8, 1947 IN BK. 2171, PG. 446, O.R.

Δ = 38°33'13"  
R = 440.00'  
L = 296.07'  
T = 141.16'

Δ = 93°38'12"  
R = 25.00'  
L = 40.86'  
T = 26.64'



SCALE: 1" = 100'



*Noel Owsley* 11-12-14  
NOEL OWSLEY, L.S. DATE  
L.S. 6972, EXP. 9/30/15

<b>NRO Engineering</b>	
ENGINEERING	SURVEYING
41-945 Boardwalk, Suite H Palm Desert, California 92211	
(760) 346-3250	



## TOWN COUNCIL STAFF REPORT

**To:** Honorable Mayor & Town Council  
**From:** Curtis Yakimow, Town Manager  
 Sharon Cisneros, Senior Accountant  
**Date:** December 8, 2014  
**For Council Meeting:** December 16, 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 November 2014.

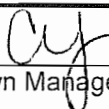
### Order of Procedure:

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

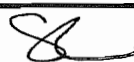
**Discussion:** AB1234 requires members of a legislative body to report on "meetings" attended at public expense at the next meeting of the legislative body. "Meetings" for purpose of this section are tied to the Brown Act meaning of the term: *any congregation of a majority of the members of a legislative 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

  
 \_\_\_\_\_  
 Finance Manager

  
 \_\_\_\_\_  
 Department

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 For Reimbursements in November 2014

Date of Travel	Organization	Description	Location
	<b>Mayor Lombardo</b>	No Reportable Meetings	
	<b>Mayor Pro Tem Huntington</b>	No Reportable Meetings	
	<b>Councilmember Abel</b>	No Reportable Meetings	
	<b>Councilmember Rowe</b>	No Reportable Meetings	
	<b>Councilmember Leone</b>		
10/29/2014	San Bernardino County Homeless Committee	Committee Meeting	San Bernardino, CA

**TOWN COUNCIL STAFF REPORT**

**To:** Honorable Mayor & Town Council  
**From:** Shane Stueckle, Deputy Town Manager  
Alex Qishta, Project Engineer  
**Date:** December 2, 2014  
**For Council Meeting:** December 16, 2014

**Subject:** Jacobs Park Playground Improvements-Town Project No. 8948  
Approval of Plans and Specifications  
Authorization to Advertise for Construction

**Prior Council Review:** The Town Council has no prior review of this item.

**Recommendation:** That the Town Council adopts the Resolution, approves the plans and specifications for Project No. 8948, authorizes the Town Clerk to advertise and receive bids, contingent upon final approval by San Bernardino County, and amends the budget to increase the project budget to the appropriated funding from the County for use of CDBG funds.


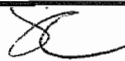
**Executive Summary:** Town Council authorization to advertise construction of capital projects is sought prior to staff proceeding with the advertising process. The bidding period for this project concludes on January 29, 2015. Bid recommendations will be made to the Town Council in February 2015, with the project construction commencing in April/May of 2015.

**Order of Procedure:**

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

**Discussion:** The Jacobs Park Playground Equipment Improvement project includes the replacement of the existing playground equipment, as well as replacing the existing sand with wood chips for ADA access. The playground equipment is designed for both the 2 to 5 and 5 to 12 year old age groups. A new swing apparatus will be installed south of the new playground equipment, where the former 2 to 5 year old playground apparatus was located. This will require new curbing to be installed, as well as ADA compliant access and

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

fall zone wood chips.

Project Plans and Specifications are on file in the Town Clerk's Office for review.

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

**Fiscal impact:** The following outlines preliminary project costs of completion of work without contingency and the funding available:

**Project Budget Summary**

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Project Budget-CDBG Fund 560	\$ 138,721
<b>Total Project Budget</b>	<b>138,721</b>
Project Expenditures	
Estimated Project Costs	100,000
<b>Total Estimated Project Costs</b>	<b>100,000</b>
<b>Expenditure Budget Surplus</b>	<b>\$ 38,721</b>

**Attachments:** Resolution No. 14-  
Notice Inviting Bids  
Amended CDBG Fund 560 Budget  
CIP Page  
Conceptual Plan



**RESOLUTION NO. 14-**

**A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF YUCCA VALLEY, CALIFORNIA APPROVING PLANS AND SPECIFICATIONS FOR THE CONSTRUCTION OF THE JACOBS PARK PLAYGROUND EQUIPMENT IMPROVEMENTS IN SAID TOWN AND AUTHORIZING AND DIRECTING THE TOWN CLERK TO ADVERTISE TO RECEIVE BIDS**

WHEREAS, it is the intention of the Town of Yucca Valley to construct certain improvements in the Town; and

WHEREAS, the Town has prepared plans and specifications for the construction of certain improvements.

**NOW, THEREFORE, THE TOWN COUNCIL OF THE TOWN OF YCCA VALLEY, CALIFORNIA RESOLVES AS FOLLOWS.**

**SECTION 1:** That the plans and specifications presented to the Town Council are hereby approved as the plans and specifications for: **JACOBS PARK PLAYGROUND EQUIPMENT IMPROVEMENTS – PROJECT No. 8948, CDBG 123-40102/5274**

**SECTION 2:** That the Town Clerk is hereby authorized and directed to advertise as required by law for the receipt of sealed bids or proposals for doing of the work specified in the aforesaid plans and specifications, which said advertisement shall be in form and content as approved by the Town Attorney and a copy of this Resolution shall be contained in each specification package for the work.

**"NOTICE INVITING SEALED BIDS OR PROPOSALS"**

Pursuant to a Resolution of the Town Council of the Town of Yucca Valley, directing this notice, **NOTICE IS HEREBY GIVEN** that the said Town of Yucca Valley will receive at the Office of the Town Clerk in the Town Hall of the Town of Yucca Valley, on or before the hour of 3:00 P.M. **on the January 29, 2015** sealed bids or proposals for the construction of:

**JACOBS PARK PLAYGROUND EQUIPMENT IMPROVEMENTS – PROJECT No. 8948, CDBG 123-40102/5274**

Bids will be opened and publicly read immediately thereafter.

Bids must be made on a form provided for the purpose, addressed to the Town of Yucca Valley marked: Bid for Construction of:

**JACOBS PARK PLAYGROUND EQUIPMENT IMPROVEMENTS – PROJECT No. 8948, CDBG 123-40102/5274**

**COMMUNITY DEVELOPMENT BLOCK GRANT FUNDS:**

Bidders are advised that this project is federally funded with Community Development Block Grant funds and all associated rules and regulations will apply to this contract. Read and understand the "Attachment D" section of the Contract Documents and Specifications regarding these rules and regulations. The requirements of the Davis-Bacon Act will apply to this project, and those requirements will be enforced. The prime contractor and subcontractors are required to pay their laborers and mechanics employed under this Contract, a wage not less than minimum wage classification as specified in both the Federal and State Wage Decision when the Contract amount for the Prime Contract exceeds \$2,000. **The higher of the two applicable wage classifications, either State Prevailing Wage or Davis-Bacon Act Federal Prevailing Wage, will be enforced for all work under this Contract.** The prime contractor is responsible for ensuring subcontractor compliance with Davis-Bacon and related Act Requirements. The Federal Labor Standards Provisions (HUD 4010) apply to this project."

A copy of the Davis-Bacon Federal Prevailing Wage, the date of which reflects the latest applicable modification at the time of this advertisement, is included in the Contract Documents & Specifications

PREVAILING WAGE: Notice is hereby given that in accordance with the provisions of California Labor Code, Division 2, Part 7, Chapter 1, Articles 1 and 2, the Contractor is required to pay not less than the general prevailing rate of per diem wages for work of a similar character in the locality in which the public work is performed, and not less than the general prevailing rate of per diem wages for holiday and overtime work. In that regard, the Director of the Department of Industrial Relations of the State of California is required to and has determined such general prevailing rates of per diem wages. Copies of such prevailing rates of per diem wages are on file in the office of the Town Clerk, 57090 29 Palms Highway, Yucca Valley, California, and are available to any interested party on request. The Town also shall cause a copy of such determinations to be posted at the job site.

Pursuant to Labor Code § 1775, the Contractor shall forfeit, as penalty to the Town, not more than fifty dollars (\$50.00) for each laborer, workman, or mechanic employed for each calendar day or portion thereof, if such laborer, workman, or mechanic is paid less than the general prevailing rate of wages hereinbefore stipulated for any work done under the contract, by him or by any subcontractor under him, in violation of the provisions of said Labor Code.

In accordance with the provisions of § 1777.5 of the Labor Code, as amended, and in accordance with the regulations of the California Apprenticeship Council, properly indentured apprentices may be employed in the prosecution of the work.

Attention is directed to the provisions in §§ 1777.5 and 1777.6 of the Labor Code concerning the employment of apprentices by the Contractor or any subcontractor under him.

§ 1777.5, as amended, requires the Contractor or subcontractor employing tradesmen in any apprenticeable occupation to apply to the joint apprenticeship committee nearest the site of the public works project and which administers the apprenticeship program in that trade for a certificate of approval. The certificate will also fix the ratio of apprentices to journeymen that will be used in the performance of the contract. The ratio of apprentices to journeymen in such cases shall not be less than one to five except:

- A. When employment in the area of coverage by the joint apprenticeship committee has exceeded an average of 15 percent in the 90 days prior to the request for certificate, or

- B. When the number of apprentices in training in the area exceeds a ratio of one to five, or
- C. When the trade can show that it is replacing at least 1/30 of its membership through apprenticeship training on an annual basis statewide or locally, or
- D. When the Contractor provides evidence that he employs registered apprentices on all of his contracts on an annual average of not less than one apprentice to eight journeymen.

