

- 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.

**TABLE 2-25:
SLOPE CATEGORIES**

Slope Category	Weighted Average Natural Slope Gradient	Site Standards
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.
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

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**

Animal	Special Use Permit Required	Minimum Parcel Size	Livestock Densities	Maximum Number of Non-Exempt Animals without Livestock Permit
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**

Animal	Special Use Permit Required	Minimum Parcel Size	Livestock Densities	Maximum Number of Non-Exempt Animals without Livestock Permit
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.



Chapter 9.22 Specific Plan Overlay District

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:

TOWN CLERK



Staff modified page 3-32 in the recommended language to separate convalescent hospitals from retirement homes, and set the parking space requirement for convalescent hospitals at 1 space per 4 beds plus 1 per employee on the largest shift and 1 per staff doctor. They also set the requirements for retirement homes at 1 space per 3 beds and 1 per employee on the largest shift. There was Commission discussion on this standard. There was Commission consensus that term convalescent hospital should be changed to facility or care to remove confusion.

Staff modified page 3-53 to add language to clarify what would be considered a public nuisance. There was Commission discussion in this section. Commissioner Lavender and Commissioner Whitten expressed concern over subjective terms like substantial and unsightly. Chair Humphreville asked if the standard would be complaint driven. Staff informed the commission that the standard would complaint driven in part, but for major issues such as structure deterioration there would be proactive action. Current code enforcement tends to be 50 percent reactive and 50 percent proactive, but it varies. Commissioners Whitten, Lavender and Humphreville said that they would like to see more percentage driven standards.

Staff also modified the recommended language on 3-86 to change Soil Erosion Permit to Grading Permit, and modified 3-91 to add the language per location and/or per vendor to table 3-24 regarding special events, and changed the number of circuses or carnivals from 2 to 4. On page 3-96 and 3-98, language was combined to remove duplication. On page 3-100 Certificate of Land Use Compliance was changed to Land Use Compliance Review, and on page 3-124 the language was modified to remove reference to the scenic highway element of the general plan, and on page 3-125 language was modified to replace Conditional Use Permit with Land Use Compliance Review. On page 3-127 language was added to the effect that wireless communication facilities which are disguised may be allowed a reduced setback.

Staff informed the Commission that the State Mining and Geology board would prefer us to go through legal counsel to determine if we are mandated to allow mining activity. The questions on this area are being posed to legal counsel.

Staff recommended that the Commission continue this issue on to the next meeting. The Commission concurred with the staff recommendation.

PUBLIC COMMENTS

None

MOTION

None

2. DEVELOPMENT CODE AMENDMENT, DCA 01-14 ARTICLE 2 CEQA EXEMPTION, SECTION 15061

Staff provided a brief overview of Article 2 and recommended a few areas that the Commission may wish to discuss, particularly accessory structure standards and native plant regulations, and asked that the Commission begin its discussion of Article 2 and provide direction to staff.

Chair Humphreville suggested going through the article by section and allowing public comments after each section. There was Commission consensus to adopt this approach.

Chair Humphreville opened a discussion on sections 9.05, Zoning Districts and Zoning Maps, and 9.06, Land Use Standards and Permit Requirements. Chair Humphreville asked if there had been any changes made to the table on 2-3 addressing Overlay Zoning Districts. Some of the overlay districts were not adopted when the Town adopted the County Code. There have been some new elements added to reflect current practices.

PUBLIC COMMENTS

1. Dennis Pask, Yucca Valley, said that he thought the zoning codes were being misused by individuals maliciously. He stated that he was not familiar with the codes.

Staff clarified that the section of the code relating to the speaker's concern was the section governing Home Occupation Permits and informed the speaker that Planning Commission would be holding a public hearing on the Home Occupation Permits on May 13, 2014.

END PUBLIC COMMENTS

Chair Humphreville introduced a discussion about the issue of a business which has recently opened which is operating a flea market type business in a parking lot. He asked if there was language in the code to address this kind of activity. Commissioners Whitten and Lavender both expressed concern over this kind of activity. Deputy Town Manager Stueckle stated that the Town has not had regulations regarding the outdoor display of merchandise, although such regulations are common in other municipalities, and the Commission may want to consider including some kind of regulation, such as prohibiting that activity in the absence of a Conditional Use Permit. Chair Humphreville said that there was a difference between having a few antiques sitting out and have a trailer full of flea market goods, and that some kind of language was needed to deal with the issue. Commissioner Drozd suggested allowing only a certain percentage of a business's inventory to be displayed outside. Commissioner Whitten said that he thought that it was important that the display be neat and orderly. Chair Humphreville said that small temporary sales are fine but larger ongoing displays should require a Conditional Use Permit.

Chair Humphreville introduced a discussion on 9.07, Residential and Hillside Reserve Districts, and 9.08, Standards and Regulations for Specific Uses in Residential and Hillside Reserve Districts. Commissioner Whitten asked for clarification on the definition of multi-family dwellings, and social care facilities as they are currently addressed in the code, and staff provided the requested information. He also asked if vacation rentals are covered in the section

of the code addressing bed and breakfast, and if not, should they be addressed in the code. Deputy Town Manager Stueckle said that may be a topic for Commission discussion, as vacation rentals for the most part have not been an issue in this community, but it may be an issue in the future. Commissioner Whitten said that he thought it was a discussion the Commission should have. He also stated that because there were not many hotels in the area, vacation rentals may be an untapped market that would benefit the community. Chair Humphreville said he did not know of any current vacation rentals.

Commissioner Whitten also said that he felt the gun ranges and off road vehicle parks should be addressed separately from Sports and Recreational Facilities on page 2-13. The current regulation doesn't specify indoor or outdoor gun ranges and that there are additional hazards associated with gun ranges which should be addressed, particularly in outdoor gun ranges. He also feels that off road vehicle parks should be associated with a trail system. Chair Humphreville asked staff for and received confirmation that a gun range would require a Conditional Use Permit under the current regulations. Commissioner Whitten said that he thought there may be residential zones in which the Town wouldn't want outdoor gun ranges allowed, even with a CUP. There was Commission consensus that outdoor gun ranges shouldn't be allowed in zones RS and RM.

Commissioner Drozd asked if metal carports should be addressed on page 2-16. Deputy Town Manager Stueckle said that metal carports are addressed under the section on accessory structures, and said that the Commission should have a discussion on these standards, particularly the requirement for architectural compatibility. Staff has historically interpreted the current standards to mean that a metal roofed carport is not architecturally compatible with a standard stucco and tile roof construction. Staff believes that the 'architecturally compatible' standard need further definition, and asked that the commission consider what kind of standards they would like to see or if in fact it should just be adherence to the building code.

Chair Humphreville said that he believed that the Commission needs to work on the requirements for percent coverage of the house for accessory structures. The current standard can create unappealing architecture for RV garages, and in some cases prevents them from being constructed at all. Commissioner Whitten said that, when there is proper screening, architectural compatibility doesn't seem to matter. Chair Humphreville said that even on large lot sizes, there are too many limits to square footage. Commissioner Whitten pointed out that there are some structures such as horse stalls, which would not make sense to be required to be architecturally compatible. Commissioner Humphreville thought that the architectural compatibility standard is problematic for residents.

Chair Humphreville thought that, on page 2-24, boats and recreational vehicles should be in the same line. If we require recreational vehicles to be parked in the side or rear only, there are some locations where they won't be able to be parked at all. Staff provided an overview of the current standards for placement and size of detached garages. Commissioner Whitten asked if staff can verify that the fire department's requirement is within 10 ft. of structures. Chair Humphreville asked if there were any state standards regulating square foot percentages, and was

informed by staff that those standards are up to the individual municipalities. He said he would like to see a recommendation for a greater square footage allowance.

Staff said that the Commission may wish to consider the native plant regulations. There had previously been discussion on these regulations, but the previous Planning Commission recommendations were not ultimately accepted by the Council. In commercial, multi-family, and single family developments of one unit per acre or less, it is anticipated that no native plants will remain in their original location. The California Desert Native Plants Act states that land development activity is exempt unless the plants are being transported off site, at which point those plants must be tagged and permitted. The Commission had flexibility to decide what they want those regulations to be. Staff recommends that the native plant regulations be applied to the Joshua tree and Mojave yucca.

Commissioner Drozd pointed out that two of the plants, the palo verde and the mesquite, are not actually native to the area, and should not be included in the native plant regulations. Chair Humphreville said there had previously been about 10 to 12 meetings on this issue. He believes that the ordinance was fairly balanced. Although there were things he personally disliked, he thought it was well put together. Commissioner Whitten said that he thinks that the regulation is reasonable as written and thinks it may almost be ready. Chair Humphreville said that he likes the use of incentives, and that he thinks including just the Joshua tree and the Mojave yucca is a good compromise, although he wouldn't personally include the yucca.

PUBLIC COMMENT

None

END PUBLIC COMMENTS

Staff provided a brief overview of the regulations regarding animal keeping in residential districts. He said that staff has made no changes to these, and hasn't heard of any issues that might indicate that they aren't working. Chair Humphreville said that he thought they were liberal, but he didn't think they needed to be changed. Commissioner Drozd asked what kind of permit would be required for commercial animal keeping, and was informed that it requires a livestock permit. He also said that he likes seeing these kind of regulations in place to protect animal welfare.

There was a discussion about the regulations governing bed and breakfast uses. Commissioner Whitten said that he did not have issues with this section. Chair Humphreville asked if there were any currently permitted. Staff stated that there had been no recent applications, but there had been two previous applications, neither of which were currently operational.

Chair Humphreville asked how many permits for child day care were currently active. Staff informed him that all currently active daycare facilities are limited to 7 or fewer attendees and are exempt. Staff will also double check that this is the standard mandated by state law.

Chair Humphreville asked if there were any issues regarding permanent yard sale activities. Staff said that those kind of activities were currently dealt with through code enforcement as non-

permitted home occupation activities. Staff had not previously recommended requiring permits for yard sale activities which are not ongoing.

Chair Humphreville asked if there were any proposed changes in the Multi-Family Residential Standards Site Design Guidelines and Architectural Design Guidelines section. Staff said that there were some new standards proposed in this section.

Chair Humphreville comment on second dwelling units, reiterating that he felt the size limitations were too restrictive.

PUBLIC COMMENT

None

END PUBLIC COMMENTS

Staff provided a brief overview of section 9.09, Commercial Districts. This section lays out the permitted land uses and permit requirements, and staff recommended that the Commission consider those uses. Chair Humphreville asked if staff had some specific issues that staff would like to call out. Staff said that they have not yet sat down and gone through all of this section on a technical level.

Commissioner Whitten asked about adult oriented businesses, and asked where they were permitted if they were prohibited in all commercial districts. Staff said that they were permitted in industrial zones. Chair Humphreville asked about the store with the XXX sign visible from the highway. Staff explained that under the current regulations that particular store was not classified as an adult oriented business, as that is determined by the percentage of square footage dedicated to adult oriented merchandise. Chair Humphreville would like to know what kind of zoning regulations other communities have used, and would like to see some recommendations regarding zoning areas. Staff also mentioned that part of the issue relates to the fact that, under the First Amendment, the Town does not have the ability to regulate the content of signage.

PUBLIC COMMENT

None

END PUBLIC COMMENTS

MOTION

Commissioner Whitten moved that the Planning Commission continue this item to the next meeting, which will be held on May 13, 2014. It was seconded by Chair Humphreville. The motion carried unanimously.

CONSENT AGENDA

MOTION

Chair Humphreville moved that the Public Hearing on Development Code Amendment, DCA 07-13 Article 3 be continued until the May 27th meeting. Commissioner Bridenstine seconded. The motion passed unanimously.

There was Commission consensus that they should complete all sections of the code before forwarding their recommendations to the Council.

Commissioner Lavender stated that he still doesn't like the term unsightly in reference to structure maintenance standards.

Chair Humphreville started a discussion of how the workshop scheduled for May 27th would be structured. After discussion, the Commission requested a process that allowed for group discussion at tables, and written comment form, and a period of individual comments. There was consensus to allow one hour for table discussion and thirty minutes for formal statements.

DEPARTMENT REPORTS**4. DEVELOPMENT CODE AMENDMENT, DCA 01-14 ARTICLE 2 CEQA EXEMPTION, SECTION 15061**

Staff recommended that this discussion was also continued to the May 27th meeting.

MOTION

Chair Humphreville moved that the Department Report on Development Code Amendment, DCA 01-14 Article 2 be continued until the May 27th meeting. Commissioner Bridenstine seconded. The motion passed unanimously.

CONSENT AGENDA**1. MINUTES - A request that the Planning Commission approves as submitted the minutes of the meeting held on April 22, 2014.**

Commissioner Bridenstine moved to approve the minutes of the meeting held on April 22, 2014. Commissioner Drozd seconded. The motion passed unanimously.

STAFF REPORTS AND COMMENTS:

Staff provided an overview of the status of current land development projects.

COMMISSIONER REPORTS AND REQUEST:

1. Commissioner Drozd thanked the staff for their hard work.
2. Commissioner Lavender had no comments

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

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

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

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

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

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

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

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

2. DEVELOPMENT CODE AMENDMENT, DCA 01-14

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

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

Chair Humphreville opened the floor to public comments.

PUBLIC COMMENTS

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

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

CLOSE PUBLIC COMMENTS

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

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

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

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

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

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

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

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

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

PUBLIC COMMENT

None

CLOSE PUBLIC COMMENT

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

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

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

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

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

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

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

CONSENT AGENDA

Chair Humphreville opened the floor to public comments.

PUBLIC COMMENT

None

CLOSE PUBLIC COMMENT

MOTION

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

COMMISSIONER REPORTS AND REQUEST:

Commissioner Drozd thanked the press, staff and audience for attending

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

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

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

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

ANNOUNCEMENTS:

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

ADJOURNMENT

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

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

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

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

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

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

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

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

MOTION

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

RECESS

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

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

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

PUBLIC COMMENTS

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

END PUBLIC COMMENTS

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

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

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

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

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

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

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

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

MOTION

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

CONSENT AGENDA

None

COMMISSIONER REPORTS AND REQUEST:

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

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

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

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

was language allowing the continuation of the existing approved firearm businesses. The Commission also had questions about cottage food operations, and would suggest that in this process the Town Council evaluate the cottage food issue for a higher level of permit review.

MOTION

Commissioner Bridenstine moved that the Commission finds that the project is exempt from CEQA in accordance with Section 15061 (b)(3) of the California Environmental Quality Act, and that the Commission recommends that the Town Council adopt the Ordinances, repealing Development Code Section 84.0615, Chapter 6, Division 4 of Title 8, with the following two addendums: (1) that ordinances shall be changed to restrict the sale of firearms to the RL or greater zones, and that language be included to allow the continuation of currently permitted firearm businesses, and (2) that the Commission recommended the evaluation of the issues surrounding the cottage food industry for a higher level of permit review. Commissioner Whitten seconded the motion. Commissioners, Bridenstine, Drozd, Lavender, and Whitten voted for the motion and Chair Humphreville voted against. The motion carried 4 to 1.

Chair Humphreville called a five minute recess at 7:17.

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

Staff stated that they were recommending that the Planning Commission continue the public hearing on this issue to the meeting of August 26th, 2014.

Chair Humphreville opened the floor to public comments.

PUBLIC COMMENT

None

CLOSE PUBLIC COMMENT

MOTION

Chair Humphreville moved that the Planning Commission continue the public hearing on this issue to the meeting of August 26th, 2014. The motion was seconded by Commissioner Whitten and passed unanimously.

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

Staff stated that they were recommending that the Planning Commission continue the public hearing on this issue to the meeting of August 26th, 2014.

PUBLIC COMMENTS

None

END PUBLIC COMMENTS

MOTION

Commissioner Whitten moved that the Planning Commission continue the public hearing on this issue to the meeting of August 26th, 2014. The motion was seconded by Commissioner Bridenstine and passed unanimously.

DEPARTMENT REPORTS

5. CONDITIONAL USE PERMIT, CUP 09-07 LUPINE PLAZA

Deputy Town Manager Stueckle provide the staff report. The application was for the extension of time on a prior approval for the construction of two office buildings on Lupine Drive. Staff stated that the project continues to be consistent with the Town’s General Plan and the Development Code, and the conditions of approval were modified to be consistent with the current format. Staff recommended that the permit be granted a three year extension

PUBLIC COMMENTS

- Margo Sturges, Yucca Valley, said she was happy to see extensions given to certain properties. She asked if this property had a will server letter from the water district.

END PUBLIC COMMENTS

Staff said that they did not know whether or not the project had a will serve letter, but said that given the length of time since the start of the project, they doubted that the will serve letter was still in effect.

Commissioners Bridenstine, Drozd, Lavender and Chair Humphreville had no comments on this issue.

Commissioner Whitten asked if it was normal for this type of Conditional Use Permit to be pushed down the road. Staff said that it wasn’t unusual. Commissioner Whitten also asked how the impact fees would be calculated. Staff said that impact fees were based upon the time when the building permit was issued.

MOTION

Commissioner Bridenstine asked staff about the requirements for notices sent to properties surrounding a proposed development, and asked about making the distance greater, possibly 1,000 feet instead of 300, in rural areas where a 300 foot radius would only reach a few neighbors. She also asked staff if, given that Conditional Use Permits generally run with the land, would Conditional Use Permits associated with a home occupation also run with the land. Staff said that Conditional Use Permits do run with the land, but you can impose limitations such as time limits, and a home occupation requires a Conditional Use Permit which addresses time limitations and review periods.

Commissioner Drozd said he would hold his questions until they revisited the issue at a later meeting.

Commissioner Whitten said that he had had the same question as Commissioner Bridenstine regarding notifications, and Chair Humphreville asked staff to clarify the notification requirement.

Staff said that different cities address notification through different approaches, and the most common approach is to scale them by project size.

Chair Humphreville suggested a scale based on project sizes be included in the notice requirement. Commissioner Whitten agreed.

Staff asked the Commission to consider if notice requirements should be different in the commercial corridor and industrial areas compared to residential areas.

Commissioner Whitten said that the greatest impact was on residential areas near commercial and industrial zones. Commissioners Bridenstine, Drozd and Humphreville agreed.

Commissioner Lavender said that the though removing the language that was present in other parts of the code might lose governmental transparency.

Chair Humphreville asked if the regulations gave Code Compliance enough teeth to effectively address problems. Commissioner Whitten said they did with health and safety issues.

Commissioner Bridenstine said that she agreed with the removal of language duplicated elsewhere in the development and municipal codes. Having the same language in two places is dangerous if it is changed in one place and not the other. Commissioners Drozd, Whitten and Humphreville agreed.

MOTION

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

**2. DEVELOPMENT CODE AMENDMENT, DCA 01-14
ARTICLE 2, ZONING DISTRICTS AND DEVELOPMENT STANDARDS**

CEQA EXEMPTION, SECTION 15061(b)(3)

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

Chair Humphreville opened the floor to public comments.

PUBLIC COMMENTS

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

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

CLOSE PUBLIC COMMENTS

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

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

MOTION

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

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

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

Chair Humphreville opened the floor to public comments.

PUBLIC COMMENT

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

Commissioner Drozd asked staff about looking into background checks. Staff said that the Town currently uses live scan which would bring up any criminal records. Currently live scans are evaluated by Risk Management. Staff will have a conversation with Risk Management about the current criteria for rejecting an application based upon live scan results.

PUBLIC HEARINGS

**2. DEVELOPMENT CODE AMENDMENT, DCA 03-14
ARTICLE 5, ADMINISTRATION**

Deputy Town Manager Stueckle provided the staff report. He provided an overview of the item. Staff had included, based upon Commission Direction, a tiered notification requirement based on the size of proposed development. The Commission asked for clarification over the methodology used to determine the radius around a property, and staff explained the process currently used. Commissioner Whitten asked about a question which had be raised in an email. Staff said that there might not be a clear enough break at 5 acres in the language.

Staff said that they had made no other changes to this article, and said that the only article which has not been updated is the definitions. Staff asked that the Commission start reviewing the draft code in its entirety, with a mind to the guiding principles adopted by the Town Council.

PUBLIC COMMENTS

None

CLOSE PUBLIC COMMENTS

MOTION

Commissioner Whitten moved that the Planning Commission find the project exempt from CEQA in accordance with Section 15061 (b)(3) of the California Environmental Quality Act, and that the Planning Commission recommends that the Town Council adopt the ordinance and repeal Sections 83.010605-83.010630, Section 81.0150, Sections 81.0205-81.0235 and Sections 87.1201-87.1202 of Title 8 of the Town of Yucca Valley Development Code. The motion was seconded by Chair Humphreville and passed unanimously.

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

Deputy Town Manager Stueckle provided the staff report, and provided an overview of the ordinance and the changes that had been made in the draft code. Staff requested that the Commission consider the lot coverage table and the accessory building standards. Staff asked the Commission to consider the standards for maximum floor area for a single accessory structure and

the maximum number of accessory structures. Staff also asked the Commission to consider architectural compatibility standards for accessory structures.

Chair Humphreville opened the floor to public comments.

PUBLIC COMMENT

None

CLOSE PUBLIC COMMENT

Commissioner Whitten asked if staff was suggesting that the standard for maximum floor area for accessory structures in the RS zones should be changed from 50% to 100%. Staff said that they were not suggesting that the 50% be changed for RS. Staff said that in the RHR there are currently buildings which exceed the standard of 100% of the primary structure, and you may run into that in the RL zones as well. Staff said that the philosophy that accessory structures must be smaller than the primary structure may not hold true for the RHR zones, given that individuals who buy those large lots may do so with the intent of having that kind of large accessory structure. Staff also noted that under the current code lots that are larger than 10 acres are exempt from those limits.

Commissioner Whitten said that he thinks the language is fine the way it's written. He suggested modifying the language allowing metal roofs for agricultural buildings to allow multipurpose buildings to follow those same standards.

Commissioner Drozd said that he was fine with metal roofs or other materials as long as the colors matched and it was architecturally compatible with the primary structure. He approved of changing the number of accessory structures allowed in the RHR zones from 2 to 4, but wasn't sure about increasing the allowable floor area. Commissioner Drozd also said that he was fine with the maximum lot coverages in the draft code.

Chair Humphreville said that it is possible that a maximum lot coverage of 20% for RL is too small. Equestrian and other uses can require a lot of storage area. He said he has seen a lot of problems with people wanting to construct garages and being limited by the maximum accessory floor area. He asked if two of the four structures allowed for RL could be combined to increase floor area. Staff suggested adding language that allows either staff or the Planning Commission flexibility to approve cases where the numbers can be exceeded.

Chair Humphreville said that there needs to be flexibility, and he thinks that a total square footage allowance would be better than a set number of accessory structures.

Commissioner Whitten and Chair Humphreville both suggested allow a maximum accessory structure floor area which can be divided among multiple structures. Staff asked if they referring to both the RL and RHR zones. Commissioner Whitten said that they were.

Commissioner Lavender asked for clarification on minimum lot sizes, which staff provided.

Chair Humphreville suggested a standard which allows for metal structures provide they are painted to match the accessory structure.

Commissioner Drozd suggested changing the maximum lot coverage allowed for RL lots of one acer to 30%. Staff said that they will look at other communities and what they have established.

Chair Humphreville asked if staff had prepared information on the juniper and pinyon pine. Staff said that they will have that information for the next meeting.

Commissioner Whitten said that he thought there was consensus that plants young enough to be transplanted could be included in the native plant ordinance. Chair Humphreville agreed as long as it's reasonably done.

Commissioner Drozd said he would like to see the transplant survival rate for pinyon pines, juniper and the manzanita.

Staff said they had also cleaned up some language in the section addressing second dwellings.

Staff assed the commission to consider the commercial land use tables and industrial land uses tables, and the permitting processes associated with those for their next meeting.

Commissioner Drozd asked why massage establishments were listed as requiring a Temporary Special Event Permit in the table for the industrial zoning district. Staff said that it was currently a special license, and they will look into coming up with a different name for the license.

Staff asked for clarification on the Commission on their intent for maximum floor area for accessory structures. Staff suggested establishing a base standard with flexibility for special circumstances at either Director or Commission level.

Chair Humphreville Commissioner Whitten said that they were ok with larger accessory structures as long as they don't exceed maximum lot coverage.

Staff recommended that the Commission continue this item to their September 23, 2014 meeting.

MOTION

Chair Humphreville moved that the Planning Commission continue this item to their September 23, 2014 meeting. Commissioner Whitten seconded, and it passed unanimously.

**TOWN OF YUCCA VALLEY
PLANNING COMMISSION MEETING MINUTES
September 23, 2014**

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

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

The Pledge of Allegiance was led by Chair Humphreville.

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

Chair Humphreville opened the floor to public comments.

PUBLIC COMMENTS

None

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

CLOSE PUBLIC COMMENTS

DEPARTMENT REPORT

1. DRAFT DEVELOPMENT CODE

Deputy Town Manager Stueckle provided the staff report. Staff provided an overview of the status of the draft Development Code and the modifications included in the current draft, as well as the draft zoning map. Staff also reviewed the changes made to the Adult Oriented Business Ordinance, including the addition of a set of standards and a permitting process. Staff had found that even when including the general commercial zone, the current standards regarding distances from the highways and residential areas would mean that the area where adult oriented businesses would be allowed to operate is extremely limited and probably would be found unconstitutional. Staff also addressed the process for the commission continuing forward with the development code.

Chair Humphreville opened the floor to public comments.

PUBLIC COMMENTS

- None

CLOSE PUBLIC COMMENTS

Commissioner Bridenstine asked staff for clarification on the accessory building development standards, which staff provided. Staff said that the accessory structure percentages applied to second dwelling units, and that the code currently allows for accessory structures in the RS zones to be up to 50% of the floor area of the primary structure, anyone wishing to exceed that limit would have to go the Commission. Staff also confirmed that the maximum lot coverage was determined by building coverage not development coverage. Staff also noted that the word “structures” in this section should be replaced with “buildings.”

Commissioner Whitten said that he appreciated the work that staff has put into the development code, and that he wanted to see it go the Town Council as soon as possible. He suggested changing the zone labeling on the zoning map to match the way zones are labeled in the development code. He also addressed the issue of the adult oriented business ordinance, and suggested that reducing the required distance from the highway might allow the Town to still keep those businesses from being visible from the highway, while providing enough possible locations to allow the code to conform to First Amendment requirements. He also said he would like the language “wherever minors gather” included in language addressing locations which adult oriented businesses cannot operate near. Commissioner Whitten also asked if the code had a way to address bar or other establishments holding sexually oriented events.

Commissioner Lavender asked if the standards the Town has for mandatory distances from sensitive land uses such as schools were similar to what is in place in other communities. Staff said that they were, but they were strong standards.

Chair Humphreville asked if there was a way to limit advertising for adult materials to the zones allowed for adult oriented businesses. Staff said that the Town was not allowed to regulate the content of signs, but staff also stated that the Town could prohibit sign twirlers which would address the issue of the sign twirler having a sign stating “XXX.” Chair Humphreville said he wouldn’t support prohibiting sign twirlers.

Chair Humphreville also spoke about the maximum lot coverage percentages. He thought that the maximum lot coverage for the RL zone should be changed from 20% to 25%. There was Commission consensus that the maximum lot coverage for the RL zone should be changed to 25%.

Chair Humphreville said that he didn’t think that they should hold up the completion of the Development Code while they tried to work on the sign code. He thought there was going to have to be a lot of work put in to forming a consensus. Commissioner Bridenstine agreed that they shouldn’t hold up the Development code for the sign ordinance, but that the sign ordinance should be addressed separately as soon as possible. There was Commission consensus that the sign ordinance should be addressed separately rather than have it hold up the Development Code.

Chair Humphreville said that the main sticking point was how to fix the adult oriented business. Staff said that if the Commission was comfortable with the standard, the Commission could forward the Development Code including the section on adult oriented businesses with the direction that staff modify what is necessary to make it compliant. The intent was to keep it off the highway and within the standards as drafted in the code.

Commissioner Bridenstine asked about the existing adult oriented businesses. Staff clarified that despite the sign the existing business does not meet the threshold for an adult oriented business. Commissioner Whitten asked if it would under the modified ordinance. Staff said that they would potentially be effected and might have to reduce the percentage of their adult oriented merchandise to 10%.

Chair Humphreville opened the floor to public comments.

PUBLIC COMMENTS

- An individual said that the Commission had included grandfathering language for other businesses, such and Home Occupation Permits, but wasn't including any for adult oriented businesses. She said that it you were going to offer it to some people you should offer it to everyone.

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

CLOSE PUBLIC COMMENTS

Chair Humphreville asked staff if there was a legal requirement that the offer grandfathering. Staff said that there was no legal requirement to offer grandfathering indefinitely for adult oriented businesses, but they would be required to provide a significant amount of time for businesses to come into compliance. Staff said that would typically consist of a period of 90 or 180 days. There was Commission consensus that they should include grandfathering for existing businesses in the adult oriented business ordinance.

MOTION

Commissioner Whitten moved that the Planning Commission forward the entire Development Code to the Town Council, including Article 2 and Article 5 as recommended by staff, and that the Planning Commission receive public comment. Commissioner Bridenstine seconded and the motion passed unanimously.

PUBLIC HEARINGS

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

Chair Humphreville opened the floor to public comments.

PUBLIC COMMENTS

None

CLOSE PUBLIC COMMENTS

MOTION

Chair Humphreville moved that the Planning Commission forward Articles 1 through 7 of the Development Code to the Town Council. It was seconded by Commissioner Bridenstine, and passed unanimously.

CONSENT AGENDA**1. MINUTES**

A request that the Planning Commission approves as submitted the minutes of the meetings held on September 9, 2014.

PUBLIC COMMENTS

None

END PUBLIC COMMENTS**MOTION**

Commissioner Whitten moved that the Commission approve as submitted the minutes of the meetings held on August 26, 2014. Commissioner Drozd seconded the motion and it passed unanimously.

STAFF REPORTS AND COMMENTS

Staff provided an overview of the status of private land development projects currently active in the town.

COMMISSIONER REPORTS AND REQUEST:

Commissioner Drozd thanked everyone for their hard work

Commissioner Whitten thanked staff for their work, and said that the sign code should be on the agenda as soon as possible

Vice Chairman Bridenstine said that she was glad that they were completing the Development Code. It was a long but worthwhile process. She also wants the Commission to address the sign ordinance.

Chair Humphreville thanked staff for their work. He said that he thinks that the draft Development Code meets the criteria presented by the Town Council, and that the new code will be clearer and easier to use.

ORDINANCE NO. 79

AN ORDINANCE OF THE TOWN COUNCIL OF THE
TOWN OF YUCCA VALLEY, CALIFORNIA, ADOPTING A
ZONING DISTRICT MAP AND A ZONING CONVERSION
MATRIX AND AMENDING SECTIONS 83.020105 AND
83.020205 OF THE COUNTY OF SAN BERNARDINO
DEVELOPMENT CODE RELATED TO AMENDMENTS

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

SECTION 1: Adoption of Zoning District Map.

The Zoning District Map for the Town of Yucca Valley, California attached hereto and incorporated herein as Exhibit "A" is hereby adopted. Said Zoning District Map designates zoning districts established to implement the Town of Yucca Valley's General Plan and the County of San Bernardino Development Code as adopted by the Town of Yucca Valley and amended to date, and designates the respective zoning district applicable to each property located within the Town of Yucca Valley.

SECTION 2: Adoption of Zoning Conversion Matrix.

The Zoning Conversion Matrix attached hereto and incorporated herein as Exhibit "B" is hereby adopted. Said Zoning Conversion Matrix sets forth how the Zoning Districts shall be implemented throughout the San Bernardino County Development Code as Adopted by the Town of Yucca Valley. Said Matrix is intended to remain in effect until it is superseded by an ordinance adopting a new Development Code. In any conflict between the Development Code and General Plan land use designations, the provisions of the General Plan shall prevail.

SECTION 3: Development Code Amended.

(A) Section 83.020105 of the County of San Bernardino Development Code as Adopted by the Town of Yucca Valley is hereby amended to read as follows.

"83.020105 Procedures

Decisions to change the classification of land from one adopted land use district to another land use district shall be reviewed by the Planning Commission and acted upon by the Town Council. However, a recommendation for denial by the Planning Commission shall terminate any application for a change in district classification unless it is appealed in accordance with the provisions of this Code. Amendments to the General Plan land use districts constitute an amendment to the Yucca Valley General Plan and shall be adopted by resolution.

Procedure:

Public Hearing

Reviewing Authority:

Town Council with Planning Commission
recommendation"

(B) Section 83.020205 of the County of San Bernardino Development Code as adopted by the Town of Yucca Valley is hereby Amended to read as follows:

"83.020205 Procedures

(a) Amendments to the Development Code shall be reviewed and acted upon in conformance with the laws of the State of California.

(b) Decisions to adopt changes to the Development Code shall be reviewed at public hearing by the Planning Commission and acted upon at public hearing by the Town Council.

(c) Zoning District Maps and any amendments to same shall be adopted by ordinance of the Town Council.

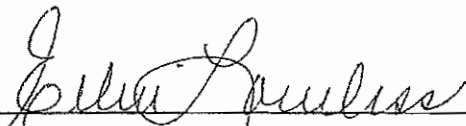
(d) Procedure: Public Hearing
Reviewing Authority: Town Council with Planning Commission recommendation"

SECTION 4: Notice of Adoption. Within fifteen (15) days after the adoption hereof, the Town Clerk shall certify to the adoption of this Ordinance and cause it to be published once in a newspaper of general circulation printed and published in the county and circulated in the Town pursuant to Section 36933 of the Government Code.

SECTION 5: Effective Date. This Ordinance shall become effective thirty (30) days from and after the date of its adoption.

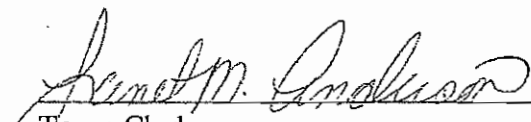
SECTION 6: Severability. This ordinance and the various parts thereof are hereby declared to be severable. Should any section of this ordinance be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the ordinance as a whole, or any portion thereof other than the section so declared to be unconstitutional or invalid.

APPROVED AND ADOPTED by the Town Council and signed by the Mayor and attested by the Town Clerk this 6th day of March, 1997.



Mayor

Attest:




Town Clerk
F:\USERS\H\MARSH\DATA\WPDATA\ORD\ZONMAP.ORD
January 17, 1997

Approved as to form:

Approved as to content:

Naomi Schlegel
Town Attorney


Town Manager

FAUSERSH\MARSHADAT\AWPDATA\ORD\ZONMAP.ORD
January 17, 1997

Exhibit "B"

ZONING DISTRICT/DEVELOPMENT CODE MATRIX

Residential Zoning District	Development Code Land Use District Standard
HR-20, Hillside Reserve	RC - Resource Conservation
HR-40, Hillside Reserve	RC - Resource Conservation
RL-1, Rural Living	RL - Rural Living
RL-2.5 Rural Living	RL - Rural Living
RL-5 Rural Living	RL - Rural Living
RL-10 Rural Living	RL - Rural Living
RS-2 Single Residential	RS - Single Residential
RS-3.5 Single Residential	RS - Single Residential
RS-4 Single Residential	RS - Single Residential
RS-5 Single Residential	RS - Single Residential
RM-4 Residential Multi-Family	RM - Multiple Residential
RM-8 Residential Multi-Family	RM - Multiple Residential
RM-10 Residential Multi-Family	RM - Multiple Residential
RM-14 Residential Multi-Family	RM - Multiple Residential
RM-F Residential Multi-Family	RM - Multiple Residential

ZONING DISTRICT/DEVELOPMENT CODE MATRIX

Commercial Zoning District	Development Code Land Use District Standard
CG, General Commercial	General Commercial
CO, Office Commercial	Office Commercial
CN, Neighborhood Commercial	Neighborhood Commercial
CS, Service Commercial	Service Commercial
CC, Community Commercial	General Commercial
C-MU, Mixed Use Commercial	General Commercial
C-RR, Resort Recreational Commercial	General Commercial

ZONING DISTRICT/DEVELOPMENT CODE MATRIX

Industrial Zoning District	Development Code Land Use District Standard
I, Industrial	Community Industrial

ZONING DISTRICT/DEVELOPMENT CODE MATRIX

Public Facility Zoning District	Development Code Land Use District Standard
P/QP, Public/Quasi-Public	IN, Institutional
(AP) Airport	IN, Institutional
(CC) Community Center	IN, Institutional
(FS) Fire Station	IN, Institutional
(PS) Police Station	IN, Institutional
(H) Hospital	IN, Institutional
(S) Schools, (etc.)	IN, Institutional
(L) Libraries	IN, Institutional
(U-SS) Utility Substation	IN, Institutional
(FW) Flood Ways	Flood Way
(OS) Open Space	RC, Resource Conservation
(P) Park	IN, Institutional

Chapter 2

POLICY DEVELOPMENT PROCEDURES

Articles:

1. General Plan Land Use District Changes.
2. Development Code Amendment.
3. Specific Plan Adoption and Amendment.
4. Agricultural Preserves/Land Conservation Contract Actions.

Article 1. General Plan Land Use District Changes.

Sections:

- 83.020105 Procedures.
83.020110 Findings.

~~83.020105 Procedures.~~

~~Decisions to change the classification of land from one adopted land use district to another land use district shall be reviewed by the Planning Commission and acted upon by the Board of Supervisors. However, a recommendation for denial by the Planning Commission shall terminate any application for a change in district classification unless it is appealed in accordance with the provisions of this Code. Amendments to land use districts constitute an amendment of the County General Plan and shall be adopted by resolution and ordinance.~~

~~Procedure: Public Hearing.
Reviewing Authority: Board of Supervisors with Planning Commission recommendation.~~

83.020110 Findings.

Prior to approving or recommending approval of a General Plan land use district change, the Planning Agency shall find that the following are true:

- (a) The proposed land use district change is in the public interest, there will be a community benefit and other existing and permitted uses will not be compromised.
- (b) The proposed land use district change is consistent with the goals and policies of the General Plan, and will provide a reasonable and logical extension of the existing land use pattern in the surrounding area.
- (c) The proposed land use district change does not conflict with provisions of this Code, or any applicable specific plan.
- (d) The proposed land use district change will not have a substantial adverse effect on surrounding property.

