

Chairman Humphreville asked if the applicants intended to include the wrought iron decorative elements on the trash enclosure, and Commissioner Drozd asked what kind of wrought iron décor they intend to include.

Mr. Wang replied that they do intend to include the requested decorative elements, and the décor will fit the theme of the shopping center.

Commissioner Drozd asked for clarification on whether the Environmental Assessment was number EA 04-13 or 05-13. Deputy Town Manager Stueckle replied that the EA 04-13 number was a typo in the packet and EA 05-13 was the correct designation.

Commissioner Lavender asked if the landscaping was being designed with water conservation issues such as permeable surfaces in mind.

Mr. Wang replied that staff had informed them of these concerns and the landscaping is being designed with them in mind.

With no further question for the applicants from the Commission, Chairman Humphreville opened the floor to Public Comment

PUBLIC COMMENTS

Margo Sturges, Yucca Valley, expressed concerned over water usage and how that is being addressed. She wished to know if the Planning Commission has made sure that these issues are being addressed.

Deputy Town Manager Stueckle replied on behalf of staff that both projects are attached to the packaged treatment plant, and that no new facilities will be constructed.

With no further speakers, Chairman Humphreville closed public comments.

Commissioner Whitten moved to find the project exempt from further environmental review, and approve both the Conditional Use Permit, CUP 02-04, and the Tentative Parcel Map, TPM 19525, based upon the findings and Conditions of Approval. Chairman Humphreville seconded the motion. The motion carried unanimously.

2. DEVELOPMENT CODE UPDATE ARTICLE 3

Proposed amendment to Title 9, Yucca Valley Development Code adding Article 3, Chapter 9.30 thru Chapter 9.46, General Development Standards, providing standards for Dedications and Infrastructure Improvements, Landscaping, Parking, Performance Standards, Property Maintenance, Sign Regulations, Soil Erosion and Dust Control, Temporary Special Events, Temporary Uses, Surface Mining and Land Reclamation, Trip Reduction, Accessory Energy Systems, Wireless Communication Facilities, and Cemeteries and repealing Municipal Code Sections 41.151 thru 41.1569 and Development Code Sections 84.0701 thru 84.0740, 87.0201 thru 87.220, 87.0401 thru 87.0405, 87.0505, 87.0601 thru 87.0645, 87.0710 thru 87.07190, 87.0901 thru 87.0940, 88.0805 thru 88.0810, 810.0101 thru 810.0135, 810.0201 thru 810.0275, and 9.75.010 thru 9.75.130.

Deputy Town Manager Stueckle presented the staff report. This meeting was intended as a refresher on the issues which need to be addressed by the Planning Commission so that staff can draft final changes for the proposed amendments to Title 9, Yucca Valley Development Code adding Article 3, Chapter 9.30 thru Chapter 9.46, and staff requested a commissioner dialogue on these issues. Staff would also like to put sign regulations on hold during this process as they should be treated as their own item. The Chapters in question and the areas in particular need of discussion are:

- Chapter 9.30 Dedication and Infrastructure Improvements
 - Staff asks that the Commission discuss the issues associated with what lot sizes require paved access roads, as well as non-residential requirements for full access including streetlights.
- Chapter 9.31 General Development Standards
 - Staff asks that the Commission discuss the issues associated with the exemptions to building height restrictions in the standards for the clear sight triangle.
- Chapter 9.32 Landscaping and Water Conservation
 - There is a new state law in effect mandating an update to city and county water ordinances. Staff drafted language that states that as long as the Water District is undergoing the technical analysis of that portion of the law, the town is not going to duplicate that effort. There is a question of how much landscaping, if any, is going to be required for new development.
- Chapter 9.33 Parking and Loading Regulations
- Chapter 9.34 Performance Standards
 - Several elements in this section were based on county codes, and staff is in the process of going over them with the county to ascertain their applicability to this community.
- Chapter 9.35 Property Maintenance Standards
 - There was a previous discussion regarding the need to provide the necessary flexibility without creating an over enforcement problem.
- Chapter 9.36 Sign Regulations
- Chapter 9.37 Soil Erosion and Dust Control
 - Staff has attempted to minimize the number of regulations and to leave the language more general to allow for a more case by case basis.
- Chapter 9.38 Temporary Special Events
 - Commission may wish to consider if there are additional types of special events which need to be included in the regulations, or any changes in the time limits which may need to be made.
- Chapter 9.39 Temporary Uses and Structures
 - There is more staff work to be done in this area
- Chapter 9.40 Surface Mining and Land Reclamation
- Chapter 9.41 Trip Reduction Requirements
- Chapter 9.42 Accessory Solar Energy Systems
- Chapter 9.43 Accessory Wind Energy Systems
- Chapter 9.44 Wireless Communications Facilities
 - Staff has identified some situations where the process may be simplified.
- Chapter 9.45 Cemeteries
- Chapter 9.46 Renewable Energy Generation Facilities

After the conclusion of the staff's report, Chairman Humphreville opened the floor to public comment.

PUBLIC COMMENTS

Margo Sturges, Yucca Valley, commented on Chapter 9.30.050, Delayed Improvements in Bonding. Ms. Sturges stated that it was her belief that the AMPM facility was given certificate of occupancy before all conditions of occupancy were met, and that it is currently an unsafe set up. She objects to the ability to wave or delay requirements, as decisions made may not follow the guidelines requiring that it not effect health or safety.

Deputy Town Manager Stueckle spoke in response the public comments. He stated that there was no waiver of requirements of conditions of occupancy for the AMPM. The only improvements that were not completed were Cal-Trans projects. The staff may agree with the public comment in some sections of the code. There is a legal requirement to require more than one kind of performance guarantee.

With no further speakers, Chairman Humphreville closed Public Comments.

Chairman Humphreville opened discussion of Chapter 9.30 with the Commission. There was general Commission consensus on a one acre minimum requirement for paved road access.

Commissioner Whitten asked if this section would be the appropriate section to address the issue of what improvements the Town will and won't make to private roads.

Deputy Town Manager Stueckle replied that this section authorizes the Commission to require easements, but does not go into the specifics of whether they are publicly or privately maintained, and that language is not located anywhere within the draft code at this point. The current system was inherited from San Bernardino County and considers roads that were not constructed up to county standards as private roads and were not accepted into the County's maintained road system. Commissioner Whitten believes that this approach needs to be documented in the code language.

Deputy Town Manager Stueckle also pointed out that there have been several subdivisions of 2.5 acres which have roads on 3 or 4 sides and a requirement of dedication of easements for public purposes, but as the density was less than one unit per acre, there was no requirement to create improvements, and the roads are privately maintained. Previously there has not been the requirement for a formal type of district; there is just a requirement of a map notation that the property owner is responsible for those roads. This may be an issue to be addressed in the code.

Commissioner Whitten expressed concern over the issues raised by the proposed repairs to Blackrock Road, and called for documentation in the code to prevent an all or nothing scenario. Chairman Humphreville asked if this is the section where language addressing this issue could be included.

Deputy Town Manager Stueckle replied that he would need to look at this element more closely, but this is probably the correct section. One issue that has come up before is that it would be nice if there was a way to draw a line in the sand so that we are communicating that the roads outside this line are always going to be privately maintained.

Commissioner Bridenstine raised the issue of streetlights. It was her belief that the commission had agreed that streetlights were necessary in a limited amount for safety at the entrance of subdivision or the intersection of a major arterial. She believes there may need to be a qualifier included in the language.

Chairman Humphreville asked if the current code language would allow a new subdivision to put in street lights if they wanted to. Deputy Town Manager Stueckle replied that under the current code language they would not be allowed to put in street lights. However as far as the spacing issue, implementation is

different than the standards, and that standard may need to be modified to reflect current practice. Chairman Humphreville believes this issue may need further discussion.

Commissioner Lavender stated that putting too many conditions on things may limit community development.

Chairman Humphreville introduced a discussion on Chapter 9.31, General Development Standards. He believes that the Commission had previously had a discussion on the issue of building height issue and agreed upon a standard in which a lot of three quarters of an acre or less would be allowed 10% rather than 25 feet. Deputy Town Manager Stueckle stated that they will go back and read those minutes.

Commissioner Whitten asked if the Clear Sight Triangle standards apply to private roads.

Deputy Town Manager Stueckle replied that under current practice Clear Sight Triangle does not apply because the town does not exercise dominion or control of non-maintained roads. Commissioner Lavender commented that on these roads it is difficult to locate the Clear Sight Triangle because the roads themselves are hard to find.

Commissioner Bridenstine brought up the issue of parking lot exits along busy roads, and asked if the Clear Sight Triangle standards should be applied to parking lot entrances. Deputy Town Manager Stueckle stated that there is language that states that the Clear Sight Triangle standards apply to driveways, but it may need to be expanded. Commissioner Bridenstine said that she believes the language should be expanded to more specifically address the commercial driveway.