The Contractor is required to make contributions to funds established for the administration of apprenticeship programs if he employs registered apprentices or journeymen in any apprenticeable trade on such contracts and if other contractors on the public works site are making such contributions.

The Contractor and subcontractor under him shall comply with the requirements of §§ 1777.5 and 1777.6 in the employment of apprentices.

Information relative to apprenticeship standards, wage schedules, and other requirements may be obtained from the Director of Industrial Relations, *ex-officio* the Administrator of Apprenticeship, San Francisco, California, or from the Division of Apprenticeship Standards and its branch offices.

Eight (8) hours of labor shall constitute a legal day's work for all workmen employed in the execution of this contract and the Contractor and any subcontractor under him shall comply with and be governed by the laws of the State of California having to do with working hours as set forth in Division 2, Part 7, Chapter 1, Article 3 of the Labor Code of the State of California as amended.

The Contractor shall forfeit, as a penalty to the Town, twenty-five dollars (\$25.00) for each laborer, workman, or mechanic employed in the execution of the contract, by him or any subcontractor under him, upon any of the work hereinbefore mentioned, for each calendar day during which said laborer, workman, or mechanic is required or permitted to labor more than eight (8) hours in violation of said Labor Code.

Contractor agrees to pay travel and subsistence pay to each workman needed to execute the work required by this contract as such travel and subsistence payments are defined in the applicable collective bargaining agreements filed in accordance with Labor Code § 1773.8.

The bidder must submit with his proposal cash, cashier's check, certified check, or bidder's bond, payable to the Town for an amount equal to at least ten percent (10%) of the amount of said bid as a guarantee that the bidder will enter into the proposed contract if the same is awarded to him, and in event of failure to enter into such contract said cash, cashier's check, certified check, or bond shall become the property of the Town.

If the Town awards the contract to the next lowest bidder, the amount of the lowest bidder's security shall be applied by the Town to the difference between the low bid and the second lowest bid, and the surplus, if any, shall be returned to the lowest bidder.

The amount of the bond to be given to secure a faithful performance of the contract for said work shall be one hundred percent (100%) of the contract price thereof, and an additional bond in an amount equal to one hundred (100%) of the contract price for said work (except as otherwise

modified in the General Provisions section of the contract documents) shall be given to secure the payment of claims for any materials or supplies furnished for the performance of the work contracted to be done by the Contractor, or any work or labor of any kind done thereon, and the Contractor will also be required to furnish a certificate that he carries compensation insurance covering his employees upon work to be done under contract which may be entered into between him and the said Town for the construction of said work.

No proposal will be considered from a Contractor who is not properly licensed as required by the Notice Inviting Bids at time of bid in accordance with the provisions of the Contractor's License Law (California Business and Professions Code, § 7000, *et seq.*) and rules and regulations adopted pursuant thereto or to whom a proposal form has not been issued by the Town.

The work is to be done in accordance with the profiles, plans, and specifications of the Town of Yucca Valley on file in the Office of the Town Clerk. Copies of the plans and specifications will be furnished upon application to the Town and payment of \$25.00, said \$25.00 is nonrefundable.

Upon written request by the bidder, copies of the plans and specifications will be mailed when said request is accompanied by payment stipulated above, together with an additional non-reimbursable payment of \$15.00 to cover the cost of mailing charges and overhead.

The successful bidder will be required to enter into a contract satisfactory to the Town.

In accordance with the requirements of the General Provisions, as set forth in the Plans and Specifications regarding the work contracted to be done by the Contractor, the Contractor may, upon the Contractor's request and at the Contractor's sole cost and expense, substitute authorized securities in lieu of moneys withheld (performance retention).

The Town of Yucca Valley reserves the right to reject any and all bids.

ADOPTED AND APPROVED this 16<sup>th</sup> day of December 2014.

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MAYOR

ATTEST:

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TOWN CLERK

## **NOTICE INVITING SEALED BIDS OR PROPOSALS**

Pursuant to a Resolution of the Town Council of the Town of Yucca Valley, directing this notice, NOTICE IS HEREBY GIVEN that the said Town of Yucca Valley will receive at the Office of the Town Clerk in the Town Hall of the Town of Yucca Valley, on or before the hour of 3:00 o'clock P.M. on the **29<sup>th</sup> day of January, 2015**, sealed bids or proposals for a project that is federally funded with Community Development Block Grant (CDBG) funds for the Construction of:

### **Project No. 8948, Jacob's Park Playground Equipment Improvement CDBG # 123-40102/5274**

in said Town. Bids will be opened and publicly read immediately thereafter.

Bids must be made on a form provided for the purpose, addressed to the Town of Yucca Valley marked: Bid for Construction of

### **Project No. 8948, Jacob's Park Playground Equipment Improvement CDBG # 123-40102/5274**

#### **COMMUNITY DEVELOPMENT BLOCK GRANT FUNDS:**

Bidders are advised that this project is federally funded with Community Development Block Grant funds and all associated rules and regulations will apply to this contract. Read and understand the "Attachment D" section of the Contract Documents and Specifications regarding these rules and regulations. The requirements of the Davis-Bacon Act will apply to this project, and those requirements will be enforced. The prime contractor and subcontractors are required to pay their laborers and mechanics employed under this Contract, a wage not less than minimum wage classification as specified in both the Federal and State Wage Decision when the Contract amount for the Prime Contract exceeds \$2,000. **The higher of the two applicable wage classifications, either State Prevailing Wage or Davis-Bacon Act Federal Prevailing Wage, will be enforced for all work under this Contract.** The prime contractor is responsible for ensuring subcontractor compliance with Davis-Bacon and related Act Requirements. The Federal Labor Standards Provisions (HUD 4010) apply to this project."

A copy of the Davis-Bacon Federal Prevailing Wage, the date of which reflects the latest applicable modification at the time of this advertisement, is included in the Contract Documents & Specifications

Contractor(s) and subcontractor(s) are required to submit their weekly payrolls electronically via the internet utilizing software provided by LCPtracker Inc.

**PREVAILING WAGE:** Notice is hereby given that in accordance with the provisions of California Labor Code, Division 2, Part 7, Chapter 1, Articles 1 and 2, the Contractor is required to pay not less than the general prevailing rate of per diem wages for work of a similar character in the locality in which the public work is performed, and not less than the general prevailing rate of per diem wages for holiday and overtime work. In that regard, the Director of the Department of Industrial Relations of the State of California

is required to and has determined such general prevailing rates of per diem wages. Copies of such prevailing rates of per diem wages are on file in the office of the Town Clerk, 57090 29 Palms Highway, Yucca Valley, California, and are available to any interested party on request. The Town also shall cause a copy of such determinations to be posted at the job site.

Pursuant to Labor Code § 1775, the Contractor shall forfeit, as penalty to the Town, not more than fifty dollars (\$50.00) for each laborer, workman, or mechanic employed for each calendar day or portion thereof, if such laborer, workman, or mechanic is paid less than the general prevailing rate of wages hereinbefore stipulated for any work done under the attached contract, by him or by any subcontractor under him, in violation of the provisions of said Labor Code.

In accordance with the provisions of § 1777.5 of the Labor Code, as amended, and in accordance with the regulations of the California Apprenticeship Council, properly indentured apprentices may be employed in the prosecution of the work.

Attention is directed to the provisions in §§ 1777.5 and 1777.6 of the Labor Code concerning the employment of apprentices by the Contractor or any subcontractor under him.

**SUBCONTRACTED WORK:** The name and location of business of any subcontractor who will perform work exceeding 1/2 of 1% of the prime contractor's total bid or ten thousand dollars (\$10,000), whichever is greater, must be submitted with the bid. Any other information regarding the foregoing subcontractors that is required by Town to be submitted may be submitted with the bid, or may be submitted to Town up to 24 hours after the deadline established herein for receipt of bids. The additional information must be submitted by the bidder to the same address and in the same form applicable to the initial submission of bid.

**INELIGIBLE SUBCONTRACTORS:** The successful bidder shall be prohibited from performing work on this project with a subcontractor who is ineligible to perform work on the project pursuant to Section 1999.1 or 1777.7 of the Labor Code.

**YOU MUST SUBMIT** with your proposal cash, cashier's check, certified check, or bidder's bond, payable to the Town of Yucca Valley in an amount equal to at least ten percent (10%) of the bid as a guarantee that the bidder will enter into the contract if the same is awarded to him, and in the event of failure to enter into such contract said cash, cashier's check, certified check, or bond shall become the property of the Town of Yucca Valley. If the Town of Yucca Valley awards the contract to the next lowest bidder, the amount of the lowest bidder's security shall be applied to the difference between the low bid and second lowest bid, and the surplus, if any, shall be returned to the lowest bidder.

The Contractor shall be required to post a bond in the amount of 100% of the contract price and a labor and material bond equal to 50% of the contract price. No proposal will be considered from a Contractor who is not licensed as a Class "A" or "B" contractor, at time of bid, or to whom a proposal form has not been issued by the Town of Yucca Valley.

The work is to be done in accordance with the plans and specifications on file in the Office of the Town Clerk. Copies of the plans and specifications will be furnished upon application to the Town and payment of **\$25.00** which sum is nonrefundable. Upon written request, copies of the plans and specifications will be mailed when said request is accompanied by payment stipulated above, together with a nonrefundable payment of **\$15.00** to cover mailing charges and overhead.