Article 2. Development Code Amendment.

Sections:

83.020205 Procedures.
83.020210 Findings.

83.020205 Procedures.

(a) Amendments to the Development Code shall be reviewed and acted upon in conformance with the laws of the State of California.

(b) Decisions to adopt changes to the Development Code shall be reviewed at public hearing by the Planning Commission and acted upon at public hearing by the Board of Supervisors.

(c) Procedure: Public Hearing
Reviewing Authority: Board of Supervisors with Planning Commission recommendation

83.020210 Findings.

Prior to approving or recommending approval of a Development Code Amendment, the Planning Agency shall find that the proposed ordinance is consistent with the General Plan and its policies.

Article 3. Specific Plan Adoption and Amendment.

Sections:

83.020305 Procedures.
83.020310 Findings.
83.020315 Consistency with the Specific Plan.
83.020320 Environmental Review Requirements.

83.020305 Procedures.

(a) Decisions to adopt or amend a Specific Plan shall be reviewed by the Planning Commission and acted upon by the Board of Supervisors.

(b) A specific plan shall be prepared, adopted, and amended in the same manner as a general plan, except that a Specific Plan shall be adopted by ordinance and may be amended as often as deemed necessary by the Board of Supervisors. A Specific Plan shall be repealed in the same manner as it is required to be amended.

(c) Procedure: Public Hearing.
Reviewing Authority: Planning Commission
Board of Supervisors

DIVISION 4. LAND USES

Chapters:

- 1. General Provisions
- 2. Land Use Classifications
- 3. Land Use Districts
- 4. Additional Uses
- 5. Accessory Uses
- 6. Special Uses
- 7. Temporary Uses
- 8. Nonconforming

Chapter 1

GENERAL PROVISIONS

Sections:

- 84.0101 Intent.
- 84.0105 General Use Provisions.
- 84.0110 Official Land Use Plan.
- 84.0115 Land Use District Boundaries.
- 84.0120 District Boundaries Uncertainties.
- 84.0125 Land Use District Map Amendment.

84.0101 Intent.

This Division provides land use regulations as part of the Official Land Use Plan of the County of San Bernardino for the unincorporated area in said County.

84.0105 General Use Provisions.

Except as otherwise provided in the Development Code, when a building, structure or land use is within the unincorporated portion of the County the following shall apply:

(a) Buildings or structures shall be erected, reconstructed, structurally altered, enlarged, moved and/or maintained only for those land uses allowed by and in compliance with the provisions of the Development Code.

(b) Land uses, buildings or structures shall only be designed, occupied, and used for those land uses allowed by and in compliance with the provisions of the Development Code.

(c) Structures, buildings and land uses shall be permitted only after applying for and securing all permits and licenses required by all laws and ordinances. The Development Code specifies regulations and additional land uses which apply to all unincorporated areas. If other provisions of the Development Code and an applicable

land use district are in conflict, the more stringent provision shall prevail, unless such provision is specifically addressed and is modified by a less stringent provision.

84.0110 Official Land Use Plan.

The land use district maps showing the Official Land Use Plan, classifications and boundaries of land use districts and all notations, references and other information shown thereon, after final adoption in the manner required by law, shall thereafter be as much a part of the Development Code as if all the matters and information set forth by said maps were fully described herein.

84.0115 Land Use District Boundaries.

The boundaries of such districts as shown on any sectional land use district map adopted by the Development Code and General Plan or amendment thereto are hereby adopted and approved. The regulations of the Development Code governing the uses of land, buildings, structures, the height of buildings and structures, the sizes of yards about buildings and structures and other matters as hereinafter set forth, are hereby established and declared to be in effect upon all land included within the boundaries of each and every district shown upon the Land Use Map.

(a) The boundaries of established districts are shown and delineated on the land use district maps entitled "Official Land Use Plan" as amended and as certified by the Clerk of the Board and on file with the Department of Land Management, which are hereby adopted as the Official Land Use Plan of San Bernardino County.

(b) Changes, additions, and amendments to the Official Land Use Plan shall be determined and defined from time to time by ordinance adopting sectional Land Use District Maps covering portions of San Bernardino County, each of which shall become, upon final adoption and certification by the Clerk of the Board, a part of the Official Land Use Plan for the County.

(c) Unless otherwise noted, land use district boundaries shall extend to street right-of-way centerlines.

84.0120 District Boundary Uncertainties.

Where uncertainty exists as to the boundaries of any districts shown on the land use district maps, the following rules shall apply:

(a) Where such boundaries are indicated as approximately following street and alley lines or lot lines, such lines shall be construed to be such boundaries.

(b) In unsubdivided property and where a district boundary divides a lot, the locations of such boundaries, unless indicated by dimensions, shall be determined by use of the scale appearing on the map.

(c) Where any uncertainty exists, the Planning Commission shall determine the location of boundaries.

(d) Where a public street or alley is officially vacated or abandoned, the regulations applicable to the property to which it reverts shall apply to such vacated or abandoned street or alley.

Chapter 2

LAND USE CLASSIFICATIONS

Sections:

84.0205	General Provisions.
84.0210	Agricultural Land Use Types.
84.0220	Residential Land Use Types.
84.0230	Commercial Land Use Types.
84.0240	Industrial Land Use Types.
84.0250	Planned Development.

84.0205 General Provisions.

(a) A Land Use Classification system is utilized to group primary land uses into categories. The land use types contained within each use classification groups various land use activities into categories according to their common performance characteristics. These characteristics relate land uses by the type of commodity sold, scope of service provided, the method of operation, or extent of environmental impact.

(b) Accessory uses are classified in Chapter 5 of this Division.

(c) The Planning Agency shall develop and maintain an alphabetical listing of typical land uses allowed within each land use classification type. This administrative listing shall clarify the various land use classifications and may be updated periodically to reflect additional uses. The listed uses shall be considered as "typical" and in no way reflect an absolute list of the land uses allowed by the land use classification category. The list of typical uses represents a list of specific land uses that are normally associated with a given land use type category. The typical land use listed is accepted as meeting the land use type category.

(d) Where a term is not defined by this Chapter and/or further clarified by Division 12 of this Title, the common usage of that term shall be as defined by any current English dictionary and as interpreted by the Planning Agency.

84.0210 Agricultural Land Use Types.

(a) Row, Field, Tree and Nursery Crop Cultivation. A primary use of the land which includes cultivation of open field or greenhouse crops, fruits, vegetables, grain, fibers, flowers, ornamental and nursery plant materials for wholesale or retail sales and ultimate consumption by others.

(b) Animal Raising. A primary use of the land which includes animal husbandry activities for the production of animal products which will be consumed by others. Animal types and densities shall be specified by each land use district. Additional animals may be raised as accessory uses.

(c) Commercial Kennels and Cateries. The keeping of more than five (5) dogs or five (5) cats for breeding, boarding and/or sale.

(d) Wholesale Trade of Livestock (e.g., animal auctions).

(e) Cow and Goat Dairies. Any premises where milk is produced for sale or distribution and where ten (10) more cows or goats are in lactation.

(f) Hog Ranches and Calf Raising. Any premises used for the raising or keeping of ten (10) or more weaned animals.

(g) Agricultural Support Services. These uses are supportive of the farm community and are fully compatible with agricultural uses. These include but are not limited to:

- (1) Farm machinery equipment and supplies, sale and repair,
- (2) Farm produce sales and supply (feed, hay, grain and grain products, fertilizer),
- (3) Farm products packaging and processing.
- (4) Feed storage; farm products warehousing and storage (except stockyards).
- (5) Animal husbandry services; veterinary services for large and small animals; horseshoeing; agricultural processing.
- (6) Animal waste processing; stockyards; organic fertilizer; feed lots.
- (7) The display and sales of farm machinery equipment and supplies.
- (8) Agricultural chemicals; fuel and fuel oil; nonflammable bottled gas.

Agricultural support services are industrial or commercial uses which directly support or which are accessory or incidental to established agricultural uses within the general vicinity. Such services do not adversely offset surrounding properties, groundwater or infrastructure.

84.0220 Residential Land Use Types.

The occupancy of living accommodations, where the accommodations are owned or are leased or rented on a monthly or greater basis.

(a) Single dwelling unit. A detached structure or combination of structures designed and/or used to house not more than one family, including all domestic employees of such family in which is provided provisions for sleeping, eating, cooking and sanitation as required by this Code and the Uniform Fire Code.

(b) Multiple dwelling unit. A multiple dwelling unit is a series or combination of dwelling units, either attached or detached, designed to house more than one family with individual, shared or no kitchen privileges (e.g., apartments, condos, boarding houses, residential hotels).

(c) Mobilehome Park.

(d) Social care facility with six (6) or fewer clients.

(e) Social care facility with seven (7) or more clients.

84.0230 Commercial Land Use Types.

(a) PROFESSIONAL SERVICES. Establishments which provide advice, designs, information, medical treatment, commercial education, consultation, travel, job placement, advertising, finance, insurance and real estate services, generally from an office with no on-site storage of goods. This category includes all types of business offices and service-type businesses where service is basically on an individual-to-individual or firm-to-firm basis as opposed to services which are performed on objects or personal property.

(b) **RETAIL TRADE/PERSONAL SERVICES.** Establishments engaged in selling merchandise for personal or household consumption and rendering services incidental to the sale of the goods. Also includes activities which primarily provide for care of the person or their apparel, and which are typically needed frequently or recurrently.

(1) **CLASS I — LIMITED RETAIL TRADE/PERSONAL SERVICES.** Convenience goods outlets that sell items characterized by relatively short-term utility or consumption. Establishments that either provide for the day-to-day or frequent service needs of nearby consumers, or provide infrequent services for a segment or special sector of the community. The consumer generally purchases these items or acquires these services at the most convenient location rather than making extensive comparisons of the goods available at several stores.

Typical uses: Beauty salons, barbers, self-service laundry, groceries, restaurants, pharmacy, cosmetics, candy, frozen dessert shops, paper goods.

(2) **CLASS II — GENERAL RETAIL TRADE/PERSONAL SERVICES.** Market goods outlets that sell or rent items characterized by long-term utility. Also establishments that provide for the frequent or infrequent service needs of consumers located throughout the community or region. The scope of service or method of operation of these uses need additional design standards to insure compatibility with surrounding uses. The consumer does some comparison shopping and is willing to travel from throughout the community or region to make special purchases.

Typical uses: Department store, dry goods, auto accessories (tires and batteries), second hand merchandise, bicycles, garden shops, hobby shops, footwear, office supplies, electronics, appliances, music, books, toys, and photographic studios.

(c) **OPEN LOT SERVICES —** Commercial establishments which are primarily involved in the delivery of their service from an open lot with relatively few support structures.

(1) **CLASS I — LIMITED OPEN LOT SERVICE.** These uses are fully paved and do not attract a large number of people daily.

Typical uses: Car sales, small equipment rental, independent parking lots.

(2) **CLASS II — GENERAL OPEN LOT SERVICE.** These uses may attract a large volume of clients, may not be fully paved and may have large or diverse equipment for sale or rent.

Typical uses: Construction equipment sales, swap meets, open air markets, manufactured home sales.

(d) **LODGING SERVICES —** Establishments engaged in the provision of lodging services, normally on a daily or weekly basis with incidental food, alcoholic beverages, sales and service intended for the convenience of the guests at a hotel, motel, tourist court or recreational vehicle park. Recreational vehicle parks shall not exceed twelve (12) spaces per acre.

(e) **RECREATION/ENTERTAINMENT SERVICES.** Establishments that provide leisure time activities and services which involve many people in a public assembly use where people either participate individually or are entertained by an activity.

(1) **CLASS I — LIMITED RECREATION/ENTERTAINMENT SERVICE.** Minor sport, recreation or social activities that are wholly enclosed within a structure.

Typical uses: Arcades, pool hall, meeting halls for less than fifty (50) people.

(2) **CLASS II — GENERAL RECREATION/ENTERTAINMENT SERVICES.** Sport and recreational activities that attract large number of people in major indoor or outdoor recreational entertainment complexes.

Typical uses: Amusement park, drive-in theatre, motion picture theatre, miniature golf, sports stadium, convention or other meeting hall.

(f) **REPAIR SERVICES.** Establishments engaged in the provision of repair services to individuals, households and firms.

(1) **CLASS I — LIMITED REPAIR SERVICES.** Operations occupying less than 2,000 sq. ft. of floor area which are wholly enclosed without any discernible noise, odor, glare, vibration affecting adjoining shops or properties.

Typical uses: Watch repair, bicycle repair, audio and video equipment repair, locksmith.

(2) **CLASS II — INTERMEDIATE REPAIR SERVICES.** Operations within an enclosed building with exterior storage limited to no more than 500 sq. ft.

Typical uses: Auto servicing with no overnight repairs, appliance repair, reupholstery, furniture repair.

(3) **CLASS III — GENERAL REPAIR SERVICES.** Operations which require overnight exterior storage.

Typical uses: Motor vehicle repair and rebuilding; auto glass, paint, muffler and transmission shops, welding and metal repair, heavy equipment repair.

(g) **CONVENIENCE/SUPPORT SERVICES.** Establishments that provide convenience or support services to people in employment locations or to the traveling public in locations away from developed commercial centers. These limited services include food, beverage, gasoline, retail services and minor automobile service.

84.0240 Industrial Land Use Types.

(a) **Manufacturing Operations.** The on-site production of goods by methods other than agricultural or extractive in nature, including the production of:

Food and Kindred Products. The processing or production of a natural or man-made solid or liquid food substance used for human or animal internal consumption.

Textile Mill Products. The preparation of fiber and subsequent manufacturing, drying, finishing or coating of fiber, thread, yarn, woven, knit, or nonwoven fabrics or miscellaneous textiles.

Apparel and Other Finished Products. The manufacture of clothing and accessories by cutting and sewing purchased woven or knit textile fabrics and related materials.

Lumber and Wood Products. The cutting, planing, compression and finishing of wood articles, except furniture and related fixtures and miscellaneous household or office products made wholly or partially of wood.

Furniture and Fixtures. The construction or assembly of furniture and related fixtures.

Paper and Allied Products. The manufacturing of pulp, paper (both recycled and paper products from wood), other cellulose fibers, used paper, and rag cloth.

Chemicals and Allied Products. The manufacture or processing of basic, organic or inorganic chemicals. This includes chemicals to be used in making other products and finished chemical products used for direct consumption or as industrial supplies.

Petroleum Refining and Related Industries. The modification, refining, and mixing or storage of fossil fuels which are composed of petroleum or coal.

Rubber and Miscellaneous Plastic Products. The manufacture from natural, synthetic or reclaimed rubber; and from chemicals or rubber or plastic products.

Stone, Clay, and Glass Products. The manufacture of products from stone, clay, sand and other nonmetallic minerals, excluding fuels.

Primary Metal Industries. The smelting, refining, rolling, drawing and alloying of metals, manufacture of metal castings and production of coke.

Fabricated Metal Products. The fabrication or further processing and assembly of metal parts into equipment or machinery.

Professional and Scientific Goods. The manufacture of instruments for measuring, testing, sensing, analyzing and controlling natural or man-made objects, physical conditions or states.

Miscellaneous Manufacturing. The manufacture or repair of products not included in any other category and mainly consisting of small household or office luxuries, recreational goods or supplies and large-scale printing operations.

(1) CLASS I — LIMITED MANUFACTURING. Manufacturing operations which occupy less than 10,000 sq. ft. of enclosed floor area and employ fewer than twenty (20) employees on the largest shift with limited exterior storage.

Typical uses: Cabinet shop, garments, leather goods.

(2) CLASS II — GENERAL MANUFACTURING. Manufacturing operations which involve exterior storage, large equipment and/or large number of employees.

Typical uses: Petroleum refining, paper products, paint, asphalt batch plants, explosives, propellants, chemicals and plastics.

(b) WHOLESALE/WAREHOUSE OPERATIONS. Establishments which normally employ warehouses or display and office space for the assembly, storage, distribution and display of commodities for sale to community or regional retailers, manufacturers, agricultural, institutional or professional uses.

(1) CLASS I — LIMITED WHOLESALE/WAREHOUSE OPERATIONS. Operations which are compatible with a commercial environment and are wholly enclosed or screened.

Typical uses: Mini-warehouse storage, discount wholesale store recreational vehicle storage.

(2) CLASS II — GENERAL WHOLESALE/WAREHOUSE OPERATIONS.

Typical uses: Warehouse, lumber yards.

(c) CONTRACT CONSTRUCTION SERVICES. Establishments mainly engaged in construction activities and storage on lots other than construction sites.

(d) TRANSPORTATION SERVICES. Activities of a public or commercial nature which move persons and goods from one place to another via roadways, railways, airways or waterways.

(1) CLASS I — LIMITED TRANSPORTATION SERVICES. Services which are compatible with commercial operations.

Typical uses: Bus depot, travel agency, parking lot.

(2) CLASS II — GENERAL TRANSPORTATION SERVICES. Activities primarily involved with the operation and maintenance of transportation facilities and equipment. These uses generally create significant environmental impacts.

Typical uses: Railroad classification yard, bus maintenance yard.

(e) SALVAGE OPERATIONS. Establishments involved in the storage, sale, wholesale and processing of salvage materials. These uses create major disruption to an area's environment even when carefully regulated. Dust, dirt, noise and unsightly conditions often prevail with these operations. This land use classification does not include recycling collection facilities.

84.0250 Planned Development.

A land use application which allows the modification of the development standards of a land use district to allow innovative design and layout. A planned development review may approve lot sizes smaller than those required by the Land Use District provided the overall lot density is not exceeded, except as otherwise allowed by this Title and/or the General Plan. A Planned Development Review may approve phased projects. The land uses allowed are limited to those listed in the Land Use District. The Planned Development (PD) Land use District allows an intermix of various land uses.

ORDINANCE NO. 136

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF YUCCA VALLEY, CALIFORNIA, AMENDING TITLE 8, DIVISION 4, CHAPTER 3, SECTIONS 84.0305 (RESOURCE CONSERVATION), 84.0310 (AGRICULTURE), 84.0320 (RURAL LIVING-RL), 84.0325 (SINGLE FAMILY RESIDENTIAL) OF THE SAN BERNARDINO COUNTY CODE AS ADOPTED AND AMENDED BY THE TOWN OF YUCCA VALLEY RELATING TO PERMITTED LAND USES IN THE HILLSIDE RESERVE DISTRICT, RURAL RESIDENTIAL DISTRICT, AND SINGLE RESIDENTIAL DISTRICT (DCA-02-02).

The Town Council of the Town of Yucca Valley does ordain as follows:

SECTION 1. Development Code Amended.

1.1 Section 84.0305 of Title 8, Division 4, Chapter 3 of the Development Code of the San Bernardino County Code as adopted and amended by the Town of Yucca Valley is hereby further amended to read as follows:

“Sections: 84.0305 Hillside Reserve (R-HR) District.

The Hillside Reserve (R-HR) District shall be located as specified by the Town of Yucca Valley General Plan.

- (a) **GENERAL PROVISIONS:** The specific purposes of the Hillside Reserve District regulations 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 the 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; and
 - (4) Insure the provision of public services and facilities needed to accommodate planned population densities.
- (b) **USE CLASSIFICATIONS:** In the following schedule, the letter “P” designate use classifications permitted in the RL District, the letters “PD” designate use classification allowed on approval of a Planned Residential Development, the letters “LSP” designate use classification allowed on approval of a Livestock Permit, the letters “CUP” designate use classification allowed on approval of a Conditional Use Permit.

Hillside Reserve (R-HR) Use Classification		P CUP PD LSP	Permitted Conditional Use Permit Planned Residential Development Overlook Permit
Use	Zoning District 20 ac	Additional Use Regulations	
Residential:			
Family Day Care Homes:			
Large	CUP		Refer to Additional Uses Section of Development Code
Small	P		
Home Occupations	HOP		Refer to HOP Section of Development Code
Institutional Uses	CUP		Refer to Additional Uses Section of Development Code
Manufactured Housing	P		Refer to Single Residential Design Standard Section of the Development Code
Planned Residential Dev.	PD		
Single family dwellings	P		Refer to Single Residential Design Standard Section of the Development Code
Mobile Home Parks	CUP		Not to exceed the underlying land use density on minimum parcel size of forty (40) acres
Second Dwellings	CUP		Refer to Accessory Uses Section of Development Code
Animal raising of densities greater than those specified by Section 84.0560	LSP		
Commercial Kennels & Catteries	CUP		Two (2) acres minimum parcel size
Row, Field, Tree, and Nursery crop cultivation	P		

- (c) **DEVELOPMENT STANDARDS:** The following schedule prescribes development regulations for the Hillside Reserve District:

Hillside Reserve (R-HR) Property Development Regulations		
Use	Zoning District	
Lot Size (acres)	20	Lot area measured in gross acres
Minimum Lot Frontage	150	
Maximum Lot Dimensions (Width to depth ratio)	1:4	
Yards (setbacks):		
Front	75'	(1), (2)
Side	75'	
Arterial/Collector Street Side	75'	
Local Street Side	75'	
Rear	75'	
Maximum Structure Height:	35	
Maximum Lot Coverage	None Required	
Maximum Housing Density (D.U./Acre)	1/20	
Minimum District Size (Acres)	100	

(1) The setbacks delineated in this table shall be the standard unless a different setback is delineated on said Final Map, Parcel Map, or Composite Development Plan.

(2) Reduced setbacks may be allowed pursuant to Section 87.0510 unless otherwise stated in this Section.

- (d) **ACCESSORY STRUCTURES REGULATIONS:** Residential accessory structures include any of those customarily related to a residence, including garages, greenhouses, storage sheds, studios, barns, workshops, and similar structures.

(1) Any new accessory building requiring a building permit shall be subject to the following standards:

- (A) Any accessory structure shall be architecturally compatible with the primary structure.
 - (B) Any single accessory building, excluding any authorized dependant housing or second unit as approved under a Conditional Use Permit, shall not have a floor area in excess of fifty (50%) percent of the footprint of the primary building nor shall the cumulative floor area of all accessory buildings have a floor area in excess of one hundred (100%) percent of the footprint of the primary building.
 - (C) Lots in the R-HR land use district which are 10 acres in size or greater are exempt from any area requirements for accessory structures.
 - (D) All building setback standards of the land use district shall apply.
 - (E) Any accessory structure must be on the same parcel as the primary building.
 - (F) The maximum height of any accessory structure shall not exceed 20 feet.
 - (G) The maximum number of detached accessory structures shall be two, regardless of any requirement for a building permit.
- (2) USE OF CARGO CONTAINERS: 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" during the duration of the construction activity associated with an active building permit subject to the approval of a Temporary Use Permit."

1.2 Section 84.0310 of Title 8, Division 4, Chapter 3 of the Development Code of the San Bernardino County Code as adopted by the Town of Yucca Valley is hereby repealed.

1.3 Section 84.0320 of Title 8, Division 4, Chapter 3 of the Development Code of the San Bernardino County Code as adopted and amended by the Town of Yucca Valley is hereby further amended to read as follows:

“Section: 84.0320 Rural Living (RL) District.

The Rural Living (RL) District shall be located as specified by the Town of Yucca Valley General Plan.

- (a) **GENERAL PROVISIONS:** The specific purposes of the Rural Living District regulations are to:
- (1) Provide appropriately located areas for single family dwellings that are consistent with the General Plan and the standards of public health and safety established by the Yucca Valley Municipal Code;
 - (2) 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;
 - (3) Provide sites for public and semipublic land uses needed to complement residential development or requiring a residential environment; and
 - (4) Insure the provisions of public services and facilities needed to accommodate planned population densities.
- (b) **USE CLASSIFICATIONS:** In the following schedule, the letter “P” designate use classifications permitted in the RL District, the letters “PD” designate use classification allowed on approval of a Planned Development, the letters “LSP” designate use classification allowed on approval of a Livestock Permit, the letters “CUP” designate use classification allowed on approval of a Conditional Use Permit.

R-L (Rural Living) Use Classification		P CUP PD LSP	Permitted Conditional Use Permit Planned Residential Development Special Permit
Use	Zone District	Additional Use Regulations	
	R-L 1, 2, 5, 10, 20 ac		
Residential:			
Family Day Care Homes:			Refer to Additional Uses Section of Development Code
Large	CUP		
Small	P		
Home Occupations	HOP		Refer to HOP Section of Development Code
Institutional Uses	CUP		Refer to Additional Uses Section of Development Code
Manufactured Housing	P		Refer to Single Residential Design Standard Section of the Development Code
Planned Residential Dev.	PD		
Single Family Dwellings	P		Refer to Single Residential Design Standard Section of the Development Code
Second Dwellings	CUP		Refer to Accessory Uses Section of Development Code
Mobile Home Parks	CUP		Not to exceed the underlying land use density on minimum parcel size of twenty (20) acres
Animal raising of densities greater than those specified by Section 84.0560	LSP		
Commercial Kennels & Catteries	CUP		Two (2) acre minimum parcel size

Row, field, tree, and nursery
crop cultivation

P

Any structure associated with
this activity is limited to 10,000
Sq. Ft. on parcels of 5 acres or
less.

- (c) **DEVELOPMENT STANDARDS:** The following schedule prescribes development regulations for the Rural Living Residential District:

Rural Living (RL) Property Development Regulations			
Use	Zoning District		
	RL-1, 2.5, 5, 10, 20 ac		
Lot Size (acres)	see map suffix	Lot area measured in gross acres	
Minimum Lot Dimension (width/Depth in ft.)	150/150		
Maximum Lot Dimensions (Width to depth ratio)			
Less than 10 ac	1:4		
Greater than 10 ac	1:3		
Yards (setbacks):			
Front	50'	(1), (2)	
Side	15'		
Arterial/Collector Street Side	50'		
Local Street Side	25'		
Rear	15		
Maximum Structure Height:	35		
Maximum Lot Coverage	20%		
Minimum District Size (Acres)	30		

- (1) The setbacks delineated in this table shall be the standard unless a different setback is delineated on said Final Map, Parcel Map or Composite Development Plan.
- (2) Reduced setbacks may be allowed pursuant to Section 87.0510 unless otherwise stated in this Section.

- (d) **ACCESSORY STRUCTURES REGULATIONS:** Residential accessory structures include any of those customarily related to a residence, including garages, greenhouses, storage sheds, studios, barns, workshops, and similar structures.

- (1) Any new accessory building requiring a building permit shall be subject to the following standards:

- (A) Any accessory structure shall be architecturally compatible with the primary structure.
 - (B) Any accessory building, excluding any authorized dependant housing or second unit as approved under a Conditional Use Permit, shall not have a floor area in excess of fifty (50%) percent of the footprint of the primary building nor shall the cumulative floor area of accessory buildings have a floor area in excess of one hundred (100%) percent of the footprint of the primary building.
 - (C) Lots in the RL land use district which are ten (10) acres in size or greater are exempt from the area requirements for accessory structures.
 - (D) All building setback standards of the land use district shall apply.
 - (E) Any accessory structure must be on the same parcel as the primary building.
 - (F) The maximum number of detached accessory structures shall be two, regardless of any requirement of a building permit.
 - (G) The maximum height of any accessory structure shall not exceed 20 feet.
- (2) USE OF CARGO CONTAINERS: 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" during the duration of the construction activity associated with an active building permit subject to the approval of a Temporary Use Permit."

Section 84.0325 of Title 8, Division 4, Chapter 3 of the Development Code of the San Bernardino County code as adopted and amended by the Town of Yucca Valley is further amended to read as follows:

“Sections: 84.0325 Single Residential District (RS).

The Single Residential (RS) District shall be located as specified by the Town of Yucca Valley General Plan.

- (a) **GENERAL PROVISIONS:** The specific purposes of the Single Residential District regulations are to:
- (1) Provide appropriately located areas for single family dwellings that are consistent with the General Plan and the standards of public health and safety established by the Yucca Valley Municipal Code;
 - (2) 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;
 - (3) Provide sites for public and semipublic land uses needed to complement residential development or requiring a residential environment; and
 - (4) Insure the provisions of public services and facilities needed to accommodate planned population densities.
- (b) **USE CLASSIFICATIONS:** In the following schedule, the letter “P” designate use classifications permitted in the RS District, the letters “PD” designate use classification allowed on approval of a Planned Development, the letters “LSP” designate use classification allowed on approval of a Livestock Permit, the letters “CUP” designate use classification allowed on approval of a Conditional Use Permit.

RS (Single Residential) Use Classification		P CUP PD LSP	Permitted Conditional Use Permit Planned Residential Development Livestock Permit
Use	Zoning District	Additional Use Regulations	
	RS-2, 3.5, 5		
Residential:			
Family Day Care Homes:			Refer to Additional Uses Section of Development Code
Large	CUP		
Small	P		
Home Occupations	HOP		Refer to HOP Section of Development Code
Institutional Uses	CUP		Refer to Additional Uses Section of Development Code
Manufactured Housing	P		Refer to Single Residential Design Standard Section (88.0101) of the Development Code
Planned Residential Dev.	PD		
Single Family Dwellings	P		
Second Dwellings	CUP		Refer to Accessory Uses Section of Development Code
Mobile Home Parks	CUP		Not to exceed the underlying land use density on minimum parcel size of ten (10) acres
Animal raising of densities greater than those specified by Section 84.0560	LSP		
Row, Field, Tree, and Nursery Crop Cultivation	P		Any structure associated with this activity is limited to 10,000 sq. Ft. on parcels of 5 acres or less.

(c) **DEVELOPMENT STANDARDS:** The following schedule prescribes development regulations for the Single Residential District:

Single Residential District Property Development Regulations		
Use	Zoning District	
	RS 2, 3, 5, 8	
Lot Size (square feet)	7,200	Lot area measured in net square feet
	map suffix will modify	
Minimum Lot Dimension (width/Depth in ft.)		
Less than 1 acre	60/100	
Greater than 1 acre	150/150	
Maximum Lot Dimensions (Width to depth ratio)		
Less than 10 ac	1:4	
Greater than 10 ac	1:3	
Yards (setbacks):		(1), (2), (3)
Front	25	
Side	5 & 10	
Arterial Street Side	25	
Local Street Side	15	
Rear	15	
Maximum Structure Height:	35	
Maximum Lot Coverage	40%	
Minimum District Size (Acres)	10	

-
- (1) The setbacks delineated in this table shall be the standard unless a different setback is delineated on said Final Map, Parcel Map, or Composite Development Plan.
 - (2) Reduced setbacks may be allowed pursuant to Section 87.0510 unless otherwise stated in this Section.
 - (3) A Final or parcel map may establish front yard setbacks no less than twenty-two (22) feet provided the average setback of all parcels is at least twenty-five (25).

- (d) **ACCESSORY STRUCTURES REGULATIONS:** Residential accessory structures include any of those customarily related to a residence, including garages, greenhouses, storage sheds, studios, barns, workshops, and similar structures.
- (1) Any new accessory building requiring a building permit shall be subject to the following standards:
- (A) Any accessory building shall be architecturally compatible with the primary structure.
 - (B) Any accessory building, excluding any authorized dependant housing or second unit as approved under a Conditional Use Permit, shall not have a floor area in excess of fifty (50%) percent of the footprint of the primary building not to exceed 750 square-feet.
 - (C) Any accessory building shall meet the minimum building setback standards of the land use district but that an accessory structure not requiring a building permit may encroach up to 3 feet from the rear property line.
 - (D) The maximum number of detached accessory structures:
 - (1) Any RS lot having less than 20,000 square-feet in area shall be limited to one accessory structure.
 - (1) Any RS lot greater in size than 20,000 square-feet shall be limited to two accessory structures.
 - (E) Any accessory structure must be on the same parcel as the primary structure.
 - (F) The maximum height of any accessory structure shall not exceed 20 feet.
- (2) **USE OF CARGO CONTAINERS:** As storage for construction clean-up or construction material, a cargo container used as temporary storage device may be located anywhere on the property, except in the "clear sight triangle" during the duration of an active building permit subject to the approval of a Temporary Use Permit."

ORDINANCE NO. 137

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF YUCCA VALLEY, CALIFORNIA, AMENDING TITLE 8, DIVISION 4, CHAPTER 3, SECTION 84.0330 (MULTIPLE RESIDENTIAL) OF THE SAN BERNARDINO COUNTY CODE AS ADOPTED AND AMENDED BY THE TOWN OF YUCCA VALLEY RELATING TO PERMITTED LAND USES IN THE MULTIPLE RESIDENTIAL DISTRICT (DCA-04-02).

The Town Council of the Town of Yucca Valley does ordain as follows:

SECTION 1. Development Code Amended.

1.1 Section 84.0330 of Title 8, Division 4, Chapter 3 of the Development Code of the San Bernardino County Code as adopted and amended by the Town of Yucca Valley is hereby further amended to read as follows:

“Sections: 84.0330 Multiple Residential District (RM).

The Multiple Residential (RM) District shall be located as specified by the Town of Yucca Valley General Plan.

- (a) **GENERAL PROVISIONS:** The specific purposes of the Multiple Residential District regulations are to:
- (1) 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;
 - (2) 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;
 - (3) Provide sites for public and semipublic land uses needed to complement residential development or requiring a residential environment; and
 - (4) Insure the provisions of public services and facilities needed to accommodate planned population densities.
- (b) **USE CLASSIFICATIONS:** In the following schedule, the letter “P” designate use classifications permitted in the RM District, the letters “PD” designate use classification allowed on approval of a Planned Development, the letters “LSP” designate use classification allowed on approval of a Livestock Permit, the letters “SUP” designate use classification allowed on approval of a Special Use Permit, the letters “CUP” designate use classification allowed on approval of a Conditional Use Permit, the letters “SPR” designate use classification allowed on approval of a Site Plan Review.

RM (Multiple Residential) Use Classification		P Permitted	Special Use Permit
Use	Zoning District	CUP Conditional Use Permit	PD Planned Residential Development
	RM (0-14 du/ac)	LSP Livestock Permit	SPR Site Plan Review
		Additional Use Regulations	
Family Day Care Homes: Large Small	CUP P	Refer to Additional Uses Section of Development Code	
Home Occupations	HOP	Refer to HOP Section of Development Code	
Institutional Uses	CUP	Refer to Additional Uses Section of Development Code	
2 – 3 Dwelling Units	P	(1)(2)	
4 or more Dwelling Units	SPR	--	
Planned Residential Dev.	PD		
Single Family Dwelling	P	Refer to Single Family Residential Design Standards	
Mobilehome Park	CUP	Not to exceed the underlying land use density on minimum parcel size of ten (10) acres	
Accessory Animal Keeping	P	Refer to Accessory Animal Ord.	
Row, field, tree, and nursery crop cultivation	P	Min. parcel size of 10,000 s.f. or greater Any structure associated with activity is limited to 1,000 s.f.	

- (1) A project with less than the minimum lot size may be allowed if additional vacant parcels can not be utilized to achieve the minimum lot size subject to SPR approval.
- (2) A project on a parcel whereby surrounding development prohibits additional lots from being utilized is allowed without the requirement of a SPR.

(c) **SITE DEVELOPMENT STANDARDS:** The following schedule prescribes

development regulations for the Multiple Residential District:

Multiple Residential (RM) Site Development Standards	
Minimum Lot Size (square feet)	18,000
Max. Housing Density (du/ac)	see map prefix
Minimum Lot Dimension (width/Depth in ft.)	100/150
Yards (setbacks):	(1), (2), (3)
Front	25
Side (ft. per story)	10
Arterial Street Side	35
Local Street Side	25
Rear (ft. per story)	10
Maximum Structure Height:	35
Maximum Lot Coverage	60%
Minimum District Size (Acres)	10

- (1) The setbacks delineated in this table shall be the standard unless a different setback is delineated on said Final Map, Parcel Map, or Composite Development Plan.
- (2) Reduced setbacks may be allowed pursuant to Section 87.0510 unless otherwise stated in this Section.
- (3) A Final or parcel map may establish front yard setbacks no less than twenty-two (22) feet provided the average setback of all parcels is at least twenty-five (25).

(d) **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.

- (1) **Integrate Structures into Natural Landforms**
 - (A) 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 using the natural features as amenities by leaving natural drainage swales or rock outcroppings undisturbed and

orienting buildings and open spaces around them.

(e) **HOUSING STANDARDS**

(1) **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:

(A) **Minimum Lot Size.** The minimum lot size required for a multi-family housing project shall be two (2) acres. Developers, however, are encouraged to utilize two or more existing lots in a development project and integrate access, parking and other design features.

(B) **Separation Between Buildings.** The minimum required separation between buildings containing three (3) or more dwelling units shall be twenty-five (25) feet. The minimum separation for accessory and other buildings shall be fifteen (15) feet.

(C) **Minimum Dwelling Unit Size.** The minimum dwelling unit size, exclusive of any balcony or private open space shall be as follows:

(1) Studio apartment - 500 square feet;

(2) One bedroom apartment - 650 square feet;

(3) Two bedroom apartment - 750 square feet;

(4) Three bedroom apartment and larger - 1,000 square feet.

(D) **Required Open Space:** In addition to any other open space requirements of this Code, all multi-family projects shall provide the following amounts of open space:

(1) **Private open space.** The following private open space shall be provided. Private open space shall be accessible from the dwelling unit served and not from other units.