Commissioner Bridenstine asked how bushes and the like that obstruct the Clear Sight Triangle are dealt with. Deputy Town Manager Stueckle responded that Code Enforcement addresses some issues, while the Public Works crew addresses others.

Commissioner Drozd commented on Chapter 9.32. Mr. Drozd asked about how the total landscape area as referenced in the code was calculated. Deputy Town Manager Stueckle provided a brief answer and reminded the Commission that the standards the Town uses come from state regulations. He stated that Staff is satisfied with the commercial requirements, but would like the Commission's input on whether or there should be minimum standards for new single family residential subdivisions and for infill single family development.

Chairman Humphreville spoke on the issue of landscaping. He believes that the Hi-Water District does a good job of penalizing landscaping that is not drought tolerant through their tiered rate system. He agrees that standards for commercial landscaping should be in place. It is his feeling that there shouldn't be minimum standards of landscaping for residential lots in small subdivisions. He believes that developers are going to do what is necessary to sell lots, and that they should penalize new home buyers who may not be aware of standards when they change the landscaping.

Commissioner Bridenstine agrees with Chairman Humphreville for the most part, but does have some concerns that where there are issues of erosion control there should be some kind of standards. She also brought up the monotony of the landscaping in the Copper Hills track. Chairman Humphreville agreed that minimum standards might encourage minimum standard landscaping. Commissioner Bridenstine also stated that if you require the developer to provide landscaping it will be the cheapest and easiest option as opposed to a home owner, and perhaps the home owner should be required to do something. She also reiterated that there is a big erosion problem, and that needs to be taken into account.

Commissioner Whitten spoke about sewer project, and asked what the Water District's plans are in regards to reclaimed treated water including the possibility of including a purple pipe system in the Town to tap into treated water for irrigation needs. He also believes that drought tolerance and permeable surfaces are important elements. He said he did not see those terms in the section. He also asked if there were ways we can allow developers to innovate and use newer technologies.

Deputy Town Manager Stueckle responded by explaining that the Water District's plan does not currently allow for the use of treated water for irrigation. There were a number of discussions with the Water District about the feasibility of a purple pipe system, but it was highly cost prohibitive. As far as staff is aware the treated water will be used for recharging the aquifer. He also stated that there is room for language regarding drought tolerance, permeable surfaces, catch basins and the like. Chairman Humphreville added that the Water District quoted five million dollars just for the installation of a purple pipe from the treatment facility to the golf course.

Commissioner Bridenstine asked if regulations allow for the use of grey water for irrigation. Deputy Town Manager Stueckle believes that state law allows for the use of grey water in irrigation as long as the water does not come above ground, but it was his understanding that the technology did not make it a very effective method for many property owners. Commissioner Bridenstine stated that she believes that the technology has improved.

Chairman Humphreville added that he has installed grey water irrigation systems in homes during new construction and that in the past there have been programs through the Water District that help subsidize those installations, and that funding may still be available. Commissioner Whitten asked if the new water efficient appliances would have any effect on the usefulness of grey water systems. Chairman Humphreville said that washers and showers are the largest generators of grey water, and believes that if the Water District grey water program is still available, other programs should not be mandated. Both Commissioners Bridenstine and Whitten agreed that there should not be mandates put into place, but that the information about options should be made available in the code.

Chairman Humphreville introduced a discussion of Chapter 9.33, Parking and Loading Regulations. He stated that he believed he had had a previous conversation with Deputy Town Manager Stueckle about the number of parking spaces required for golf courses under the current code. He believes that six spaces per hole is excessive.

Commissioner Bridenstine raised the issue that the ordinance does not currently address parking at parks and also asked if there has been a discussion about using shared parking facilities for businesses that can share parking due to situations such as separation of hours. Deputy Town Manager Stueckle replied that staff will look at the parking regulations to make sure that parks are adequately addressed and that staff agrees the shared parking concept should be included and that if there is not adequate language in the code, it should be added.

Commissioner Whitten said that we need to address RV parking and the space calculations of two parking spaces for single family dwellings. Two parking spaces may not be enough given current driving practices.

Deputy Town Manager Stueckle asked that the Commission talk about what they envision for RV parking regulations, both commercial and residential. He also said that it is common for a family to have more vehicles than fit in a two car carport or garage. The Town of Yucca Valley does not have any regulations that limit the number of vehicles which can be parked on a lot outside of the covered spaces.

Commissioner Whitten asked for confirmation that minimum two space requirement did not include driveway parking, which Deputy Town Manager Stueckle provided. Commissioner Whitten also stated

that he felt they need to separate non-operational and operational vehicle parking in uncovered spaces in the code.

Commissioner Whitten stated that he felt there should be some kinds of standards for covered RV parking in residential areas. He also said that commercial parking that allows RVs to park in their lots overnight, such as Wal-Mart, should be required to have dedicated parking spaces, rather than allowing the RVs to park across multiple spaces.

Commissioner Bridenstine added that she does not feel that RVs should be required to be kept in a covered parking space. Commissioner Whitten clarified that he didn't think covered parking should be required but given as an option. Commissioner Bridenstine felt that the construction of covered RV parking would fall under an auxiliary structure ordinance rather than a parking ordinance. She felt that the Town should be wary of putting too many restrictions on the parking of RVs. Chairman Humphreville agreed that RV parking should be allowed on lots, but added that it should be restricted on the street. He also expressed concern over square footage restrictions for garages causing bad design elements.

Commissioner Whitten said that he feel that RV parking on smaller lots is problematic. He said in the Copper Hills development there are RV's parked in front yards, not in parking spaces or backyards. He feels that this needs to be addressed for certain sizes of lots. Chairman Humphreville asked if that is something that could be included in the CC&Rs for new subdivision development. Deputy Town Manager Stueckle explained that there are currently subdivisions with CC&Rs in place, but there are no longer homeowner associations enforcing those CC&Rs, and the Town cannot enforce CC&Rs. Deputy Town Manager Stueckle believes that this issue involves multiple code elements, including auxiliary structures and subdivision design. He also said that we need to be looking at what the appropriate lot size is for side yard access for recreational vehicles in subdivisions. Chairman Humphreville suggested that subdivisions with smaller lot sizes include a shared recreational vehicle parking area. Commissioner Whitten agreed that that is something that should potentially be included in the code. Commissioner Whitten also brought up the concern that RV parking in yards can cause damage to septic tanks.

Chairman Humphreville asked for any comments from the commissioners on the Performance Standards section of the code. Receiving none he moved on to the Property Maintenance Standards.

Chairman Humphreville and Commissioner Whitten agreed that Property Maintenance Standards should be complaint driven. Commissioner Whitten asked if there was any way to incorporate some kind of objective severity standards into the code language in cases such as damage to screen doors. Deputy Town Manager Stueckle said that that might be difficult language to draft. Commissioner Whitten also asked how someone was supposed to determine if a roof is leaking from the street. Deputy Town Manager Stueckle explained that that section of the code was usually applied when there are large sections of roofing material missing, or a tarp which has been in place for several months. Commissioner Bridenstine also expressed concern over the lack of severity standards in the case of cracked stucco, given that environmental factors cause a general amount of wear and tear.

Chairman Humphreville reported on the work he had been doing on the sign ordinance issue. He has had multiple meetings with businesses and the Chamber of Commerce, and doesn't think there are any options that will make everyone happy. He had three proposed changes that he would like the Commission to consider. First, for 0 to 7,500 square feet, adding a 10% increase in sign size on buildings. Secondly for 7,500 to 20,000 square feet, adding a 10% increase in signage on the building and/or a second monument sign. Finally, in the larger shopping centers, adding a second monument sign with a spacing requirement would allow more business to have highway frontage signage. The Commission came to a consensus that business community's input is needed on this issue, and that the Commission should hold a workshop on this issue.

Chairman Humphreville called a brief recess, after which the meeting resumed.

Chairman Humphreville introduced a discussion of Chapter 9.37, Soil Erosion and Dust Control. He commented that in his experience the biggest problem with dust is caused by the baseball fields. Deputy Town Manager Stueckle informed the commission that the town mixes clay into its fields to keep the dust down and the clay has currently worn down to a minimal level. Once the clay is reintroduced the dust issue will be greatly reduced. Commissioner Whitten asked if there were any issues with the Mohave Desert Air Quality Management District. Deputy Town Manger Stueckle said that the Mohave Desert Air Quality Management District waves dust control issues when the wind rises above certain speeds.