The Contractor may, upon the Contractor's request and the Contractor's sole cost and expense, substitute authorized securities in lieu of moneys withheld (performance retention).

The successful bidder will be required to enter into a contract satisfactory to the Town of Yucca Valley. The Town of Yucca Valley reserves the right to reject any and all bids, or to waive any irregularities in the bids.

By order of the Town Council this 16<sup>th</sup> day of December 2014.

By: \_\_\_\_\_  
Town Clerk  
Town of Yucca Valley

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

Proposed Amendment		2013-14		2014-15		2015-16
		Amended Budget	Actual	Adopted Budget	Amended Budget	Adopted Budget
<b>560 - CDBG</b>						
<b>RECEIPTS</b>						
County CDBG Reimb	Federal FHWA	\$ 518,110	\$ 442,155	\$ 118,719	\$ 138,716	\$ 100,000
Contingency Funding	4820	75,110	-	45,000	70,000	45,000
Third District Funds		15,000	15,000	-	-	-
<b>TOTAL RECEIPTS</b>		<b>608,220</b>	<b>457,155</b>	<b>163,719</b>	<b>208,716</b>	<b>145,000</b>
<b>EXPENDITURES</b>						
Indirect Cost		-	-	-	-	-
<b>TOTAL EXPENDITURES</b>		<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>
<b>CAPITAL OUTLAY</b>						
Work in Progress		464,514	389,086	118,719	208,716	100,000
<b>TOTAL CAPITAL OUTLAY</b>		<b>464,514</b>	<b>389,086</b>	<b>118,719</b>	<b>208,716</b>	<b>100,000</b>
<b>OPERATING TRANSFERS IN (OUT)</b>						
Transfer OUT (001)		-	-	-	-	-
<b>TOTAL OPERATING TRANSFERS IN (OUT)</b>		<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>
<b>INCREASE (DECREASE) IN FUND BALANCE</b>						
		<b>143,706</b>	<b>68,069</b>	<b>45,000</b>	<b>-</b>	<b>45,000</b>
<b>BEGINNING FUND BALANCE</b>						
		<b>(92,376)</b>	<b>(92,376)</b>	<b>(24,307)</b>	<b>20,693</b>	<b>20,693</b>
<b>ENDING FUND BALANCE</b>						
		<b>\$ 51,330</b>	<b>\$ (24,307)</b>	<b>\$ 20,693</b>	<b>\$ 20,693</b>	<b>\$ 65,693</b>

Work in Progress Detail		2013-14		2014-15		2015-16
Project	Account	Amended Budget	Projected Actual	Adopted Budget	Amended Budget	Adopted Budget
B & G Club - Teen Center HOMI	560 00-00 8310 8960	-	-	-	-	-
CC Playground Impv	560 00-00 8310 8961	223,071	206,386	-	-	-
Paradise Playground	560 00-00 8310 8947	125,000	93,116	-	-	-
Jacobs Park Playground Equip	560 00-00 8310 8948	-	-	48,724	138,721	65,000
Code Enforcement	560 00-00 8210 8888 012	116,443	89,584	69,995	69,995	35,000
		<b>464,514</b>	<b>389,086</b>	<b>118,719</b>	<b>208,716</b>	<b>100,000</b>



**JACOBS PARK PLAYGROUND IMPROVEMENTS**

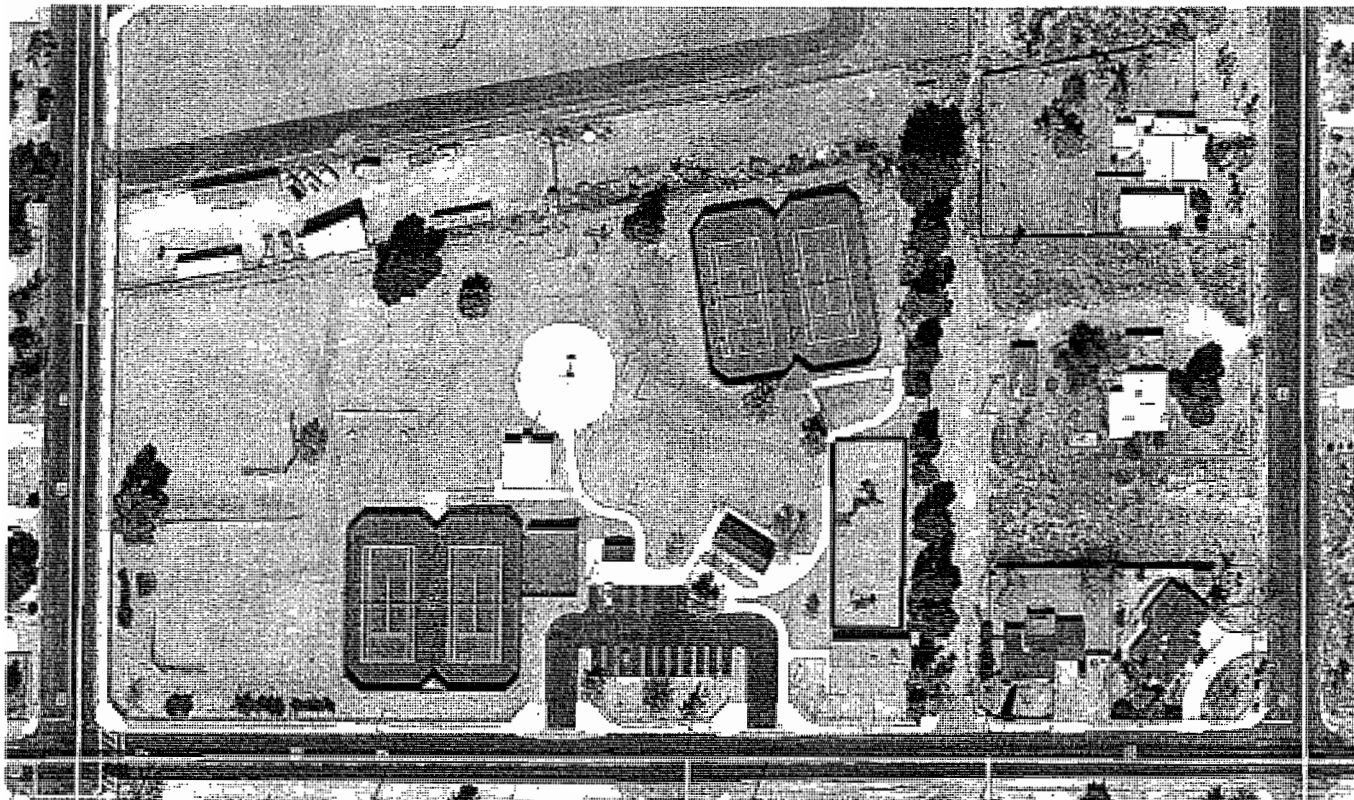
Fiscal Year 2014/2015

Project No: **8948**  
 Category: **Parks & Recreation Facilities**  
 Description: Demolition of existing playground equipment, removal of sand and installation of new playground equipment.  
 Limit:  
 Status:  
 Schedule:

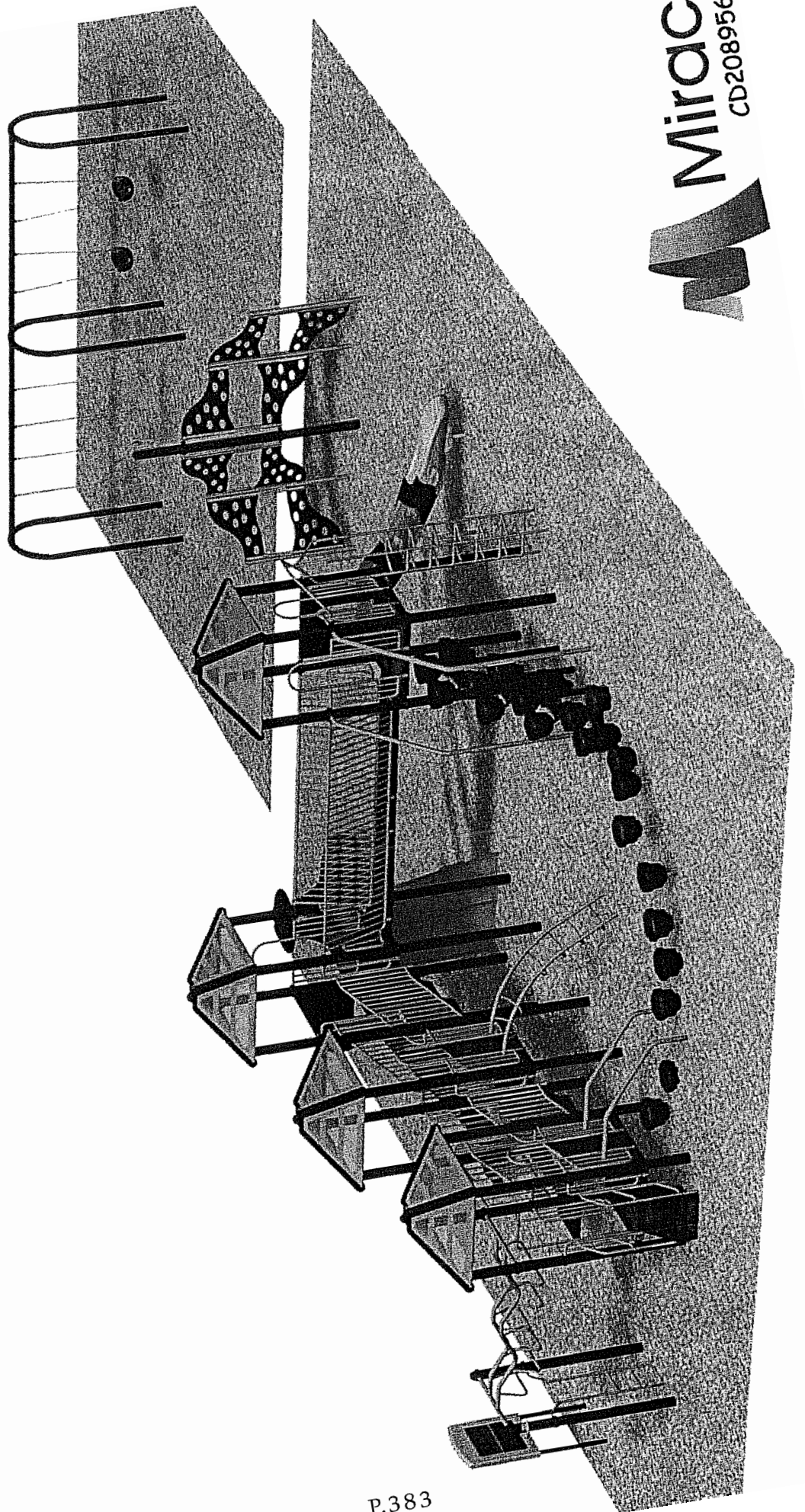
**Project Cost Estimate**

PA/ED  
 PS&E  
 ROW/Property Acquisition  
 Construction 70,000  
**Total 70,000**

Fund Source	Prior FY 2013/2014			FY	FY	FY	FY	FY
	Budget	Expended	Balance	2014-15	2015-16	2016-17	2017-18	2018-19
CDBG 560				48,724				
<b>Total</b>				<b>48,724</b>				



# Jacobs Park



P.383

## TOWN COUNCIL STAFF REPORT

**To:** Honorable Mayor & Council  
**From:** Sue Earnest, Community Services Manager  
**Date:** December 11, 2014  
**For Council Meeting:** December 16, 2014

**Subject:** Park Monument Signage

**Prior Council Review:** None.

**Recommendation:** That the Council accept the recommendation of the Parks, Recreation & Cultural Commission requesting installation of park monumentation signage at Essig Park and Machris Park, and direct staff to proceed with acquisition of the recommended signage in accordance with Town Code, Policies and Procedures.

**Order of Procedure:**

- Request Staff Report
- Request Public Comment
- Council Discussion / Questions of Staff
- Motion/Second
- Discussion on Motion
- Call the Question

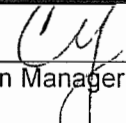


**Discussion:** At the September 2014 Parks, Recreation & Cultural Commission meeting, the Commission requested a review of the current monumentation signage used at the Town's parks. Specifically, the Commission inquired as to what, if any, signage was currently in place at the Town's primary park facilities, including the Town's newest park, Essig Park.

At the October 2014 Parks, Recreation & Cultural Commission meeting, the Commission reviewed photos of the Town's current monumentation signage in place at Paradise Park and at Jacobs Park, and were informed that no monumentation signage exists at Essig Park, Machris Park, or the Town's Community Center Park at this time. After discussion, the Commission voted to recommend the purchase and placement of typical monumental signage at Essig Park and Machris Park.

Town Parks and Recreation Master Plan Consistency

The Town's Parks and Recreation Master Plan (PRMP) is an implementation tool of the Town's General Plan, and provides strategies for addressing the General Plan's goals and policies, specifically as it relates to the plan's Open Space and Conservation Element.

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Reviewed By:	 Town Manager	 Town Attorney	 Finance	 Dept
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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 type="checkbox"/> Consent	<input checked="" type="checkbox"/> Minute Action	<input type="checkbox"/> Receive and File	<input type="checkbox"/> Study Session

One of the guiding principles in the PRMP is the need for consistent review and improvement to the Town's parks and recreation facilities. Uniform signage of Town park facilities leads to easy identification, consistency and orderly development of Town recreation assets.

#### Existing Monumentation

The Town's current monumentation signage consists of a concrete sign with the park name and the Town of Yucca Valley name and logo. Examples of current signage can be seen on the attached photos. This design provides clear identification of facilities while remaining consistent with the natural landscape of the park facilities. These sign monuments are available at an approximate cost range of \$5,000 - \$7,000 including installation.

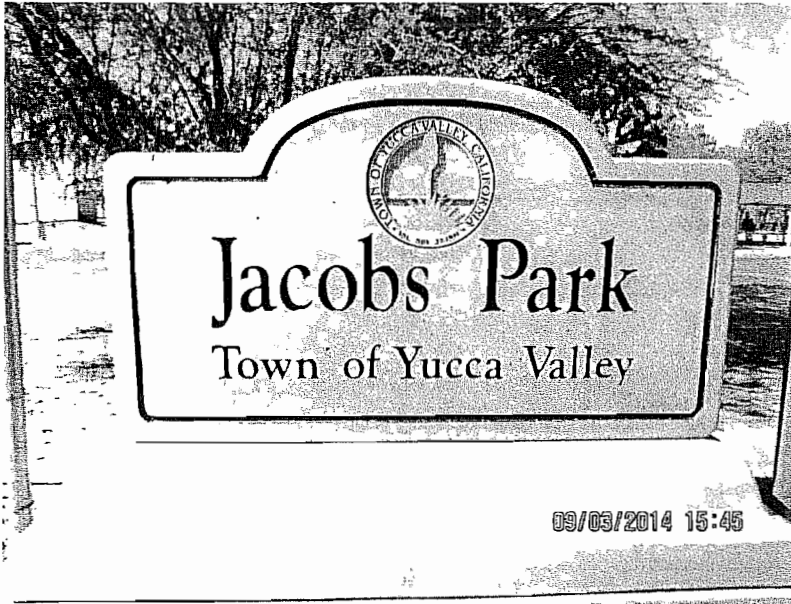
#### Staff Review and Recommendation

Based on an initial review of the Town's existing park facilities, similar signage is recommended at Essig Park and Machris Park. The sign is not recommended at the Town's Community Center Park at this time due to space constraints and circulation patterns around the park.

**Alternatives:** Decline to install signage; request alternative design concepts.

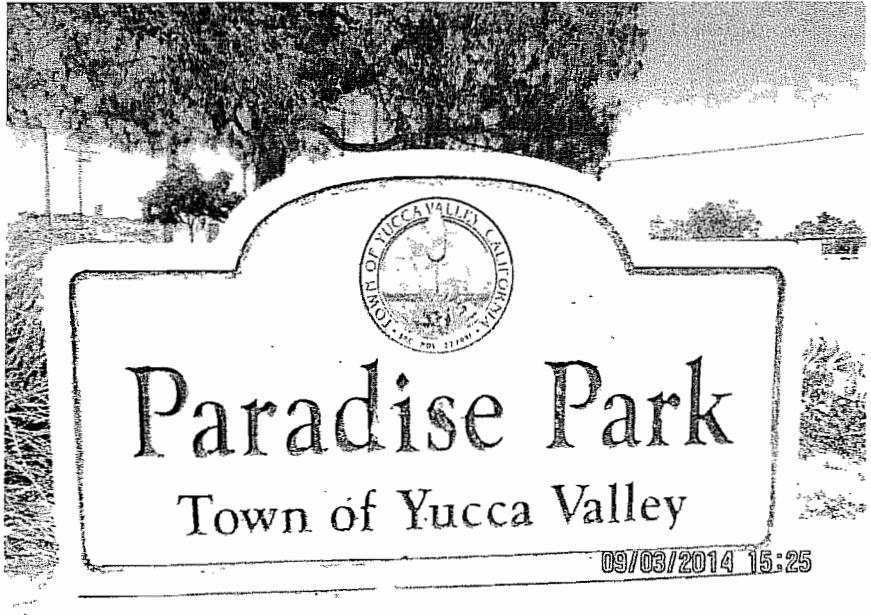
**Fiscal Impact:** Purchase and installation of the recommended monuments is estimated at \$15,000. Funding for the project would be allocated from the Town's FY 2014-16 Capital Projects Fund (800) contingency line item budget of \$50,000.

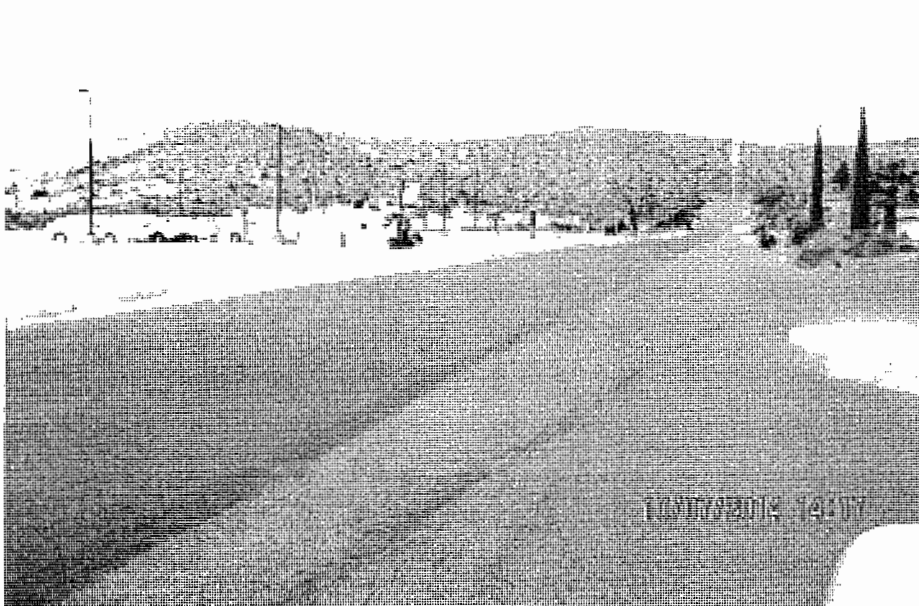
**Attachments:** Signage Photos  
PRCC October 14, 2014 Meeting Minutes (Draft).