(a) **Duplex (2 units) & Triplex (3 units).** Each dwelling unit shall be provided with a useable private open space area in the form of a courtyard, patio, or garden, or combination thereof, with a minimum area of four hundred fifty (450) square-feet and a minimum dimension of fifteen (15) feet.

(b) **Other multi-family dwelling units (4 or more units).** Ground floor units shall be provided with a private (walled) patio, balcony or courtyard with minimum area of one hundred fifty (150) square-feet. Units located above ground floor units shall be provided with at least one seventy-five (75) square-feet in area.

(c) **Private open space waived.** Private open space may be waived if an additional two hundred (200) square-feet of minimum dwelling unit size is provided in addition to the minimum dwelling unit size as specified in the Code.

- (2) **Common Useable Open Space.** All multi-family developments, with the exception of duplexes and triplexes, shall provide not less than thirty (30) percent of the net site area as common useable open space.
 - (3) **Common Useable Open Space Standards.** Common useable 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 fifteen (15) feet apart, required front setbacks, private open space areas, or areas with slopes exceeding fifteen (15) percent;
 - (b) Such areas shall be planted with turf or ground cover, or other landscaping material that will control dust;
 - (c) Such areas shall be screened from streets and adjacent sites;
 - (d) Common useable open space areas shall not be obstructed except by improvements that enhance the usability, such as swimming pools, fountains, sunshades, and plantings.
- (E) **Required Amenities.** The following amenities are required:
- (1) A minimum two hundred (200) square-feet per unit of common open space shall be devoted to recreational amenities. The quantity shall be as described in the Table below.
 - (2) All multi-family housing developments shall provide recreational amenities within the site which may include: swimming pool and spa, clubhouse; tot lot with play equipment; picnic shelter/barbecue area with seating; court game facilities such as tennis, basketball or racquetball; softball or baseball fields or day care centers.
 - (3) The type of amenities shall be reviewed and approved with the Site Plan 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.

The number of amenities provided per project shall be provided in accordance with the following Table:

Number of Dwelling Units	Number of Amenities Required
0-3	Private outdoor space 450 sq. ft.
4-10	1
11-50	2
51-100	3
101-200	4

- (F) **Landscaped Setback Required.** A minimum landscape setback area of fifteen (15) feet as measured from the property line shall be provided along each street frontage of the project.
- (G) **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, parking lots, recreational facilities (side and rear only), entry statements (decorative block/stucco, boulders, signage), sidewalks and driveways, underground utilities, lighting and similar fixtures.
- (H) **Pedestrian Circulation.** An interior walkway system with a minimum width of four (4) 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.
- (I) **Parking.** The number of required parking spaces shall be in conformance with the *Parking Code*.
- (J) **Laundry Facilities.**
- (1) Common laundry facilities of sufficient number and accessibility consistent with the Uniform Building Code shall be provided; or
 - (2) Each dwelling unit shall be plumbed and wired for a washing machine and dryer.
- (K) **Lighting**
- (1) 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.
- (L) **Trash Enclosures.** Trash enclosures shall be provided in accordance with *Title 9, Chapter 9.60 Trash Enclosure Collection and Loading of Recycling Materials in Development Projects of the Yucca Valley Municipal Code*. One (1) trash enclosure per ten (10) units shall be located at convenient distances from the buildings they serve and sited to minimize visual and odor impacts

to abutting properties.

- (M) **Buffer Areas.** There shall be a minimum fifteen (15) foot wide planted buffer between new multi-family residential development and existing single family developments or single family land use districts.

(f) **MULTI-FAMILY DESIGN GUIDELINES**

- (1) **Purpose:** The Town 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 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.

(6) **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.

(7) **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 undesirable. 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.

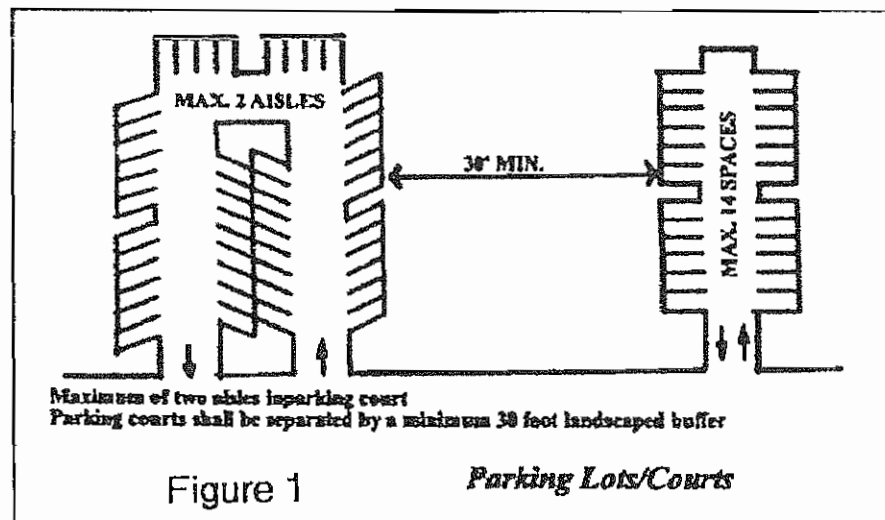
- (3) The location of parking and drives shall minimize the points of conflict between pedestrian and vehicular traffic.

(B) **Parking Area Landscaping**

- (1) At least one (1) landscape or shade tree shall be provided for every seven (7) 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 (Figure 1)**

- (1) Parking courts shall not contain more than two (2) adjacent double-loaded parking aisles.
- (2) The length of parking courts shall not exceed a length greater than one half (1/2) 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 thirty (30) feet.



(D) **Garages/Carports**

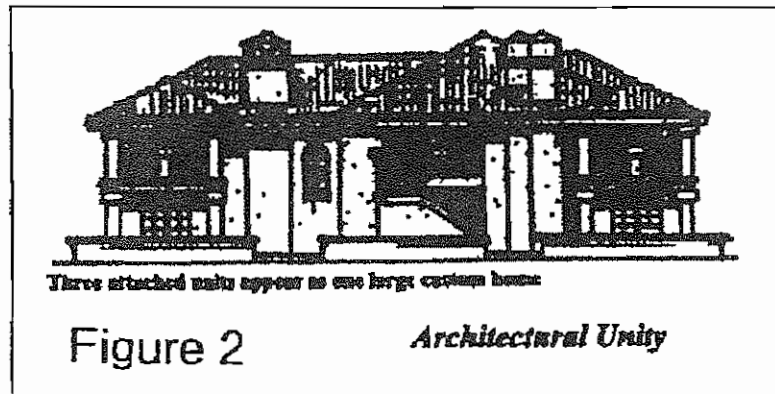
- (1) Incorporating carports into exterior project walls adjacent to streets is strongly discouraged.
- (2) Provide a visual buffer between the fronts of carports and residential units by use of planting screens and/or architectural features.
- (3) Provide landscaping on exposed sides of carport or garage 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.
- (8) **Connections between Buildings.** In multi-family developments with three (3) or more buildings, pedestrian paths to facilitate circulation between buildings shall be provided.
- (9) **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.
- (10) **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.
- (11) **Visibility.** Multi-family developments shall have secure open space areas and children's play areas that are visible from the units.
- (12) **Location of Amenities.** Recreational amenities shall be located adjacent to designated open space areas wherever possible.
- (13) **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 twenty (20) percent of the trees used for screening purposes shall be twenty-four (24) inch box size when installed.
- (g) **MULTI-FAMILY ARCHITECTURAL DESIGN STANDARDS**
 - (1) **Dwelling Unit Architecture**
 - (A) **General** New multi-family residential development shall relate to adjacent single family residential districts in the following ways:

- 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.
- 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 (Figure 2).



- (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 principals:
- (a) Building form, roofline and primary materials shall represent

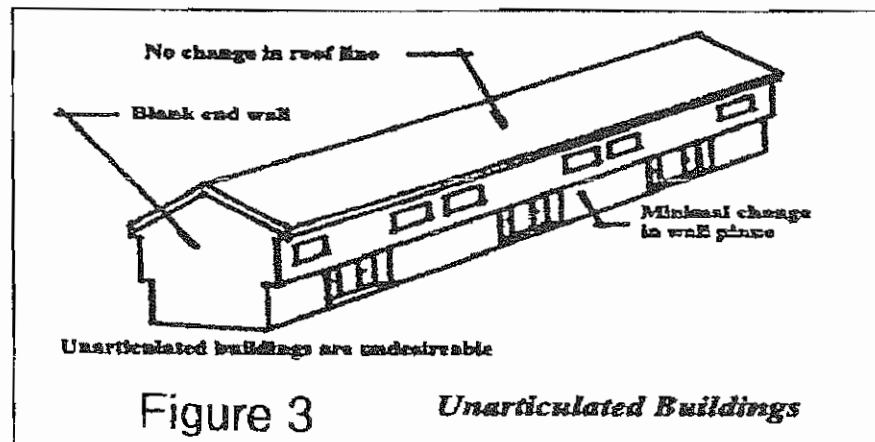
- a common theme throughout the development;
- (b) A similar architectural character shall be provided on all sides of a building. Repeat details on all sides of a building, make them appear functional and real;
- (c) Forms, colors, architectural details and landscape materials shall be consistent throughout 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.

(D) Massing and Scale

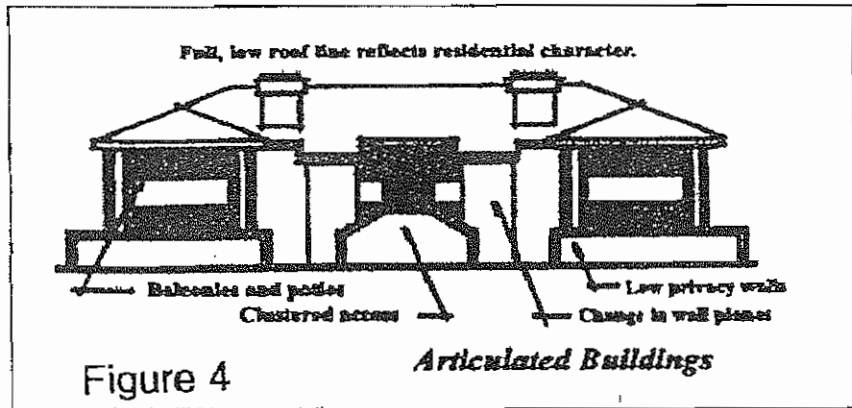
- (1) **Compatibility with Adjacent Single Family Residential Development.** Because multifamily developments are frequently taller than one story, their bulk can be imposing to surrounding uses, especially single family residential uses. The scale of multi-family developments shall be considered within 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.

(E) Mitigating Mass and Scale of Unarticulated Building Planes

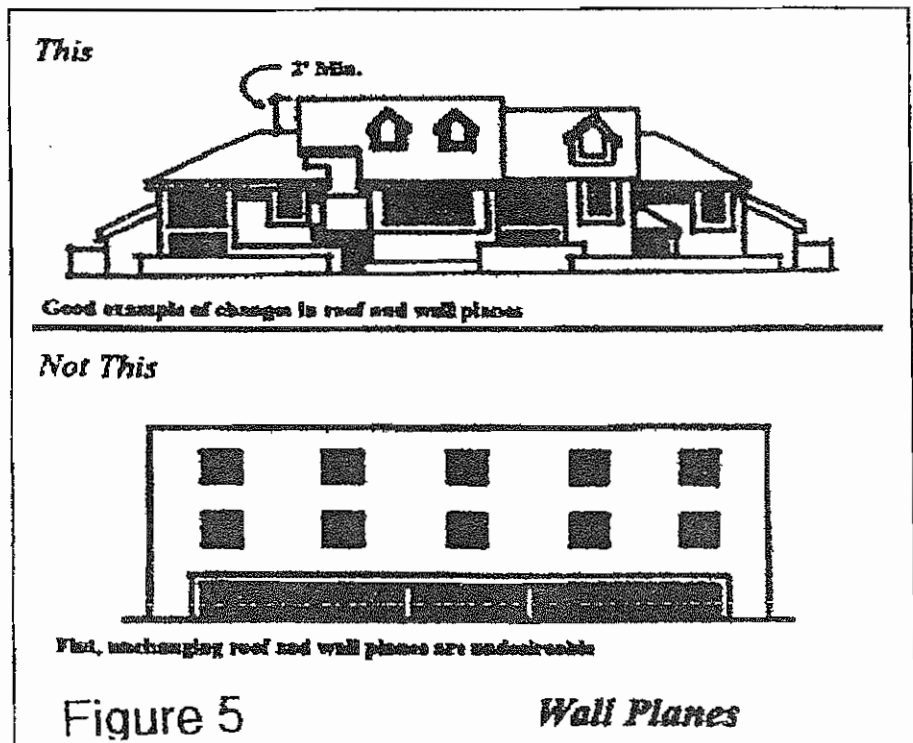
- (1) Blank end walls are not allowed. Instead, end walls shall be given some form of articulation or architectural treatment. (Figure 3)



- (2) Balconies, porches, patios and chimneys shall be integrated into multi-family structures to break up large wall masses, and to offset floor setbacks. (Figure 4)



- (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. (Figure 5)



- (F) **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.
- (G) **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.
- (H) **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 (4) 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.
- (I) **Roofs.** 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.
- (J) **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, pre-fabricated 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.
- (K) **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 Yards.** 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 Planning 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 forty (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 forty (40) foot intervals. All

walls shall incorporate decorative caps.

(2) **Building Color**

- (A) Colors should be muted and lighter in value. Primary, bright, and fluorescent colors shall be avoided.
- (B) Prior to the painting of any multi-family building, the color scheme shall be approved by the Planning Division. Colors that are tan, light brown, or any muted or soft earth tones can be approved at staff level.

(3) **Glossary**

- Articulated: Changes in building surfaces through the use of alternating planes, windows, arches, moldings, cornices, rooflines, and other architectural elements having joints or segments which add additional depth or height to a structure.
- Eaves: The projecting overhang at the lower edge of a roof.
- Facade: The main face or front of the building.
- Molding: An ornamental strip used to decorate a surface, especially an upper wall.
- Trellis: An open framework or lattice used for training vines and climbing plants.

(f) **MULTI-FAMILY INFILL IN SINGLE FAMILY NEIGHBORHOODS.** New multi-family 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.”

1.2 Section 88.0201 of Title 8, Division 8, Chapter 2 of the Development Code of the San Bernardino County Code as adopted by the Town of Yucca Valley is hereby repealed.

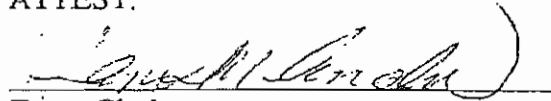
SECTION 2. NOTICE OF ADOPTION. Within fifteen (15) days after the adoption hereof, the Town Clerk shall certify to the adoption of this Ordinance and cause it to be published once in a newspaper of general circulation printed and published in the County and circulated in the Town pursuant to Section 36933 of the Government Code.

SECTION 3. EFFECTIVE DATE. This Ordinance shall become effective thirty (30) days from and after the date of its adoption.

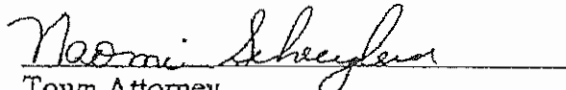
APPROVED AND ADOPTED by the Town Council and signed by the Mayor and attested by the Town Clerk this 20th day of March, 2003.


MAYOR

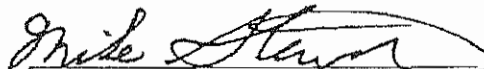
ATTEST:


Town Clerk

APPROVED AS TO FORM:


Town Attorney

APPROVED AS TO CONTENT:


Town Manager

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STATE OF CALIFORNIA

COUNTY OF SAN BERNARDINO

TOWN OF YUCCA VALLEY

I, Janet M. Anderson, Town Clerk of the Town of Yucca Valley, California hereby certify that the foregoing Ordinance No. 137 as duly and regularly introduced at a meeting of the Town Council on the 6th day of March, 2003, and that thereafter the said ordinance was duly and regularly adopted at a meeting of the Town Council on the 20th day of March, 2003, by the following vote, to wit:

Ayes: Council Members Cook, Leone, Mayes, Neeb and Mayor Earnest

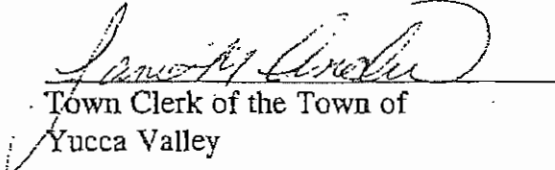
Noes: None

Absent: None

Abstain: None

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of the Town of Yucca Valley, California, this 24th day of March, 2003.

(SEAL)


Town Clerk of the Town of
Yucca Valley

84.0335 Office Commercial (CO) District.

This Office Commercial (CO) District shall be located as specified by the Sa Bernardino County General Plan.

(a) PERMITTED LAND USES.

- (1) Row, Field, Tree and Nursery Crop Cultivation.
- (2) Accessory Uses as specified by Chapter 5 of this Division.

(b) LAND USES SUBJECT TO CONDITIONAL USE PERMIT.

- (1) Professional Services.
- (2) Convenience/Support Services.
- (3) Additional uses as specified by Chapter 4 of this Division.

(c) LAND USES SUBJECT TO A PLANNED DEVELOPMENT REVIEW.

- (1) Planned Development.
- (2) Dwelling Units in conjunction with a commercial use.

(d) REVIEW CRITERIA. Land uses allowed subject to a Conditional Use Permit shall comply with the review criteria established in Section 83.030105 of this Title.

(e) PROPERTY DEVELOPMENT STANDARDS. The following property development standards shall apply to all land uses within the CO District.

84.0335 (CO)		OFFICE COMMERCIAL (CO) DISTRICT DEVELOPMENT STANDARDS	
Maximum Structure Height (Ft.)			60
Minimum Lot Size (Acres)	Map suffix will modify	See (1) below	5
Maximum Lot Coverage (Building coverage)			60%
Maximum Lot Dimensions (Width to Depth Ratio)			1:3
Minimum Lot Dimensions (Width/Depth in Ft.)			120/120
Front Yard Setback (Ft.)			15
Side Yard Setbacks (Ft.)	See (2) below		10
Rear Yard Setbacks (Ft.)	See (3) below		10
Street Side Setbacks (Ft.)			15
Maximum Floor Area Ratio (FAR - Fl. Area/Lot Area)			.9
Minimum District Size (Acres)			5

(1) Minimum lot size can be less than five (5) acres if the subdivision application is filed concurrently with a Planned Development or Conditional Use Permit Application.

(2) Only one (1) side yard is required to provide for emergency access. If the adjacent property is not designated commercial or industrial, a side yard shall be required along that side of the property.

(3) A rear yard is required only when the adjacent property is not designated commercial or industrial.

ORDINANCE NO. 125

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF YUCCA VALLEY, CALIFORNIA, AMENDING TITLE 8, DIVISION 4, CHAPTER 3, SECTION 84.0340 (NEIGHBORHOOD COMMERCIAL) OF THE SAN BERNARDINO COUNTY CODE AS ADOPTED BY THE TOWN OF YUCCA VALLEY RELATING TO PERMITTED LAND USES IN THE NEIGHBORHOOD COMMERCIAL DISTRICT (DCA-01-01).

The Town Council of the Town of Yucca Valley does ordain as follows:

SECTION 1. Amendment of Development Code.

Section 84.0340 of Title 8, Division 4, Chapter 3 of the Development Code of the San Bernardino County code as adopted by the Town of Yucca Valley is amended to read as follows:

“84.0340 Neighborhood Commercial (CN) District

The Neighborhood Commercial (CN) District shall be located as specified by the Town of Yucca Valley General Plan.

(a) **PERMITTED LAND USES.**

- (1) Accessory Uses as specified by Chapter 5 of this Division.
- (2) Institutional Uses as specified in Section 84.0410.
- (3) Neighborhood Commercial land uses proposed to operate from existing structures shall be permitted by right in the following cases.
 - (A) The structure has historically been utilized in fashion similar to the proposed use.
 - (B) There are no structural, off-street or on-site improvements, or lack thereof, which pose a threat to the health, safety, or general welfare of the Town.
 - (C) There are no additions or alterations to the square footage of the existing structure.

(b) **LAND USES SUBJECT TO SPECIFIC PERMIT PROCESSES**

- (1) Those uses identified in the Neighborhood Commercial Use Classifications Table shall be subject to the identified permitting process. In the Neighborhood Commercial Use Classifications Table, the letters “SPR” designates land uses reviewed through the Site Plan Review process, the letters “NP” designate use classifications not permitted, the letters “CUP” designate use classification reviewed

through the Conditional Use Permit process, and the letters "SP" designate use classifications reviewed through the Specific Plan process.

GENERAL COMMERCIAL USE CLASSIFICATIONS		SPR NP CUP SP	Site Plan Review Not Permitted Conditional Use Permit Specific Plan
Land Use Classification	Neighborhood Commercial (CN)	Additional Use Regulations	
Residential Uses			
Single Room Occupancy Housing	CUP		
Public & Semipublic Uses:			
Private and Public Clubs and Lodges	CUP		
Cultural Institutions	CUP		
Government Offices	SPR		(1)
Hospitals	CUP		
Vocational or Business School	CUP		
Parking Lots	SPR		(1)
Park & Recreation Facilities	SPR		(1)
Public Safety Facilities	SPR		(1)
Public Utility Service Yards	CUP		
Utilities			
Major	CUP		
Minor	CUP		
Commercial Uses			
Agriculture (Row, Field, and Nursery Crop Cultivation)	SPR		(1)

Land Use Classification	Neighborhood Commercial (CN)	Additional Use Regulations
Amusement Arcade or Park	NP	
Ambulance Services	SPR	(1)
Animal Care Facility (including animal hospital, veterinarian, commercial kennel, grooming)		
Excluding exterior kennel, pens and run.	SPR	(1)
Including exterior kennel, pens and run.	CUP	
Antique Shop	SPR	(1)
Appliance Sales and Repair	SPR	(1)
Arcades	CUP	
Automobile Sales and Rental	CUP	
Automobile Service Station	CUP	
Automobile Storage	NP	
Automobile Washing	CUP	
Bakeries		
Retail	SPR	(1)
Wholesale	SPR	(1)
Barber and Beauty Shop	SPR	(1)
Bicycle Shop	SPR	(1)
Blueprint and Photocopy Services	SPR	(1)
Book, Gift, Stationary Store (except adult related material)	SPR	(1)

Land Use Classification	Neighborhood Commercial (CN)	Additional Use Regulations
Catering Services	SPR	(1)
Clinics	SPR	(1)
Clothing Store	SPR	(1)
Commercial Recreation & Entertainment	CUP	
Communication Facilities	CUP	
Communications Equipment Buildings	SPR	(1)
Convenience Store	CUP	
Department Store	CUP	
Drug Store	CUP	
Entertainment, live	NP	
Equipment Sales, Service & Rentals	NP	
Feed and Tack	CUP	
Florist Shop	SPR	(1)
Food Stores and Supermarkets	SPR	(1)
Furniture Store	SPR	(1)
Financial Services	SPR	(1)
Fitness Centers	CUP	
Funeral Services (excluding crematorium)	CUP	
General Retail	SPR	(1)

Land Use Classification	Neighborhood Commercial (CN)	Additional Use Regulations
Hardware Store (outdoor storage of lumber or other building material must be secondary and/or incidental to indoor sales)	CUP	
Hotels and motels	SPR	(1)
Laboratories	NP	
Laundries:		
Limited	SPR	(1)
Unlimited	SPR	(1)
Locksmith	SPR	(1)
Maintenance & repair services:		
Major	NP	
Minor	CUP	
Mini-Storage Facility	NP	
Motor Vehicle Repair		
Major	NP	
Minor	CUP	
Open Lot Plant Nurseries and Garden Supplies	CUP	
Offices:		
Business & Professional	SPR	(1)
Medical	SPR	(1)
Pawn Shops	SPR	(2)
Personal Improvement Services	SPR	(1)
Personal Services	SPR	(1)
Printing & Publishing:		
Limited	SPR	(1)
Unlimited	SPR	(1)

Land Use Classification	Neighborhood Commercial (CN)	Additional Use Regulations
Recreation Vehicle and Boat Storage	NP	
Recycling Facilities	NP	
Research and Development Services	SPR	(1)
Restaurant		
Drive-thru, take-out, delivery	CUP	
Fast Food w/out drive-thru, take-out, delivery	SPR	(1)
Full Service Restaurant	SPR	(1)
Studio (including dance, music, artists)	SPR	(1)
Thrift or Second Hand Store	SPR	(2)
Tire Sales and Service (excluding any outdoor storage)	CUP	

FOOTNOTES

- (1) Where no CUP, a Site Plan Review is required in accordance with Title 8, Division 3, Chapter 3, Article 12
 - (2) Special License Permit required in accordance with Title 4, Division 1
- (c) **REVIEW CRITERIA.** Land uses allowed subject to a Conditional Use Permit shall comply with the review criteria established in Section 83.030105 of this Title or where a Site Plan Review is required, shall comply with the review criteria established Section 83.031205 of this Title.
- (d) **PROPERTY DEVELOPMENT STANDARDS.** The following property development standards shall apply to all land uses within the CN District. In order to achieve compatibility with provisions of the CN District, all property development standards must be complied with.

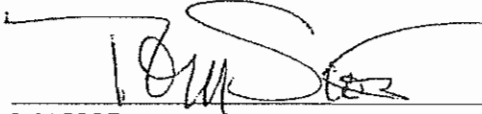
84.0340 (CN) NEIGHBORHOOD COMMERCIAL (CN) DISTRICT DEVELOPMENT STANDARDS	
Maximum Structure Height (Ft.)	35
Minimum Lot Size (Acres) Map suffix will modify See (1) below	1
Maximum Lot Coverage (Building coverage]	40%
Maximum Lot Dimensions (Width to Depth Ratio)	1:3
Minimum Lot Dimensions (Width/Depth in Ft.)	120/120
Front Yard Setback (Ft.)	25
Side Yard Setbacks (Ft.) See (2) Below	10
Rear Yard Setbacks (Ft.) See (3) Below	10
Street Side Setbacks (Ft.)	25
Maximum Floor Area Ratio (FAR) (Floor Area/Lot Area)	0.47
Minimum District Size (Acres)	5

- (1) Minimum lot size can be less than one (1) acre if the subdivision application is filed concurrently with a Site Plan Review, Planned Development or Conditional Use Permit Application.
- (2) Only one (1) side yard setback is required if deemed necessary for emergency access. If the adjacent property is not designated commercial or industrial; a side yard shall be required along that side of the property.
- (3) A rear yard is required only when the adjacent property is not designated commercial or industrial.
- (4) All projects shall comply with the Commercial Design Guidelines as adopted by the Town"

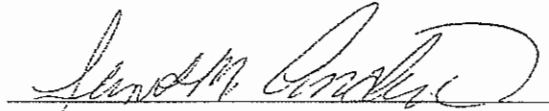
SECTION 2. NOTICE OF ADOPTION. Within fifteen (15) days after the adoption hereof, the Town Clerk shall certify to the adoption of this Ordinance and cause it to be published once in a newspaper of general circulation printed and published in the County and circulated in the Town pursuant to Section 36933 of the Government Code.

SECTION 3. EFFECTIVE DATE. This Ordinance shall become effective thirty (30) days from and after the date of its adoption.

APPROVED AND ADOPTED by the Town Council and signed by the Mayor and attested by the Town Clerk this 1st day of November, 2001.

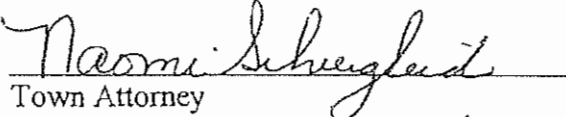

MAYOR

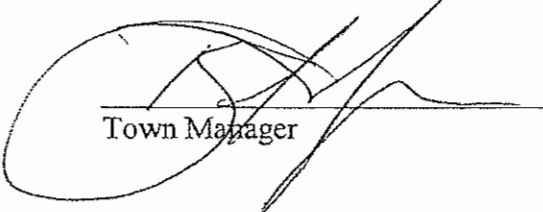
ATTEST:


Town Clerk

APPROVED AS TO FORM:

APPROVED AS TO CONTENT:


Town Attorney


Town Manager

STATE OF CALIFORNIA

COUNTY OF SAN BERNARDINO

TOWN OF YUCCA VALLEY

I, Janet M. Anderson, Town Clerk of the Town of Yucca Valley, California hereby certify that the foregoing ordinance was duly and regularly introduced at a meeting of the Town Council on the 18th day of October, 2001, and that thereafter the said ordinance was duly and regularly adopted at a meeting of the Town Council on the 1st day of November, 2001, by the following vote, to wit:

Ayes: Council Members Cook, Earnest, Leone, Neeb and Mayor Scott

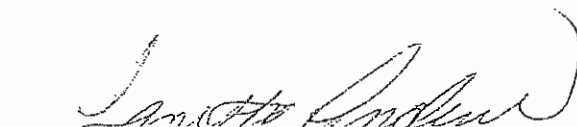
Noes: None

Absent: None

Abstain: None

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of the Town of Yucca Valley, California, this 2nd day of November, 2001.

(SEAL)


Town Clerk of the Town of
Yucca Valley

84.0342 Rural Commercial (CR) District.

The Rural Commercial (CR) District shall be located as specified by the San Bernardino County General Plan.

(a) PERMITTED LAND USES.

- (1) Row, Field, Tree and Nursery Crop Cultivation.
- (2) Single Dwelling Unit.
- (3) Social Care Facility with six (6) or fewer clients.
- (4) Accessory Uses as specified by Chapter 5 of this Division.

(b) LAND USES SUBJECT TO LAND USE COMPLIANCE REVIEW:

The following land uses shall be subject to a Land Use Compliance Review provided they meet the performance criteria listed in subparagraph (1) below.

(1) The combination of structures and outside storage shall not exceed 60% of the lot area and shall be contained within the building envelope, except as otherwise allowed by the Table of Projections. This requirement shall not apply to temporary parking for client or employee vehicles. The maximum building coverage shall not exceed 5,000 square feet and no use approved under this subsection shall be allowed to have more than ten (10) employees per shift.

- (2) Agricultural Support Services.
- (3) Professional Services.
- (4) Retail Trade/Personal Services I and II.
- (5) Open Lot Services I and II.
- (6) Lodging Services. Maximum: Ten (10) units.
- (7) Recreation/Entertainment Services I and II.
- (8) Repair Services I, II and III.
- (9) Convenience/Support Services.
- (10) Contract Construction Services.
- (11) Transportation Services I.

(c) LAND USES SUBJECT TO CONDITIONAL USE PERMIT: Land uses allowed subject to a Conditional Use Permit shall comply with the review criteria established in Section 83.030105 of this Title.

(1) Any land use listed in subparagraph 84.0342(b) which proposes a greater number of employees, units or square footage than that described therein.

(2) Commercial Kennels and Catteries — two (2) acre minimum lot size.

(3) Multiple Dwelling Unit — maximum: two (2) dwelling units per acre (2 du/ac).

(4) Mobilehome Parks — maximum: four (4) dwelling units per acre (4 du/ac).

(5) Additional Uses as specified in Chapter 4 of this Division.

(d) LAND USE SUBJECT TO A PLANNED DEVELOPMENT REVIEW: Planned Development.

(e) PROPERTY DEVELOPMENT STANDARDS. The following property development standards shall apply to all land uses within the CR District.

84.0343 Highway Commercial (CH) District.

The Highway Commercial (CH) District shall be located as specified by the San Bernardino County General Plan.

(a) PERMITTED LAND USES.

- (1) Row, Field, Tree and Nursery Crop Cultivation.
- (2) Accessory Uses as specified by Chapter 5 of this Division.

(b) LAND USES SUBJECT TO CONDITIONAL USE PERMIT: Land uses allowed subject to a Conditional Use Permit shall comply with the review criteria established in Section 83.030105 of this Title.

- (1) Retail Trade/Personal Services I.
- (2) Lodging Services.
- (3) Recreation/Entertainment Services I and II.
- (4) Repair Services I, II and III.
- (5) Convenience Support Services.
- (6) Transportation Services I.
- (7) Additional uses as specified by Chapter 4 of this Division.

(c) LAND USE SUBJECT TO A PLANNED DEVELOPMENT REVIEW: Planned Development.

(d) PROPERTY DEVELOPMENT STANDARDS. The following property development standards shall apply to all land uses within the CH District.

84.0343 (CH) HIGHWAY COMMERCIAL (CH) DISTRICT DEVELOPMENT STANDARDS	
Maximum Structure Height (Ft.)	60
Minimum Lot Size (Acres) Map suffix will modify See (1) below	.5
Maximum Lot Coverage (Building coverage)	65%
Maximum Lot Dimensions (Width to Depth Ratio)	1:3
Minimum Lot Dimensions (Width/Depth in Ft.)	120/120
Front Yard Setback (Ft.)	25
Side Yard Setbacks (Ft.) See (2) Below	10
Rear Yard Setbacks (Ft.) See (3) Below	10
Street Side Setbacks (Ft.)	15
Maximum Floor Area Ratio (FAR) (Fl. Area/Lot Area)	1.20
Minimum District Size (Acres)	5

(1) Minimum lot size can be less than five (5) acres if the subdivision application is filed concurrently with a Planned Development or Conditional Use Permit Application.

(2) Only one (1) side yard is required to provide for emergency access. If the adjacent property is not designated commercial or industrial, a side yard shall be required along that side of the property as well.

(3) A rear yard is required only when the adjacent property is not designated commercial or industrial.

ORDINANCE NO. 88

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF YUCCA VALLEY, CALIFORNIA, AMENDING TITLE 8, DIVISION 4, CHAPTER 3, SECTION 84.0350 (GENERAL COMMERCIAL) OF THE COUNTY OF SAN BERNARDINO DEVELOPMENT CODE AS ADOPTED BY THE TOWN OF YUCCA VALLEY MUNICIPAL CODE REGARDING PERMITTED LAND USES IN THE GENERAL COMMERCIAL DISTRICT.

The Town Council of the Town of Yucca Valley does ordain as follows:

Section 1. Amendment of Development Code.

Section 84.0350 of Chapter 3, Division 4, Title 8 of the Development Code of the County of San Bernardino as adopted by the Town of Yucca Valley is amended to read as follows:

“84.0350 General Commercial (CG) District

The General Commercial (CG) District shall be located as specified by the Town of Yucca Valley General Plan.

(a) PERMITTED LAND USES.

(1) Accessory Uses as specified by Chapter 5 of this Division.

(2) General Commercial land uses proposed to operate from existing structures shall be permitted by right in the following cases.

(A) The structure has historically been utilized in fashion similar to the proposed use.

(B) There are no structural, off-street or on-site improvements, or lack thereof, which pose an immediate threat to the health, safety, or general welfare of the Town.

(C) There are no additions or alterations to the square footage of the existing structure.

(D) Those uses permitted by right, at the approval of the Director, include the following.

(1) Professional services as defined in Section 84.0230 of this title.

(2) Retail Trade/Personal Services, including Class I, Limited Retail Trade/Personal Services: Class II, General Retail Trade/Personal Services as defined in Section 84.0230.

(E) LAND USES SUBJECT TO SPECIFIC PERMIT PROCESSES

(1) Those uses identified in the General Commercial Use Classifications Table shall be subject to the identified permitting process. In the General Commercial Use Classifications Table, the letter "SPR" designates land uses reviewed through the Site Plan Review process, the letters "NP" designate use classifications not permitted, the letters "CUP" designate use classification reviewed through the Conditional Use Permit process, and the letters "SP" designate use classifications reviewed through the Specific Plan process..