Chairman Humphreville introduced a discussion of Chapter 9.38, Temporary Special Events. Commissioner Drozd asked about the limited number of church revival events allowed per year compared with some of the other activities. He felt that the number should perhaps be higher. Commissioner Whitten said that he thought that special events were good for the community and there shouldn't be a maximum number imposed. Instead the limit should be dependent on staff time. Deputy Town Manger Stueckle was asked to explain the reasoning behind the current limits. He explained that the goal of the limits was to prevent a semi-permanent activity occurring on a site without any improvements being made. In the current ordinance the number of events is high, and it runs by location rather than the organization involved. Chairman Humphreville asked if a location has ever reached the maximum number of allowed events, and was informed that no location ever has. Chairman Humphreville suggested that instead of a maximum number, it becomes a complaint driven issue, but also suggested waiting until it is an issue. Commissioner Bridenstine suggested that maximum limits could be at the director's discretion.

Commissioner Drozd said he does see a reason to limit the number of yard sale type activities allowed at a location. Deputy Town Manager Stueckle said that the consultant when they were originally drafting this ordinance suggested limiting the number of garages sales and requiring permits, but the Town has so far chosen not to peruse that option. Commissioners Drozd, Humphreville and Whitten do not want to require permits for yard sales

Commissioner Whitten asked what the Yucca Valley Swap Meet was operating as. Deputy Town Manager Stueckle explained that that particular use has been going on for a long period of time, but under current standards it would fall under the code regulating swap meets. Diane Olsen read out the relevant section of code. There was a general consensus among the commission that some form of those regulations should be included in Chapter 9.38. Commissioner Lavender said that he doesn't want to outlaw yard sales. Commissioner Whitten asked if advertised estate sales or auctions would fall under special events or garage sales. Chairman Humphreville asked for and received confirmation that under the current ordinances there are options for code enforcement if there are complaints.

Chairman Humphreville introduced a discussion of Chapter 9.39, Temporary Uses. Commissioner Bridenstine asked if this is the section of the ordinances which should govern temporary storage pods. She provided an example of a business which was denied the use of temporary storage pods while its property was undergoing repairs. Deputy Town Manager Stueckle said that that kind of permit is usually attached to a building permit. Staff agreed to look at the code and see if language needs to be included to cover situations where no building permit is required.

Commissioner Whitten asked about individuals camping on property while it is being built or repaired. Deputy Town Manager Stueckle said that the current practice is that the Town issues a temporary use permit for temporary occupancy on the property as part of the building permit, and that staff will make sure that language is in the code.

Chairman Humphreville asked for any comments on 9.40, Surface Mining and Land Reclamation. Commissioner Drozd asked if that language could be removed from the code. Deputy Town Manager Stueckle said that staff would have to find out if removing that language is allowable under state law.

Chairman Humphreville introduced a discussion on Chapter 9.41, Trip Reduction Requirements, and asked if the current ordinances meet state requirements. Deputy Town Manager Stueckle said that the current ordinances do meet state requirements and that the current standards could be considered minimal. Commissioner Whitten asked if including common storage areas in subdivisions would involve trip reduction requirements. Deputy Town Manager Stueckle, said that it was unlikely except if a large enough subdivision was built. Those kind of improvements are unlikely in smaller subdivisions.

Chairman Humphreville introduced a discussion on Chapter 9.42, Accessory Solar Energy Systems. Commissioner Whitten spoke about solar easements in the case where neighboring building height may block solar panels. Chairman Humphreville suggested that that issue might be taken care of by changing the allowable height increase to 10%. Deputy Town Manager Stueckle said that this issue may be addressed in Article 2. Chairman Humphreville brought up new developments that are being constructed as solar ready, and asked if any kinds of requirement should be added to screen those elements. He also said that it was his understanding that the state limits what kind so restrictions can be put on conversion of existing structures.

Chairman Humphreville introduced Chapter 9.43, Accessory Wind Energy Systems, and said he is happy with the one acre minimum requirement. Commissioner Bridenstine agreed. Commissioner Whitten said that there are systems now that can fit on a parcel smaller than one acre, and do not rise very high above the roof line. Commissioner Bridenstine said that the current regulations are not keeping property owners from using alternative energy sources, they are just stating that some parcels are better suited to wind or solar. Commissioner Whitten said that he believes that the technology for wind generation has improved and that the current ordinance takes away options. Chairman Humphreville brought up the possibility of a limit based on decibel level at the property line, but said that this solution would address the problem of view obstruction. Commissioner Bridenstine agreed that there would still be a problem with view obstruction. Chairman Humphreville suggested leaving the ordinance as it is and returning to it again if the demand for wind turbines increases. Commissioner Whitten believes that there should be some mechanism for exceptions in the code. Commissioner Bridenstine believes that having an ordinance in places gives the Town the tools to protect the viewshed. Commissioner Whitten suggested looking at the Twentynine Palms mechanism as an alternative which might create more flexibility. Commissioner Lavender asked if Building and Safety was involved in determining whether or not solar systems were a scam. Deputy Town Manger Stueckle responded that Building and Safety checks the safety of the connections but does not oversee the efficiency of the systems themselves.

Chairman Humphreville asked for comments on Chapter 9.44, Wireless Communication Facilities, and was informed by Deputy Town Manager Stueckle that the commission take into account that there are some elements that staff would like to make some further changes to, but that the ordinances is mostly solid.

Chairman Humphreville asked if there were any comments on Chapter 9.45, Cemeteries. There were none.

Chairman Humphreville asked if there were any comments on Chapter 9.46, Renewable Energy Generation Facilities. There were none.

Deputy Town Manager Stueckle thanked the Commission, on behalf of the staff, for its input on this issue. Staff will take direction from the Commission's previous minutes, as well as notes from this

meeting, and make revisions. The staff recommends that the Planning Commission continues the public hearing to the March 25, 2014 Planning Commission meeting to allow staff to make final changes for Commission consideration.

Commissioner Whitten moved that the Commission continue the public hearing to the March 25th, 2014 Planning Commission meeting to allow staff to make final changes for Commission consideration. The motion was seconded by Chairman Humphreville and was approved unanimously.

DEPARTMENT REPORTS:

1. HOME OCCUPATION PERMIT REGULATIONS

Deputy Town Manager Stueckle provided the staff report. He reminded the Commission that there had previously been a lengthy discussion of the Home Occupation Permit Regulations over what are appropriate types of home based businesses as the result of home based businesses requesting federal and state firearms licenses. He provided an over view of the current ordinance for the three tiers of home based businesses. Staff would like input from the Commission on the issue of whether or not the ordinances address the physical differences between lots of different sizes, and provided the example of a business on a two and a half acre lot, which is far away from any neighboring structures, having a small amount of outdoor storage. He also acknowledged that due to the late hour, the Commission may choose to continue the discussion on this issue at a later date.

After the conclusion of the staff's report, Chairman Humphreville opened the floor to public comment.

PUBLIC COMMENTS

Margo Sturges, Yucca Valley, is concerned over this issue and believes this is a topic that needs to be work shopped. She is feels that selling weapons out of the home in rented locations like apartment complexes may affect the expectation of quiet enjoyment of renters and the liability of a landlord. She believes that the neighborhood dislikes the idea of weapon sales, and it should be limited to large lots.

Chairman Humphreville asked for staff discussion on this issue, and Deputy Town Manager Stueckle said that because this is a complex issue with many elements to be considered, staff believes that this item requires further discussion at a later date.

Chairman Humphreville asked if the ordinance as it is written now gives the town the flexibility to work with the businesses like the earlier example of a home based business on a two and a half acre lot with outside storage. Deputy Town Manager Stueckle replied that under the current ordinances staff was not able to find any way to address this issue, and staff believes there needs to be some modifications to the ordinance.

Commissioner Lavender said that he believes that most Yucca Valley citizens are against residential gun sales.

Commissioner Whitten believes that there should be a workshop, and that regulations need to be changed to reflect the changing climate regarding guns. He also believes that the Town should send a building inspector to make sure a home fits home occupation permit. He also suggest that these permits come to Planning Commission for review, and that permitted operating hours be changed. He believes that 7:00am

is too early and 8:00pm is too late. He also thinks that home animal rescue and home animal care and boarding should be prohibited, and believes that this should be revisited in a workshop.

Commissioner Drozd suggested that arm sales under a certain lot size should prohibit ammunition sales.

There was a consensus among the Commissioners that a workshop in this issue would be appropriate.

Deputy Town Manager Stueckle agreed that this will be revisited at a later date for further discussion.

There was no motion, but there was a consensus to hold a workshop at a later date

CONSENT AGENDA:

1. 2013 GENERAL PLAN ANNUAL REPORT

Government Code Section 65400 mandates that all cities and counties submit to their legislative bodies an annual report on the status of the General Plan and progress on its implementation. The report must then be filed with the state’s Office of Planning and Research (OPR) and the Department of Housing and Community Development (HCD). This annual review addresses the January 1, 2013 through December 31, 2013 time period.