Existing Signage  
at Jacobs Park

Existing Signage at  
Paradise Park





Northward View  
of Essig Park  
Entrance

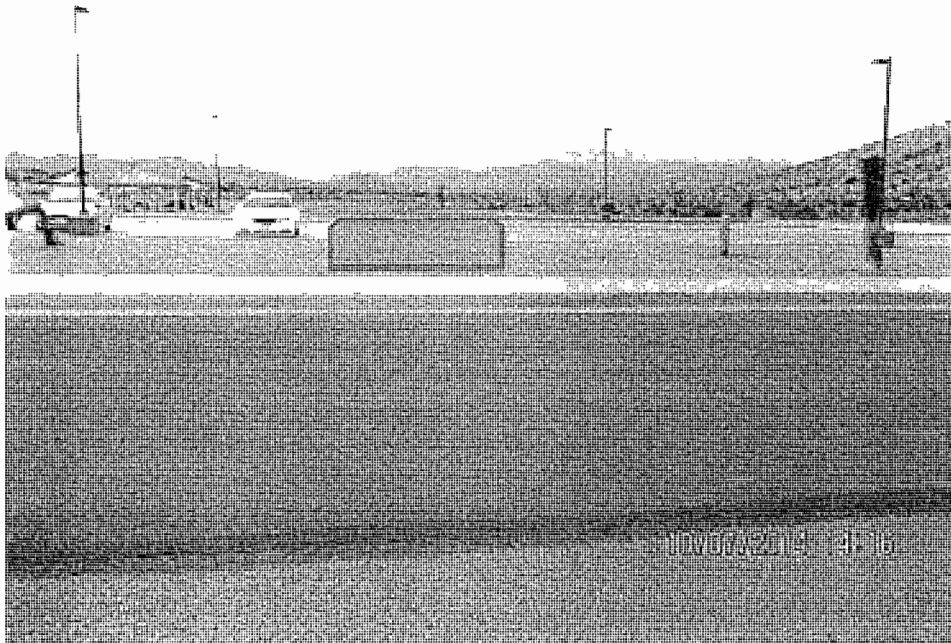
Essig Park  
Center Island View







Essig Park  
Potential Sign  
Location Views

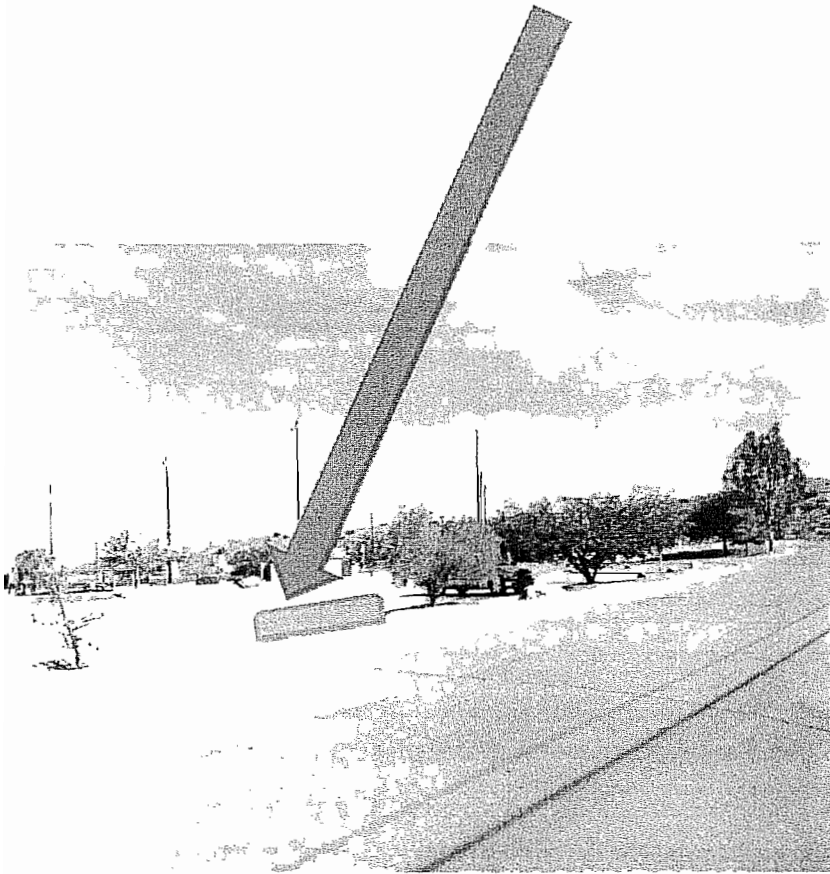




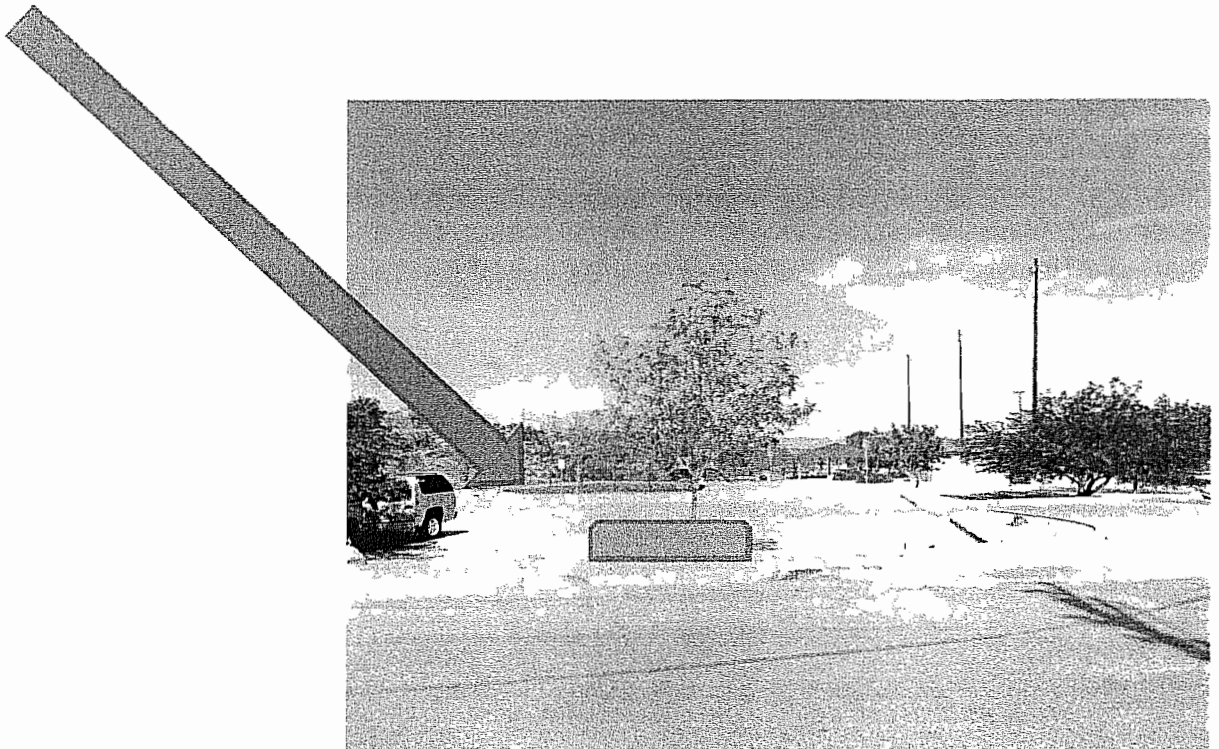
Machris Park  
Existing Signage







Machris Park  
Potential Sign  
Location Views



**TOWN OF YUCCA VALLEY  
PARKS, RECREATION & CULTURAL COMMISSION  
MINUTES**

**TUESDAY, OCTOBER 14, 2014**

**CALL TO ORDER** by Chair Evans at 4:00 p.m.

**PLEDGE OF ALLEGIANCE** led by Vice Chair Harman

**ROLL CALL** Commissioners present: Commissioner Silver, Commissioner Jones-Poland, Vice Chair Harmon and Chair Evans. Commissioner Jones was excused.