GENERAL COMMERCIAL USE CLASSIFICATIONS		SPR NP CUP SP PDR	Site Plan Review Not Permitted Conditional Use Permit Specific Plan Planned Dev. Review
Land Use Classification	General Commercial (CG)	Additional Use Regulations	
Residential Uses			
Family Day Care Homes:			
Large	CUP		
Small	CUP		
Interim Housing	NP		
Multifamily (Mix Use Development)	PDR		(4)
Residential Care Facilities	NP		
Second Dwellings	NP		
Single Family Dwellings	PDR		(4)
Single Room Occupancy Housing	CUP		
Public & Semipublic Uses:			
Private and Public Clubs and Lodges	SPR		(1)
Convalescent Facilities	CUP		
Cultural Institutions	CUP		
Day Care Centers	SPR		(1)
Government Offices	SPR		(1)
Hospitals	CUP		
Vocational or Business School	SPR		(1)

Land Use Classification	GENERAL COMMERCIAL (CG)	Additional Use Regulations
Parking Lots	SPR	(1)
Park & Recreation Facilities	SPR	(1)
Public Safety Facilities	SPR	(1)
Public Utility Service Yards	CUP	
Religious Assembly	CUP	
Public/Private School	SPR	(1)
Utilities		
Major	CUP	
Minor	CUP	
Commercial Uses		
Adult Entertainment Facilities	NP	
Agriculture (Row, Field, and Nursery Crop Cultivation)	SPR	(1)
Amusement Arcade or Park	CUP	
Ambulance Services	SPR	(1)
Animal Care Facility (including animal hospital, veterinarian, commercial kennel, grooming)		
Excluding exterior kennel, pens and run.	SPR	(1)
Including exterior kennel, pens and run.	CUP	
Antique Shop	SPR	(1)
Appliance Sales and Repair	SPR	(1)
Arcades	CUP	
Automobile Sales and Rental	CUP	
Automobile Service Station	SPR	(1)
Automobile Storage	CUP	

Land Use Classification	General Commercial (C-G)	Additional Use Regulations
Automobile Washing	SPR	(1)
Bakeries		
Retail	SPR	(1)
Wholesale	SPR	(1)
Barber and Beauty Shop	SPR	(1)
Bicycle Shop	SPR	(1)
Blueprint and Photocopy Services	SPR	(1)
Book, Gift, Stationary Store (except adult related material)	SPR	(1)
Catering Services	SPR	(1)
Clinics	SPR	(1)
Clothing Store	SPR	(1)
Commercial Recreation & Entertainment	CUP	
Communication Facilities	CUP	
Communications Equipment Buildings	SPR	(1)
Convenience Store	CUP	
Department Store	CUP	
Drug Store	SPR	(1)
Entertainment, live (excluding adult entertainment)	CUP	
Equipment Sales, Service & Rentals	CUP	

Land Use Classification	General Commercial (C-G)	Additional Use Regulations
Feed and Tack	CUP	
Florist Shop	SPR	(1)
Food Stores and Supermarkets	SPR	(1)
Furniture Store	SPR	(1)
Financial Services	SPR	(1)
Fitness Centers	CUP	
Funeral Services (including crematorium)	CUP	
General Retail	SPR	(1)
Hardware Store	SPR	(1)
Home Improvement Center		
Material stored and sold within a enclosed building	SPR	(1)
Outdoor storage of material such as lumber and other building material	CUP	
Hotels and motels	SPR	
Laboratories	SPR	
Laundries:		
Limited	SPR	(1)
Unlimited	SPR	(1)
Locksmith	SPR	(1)
Maintenance & repair services:		
Major	CUP	
Minor	SPR	(1)
Mini-Storage Facility	NP	
Motor Vehicle Repair		
Major	NP	
Minor	SPR	(1)

Land Use Classification	General Commercial (C-G)	Additional Use Regulations
Nurseries and Garden Supplies (including outdoor display of plants)	SPR	(1)
Offices:		
Business & Professional	SPR	(1)
Medical	SPR	(1)
Pawn Shops	SPR	(2)
Personal Improvement services	SPR	(1)(2)
Personal Services	SPR	(1)
Printing & Publishing:		
Limited	SPR	(1)
Unlimited	SPR	(1)
Recreation Vehicle Park	CUP	
Recreation Vehicle and Boat Storage	NP	
Recycling Facilities	NP	
Research and Development Services	SPR	(1)
Restaurant		
Drive-thru, take-out, delivery	CUP	
Fast Food w/out drive-thru, take-out, delivery	SPR	(1)
Full Service Restaurant	SPR	(1)
Studio (including dance, music, artists)	SPR	(1)
Temporary Use Permit	SPR	(3)
Thrift or Second Hand Store	SPR	(2)
Tire Sales and Service (excluding any outdoor storage)	SPR	(1)
Transportation Facilities	CUP	

FOOTNOTES

- (1) Where no CUP, a Site Plan Review is required in accordance with Title 8, Division 3, Chapter 3, Article 12
- (2) Special License Permit required in accordance with Title 4, Division 1
- (3) Refer to Temporary Use Sections 84.0701 - 84.0740
- (4) Planned Development Review in accordance with Sections 88.0501 - 88.0520

(b) REVIEW CRITERIA. Land uses allowed subject to a Conditional Use Permit shall comply with the review criteria established in Section 83.030105 of this Title or where a Site Plan Review is required, shall comply with the review criteria established Section 83.031205 of this Title.

(c) PROPERTY DEVELOPMENT STANDARDS. The following property development standards shall apply to all land uses within the CG District. In order to achieve compatibility with provisions of the CG District, all property development standards must be complied with.

84.0350 (CG) GENERAL COMMERCIAL (CG) DISTRICT DEVELOPMENT STANDARDS	
Maximum Structure Height (Ft.)	40
Minimum Lot Size (Acres) Map suffix will modify	See (1) below
Maximum Lot Coverage (Building coverage]	60%
Maximum Lot Dimensions (Width to Depth Ratio)	1:3
Minimum Lot Dimensions (Width/Depth in Ft.)	120/120
Front Yard Setback (Ft.)	15
Side Yard Setbacks (Ft.) See (2) Below	10
Rear Yard Setbacks (Ft.) See (3) Below	10
Street Side Setbacks (Ft.)	15
Maximum Floor Area Ratio (FAR-FI Area/Lot Area)	1.20
Minimum District Size (Acres)	5

(1) Minimum lot size can be less than five (5) acres if the subdivision application is filed concurrently with a Site Plan Review, Planned Development or Conditional Use Permit Application.

(2) Only one (1) side yard setback is required to be provide if deemed necessary for emergency access. If the adjacent property is not designated commercial or industrial; a side yard shall be required along that side of the property.

(3) A rear yard is required only when the adjacent property is not designated commercial or industrial.”

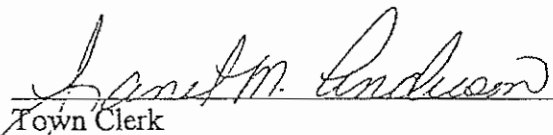
SECTION 2. NOTICE OF ADOPTION. Within fifteen (15) days after the adoption hereof, the Town Clerk shall certify to the adoption of this Ordinance and cause it to be published once in a newspaper of general circulation printed and published in the County and circulated in the Town pursuant to Section 36933 of the Government Code.

SECTION 3. EFFECTIVE DATE. This Ordinance shall become effective thirty (30) days from and after the date of its adoption.

APPROVED AND ADOPTED by the Town Council and signed by the Mayor and attested by the Town Clerk this 5th day of March 1998.

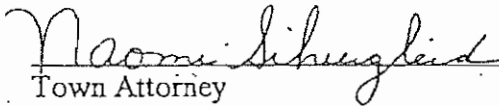

MAYOR

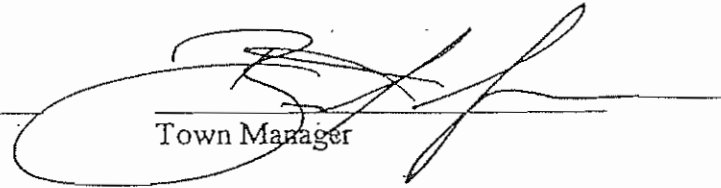
ATTEST:


Town Clerk

APPROVED AS TO FORM:

APPROVED AS TO CONTENT:


Town Attorney


Town Manager

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STATE OF CALIFORNIA

COUNTY OF SAN BERNARDINO

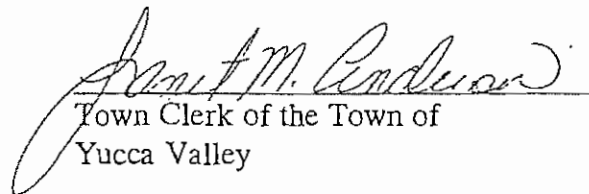
TOWN OF YUCCA VALLEY

I, Janet M. Anderson, Town Clerk of the Town of Yucca Valley, California hereby certify that the foregoing ordinance was duly and regularly introduced at a meeting of the Town Council on the 19th day of February, 1998, and that thereafter the said ordinance was duly and regularly adopted at a meeting of the Town Council on the 5th day of March, 1998, by the following vote, to wit:

Ayes:	Council Members Crouter, Hockett, Leone, Loveless and Mayor Hunt
Noes:	None
Absent:	None
Abstain:	None

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of the Town of Yucca Valley, California, this 6th day of March, 1998.

(SEAL)


Town Clerk of the Town of
Yucca Valley

84.0355 Service Commercial (CS) District.

The Service Commercial (CS) District shall be located as specified by the San Bernardino County General Plan.

(a) PERMITTED LAND USES.

- (1) Row, Field, Tree and Nursery Crop Cultivation.
- (2) Accessory Uses as specified by Chapter 5 of this Division.

(b) LAND USES SUBJECT TO CONDITIONAL USE PERMIT.

- (1) Professional Services.
- (2) Retail Trade/Personal Services I and II.
- (3) Lodging Services.
- (4) Recreational/Entertainment Services I and II.
- (5) Repair Services I, II and III.
- (6) Convenience/Support Services.
- (7) Open Lot Services I and II.
- (8) Agricultural Support Services.
- (9) Manufacturing Operations I.
- (10) Wholesale/Warehouse Services I.
- (11) Contract/Construction Services.
- (12) Transportation Services I.
- (13) Common Interest Planned Developments.
- (14) Kennels and Catteries — 2½ acre minimum lot size; the number of animals permitted will be as specified by health laws.
- (15) Additional uses as specified by Chapter 4 of this Division.

(c) LAND USES SUBJECT TO A PLANNED DEVELOPMENT REVIEW.

- (1) Planned Development.
- (2) Dwelling Units in conjunction with a commercial use.

(d) REVIEW CRITERIA. Land uses allowed subject to a Conditional Use Permit shall comply with the review criteria established in Section 83.030105 of this Title.

(e) PROPERTY DEVELOPMENT STANDARDS. The following property development standards shall apply to all land uses within the CS District.

84.0355 (CS) SERVICE COMMERCIAL (CS) DISTRICT DEVELOPMENT STANDARDS	
Maximum Structure Height (Ft.)	60
Minimum Lot Size (Acres) Map suffix will modify See (1) below	5
Maximum Lot Coverage (Building coverae)	65%
Maximum Lot Dimensions (Width to Depth Ratio)	1:3
Minimum Lot Dimensions (Width/Depth in Ft.)	60/100
Front Yard Setback (Ft.)	15
Side Yard Setbacks (Ft.) See (2) Below	10
Rear Yard Setbacks (Ft.) See (3) Below	10
Street Side Setbacks (Ft.)	15
Maximum Floor Area Ratio (FAR — Fl. Area/Lot Area)	1.20
Minimum District Size (Acres)	5

(1) Minimum lot size can be less than five (5) acres if the subdivision application is filed concurrently with a Planned Development or Conditional Use Permit Application.

(2) Only one (1) side yard is required to provide for emergency access. If the adjacent property is not designated commercial or industrial, a side yard shall be required along that side of the property.

(3) A rear yard is required only when the adjacent property is not designated commercial or industrial.

(f) ACCESSORY SIGNS.

84.0355 (CS) Service Commercial							SIGN STANDARDS		
Sign Configuration	Sign Type								
	Individual			Complex			Complex Occupant		
Wall	P	R	1:3	NP	---		P	R	1:2
		A	200		---			A	50
Roof	P	R	1:3	NP	---		P	R	1:2
	P	A	50		---			A	50
Monument	P	H	4	P	H	4	NP	---	
	P	A	50		A	50		---	
Freestanding	P	H	25	P	H	25	NP	---	
	P	A	200		A	200		---	
Projecting	P	H	35	P	H	35	NP	---	
		A	200		A	200		---	
Total Area Sq. Ft.	///	300		///	200		///	50	
Total Number	///	1 FS		///	1 FR		///	1	
	///	2 AT		///			///		

P - Permitted
 NP - Not Permitted
 FR - Per Frontage

LC - Land Use Compl. Rev.
 FS - Freestanding
 AT - Attached

H - Maximum Height (Ft.)
 A - Maximum Area (Sq. Ft.)
 R - Ratio [Bldg. Frontage to Sign Area]

84.0370 Community Industrial (IC) District.

The Community Industrial (IC) District shall be located as specified by the San Bernardino County General Plan.

- (a) PERMITTED LAND USES.
 - (1) Row, Field, Tree and Nursery Crop Cultivation.
 - (2) Accessory Uses as specified by Chapter 5 of this Division.
- (b) LAND USES SUBJECT TO CONDITIONAL USE PERMIT.
 - (1) Agricultural Support Services.
 - (2) Professional Services.
 - (3) Repair Services I, II and III.
 - (4) Convenience/Support Services.
 - (5) Manufacturing Services I.
 - (6) Wholesale/Warehouse Services I and II.
 - (7) Open Lot Services I and II.
 - (8) Contract/Construction Services.
 - (9) Transportation Services I.
 - (10) Planned Development.
 - (11) Additional uses as specified by Chapter 4 of this Division.

(c) Land uses allowed subject to a Conditional Use Permit shall comply with the review criteria established in Section 83.030105 of this Title.

(d) PROPERTY DEVELOPMENT STANDARDS. The following property development standards shall apply to all land uses within the IC District.

84.0370 (IC) COMMUNITY INDUSTRIAL (IC) DISTRICT DEVELOPMENT STANDARDS	
Maximum Structure Height (Ft.)	75
Minimum Lot Size (Acres) Map suffix will modify See (1) below	5
Maximum Lot Coverage (Building coverage)	70%
Maximum Lot Dimensions (Width to Depth Ratio)	1:3
Minimum Lot Dimensions (Width/Depth in Ft.)	60/100
Front Yard Setbacks (Ft.)	15
Side Yard Setbacks (Ft.) See (2) Below	10
Rear Yard Setbacks (Ft.) See (3) Below	10
Street Side Yard Setbacks (Ft.)	15
Maximum Floor Area Ratio (FAR — Fl. Area/Lot Area)	0.97
Minimum District Size (Acres)	5

NOTE: Improvement Level information can be found in the San Bernardino General Plan, Section II-D-6-a, pages II-D-87 through II-D-92.

(1) Minimum lot size can be less than five (5) acres if the subdivision application is filed concurrently with a Planned Development or Conditional Use Permit Application.

(2) Only one (1) side yard is required to provide for emergency access. If the adjacent property is not designated commercial or industrial, a side yard shall be required along that side of the property.

(3) A rear yard is required only when the adjacent property is not designated commercial or industrial.

(4) Performance Standards. Performance Standards indicating the acceptable levels of noise, vibration, air pollution, glare and other possible pollutants are set forth in Division 7, Chapter 9, of this Title.

(e) ACCESSORY SIGNS.

84.0370 (IC) Community Industrial		ACCESSORY SIGN STANDARDS								
Sign Configuration	Sign Type									
	Individual			Complex			Complex Occupant			
Wall	P	R	1:3	NP		---	P	R	1:2	
		A	200			---		A	150	
Roof	P	R	1:3	NP		---	NP		---	
	P	A	150			---			---	
Monument	P	H	6	P	H	6	NP		---	
	P	A	100		A	100			---	
Freestanding	P	H	25	P	H	25	NP		---	
	P	A	200		A	200			---	
Projecting	NP			NP		---	NP		---	
Total Area Sq. Ft.	///		400	///		320	///		150	
Total Number	///		1 FS	///		1 FR	///		1	
	///		2 AT	///			///			

P - Permitted
NP - Not Permitted
FR - Per Frontage

LC - Land Use Compl. Rev.
FS - Freestanding
AT - Attached

H - Maximum Height (Ft.)
A - Maximum Area (Sq. Ft.)
R - Ratio [Bldg. Frontage
to Sign Area]

84.0375 Regional Industrial (IR) District.

The Regional Industrial (IR) District shall be located as specified by the San Bernardino County General Plan.

(a) PERMITTED LAND USES.

- (1) Row, Field, Tree and Nursery Crop Cultivation.
- (2) Accessory Uses as specified in Chapter 5 of this Division.

(b) LAND USES SUBJECT TO CONDITIONAL USE PERMIT.

- (1) Agricultural Support Services.
- (2) Repair Services I, II and III.
- (3) Convenience/Support Services.
- (4) Open Lot Services I and II.
- (5) Manufacturing Services I and II.
- (6) Wholesale/Warehouse Services I and II.
- (7) Contract/Construction Services.
- (8) Transportation Services I and II.
- (9) Salvage Service.
- (10) Planned Development.
- (11) Wholesale Livestock.
- (12) Additional uses as specified by Chapter 4 of this Division.

(c) REVIEW CRITERIA. Land uses allowed subject to a Conditional Use Permit shall comply with the review criteria established in Section 83.030105 of this Title.

(d) PROPERTY DEVELOPMENT STANDARDS. The following property development standards shall apply to all land uses within the IR District.

84.0375 (IR) REGIONAL INDUSTRIAL (IR) DISTRICT DEVELOPMENT STANDARDS	
Maximum Structure Height (Ft.)	150
Minimum Lot Size (Acres) Map suffix will modify See (1) below	5
Maximum Lot Coverage (Building coverage)	70%
Maximum Lot Dimensions (Width to Depth Ratio)	1:3
Minimum Lot Dimensions (Width/Depth in Ft.)	60/100
Front Yard Setbacks (Ft.)	15
Side Yard Setbacks (Ft.) See (2) Below	10
Rear Yard Setbacks (Ft.) See (3) Below	10
Street Side Yard Setbacks (Ft.)	15
Maximum Floor Area Ratio (FAR -- Fl. Area/Lot Area)	0.94
Minimum District Size (Acres)	30

NOTE: Improvement Level information can be found in the San Bernardino General Plan, Section II-D-6-a, pages II-D-87 through II-D-92.

(1) Minimum lot size can be less than five (5) acres if the subdivision application is filed concurrently with a Planned Development or Conditional Use Permit Application.

(2) Only one (1) side yard is required to provide for emergency access. If the adjacent property is not designated commercial or industrial, a side yard shall be required along that side of the property.

(3) A rear yard is required only when the adjacent property is not designated commercial or industrial.

(4) Performance Standards. Performance Standards indicating the acceptable levels of noise, vibration, air pollution, glare and other possible pollutants are set forth in Division 7, Chapter 9, of this Title.

(e) ACCESSORY SIGNS.

84.0375 (IR) Regional Industrial		SIGN STANDARDS							
Sign Configuration	Sign Type								
	Individual		Complex		Complex Occupant				
Wall	P	R	1:4	NP	R	---	P	R	1:2
		A	200		A	---		A	150
Roof	P	R	1:4	NP	R	---	NP	R	---
	P	A	200		A	---		A	---
Monument	P	H	6	P	H	6	NP		---
	P	A	100		A	100			---
Freestanding	P	H	25	P	H	25	NP		---
	P	A	200		A	200			---
Projecting	P	H	25	NP		---	NP		---
	P	A	200			---			---
Total Area Sq. Ft.	///		400	///		400	///		150
Total Number	///		1 FS	///		1 FR	///		
	///		2 AT	///			///		1

P - Permitted
 NP - Not Permitted
 FR - Per Frontage

LC - Land Use Compl. Rev.
 FS - Freestanding
 AT - Attached

H - Maximum Height (Ft.)
 A - Maximum Area (Sq. Ft.)
 R - Ratio [Bldg. Frontage to Sign Area]

84.0380 Institutional (IN) District.

The Institutional (IN) District shall be located as specified by the San Bernardino County General Plan.

(a) PERMITTED LAND USES.

- (1) Row, Field, Tree and Nursery Crop Cultivation.
- (2) Accessory Uses as specified by Chapter 5 of this Division.

(b) LAND USES SUBJECT TO CONDITIONAL USE PERMIT.

- (1) Additional uses as specified by Chapter 4 of this Division.
- (2) Planned Development.

(c) REVIEW CRITERIA. Land uses allowed subject to a Conditional Use Permit shall comply with the review criteria established in Section 83.030105 of this Title.

(d) PROPERTY DEVELOPMENT STANDARDS. The following property development standards shall apply to all land uses within the IN District.

84.0380 (IN) INSTITUTIONAL (IN) DISTRICT DEVELOPMENT STANDARDS ¹	
Maximum Structure Height (Ft.)	150
Minimum Lot Size (Acres) Map suffix will modify	None Required
Maximum Lot Coverage (Building coverage)	70%
Maximum Lot Dimensions (Width to Depth Ratio)	1:4
Minimum Lot Dimensions (Width/Depth in Ft.)	60/100
Front Yard Setbacks (Ft.)	15
Side Yard Setbacks (Ft.)	10
Rear Yard Setbacks (Ft.)	10
Street Side Yard Setbacks (Ft.)	15
Maximum Floor Area Ratio (FAR — Fl. Area/Lot Area)	1.20
Minimum District Size (Acres)	None Required

NOTE: Improvement Level information can be found in the San Bernardino General Plan, Section II-D-6-a, pages II-D-87 through II-D-92.

84.0380 (IN) Institutional		ACCESSORY SIGN STANDARDS						
Sign Configuration	Sign Type							
	Individual			Complex		Complex Occupant		
Wall	P	R	1:1	NP	---	NP	R	---
		A	100		---			---
Roof	P	R	1:1	NP	---	NP		---
	P	A	100		---			---
Monument	P	H	6	NP	---	NP		---
	P	A	48		---			---
Freestanding	P	H	25	NP	---	NP		---
	P	A	48		---			---
Projecting	P	H	15	NP	---	NP		---
	P	A	48		---			---
Total Area Sq. Ft.	///		150	///		///		///
Total Number	///		1 FS	///		///		///
	///		2 AT	///		///		///

P - Permitted
 NP - Not Permitted
 FR - Per Frontage

LC - Land Use Compl. Rev.
 FS - Freestanding
 AT - Attached

H - Maximum Height (Ft.)
 A - Maximum Area (Sq. Ft.)
 R - Ratio (Bldg. Frontage to Sign Area)

84.0385 Floodway (FW) District.

The Floodway (FW) District shall be located as specified by the San Bernardino County General Plan.

(a) PERMITTED LAND USES. Uses shall be permitted where shown to be consistent with the intent and provisions of the FW District as specified by the San Bernardino County General Plan. Uses are only permitted where the property owner(s) understand that the use is placed at their own risk and that shall not obstruct and/or deflect flows onto other property.

If the regulations or standards of this section conflict with regulations or standards of other provisions of the Code, the more stringent regulations or standards shall govern.

(1) Row, Field, Tree and Nursery Crop Cultivation.

(2) Flood control channels, levees, spreading grounds and basins, roads, bridges and diversion drains, where plans are approved by the San Bernardino County Flood Control District.

(3) Animal Raising — Animal raising as a primary use of the property must be on a parcel no less than one-half (1/2) acre. All animal densities are mutually exclusive. The same acreage shall not be utilized to qualify the raising of more than one listed animal type.

Animal Type	Animal Density Per Sq. Ft.
Cattle/Buffalo	1/10,000
Horses	1/10,000
Hogs (9 maximum)	1/20,000
Goats (9 maximum)	1/20,000
Sheep and similar livestock	1/4,000

Aviary, apiary, rabbit, poultry, chinchilla, frog, worm or similar small animal ranches/farms which maintain more than ten (10) small animals shall be allocated one-half (1/2) acre. Any operation greater than one-half (1/2) acre shall be allocated in additional increments of one-half (1/2) acre. Fish raising shall be limited to one pond per acre with a maximum of four (4) ponds per parcel. Each pond shall not exceed one-half (1/2) surface acre in area. An approved Conditional Use Permit may allow a greater surface area or number of ponds or lakes.

(4) Accessory Uses as specified by Chapter 5 of this Division.

(b) LAND USES SUBJECT TO CONDITIONAL USE PERMIT.

(1) The wholesale trade of livestock.

(2) Animal raising of densities greater than or of animal types different than those specified by this Section.

(3) Cow and goat dairies — parcel shall be ten (10) acres or more.

(4) Hog ranches and calf-growing ranches, parcel shall be five (5) acres or more.

(5) Agricultural Support Services.

(6) Additional Uses as specified by Chapter 4 of this Division.

(c) PROPERTY DEVELOPMENT STANDARDS. Development in the Floodway (FW) District, shall, in addition to the following provisions, be subject to the development standards set forth in Section 85.020325.

84.0385 (FW) FLOODWAY (FW) DISTRICT DEVELOPMENT STANDARDS	
Maximum Structure Height (Ft.)	35
Minimum Lot Size (Acres) Map suffix will modify	10
Maximum Lot Dimensions (Width to Depth Ratio)	1:4
Minimum Lot Dimensions (Width/Depth in Ft.)	60/100
Front Yard Setbacks (Ft.)	75
Side Yard Setbacks (Ft.)	15
Rear Yard Setbacks (Ft.)	15
Street Side Yard Setbacks (Ft.)	25
Minimum District Size	None Required

NOTE: Improvement Level information can be found in the San Bernardino General Plan, Section II-D-6-a, pages II-D-87 through II-D-92.

(1) No structure or use shall be constructed, located or substantially improved and no land shall be graded or developed in the area designated as floodway, except upon approval of a plan which provides that the proposed development will not result in any increase in flood levels during the occurrence of the base flood discharge.

(2) All proposed land use permits within the FW District shall meet all of the requirements necessary for approval of a permit in the Floodplain Overlay District.

84.0390 Planned Development (PD) District.

The Planned Development (PD) District shall be located as specified by the San Bernardino County General Plan.

(a) PERMITTED LAND USES.

- (1) Row, Field, Tree and Nursery Crop Cultivation.
- (2) Single Dwelling Unit.
- (3) Social Care Facility with six (6) or fewer clients.
- (4) Animal Raising — Animal raising as a primary use of the property must be on a parcel of no less than two (2) acres. Combinations of the following animal types shall be allowed provided that the total acreage is allocated only once.

Animal Type	Animal Density Per Sq. Ft.
Cattle/Buffalo	1/10,000
Horses	1/10,000
Hogs (9 maximum)	1/20,000
Goats (9 maximum)	1/20,000
Sheep and similar livestock	1/4,000

Aviary, apiary, rabbit, poultry, chinchilla, frog, worm or similar small animal ranches/farms which maintain more than ten (10) small animals shall be allocated one-half (½) acre. Any operation which covers more than one-half (½) acre shall be allocated in additional increments of one-half (½) acre. Fish raising shall be limited to one pond per acre with a maximum of four (4) ponds per parcel. Each pond shall not exceed one-half (½) acre in surface area. (Note: An approved Conditional Use Permit may allow a greater surface area or number of ponds or lakes.)

(5) Accessory Uses as specified by Chapter 5 of this Division.

(b) LAND USES SUBJECT TO A CONDITIONAL USE PERMIT.

(1) Commercial and/or industrial uses, with or without a residential unit, where the total floor area for such uses is no more than ten thousand (10,000) square feet.

(2) Animal raising of densities greater than or of animal types different than those specified by this section.

(3) Additional Uses as specified by Chapter 4 of this Division.

(4) Accessory use — second dwelling unit. In the Planned Development Land Use District, an accessory second dwelling unit is not subject to the requirement of twice the minimum lot size specified by the land use district as found in Subsection 84.0510(a)(1) of this Title, provided the subject parcel is five (5) acres or more.

(c) LAND USES SUBJECT TO A PLANNED DEVELOPMENT REVIEW.

(1) Residential uses that include more than one primary residential unit.

(2) Commercial and/or industrial uses that include more than ten thousand (10,000) square feet.

(d) REVIEW CRITERIA. Land uses allowed subject to a Conditional Use Permit shall comply with the review criteria established in Section 83.030105 of this Title.

(e) PROPERTY DEVELOPMENT STANDARDS. The following property development standards shall apply to all land uses within the PD District.

84.0390 (PD) PLANNED DEVELOPMENT (PD) DISTRICT DEVELOPMENT STANDARDS		See (3) below
Maximum Structure Height (Ft.)		50
Minimum Lot Size (Acres)	Map suffix will modify See (1) below	40
Maximum Lot Coverage (Building coverage)		70%
Maximum Lot Dimensions (Width to Depth Ratio)	≥ 10 acres	1:4
	< 10 acres	1:3
Minimum Lot Dimensions (Width/Depth in Ft.)		60/100
Front Yard Setbacks (Ft.)		15
Side Yard Setbacks (Ft.)		10
Rear Yard Setbacks (Ft.)		10
Street Side Yard Setbacks (Ft.)		15
Maximum Floor Area Ratio (FAR — Fl. Area/Lot Area)		1.2
Minimum District Size (Acres)		40

NOTE: Improvement Level information can be found in the San Bernardino General Plan, Section II-D-6-a, pages II-D-87 through II-D-92.

(1) A map suffix may allow minimum lot size to be less than forty (40) acres (e.g. PD-5 = Planned Development-five (5) acre minimum). A map suffix may also indicate maximum dwelling units per acre (e.g. PD-3/1 = Planned Development-three (3) dwelling units per acre).

(2) Performance Standards. Performance standards indicating the acceptable levels of noise, vibration, air pollution, glare and other possible pollutants are set forth in Division 7, Chapter 9 of this Title.

(3) Alternate Standards. A Final Development Plan may establish different design standards including accessory sign standards.

(4) Minimum Lot Size — A Final Development Plan may approve lot sizes smaller than those specified by the land use district. The combination of open spaces and concentrations of smaller lot areas shall be compatible with the land uses on surrounding properties.

(5) Uses Allowed — A Planned Development may allow intermixing of residential, commercial and industrial uses, provided there is a determined need for such special development standards.

(6) Development Plan standards shall apply in lieu of conflicting standards in this Title. All standards established by this Title which do not conflict with the Development Plan standards shall apply to the project.

Chapter 5

ACCESSORY USES

Sections:

84.0501	Intent.
84.0505	General Accessory Uses.
84.0510	Uses Accessory to Primary Residential.
84.0520	Uses Accessory to Primary Agricultural.
84.0530	Uses Accessory to Primary Commercial.
84.0540	Uses Accessory to Primary Industrial.
84.0550	Accessory Residential Dwellings.
84.0560	Accessory Animal Raising.

84.0501 Intent.

This Chapter establishes the regulations and criteria which allow compatible accessory uses to be located within the various land use districts. Unless otherwise provided, all accessory uses are subject to the same regulations as the sponsoring primary use.

84.0505 General Accessory Uses.

(a) In addition to the accessory use types and accessory uses specifically provided for by this section or elsewhere within the Development Code, each land use shall be deemed to include such other accessory uses which are necessarily and customarily associated with and are clearly incidental and subordinate to the land use. Whenever such accessory uses are questioned, it shall be the responsibility of the Building Official or Director of Environmental Health Services to determine if a proposed accessory use meets the criteria set forth in this section. Prior to making a determination whether or not a proposed accessory use meets the criteria set forth in this section, the Building Official or Director of Environmental Health Services shall give notice to all contiguous property owners in accordance with provisions for Staff Review with Notice.

(b) The combination of Accessory and Primary use structures shall not exceed the maximum lot coverage specified by the land use district.

(c) Permitted accessory buildings shall be located on either the same parcel as the main building or main use or shall be located on a contiguous abutting parcel that is owned by the same owner who owns the parcel which has the main building or use. They shall be placed within the building envelope or as specified by the Table of Projections in Division 7.

84.0510 Uses Accessory to Primary Residential.

The following uses shall be permitted as accessory uses to each single dwelling unit which is allowed by the subject land use district.

(a) Additional residential dwelling. Only one of the following shall be allowed on parcels less than five (5) acres. Each additional residential dwelling shall provide two (2) additional parking spaces, except as otherwise provided by this Title.

(1) Second dwelling unit. A second dwelling unit is an additional dwelling unit either attached or detached that is allowed subject to Conditional Use Permit, provided that the lot area of the subject property is at least two (2) times the minimum lot size specified by the land use district for the subject property.

(2) Dependent Housing, as defined in Division 12 and subject to Special Use Permit.

(3) Caretaker Housing as allowed by Section 84.0550 and a Land Use Compliance Review.

(b) Guest Housing. Residential occupancy of a living unit, with bathroom plumbing only, located on the same parcel as the primary dwelling unit, but separated from it by at least ten (10) feet. This housing is for use by the occupants or temporary guests of the occupants of the premises and is not to be rented or otherwise used as a separate dwelling, except as provided by this section.

(c) Carport and/or garage. Detached structures shall be limited to a four (4) vehicle capacity on lots less than 20,000 square feet.

Vehicle capacity is calculated by multiplying a 14 x 19 parking space (adequate for handicapped persons) by the desired number of vehicles to be housed in the garage/carport. Additional storage space (approximately 136 sq. ft.) is added totalling a 1200 sq. ft. maximum four (4) vehicle capacity. These provisions pertain to detached garage/carports only.

(d) Accessory structures such as a cabana, play yard, tennis court, porch, ramada, awning, patio slab, water tower and well, swimming pool, storage buildings and similar uses. Parcels that are one acre or less shall be limited to only one detached storage building that exceeds one hundred (100) square feet and such storage building shall not exceed one thousand (1,000) square feet.

(e) Accessory Animal Raising as specified by Section 84.0560 of this Chapter.

(f) Board and room for no more than two (2) people.

(g) Special Use Permits shall be required for the following:

(1) Home Occupations.

(2) Exotic Animals.

(3) Private Kennels.

(4) Bed and Breakfast.

(5) Dependent Housing.

(h) Exterior storage shall be fully and solidly screened and kept below the level of the fence or other screening mechanism. Such exterior storage shall not conflict with Title 3 of this Code.

(i) Accessory crop production on lots of 10,000 square feet or less, with a temporary sales facility for plant or animal products grown on the subject property shall stand no greater than two hundred (200) square feet and which displays such produce for sale for no greater than seventy-two (72) hours in any calendar month.

ORDINANCE NO. 142

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF YUCCA VALLEY, CALIFORNIA, AMENDING TITLE 8, DIVISION 4, CHAPTER 3, SECTION 84.0305(b), 84.0320(b) AND 84.0325(b), CHAPTER 5, SECTION 84.0510 RELATING TO ACCESSORY USES AND REPEALING TITLE 8, DIVISION 4, CHAPTER 6, SECTION 84.0605 REGARDING DEPENDENT HOUSING OF THE SAN BERNARDINO COUNTY CODE AS ADOPTED AND AMENDED BY THE TOWN OF YUCCA VALLEY (DCA-02-03).

The Town Council of the Town of Yucca Valley does ordain as follows:

SECTION 1. Development Code Amended.

1.1 Section 84.0510 of Title 8, Division 4, Chapter 5 of the Development Code of the San Bernardino County Code as adopted and amended by the Town of Yucca Valley is hereby further amended to read as follows:

“84.0510 Uses Accessory to Primary Residential. The following uses shall be permitted as accessory uses to each single dwelling unit which is allowed by the subject land use district.

(a) Additional residential dwelling. Caretaker Housing as allowed by Section 84.0550(a) and a Land Use Compliance Review shall be allowed on parcels less than five (5) acres. The additional residential dwelling shall provide two (2) additional parking spaces, except as otherwise provided by this Title.

(b) Second Dwelling Unit.

1. 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 a compatible and integral part of the Town's residential zoning districts.

2. Development Standards.

A. A second dwelling unit is an additional dwelling unit either attached or detached is allowed provided that the lot area of the subject property is at least two (2) times the minimum lot size specified by the land use district for the subject property.

B. 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.

C. The total area of floor space for an attached second dwelling unit shall not exceed 30% of the habitable area of the main residential unit, or a detached second dwelling unit shall not exceed 60% of the main

residential unit but not less than seven hundred twenty five (725) square feet or greater than one thousand two hundred (1,200) square feet.

- D. A second dwelling unit may only be permitted on a residential lot on which there is already built one owner occupied single family dwelling (primary dwelling) or concurrently.
 - E. A second dwelling unit may not be allowed on any residential lot already containing two (2) or more dwelling units.
 - F. The driveway serving the primary dwelling shall be used to serve the second unit whenever feasible.
 - G. The second dwelling unit may be metered separately from the main dwelling for gas, electricity and water/sewer services.
 - H. 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.
3. **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.
4. **Dependant Housing Units.** Those units approved under a Special Use Permit for a Dependant Housing Unit that do not meet these regulations shall be considered conforming.

1.2 Title 8, Division 4, Chapter 6, Section 84.0605 of the Development Code of the San Bernardino County Code as adopted and amended by the Town of Yucca Valley is hereby repealed in its entirety:

1.3 Title 8, Division 4, Chapter 3, Section 84.0305(b), Section 84.0320(b), and Section 84.0325(b) of the San Bernardino County Code as adopted and amended by the Town of Yucca Valley is further amended to read as follows:

Section 84.0305

- (b) **USE CLASSIFICATIONS:** In the following schedule, the letter "P" designate use classifications permitted in the RL District, the letters "PD" designate use classification allowed on approval of a Planned Residential Development, the letters "LSP" designate use classification allowed on approval of a Livestock Permit, the letters "CUP" designate use classification allowed on approval of a Conditional Use Permit.

(j) Private Office for the sole use of the dwelling unit occupants, within a main building and with no external advertising or signs.

84.0520 Uses Accessory to Primary Agriculture.

The following uses shall be permitted as accessory uses to Primary Agricultural uses which are allowed by a land use district.

(a) Animal Raising.

(1) Each animal raising land use includes all structures necessary to maintain and care for such animals (e.g., 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.

(2) Animal Separation.

(A) All animals, other than cats, dogs, canaries or birds of the psittacinae family, shall be restrained at least seventy (70) feet, measured in a straight line, from any structure or area used for human habitation or public assembly (e.g., parks, churches, etc.) on adjoining property. The area of human habitation shall not include cabanas, patios, attached or detached private garages or storage buildings.

(B) Such animals shall maintain a clearance of at least five (5) feet from interior side and rear property lines, and fifteen (15) feet from side street rights-of-way, excepting an alley or bridle path, unless they comply with the following Subsection (c).

(C) Animal Enclosure. Animals may be maintained by a fence at least five (5) feet high and made of either chain link, wood with horizontal members no less than six (6) inches apart, solid masonry or other appropriate solid screening and confining materials. Such a fence may be located on an interior side or rear lot line and fifteen (15) feet from a side street right-of-way.

(D) All animals shall be kept no closer than one hundred (100) feet from any domestic water well.

(3) Newborn Animal Exception. Offspring of animals maintained on the same property in accordance with applicable laws and regulations which are less than four (4) months old or which have not been weaned, whichever is longer, of any animals which are maintained in compliance with the provisions of this Code and other applicable laws, ordinances and regulations shall not be subject to the maximum density or number limitations established by the Land Use District.

(b) Row, field, tree and nursery crop and animal product sales stand. The retail trade of plant or animal products primarily grown on the subject property shall be allowed when displayed from one (1) stand with a floor area not to exceed two hundred (200) square feet on lots greater than 10,000 square feet.

84.0530 Uses Accessory to Primary Commercial.

The following uses shall be permitted as accessory uses to primary commercial uses which are allowed by a land use district.