2. MINUTES

A request that the Planning Commission approve as submitted the minutes of the meetings held on October 08, 2013, November 12, 2013 and February 11, 2014.

PUBLIC COMMENTS

None

Commissioner Whitten moved that the Commission approve Consent Agenda items one and two. The motion was seconded by Commissioner Bridenstine and was carried unanimously.

STAFF REPORTS AND COMMENTS:

None

FUTURE AGENDA ITEMS:

Development Code Update - Article 3
Site Plan Review 01-24 – Phase 1 Hawks Landing

COMMISSIONER REPORTS AND REQUESTS:

Commissioner Drozd thanked everyone for their participation.

Commissioner Lavender stated that it was a good discussion and he appreciates that.

Commissioner Whitten said that he wanted to know where adult orientated businesses are covered in the code. Deputy Town Manager Stueckle replied that it is covered in Article 2, and that conversation will be coming forward. Commissioner Whitten also stated that the recent rainstorm may have identified some

Chair Humphreville asked how the staff arrived at their measurement for the proposed sign. Staff responded that they drew a box around the sign. Chair Humphreville said that he believes that there is a huge difference between a solid sign and letters on a wall. He believes that the code needs to be changed. He said that he thinks that the setback serves as a special circumstance in this case. He stated that he believes that wall signage is preferable to monument signage. He is asking for the town council to push for change to the sign code. He also stated that he believes that the lettering should be the basis for the sign measurement. He supports granting the variance.

MOTION

Commissioner Whitten made a motion that the Planning Commission grant the Variance, V 01-14 based upon the findings, not the findings in the staff report under special circumstances.

Chair Humphreville seconded the motion.

The motion passed at 3 for and 1 against, with Commissioner Bridenstine as the dissenting vote.

Deputy Town Manager Stueckle requested that the following findings be included in the record:

Prior to approving the request for variance the review authority shall find the following to be true:

1. The granting of the variance will not be materially detrimental to other properties or land uses in the area, and will not subsequently interfere with present or future ability to use solar energy systems. The application before the Commission is for an attached wall sign which will not interfere with solar energy systems.
2. There are exceptional or extraordinary circumstances or conditions applicable to the property or to the intended use which do not apply to other properties in the same district or vicinity. The Commission found this evening that based upon the distance of the commercial buildings from Highway 62, being substantially different from that of other structures in the same zone or land use district along Highway 62, the distance from Highway 62 created an exceptional or extraordinary circumstance and condition to support the approval of the variance.
3. The strict application of the land use district would deprive such property from privileges enjoyed by other properties in the vicinity or in the same land use district. As noted by Commission dialogue and findings this evening, that while the zoning district allows for and prescribes specific sign ratios for wall signs of one (1) sq. ft. of sign area to one (1) linear foot of building frontage, the distance of the structures within the Vons center from Highway 62 creates a substantial or extraordinary circumstance requiring an allowance for a larger sign in order to be visible from Highway 62.
4. The granting of the variance is compatible with the objectives and policies general blank uses and programs in the General Plan, Development Code and any other applicable plan or ordinance. The Commission found this evening that based upon the unique circumstances caused by how this property was developed that the extraordinary or exceptional distance of the building from Highway 62 provides the basis for the granting of the variance.

Chair Humphreville asked for clarification that they were requesting a variance for a 230 sq. ft. sign rather than the 258 sq. ft. stated in application. He asked if they could be held to the 230 sq. ft. number rather than then the original 258 sq. ft. Staff replied that they could and it was in the record based on applicant testimony.

2. DEVELOPMENT CODE AMENDMENT, DCA 07-13 ARTICLE 3 CEQA EXEMPTION, SECTION 15061

Deputy Town Manager Stueckle presented the staff report. Staff intends to present the Commission with an over view of the proposed language changes put forth in Article 3. He also stated that there was discrepancy between the language in the printed agenda and the portion that was posted on the town's website. Because of this, staff recommended that the matter be continued until the next hearing even if the Commission finished their dialogue on this issue. The code sections relating to the sign code were included in the printed materials provided to the commission for discussion purposes, but it was not included in the recommended language.

The first change was in section was in 9.30.060, in which staff recommends that the term Director be changed to Commission, and the term Commission be changed to Council. The next change was to 9.31.020, with regards to the clear site triangle. It was staff's recommendation that real estate signs and sign twirlers, if allowed under future sign ordinances, be prohibited from the clear site triangle. The next recommended change was to section 9.31.03 and involved changing the maximum height increase for single-family dwelling units and institutional structures from 25 feet to a percentage. Staff asked for clarification from the Commission regarding what percentage increase should be allowed. Staff also suggested that the Commission consider if the current 50 percent increase for miscellaneous structures, particularly for windmills, was still appropriate. The next change was to 9.32.020 suggesting that the phrase "Hi Desert Water District" be replaced by "local water purveyor," and added the language "some of the following" to item 14 on page 3-18. In section 9.32.090, staff included a definition of mass grading. Deputy Town Manager Stueckle also reminded the Commission that Article 2 will identify the landscaping requirements for residential and commercial development, and that water conservation standards should be kept separate from landscaping requirements.

Chair Humphreville suggested allowing comment on the current sections before continuing on with the rest of the article. He then opened the floor to public comment.

PUBLIC COMMENTS

None

Commissioner Whitten spoke on section 9.31.03 regarding the 50 percent increase for miscellaneous structures. He said that he believes that windmills and solar energy collectors should be removed from this section and should be governed by their own ordinances.

Commissioner Bridenstine agreed that she did not believe that windmills and solar energy should be addressed in this section, and suggested amending Table 3-3 by striking item r and removing the reference to windmills from item k.

Chair Humphreville asked for and received confirmation from staff that the height of windmills could be addressed under the ordinance governing windmills. Chair Humphreville also asked staff if the language in this section regarding the distance of the required set back had been modified. Staff informed the Commission that that language had not been changed.

After discussion regarding the appropriate percentage for permitted structural height increases for single-family dwelling units and institutional structures, the Commission reached a consensus of a permitted increase of 25 percent.

Chair Humphreville introduced a discussion of section 9.32, Landscaping and Water Conservation, and stated that he was in favor of the language presented by staff because it regulates water use, although he disagrees with regulating landscaping in single family residential homes. Commissioner Bridenstine

agreed. Commissioner Whitten stated that the Town should promote water conservation, but asks if the town should be the water police.

Deputy Town Manager Stueckle informed the Commission that the State mandates that municipalities have a landscape and water conservation plan. The Town is required to review proposed water use for landscaping for adherence to minimum state standards, not what is landscaped. Hi-Desert Water District currently has water use standards in place, which is way the ordinance was structured the way it was, so that those regulations are in place if the Water District should stop using their current process.

The Commission had a discussion regarding the definition of mass grading found in section 9.32.090. Commissioner Bridenstine said that she thought that the term 'featureless' had prejudicial and negative connotations, and pointed out that you can create features in mass grading. She also expressed concern about the language stating that natural drainage features are put into an underground culvert. She said it should be simply engineered drainage instead. Staff will refer to previous discussion about a proposed hillside and grading ordinance during which the definition of mass grading was discussed and bring that definition into the recommended language.

The staff report continued with an overview of changes made to section 9.33, Parking and Loading regulations. Staff included language to allow development projects with different peak hours to be eligible for a reduction in parking. The requirements for golf course parking were reduced from 6 to 4 spaces per hole. Staff also asked the Commission to consider whether or not a standard of 1 space per 50 would be appropriate rather than the current tiered system.

Chair Humphreville asked if the 1 space per 50 would be a typical standard. Deputy Town Manager Stueckle replied that staff will look into this issue further.

Commissioner Whitten asked if there had been a consensus on the question of residential RV parking spaces. Staff stated that under the current code recreational vehicles cannot be parked in a front yard setback, they must be 10 feet from any structure, and they must be 3 feet from side and rear property lines. Staff did not believe there had been a consensus on direction, and asked if there should be some level of mandated parking required.

The commission agreed that they did not wish to mandate RV parking spaces and would allow that to be regulated by the rules regarding setbacks in Article 2.

Commissioner Whitten asked if the Hawks Landing project was approved under the 6 space requirement, and was informed that it was, and he also asked for and received elaboration on the process by which staff arrived at the 4 space number. He stated that he was satisfied with that change.

Commissioner Whitten stated that he felt that 1 space for every 50 units for mini storage facilities was too low. Chair Humphreville agreed, and Deputy Town Manager Stueckle stated that staff will do further research into how that standard compares to other ordinances.