**APPROVAL OF AGENDA**

1. Action                                      **Motion: Move to approve the agenda of the October 14, 2014 Parks, Recreation and Cultural Commission meeting.**

Move: Jones Poland                                      2nd:Silver                                      Vote: 4-0-0-1

**CONSENT AGENDA**

**2. MINUTES OF PARKS, RECREATION & CULTURAL COMMISSION MEETING SEPTEMBER 9, 2014**

Recommendation:    **Approve minutes as presented.**

**3. MUSEUM REPORT**

Recommendation: **Move to receive and file the Hi Desert Nature Museum Monthly Reports for September 2014.**

**4. Recreation Report**

Recommendation: **Move to receive and file the Recreation Monthly Reports for September 2014**

*All items listed on the consent calendar are considered to be routine or non-controversial matters. 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 Parks, Recreation and Cultural Commission or Town Staff requests discussion on specific consent calendar items at the beginning of the meeting.*

Action                    Motion: **Move to approve Consent Agenda items 2-4 .**

Move: Harman            2<sup>nd</sup> Jones Poland            Vote: 4-0-0-1

## **PUBLIC COMMENTS**

None

## **STAFF REPORTS**

### **5. 2014-15 Youth Commission Appointments**

Town Manager Curtis Yakimow introduced Recreation Supervisor Sue Earnest who gave an overview of the Youth Commission program and presented the applicants for the 2014-15 year. In 2010 the PRCC approved the staff recommendation for amending the Youth Commission selection process limiting the number of Youth Commissioners to a maximum of 20 members. For the 2014-15 term, there are 24 applications 4 which will be recommended as alternates based on staff's interpretation of the Youth Commission selection process. These candidates are eligible to fill vacancies that may arise during the term and will be seated on a case by case basis.

Aaron Ahmadi, Matthew Baldwin, Taysha Boyas, Nicole Caguioa, Tommy Cruz, Tyler Geeson, Zoie Gianforte, Francisco Gonzalez, Miranda Green, Rachel Green, Rachael Kee, Courtney Linzner, Vianne Militar, Joshua Pringle, Angel Rodriguez, Sarah Rodriguez, Emily Sheckler, Madison Tuttle, Aurora Valdes, Katie Young. There are four alternates Emillie Griffith, Cassidy Pitner, Angela Quirante, Jesse Sheckler.

Several applicants were in attendance and gave a short statement about themselves. Commissioners Silver suggested that the alternates attend the Youth Commission meetings and be able to volunteer at events. Chair Evans thanked each of the applicants

Action                    Motion: **Move to recommend to Town Council  
appointment of the above mentioned 20 applicants and  
4 alternates to the 2014-15 Youth Commission.**

Move: Harman            2<sup>nd</sup> Silver                    Vote 4-0-0-1

## 6. Park Signage and Monument Review

Town Manager Yakimow stated that this discussion is on a follow up item from a September meeting. Along with pictures in the agenda packet, a slideshow was presented showing the current monumentation signage used at the Town parks.

There is no monumentation signage at Essig Park, Machris Park or the Town's Community Center Park at this time.

Town Manager Yakimow stated that the signs are approximately 5x4 feet and cost \$5,000-\$6,000 installed. Staff's recommendation is to put similar signage at Essig Park and Machris Park. Location of the signs at each park was discussed, and staff recommended that the signage be placed on the street frontage of each park. Signage is not recommended at the Town's Community Center Park at this time.

Action                      Motion: **Move to recommend typical monumental signage at Essig Park and Machris Park**

Move: Jones- Poland

2<sup>nd</sup> Harmon

Vote 4-0-0-1

## 7. Fee waiver / Reduction policy

Town Manager Yakimow opened discussion on the fee waiver/reduction policy. Manager Yakimow stated that the commission approved a waiver / reduction policy in October 2013, whereby qualified athlete groups received a 75% reduction for field use and qualified non-profit a facility fee reduction of 90% through the current athletic season.

In the initial implementation of this policy over the course of the past year, there has been a general positive acceptance of such a fee proposal and staff has received little negative feedback.

Staff recommendations is

- a) Qualified athletic groups, a field fee reduction of 50%
- b) Qualified non- profit groups, a facility fee reductions of 75%
- c) Annual staff review and report of the fiscal impact of fee reductions

The primary difference in waiver percentage between facility use (buildings and rooms) and athletic field use is the amount of variable costs involved based on usage. The ongoing maintenance costs of athletic fields is substantially higher compared to the facility costs and as such additional recovery of those costs is required to ensure long term financial stability of the towns recreation programming.

This approach will provide or a greater amount of cost recovery while continuing the Council's support of qualified programs by ensuring that facility use fee charged do not

place a significant burden on the user.

Action            Motion: **Move to approve the level of fee waiver/reduction for qualified user groups, and consider the staff recommendation of:**

- a) **For qualified athletic groups, a field fee reduction of 50%**
- b) **For qualified non-profit groups, a facility fee reduction of 75%**
- c) **Annual staff review and report of the fiscal impact of fee reductions**

Move: Jones-Poland

2<sup>nd</sup> Silver

Vote: 4-0-0-1

### **8. Hi Desert Nature Museum 2014-2016 draft strategic plan**

Museum Program Supervisor Stefanie Ritter reported on the recently prepared draft of the Hi Desert Nature Museum strategic plan for 2014-16.

A copy of the plan was provided to each commissioner. Staff is requesting that the Commissioners review the plan and identify any questions, comments, or suggestions. The plan will be on the December 9<sup>th</sup> agenda for discussion.

Action            Motion: **Receive and file the Hi Desert Nature Museum’s draft strategic plan, and review for future comment at the December Commission meeting.**

Move: Poland

2<sup>nd</sup> Harman

Vote: 4-0-0-1

### **STAFF INFORMATION ITEMS**

- Museum Supervisor Stefanie Ritter reported that the museum has been busy. The Dinosaur exhibit is gone. The Art Tours Collection show is up. There have been several home school groups visiting the museum, some coming from quite a distance. Museum and Recreation staff are preparing for the October 25 Halloween Spooktacular from 10am to 3pm held here at the Community Center.
- Administrative Assistant III Maureen Randall gave an update report on the Veterans Tribute, Tuesday November 11 from 10:00am to 1:00pm. There will be a breakfast served by the Young Marines starting at 8:00am to 10:00am at the Senior Center. A static display at 10:00am and formal speaking at 11:00 and concluding at 12 noon. A free BBQ will begin at 12 noon
- Town Manager Yakimow reported on a playground ribbon cutting at Brehm Youth Sports Park. Mr. and Mrs. Brehm were present. After the ribbon cutting the Brehm’s attended the Town Council meeting where a proclamation was presented to them.

- Blackrock Road is getting a makeover. They will lay the base then asphalt and concert soon.
- Marshall opened up last week. The grand opening day was the most successful nationwide, according to Marshalls representatives.
- Ross Dress for Less has begun work in the old Rite Aid building. There is talk of them opening before the end of the year.
- Town Manager Yakimow encouraged everyone to get out and vote in the upcoming election.

### **COMMISSIONER REPORTS AND COMMENTS**

1. Commissioner Silver- None
2. Commissioner Jones- Absent
3. Commissioner Jones-Poland- Reported she is excited to see town grow.
4. Vice Chair Harman -Stated he is happy about the number of youth commission applicants.
5. Chair Evans- Mentioned that there is a lot of really good things happening and moving forward in the community.

### **FUTURE AGENDA ITEM**

### **ANNOUNCEMENTS**

The next meeting of the Parks, Recreation and Cultural Commission is scheduled for December 9, 2014 at 4:00pm in the Joshua Tree Room of the Yucca Valley Community Center.

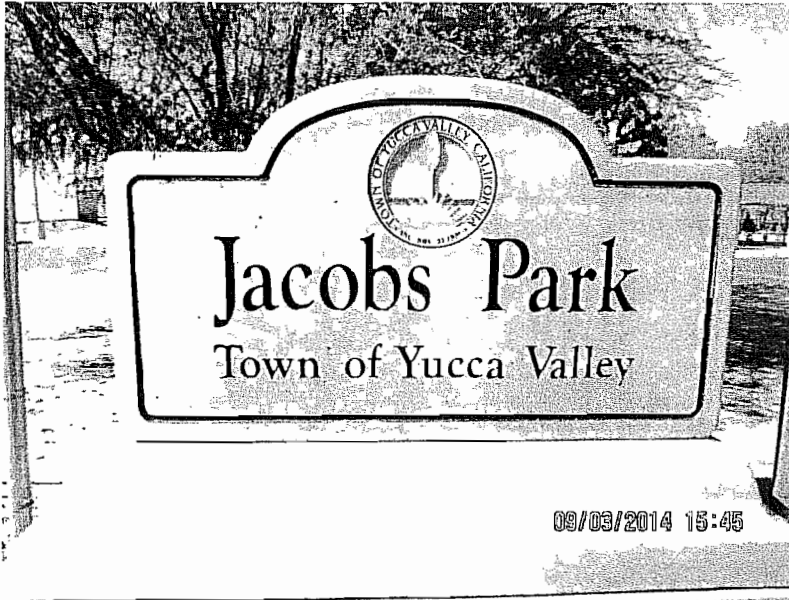
### **ADJOURNMENT**

The meeting was adjourned at 5:00pm.