- (a) Accessory Residential Dwellings as specified by Section 84.0550 of this Chapter.
- (b) Parking structures and lots.
- (c) Accessory signs as specified by Division 7 and the Land Use District.
- (d) Recycling facilities subject to Special Use Permit.
- (e) Exterior storage shall be fully and solidly screened and kept below the level of the fence or other screening mechanism. Such exterior storage shall not conflict with Title 3 of this Code.

84.0540 Uses Accessory to Primary Industrial.

The following uses shall be permitted as accessory uses to primary industrial uses as allowed by the land use district.

- (a) Accessory Residential Dwellings as specified by Section 84.0550 of this Chapter.
- (b) Parking structures and lots.
- (c) Accessory signs as specified by Division 7 and the Land Use District.
- (d) Recycling facilities subject to Special Use Permit.
- (e) Exterior storage shall be fully and solidly screened when adjacent to a nonindustrial land use district and kept below the level of the fence for at least ten (10) feet from such fence or other screening mechanism. Such exterior storage shall not conflict with Title 3 of this Code.

84.0550 Accessory Residential Dwellings.

The following residential dwellings are allowed subject to Land Use Compliance Review as an accessory use to a primary agricultural, commercial, industrial or institutional use where such use demonstrates the need for on-site residency of one or more people to maintain, operate and/or secure the primary nonresidential land use on the property.

- (a) Caretaker Housing. Residential occupancy of a dwelling unit by the owners, operators or caretaker employed to guard or operate part or all of the property on which the caretaker dwelling is located as an accessory use. The caretaker dwelling unit may be located either above the first floor or behind a primary commercial use.
- (b) Labor Quarters. Residential occupancy of single or multiple dwelling units with individual, shared or no kitchen facilities to provide housing for the employees and their families of agricultural, mining, logging, major construction, scientific exploration or other remote land uses.

ORDINANCE NO. 38

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF YUCCA VALLEY, CALIFORNIA, AMENDING CHAPTER 3 OF THE TOWN DEVELOPMENT CODE AUTHORIZING LARGE FAMILY DAY CARE HOMES SUBJECT TO OBTAINING A NON-DISCRETIONARY USE PERMIT

THE TOWN COUNCIL OF THE TOWN OF YUCCA VALLEY DOES ORDAIN AS FOLLOWS:

Section 1. The provisions contained in Sections 84.0305(a)(3), 84.0320 (a)(3), 84.0325(a)(3), 84.0330 (a)(3) and 84.0410(i) of the San Bernardino County Development Code as adopted by the Town of Yucca Valley, as affected by the provisions hereinafter contained in this Section, are amended to be consistent herewith. The following provisions are hereby adopted to read as follows:

"1. Definitions

a. Child Care Facility. A child care facility is a facility which provides non-medical care to children under eighteen (18) years of age in need of personal services, supervision or assistance essential for sustaining the activities of daily living or for the protection of the individual on less than a 24-hour basis. Child care facility includes day care centers and family day care homes.

b. Family Day Care Home. Family Day Care Home means a home which regularly provides care, protection, and supervision of twelve (12) or fewer children, in the provider's own home, for periods for less than 24 hours per day, while the parents or guardians are away, and includes the following:

I. "Large family day care home" which means a home which provides family day care to seven (7) to twelve (12) children, inclusive, including children under the age of ten (10) years who reside at the home, as defined in regulations issued by the State of California.

II. "Small family day care home" which means a home which provides family day care for six (6) or fewer children,

including children under the age of twenty (20) years who reside at the home, as defined in regulations issued by the State of California.

c. Day Care Center. Day Care Center means any child care facility, other than a family day care homes, and includes infant center, preschools, and extended day care facilities.

2. Family Day Care Homes.

a. Small Family Day Care Homes. Small family day care homes shall be considered a residential use of property for the purposes of the Yucca Valley Development Code, and shall be permitted use in all zones in which residential uses are permitted.

b. Large Family Day Care Homes.

I. Large family day care homes shall be considered a residential use of property for the purposes of the Yucca Valley Development Code, and shall be a permitted used in all zones which residential uses are permitted (RC, RL, & RS)."

3. Nondiscretionary Permits.

a. A nondiscretionary permit approved by the Community Development Department shall be required for all large family day care homes located in Resource Conservation, Rural Living, and Single Residential zones prior to the commencement of the use.

b. No hearing shall be held before a decision is made on the application.

c. The Community Development Department shall approve the application upon finding that the proposed use:

I. Provides one off street parking space for each employee who drives to the program and who requires a parking space;

II. Provides drop-off facilities as necessary to avoid interference with traffic and to promote the safety of children;

III. Is not located within 300 linear feet of an existing large family day care home; provided, however, that the Community Development Department shall disregard this requirement where the administrative use permit applicant can demonstrate that:

(a) The existing large family day care home is operating at full capacity; or

(b) A need exists for a particular service not provided by the existing large family day care home.

IV. Complies with the noise element of the Town's General Plan;

V. Has been licensed for such use by the State of California;

VI. Complies with all State Fire Marshal requirements for building and safety which apply to large family day care homes, and with all local building and fire codes which apply to single family residences.

d. Written Decision. The Community Development Department shall prepare a written decision which shall contain the findings of fact upon which such decision is based. The decision shall be mailed to the applicant and to property owners of parcels adjacent to the parcel for which the nondiscretionary Permit was requested. Copies of the decision shall also be provided to the Planning Commission.

e. Revocation. A nondiscretionary Permit may be revoked by the Community Development Department or the Planning Commission on appeal, if any one of the following findings can be made:

I. That the permit was obtained by misrepresentation or fraud.

II. That the use for which the permits was granted has ceased or has been suspended for six or more consecutive months.

III. That one or more of the required standards have not been complied with.

The Community Development Department shall notify the permit holder in writing of the pending revocation and state specifically the grounds therefore. In the event the grounds stated for the revocation are not corrected within fourteen (14) calendar days or if evidence of substantial compliance is not provided to the Community Development Department within fourteen (14) calendar days from the date upon which the notice is mailed, the permit shall be revoked. The fourteen (14) day period may be extended if good faith corrective action is taken by the applicant and approved by the Community Development Department.

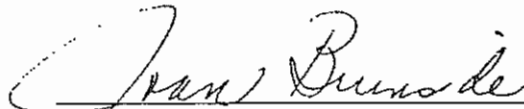
4. Day Care Centers. Day Care Centers may be permitted in any district, subject to first obtaining a conditional use permit."

Section 2. Except as affected by the provisions contained in this ordinance, all other provisions of the San Bernardino County Development Code as adopted by the Town shall remain in effect.

Section 3. Notice of Adoption. Within fifteen (15) days after the adoption hereof, the Town Clerk shall certify to the adoption of this ordinance and cause it to be published once in a newspaper of general circulation printed and published in the County and circulated in the Town pursuant to Section 36933 of the Government Code.

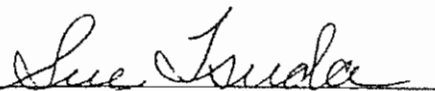
Section 4. Effective Date. This Ordinance shall become effective thirty (30) days after the date of its adoption.

ADOPTED by the Town Council and signed by the Mayor and attested by the Town Clerk this 16th day of September 1993.



MAYOR

ATTEST:



TOWN CLERK

ORDINANCE NO. 89

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF YUCCA VALLEY, CALIFORNIA, AMENDING SECTION 84.0560 OF TITLE 8 RELATING TO ACCESSORY ANIMAL RAISING OF THE COUNTY OF SAN BERNARDINO DEVELOPMENT CODE AS ADOPTED BY THE TOWN OF YUCCA VALLEY

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

SECTION 1. Development Code Amended

A. Section 84.0560 Accessory Animal Raising of the County of San Bernardino Development Code as adopted by the Town of Yucca Valley is hereby amended in its entirety to read as follows:

"84.0560 Accessory Animal Raising

(a) This section establishes regulations to allow animal raising as an accessory use to a primary single dwelling unit for all properties which allow for the keeping of animals unless specified otherwise. Combinations 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 multiple residential structures shall be limited to those animals allowed to subsections 84.0560(n)(1) and (2) for lots less than 7,200 square feet.

(b) All animal raising land uses shall comply with public health laws regarding proper care and maximum number of animals.

(c) Each animal raising land use includes all structures necessary to maintain and care for such animals (e.g., 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.

(d) Animal Separation

(1) Equine

(A) Equine shall be maintained in a fenced area at all times.

(B) Setbacks

From neighbor's livable dwelling or buildable setback line 70'

From neighbor's livable dwelling or buildable setback line for those properties located within the large animal overlay district which do not have property lines contiguous to the boundaries of the large animal overlay district 45'

Front property line 10'

Rear property line, if adjacent to other privately held property 10'

Rear property line, if alleyway or dedicated flood control right of way 0'

Side property lines 5'

(2) Cattle, Buffalo, Sheep, Goats, Llamas and Camelids

(A) Each individual cattle and/or buffalo kept on private property under the provisions of this ordinance shall be provided with a minimum of 400 square feet in a fenced area.

(B) Setbacks

From neighbor's livable dwelling or buildable setback line	100'
Front property line	10'
Rear property line, if adjacent to other privately held property	10'
Rear property line, if alleyway or dedicated flood control right of way	0'
Side property lines	5'

(C) All goats shall be provided with adequate shelter to protect them from the elements.

(D) Fencing shall be adequate to maintain livestock on the property at all times.

(3) Pigs

(A) 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.

(B) Setbacks

From neighbor's livable dwelling or buildable setback line	100'
Front property line	10'
Rear property line, if adjacent to other privately held property	10'
Rear property line, if alleyway or dedicated flood control right of way	0'
Side property lines	5'

(C) Adequate cooling systems shall be required

for the keeping of pigs, in addition to providing adequate shelter from the elements.

(4) Animal Enclosure. Animals may be maintained by a fence at least five (5) feet high and made of either chain link, wood with horizontal members no less than six (6) 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 fifteen (15) feet from a side street right of way.

(A) No barbed wire fencing shall be allowed within the incorporated Town boundaries that is specific to livestock keeping pursuant to these regulations.

(B) Fences which are adjoining and running parallel to private or public streets or bridle trails shall be a minimum of five (5) feet in height with posts spaced not more than ten (10) feet apart.

(C) 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).

(5) All animals shall be kept no closer than one hundred (100) feet from a domestic water well.

(e) Accessory animal raising of densities greater than, or of animal types different from, those specified by this section shall require a Livestock Permit, except where a Special Use Permit is required. The Livestock Permit shall follow the application and review process as required for Home Occupation/Cottage Industry Permit.

(f) 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 following age limitations for accessory animal keeping.

(1) Accessory Animal Keeping

Dogs/Cats	4 calendar months
Emu/Ostriches	12 calendar months
Equine	12 calendar months

Sheep	60 days
Goats	60 days
Bovine	6 calendar months (300 lb. Max)
Buffalo	6 calendar months
Swine	60 days
Llama/Camelid	12 calendar months

(2) Offspring of nonallowed adult animals shall be counted as adult animals, notwithstanding their age at any particular time.

(3) The total number of offspring shall not exceed fifty percent (50%) 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.

(4) 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.

(g) Confined Animals. Animals which are normally maintained in aquariums, terrariums, bird cages or similar devices, each of which does not exceed fifty (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.

(h) 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.

(i) Any and all contiguous parcels which are included in calculating maximum animal densities shall be merged into one legal parcel.

(j) Livestock keeping areas shall be maintained in a clean and sanitary condition at all times.

(k) 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.

(l) 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 inhabitants of a neighborhood by howling, barking, crying, baying or making other noise.

(m) 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.

(n) 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) 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 Livestock 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 (5) acres is required for the keeping of buffalo, bulls and boars.

(o) Required Permits. Prior to the establishment of any commercial livestock keeping activity, the property owner or lessee shall first obtain a Livestock Permit from the Community Development Department. The Livestock Permit shall follow the application and review process as required for Home Occupation/Cottage Industry Permit.

(p) Allowed accessory small animal raising in residential districts.

Animal Type	Single Residential (RS)	Multi-family Residential (RM)	Rural Living (RL) & Hillside Reserve (R-HR)
Dogs/cats	<7200 sf. 2 dogs & 2 cats/lot 7200 sf. 3 dogs & 3 cats/lot 10000 sf. 4 dogs & 4 cats/lot 20000 sf. *5 dogs & 5 cats/lot * Five (5) or more dogs and cats require a Special Use Permit (SUP).	2 animals allowed (1 dog / 1 cat, 2 dogs, 2 cats) More dogs and/or cats requires a Special Use Permit (SUP)	< 2 Acres RS standards apply > 2 Acres 1 ea. addnl. 20,000 sf. (Max. 8) More dogs or cats require a Special Use Permit (SUP)
Pot-bellied pigs	< 20,000 sq.ft. 1 allowed in lieu of 1 dog >20,000 sq.ft. 2 allowed in lieu of 2 dogs (Female or neutered male only)	Not allowed	2 per first acre* 1 ea. addnl. acre (Max. 8) * If the parcel contains less than one acre, the RS standards shall apply.
Fowl/Rabbits	10 fowl for first 20,000 sq. ft. 5 fowl for ea. addnl. 10,000 sq. ft. (Max. 25 fowl) 5 rabbits per 20,000 sq.ft. min. 2 rabbits for ea. addnl. 10,000 sq. ft. (max. 10 rabbits)	No fowl allowed Max. 2 rabbits	10 fowl for first 20,000 s. f. 5 fowl for ea. addnl. 10,000 sq. ft. (Max. 25 fowl) 5 rabbits per 20,000 sf. 2 rabbits for ea. addnl. 10,000 sq. ft. (Max. 40 rabbits)
Male Fowl	1 per 20,000 sq.ft. min. (max. 2)	Not allowed	1 per first 20,000 sq.ft.. (Max. 2)

(q) Allowed accessory large animal raising in single family residential districts not included within large animal overlay district.

Animal Type	Minimum Parcel Size	Maximum Density Or Number
(4) Sheep and/or goat (female)	7,200 sq. ft. 7,200 sq. ft.	1/lot 1/5,000 sq. ft.
Goat (male)	20,000 sq. ft.	1/lot

(Cumulative total of sheep and goats is 9 per lot.)

(5)	Equine	20,000 sq. ft. with 60 ft. minimum frontage	1/10,000 sq. ft. Maximum 9
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(Cumulative total of all large domesticated animals is 9 per lot.)

(6)	Cattle	20,000 sq. ft. with 60 ft. minimum frontage	1/10,000 sq. ft. Maximum 9
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(7)	Llamas and camelids	20,000 sq. ft.	1/10,000 sq. ft. Maximum 9
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(8)	<u>Emus and Ostriches</u>	<u>1 acre. Min. in RL & R-HR</u>	<u>2 pair per acre or 1 male, 3 females. Max. 4 on first acre. 2 addnl. for every 10,000 sf after first acre. Max. 9 without Over 9 requires Livestock Permit.</u>
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(r) 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."

84.0570 Large Animal Overlay District

(a) A person may keep or maintain livestock as identified in this chapter on any parcel zoned for single family residential purposes only as specifically authorized by the provisions of this chapter and as identified on the Livestock Overlay District Map, subject to the following parcel size restrictions.

<u>Livestock</u>	<u>Minimum Parcel Size</u>
Equine	20,000 square feet
Sheep	7,200 square feet
Goats	7,200 square feet
Billy goat (male breeding goat)	20,000 square feet
Cattle	20,000 square feet
Bulls (Special Permit)	5 acres
Buffalo (Special Permit)	

required)	5 acres
Pig	1 acre
Boar (Special Permit)	5 acres
Emus & Ostriches	1 acre
Llamas & Camelids	20,000 square feet

(b) Livestock Permitted. The following types of livestock are allowed within the single family residential land use districts as identified within the Livestock Overlay District Map. Equine, cattle, buffalo, pigs, sheep, goats (female and neutered males), billy goats (male breeding goats), emus, ostriches, and llamas and camelids may be allowed under the provisions of this chapter.

(c) The following animal densities are established for those single family residential land use districts located within the Livestock Overlay District, as accessory to the residential use. The following density standards apply to properties within the Livestock Overlay District map. 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.

<u>Livestock Type</u>	<u>Livestock Densities</u>	<u>Maximum Number of non-exempted animals without livestock permit</u>
Equine	4 equine on the first 20,000 square feet, 1 animal for each additional 10,000 square feet	23
Sheep	6 animals on the first 20,000 square feet, 1 animal for each additional 10,000 square feet	12
Goats	6 animals on the first 20,000 square feet, 1 animal for each additional 10,000 square feet	12
Billy goats (male	1 animal on the first	3

breeding goats)	20,000 square feet, 1 additional animal for each additional 10,000 square feet	
Cattle	4 animals per 20,000 square feet, 1 additional animal for each additional 10,000 square feet	23
Bulls (Special Permit required)	4 animals on minimum 5 acres, with no additional animals allowed	4
Buffalo (Special Permit required)	2 animals per 5 acres, 1 additional animal for each additional 5 acres	2
Pigs	1 animal per 1 acre, 1 additional animal for each additional 10,000 square feet	4
Boars (Special Permit)	4 animals per 5 acres, with no additional animals allowed unless approved under Special Permit	4
Llamas and camelids	4 animals per 20,000 square feet, 1 additional animal for each additional 10,000 square feet	23
<u>Emus and Ostriches</u>	<u>1 acre Min. in RL & R-HR</u>	<u>2 pair per acre or 1 male, 3 females. Max. 4 on first acre. 2 addnl. for every 10,000 sf after first acre</u> <u>Max. 28 without permit. Over 28 requires Livestock Permit.</u>

(d) Exempted Animals. 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 following age limitations for accessory and commercial animal keeping.

(1) Accessory and Commercial Animal Keeping

Equine

12 calendar months

Sheep	60 days
Goats	60 days
Bovine	6 months, 300 pounds
Buffalo	6 months
Swine	60 days
Llama/Camelid	12 months

(2) Offspring of nonpermitted adult animals shall be counted as adult animals, notwithstanding their age at any particular time.

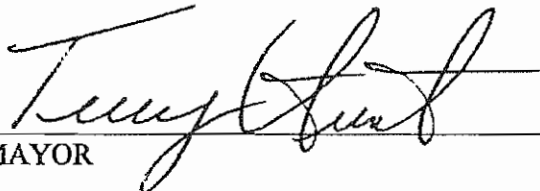
(3) The total number of offspring shall not exceed fifty percent (50%) of the number of adult animals maintained on the parcel(s) unless authorized by approval of a discretionary Livestock Permit.”

SECTION 2. SEVERABILITY. If any provision, clause, sentence or paragraph of this ordinance or the application thereof to any person or circumstance shall be held invalid, such invalidity shall not affect the other provisions or application of the provisions of this ordinance, which shall be given effect without the invalid provision or application, and to this end the provisions of this ordinance are hereby declared to be severable.

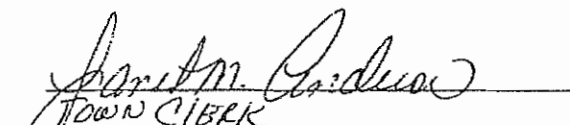
SECTION 3. NOTICE OF ADOPTION. Within fifteen (15) days after the adoption hereof, the Town Clerk shall certify to the adoption of this Ordinance and cause it to be published once in a newspaper of general circulation printed and published in the County and circulated in the Town pursuant to Section 36933 of the Government Code.

SECTION 4. EFFECTIVE DATE. This Ordinance shall become effective thirty (30) days from and after the date of its adoption.

APPROVED AND ADOPTED by the Town Council and signed by the Mayor and attested by the Town Clerk this 1st day of April, 1998.


MAYOR

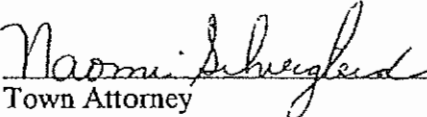
ATTEST:

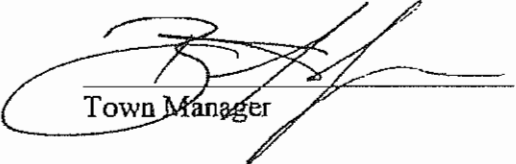

TOWN CLERK

Town Clerk

APPROVED AS TO FORM:

APPROVED AS TO CONTENT:


Town Attorney


Town Manager

F:\COMMON\ORDINANCE\CA0897.TC
March 13, 1998

STATE OF CALIFORNIA

COUNTY OF SAN BERNARDINO

TOWN OF YUCCA VALLEY

I, Janet M. Anderson, Town Clerk of the Town of Yucca Valley, California hereby certify that the foregoing ordinance was duly and regularly introduced at a meeting of the Town Council on the 19th day of March, 1998, and that thereafter the said ordinance was duly and regularly adopted at a meeting of the Town Council on the 2nd day of April, 1998, by the following vote, to wit:

Ayes: Council Members Hockett, Leone, and Loveless

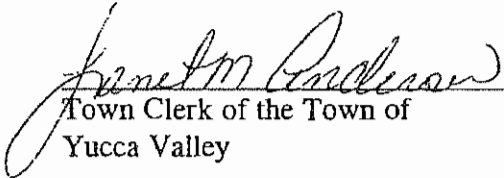
Noes: Council Member Crouter and Mayor Hunt

Absent: None

Abstain: None

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of the Town of Yucca Valley, California, this 6th day of April, 1998.

(SEAL)


Town Clerk of the Town of
Yucca Valley

Chapter 6

SPECIAL USES

Sections:

- 84.0601 General Provisions.
- 84.0605 Dependent Housing.
- 84.0610 Exotic Animals.
- 84.0615 Home Occupations.
- 84.0620 Bed and Breakfast Uses.
- 84.0625 Recycling Facilities.
- 84.0630 Private Kennels.
- 84.0635 Special Uses.

84.0601 General Provisions.

(a) The uses described in this chapter shall be permitted in a land use district, subject to the issuance of a Special Use Permit. Special Use Permits are required to regularly monitor the operation of certain land uses to insure their continued compatibility with the surrounding property.

(b) Failure to comply with all conditions of this section shall render the Special Use Permit to be null and void and subject to all enforcement, criminal and civil penalty provisions of this Development Code and all other remedies and penalties provided by law, and are not limited or superceded by these sections.

(c) Special Use Permit applications shall be denied if there are any violations of San Bernardino County Code Division 3, Chapters 1 through 11 on the property for which the application is filed and appropriate legal action will be taken to abate such violation.

(d) The Director of the Department of Environmental Health Services and/or the Building Official may add additional conditions or requirements as deemed necessary to any Special Use Permit.

(e) Special Use Permits shall be renewed annually, unless otherwise specified by this chapter and inspections will be conducted by the Department of Environmental Health Services prior to each annual renewal.

~~84.0605 Dependent Housing.~~

~~(a) One (1) detached dependent housing unit as defined in Division 12 of the Development Code may be permitted per parcel in any land use district as a temporary accessory use to any permitted single dwelling unit; provided, however, that there is only one (1) single dwelling unit occupying the site.~~

~~(b) Requirements.~~

~~(1) The permittee shall occupy at least one (1) of the dwelling units on the premises.~~

*Approved
By
142*

84.0620 Bed and Breakfast Uses.

(a) Bed and Breakfast Uses as defined in Division 12 shall be permitted in all residential Land Use Districts and all Land Use Districts where residential uses are permitted.

(b) Requirements.

(1) Only a single family dwelling structure, including habitable accessory structures shall be considered for Bed and Breakfast Uses.

(2) This use shall be conducted as an accessory use only; the residential structure shall serve as the primary residence of the owner. If a corporation is the owner, a majority shareholder of the corporation shall reside in the residential structure where the said use is proposed.

(3) All Bed and Breakfast Uses shall be subject to:

(A) Special Use Permit as specified in this Title. The Special Use Permit is renewable annually;

(B) Health Permit as specified in Title 3 of the County Code. The Health Permit is renewable annually; and

(C) Transient Occupancy Tax (bed tax).

(4) Application for a permit shall be made by the resident property owner or his legal agent having power of attorney to make such application.

(5) Where deemed appropriate by the Director of Environmental Health Services Department, owners/operators of Bed and Breakfast Uses shall be required to sign and record a Certificate of Land Use Compliance and abide by the provisions outlined therein.

(c) Findings. Prior to acting upon an application for a Special Use Permit for a Bed and Breakfast Use, the reviewing authority shall find that all the following are true:

(1) That the site upon which the Bed and Breakfast Use is to be established, shall conform to all standards of the Land Use District in which it is located, and that the site for the proposed use is adequate in size and shape to accommodate said use and all yards, building coverage, setbacks, parking areas and other applicable requirements of the Code.

(2) That the residential character of the neighborhood in which the use is located shall be maintained and preserved and that the issuance of the permit shall not be significantly detrimental to the public health, safety and welfare or injurious to the vicinity and district in which the use is located.

(d) Conditions.

(1) Structural Features.

(A) All dwelling units proposed for Bed and Breakfast use must comply with standards and specifications of the Uniform Building Code, and shall also be subject to the Room Occupancy Standard outlined in the State Housing Law (as amended).

(B) Each guest room shall be equipped with a fire extinguisher and a smoke detector conforming to Uniform Building Code Standards (UBC No. 43-6), and exit/egress and an emergency evacuation map must be displayed in a prominent location in each guest room.

(2) Accesses and driveways. The owner shall ensure that all required accesses, driveways and parking spaces remain clear and unobstructed, and are available and ready for the occupants' use at all times.

(3) Parking. In addition to the required parking standards for residential uses, one (1) parking stall nineteen (19) feet in length and nine (9) feet in width shall be provided on-site for each guest room. Such additional parking spaces shall comply with the location and design standards established by the applicable Land Use District and the provisions of this Title. 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 reviewing authority.

(4) Design Standards.

(A) A Bed and Breakfast Use shall not be permitted in a dwelling that is located on a site that has less than the applicable lot area specified by the underlying Land Use District.

(B) Alterations and modifications may be made to the structures and the site but such alterations shall be compatible with the character of the neighborhood. Such alterations and modifications shall also comply with all applicable provisions, requirements and standards of the County Code.

(C) Additional landscaping may be required to screen parked vehicles from direct view of the neighbors, particularly where such parking is located within the front yard setback.

(D) Any lights used to illuminate the site shall be designed so as to reflect away from adjoining properties and public thoroughfares.

(E) A nonilluminated identification sign, not to exceed six (6) square feet in area is permitted. If not attached to the residence, such sign shall not exceed six (6) feet in height and must blend with the architectural style of the structure and the neighborhood.

(F) No Bed and Breakfast use shall be permitted where more than two such uses currently exist within one thousand (1,000) feet of the perimeter of the proposed site.

(5) Kitchen Facilities.

(A) There shall be no cooking facilities permitted in guest rooms.

(B) The sale of food or other materials is limited to guests who are currently residing on the premises where the use is located and not to the general public.

(6) Records of Patrons. Records of all guests who patronize the Bed and Breakfast establishment shall be preserved for a minimum period of three (3) years before such records are discarded.

(7) Miscellaneous Conditions.

(A) Pedestrian and vehicular traffic will be limited to that normally associated with residential districts.

(B) 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.

(C) There shall be no outdoor storage of materials or equipment, nor shall merchandise be visible from outside the home.

(D) The appearance of the structure shall not be altered nor the occupation within the residence be conducted in a manner which 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.

(E) The uses of utilities and community facilities shall be limited to that normally associated with the use of the property for residential purposes.

(e) Penalty for Noncompliance. The reviewing authority may void any Special Use Permit for a Bed and Breakfast Use for noncompliance with the conditions set forth in approving the permit, and shall give notice of such action to the permittee.

(f) Types of Bed and Breakfast Uses. Bed and Breakfast Uses shall be classified into three (3) types:

(1) Host Home (having one [1] or two [2] guest room[s]).

(A) Such use shall not be permitted on a site that is less than five thousand (5,000) square feet of lot area. A minimum lot area of seven thousand two hundred (7,200) square feet is required for host homes with two (2) guest rooms.

(B) Such homes shall have a minimum of two (2) bathrooms.

(2) Bed and Breakfast Home (having three [3] to five [5] guest rooms).

(A) In addition to the Special Use Permit, such use shall be subject to a Conditional Use Permit.

(B) This use shall not be permitted on a site that has less than the net lot area specified below:

No. of Guest Rooms	Minimum Lot Size
3	8,200
4	9,200
5	10,200

(C) Such home shall have a minimum of three (3) bathrooms.

(3) Bed and Breakfast Inn/Lodge having a minimum of six (6) and a maximum of ten (10) guest rooms.

(A) Structures of Historical, Architectural and Cultural significance.

(I) Only residential structures that have been determined to be of historical, architectural or cultural significance by the Planning Commission, or properties which are on the State or National listing of structures of historical significance shall be permitted to be used as a Bed and Breakfast Inn/Lodge.

(II) The Planning Commission may establish Historic and Scenic Preservation Standards and shall review the proposal for a determination of historical, architectural or cultural significance. In making such determination, the Planning Commission shall consider the:

(i) Architecture of the structure noting the history, uniqueness and style of the design;

(ii) Historical and/or cultural value(s) of the property and/or the site;

(iii) Age of the structure and its physical and structural condition.

(iii) After such determination, the structure shall be placed on: (1) State lists of Points of Historic Interest and Historic Landmarks, or (2) the National Register of Historic Places.

(B) The Planning Commission may require the preservation and maintenance of significant permanent landscaping features and significant historical, architectural and/or cultural features of the structure and/or property.

(C) A residential building that has been declared a historical structure shall be subject to prealteration inspection by a designated County official prior to application for Bed and Breakfast Use and report of such inspection must accompany the application.

(D) All historical structures proposed for Bed and Breakfast Uses shall comply with all current applicable Uniform Building Code standards, including those regarding historical building and those pertaining to the physical and structural conditions of the building and the site.

(E) In addition to the Special Use Permit, this use shall be subject to a Conditional Use Permit.

(F) This use shall not be permitted on a site that has less than twenty thousand (20,000) square feet of lot area and one thousand (1,000) square feet of additional lot area shall be required for each additional guest room over six (6).

(G) Such home shall have a minimum of four (4) bathrooms. The owner shall provide access for the physically handicapped.

(4) Any use that is the subject to an approved Conditional Use Permit may also be made subject to the issuance of a Special Use Permit.

(5) Special Use Permits may be issued for limited time periods. New applications may be required for Special Use Permit renewal.

DIVISION 5. OVERLAY DISTRICTS

Chapters:

1. General Provisions
2. Hazard Protection
3. Resource Preservation
4. Land Use Modifications.

Chapter 1

GENERAL PROVISIONS

Sections:

- | | |
|---------|--|
| 85.0101 | Intent. |
| 85.0105 | Purpose and Format. |
| 85.0110 | Overlay Designations. |
| 85.0115 | Overlay District Application. |
| 85.0120 | Implementation Review. |
| 85.0125 | Uses Permitted. |
| 85.0130 | Establishment and Change of an Overlay District. |
| 85.0135 | Overlay District Map Amendments. |
| 85.0140 | District Boundary Uncertainties. |
| 85.0145 | Official Land Use Plan Relationship to Code. |

85.0101 Intent.

(a) This Chapter provides land use regulations as part of the Official Land Use Plan of the County of San Bernardino for the unincorporated area in said County.

(b) Overlay districts are established to recognize and map environmental hazard constraints, environmental resource amenities, or community concerns which should be taken into consideration when land development is being proposed. Overlay districts establish regulations in addition to those imposed by the land use district. Overlay districts shall be designated where development within a land use district is affected by or would affect such environmental hazard constraints, environmental resource amenities or community concerns.

(c) When an overlay district is mapped over any land use district, the development standards used for that site shall be those as set forth in the overlay district and/or the land use district; whichever is more restrictive.

(d) The procedures for using overlay districts shall be outlined in this Chapter.

(e) When appropriate, variances from standards set forth in the overlay districts may be granted.

85.0105 Purpose and Format.

(a) Overlay districts are established for the following purposes:

(1) To preserve and protect valuable resources of land, natural land formations and land uses which have been identified as needing such protection.

(2) To identify natural or man-made conditions which are a potential threat to public health and safety and to formulate requirements to mitigate such threats.

(b) Each overlay district section contains the following subsections: "Intent," "Locational Requirements," and "Development Standards." The "Intent" and "Locational Requirements" sections provide necessary information for locating overlay districts. The "Development Standards" section provides the necessary regulatory guidance for land uses within an overlay district that are in addition to those required by the applicable land use district.

85.0110 Overlay Designations.

(a) When an overlay district is established in conjunction with a land use district, it shall be designated on the appropriate overlay map or appropriate land use district map.

(b) The following symbols appear on the official land use or overlay maps to identify the various overlay districts:

SYMBOLS	OVERLAY DISTRICT
AA	Additional Agricultural
AP	Agricultural Preserve
AR1, AR2, AR3, AR4	Airport Safety
AH	Alternate Housing Standards
BR	Biotic Resources
CR	Cultural Resources
FR1, FR2	Fire Safety
FP1, FP2, FP3	Flood Plain Safety
GH	Geologic Hazard
MR	Mineral Resources
NH	Noise Hazard
PR	Paleontologic Resources
SR	Scenic Resource
SC	Sign Control

85.0115 Overlay District Application.

The regulations and development standards established by an overlay district shall be imposed in addition to those established by the underlying land use district, shall prevail when they are more restrictive, and shall overlay all land use districts on all parcels or portions thereof which are encompassed or circumscribed by one or more overlay districts. Land use districts may augment and strengthen the standards

and provisions specified by an overlay district. Overlay districts may be added as a suffix or a series of suffixes to the primary land use district (e.g., CG-SC), when designated on a land use district map. Each overlay district, however, is an independent, individual land use regulation, which is adopted or amended independent of the land use district.

(a) The boundaries of established districts are shown and delineated on the Land Use and Overlay District Maps entitled "Official Land Use Plan," as amended and as certified by the Clerk of the Board and on file with the Department of Land Management, which are hereby adopted as part of the Official Land Use Plan of San Bernardino County.

(b) Changes, additions, and amendments to the Official Land Use Plan shall be determined and defined from time to time by ordinance adopting "Sectional" land use district maps covering portions of San Bernardino County, each of which shall become, upon final adoption and certification by the Clerk of the Board, a part of the Official Land Use Plan for the County.

(c) Unless otherwise noted, land use and overlay district boundaries shall extend to street right-of-way centerlines.

85.0120 Implementation Review.

The following shall apply to all land use applications and development permits which are submitted for property within an overlay district:

The accepting authority shall require a Land Use Compliance Review where the review process for a land use application or development permit does not provide an adequate review or implementation mechanism to properly address the protection or preservation measures and standards specified by an overlay district.

85.0125 Uses Permitted.

The uses permitted on a parcel which has an overlay district shall be those uses allowed by the primary land use district subject to the provisions of all applicable overlay district provisions as well as those of this Title. Where the regulations or standards established by an overlay district conflict with provisions of a primary land use district or other provisions of this Title, the more stringent regulations or standards shall govern.

85.0130 Establishment and Change of an Overlay District.

The provisions of each Section of this Chapter shall provide the criteria for the establishment or change of the applicable overlay district boundary. Each overlay district is an individual land use designation that is a separate and independent designation from the primary land use district and remains with the property irrespective of the underlying land use district unless specifically changed. A change in the primary underlying land use district does not change an overlay district designation.

85.0135 Overlay District Map Amendment.

The Board of Supervisors may act upon changes in classification of property regarding one or more adopted overlay district(s) and upon amendments to the text of the overlay districts at any time pursuant to the provisions of Division 3, Chapter 2 of this Title.

85.0140 District Boundary Uncertainties.

Where uncertainty exists as to the boundaries of any district shown on the overlay district maps, the following rules shall apply:

(a) Where such boundaries are indicated as approximately following street and alley lines or lot lines, such lines shall be construed to be such boundaries.

(b) In unsubdivided property and where a district boundary divides a lot, the locations of such boundaries, unless indicated by dimensions, shall be determined by use of the scale appearing on the map.

(c) Where any uncertainty exists, the Planning Commission shall determine the location of boundaries.

(d) Where a public street or alley is officially vacated or abandoned, the regulations applicable to the property to which it reverts shall apply to such vacated or abandoned street or alley.

85.0145 Official Land Use Plan Relationship to Code.

The overlay district maps as part of the Official Land Use Plan, classifications and boundaries of overlay districts and all notations, references and other information shown thereon, after final adoption in the manner required by law, shall thereafter be as much a part of the Development Code as if all the matters and information set forth by said maps were fully described herein.

Chapter 2

HAZARD PROTECTION

Articles:

1. Airport Safety (AR) Overlay District.
2. Fire Safety (FR) Overlay District.
3. Flood Plain Safety (FP) Overlay District.
4. Geologic Hazard (GH) Overlay District.
5. Noise Hazard (NH) Overlay District.

Article 1. Airport Safety (AR) Overlay District.

Sections:

- | | |
|-----------|------------------------------|
| 85.020101 | Intent. |
| 85.020105 | Locational Requirements. |
| 85.020110 | Airport Safety Review Areas. |
| 85.020115 | Designations. |
| 85.020120 | Review Procedures. |
| 85.020125 | Findings. |
| 85.020130 | Development Standards. |

85.020101 Intent.

The Airport Safety Overlay District is created to provide greater safety to aviators and the general public by establishing requirements for land use compatibility reviews within designated areas that are in close proximity to an airport or heliport.

85.020105 Locational Requirements.

(a) The Airport Safety Overlay District, as defined within this section, applies to all airports.