The staff report on Chapter 9.33 continued, with staff recommending that the language regarding Conditional Use Permits in Table 3-7 be removed. Staff also stated that the Commission had requested that convalescent hospitals and retirement or rest homes be addressed separately in Table 3-8, and asked that the Commission consider what numbers would be appropriate. Staff also included a requirement of 5 spaces per acre for park facilities.

No changes were made to chapter 9.34, Performance Standards. In chapter 9.53, Maintenance Standards, 9.35.070 C the requirement of 72 hours was changed to 30 days, and the language regarding patios was modified.

Commissioner Whitten asked about including language describing severity in 9.35.09, and referenced a prior conversation with the Commission regarding how to describe severity. He thought there had been some discussion of applying a percentage. Staff said they will look in to the matter further and return their finding to the Commission.

Chair Humphreville opened the floor to public comment on the sections which had been discussed.

PUBLIC COMMENTS

None

Staff recommended that the reference to a soil erosion permit in 9.37.040, Soil Erosion and Dust Control, be changed to grading permit rather than create new types of permits. Grading plans include erosion control plans, however it is possible that a situation could arise where an erosion control plan is necessary where a grading plan is not called for. In 9.38.020, Temporary Special Events, the language 'per location and/or per vendor' was included in Table 3-24; the number of church tent revival meetings was changed from 1 to 3, and farmers markets was clarified to make it clear that certified farmer's markets were permitted.

Commissioner Whitten said that he believes that the number of permitted carnivals should be increased from 2. He said that there are already 2 carnivals a year being held in one location. The Commission came to a consensus that the number 4 would be appropriate.

PUBLIC COMMENTS

Susan Simmons, Yucca Valley, spoke in opposition to increased carnivals because she feels they are disruptive to residential neighborhoods.

The staff report continued with 3.39.05, Temporary Use Permits. Planning Technician Olsen explained that under current practices the town does not issue Temporary Use Permits until the building permits have been approved, so that language has been changed to reflect current practice. The structure was also changed to reduce duplication regarding temporary model home sales offices. The language on page 3-100 was changed from Certificate of Land Use Compliance to Land Use Compliance Review. The ordinance also restricts the location of a model home sales office to a major highway, arterial or collector.

Commissioner Lavender, asked about a development where the model home is located adjacent to a track rather than in the track itself. Staff will be working with the particular developer in question.

There were no changes to Chapters 9.40, 9.41, or 9.42. In chapter 9.43, Accessory Wind Energy Systems, staff asked the Commission if they felt the current limit of 52.5 feet should be changed.

The Commission discussed whether one acre was an appropriate minimum lot size for allowing Accessory Wind Energy Systems. Commissioner Whitten expressed concern that the limit may need to be changed in the future to accommodate improving technology. There was a consensus that a one acre minimum was appropriate for the time being.

Commissioner Whitten asked about surface mining. Staff stated that they would need to confirm whether or not State law required it to be addressed in the Development Code.

Commissioner Whitten asked if solar easements need to be addressed in this section of the code. Staff stated that it was standard provision in most codes today, and will check to make sure this concern is adequately addressed in Article 2. Chair Humphreville asked if none structure mounted solar structure were addressed in the code; staff confirmed that they were.

Staff discussed Chapter 9.44, Wireless Communications Facilities, recommending that the reference to the Scenic Highways element of the general plan be removed, one section be restructure for clarity and that conditional use permit be changed to Land Use Compliance Review approved at the staff level. That change would eliminate the requirement for a Conditional Use Permit, and will simplify the process.

Commissioner Whitten asked if there was regulation regarding abandoned towers or units. Staff informed the Commission that the current code mandates that abandoned shall be removed. Staff also explained that this portion of the code was drafted based upon the technology in use 15 years ago, which had a much greater potential impact on the viewshed then current technology.

Staff concluded its presentation and recommended that the hearing on this issue be continued to the next meeting on April 22, 2014.

PUBLIC COMMENTS

None

MOTION

Commissioner Whitten motioned that the Commission continue the public hearing on Article 3 of the Development Code until the April 22nd meeting. 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 meeting held on March 25, 2014.

MOTION

Commissioner Bridenstine made a motion to approve the consent agenda. Commissioner Whitten seconded. The motion passed unanimously.

STAFF REPORTS AND COMMENTS:

Deputy Town Manager Stueckle provided the Commission with status updates on several projects within the community, including the Senior Housing Project, the Ross tenant improvements, Desert Vista Village, Mesquite 55, single family infill construction, and the Hwy 62 construction. He also thanked staff for their efforts.

Commissioner Whitten asked about the sidewalks along Hwy 62. He expressed concern about utility and signal poles not being easily visible to pedestrians and potentially creating a hazard. Project Engineer Alex Qishta said that he will bring those concerns to Cal-Trans.

COMMISSIONER REPORTS AND REQUEST:

Commissioner Lavender had none.

**TOWN OF YUCCA VALLEY
PLANNING COMMISSION MEETING MINUTES
APRIL 22, 2014**

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

Commissioners present were Drozd, Lavender, Whitten and Chair Humphreville. Commissioner Bridenstine was not present (excused).

The Pledge of Allegiance was led by Chair Humphreville.

APPROVAL OF AGENDA

Commissioner Whitten moved to approve the agenda. Commissioner Drozd seconded. Motion carried unanimously.

PUBLIC COMMENTS

1. Dennis Pask, Yucca Valley, spoke in support of the Home Occupation Permit renewal for Mr. Falossi, which is currently under consideration. Mr. Pask submitted a list of signatures from families in the neighborhood who supported Mr. Falossi. He said that he believed that the individual bringing the complaint against Mr. Falossi was acting maliciously.

PUBLIC HEARING

I. DEVELOPMENT CODE AMENDMENT, DCA 07-13 ARTICLE 3 CEQA EXEMPTION, SECTION 15061

The staff report was presented by Deputy Town Manager Stueckle and Planning Technician Olsen. Staff anticipated that the Commission should be close to finishing its discussion of Article 3. Staff stated that they had added language on page 3-7 prohibiting real estate signs and sign twirlers from the clear sight triangle. Commissioner Whitten suggested also adding language prohibiting political signs. There was a consensus among the commissioners that that language should be added.

Staff outlined the changes removing the language referring to windmills and solar energy structures from the section addressing permitted structural height increases and the changes to the definition of mass grading. There was Commission consensus that these changes satisfied their previous concerns on these issues.

Staff also changed the number of spaces required for mini storage facilities to 6 plus 2 per caretaker, which is a standard common to other cities. The commission engaged in a discussion on this standard, and there was consensus that language should be modified to include 6 spaces plus 2 per caretaker with the fire department driveway width requirements. It was mentioned that climate controlled storage facilities may have different needs.

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

**TOWN OF YUCCA VALLEY
PLANNING COMMISSION MEETING MINUTES
APRIL 23, 2013**

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

Commissioners Present: Bridenstine, Drozd, Humphreville, and Whitten.

The Pledge of Allegiance was led by Chair Humphreville.

APPROVAL OF AGENDA

Commissioner Whitten moved to approve the agenda for the Planning Commission meeting of April 23, 2013. Commissioner Bridenstine seconded. Motion carried 4-0-1 on a voice vote.

PUBLIC COMMENTS

None

DEPARTMENT REPORT:

1. SELECTION OF PLANNING COMMISSION CHAIRMAN AND VICE-CHAIRMAN

Chair Humphreville opened nominations for the position of Planning Commission chairman. Commissioner Bridenstine nominated Chair Humphreville for another term. Commissioner Whitten nominated Bridenstine. Bridenstine declined the nomination. Whitten nominated Commissioner Drozd. Drozd declined the nomination. Drozd seconded the nomination for Humphreville. Motion carried, 4-0-1.

Chair Humphreville opened nominations for the position of Planning Commission vice-chairman. Commissioner Whitten nominated Commissioner Bridenstine. Commissioner Drozd seconded. Motion carried 4-0-1

2. DRAFT DEVELOPMENT CODE

Deputy Town Manager Stueckle presented the item regarding Article 3 of the Draft Development Code.

Planning Commissioners provided feedback on the draft document. Commissioner Bridenstine questioned the process of proof of legal and physical access. Stueckle responded that this language was provided because of the unique topography in our area.

Commissioner Bridenstine continued by asking about existing wells in the service area described on page 3-3, paragraph 2 (b) Stueckle suggested adding a paragraph to address this. Bridenstine commented on necessary street paving in the 2.5 acres and less section, and is concerned that some residents with 2.5 acre parcels might want to live on a dirt road. Bridenstine would like it to read 1 acre or less instead of at 2.5 acres or less.

Commissioner Whitten commented the language for street improvements and terminology applicable to subdivisions is confusing.