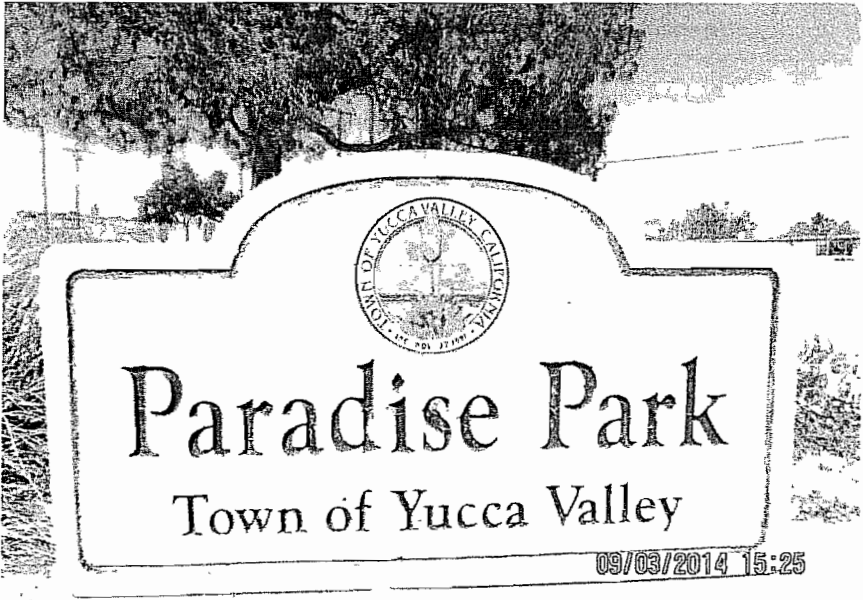
Respectfully submitted,

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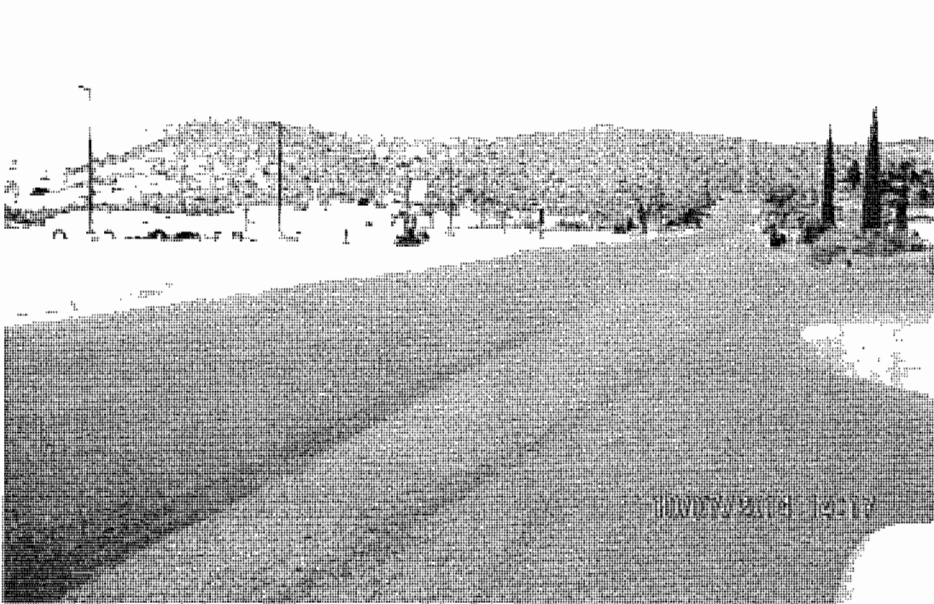
Maureen S. Randall PRCC Secretary  
Community Services Department