(b) The boundary of the Airport Safety Overlay District shall be determined as follows:

(1) Wherever an Airport Land Use Plan has been prepared and adopted by an Airport Land Use Commission or an Air Installation Compatible Use Zone (AICUZ). Where a study has been completed around a military airport, the boundary may be as defined by those studies; provided, however, that in any case where said studies are labeled as erroneous by an independent study, completed by a qualified engineer and accepted by the Planning Commission, the boundary of the Airport Safety Overlay District shall conform to the boundary as determined during the course of the project analysis.

(2) In all other cases, the district may include all that area as defined in the Federal Aviation Regulations (FAR) Part 77, which depicts imaginary surfaces for "objects affecting navigable airspace," as applicable to the specific FAA approved Airport Layout and Approach Plan. In the event FAR requirements change, the most current requirements shall apply.

85.020110 Airport Safety Review Areas.

Airport Safety Review Areas shall be categorized as follows:

(a) Airport Review Area 1 (AR1) shall be those areas at either end of a runway, outside the airport boundaries, that corresponds with the FAA Approved Clear Zone (per FAR Part 152) for each runway end. Also it is any area identified by the Airport Land Use Commission Plan as a crash hazard zone or as a touchdown pad and peripheral area for a heliport.

(b) Airport Safety Review Area 2 (AR2) shall be those 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) shall be one of the following areas:

(1) The area outside the 65 Ldn noise contour within one (1) mile of that line, for those non-military airports with adopted noise contours. In such areas, Airport Safety Review Area 3 shall encompass the boundaries prescribed in Federal Aviation Regulations Part 77 which depicts imaginary surfaces for "objects affecting navigable airspace," as applicable to the specific FAA approved Airport Layout and Approach Plan. This review area shall include the following:

(A) Approach Surface — Extending outward and upward from the end of the primary runway surface along a slope of 20 to 1 (20:1) and extending for a horizontal distance of five thousand (5,000) feet. (Slope and distances increase depending on precise approach existing or planned for the particular runway.)

(B) Horizontal Surface — A horizontal plane one hundred fifty (150) feet above the established airport elevation. The perimeter is constructed by swinging arcs of five thousand (5,000) feet [ten thousand (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 those 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 four thousand (4,000) feet. (Distances increase for military airports.)

(2) The area within one mile of the outer boundaries of the airport ownership, for those non-military airports without adopted noise contours (e.g., 65 Ldn).

(3) The area outside the 65 Ldn noise contour for a heliport but within one-half (½) mile of such line.

(d) Airport Safety Review Area 4 (AR4) shall encompass the area outside the 65 Ldn contour designated for military airports and low-altitude/high speed corridors designated for military aircraft use.

85.020115 Designations.

The Airport Safety Overlay District shall be designated on the San Bernardino County Official Land Use Plan by the symbols AR1, AR2, AR3, AND AR4.

85.020120 Review Procedures.

(a) All proposed amendments to the texts or maps of the San Bernardino County Development Code, General Plan, Official Land Use Plan or any Specific Plan that could directly affect existing or proposed development in any Airport Safety Review Area, shall be referred to the Airport Land Use Commission prior to Planning Agency consideration of such a proposal.

(b) All development within any Airport Safety Review Area shall be subject to the review guidelines and criteria of the adopted airport land use plan for the respective region.

(c) All proposed expansions, revisions or establishment of airport or heliport facilities shall be referred to the Airport Land Use Commission for review and comment.

(d) All land use applications including Land Use Compliance Reviews within any Airport Safety Review Area, shall be subject to the findings, development standards and review procedures specified by this Section.

(e) In Airport Safety Review Areas, any proposed expansion of an existing use, other than single family residential uses, which exceeds ten percent (10%) of the original ground floor area and/or thirty-five (35) feet in height shall be subject to Land Use Compliance Review.

(f) In all Airport Safety Review Areas, any proposed multiple family residential, industrial, commercial or institutional use or any other use, which involves a structure or portion thereof which exceeds thirty-five (35) feet in height shall be subject to a Land Use Compliance Review.

(g) In Airport Safety Review Area 1, all proposed uses or changes in existing uses or occupancies other than open space or other non-structural uses which do not encourage concentrations of people shall require Land Use Compliance Review and shall be referred to the Airport Land Use Commission.

(h) In Airport Safety Review Area 2, all residential development that exceeds a density of two (2) dwelling units per gross acre and any change in the type of occupancy or use within an existing structure, shall be subject to a Land Use Compliance Review.

(i) In Airport Safety Review Area 2, all land use applications, including Land Use Compliance Reviews shall be referred both to the ALUC staff and the manager of the applicable airport facility. The ALUC staff shall refer the land use application to the ALUC for consideration at a public hearing if it is determined that the proposal could be detrimental to public safety or air operations.

(j) In Airport Safety Review Area 3, any proposed new uses or alteration to existing use which exceeds thirty-five (35) feet in height or are located underneath the approach surface or traffic pattern, shall require a Land Use Compliance Review.

(k) In Airport Safety Review Area 4, all proposed new uses including single family residential uses within the Airport Safety Review Area 4 that surrounds Norton

Air Force Base, Edwards Air Force Base, George Air Force Base and that which surrounds China Lake Naval Weapons Center, shall be subject to Land Use Compliance Review and referred to the affected military installation for review and comment.

(l) The reviewing authority may refer any development proposal or land use application to the ALUC staff for review and comment. The ALUC staff may refer any such proposal to the Airport Land Use Commission for public hearing and action. Such referral shall be made when a proposed use might affect the safety of persons residing, working or traveling within the review area or affect the viability of the airport.

(m) The recommendations of the Airport Land Use Commission shall be incorporated into the project design and/or conditions of approval. The Planning Commission may overrule an Airport Land Use Commission recommendation if the Planning Commission does the following:

(1) Overrules the recommendation or condition by a two-thirds (2/3) majority vote of the members of the Planning Commission.

(2) Determines and justifies the findings listed in Section 85.020125 below as being true.

(n) If the Planning Agency does not wish to incorporate the conditions of approval recommended by the ALUC staff, the Planning Agency shall refer the project to the Airport Land Use Commission for public hearing.

85.020125 Findings.

The Reviewing Authority shall determine that all the following are true prior to approving any land use application or issuing any development permit within Airport Safety Review Areas 1, 2 and 3. If the findings cannot be made, a Conditional Use Permit shall be required. Such Conditional Use Permit shall find that the proposed use will not adversely affect the safety of persons residing, working, or traveling within the review areas or affect the viability of the airport, prior to approval of the project.

(a) The proposed use is consistent with the applicable adopted Airport Land Use Commission Plan.

(b) The proposed use does not involve the storage or dispensing of volatile or otherwise hazardous substances that would endanger aircraft operations and public safety.

(c) The proposed use does not attract a large concentration of birds, produce smoke, generate electrical interference, reflect a glare of light or emit radio emissions that may endanger aircraft operations.

(d) The proposed use promotes the public interest to provide for the orderly development of the public-use airport and the area around the airport in such a manner, among other things, to promote the overall noise standards adopted pursuant to Public Utilities Code Section 21669 and prevent the creation of new noise and safety hazards.

(e) The proposed use enhances the protection of public health, safety and welfare, by ensuring the orderly expansion of the airport and the adoption of land use measures or development standards that minimize the public's exposure to

excessive noise and safety hazards within the area around the airport to the extent that such areas are not already devoted to incompatible uses.

(f) The proposed use will not adversely affect safe air navigation, airport operations or interfere with airport communications.

(g) The proposed use complies with the development standards specified by this Section for the (AR) Overlay District.

85.020130 Development Standards.

When a land use is proposed within an Airport Safety Overlay District, the following standards and criteria shall apply:

(a) Proposed structures and the normal mature height of any vegetation shall not exceed the height limitations provided by the requirements of Federal Aviation Regulations (FAR) Part 77. Existing topographic elevations, as compared to the elevation of the centerline of the runway (primary surface), shall be considered in determining the permitted height of an affected structure.

(b) Proposed uses shall be consistent with the ALUC Plan.

(c) The proposed use or its structure shall not reflect glare, emit electronic interference or produce smoke that would endanger aircraft operations.

(d) All heliports shall be constructed pursuant to Federal Aviation Administration (FAA) Advisory Circular 150/5390-1B.

(e) There shall be no permanent structures or uses allowed within Airport Safety Review Area 1.

(f) No proposed use or structure within the primary approach surface of Airport Safety Review Area 2 shall allow a threshold gathering of one hundred (100) people or more per structure or twenty-five (25) people per acre at any time, whichever is less; and building lot coverage shall be less than fifty percent (50%) within all Accident Potential Zones, and below any runway primary approach and take off surfaces as defined by FAR Part 77.

(g) Prior to the issuance of a development permit in Airport Safety Review Area 2 for any structure proposed to exceed minimum height restrictions, a Federal Aviation Administration (FAA) FORM 7460-1 shall be filed with the (FAA) Administrator and a copy shall be submitted to the reviewing authority.

(h) The California State Airport Land Use Planning Handbook shall be utilized in determining appropriate conditions of approval.

Article 2. Fire Safety (FR) Overlay District.

Sections:

- 85.020201 Intent.
- 85.020205 Locational Requirements.
- 85.020210 General Provisions.
- 85.020215 Division of Review Areas.
- 85.020220 Area FR1 and FR2 Requirements.
- 85.020225 Additional Area I (FR1) Requirements.
- 85.020230 Alternate Hazard Protection Measures.

85.020201 Intent.

The Fire Safety Overlay District is created to provide greater public safety in areas prone to wildland brush fires, by establishing additional development standards for these areas.

85.020205 Locational Requirements.

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

85.020210 General Provisions.

(a) The provisions of this section shall apply to all phases of a development project.

(b) A notice of all land use applications and/or development permits that would lead to the construction of structures or the subdivision of land within the Fire Safety Overlay District shall be filed with the responsible fire authority by the Land Management Department or, when applicable, by the Department of Environmental Health Services.

(c) All proposed land use applications that would lead to the construction or expansion of a structure or the subdivision of land shall be submitted to the responsible fire authority and the appropriate Resource Conservation District Office 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 the conditions of approval where possible.

(d) All proposed development must meet all other applicable standards set forth by the responsible fire authority.

(e) The development standards established by a land use district and any applicable overlay district shall apply except where a planning area provision provides that a different standard shall apply.

(f) When an addition, alteration, enlargement or reconstruction of a structure equals or exceeds fifty percent (50%) of the existing structure, or twenty-five percent

(25%) of the roof for the roofing requirements only, the provisions of Subsections 85.020220(a), (b)(1)(C), and 85.020225(a) regarding construction requirements shall apply to the entire structure and/or the whole roof as applicable. Such structures and/or roofs shall be entirely retrofitted to comply with the provisions of this section.

85.020215 Division of Review Areas.

The Fire Safety Overlay District is divided into two review areas, each of which represents a different level of wildland hazard. A different set of requirements is applied in each review area. The provisions for these requirements are cumulative in that all of the requirements that are specified for Fire Safety Review Area 2 shall also apply to Fire Safety Review Area 1, in addition to those specified for only Fire Safety Review Area 1.

(a) Fire Safety Review Area 1 (FR1). Fire Safety Review Area 1 includes wildland areas that are marginally developable, areas which are not likely to be developed, and the area of transition between wildlands and areas that are partially developed or are likely to be developed in the future. The area of transition is often characterized by an abrupt slope change. Natural hazards are prevalent throughout Area 1, especially in areas with natural ungraded slopes greater than thirty percent (30%). Area 1 includes areas of very high to extreme fire hazard.

(b) Fire Safety Review Area 2 (FR2). Land within Area 2 is relatively flat, and is either partially or completely developed, or, if it is not developed, is usually suitable for development. Present and future development within Area 2 is exposed to the impacts of wildland fires and other natural hazards primarily due to its proximity to Area 1.

85.020220 Area FR1 and FR2 Requirements.

(a) Construction Requirements.

(1) Roof coverings shall be either noncombustible or fire retardant with a minimum Class A rating, as defined in the Uniform Building Code. Class A wood shake or shingle roof coverings shall have passed a ten (10) year natural weathering test and proof of such test shall be provided to the Building Official prior to the issuance of a building permit.

(2) Every chimney used in conjunction with any fireplace or any 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, twelve (12) gauge minimum of three-eighths (3/8) inch minimum to one-half (1/2) 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.

(3) Louvers, ventilators, or openings in walls, roofs, attics, and under-floor areas having headroom less than four (4) feet in height which are not fitted with sash or doors, shall be covered with wire screen. The screen covering such openings shall be of galvanized metal or copper and shall have a maximum mesh of one-quarter (1/4) inch.

- (4) Eave-type attic ventilators are prohibited.
- (5) The space between rafters at exterior walls shall be solidly filled with tight-fitting wood blocks at least one and one-half (1½) inches thick.
- (6) Fuel tanks (e.g., liquified petroleum tanks) shall be located at least ten (10) feet away from any structure and in accordance with the Uniform Fire Code, the Table of Projections and the Storage Standards specified by Fire Hazard Performance Standards in Chapters 5 and 9 in Division 7 of this Title.
- (7) All nonaccessory buildings shall have reflective and noncombustible building address numbers with at least three (3) inch high lettering visible from the road on which the structure fronts.
- (8) All buildings on lots which abut a National Forest that were created after March 9, 1988, shall be set back at least thirty (30) feet from the boundary of the San Bernardino National Forest.
- (9) Structures in areas with slopes exceeding thirty percent (30%) and thirty (30) feet in height shall comply with the following:
 - (A) Where structures are proposed or within two hundred (200) feet of slopes that are greater than thirty percent (30%) prior to grading and where such slopes are at least thirty (30) feet in height, the vegetation on such slopes shall be treated in such a manner that it becomes a fuel modified area. Such fuel modified area shall be maintained for either the entire slope, or one hundred (100) feet, or to the property line, whichever distance is less.
 - (B) Where grading is utilized which does not conform to the natural slope and the graded area is adjacent to natural ungraded slopes which are greater than thirty percent (30%) and which are greater than thirty (30) feet in height, structures shall be set back at least thirty (30) feet from the edge(s) of the graded area adjacent to such natural ungraded slopes.
- (10) All areas used for the storage of firewood, or other flammable materials shall either be at least thirty (30) feet away from all structures, or wholly enclosed within a structure.
- (11) Fire hydrants shall be identified by a method specified by the fire authority.
- (12) There shall be vehicular access, at least twelve (12) feet in width, to within at least ten (10) feet of any 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 (2½) 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.
 - (b) Building Separations.
 - (1) Building Separation Standards.
 - (A) All buildings on parcels created after the effective date of this Section and all other parcels with lot widths sixty (60) feet or greater shall have exterior wall separations of at least thirty (30) feet.

(B) All buildings on parcels created prior to the effective date of this Section with lot widths less than sixty (60) feet, shall have interior side yard setbacks of twenty percent (20%) of the lot width, provided that such interior side yards shall not be less than five (5) feet and need not exceed fifteen (15) feet. In no case shall exterior wall separations be less than ten (10) feet for all buildings, including those on adjoining parcels.

(C) When exterior walls of residential and accessory buildings or portions thereof are within fifteen (15) feet of interior side or rear lot lines, or the exterior wall separation is less than thirty (30) feet, the following shall apply: (1) the outside of all such exterior walls or portions thereof shall be covered with materials which are approved for exterior locations and are of fire resistive construction as defined in the Uniform Building Code, (2) all exterior doors made of wood or wood portions shall be solid core wood, and (3) windows, sliding glass doors or glass inserts in doors shall be constructed of approved dual-pane glass.

(2) Intent of Standards. The intent of the 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.

(3) Alternate Measures (Exterior Wall Separation). Pursuant to Section 85.020230 of this section and dependent upon site specific conditions, the following measures or combinations thereof may be substituted for the exterior wall separation requirements for all buildings specified in Subsection 85.020220(b)(1)(A) above, provided that in no case shall such exterior wall separations be less than ten (10) feet:

(A) The expansion of fuel modified areas around the perimeter of the development project beyond that required through the provisions of this Section or other parts of the County Code.

(B) A substantial transfer of density from steeper slopes, including areas with slopes less than thirty percent (30%) if they exist on-site, to less steep areas within the development project.

(C) Clustering of structures away from the development perimeter and away from fire hazard areas.

(D) The provision of more fire resistive construction standards than normally required through the provisions of the Fire Safety(FR) Overlay District and otherwise required through the Uniform Building Code or Uniform Fire Code.

(E) Other alternate measures if approved by the Planning Agency pursuant to the provisions of Ssection 85.020230 of this Article.

(c) Project Design Requirements.

(1) All development projects and each phase thereof, except for a development project located exclusively on a cul-de-sac, shall have a minimum of two (2) points of vehicular ingress and egress; designed to County road standards, with a minimum width of twenty-six (26) feet of all-weather surface as defined in the Uniform Fire Code, from existing and surrounding streets. One such point of vehicular access may be an emergency access route with an all-weather surface if the Planning Agency makes and justifies all 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.

(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) All development projects shall provide six (6) inch or larger circulating (loop) water mains as required by the Uniform 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 will be as specified by the Uniform Fire Code.

(3) All public or private streets within or bordering a development project shall have noncombustible and reflective street name signs designed to County standards and visible at all street intersections.

(4) Fuel Modification Areas.

(A) A permanent fuel modification area may be required around development projects or portions thereof that are adjacent or exposed to hazardous fire areas for the purpose of fire protection. The recommended width of the fuel modification area shall be determined by the responsible Fire Authority in conjunction with the County Fire Warden, but in no case shall it be less than one hundred (100) feet in width as measured from the development perimeter. The width of the fuel modification area shall be determined based upon:

(I) The natural ungraded slope of the land within the project and in the areas adjacent to the project;

(II) Fuel loading;

(III) Access to the project and access directly to the fuel modified area; and

(IV) The on-site availability of water that can be used for fire fighting purposes.

(V) Adequate provisions shall be made for the continual maintenance of such areas, and, where feasible, such areas shall be designated as common open space rather than private open space.

(VI) Fuel modification areas shall also incorporate soil erosion and sediment control measures to alleviate permanent scarring and accelerated erosion.

(B) When development projects are 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 Warden and shall be based upon the same considerations described in Subsection (c)(4)(A) of this Section for permanent fuel modification areas.

(d) Erosion and Sediment Control. All development projects, building permits, grading and any other significant land disturbing activity shall install erosion control measures in compliance with the provisions established by the Development Code for such erosion control measures.

85.020225 Additional Area I (FR1) Requirements.

The following requirements apply only to Area I, in addition to those specified for both Areas 1 and 2.

(a) Construction Requirements.

(1) The outside of all exterior walls shall be covered with materials which are approved for exterior locations and listed as one (1) hour fire resistive construction as defined in the Uniform Building Code. All exterior doors made of wood or wood portions shall be solid core wood.

(2) All windows, sliding glass doors or glass inserts in doors shall be constructed of approved dual-pane glass.

(3) Cantilevered or standard type decks shall be constructed with:
(1) a minimum of at least one and one-half (1½) inch wood decking; and/or
(2) protected on the underside with materials approved for one (1) hour fire resistive construction; and/or (3) be of noncombustible materials, as defined in the Uniform Building Code.

(4) Patio covers attached or within ten (10) feet of a residential structure with plastic, bamboo, straw or fiberglass or wood lathe lattice made of materials which are one-half (½) inch or less in width shall be prohibited.

(5) Exposed piping, except for plumbing vents above the roof, shall be noncombustible as defined in the Uniform Building Code.

(6) A minimum of two (2) three-quarter (¾) inch faucets with hose connections, each served by a three-quarter (¾) inch waterline and installed prior to any pressure-reducing device, shall be available per structure separated by at least one-third (⅓) of the perimeter of the structure. Such faucets should be on the side(s) of a structure facing fire hazardous areas whenever possible.

(7) All fences 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 Uniform Building Code. All other fences, including those on the interior of such development project, are not subject to this requirement.

(8) Private driveways or access roadways for residential units shall not exceed one hundred fifty (150) feet in length, unless approved by the fire authority pursuant to Section 10.207 of the Uniform Fire Code.

(9) 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 Uniform Building Code.

(10) Unenclosed or projecting roof-ceiling or floor-ceiling assemblies which contain concealed space shall have the ceiling protected on the exposed surface with materials approved for one-hour construction.

(b) Project Design Requirements.

(1) Every development project application submitted to the Office of Planning shall be reviewed by Office of Planning staff through a preapplication conference with the project proponent prior to the acceptance of the application for filing.

(2) A slope analysis shall be filed with all development project land use applications. The slope analysis shall include the following information:

(A) A topographic map of the proposed project area and all adjoining properties within one hundred fifty (150) feet at a scale of not less than one (1) inch to two hundred (200) feet. The contour interval shall not be more than two (2) feet except that the contour interval may be five (5) feet if the general natural ungraded slope is more than ten percent (10%). Contour lines are to 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 (0%) to less than fifteen percent (<15%), fifteen percent (15%) to less than twenty-five percent (<25%), twenty-five percent (25%) to less than forty percent (<40%), and forty percent (40%) or greater;

(C) The area, in acres, shall be tabulated for each category.

(3) A preliminary grading plan shall be filed with all development project land use applications, except that preliminary grading plan requirements may be waived by the Planning Officer if it is determined through the required preapplication conference that such requirements are 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:

(A) A topographic map of the proposed project area and all adjoining properties within one hundred fifty (150) feet at a scale of not less than one (1) inch to two hundred (200) feet. The contour interval shall not be more than two (2) feet except that the contour interval may be five (5) feet if the natural ungraded slope is more than ten percent (10%). Contour lines to 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 shall be 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 (5) feet in vertical height, the maximum heights of those slopes and approximate total cubic yards of cut and fill shall be shown on the preliminary grading plan.

(D) Compliance with Chapter 70 of the latest edition of the Uniform Building Code, as adopted by the County of San Bernardino, is required.

(E) In the event no such grading is proposed, a statement to that effect shall be placed on the required topographic map described in Subsection 85.020225(b)(3)(A) above and this map shall delineate the boundary of an adequately sized building pad, driveway and septic system (if proposed) for each parcel proposed.

(4) All subdivisions on sites with natural slopes greater than thirty (30) percent shall be submitted with a Conditional Use Permit for the development of such proposed lots. This provision shall not apply if all of the areas on the site with

natural ungraded slopes over thirty percent (30%) are permanently restricted from structural development.

(5) Residential density bonuses, if any, shall only be permitted through Planned Developments.

(6) Perimeter Access to Fuel Modified and Fire Hazard Areas.

(A) Standards. Development projects shall provide for 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 development project approval for the continual maintenance of the areas intended to provide such access. Perimeter access shall be provided, either through one of the following two measures or through alternate measures pursuant to Section 85.020230 of this Article:

(I) 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. Such a road shall be capable of supporting fire fighting equipment, shall be at least twenty (20) feet in width and shall not exceed a grade of fourteen percent (14%). 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.

(II) Development projects shall provide access ways, at least twelve (12) feet in width, with a grade not to exceed fourteen percent (14%), 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 three hundred fifty (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.

(B) Intent of Standards. The intent of the standards described in Subsection 85.020225(b)(6) is to permit fire fighting vehicles to 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. An additional intent of these standards is to prevent structural development from becoming a barrier between fire fighting equipment and personnel and the development perimeter.

(C) Alternate Measures. Pursuant to Section 85.020230 of this Article and dependent upon site specific conditions, alternate measures which meet the intent of the standard in Subsection 85.020225(b)(6)(A) above for providing perimeter access to fuel modified and fire hazard areas may be utilized.

(7) Lengths of Cul-de-sacs.

(A) Standard. Cul-de-sacs shall not exceed three hundred fifty (350) feet in length, except that they may be extended as allowed by this subsection.

(B) Exception for parcels of less than five (5) acres in area. Cul-de-sacs may exceed three hundred fifty (350) feet in length but shall not exceed six hundred (600) feet in length, if:

(I) Alternate measures are utilized pursuant to the provisions of Section 85.020230 of this Article; or

(II) Based upon consideration of the recommendation of the Fire Authority, the Planning Agency determines that the cul-de-sac is situated and designed such that the parcels taking access from it are 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.

(C) Exception for parcels greater than five (5) acres in area. Cul-de-sacs may exceed six hundred (600) feet in length if all parcels that take access from the cul-de-sac are five (5) acres or greater in area and:

(I) The proposed cul-de-sac is not within or adjacent to areas that are zoned for or subdivided to parcels of five (5) acres or less.

(II) Alternate measures are utilized pursuant to the provisions of Section 85.020230 of this Article.

(D) Intent of Standard. The intent of limiting cul-de-sac lengths is to limit the exposure of development and human activity to hazardous fire areas where one rather than two points of access are provided, especially when such cul-de-sacs are directly exposed to fire hazard areas. The provision of only one point of access increases exposure to fire and inhibits the fighting of wildland fires due to the following factors:

(I) If the single access point becomes blocked, structures exposed to fire cannot be protected by fire fighting vehicles.

(II) Fire fighting vehicles can be trapped on a cul-de-sac if the single access is blocked.

(III) In order for fire fighting vehicles to turn around, they usually must travel to the end of the cul-de-sac where adequate room for turning is available.

(IV) All vehicles evacuating a cul-de-sac during a fire will be travelling in the opposite direction to fire fighting vehicles moving into a cul-de-sac, impeding the ingress of the fire fighting vehicles as well as the egress of the evacuees.

(V) Development of individual cul-de-sacs which intrude into and are generally surrounded by rugged wildland terrain have greater exposure to wildland fire because the fire may come from several directions at once.

(E) Alternate Measures. Pursuant to Section 85.020230 of this Article and dependent upon site specific conditions, one of the following measures or combinations thereof may be used to mitigate the effect of creating cul-de-sacs up to six hundred (600) feet in length with parcels less than five (5) acres in area:

(I) Limitation of the total number of dwelling units which have access to the cul-de-sac to no more than fifteen (15), and restriction of further subdivision of parcels and construction of additional independent residential units which have access to the cul-de-sac. Such restrictions shall be imposed through the conditions of approval of the development project.

(II) A continuous perimeter access road at least twenty (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 driveable under normal conditions by fire fighting

vehicles, provides adequate maneuvering space for such vehicles, and is designed such that at least one point of access to the perimeter access road is taken from roads other than the cul-de-sac in question.

(III) The cul-de-sac road will have a paved width of at least forty (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 or off-site.

(IV) Other alternate measures approved by the Planning Agency pursuant to Section 85.020230 of this Article.

85.020230 Alternate Hazard Protection Measures.

(a) Applicability. The following provisions shall apply only to the standards and requirements of Subsections 85.020220(b), regarding building separations; 85.020225(b)(6), regarding perimeter access; and 85.020225(b)(7), regarding length of cul-de-sacs.

(b) Intent. The intent of this Subsection is to allow greater design flexibility than would otherwise be permitted in order to provide a more efficient and effective achievement of the purposes of the Fire Safety (FR) Overlay District. Design flexibility is provided by allowing the substitution of alternate measures for the established standards or 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.

(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 pursuant to Subsection 85.020230(c)(1) of this Article, then alternate measures may be substituted for the established standards and requirements if the Planning Agency, with consideration of the recommendation of the Fire Authority, finds and justifies all of the following:

(A) Alternative measure(s) have been substituted which meet the intent of and which serve the same purpose as the established standard or requirement.

(B) The alternative measure(s) that have been substituted 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 measure(s) 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 (FR) Overlay District.

Article 3. Flood Plain Safety (FP) Overlay District.

Sections:

85.020301	Intent.
85.020305	Locational Requirements.
85.020310	Boundary Changes.
85.020315	General Provisions.
85.020320	Review Area Procedures and Construction Standards.
85.020325	Development Standards.
85.020330	Exceptions.
85.020335	Modifications.

85.020301 Intent.

The Flood Plain Safety Overlay District is established 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.

85.020305 Locational Requirements.

(a) Areas of special flood hazard are identified by the Federal Emergency Management Agency or the Federal Insurance Administration in a scientific and engineering report entitled "Flood Insurance Study" for the County of San Bernardino, dated 1978, which has subsequent updates with accompanying Flood Insurance Rate Maps and Flood Boundary Maps. Subsequent report and map updates that may be published in the future shall further identify additional flood hazard areas. The most current copy of the Flood Insurance Study is on file with the Clerk of the Board in the County Government Center, 385 North Arrowhead Avenue, San Bernardino, County of San Bernardino, State of California.

(b) The Flood Insurance Study establishes the minimum areas in which the Flood Plain Safety Overlay Districts may be located. Additional areas may be added after studies for such areas are prepared by the Flood Control District or other governmental agencies such as the Corps of Engineers.

(c) The Flood Plain Safety Overlay District shall be designated on the San Bernardino County Land Use Plan by the symbols FP1, FP2, or FP3.

85.020310 Boundary Changes.

The following shall apply when an application is made to reduce or change a Flood Plain Safety (FP) Overlay District boundary:

(a) Additional application requirements. An applicant shall submit the following when requesting a change or reduction in a Flood Plain Safety Overlay District boundary where no change has been made in the base flood elevation designated by the applicable FEMA map:

- (1) Copy of the recorded deed to the property.
- (2) If the property is recorded on a final or parcel map, a copy of the recorded map.
- (3) A topographic map indicating present ground elevations, date of fill, and the contours before the fill was placed.
- (4) If a structure is involved, a topographic map indicating structure location and ground elevations including the elevations of the lowest floor and the highest adjacent grade to structure.
- (5) Data to substantiate the base flood elevation, and hydraulic calculations where base flood elevations have not previously been established.
- (6) If fill material is proposed to elevate proposed construction pads one (1) foot above the base elevation, an analysis shall be provided to demonstrate that the fill will not settle and is protected from erosion, scour, or differential settlement as described below:
 - (A) Fill compacted to 95% per ASTM (American Society of Testing Materials) Standard D-698.
 - (B) Fill slopes of granular material no steeper than 1.5 horizontal to 1 vertical-ratio, unless substantiating data is provided.
 - (C) If flow velocities are greater than five (5) feet per second, slopes shall be armored with stone or rock protection.
- (7) Levee Systems Standards. All proposals to recognize levees as providing protection from one hundred (100) year floods shall provide an analysis which certifies that:
 - (A) Appreciable erosion of the levee embankment will not occur during the base flood.
 - (B) Seepage during loading conditions associated with base flood will not affect embankment or foundation stability.
 - (C) There shall be three (3) feet of freeboard provided above the water surface level of the base flood. An additional one (1) foot is necessary within one hundred (100) feet of structures such as bridges. There shall be no settlement that would result in the loss of this freeboard within the minimum standard.
 - (D) Facilities to eliminate flooding due to interior drainage are adequate. All openings must be provided with closure devices.
 - (E) The operation and maintenance plan provided is sufficient to insure continuation of the protection afforded by the levee as designed and constructed.
- (8) All information, maps and certification required by Subsections (a)(3) through (a)(8) of this Section above, shall be certified by a registered professional engineer or, if appropriate, by a licensed Land Surveyor.
 - (b) Base Flood Elevation Adjustments.
 - (1) An applicant may request the Flood Plain Management Administrator to apply to the Federal Emergency Management Administration for an adjustment to the designated Base Flood elevation and/or other designations on the FIRM or Flood Boundary Maps.

(2) The applicant shall be responsible for the payment of all expenses incurred by the County to have the Flood Plain Management Administrator request and substantiate the proposed adjustment to the maps by the required office of the Federal Emergency Management Agency.

(3) All proposals to revise base flood elevations shall comply with the following requirements:

(A) Revised elevations must match old elevation within one-half (0.5) foot at points of transition.

(B) Maps shall not be revised when discharges change as a result of the use of an alternative methodology of data for computing flood discharges unless that change is statistically significant as measured by a confidence limits analysis of the new discharge estimates.

(C) In order for an alternative hydraulic or hydrologic methodology to be accepted, any computer program used must be accepted for general use by a governmental agency or notable scientific body, must be well documented including a user's and programmer's manual, and must be available to the general user.

(D) Unless the basis of the request is the use of alternative hydraulic methodology or the requestor can demonstrate that the data of the original hydraulic computer model is unavailable or its use is inappropriate, the analysis shall be made using the same hydraulic computer model used to develop the base flood elevations shown on the effective Flood Insurance Rate Map and updated to show present conditions in the Flood Plain.

(E) Copies of the input and output data from the original and revised hydraulic analysis shall be submitted.

(F) Delineations of Flood Plain boundaries for a flooding source with established base flood elevations must provide both the one hundred (100) and five hundred (500) year flood plain boundaries. For flooding sources without established base flood elevations, only one hundred (100) year flood plain boundaries need be submitted. These boundaries should be shown on a topographic map of suitable scale and contour interval.

(c) Findings. The Planning Agency shall determine in addition to other required findings that the proposed change to a Flood Plain Safety (FP) Overlay District boundary is consistent with the intent of the National Flood Insurance Program regulations and the intent of the Flood Plain Safety (FP) Overlay District provisions.

85.020315 General Provisions.

The following provisions shall apply to all identified areas with potential flood hazards, within the County of San Bernardino:

(a) Compliance. No structure or land use shall hereafter be constructed, located, extended, converted, or altered without full compliance with the provisions of this Section and other applicable regulations. Violations of the provisions of this Section by failure to comply with any of its requirements (including violation of

conditions and safeguards established in connection with conditions) shall be subject to the penalties established by this Title. Nothing herein shall prevent the County from taking such lawful action as is necessary to prevent or remedy any violation.

(b) 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.

(c) 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.

(d) 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 are made by the County.

85.020320 Review Area Procedures and Construction Standards.

The Flood Plain Safety Overlay District (FP) shall be subdivided into three (3) review areas as follows:

(a) Flood Plain Review Area 1 (FP1). Areas subject to a one hundred (100) year flood as defined by the Federal Flood Insurance Regulations. In such areas the following shall apply.

(1) New construction and substantial improvement of any structure shall be constructed so that the first habitable flood shall be one (1) foot or more above the base flood elevation and will not result in any significant increase in flood levels during the base flood discharge.

(2) Review Procedures. Projects proposed in this overlay district shall be subject to a Land Use Compliance Review and a Flood Hazard Development Review. These reviews shall ensure that the proposed project complies with this Title regarding flood protection measure.

(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 A1 through A30, inclusive, 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 (1) foot at any point within the community.

(b) Flood Plain Review Area 2 (FP2). Areas between limits of the one hundred (100) year flood and subject to a five hundred (500) year flood; and certain areas subject to one hundred (100) year flooding with an average depth of less than one (1) foot or where the contributing drainage areas are less than one (1) square mile; or areas protected by levees from the base flood. In such areas the following shall apply:

(1) New construction and substantial improvement of any structure shall be so constructed that the first habitable floor shall be one (1) foot above the existing natural ground level.

(2) Review Procedure. Projects proposed in this area shall be subject to Land Use Compliance Review. This review shall ensure that the proposed project complies with this Title regarding flood protection measures.

(c) Flood Plain Review Area 3 (FP3). Areas of shallow flooding with undetermined, but possible, flood hazards as determined by the County, the Flood Control District, or other governmental agency.

(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 or parcel 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 corner record, record of survey, parcel map, final map, or a past survey that is approved by the County Surveyor as being in conformance with the Land Surveyors Act shall be submitted.

(B) A plot plan showing the proposed structures and grading by size, location and orientation.

(2) Prior to the inspection of the site by the Building Inspector, the applicant shall locate the proposed construction on the site by the use of stakes, strings, line marks or similar method(s).

(3) The applicant shall then meet with the inspector, on the site if necessary, to discuss the final building location and any mitigating measures required by the Building Official to maintain the natural drainage way in its existing condition.

(4) The final building plans which are submitted for approval shall show the approved location and mitigating measures.

85.020325 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 Subsections 85.020325(a)(2)(E) and 85.020325(a)(3)(A) of this Section, the anchoring requirement shall be satisfied. Other alternative anchoring techniques which 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, waterproof electrical systems, and mechanical footings, or other acceptable materials measures.

(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) Require that within the Flood Plain Safety Overlay District, adequate drainage paths be provided around structures on slopes to guide flood waters around and away from proposed structures.

(E) If fill is placed to elevate pads one (1) foot above base elevation, it must be demonstrated that fill will not settle and is protected from erosion, scour, or differential settlement as described below:

(I) Fill compacted to 95% per ASTM (American Society of Testing Materials) Standard D-698.

(II) Fill slopes of granular material no steeper than one-half (1.5) feet horizontal to one (1) foot vertical ratio unless substantiating data for steeper slopes and such slopes are approved by the County.

(III) If flow velocities are greater than five (5) feet per second, fill slopes shall be armored with stone or rock slope protection.

(3) Elevation and Floodproofing.

(A) New construction and substantial improvement of any residential structure shall have the lowest habitable floor, elevated to one (1) foot above base flood elevation in the Flood Plain Review Area 1 and one (1) foot above ground level in Flood Plain Review Area 2. Upon the completion of the structure, the elevation of the lowest habitable floor, including basement, shall be certified by a registered professional engineer or licensed land surveyor, and verified by the County Building Official to be properly elevated above the flood plain elevation at the time of certification. Such certification or verification shall be provided to the Flood Plain Management Administrator. In instances when the base flood elevation data has not been provided on the Flood Insurance Rate Map (FIRM), the provisions of Subsection 82.0601(b) of the County Development Code shall apply. The administrator may further exempt proposed single-family residences from this requirement when the base flood elevation data has not been provided on the FIRM.

(B) New construction and substantial improvement of any residential structure shall have the lowest habitable floor, elevated above the highest adjacent grade at least one (1) foot higher than the depth number specified in feet

on the FIRM, or at least two (2) feet if no depth number is specified. Upon the completion of the structure, the elevation of the lowest habitable floor shall be certified by a registered professional engineer or licensed land surveyor, or verified by the County Building Official to be properly elevated above the flood plain elevation as derived from the adopted FEMA map, applicable to subject area at the time of certification. Such certification or verification shall be provided to the Flood Plain Management Administrator.