Chair Humphreville spoke in regards to page 3-2 (a) offered that two-wheeled drive is sufficient and questioned if the language needed to be that specific.

Deputy Town Manager Stueckle introduced section 3-6 and invited commissioner feedback. Commissioner Whitten inquired about building permit requirements in reference to entries included in table 3-2. Commissioner Drozd questioned height limit of 25 feet or higher. Commissioners gave consensus of offering a percentage of over standard height instead of specific footage. Commissioner Bridenstine commented on the frequent violations of movable signs within the clear sight triangle.

Deputy Town Manager Stueckle continued to present draft page 3-10 and explained the new features including reference to front and street-side landscaping and setbacks. Stueckle fielded several Commissioner inquiries regarding native plants, landscape plans, replanting, and water usage included in this section. Chair Humphreville suggested that language be included about fill yardage. Commissioner Bridenstine suggested adding language to page 3-16, item 10 to define high-maintenance landscaping.

Deputy Town Manager Stueckle presented the next section, 3-26 regarding parking regulations. Commissioner Drozd questioned the permitting process of allowable carports. Commissioner Bridenstine commented on the need of a formula to calculate required parking spaces for a given project. Bridenstine also concerned about the continued use of angled parking in Yucca Valley as addressed on page 3-34. Chair Humphreville suggested separating the parking requirements for convalescent hospitals, and retirement homes and also questioned the mixed use properties, such as golf courses with a restaurant. Truck parking in residential areas was briefly discussed. Commissioner Bridenstine suggested correcting page formatting to keep tables all on one page.

Deputy Town Manager Stueckle continued by presenting the next section regarding performance standards. Commissioner Drozd questioned heat emissions on page 3-47 and how light trespasses from yard lighting are measured. Stueckle responded that lighting standards are included in the building and construction section. Drozd also inquired if

overnight RV parking in Wal Mart's parking lot is enforceable.

Commissioner Bridenstine questioned noise standards and how the listed levels were determined. Commissioner Whitten questioned language in 3-51 regarding faulty equipment, hazardous materials and suggested the addition of asbestos surveys.

Continuing on with section 3-52, Stueckle presented an update regarding property maintenance standards and typical uses. Chair Humphreville commented on 3-55 (b) and maintenance issues he has experienced. Discussion continued on operable vehicles per property. Humphreville asked about the time limits of inoperable vehicles on properties, such as those under repair. Commissioner Bridenstine suggested placing a limit on the number of vehicles allowed to continually park on a property. Commissioner Whitten offered addressing non-op vehicles by being screened and out of view and also questioned page 3-53 as to what level of needed maintenance triggers action.

Chair Humphreville suggested to continue the section on sign regulations to a future meeting to allow specific community outreach for public input. Commissioner consensus was made.

Deputy Town Manager Stueckle explained the process for approval for wireless communication facilities. Chair Humphreville suggested keeping wireless facilities to commercial property to eliminate a CUP.

Deputy Town Manager Stueckle presented the background regarding the section on trip reduction in the Draft Development Code. Commissioner Whitten inquired about the use of the Yucca Valley Park and Ride. Commissioner Bridenstine commented that this section is not practical with the local topography and suggested golf cart or electric vehicle use be added. Chair Humphreville suggested that use of golf carts, especially in the country club area should be allowed on residential streets.

No motion was made for this item.

STAFF REPORTS AND COMMENTS

Deputy Town Manager Stueckle gave an update on Town Council meetings may conflict with the Planning Commission's regular meeting schedule in May, 2013.

COMMISSIONER REPORTS AND REQUESTS

Commissioner Bridenstine thanked fellow commissioners and staff members for a productive meeting.

**TOWN OF YUCCA VALLEY
PLANNING COMMISSION MEETING MINUTES
MAY 7, 2013**

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

Deputy Town Clerk presented the Oath of Office to M.F. Warren Lavender.

Commissioners Present: Bridenstine, Drozd, Lavender, Whitten, and Humphreville.

The Pledge of Allegiance was led by Chair Humphreville.

APPROVAL OF AGENDA

Commissioner Whitten moved to change the order of the agenda, to move the department report after the public hearing. Motion died for a lack of second.

Bridenstine moved to approve the agenda. Chair Humphreville seconded. Motion carried 4-0-1 on a voice vote.

PUBLIC COMMENTS

None

DEPARTMENT REPORT:

1. DRAFT DEVELOPMENT CODE

Deputy Town Manager Shane Stueckle presented a staff report and PowerPoint presentation. At the request of the Planning Commission at a prior meeting, Article 3 of the Draft Development Code relating to sign regulations is being brought in front of the commission for separate review. Existing general allowances in the Sign Ordinance were explained. Stueckle explained areas for specific review including sign height, design merits, square footage for free standing signs and wall signage.

Deputy Town Manager Stueckle continued to explain that amortization schedules are commonly used to address non-conforming signs. Proposed modifications are amortized based on fair market value from the Date of Notice and a time schedule for compliance. Stueckle explained that temporary signs and how to regulate them, such as banners, flags, pennants, hulas, political, and temporary subdivision signs is also an area needing attention.

Jennifer Collins, Yucca Valley, introduced others present at the meeting and spoke of input received through the Yucca Valley Chamber of Commerce office. Collins explained that these suggestions were forwarded to the Planning Commission for consideration.

Fritz Koenig, Yucca Valley, presented a document to the Planning Commission and commented that the purpose of the Sign Ordinance does not include any reference to improving the economy. Mr. Koenig suggested creating a sign ordinance that is in relation to local resources, not compared to other larger cities.

Tom Huls, Yucca Valley, explained that his business, Big O Tires sets back off the highway, and the recent relaxation of the sign code has helped his business tremendously. The use of temporary signage when used responsibly by business owners is very helpful. The Sign Code itself was created for the big business entities, but not for the small businesses we have in Yucca Valley.

Commissioner Drozd asked if the sign square footage is measured on letter size or background. Engineering Technician, Diane Olsen responded that the measurement would be taken by squaring off the total area.

Commissioner Bridenstine agreed that signage is very important and should be easy to see and of appropriate size for traffic view. Signage should be in good taste and well kept, but not to be as harmonious as the current code limits. The community expects signage in a commercial district. Signage, including temporary signage should not be blocking line of sight for safety reasons. Agrees with Mr. Koenig's comment about including the purpose of regulating signage is to promote business.

Commissioner Whitten thanked those in attendance for coming out this evening and questioned how many suggestions provided by the Chamber of Commerce group was included in the draft document. Also agreeing with Koenig's statement recommending a purpose of a sign ordinance should be included. Commissioner Whitten commented on his observation of the current signage throughout the community. Need to give the small businesses a chance to compete with the larger businesses and spoke of the benefit of monument signage.

Commissioner Whitten continued to discuss temporary signage including political signage. Twirler type signs provide employment for the youth of the community and help businesses that set back away from the road. Whitten also spoke on the limits of mural type signage on the side of buildings.

Commissioner Lavender spoke in favor of taking a relaxed attitude toward sign regulations.

Chair Humphreville asked Huls, what specific temporary signage he used to promote his business and asked about typical amortization schedule limits. Stueckle responded that 20 years is usually the maximum, usually based on value. Olsen also explained the inclusion of the Design Merits Program and the Landmark Signage Program to take into account historical signage. Humphreville stated he would like to see the signs stay smaller, yet

appealing and more effective; would like to see the consultant's recommendation. Political signage should have limits on size and frequency.

Commissioner Bridenstine would like to see an amortization schedule included in the new sign regulations, including an incentive such as reduced fees to encourage sign owners to bring into compliance. Signs should not be higher than the roof lines.

Commissioner Drozd agreed with including an amortization schedule as a fair and consistent avenue to bring signs into compliance and also suggested using type of business ownership instead of square footage to regulate signage to help with the smaller, mom and pop type stores. Stueckle responded that one way to possibly address this is to regulate signage by the sign size itself, not by allowing signage size to be based on property or building size.

Commissioner Lavender questioned the use of frontage feet as a tool for regulation. The Ideal Mall property was given as an example of an area where a monument type sign addressing all occupants of that property consistently.

Deputy Town Manager Stueckle presented information on the draft development code section 3-19 regarding commercial solar and wind energy. With tax incentives in effect, property used for energy production limits the amount of property tax collected. Consensus was made among all commissioners present to not allow commercial solar or wind energy within Town limits.

Commissioner Lavender questioned the use of residential solar energy and the possibility of including provisions for home solar use. Stueckle responded that section 3-23, accessory energy systems provides guidelines for residential alternate energy use. Commission discussion continued, questioning the use of roof mount vs. pole mount systems, the need for roof designs of both commercial and residential buildings to accommodate solar panels, and the use of renewable energy parking lot and accessory lights. The use of solar energy when possible was encouraged by the commissioners.