Existing Signage  
at Jacobs Park



Existing Signage at  
Paradise Park

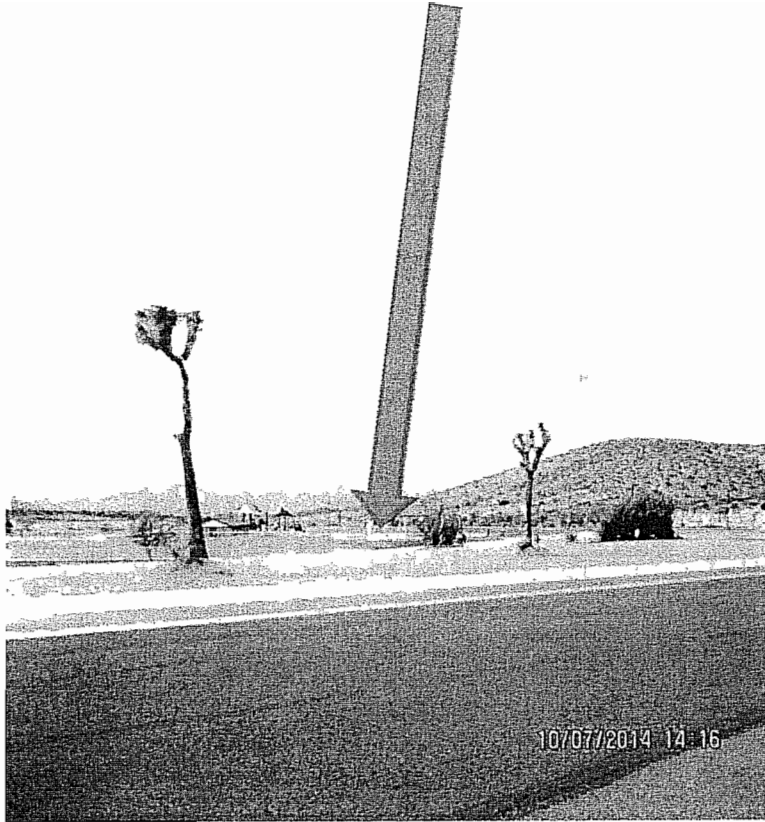


Northward View  
of Essig Park  
Entrance

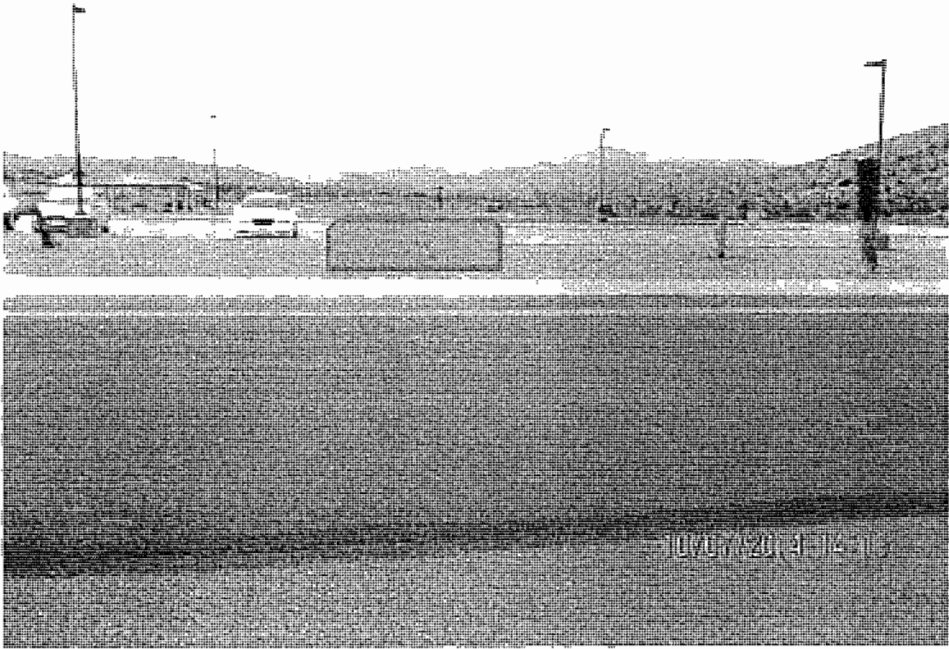
Essig Park  
Center Island View

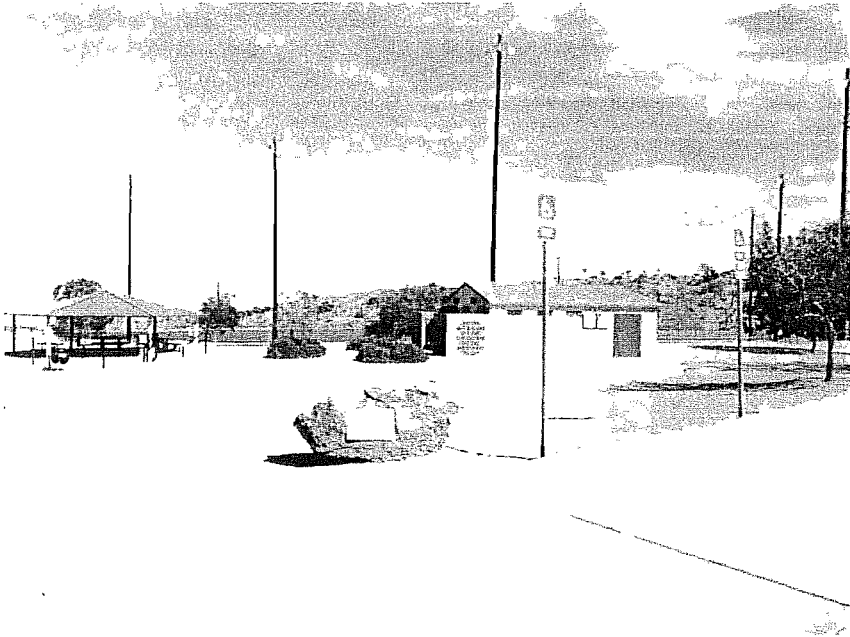






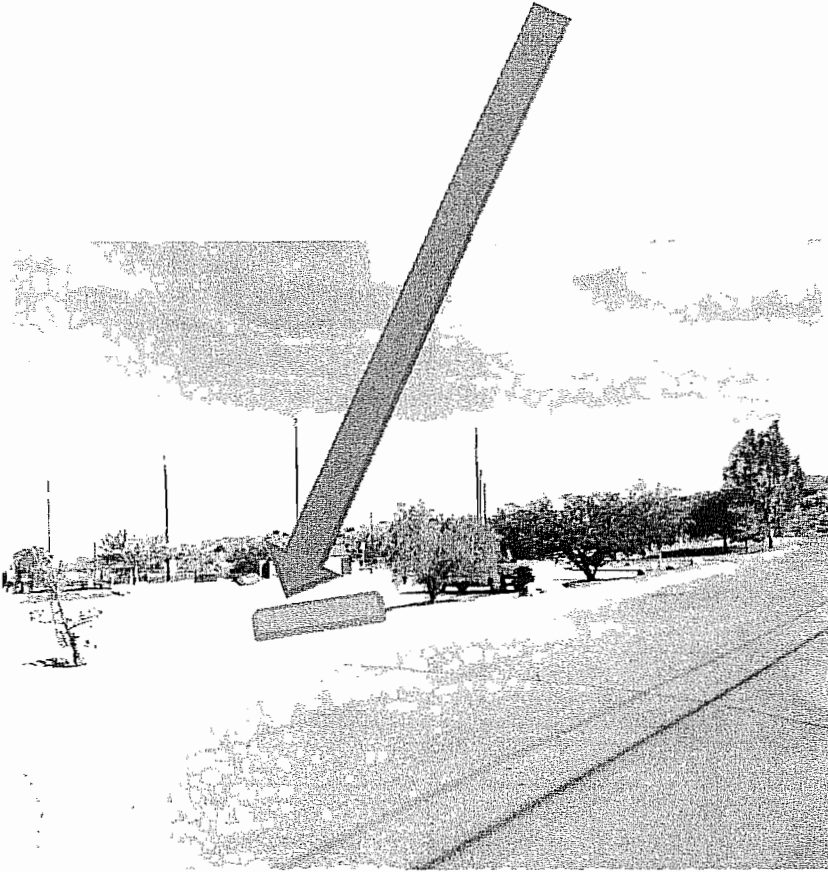
Essig Park  
Potential Sign  
Location Views



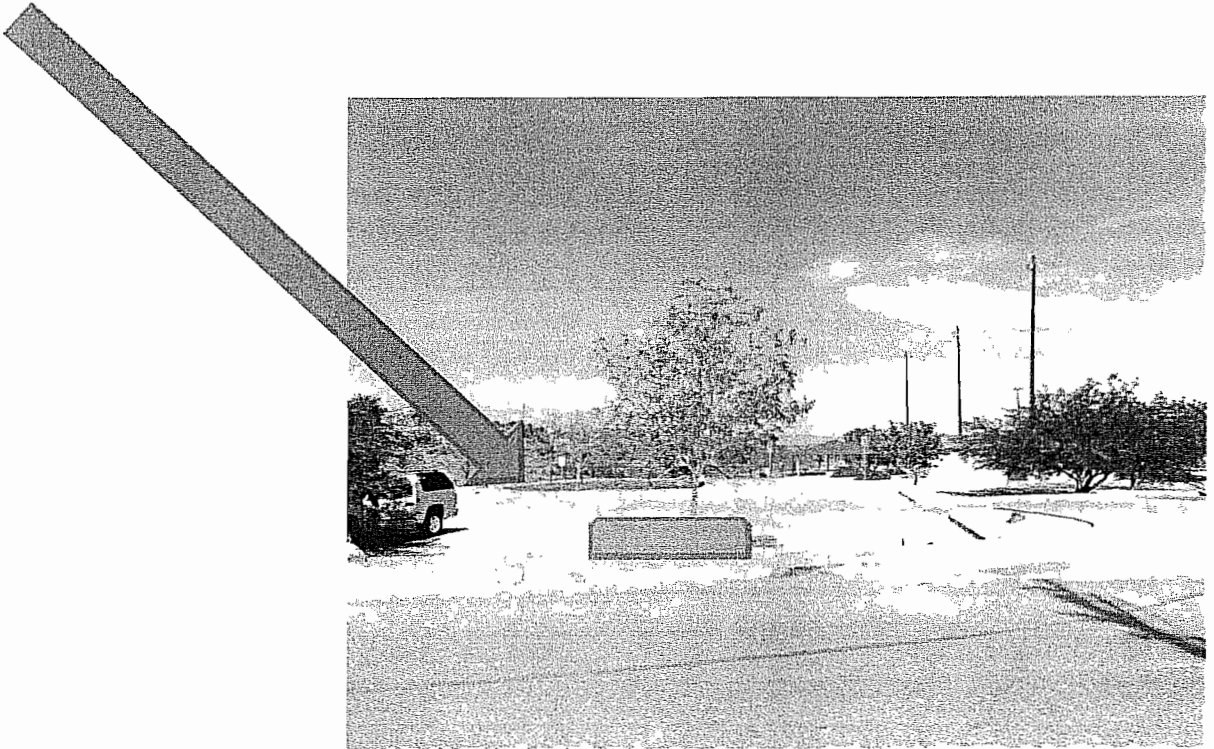


Machris Park  
Existing Signage





Machris Park  
Potential Sign  
Location Views



**TOWN COUNCIL STAFF REPORT**

**To:** Honorable Mayor & Town Council  
**From:** Lesley Copeland, Town Clerk  
**Date:** December 11, 2014  
**For Council Meeting:** December 16, 2014

**Subject:** Town Council Public Agency Board/Committee Liaison Assignments

**Prior Council Review:** None for this particular action.

**Executive Summary:** Council Members represent the Town of Yucca Valley on various regional Boards, Joint Powers Authorities (JPAs), and Ad-Hoc committees with local agencies. The Town Council annually reviews assignments.

**Recommendation:** For the Town Council to:

- Review and select representatives to the various Public Agency Boards, and direct the Town Clerk to notify the agencies of any changes in representation.
- Create a Public Facilities Ad Hoc Committee and assign two Council Members to the newly created committee and dissolve any Ad Hoc Committees as needed

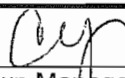
**Order of Procedure:**

1. Request Staff Report
2. Request Public Comment
3. Council Discussion/Questions of Staff
4. Motion/Second
5. Discussion on Motion
6. Call the Question (Roll Call Vote)

**Discussion:** The Town of Yucca Valley has representation from Council Members on San Bernardino Associated Governments (SANBAG), the Mojave Desert and Mountain Solid Waste JPA, the League of California Cities Desert Mountain Division, Morongo Basin Transit Authority (MBTA), Morongo Basin Regional Economic Development Consortium, San Bernardino County Homeless Partnership and Interagency Council on Homelessness, Sports Council, and the Mojave Desert Air Quality Management District (MDAQMD).


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Reviewed By:

  
Town Manager

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

  
Finance Manager

  
Department

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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 type="checkbox"/> Consent	<input checked="" type="checkbox"/> Minute Action	<input type="checkbox"/> Receive and File	<input type="checkbox"/> Study Session

In addition to these regional/intergovernmental committees, two Council Members sit as members of the Animal Services JPA with San Bernardino County, and a Legislative Team consisting of two Council Members who periodically visit Sacramento and/or Washington D.C. to discuss issues with our state and federal representatives. The Mayor is the legislative delegate to the League of California Cities (LOCC) annual meeting and is ratified by Town Council Resolution action prior to attendance. Under separate action, a voting delegate and alternate are appointed annually to attend the Southern California Association of Governments (SCAG).

Ad Hoc committees are also formed as needed to gather information for such issues as senior housing, audit, sewer financing, Council rules and procedures, Morongo Unified School District, Basin Wide Foundation, County Budget Committee as well as others as needed.

Staff has identified the need for the creation of an ad-hoc committee for the purpose of reviewing Town-owned properties. Additionally, council member representation is requested for the Audit Committee to assist in the selection of the Town's financial auditing firm and additional financial related items as needed.

Accordingly, Section 6.4 of the Council's Manual of Procedural Guidelines, "Except as otherwise required by law or by the policies of non-Town organizations, the Mayor shall nominate all such appointments of Town representatives on non-Town organizations, and the appointment shall be by a majority vote of the Council."

**Alternatives:** Do not create/dissolve ad-hoc committees. Do not select representatives at this time, and schedule the item for a future agenda.

**Fiscal impact:** Some of the Agencies provide a stipend for attendance at their meetings to cover the cost of attendance. The Town reimburses Council Members for their mileage to travel to and from the meetings, for those agencies that do not offer a stipend.

**Attachments:** Current Committee Listing / Assignments

## Town Council Committee Assignment Worksheet

COMMITTEE	CURRENT REPRESENTATIVE	PROPOSED 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	Mayor	Annual	Varies
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 Assignment Worksheet

COMMITTEE	CURRENT REPRESENTATIVES	PROPOSED REPRESENTATIVES	STAFF RECOMMENDATION
AUDIT			
BREHM PARK	Abel Lombardo		
COUNCIL RULES AND PROCEDURES	Huntington Lombardo		Dissolve
COUNTY BUDGET	Huntington Rowe		Dissolve
MORONGO UNIFIED SCHOOL DISTRICT	Rowe		Dissolve
ONLINE VIDEO	Huntington Evans (PRCC)		
PUBLIC FACILITIES			Create New
RDA BONDS	Leone Rowe		
SENIOR HOUSING	Huntington Rowe Drozdz (PC) Whitten (PC)		Dissolve
SEWER FINANCING	Rowe Leone		
SUBDIVISION	Huntington Leone		