(C) Nonresidential construction shall be elevated in conformance with Subsection (a)(3) of this section or together with attendant utility and sanitary facilities and shall:

(I) Be floodproofed so that below the base flood level the structure is watertight with walls substantially impermeable to the passage of water;

(II) Have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy; and

(III) 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.

(D) All new construction and substantial improvements to existing structures, shall be required to fully enclose structural areas below the lowest floor that are subject to flooding and such 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 must either:

(I) Be certified by a registered professional engineer or an architect; or

(II) Provide a minimum of two (2) openings having a total net area of not less than one (1) square inch for every square foot of enclosed area subject to flooding. The bottom of all openings shall be no higher than one (1) 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

(III) Be verified by the Flood Plain Administrator or his designee as complying with floodproofing 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 floodproofing measures in their location and construction to minimize flood damage.

(c) Land Use Application Review Requirements.

(1) All preliminary proposals shall identify the flood hazard area and the elevation of the base flood.

(2) All final plans shall provide the elevation of proposed structure(s) 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 Standards.** All new and replacement manufactured homes and additions to manufactured homes shall be subject to all the provisions of Section 85.020325 of this Article.

(1) Nonresidential construction shall be elevated in conformance with Subsection 85.020325(a)(3) of this section.

(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.** Floodway areas are located within special flood hazard areas and are established as specified in Subsections 85.020305(a) and (b) of this Article. Since the floodway is an extremely hazardous area due to the velocity of flood waters which carry debris, potential projectiles, and erosion potential, 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 85.020325(a)(1) of this Article is satisfied, all new construction and substantial improvements shall comply with all other applicable flood hazard reduction provisions of Section 85.020325 of this Article.

85.020330 Exceptions.

The following structures and land uses are exempt from the requirements and standards established by this section.

(a) Existing legally constructed structures for human habitation within the Flood Plain Safety Overlay District shall be considered legal nonconforming uses and subject to the privileges and regulations thereof.

(b) Structures for human habitation for which there was a valid building permit in effect at the time this section became effective.

(c) The reconstruction, rehabilitation or restoration of structures listed on the National Register of Historic Places or a State Inventory of Historic Places.

(d) Replacement of utilities, including septic systems, in compliance with health and safety codes shall be exempt from the flood elevation requirements of this Code and shall otherwise be subject to the legal nonconforming use provisions of this Code.

85.020335 Modifications.

(a) In the public interest, the Building Official may, without notice or public hearing, approve, conditionally approve, deny or refer to the Planning Commission requests to modify the requirements of the Flood Plain Safety (FP) Overlay District.

(b) Procedure. Written application (either Major Variance or Minor Variance) for such modifications shall be submitted to the Office of Planning or the Office of Building and Safety, upon the forms provided by the County for this purpose.

(c) A modification to the standards imposed by this section shall be allowed subject to such lawful conditions as 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:

(1) The modification, if within any designated regulatory floodway, will not result in any significant increase in flood levels during the base flood discharge.

(2) 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.

(3) 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.

(4) The modification is the minimum necessary, considering the flood hazard, to afford relief and is consistent with the objectives of sound flood plain management.

Article 4. Geologic Hazard (GH) Overlay District.

Sections:

85.020401	Intent.
85.020405	Locational Requirements.
85.020410	Geologic Reports.
85.020415	Development Standards.

85.020401 Intent.

The Geological Hazard (GH) Overlay District is created to provide greater public safety by establishing review procedures and setbacks for areas that are subject to potential geologic problems such as ground shaking, earthquake faults, liquefaction, and subsidence.

85.020405 Locational Requirements.

(a) The Geological Hazard Overlay District shall be designated in areas which are on or adjacent to active earthquake fault traces. This overlay district shall implement the requirements of the Alquist-Priolo Special Studies Zones Act of 1972.

(b) The Geological Hazard Overlay District shall be designated in areas where landslides, mudslides, subsidence are prevalent and in areas with volcanic activity.

(c) The Geological Hazard Overlay District shall be designated in areas where liquefaction of the soil is associated with earthquake activity.

(d) The Geological Hazard Overlay District shall be designated by the symbol (GH) on the San Bernardino County Official Land Use Plan.

85.020410 Geologic Reports.

(a) A detailed geologic study prepared by a registered geologist shall be submitted with all land use applications and development permits proposed within the Geologic Hazard Overlay District, that would lead to the construction of roads or structures or the subdivision of land. Said geologic report shall confirm the presence or absence of hazardous faults and if applicable, the boundaries of existing or former marsh areas. Further, said report shall establish appropriate construction setbacks. Exemptions to the requirement for a geologic study include:

- (1) One single-family wood frame dwelling not exceeding two (2) stories.
- (2) Single-family wood frame dwellings located within a division of land for which an approved geologic report was prepared.
- (3) A nonresidential accessory use.
- (4) The alterations or additions to any structure where the value or area does not exceed fifty percent (50%) of the structure.

85.020415 Development Standards.

When a land use is proposed within a Geological Hazard Overlay District, the following standards shall apply:

(a) Development of all structures used for human occupancy, other than single-family wood frame structures, shall take place fifty (50) feet or further from any active earthquake fault traces. Active fault traces are those delineated on the Alquist-Priolo Special Studies Zones Maps or on maps contained within the County General Plan.

(b) Development of all structures used for critical facilities shall take place one hundred fifty (150) feet or further from any active earthquake fault trace as indicated within the County 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 reviewing authority.

(d) Development restricted areas are encouraged for use as recreation and common open spaces.

(e) The following conditions may apply to areas subject to periodic landslides, subsidence and soil liquefaction:

(1) Siting. All facilities and streets should be sited so as to minimize the erosion potential.

(2) Vegetation. Natural vegetation shall be retained and protected where possible. Where inadequate vegetation exists, additional landscaping shall be provided. Any additional landscaping shall be compatible with the local environment and capable of surviving with a minimum of maintenance and supplemental water.

(3) Exposure of Bare Land. When land is exposed during development, only the smallest practicable land portion, as an increment of a development project, shall be exposed at any one time; the duration of time that the exposure remains unprotected shall be the shortest practical time period and such exposure shall be protected with temporary vegetation or mulching where practical.

(4) Run-off. The development should be designed to minimize water run-off. Provisions should be made to effectively accommodate any increased run-off.

(5) Special Measures. Measures shall be taken to offset the possible effects of landslides. A detailed geologic report identifying these measures shall be required prior to the issuance of building permits.

(6) All proposed facilities located within liquefaction and landslide hazard areas shall be constructed in a manner to minimize or eliminate subsidence damage.

Article 5. Noise Hazard (NH) Overlay District.

Sections:

85.020501	Intent.
85.020505	Locational Requirements.
85.020510	Development Standards.

85.020501 Intent.

The Noise Hazard (NH) Overlay District is created to provide greater public safety by establishing land use review procedures and requirements for land uses in areas with identified high noise levels.

85.020505 Locational Requirements.

(a) The Noise Hazard Overlay should be applied to those areas where the Average Day-Night Sound Level (Ldn) is sixty-five (65) decibels, 65 dBA or greater, except in the Chino Hills Specific Plan area where it shall be applied to areas with Ldn of sixty (60) decibels or greater, 60 dBA.

(b) The Noise Hazard Overlay District shall be designated by the symbol (NH) on the San Bernardino County Official Land Use Plan.

85.020510 Development Standards.

When a land use application or development permit is proposed within the Noise Hazard Overlay District, the following standards shall apply with respect to residential uses:

(a) Noise levels shall be identified. An acoustical report shall be performed to identify noise impact and any recommendation for noise attenuation, or other mitigation measures shall be incorporated into the design standards or conditions of approval as applicable.

(b) Interior noise levels in all one-family and multi-family residences and educational institutions shall not exceed forty-five (45) dBA Ldn emanating from sources outside of the residential building.

(c) Exterior noise levels in all one-family residential land use areas and multi-family residential land use areas should not exceed sixty-five (65) dBA Ldn. Exterior noise levels shall not exceed seventy (70)-dBA Ldn for any residential use areas.

(d) Ability to mitigate exterior noises to the levels of sixty-five (65) dBA Ldn and seventy (70) dBA Ldn shall be considered by the reviewing authority when determining the actual Ldn level with which the land uses must comply.

(e) In areas where noise exceeds the noise standard, measures shall be taken to mitigate noise levels. An acoustical report identifying these mitigation measures

shall be required and reviewed by Environmental Health Services Department prior to issuance of any required development permits or approval of land use applications.

(f) All other structures shall be sound attenuated against the combined input of all present and projected exterior noise to not exceed the following criteria:

Typical Uses	12-Hour Equivalent Sound Level (Interior) dBA Ldn
Educational, Institutions, Libraries, Churches, etc.....	45 dBA
General Office, Reception, etc.	50 dBA
Retail Stores, Restaurants, etc.	55 dBA
Other Areas for Manufacturing Assembly, Test, Warehousing, etc.....	65 dBA

In addition, the average of the maximum levels on the loudest of intrusive sounds occurring during a twenty-four (24) hour period shall not exceed sixty-five (65) dBA interior.

Chapter 3

RESOURCE PRESERVATION

Articles:

1. Agricultural Preserve (AP) Overlay District.
2. Biotic Resources (BR) Overlay District.
3. Cultural Resources Preservation (CP) Overlay District.
4. Mineral Resources (MR) Overlay District.
5. Paleontologic Resources (PR) Overlay District.
6. Scenic Resources (SR) Overlay District.

Article 1. Agricultural Preserve (AP) Overlay District.

Sections:

- | | |
|-----------|--------------------------|
| 85.030101 | Intent. |
| 85.030105 | Locational Requirements. |
| 85.030110 | Development Standards. |

85.030101 Intent.

(a) The preservation of agricultural land uses is essential to the economic well-being of the County.

(b) The Agricultural Preserve (AP) Overlay District is created to protect vital agricultural uses by limiting land use activity to those uses which are compatible and supportive of agriculture and related uses and/or agricultural by-products.

(c) The Agricultural Preserve Overlay District identifies those properties within an established agricultural preserve. Such properties may be subject to a Land Conservation Contract which has been executed between the landowner and the County Board of Supervisors. Such agreements offer tax advantages to the landowner and include an enumerated list of the allowed uses for the commercial production of plant and animal products which have been found to be compatible with agriculture.

85.030105 Locational Requirements.

(a) The Agricultural Preserve Overlay District shall be applied to those areas which are contained within an Agricultural Preserve as defined in the California Land Conservation Act of 1965 (Williamson Act), Government Code Section 51200, et seq., and as designated upon the land use maps of the County General Plan.

(b) The Agricultural Preserve Overlay District shall be designated to the following land use districts only: Resource Conservation (RC), Agriculture (AG), Rural Living (RL) and Floodway (FW)

(c) The Agricultural Preserve Overlay District shall be designated by the symbol (AP) on the San Bernardino Official Land Use Plan.

85.030110 Development Standards.

When an Agricultural Preserve Overlay District is established, it shall be in conformance with the California Land Conservation Act of 1965 (Williamson Act), Government Code Section 51200, et seq. Land and land uses proposed within an agricultural preserve must be an agricultural use or be compatible with agricultural uses. Refer to Subsection 83.040220(a)(2)(C) in Division 3 of this Title for parcel size limitations.

(a) The following list of uses have been determined to be compatible:

(1) Agricultural use, described as any use of land for the purpose of producing an agricultural commodity, consisting of any and all plant and animal products for commercial purposes, provided such use is permitted by the applicable land use district and not prohibited by other law or ordinance.

(2) A stand for display and sale of agricultural commodities produced on the premises or other premises within the preserve.

(3) Gas, electric, water, communication utility facilities, and public service facilities of like nature, operated by a public agency or mutual water company.

(4) Public highways.

(5) Fire protection works and facilities.

(6) Flood control works, including channel rectification and alteration.

(7) Public works required for fish and wildlife enhancement and preservation.

(8) Improvements for the primary benefit of the land within the preserve.

(9) State improvements described in Subsection 51293(d) of the California Government Code.

(10) Single dwelling units for the use only of an owner or manager of land within the agricultural preserve, or a person employed on said land, if such use is permitted by the applicable land use district, but not exceeding three (3) dwellings for each parcel of not less than ten (10) acres.

(11) Farm labor camps, including temporary trailer housing, subject to the provisions of this Title and all other applicable laws.

(12) Drying, packing or other processing of an agricultural commodity usually performed on the premises where it is produced.

(13) Any use existing on the date the land is included within an agricultural preserve but any such use since discontinued for two (2) years shall not be resumed unless permitted under these rules.

(14) Any use required to be permitted by an amendment to the California Land Conservation Act of 1965 hereafter adopted.

(15) "Open space uses" as defined in California Government Code Section 51201.

(16) Churches.

(17) Agriculturally oriented schools with an approved Conditional Use Permit subject to provisions adopted by the Board of Supervisors on November 3, 1980, regarding compatibility within an Agricultural Preserve.

(18) Resource Recovery Systems which are designed for the use of animal or plant products or waste for no less than 75% of their fuel or material source (percent measured as British Thermal Unit heat content for energy generation or percent of volume of materials consumed for agricultural products averaged over the current year of operation) for the production of a commodity for the primary benefit of the agricultural community or for the generation of electrical energy, unless prohibited by other law or ordinance. Any temporary or permanent use of more than twenty-five percent (25%) non-animal or plant products or waste (percent measured as described above) by such an approved project is subject to approval by the County Planning Commission and their finding that an adequate animal or plant product or waste supply is not available to maintain the approved design output capacity of the project due to interruptions of delivery or elimination of the source beyond the feasible control of the applicant. Such Planning Commission approval to exceed twenty-five percent (25%) non-animal or plant product or waste shall apply only as long as an adequate animal or plant product or waste supply is not available and subject to prohibition by other law or ordinance.

Sludge materials shall not be permitted as an alternative source.

(19) Recreational uses as defined by California Government Code Subsections 51201(e) and (n), subject to Conditional Use Permit.

(b) Any use determined to be a compatible use in all agricultural preserves by the Board of Supervisors, after public hearing on ten (10) days published notice and such other notice, if any, as may be specified. Thereafter, such use shall be deemed a compatible use in any agricultural preserve, providing that it is not inconsistent with uses listed in Subsection 85.030110(a) above.

Article 2. Biotic Resources (BR) Overlay District.**Sections:**

- 85.030201 Intent.
- 85.030210 Locational Requirements.
- 85.030215 Designation.
- 85.030220 Development Standards.

85.030201 Intent.

The purpose of the Biotic Resources (BR) Overlay District is to implement General Plan policies regarding the protection and conservation of beneficial rare and endangered plants and animal resources and their habitats which have been identified within unincorporated areas of the county.

85.030210 Locational Requirements.

The Biotic Resources Overlay District shall be applied to unincorporated areas of the county which have been identified by a county, state or federal agency as habitat for species of unique, rare, threatened or endangered plants or animals or their habitats as listed in the County General Plan.

85.030215 Designation.

The Biotic Resources Overlay District shall be designated by the symbol (BR) on the San Bernardino County Official Land Use Plan.

85.030220 Development Standards.

When a land use is proposed or an existing land use is increased by more than twenty-five percent (25%) within a Biotic Resources Overlay District, the applicant shall have a report prepared identifying all biotic resources located on the site and those on adjacent parcels, which could be impacted by the proposed development. The report shall outline mitigating measures designed to reduce or eliminate impacts to the identified resource(s), and shall be submitted along with the application for the proposed development. The report shall be prepared by an appropriate expert such as a qualified biologist, botanist, herpetologist or other professional "life scientist."

The conditions of approval of any land use application shall incorporate the identified mitigating measures to protect and preserve the habitats of the identified plants and/or animals.

Article 3. Cultural Resources Preservation (CP) Overlay District.**Sections:**

85.030301	Intent.
85.030305	Locational Requirements.
85.030310	Designation.
85.030315	Development Standards.

85.030301 Intent.

(a) The identification and preservation of important archaeological and historical resources is necessary as many such resources are unique and nonrenewable.

(b) Preservation of such cultural resources provides a greater knowledge of County history, thus promoting County identity and conserving historic and scientific amenities for the benefit of future generations.

85.030305 Locational Requirements.

The Cultural Resources Preservation (CP) Overlay District may be applied to those areas where archaeological and historic sites which warrant preservation are known or are likely to be present.

Specific identification of known cultural resources is indicated by listing in one or more of the following inventories:

- (a) California Archaeological Inventory.
- (b) California Historic Resources Inventory.
- (c) California Historical Landmarks.
- (d) California Points of Historic Interest.
- (e) National Register of Historic Places.

85.030310 Designation.

The Cultural Resources Preservation Overlay District shall be designated by the symbol (CP) on the San Bernardino County Natural Resource Overlay Map.

85.030315 Development Standards.

When a land use is proposed within a CP Overlay District, the following studies and actions shall be taken as specified.

(a) The presence (or absence) of archaeological and historical resources within a given project area shall be determined through an appropriate investigation by qualified personnel. A report documenting the results of such investigation shall be submitted with project application.

(b) Data recovery or protection measures shall be developed and implemented for identified cultural resources determined to be important by a qualified archaeologist or historian. Such measures may include, but are not limited to:

- (1) Site recordation.
- (2) Mapping and surface collection of artifacts, with appropriate analysis and curation.
- (3) Excavation of subsurface deposits when present, along with appropriate analysis and artifact curation.
- (4) Preservation in an open space easement and/or dedication to an appropriate institution with provision for any necessary maintenance and protection.
- (c) Archaeological and historical resources which are determined by qualified professionals to be extremely important should be preserved as open space or dedicated to a public institution when possible.

Article 4. Mineral Resources (MR) Overlay District.

Sections:

85.030401	Intent.
85.030405	Objectives.
85.030410	Locational Requirements.
85.030415	Designation.
85.030420	Development Standards.
85.030425	Required Information.

85.030401 Intent.

(a) The extraction of mineral resources is essential to the economic well-being of the County and the needs of the society.

(b) Certain privately owned land areas of the County contain significant amounts of mineral resources. Mineral Resources Overlay Districts are created to protect these resources for present and future extractions. Since mineral extraction must take place on the physical site where the minerals naturally occur, special controls are needed to minimize conflicts with other land uses. The Mineral Resources Overlay District functions as a "holding district" since the land will be redesignated and reclaimed for other land uses when mining operations cease. Also, the district will insure that land disturbances are minimized through regulations and through the prohibition of any other land uses in these districts which are incompatible with mining.

(c) Once the mining activity ceases, the mined lands shall be reclaimed for new uses in order to prevent or minimize adverse effects on the environment and to protect the public health, safety and welfare.

85.030405 Objectives.

The Mineral Resources Overlay District shall have the following objectives:

- (a) Adverse environmental effects shall be prevented or minimized.
- (b) Mined lands shall be reclaimed to a usable condition which is readily adaptable for alternative land uses.
- (c) The production and conservation of minerals is encouraged but the mining industry shall also preserve areas relating to environmental and recreational amenities if such amenities are located within the mining locale.
- (d) Residual hazards to the public health and safety shall be eliminated.

85.030410 Locational Requirements.

The Mineral Resources Overlay District shall be applied on the following areas:

- (a) Areas with existing major surface mining activities.
- (b) Areas where mining activity is expected to take place in the future.
- (c) Areas adjacent to current or proposed mining activity to prohibit the intrusion of incompatible uses.

85.030415 Designation.

The Mineral Resources Overlay District shall be designated by the symbol (MR) on the San Bernardino County Land Use Plan.

85.030420 Development Standards.

- (a) Mineral Resources Overlay Districts shall be free from any land use that is incompatible with mining activity.
- (b) When mining activity ceases, the land owner and/or mining company shall be responsible for the reclamation of the site.
- (c) Reclamation shall include but not be limited to the reasonable mitigation or elimination of residual hazards.
- (d) Incompatible land uses shall be suitably buffered from mining activity. Appropriate transition measures shall be taken in order to insure compatibility between mining activity and surrounding land uses.

85.030425 Required Information.

A Mining/Reclamation Plan describing the phasing of reclamation, in relation to the phases of the mining operation, shall be submitted for land areas which are to be included within a Mineral Resources Overlay District, subject to the provisions of this Title regarding surface mining and land reclamation and the California Surface Mining and Reclamation Act (SMARA).

Article 5. Paleontologic Resources (PR) District.

Sections:

- | | |
|-----------|--------------------------|
| 85.030501 | Intent. |
| 85.030510 | Locational Requirements. |
| 85.030515 | Designation. |
| 85.030520 | Development Standards. |

85.030501 Intent.

(a) The identification and preservation of significant paleontologic (fossil) resources is necessary as many such resources are unique and nonrenewable.

(b) Preservation of such paleontologic resources provides a greater knowledge of County natural history, thus promoting County identity and conserving scientific amenities for the benefit of future generations.

85.030510 Locational Requirements.

The Paleontologic Resources (PR) Overlay District may be applied to those areas where paleontologic resources are known to occur or are likely to be present.

Specific identification of known fossil occurrences or potential paleontologic sensitivity is indicated by listing in the locality files of one or more of the following institutions:

- (a) San Bernardino County Museum.
- (b) University of California.
- (c) Los Angeles County Museum.

85.030515 Designation.

The Paleontologic Resources Overlay District shall be designated by the symbol (PR) on the San Bernardino County Natural Resource Overlay Map.

85.030520 Development Standards.

When a land use is proposed within a PR Overlay District, the following criteria shall be used to evaluate the project's compliance with the intent of the overlay:

(a) In areas of potential but unknown sensitivity, field surveys prior to grading shall be required to establish the need for paleontologic monitoring.

(b) Projects which require grading plans and which are located in areas of known fossil occurrences within the overlay district, or that have been demonstrated to have fossils present in a field survey, shall have all mass grading monitored by trained paleontologic crews working under the direction of a qualified professional,

in order that fossils exposed during grading can be recovered and preserved. Fossils include large and small vertebrate fossils; the latter recovered by screen washing of bulk samples.

(c) All recovered specimens shall be prepared to the point of identification and adequately curated into retrievable collections of an institution with appropriate staff and facilities for their scientific information potential to be preserved.

(d) A report of findings with an itemized accession inventory shall be prepared as evidence that monitoring has been successfully completed. A preliminary report shall be submitted and approved prior to granting of building permits, and a final report shall be submitted and approved prior to granting of occupancy permits. The adequacy of paleontologic reports shall be determined in consultation with the Curator of Earth Science, San Bernardino County Museum.

(e) In no event shall the County require the applicant to pay more for mitigation [Subsections 85.030520(b), (c), and (d) and above] within the site of the project than the following amounts:

(1) One-half of one percent (.005) of the projected cost of the project, if the project is a commercial or industrial project.

(2) Three-fourths of one percent (.0075) of the projected cost of the project for a housing project consisting of one (1) unit.

(3) If a housing project consists of more than one (1) unit, three-fourths of one percent (.0075) of the projected cost of the first unit plus the sum of the following:

(A) Two hundred dollars (\$200) per unit for any of the next ninety-nine (99) units,

(B) One hundred fifty dollars (\$150) per unit for any of the next four hundred (400) units,

(C) One hundred dollars (\$100) per unit for units in excess of five hundred (500).

Article 6. Scenic Resources (SR) Overlay District.

Sections:

85.030601	Intent.
85.030605	Locational Requirements.
85.030610	Development Standards.

85.030601 Intent.

The intent of the Scenic Resources Overlay District is to provide development standards that will protect, preserve and enhance the aesthetic resources of the County. Design considerations can be incorporated in many instances to allow development to coexist and not substantially interfere with the preservation of unique natural resources, roadside views and scenic corridors of such natural resources. It is also the intent of the Scenic Resources Overlay District to implement state and federal programs and regulations regarding scenic highway routes.

85.030605 Locational Requirements.

The Scenic Resources Overlay District may be applied to the following areas:

(a) Areas with unique views of the County's desert, mountain and valley areas or any other aesthetic natural land formations.

(b) An area extending two hundred (200) feet on both sides of the ultimate road right-of-way of State and County designated Scenic Highways as set forth in the County General Plan. The area covered may vary to reflect the changing topography and vegetation along the right-of-way.

Within the Chino Hills Specific Plan area, the scenic corridor shall be defined to also include the prominent ridgelines, view windows, and view sheds shown in Figure 3-14 of the Specific Plan, and Plan Overlay Map 4.

(c) The Scenic Resources Overlay District shall be designated by the symbol (SR) on the San Bernardino County Official Land Use Plan.

85.030610 Development Standards.

When a land use is proposed within a (SR) Overlay, the following criteria shall be used to evaluate the project compliance with the intent of the overlay:

(a) **Building and Structure Placement.** The building and structure placement should be compatible with and should not detract from the visual setting or obstruct significant views.

Within the Chino Hills Specific Plan, the following standards shall apply:

Site Design and Building Placement. Intensive land development proposals, including, but not limited to, residential and commercial projects, shall be designed to blend into the natural landscape and minimize visual scarring of vegetation and

terrain. Individual buildings shall be sited and designed in a similar manner. The ridgeline development standards contained in Division 3 of the Chino Hills Specific Plan are particularly important within the Scenic Resources Overlay District.

(b) Review Area. Intensive land development proposals, including but not limited to, residential facilities, commercial activities and mobilehome parks shall be designed to blend into the natural landscape and maximize visual attributes of the natural vegetation and terrain. The design of said development proposals shall also provide for maintenance of a natural open space parallel to and visible from the right-of-way.

Within the Chino Hills Specific Plan, the following standards shall apply:

(1) There shall be a one hundred fifty (150) foot building setback from the centerline of each scenic highway. The setback area shall be maintained in a natural condition to the greatest extent possible. Where improvements or plantings are required, they shall conform to the character and guidelines for Carbon Canyon Village on Carbon Canyon Road, and Soquel Canyon Village on Soquel Canyon Road.

(2) Variance from established setbacks shall only be approved if one (1) or more of the following findings are made:

(A) Topographic or vegetative characteristics preclude such a setback.

(B) Topographic or vegetative characteristics provide adequate screening of buildings and parking areas from the right-of-way.

(C) Property dimensions preclude such a setback.

(c) Access Drives. Right-of-way access drives should be minimized. Developments involving concentrations of commercial activities should be designed to function as an integral unit with common parking and right-of-way access drives.

(d) Landscaping. The removal of native vegetation, especially timber, shall be minimized and replacement vegetation and landscaping shall be compatible with the local environment and, where practicable, capable of surviving with a minimum of maintenance and supplemental water. Landscaping and plantings should not obstruct significant views, either when installed or when they reach mature growth.

(e) Roads, Pedestrian Walkways, Parking and Storage Areas. Any large-scale development should restrict the number of access points by providing common access roads. Parking and outside storage areas should be screened from view, to the maximum extent feasible, from either the Scenic Highway or the adjacent scenic or recreational resource by existing topography, by the placement of buildings and structures, or by landscaping and plantings which are compatible with the local environment and, where practicable, are capable of surviving with a minimum of maintenance and supplemental water.

Within the Chino Hills Specific Plan area, trails and pathways shall conform to standards contained in Division 3 of the Chino Hills Specific Plan.

(f) Above-Ground Utilities. Utilities shall be constructed and routed underground except in those situations where natural features prevent the underground siting or where safety considerations necessitate above-ground construction and routing. Above-ground utilities shall be constructed and routed to minimize

detrimental effects on the visual setting of the designated area. Where it is practical, above-ground utilities shall be screened from view from either the Scenic Highway or the adjacent scenic or recreational resource by existing topography, or by placement of buildings and structures.

(g) Grading. The alteration of the natural topography of the site shall be minimized and shall avoid detrimental effects to the visual setting of the designated area and the existing natural drainage system. Alterations of the natural topography should be screened from view from either the Scenic Highway or the adjacent scenic or recreational resource by landscaping and plantings which harmonize with the natural landscape of the designated area, and which are capable of surviving with a minimum of maintenance and supplemental water.

Within the Chino Hills Specific Plan area, grading shall conform with the grading and ridgeline development standards contained in Division 3 of the Chino Hills Specific Plan.

(h) Timber harvesting within or adjacent to the right-of-way shall be limited to that which is necessary to maintain and enhance the quality of the forest.

(i) Storage Areas. Outside storage areas associated with commercial activities shall be completely screened from view of the right-of-way with landscaping and plantings which are compatible with the local environment and are capable of surviving with a minimum of maintenance and supplemental water.

(j) Primary freestanding signs greater than eighteen (18) square feet are prohibited in the Scenic Resources Overlay District.

86.080450 Yucca Valley Planning Area.

86.080450		SINGLE RESIDENTIAL DEVELOPMENT STANDARDS	
Maximum Structure Height (Ft.)		35	
Minimum Lot Size (Sq. Ft.) map suffix will modify		8,000	
Maximum Lot Coverage (Building coverage)		40% of lot area	
Minimum Lot Dimensions (Width to Depth Ratio)	≥ 10 acres	1:4	
	< 10 acres	1:3	
Minimum Lot Dimensions (Width/Depth in Ft.)		60/100	
Front Yard Setbacks (Ft.)		25	
Side Yard Setbacks (Ft.)*	one side	10	
	other sides	5	
Rear Yard Setbacks (Ft.)		15	
Street Side Setbacks (Ft.)		15	

*Those lots that are less than sixty (60) feet in width, the interior side yard(s) shall be no less than ten percent (10%) of the width of the lot provided that such interior side yard(s) shall be not less than three (3) feet and need not exceed five (5) feet in width.

DEVELOPMENT CODE

Chapter 9

LOWER COLORADO RIVER SUBREGION (RSA34)

(RESERVED)

Chapter 5

PLANNED DEVELOPMENTS

Sections:

- 88.0501 Intent.
- 88.0515 General Regulations.
- 88.0520 Design Standards.

88.0501 Intent.

It is the purpose of this chapter 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 land use district. This chapter shall set forth those requirements, design standards and conditions by which planned development shall be regulated. For other regulations concerning Planned Developments, refer to Section 84.0250 in Division 4 of this Title.

88.0515 General Regulations.

(a) **DENSITY.** The total density of a planned development shall be determined by the:

(1) General Plan Official Land Use District for the particular property. Increased densities may be granted by the reviewing authority through the bonus density or transfer of density provisions authorized by the General Plan and implemented by the Development Code, 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. Lot sizes smaller than those required by the Land Use District may be approved for a Planned Development provided the overall lot density is not exceeded, except as otherwise allowed by this Title and/or the General Plan.

(2) **Density Transfers.** One hundred percent (100%) transfer of the density indicated on the San Bernardino County General Plan Official Land Use District is permitted within the project, provided all other performance criteria are met. This transfer of density may include a transfer of density from adjacent property for which development restrictions in favor of this project have been obtained.

(A) To be eligible for density transfer, adjacent private lands must meet the following criteria:

(I) Private lands from which the density is being transferred must be free of hazards or other physical constraints that prohibit the construction of residential dwellings.

(II) Private lands from which the density is being transferred must be shown on the General Plan as developable for residential dwellings.

(B) All open space within the project which has been created as a result of a density transfer must be common open space. Provided, however, in those circumstances when it is infeasible or impracticable for a private organization to adequately maintain and preserve the land as open space, such land may be dedicated to the public for open space purposes.

(C) The transferable density of slopes in areas covered by slope density formulas, such as wildland fire hazard areas, shall be determined by the following formula:

Maximum Unit Transferable Dwelling Density*	Average Slope
4.0 Dwelling Units/Acre	0% - v 15%
2.0 Dwelling Units/Acre	15% - v 25%
1.0 Dwelling Unit/Acre	25% - v 40%
.2 Dwelling Unit/Acre	40% or more

*In no case shall the density be more than the maximum allowed by the land use district.

(3) Density Bonus.

(A) An additional bonus in dwelling-unit density, up to ten percent (10%) above that indicated in the General Plan Official Land Use District for the area, may be granted by the reviewing authority provided one (1) of the following criteria is met:

(I) A publicly valuable resource is provided, preserved or enhanced which would otherwise require the expenditure of public monies.

(II) A public or quasi-public item is provided above and beyond the normal expectations.

(III) An amenity, convenience or excellence in design is provided above and beyond normal expectations.

(B) In all cases, the granting of density bonuses must further the purpose and intent of the Planned Development provisions of this Title and the General Plan.

(b) ACCESSORY USES PERMITTED IN PLANNED RESIDENTIAL DEVELOPMENTS.

(1) All accessory uses permitted in the RS District shall be permitted in a Planned Residential Development, provided that such accessory uses are compatible with the approved PRD development plan.

(2) When the underlying land use district permits horse raising, and where the density of a Planned Development project does not exceed four (4) dwelling units per acre, horses shall be permitted in a PRD project as follows:

(A) On lots twenty thousand (20,000) square feet or greater subject to the regulations of the RS District.

(B) Where lots are less than twenty thousand (20,000) square feet, horses shall be permitted subject to the following conditions:

(I) Horses shall be clustered onto common lots.

(II) The maximum density of horses shall not exceed three and two-tenths (3.2) horses per gross acre of common lot area.

(III) All standards and regulations of the Department of Environmental Health Services shall apply.

(IV) Maintenance and management of the clustered facilities shall be provided by the property-owners' association.

(c) PHASING. 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, prior to 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 reviewing authority. The amount of the performance bonds shall be reviewed annually by the appropriate agency.

(e) REVISION OF APPROVED DEVELOPMENT PLANS. No revisions may be made in an approved Planned Development Site Plan or Final Development Plan before, during or after the construction of a planned development except upon application by the applicant to the appropriate reviewing authority, under the procedures provided below:

(1) Minor revisions such as in the location and siting of building and structures may be authorized by the Planning Officer, if required by engineering or other circumstances not foreseen at the time the development plan was approved. These revisions shall be made prior to recording the final subdivision map or the issuance of any building permits, whichever occurs first.

(2) Major revisions, such as changes in use, any significant rearrangement of lots, blocks and building tracts, any substantial changes in the provision of common open spaces and all other modifications shall be approved by the reviewing authority authorized to approve the plan being revised. The reviewing authority shall hold a public hearing to consider such major revisions. No amendments may be made in the approved development plan unless they are shown to be required by changes in conditions that have occurred since the development plan was approved or by changes in the General Plan, Specific Plan, or area plan.

88.0520 Design Standards.

(a) Unless specifically changed within this section, all adopted County ordinances, standards and policies apply to a Planned Development project, including those set forth in the San Bernardino County General Plan. The Planning Commission may alter adopted standards, where, in their opinion, the altered standards would more adequately serve the intent and purposes of the Planned Development provisions of the Code.

(b) CIRCULATION.

(1) The vehicular circulation pattern shall be designed such that:

(A) It provides adequate vehicular access to and within the project, in accordance with adopted County standards.

(B) It is coordinated with external transportation networks in terms of location and loads.

(C) It is integrated with the natural landscape and, where possible, parallels the natural drainage system.

(D) It is designed such that noise levels from vehicular traffic shall comply with the Noise Quality Standards of the San Bernardino County General Plan.

(E) The planned development project, and each phase thereof, has two (2) points of vehicular ingress and egress from surrounding streets, one (1) of which may be emergency only. Where the applicant can show that this is a physical impossibility, this requirement may be modified by the local Fire Authority or County Fire Warden.

(F) Private streets are acceptable if they are built to County standards and are inspected by the County. However, right-of-way shall not be accepted by the County nor shall private streets be accepted into the County-maintained road system.

(2) The pedestrian circulation pattern shall be designed such that:

(A) It is separated from vehicular traffic where possible and designed to discourage pedestrian crossing of the vehicular network, except at controlled points which are designed for pedestrian safety.

(B) Hard-surfaced, safely lighted pedestrian access to common open space, recreational areas, community facilities and other logical terminal points shall be provided.

(3) All common off-street parking areas shall be designed such that:

(A) They provide adequate, convenient, well-marked and safely lighted parking.

(B) With the exception of building-enclosed parking structures, they shall contain appropriate landscaping to minimize the effect of large areas of asphalt or concrete.

(4) Two (2) parking spaces per dwelling unit shall be provided. No tandem parking is permitted except in mountain areas. Guest parking, either on-street or in common parking areas, shall be provided at a ratio of one (1) space per two (2) dwelling units.

(c) OPEN SPACE.

(1) 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.

(A) Open space within a planned development shall include the following:

(I) Area of the site not covered by buildings, paved areas or accessory structures, except recreational structures.

(II) Land which is accessible and available to all occupants of the development for which the space is intended.

- (B) Open space within a planned development does not include:
- (I) Proposed and existing street rights-of-way and private streets.
 - (II) Open parking areas, driveways.
 - (III) School sites.
 - (IV) Commercial, industrial or office areas, and the buildings, accessory buildings, parking and loading facilities thereof.
- (2) A residential planned development project shall have a minimum of forty percent (40%) private and common open space, not including balcony area.
- (3) Each dwelling unit shall have a minimum contiguous private open space area as follows:
- (A) Ground-Floor — Two hundred twenty-five (225) square feet.
 - (B) Upper-story dwelling with no ground floor — sixty (60) square feet.

(4) Provisions for the maintenance and management of the common open space and common facilities shall be reviewed and approved by the reviewing authority. Such approval shall be based on the following criteria:

(A) The applicant shall establish a Property Owners' Association prior to the selling of any lot or occupancy of any dwelling unit.

(B) The Property-Owners' Association by-laws, restrictions and articles of incorporation shall include the necessary regulations required by the Federal Housing Administration. Other standards may be approved by the reviewing Housing Authority.

(d) **SITE RESOURCE UTILIZATION.**

(1) The planned development shall be designed and developed in such a manner as to minimize the cutting of trees, disturbance of ground cover, cut-and-fill work, drainage alteration and hillside development. All tree removals shall be in accordance with County permit procedures.