Deputy Town Manager Stueckle recommended that this item be continued to the May 14, 2013 Planning Commission meeting for further discussion.

PUBLIC HEARINGS:

3. The strict application of the land use regulations would require extensive land disturbance on the site, would change the natural appearance of the site and could limit the ability to construct a single family residence on the property.
4. The variance is compatible with the following polices of the General Plan.

PUBLIC COMMENTS

None

CLOSE PUBLIC COMMENTS

Joanne Ballinger, the applicant, told the Commission that the intent of the project was to avoid disturbing as much of the landscape as possible, and that they were requesting the variance to avoid extensive changes given the limited size of the level portion of the lot.

Commissioner Lavender asked if they had considered alternative configurations which would allow them to build on that location without the variance.

The applicant said that they had looked at alternative options, but found that even a smaller home would require a variance, and that they wanted to keep the grading to a minimum.

Chair Humphreville said that he understood the issues with construction on that property, and that he appreciated their intent to preserve the attractive boulder piles.

Commissioner Bridenstine said that she felt a setback of 30 feet was reasonable given the circumstances.

MOTION

Chair Humphreville moved to approve variance, V 02-14. Commissioner Lavender seconded, and it passed unanimously.

2. DEVELOPMENT CODE AMENDMENT, DCA 02-14 HOME OCCUPATION REGULATIONS

Deputy Town Manager Stueckle presented the staff report. Staff presented the Commission with draft regulations for Home Occupation Permits for their consideration. A brief overview of the history of the Town's Home Occupation Permit regulations was provided. Staff stated that Article 4 of the development code was approved by the Town Council in October of 2013, but that the Commission had opted to defer Home Occupation Permits until they had received additional input from the community.

Deputy Town Manager Stueckle said that the Commission had talked about holding a workshop on the Home Occupation Permit regulations, and it was staff's interpretation that the Commission's intent was to receive maximum participation from the public. Staff explained that, in order to receive the maximum participation from the community, notice of the public hearing

on HOP regulations was provide not only through the usual notice of the meeting published in the newspaper and website, but also through the Community Updates, an additional press release, and through the Chamber Commerce. It was staff's opinion that this process met the Commission's intent for maximum participation, and if there are member of the community who are working on the regulations the Commission is always delighted to receive that information.

Staff provided an overview of the current Home Occupation Permit regulations and the changes presented in the draft regulations presented to the Commission. The changes in the draft regulations included:

- Staff recommended changing the approval authority from Director for all Home Occupation Permit's to two levels of approval authority including Director and Planning Commission, where the Planning Commission would be the approval authority for all home occupations involving sales activities from the home, customers visiting the home, or outdoor screened business activity.
- Staff recommended that the renewal authority is the same as the approval authority.
- Staff recommended that approvals be given for 2 or 3 years instead of for one unless a complaint is received and violations have been verified by a field investigation.
- Staff asked that the Commission consider any additional uses which should be added to the prohibited list.
- Staff recommended additional language to clarify what home based businesses are exempt from obtaining a permit.
- Staff said that the language allowing outside storage needed further clarification and standards. Staff recommended modifications which prohibited outside storage in smaller lots and allowed some outside storage on lots larger than one acre.
- Staff stated that the current standards only address the maximum areas for storage which can be used by a business and identify 25% and 35%, or 250 square feet or 500 square feet, as maximum areas for conducting home based businesses. Staff stated that the Commission may desire to discuss modifications to these standards.
- Staff asked that the Commission should discuss the standards regarding where business activities are to be conducted and direct staff as to the allowable locations for home based business activities.
- Staff recommended modifying the allowed business operating hours from between the hours of 7:00 a.m. and 8:00 p.m. to the hours of 9:00 a.m. and 5:00 p.m. for business which have sales on the premises or customers on the site. All other homes based business would be limited to between 7:00am and 7:00 pm. The Commission may desire to discuss the necessity for hours of operation where no customers visit the site, and when the business activity is in compliance with Town regulations.

PUBLIC COMMENTS

1. John Barriage, San Deigo, spoke. He stated that he is the attorney for Fritz Koetig. He said that he does not believe the staff's recommendations regarding where business activities are to be conducted were more restrictive. He also objected to allowing people to

apply for a Conditional Use Permit for uses which do not strictly comply with the Home Occupation Permit regulations.

2. Sabrina Peukert, Yucca Valley, asked if the regulations included provisions to make sure that sales tax was correctly paid to the jurisdiction when goods are sold. She said that she can't run the same business as the Fallosi's.
3. Fritz Koenig, Yucca Valley, asked that the public comment period be continued at the next meeting on this subject. He said that he believes the recommended changes presented by staff are less restrictive and that allowing Conditional Use Permits would allow the Planning Commission to permit any business they want, including a brothel. He believes home occupation business activities should be limited to the primary dwelling unit.
4. Margo Sturges, Yucca Valley, said that she believes that the regulations should prohibit more uses including gun sales, brothels, salons and mortuaries. She said that there should be workshop on the issue and that the public hearing wasn't enough.
5. Barry Shaw, Yucca Valley, said that selling guns and/or ammunition in a residential area should be strictly prohibited. He said that no one wants to live in a neighborhood where guns and ammo are sold.
6. Janice Pask, Yucca Valley, spoke in support of the proposed changes to the HOP regulations that take in to account the differences in lot sizes. She is a neighbor of David Fallosi, an artist, and feels that his home business is appropriate to the neighborhood.
7. David Cooper, Yucca Valley, commented on the proposed changes to the HOP regulations. He was on the planning commission when the current regulations were first drafted. He said he didn't have a problem with a properly licensed gun dealer operating a small home based business. He said that home occupation permits are not controversial, and that Yucca Valley is a rural area that doesn't face the same issues as a metropolitan area. He believes the regulations should have a light touch. Rural areas on large parcels should be allowed to do a lot of things that they can't do on small urban parcels. He also said he felt that the 9 to 5 retail hour limit was too restrictive. He also approved of the 2-3 year period for renewal.
8. David Fallosi, Yucca Valley, spoke asking the Commission to consider what is reasonable for artists. He is an artist with a home occupation business and the area has a large community of artists, and that this type of business improves the Town. He said that he doesn't think it is reasonable for a home owner to be discriminated against because they have a Home Occupation Permit. What is allowed for any home owner should not be prohibited simply because they have a HOP.

9. Herb Orban, Yucca Valley, said that he supports some home based businesses, but doesn't think the ordinance should be changed to allow a broader spectrum of home based businesses. He also does not support any home business which would increase traffic or increase crime related activities. He does not support residential gun sales.
10. Dennis Pask, Yucca Valley, spoke. He said he is a neighbor of David Fallosi and that he represents 30 residents of his neighborhood who support the proposed changes. He supports local artists who work out of their homes, and said that many of them may have developed their studios prior to incorporation. He believes the Town should encourage artists. He submitted a document for Commission review.
11. Bonnie Brady, Yucca Valley, said she thinks that any gun based businesses should be prohibited in residential areas. She also agreed with Fallosi about the needs of art based home businesses. She has participated in the art tours and believes they are important.
12. Ed Keesling, Yucca Valley, is a potter in Yucca Valley. He spoke in support for the new rules for rural areas with large lots. He encouraged the Commission to make it easier for artist to work in large areas. He said it wasn't clear to him whether or not the ordinance allowed artists to participate in art tours or open house type events. He also felt that the fee for the applying for a HOP is high.
13. Nora Fraser, said that she is a neighbor of David Fallosi and that his business is successful and should have a commercial space.
14. Marissa Corson, Yucca Valley, said that she felt that it is not fair that someone with a Home Occupation Permit is not allowed to have the same kind of commercial deliveries that someone without a home business would be allowed.
15. Esther Shaw, Yucca Valley, said that gun sales should be prohibited in residential neighborhoods with small lots. She said that gun shops have safety measures in place that residential homes do not have. She also spoke in support of regulations that support local artists.

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

END PUBLIC COMMENTS

Chair Humphreville opened the Commission discussion on the Home Occupation Permit regulations.

Commissioner Drozd said that he agreed with the graduated ordinance based upon lot size. The regulations need to take into account both the business owners and the neighbors, and a graduate ordinance is a good way to go. He also stated that, while he understand the concern caused by gun

sales, he does not believe that sale of disassembled, non-operational guns are a problem, particularly when limited to less than ten visits per month, but he does believe that prohibiting ammunition sales on small lots may be a good solution.