(2) All new dirt work and exposed slopes shall be suitably stabilized in accordance with Sections 68.001 through 68.024 of the San Bernardino County Code. Scarred and erosion-prone areas shall be stabilized with appropriate planting.

(3) A drainage analysis shall be prepared and shall accompany the application for a planned development.

(e) **SITE AND STRUCTURE RELATIONSHIP.**

(1) The spacing of buildings shall be governed by the requirements for adequate light and air, proper access, fire regulations and the need for visual and auditory privacy.

(2) Whenever possible, dwelling units shall be arranged to take advantage of views and vistas with consideration given to "micro" (subsections of the planned development) — climate control and pleasing relationships of building mass.

(3) The planned development shall be designed to minimize the likelihood of criminal activity by:

(A) Minimizing those areas that are neither clearly private or public.

(B) Planting landscaping such that maximum observation is obtained while providing the desired degree of aesthetics.

(4) Building height, bulk and "micro" coverage are regulated only inasmuch as they meet the performance criteria set out above.

(5) No structure for human habitation shall be placed in an environmentally hazardous, fragile or unique area.

(f) PERIMETER.

(1) Adjacent properties to the planned development shall be protected from adverse influences of traffic, land uses, building scale and density by the combined use of screening, setbacks and land use location.

(2) Perimeter planning and coordination are required to assure 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.

(3) Planned development projects which are within Fire Safety (FR) Overlay Districts shall develop perimeter areas in accordance with standards set forth in that element.

Chapter 6

SOCIAL CARE FACILITY

Sections:

88.0605 Social Care Facility.

88.0605 Social Care Facility. (Reserved)

84.0625 Recycling Facilities.

(a) Requirements. No person, corporation, or legal entity shall place or permit the placement and/or operation of any recycling facility, including a reverse vending machine, collection facility or processing facility without first obtaining any permits required pursuant to the provisions set forth in this chapter. Recycling facilities may be permitted as set forth in the following table.

Type of Facility	Land Use Districts Permitted	Permit Required
Reverse Vending Machine(s) up to 50 sq. ft.	All Commercial and All Industrial	Appropriate permit specified in Title 3 of the County Code
Small Collection Facility up to 500 sq. ft.	All Commercial and All Industrial	Special Use Permit
Large Collection Facility over 500 sq. ft.	All Commercial except CN and All Industrial	Conditional Use Permit
Light Processing Facility up to 4,500 sq. ft.	CG, CS IC, IR	Conditional Use Permit
Heavy Processing Facility over 4,500 sq. ft.	IC, IR	Conditional Use Permit

All facilities, in addition to other designated permits, may be subject to a special use permit and/or health permits as may be required in Title 3 of the San Bernardino County Code.

(b) Criteria and Standards. Recycling facilities subject to Conditional Use Permit and/or Special Use Permit, shall meet the applicable criteria and standards listed below, provided that the Director of Land Management or Environmental Health Services, Planning Commission, or Board of Supervisors, as the case may be, may relax such standards or impose stricter standards at their discretion upon a finding that such modifications are reasonably necessary in order to implement the general intent of this Chapter and the purposes of this Title. The criteria and standards for recycling facilities are as follows:

(1) Reverse vending machines: Reverse Vending Machines do not require any permits under this Title; however, permits are required for reverse vending machines subject to the requirements of Division 3, Title 3, of the County Code.

(2) Small Collection Facilities:

(A) Facility shall be established as an accessory use to a primary commercial or industrial use which is in compliance with the zoning, building and fire codes of the County of San Bernardino and shall not occupy more than five hundred (500) square feet of floor space.

(B) Containers shall be constructed and maintained with durable, waterproof and rustproof material and shall be covered;

(C) Containers shall be clearly marked to identify the type(s) of recyclable(s) which may be deposited;

(D) Facility shall be clearly marked to identify the name and telephone number of the facility operator;

(E) Site shall be swept and maintained in a dust-free, litter-free condition on a daily basis;

(F) Facility shall be set back at least ten (10) feet from any street right-of-way and shall not obstruct pedestrian or vehicular circulation.

(G) The facility shall not impair the landscaping required for any concurrent use by this Title or any permit issued pursuant thereto;

(H) Noise level shall not at any time exceed sixty-five (65) dBA as measured at the property line of residentially zoned or occupied property; and shall not exceed seventy (70) dBA at any point;

(I) Small collection facilities shall not include power-driven sorting and/or consolidation equipment, such as crushers or bailers, except reverse vending machines;

(J) Signs may be provided as follows: In addition to the signs and certificates issued by the Department of Conservation, and Division of Recycling, which must be displayed by the operator/processor and the informational signs required by this chapter:

(I) Unattended container not over fifty (50) cubic feet in bulk and not over nine (9) feet in height may have a maximum sign area of four (4) square feet;

(II) Other containers or units may have one flat-mounted sign per side of container or wall of enclosure of 20% of the surface of the side up to a maximum of sixteen (16) square feet.

(K) Use of the facility for collection of solid wastes or hazardous wastes, as defined in Division 12 and as specified by Section 812.08020 of Title 8, is prohibited;

(L) If the permit expires without renewal, the collection facility shall be removed from the site on the day following permit expiration;

(M) Attended facilities located within one hundred (100) feet of a property zoned or occupied for residential use shall be in operation during the hours between 9:00 a.m. and 7:00 p.m., and otherwise during the hours of operation of the host business. Containers for the twenty-four (24) hour donation of materials shall be at least thirty (30) feet from any property zoned or occupied for residential use unless there is a recognized service corridor and acoustical shielding between the containers and the residential use;

(N) The facility shall conform to all development regulations for the land use district in which it is located;

(O) Mobile Recycling Units shall have an area clearly marked to prohibit vehicular parking during the hours when the Mobile Unit is scheduled to be

P) Occupation of parking spaces by the facility and by the attendant must not reduce available parking spaces below the minimum number required for the primary host use unless all of the following conditions exist:

(I) The facility is located in a convenience zone or a potential convenience zone as designated by the California Department of Conservation;

(II) A parking study shows that existing parking capacity is not already fully utilized during the time the recycling facility will be on the site; and,

(III) The permit will be reconsidered at the end of twelve (12) months. Parking credits in an established parking facility may then be granted as follows:

For a commercial host use:

Number of Available Parking Spaces	Maximum Reduction
0—25	0
26—35	2
36—49	3
50—99	4
100+	5

For a community facility host use: A maximum five (5) spaces reduction will be allowed when not in conflict with parking needs of the host use.

(3) Large Collection Facilities. A Large Collection Facility is one that is larger than five hundred (500) square feet, or is on a separate property not appurtenant to a host use, and may have a permanent building. A Large Collection Facility is permitted in designated commercial and industrial Land Use Districts with a Conditional Use Permit, provided the facility meets the following standards:

(A) Facility is located at least one hundred and fifty (150) feet from the property line of any residential use or Land Use District which allows residential land uses;

(B) Facility shall be screened from the public right-of-way by operating in an enclosed building or within an area enclosed by an opaque fence at least six (6) feet in height with landscaping and shall meet all applicable noise standards specified in this chapter;

(C) Setbacks and landscape requirements shall be those provided for the Land Use District in which the facility is located;

(D) All exterior storage of material shall be in sturdy containers which are covered, secured, and maintained in good condition, or may be baled or placed on pallets. Storage containers for flammable material shall be constructed of nonflammable material. Oil storage must be in containers approved by the Department of Environmental Health Services. No storage excluding truck trailers and overseas containers, shall be visible above the height of the fencing;

(E) The site shall be maintained free of litter, dust, flies, and any other undesirable materials, and shall be cleaned of loose debris on a daily basis;

(F) Space shall be provided on-site for six (6) vehicles or the anticipated peak customer load, whichever is higher, to circulate and to deposit recyclable materials, except where the Planning Agency determines that allowing overflow traffic above six (6) vehicles is compatible with surrounding businesses and public safety.

(G) One (1) parking space shall be provided for each commercial vehicle operated by the recycling facility. Parking requirements shall be as provided for in the Land Use District in which the facility is located, except that parking requirements for employees may be reduced when it can be shown that parking spaces are not necessary such as when employees are transported in a company vehicle to a work facility;

(H) Noise levels shall not exceed sixty-five (65) dBA as measured at the property line of residentially zoned property, and shall not exceed seventy (70) dBA at any point;

(I) If the facility is located within five hundred (500) feet of property zoned, planned or occupied for residential use, it shall not be in operation between 7:00 p.m. and 7:00 a.m.;

(J) Any containers or enclosures provided for after-hours donation of recyclable materials shall be at least fifty (50) feet from any property zoned, planned or occupied for residential use, shall be of sturdy, rustproof construction, shall have sufficient capacity to accommodate materials collected, and shall be secured from unauthorized entry or removal of materials;

(K) Donation areas shall be kept free of litter and any other undesirable material and the containers shall be clearly marked to identify the type of material that may be deposited; facility shall display a notice stating that no material shall be left outside the recycling containers;

(L) Facility shall be clearly marked with the name and phone number of the facility operator and the hours of operation; identification and informational signs shall meet the standards of the zone; and directional signs may be installed with the approval of the Planning Officer if necessary, to facilitate traffic circulation or if the facility is not visible from the public right-of-way;

(M) Power-driven processing, including aluminum foil and can compacting, baling, plastic shredding, or other light processing activities necessary for efficient temporary storage and shipment of material, may be approved at the discretion of the Planning Agency if noise and other conditions are met.

(4) Processing Facilities:

(A) Facility shall be located at least one hundred and fifty (150) feet from property planned, zoned or occupied for residential use and operations shall take place within a fully enclosed building or within an area enclosed by a solid wood or masonry fence at least six (6) feet in height.

(B) Setbacks from property lines shall be those provided for the land use district in which the facility is located. If the setback is less than twenty-five (25) feet, the facility shall be buffered by a landscape strip at least ten (10) feet wide along each property line;

(C) If the facility is located within five hundred (500) feet of property planned, zoned or occupied for residential use, it shall not be in operation between 7:00 p.m. and 7:00 a.m. The facility shall be administered by on-site personnel during the hours the facility is open;

(D) Noise level shall not exceed sixty-five (65) dBA as measured at the property line of an existing residence or land use district allowing residential land uses, and shall not exceed seventy (70) dBA at any point;

(E) Sign criteria shall be those provided for the zoning district in which the facility is located and the provisions specified in Chapter 7, Division 7 of Title 8 of the County Code. In addition, the facility shall be clearly marked with the name and phone number of the facility operator and the hours of operation;

(F) Any containers or enclosures provided for after hours donation of recyclable materials shall be at least fifty (50) feet from any property zoned or occupied for residential use; shall be of sturdy, rustproof construction; shall have sufficient capacity to accommodate materials collected; and shall be secured from unauthorized entry or removal of materials;

(G) Donation areas shall be kept free of litter and any other undesirable material. The containers shall be clearly marked to identify the type of material that may be deposited. Facility shall display a notice stating that no material shall be left outside the recycling containers;

(H) No dust, fumes, smoke, vibration or odor above ambient level may be detectable on neighboring properties;

(I) Power-driven processing shall be permitted, provided all noise level requirements are met. Light processing facilities are limited to baling, briquetting, crushing, compacting, grinding, shredding and sorting or source-separated recyclable materials and repairing of reusable materials;

(J) A light processing facility shall be no larger than 45,000 square feet and shall have no more than an average of two (2) outbound truck shipments of material per day and may not shred, compact or bale ferrous metals other than food and beverage containers;

(K) A processing facility may accept used motor oil for recycling from the generator in accordance with Section 25250.11 of the California Health and Safety Code;

(L) All exterior storage of material shall be in sturdy containers or enclosures which are covered, secured, and maintained in good condition, or may be baled or placed on pallets. Storage containers for flammable material shall be constructed of nonflammable material. Oil storage must be in containers approved by the Director of Environmental Health Services. No storage excluding truck trailers and overseas containers shall be visible above the height of the fencing;

(M) Site shall be maintained free of litter and any other undesirable materials, and shall be cleaned of loose debris on a daily basis, and shall be secured from unauthorized entry and removal of materials when attendants are not present;

(N) Space shall be provided on-site for the anticipated peak load of customers to circulate, park and deposit recyclable materials. A minimum of six (6) parking spaces or on-site drive-through stacking capacity for ten (10) vehicles shall be provided.

(O) One (1) parking space shall be provided for each commercial vehicle operated by the processing center. Parking requirements shall otherwise be as mandated by the zone in which the facility is located.

(c) Site Clean-Up Required. The operator and host business of any recycling collection or processing facility shall, on a daily basis, remove any and all recyclable materials or solid wastes which have accumulated or are deposited outside the containers, bins, or enclosures intended as receptacles for such materials. Upon the failure to remove said materials, the County may deem them to be abandoned and may enter the site to remove the materials. The property owner(s) of the premises and the operator of the facility shall be liable for the full cost of any such clean-up work done by the County.

84.0630 Private Kennels.

(a) The establishment of Private Kennels shall be subject to the following regulations:

(1) Notice shall be given in accordance with Staff Review With Notice procedure.

(2) Any action to approve a request for a private kennel as an established Rural Living Use in a Rural Living Land Use District shall not be effective until written evidence is received by the Director of Environmental Health Services that the applicant has applied for and obtained all required permits from San Bernardino County Public Health Department, Office of Preventive Veterinary Services.

(b) Conditions: Any action to approve a request for a private kennel permit as an accessory use shall include the following conditions:

(1) The establishment of the private kennel must comply with all provisions of San Bernardino County Code, Title 3, Division 2, Chapter 3, Commercial Kennels.

(2) The keeping of the animals must comply with all County Code requirements including but not limited to setbacks from property lines and other dwellings.

(3) A minimum lot size/parcel size of two and one-half (2½) acres per parcel shall be required with a maximum of fifteen (15) dogs per parcel permitted.

(4) Private kennels shall be required to be inspected by the Department of Public Health quarterly. One annual inspection shall be conducted jointly by the Department of Public Health and the Department of Environmental Health Services (DEHS). Written reports from the Department of Public Health must be submitted to DEHS after each quarterly inspection.

(5) Noise shall be attenuated to 55 dBA from the property line.

(6) The permit application may be denied if two (2) or more contiguous property owners submit substantive objection in writing to DEHS.

(7) All direct and indirect glare from the source shall not cause glare upon adjacent property owners.

(8) All fencing shall comply with San Bernardino County Code, Title 3, Division 2, Chapter 3. The special use permit may require the use to be fully screened from adjacent properties.

(9) One sign not to exceed twelve (12) square feet in area stating "Private Kennel" with a twenty-four (24) hour emergency phone number must be posted at all entries to the parcel.

84.0635 Special Uses.

(a) Any use that is the subject of an approved Conditional Use Permit in accordance with the provisions of Division 3 may also be made subject to the issuance of a Special Use Permit.

(b) Special Use Permits issued for limited time periods. New applications may be required for Special Use Permit renewal.

ORDINANCE NO. 140

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF YUCCA VALLEY, CALIFORNIA, AMENDING TITLE 8, DIVISION 9 OF THE COUNTY OF SAN BERNARDINO CODE AS ADOPTED BY THE TOWN OF YUCCA VALLEY RELATING TO PLANT PROTECTION AND MANAGEMENT. (DCA-06-01)

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

SECTION 1. Code Amended

Title 8, Division 9 of the San Bernardino County Code as adopted by the Town of Yucca Valley is hereby amended in its entirety to read as follows

“DIVISION 9. PLANT PROTECTION AND MANAGEMENT

Chapters:

- 1. Desert Native Plant Protection.**
- 2. Riparian Plant Conservation.**
- 3. Enforcement**

Chapter 1

DESERT NATIVE PLANT PROTECTION

Sections:

- 89.0101 Purpose.
- 89.0105 Intent.
- 89.0107 Regulated Desert Native Plants
- 89.0110 Scope.
- 89.0115 Permit Required.
- 89.0120 Findings for Removal.
- 89.0125 Plot Plan Requirements.
- 89.0130 Construction Standards.
- 89.0131 Transplanting of Desert Native Plants
- 89.0132 Findings for the Transplanting of Desert Native Plants
- 89.0133 Retention of Joshua Trees and Yuccas

89.0101 Purpose.

The Town finds that it is in the public interest to promote the continued health of this Town’s abundant and diverse plant resources, by providing regulations and guidelines for the management of the plant resources in the Town of Yucca Valley on property or combinations of property under private or public ownership for the following purposes:

- (a) To promote and sustain the health, vigor and productivity of plant life and aesthetic values within the Town through appropriate management techniques;

- (b) To conserve the native plant life heritage for the benefit of all, including future generations;
- (c) To protect native trees and plants from indiscriminate removal, and to regulate such activity;
- (d) To provide a uniform standard for appropriate removal of native trees and plants in public and private places and streets to promote conservation of these valuable natural resources;
- (e) To protect and maintain water productivity and quality in local watersheds;
- (f) To preserve habitats for rare, endangered and threatened plants and to conserve limited or otherwise natural communities and habitat..

89.0105 Intent.

It is the stated intent and desire of the Town of Yucca Valley to recognize and preserve native plants unique to Yucca Valley and the special contribution that Joshua Trees and Yuccas have made to the desert environment. In conformance with this recognition, no existing regulated native plant shall be disturbed, moved (transplanted or otherwise), removed or destroyed unless such disturbance, move, removal or destruction is first reviewed and approved by the Town of Yucca Valley. The Community Development Director, or his/her designee, shall be responsible for review and approval of any request to disturb, move (transplant or otherwise), remove or destroy any existing protected native plant located on any property in the Town of Yucca Valley. Forms for such review shall be available within the Planning Section of the Community Development Department.

Further, while it is the intent and desire of the Town to preserve and protect all Joshua Trees and Yuccas, this intent and desire shall be balanced against the community's need for growth and the development rights of individual property owners. To achieve this preservation and protection, while protecting both the property rights of property owners and the community's desert environment, anyone submitting an application to disturb, move, remove or destroy an existing Joshua Tree or Yucca shall use all reasonable means to retain and preserve such Tree(s) in its native (present) location in considering and presenting said Native Plant Permit application.

The Native Plant Permit application shall take into consideration lot configuration, potential property development (building envelope), onsite circulation and all associated and related infrastructure needed to support construction within the buildable envelope.

A person(s) submitting an application for a discretionary review or for any subdivision of land within the Town of Yucca Valley upon which protected native plants are present, shall use all reasonable means available to retain and preserve the plants in its native (present) location in considering and presenting said application or subdivision request with regard to lot location and configuration, potential property development (buildable envelope), circulation system and all associated and related infrastructure.

89.0107 Regulated Desert Native Plants.

- (a) The following desert native plants are subject to the regulations specified by this Division. In all cases the botanical names shall govern the interpretation of this chapter. The

following desert native plants, or any part thereof except the fruit, shall not be removed except under a permit issued by the Community Development Director

- (1) All species of the genus *Prosopis* (mesquites) with stems two (2) inches or greater in diameter or six (6) feet or greater in height.
- (2) All species of yuccas. Those commonly found in Yucca Valley:
 - (A) Mohave Yucca (*Yucca schidigera*)
 - (B) Our Lord's Candle (*Yucca whipplei*)
- (3) Creosote Rings, ten (10) feet or greater in diameter.
- (4) All Joshua Trees.
- (5) California juniper (*Juniperus californica*)
- (6) Desert Willow (*Chilopsis linearis*)
- (7) Pinon Pine (*Pinus monophylla*)
- (8) Palo Verde (*Cercidium*)
- (9) Manzanita (*Arctostaphylos*)
- (10) All plants protected or regulated by the California Desert Native Plants Act (i.e., California Food and Agricultural Code 80001 et. seq.) shall be required to comply with the provisions of those statutes prior to the issuance of any Town development permit or land use application approval. The Community Development Director is responsible for the issuance of the required permit.

89.0110 Scope.

(a) The provisions of this Division shall apply to all private land within the Town of Yucca Valley and to public lands owned by the Town except as specified by the provisions of this Division.

(b) **Exceptions:**

- (1) Removal from lands owned by the United States Government, State of California or local governmental entity, excluding Special Districts.
- (2) Removal required by other codes, ordinances or laws of Town of Yucca Valley, County of San Bernardino, the State of California or the United States.
- (3) Removal of native trees and plants which are an immediate threat to the public health, safety or welfare and require emergency removal to prevent probable damage to a structure or injury to people or fenced animals.
- (4) Removal as part of a bona fide agricultural activity as determined by the Town that is:
 - (A) Conducted under a land conservation contract; and or
 - (B) An existing agricultural activity; and or
 - (C) A proposed bona fide agricultural activity if the Community Development Director or their designee is given thirty (30) days written notice of the removal describing the location of the land and the nature of the proposed activity. The Community Development Director or designee, shall notify the landowner in writing prior to the lapse of the thirty (30) day period if, in the opinion of the Community Development Director or designee the activity is not a bona fide agricultural activity or else the activity shall be deemed bona fide.

A bona fide agricultural activity is one that is served by a water distribution system adequate for the proper operation of such activity.

89.0115 Permit Required.

A removal permit shall be required for the removal of any native tree or plant as regulated in Section 89.0107.

- (a) Disturbing, moving (transplanting or otherwise), removal or destruction of an existing Regulated Desert Native Plant shall be subject to the provision of this Chapter.
- (b) A land use application, a building permit and all other development permits (e.g., grading, mobilehome setdowns, etc.), shall consider and include a review of any proposed native tree or plant removal.
- (c) The reviewing authority may require certification from an appropriate tree expert or desert native plant expert that such tree removals are appropriate, supportive of a healthy environment and are in compliance with the provisions of this Chapter.
- (d) The Building Official or Community Development Director shall require a preconstruction inspection prior to approval of development permits.
- (e) The Reviewing Authority shall specify the expiration date for all other tree and/or plant removal permits.

89.0120 Findings for Removal.

The Reviewing Authority shall authorize the removal of a native tree or plant subject to provisions of this chapter only if the following findings are made:

- (a) The removal of the native tree or plant does not have a significant adverse impact on any proposed mitigation measures, soil retention, soil erosion and sediment control measures, scenic routes, flood and surface runoff and wildlife habitats.
- (b) The removal of the native tree or plant is justified for one (1) of the following reasons:
 - (1) The location of the native tree or plant and/or its dripline interferes with an allowed structure, sewage disposal area, paved area or other approved improvement or ground disturbing activity.
 - (2) The location of the native tree or plant and/ or its dripline interferes with the planned improvement of a street or development of an approved access to the subject or adjoining private property.
 - (3) The location of the native tree or plant is hazardous to pedestrian or vehicular travel or safety as determined by the Town Engineer.
 - (4) The native tree or plant or its presence interferes with or is causing extensive damage to utility services or facilities, roadways, sidewalks, curbs, gutters, pavement, sewer line(s), drainage or flood control improvements, foundations, existing structures or municipal improvements.

- (5) The condition or location of the native plant or tree is adjacent to and in such close proximity to an existing structure that the native plant or tree has or will sustain significant damage.
- (6) The location of the native plant or tree is located in and within 20 feet of the building footprint and within the proposed driveway.

89.0125 Plot Plan Requirements. Prior to the issuance of a native tree or plant removal permit a plot plan shall be approved by the Community Development Department for each site indicating exactly which trees or plants are authorized to be removed or relocated.

89.0130 Construction Standards. During construction and prior to final inspection under a development permit, the following standards shall apply unless otherwise approved in writing by a Desert Native Plant Expert¹:

- (a) Native tree trunks and plants shall not be enclosed within roof lines or decking.
- (b) Utilities, construction signs, or other hardware shall not be attached so as to penetrate or abrade any live native tree or plant.
- (c) Grade Alterations. There shall be no grade alterations which buries any portion of a native tree or plant or significantly undercuts the root system within the dripline.
- (d) "Trap Fencing" shall be utilized to prevent compaction damage to the root zone; installed a minimum of twenty-five (25) percent beyond the dripline.

89.0131 Transplanting of Desert Native Plants.

- (a) The commercial harvesting of desert native plants shall be prohibited. The Community Development Department shall be responsible for the issuance of the Native Plant Permit required by the State or Town for the transplanting of desert plants.
 - (1) Written permission must be obtained from and signed by the owner of the property on which the plants are located. A copy of the document granting such permission shall be submitted to the Community Development Director prior to issuance of the permit.
 - (2) Transplanting approved by the Town of Yucca Valley must be initiated and completed under the supervision of a Desert Native Plant Expert. Approval of such transplant must take into consideration the time of year, 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 Joshua Tree(s) and Yuccas in question as determined by the Town and the retained Desert Native Plant Expert.

¹ A Desert native Plant Expert is one of the following:

- a. State of California Agricultural Biologist, or
- b. State of California Registered Forester, or
- c. I.S.A Certified Arborist, or
- d. County Certified Plant Expert, or
- e. Others approved by the Community Development Director.

Joshua Trees and Yuccas that are proposed to be removed shall be transplanted or stockpiled for future transplanting wherever possible. In the instance of stockpiling and/or transplanting the permittee has submitted and has had the approval of a Joshua Tree and Yucca maintenance plan prepared by a Desert Native Plant Expert. This plan shall include a schedule for maintenance and a statement by the Desert Native Plant Expert that this maintenance plan and schedule will be implemented under his/her supervision. The schedule shall include the requirement that a maintenance report is required at the end of the project or at six (6) month intervals, evidence to the satisfaction of the Planning Section that the Desert Native Plant Expert has supervised the scheduled maintenance to the extent that all transplanted and stockpiled plants have been maintained in such a manner to insure the highest practicable survival rate. In the event that this report is not satisfactory, a tree and plant replacement plan and implementation schedule prepared by a Desert Native Plant Expert may be required by the Planning Section of the Community Development Department.

89.0132 Findings for the Transplanting of Desert Native Plants.

The Town shall only authorize the transplanting of protected desert native plants subject to the provisions of this Chapter only if one (1) or more of the following findings are made:

- (a) The desert native plants are to be transplanted in a manner approved by the Community Development Director or other reviewing authority.
- (b) The desert native plant is to be transplanted to another property within the same plant habitat under the supervision of a Desert Native Plant Expert and the removal of such plant will not adversely affect the desert environment on the subject site.
- (c) Any desert native plant on the site which is determined by the Community Development Director or other reviewing authority as requiring transplanting will be transplanted or stockpiled for transplanting in accordance with methods approved by the Community Development Director. A Desert Native Plant Expert shall supervise and manage any required transplanting of desert native plants.

89.0133 Retention of Joshua Trees and Yuccas.

- (a) It is acknowledged that community development may be more appropriately served if some existing Joshua Trees and Yuccas are allowed to be relocated. The following shall be the minimum criteria for the preservation of Joshua Trees and Yuccas in its native (present) location. While Joshua Trees and Yuccas that do not conform to the following criteria must be preserved, they may be transplanted to another location on the same property or may be made available for adoption through the Town's Joshua Tree Preservation and Adoption Program. A Joshua Tree(s) that conforms to the following shall be preserved in place unless its removal, transplantation or destruction is approved as prescribed within this Section of the ordinance.
- (b) For any Joshua Tree(s) that conform to the criteria listed below, for which the property owner/applicant has made a request for a Building Permit, application for a discretionary review or application for a subdivision of land within the Town of Yucca Valley, said owner/applicant shall submit, as part of the application for approval, documentation of

their best efforts to retain and preserve all Joshua Tree(s) within the limits of the development or subdivision in its native (present) location. Such documentation of best effort shall include how alternative lot configurations (including building envelopes on lots with existing Tree(s), circulation, physical or environmental constraints of the site, allow no alternative subdivision configuration which would retain and preserve the Tree(s) in its native (present) location.

- (1) A Joshua Tree that is known, by historic record, including pictures or written description, to be at least forty (40) years old.
- (2) A Joshua Tree which has a width of at least fifteen (15) feet as measured from the furthest point of outstretched branches (measured parallel to the ground).
- (3) A Joshua Tree which is at least fifteen (15) feet in height as measured from the base of the trunk to the highest point of the Tree.
- (4) A Joshua Tree which has a trunk measuring at least twelve (12) inches in diameter as measured four (4) feet from the ground.

- (c) **Adoption Program.** In the Town's effort to retain and preserve, in place, existing Joshua Trees and Yuccas, the Planning Section of the Town of Yucca Valley shall establish and maintain a Joshua Tree and Yucca Preservation and Adoption Program. This Program shall be a listing, available to the public, of locations where individuals have applied to disturb, move (transplant or otherwise), remove or destroy an existing Joshua Tree(s). The Program shall include the name of the property owner, the address of the property containing the Joshua Tree(s) and Yuccas, a mailing address for the property owner, a daytime contact phone number, the number of Trees disturbed, moved, removed or destroyed, and the approximate size, physical characteristics and physical condition of the available Tree(s) as of the date the Tree(s) was listed on the program. The Program shall also list a date that each individual Tree was disturbed, moved, removed or destroyed.

No Joshua Tree(s) or Yucca shall be approved for transplantation more than once in any ten (10) year period. Although no Joshua Tree(s) may be approved for transplantation more than once in any ten (10) year period, the Planning Commission may, at the time of a discretionary review, approve an interim location, for up to one (1) year for storing Joshua Tree(s) and Yucca(s) to allow for a phased development of a project or property.

The Program shall also include, reviewed and updated annually, a list of the names, mailing addresses and daytime contact phone number of individuals who have expressed a desire to receive transplantable Joshua Tree(s) or Yucca(s).

- (d) **Definition of Disturbance.** A protected native plant shall be determined to be disturbed by any human activity that changes the environmental setting of or around an existing native plant to the extent that the amount of sun or water the plant traditionally receives, the direction or amount of wind against and around the plant, introduces, directly or indirectly, substances which may be harmful or unhealthy for the Tree, interferes with the plant's potential for growth and reproduction or causes direct physical contact/damage to the plant

- (e) **Deviation.** In the event that the documentation of the best effort to preserve an existing specimen size Yucca(s) or Joshua Tree(s) in its native (present) location within a proposed commercial or industrial project demonstrates that the plants cannot be retained and preserved in place unless a required development standard applicable to the underlying zoning designation is modified or reduced, the Planning Commission may allow for minor deviations to a development standard specifically to allow the retention of specimen Joshua Tree and Yuccas in its native (present) location:

Chapter 2

RIPARIAN PLANT CONSERVATION

Sections:

89.0201 Purpose.

89.0205 Scope.

89.0210 Subject Areas and Plants

89.0201 Purpose. The Town finds that it is in the public interest to promote healthy and abundant riparian habitats. Riparian habitats are located along the sides of canyon bottoms, streams and rivers, providing watershed protection as well as control transmission and storage of natural water supplies. Riparian areas provide a unique wildlife habitat and contribute to an attractive environment. Riparian areas also provide natural soil erosion and sedimentation control protecting stream banks subject to erosion and undercutting. In addition riparian areas provide sufficient shade to reduce temperature and evaporation and the growth of algae in streams. The provisions of this Chapter are designed to augment and coordinate with the responsibilities of the California Department of Fish and Game.

89.0205 Scope

(a) The provisions of this Chapter shall apply to all riparian areas growing on private land within the Town of Yucca Valley and to riparian areas growing on public land owned by the County of San Bernardino, Town of Yucca Valley, or State of California, except as specified by Chapter 1.

(b) **EXCEPTIONS.**

The provisions of this Chapter are not applicable to emergency Flood Control District operations.

89.0210 Subject Areas and Plants

Except as otherwise provided or excepted by the provisions of this Chapter, the removal of any vegetation within two hundred (200) feet of the bank of a stream indicated as a blue line on United States Geological Survey Quadrangle topographic maps or in an area indicated as a protected riparian area on an overlay map or Specific Plan, shall be subject to a native plant permit in accordance with the procedures detailed by Chapter 1 of this Division for each respective regional area and shall be subject to environmental review. Any necessary conditions of approval for removal of riparian vegetation may be imposed in addition to and in combination with any conditions imposed pursuant to this Division.

Chapter 3

ENFORCEMENT

Sections:

89.0340 Enforcement.

89.0345 Penalties

89.0340 Enforcement.

- (a) The provisions of this Division shall be enforced by any authorized member of the Building and Safety, Code Compliance, or Planning Sections of the Community Development Department
- (b) **Extension of Time.** If any of the land governed by this Division shall be subject to snow, flooding, or other condition which shall render compliance with the provisions of this Division within the specified time periods impractical because of inaccessibility, an enforcement officer may extend the period of time for compliance.
- (c) A peace officer or any authorized enforcement officer may, in the enforcement of this chapter, make arrests without warrant for a violation of this Chapter, which he or she may witness, and may confiscate regulated native trees or plants, or parts thereof which are unlawfully harvested, possessed, sold, or otherwise obtained in violation of this Chapter. Also any designated enforcement officer is hereby authorized and directed to enter in or upon any premises or other place, train, vehicle, or other means of transportation within the Town of Yucca Valley which is suspected of containing or having present therein or thereon native plants in violation of this Division in order to examine permits and to otherwise enforce the provisions of this Chapter.
- (d) When any power or authority is given by any provision of this Chapter to any person, it may be exercised by any deputy, inspector, or agent duly authorized by that person. Any person in whom the enforcement of any provision of this Chapter is vested has the power of a peace officer as to that enforcement, which shall include state or federal agencies with which cooperative agreements have been made by the Town to enforce the provisions of this Chapter.
- (d) No person shall remove or damage all or part of any native tree or plant on another property without first obtaining notarized written permission from the landowner and any required Town permit. Also it is unlawful for any person to falsify any document offered as evidence of permission to enter upon the property of another to harvest all or parts of a native tree or plant, whether it be alive or dead.
- (f) No person, except as provided in this Chapter, shall destroy, dig up or mutilate or have in his or her possession any regulated native plant or tree, or the living or dead parts of such unless the plant or tree was disturbed under a valid Town permit. Any such person shall exhibit the permit, upon request for inspection by any duly authorized Town Code Compliance Officer or any peace officer.

- (g) 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 the removal or harm of any regulated native trees or plants. Said approval may be in the form of a development permit, or a tree removal permit issued by the appropriate authority.

89.0345 Penalties. Penalties shall include the following and any other penalties specified by individual Chapters of this Division.

- (a) **ILLEGAL REMOVED NATIVE TREE OR DESERT NATIVE PLANT FINE.** In addition to other penalties and fees imposed by this Code or other law, any person, firm, or corporation convicted of a violation of the provisions of this Division shall be guilty of a misdemeanor upon conviction. Where one (1) or more plants or trees are removed in violation of the provisions of this Division, the removal of each separate plant or tree shall be a new and separate offense. The penalty for such offense shall be a fine of not less than five hundred dollars (\$500) nor more than one thousand (\$1,000) or six months in jail or both. Payment of any penalty herein provided shall relieve a person, firm or corporation from the responsibility of correcting the conditions resulting from the violation.

- (b) **ILLEGALLY REMOVED NATIVE TREE OR DESERT NATIVE PLANT REPLACEMENT REQUIREMENT.**

- (1) In addition to other penalties imposed by this Code or other law, any person, firm, or corporation convicted of violating the provisions of this Division regarding improper removal of regulated native trees and plants shall be required to retain as appropriate, a tree or Desert Native Plant expert to develop and implement a replacement program. Such expert shall determine the appropriate number, size, species, location and planting conditions for replacement plants or trees in sufficient quantities to revegetate the illegally disturbed area.

If it is inappropriate to revegetate the illegally disturbed area, another appropriate location (e.g. public parks) may be substituted at the direction of the court.

- (2) The violator shall post a bond in an amount sufficient to remove and reinstall plant/tree materials that were planted as a part of such a replacement program and failed within two (2) years.

- (c) **REVOCATION OF PERMITS.** Upon conviction of a violation of this Division, all native trees and desert native plant removal permits issued to the person, firm, or corporation convicted shall be revoked and no new or additional removal permits shall be issued to the permittee for a period of one (1) year from the date of conviction, and the permittee shall be required to surrender any permits to the Community Development Director.”


SECTION 2. NOTICE OF ADOPTION. Within fifteen (15) days after the adoption hereof, the Town Clerk shall certify to the adoption of this Ordinance and cause it to be published once in a newspaper of general circulation printed and published in the County and circulated in the Town pursuant to Section 36933 of the Government Code.

SECTION 3. EFFECTIVE DATE. This Ordinance shall become effective thirty (30) days from and after the date of its adoption.

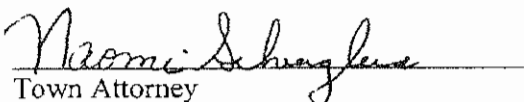
APPROVED AND ADOPTED by the Town Council and signed by the Mayor and attested by the Town Clerk this 5th day of June, 2003.


MAYOR

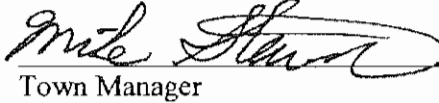
ATTEST:


Town Clerk

APPROVED AS TO FORM:


Town Attorney

APPROVED AS TO CONTENT:


Town Manager

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STATE OF CALIFORNIA

COUNTY OF SAN BERNARDINO

TOWN OF YUCCA VALLEY

I, Janet M. Anderson, Town Clerk of the Town of Yucca Valley, California hereby certify that the foregoing Ordinance No. 140 as duly and regularly introduced at a meeting of the Town Council on the 15th day of May, 2003, and that thereafter the said ordinance was duly and regularly adopted at a meeting of the Town Council on the 5th day of June, 2003, by the following vote, to wit:

Ayes: Council Members Cook, Leone, Mayes, Neeb and Mayor Earnest

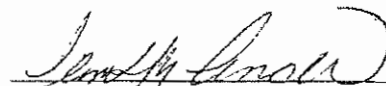
Noes: None

Absent: None

Abstain: None

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of the Town of Yucca Valley, California, this 9th day of June, 2003.

(SEAL)


Town Clerk of the Town of
Yucca Valley