Commissioner Bridenstine suggested adding language to make it clear that only legal businesses are allowed. She also said that she thinks that firearm sales should only be allowed in residential lots one acre or larger. She also doesn't think that firearms and ammunition should be allowed to be sold together. She thinks that restricting the number of sales and the licensing requirements for gun sellers both need to be clearly reviewed. She also said that there are extenuating circumstances affecting artist. Art tours and open houses are important for artists, and many artist need to use accessory structures. She suggested either having a separate section addressing artist or liberating the ordinance enough to allow them to fit.

Commissioner Lavender said that he felt there needed to be a workshop on this item, and he didn't feel that there should be a decision in the next meeting. He said that the process needed more informal discussion. He also said that he did some research into the regulations of cities with similar demographics to Yucca Valley, and that most had regulations similar to what is currently in place. He also stated that some other communities go into much greater detail about what is allowed and what isn't allowed than what the Town currently has, and he felt that expanding that may create greater clarity. He also asked if staff has enough time to inspect properties to see if they are complying. Staff informed the Commission that currently inspections occur at the time the permit is granted, and subsequently only if there is a complaint. Commissioner Lavender also said that he felt that gun sales in general should be limited for personal reasons.

Chair Humphreville said that he agreed with Commissioner Brideastine that language clarifying that only legal businesses are allowed should be included. He said that he doesn't believe that all gun businesses are the same. A legal home occupation business would have the same wait time requirements as a gun shop. He does understand the concerns caused by residential gun sales. He thought that were plenty of restrictions on the Home Occupation Permit previously issued by the Commission, and that gun sales are a legal business. He also said that he felt the Commission should consider prohibiting or restricting Home Occupation Permits in multi-family zones. He asked if there were currently any permits in multi-family zones, and was informed by staff that there are not.

Chair Humphreville called a recess at 7:35 p.m.

RECESS

The meeting resumed at 7:40 p.m.

Chair Humphreville opened a discussion on the exemption requirements. Staff stated that the draft language presented was intended only to clarify not modify what types of business are exempt from Home Occupation Permits. Commissioner Lavender said that he would like the businesses that are currently exempt to remain exempt.

Chair Humphreville opened a discussion on the conditions of approval.

Commissioner Bridenstine asked for clarification of the sign allowance. Staff provided clarification that the intent was that signage not change the character of the residential neighborhood and that sign size was limited to 2 square feet. Commissioner Bridenstine said that she agrees with small signs.

There was discussion on outside storage. Staff clarified that the intent of the proposed language was that all permits involving outside storage would go before the Planning Commission, but said that the language needs some fine tuning.

There was a discussion about the screening of storage. Commissioner Bridenstine and Commissioner Drozd agreed that the standard should be screened from the street level.

Commissioner Bridenstine also stated that she didn't want the rules to eliminate the possibility of having a separate studio. She stated that the rules either need to be permissive enough to allow for it, or there needs to be some kind of exception. She believes that the limit of 25% of the dwelling used for the operation of the business is too restrictive.

Chair Humphreville agreed that the 25% restriction was way too small. He said that he doesn't see any difference between allowing someone to use a barn for equestrian use and allowing them to use it for a home occupation. He stated that he would like to see storage size limited by parcel size.

Commissioner Lavender also agreed that the 25% or 250 square foot limitation is too small.

Chair Humphreville said that the average number of trips per day allowed may need to be modified to match the 12 trips per day which would occur in home daycare business with 6 or fewer clients.

There was a discussion of proposed changes to the sections addressing Review Authority. Staff provided an overview of the current process for Home Occupation Permit approval. Staff also explained that if sales taxes was an element of the business, it is included as part of the permit process. Both Commissioner Bridenstine and Chair Humphreville stated that they liked the change to a tiered approval authority.

There was a discussion of the proposed changes to the section addressing the Home Occupation Permit renewal. There was Commission consensus that the renewal authority should remain as the Director for both proposed tiers, provided that there were no complaints associated with the permit. The Commission also stated that they would like renewal notices be sent out when permits are due for renewal. Commissioner Lavender said that he would like to see inspections at the time of renewal. Commissioner Bridenstine agreed with a 3 year renewal period. Commissioner Lavender said that he would like to see inspections at the time of renewal.

Staff also explained that the language regarding permit revocation had been changed to a reference to Article 5, Chapter 9.84 to avoid duplication of that language.

Chair Humphreville asked if the Commissioners had any general comments regarding Home Occupation Permit Regulations.

Commissioner Drozd said that he thought it was a great process was glad that there was going to be another meeting on the topic.

Commissioner Bridenstine agreed with Commissioner Drozd and said that she hopes to hear more from the public at the next meeting.

Chair Humphreville said that he appreciates people attending the meeting, and that there will be another opportunity for community input, and that there was nothing nefarious on the part of staff to prevent comments.

Deputy Town Manager Stueckle provided a summary of the recommendations provided by the Commission.

Chair Humphreville said that they hadn't had a discussion on restrictions of deliveries. Chair Humphreville stated that he doesn't think that deliveries which would be allowed otherwise should be restricted by a HOP. Commissioner Drozd agreed, and pointed out how many UPS and trash deliveries go through residential areas. Commissioner Bridenstine said that the Commission needs to be careful in how the limit is worded and consideration should be given to the issue of size. There is a big difference between a semi-truck and a UPS truck. Commissioner Lavender thinks that the restrictions need to be relaxed.

Deputy Town Manager Stueckle asked if the Commission wished to hold a workshop on Home Occupation Permits on the 27th and continue the public hearing to the June 10th meeting. The Commission agreed with this approach.

MOTION

Chair Humphreville moved that the Public Hearing on Development Code Amendment, DCA 02-14 Home Occupation Regulations, be continued to the June 10th meeting. It was seconded by Commissioner Bridenstine, and the vote passed unanimously.

RECESS

Chair Humphreville called a recess 8:12

The meeting reconvened at 8:17

3. DEVELOPMENT CODE AMENDMENT, DCA 07-13 ARTICLE 3 CEQA EXEMPTION, SECTION 15061

Deputy Town Manager Stueckle spoke on behalf of staff. He stated that this was a continuation of prior meetings on this issue and provided a brief overview. He stated that staff was still waiting for a response regarding whether or not the Town was able to prohibit mining. Staff recommended that, given the lateness of the hour, the Commission continue this issue until the next meeting. Staff also recommended that the Commission wait until the whole code is finished before forwarding their recommendations to the Council.

PUBLIC COMMENT

None

END PUBLIC COMMENTS

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

DEPARTMENT REPORT

2. DRAFT DEVELOPMENT CODE

Deputy Town Manager presented the staff report on Draft Development Code, Article 3 as an ongoing review of the Development Code Update project.

Chair Humpreville opened public comment. With no one wishing to speak, the public comment period was closed.

Commissioner Drozd spoke in favor of solar use in residential areas, yet voiced concern of the possible noise resulting from wind turbine use.

Chair Humphreville questioned if there were results from a recent study from other municipalities regarding lot sizes and approved alternative energy sources.

Deputy Town Manager Stueckle replied that staff would bring back information on noise levels emitted from the various types of wind turbines.

Commissioner Whitten commented on issues seen in other communities regarding the alternative energy systems, where easements were established to reduce the blockage of sun or wind by neighboring structures and suggested taking this option into consideration.

Vice Chair Bridenstine commented on limiting turbine tower heights and believes that prior Commission discussion stated 25-30 feet; views should not be obstructed.

Chair Humphreville questioned if any Title 24 regulations would hinder the use of alternative energy.

Commissioner Drozd expressed concern for regulating solar and wind technology with local contractors. Deputy Town Manager Stueckle replied that currently, as long as the contractor is in compliance with California Building Code, the permits are approved.

Commissioner Whitten asked about the regulatory process with self-install projects. Self-install should be included. Public information would assist in educating the public on the misconceptions of alternative energy.

Commissioner Lavender commented on CEC standards and wind turbine noise levels.

Deputy Town Manager Stueckle continued to explain proposed changes on pages within Article 3.

Chair Humphreville opened public comment on this section. With no one wishing to speak, the public comment period was closed.

Commissioner Whitten questioned page 3-92, paragraph 1 on how occupancy was authorized and does not believe that authorization, time limits or occupancy type is not explained very well in the document.

Planning Technician Diane Olsen explained the current approval process for a Special Event Permit. Discussion continued on the need for community events and a user-friendly process to encourage events in the area.

No action occurred on this item.

CONSENT AGENDA

Vice Chair Bridenstine moved to approve the minutes of the April 9, 2013 Planning Commission Meeting minutes. Commissioner Whitten seconded. Motion carried on a 5-0-0 voice vote.

STAFF REPORTS AND COMMENTS

Deputy Town Manager Stueckle announced that an HOP hearing is scheduled for the June 11, 2013 Planning Commission meeting and gave a brief update on local commercial construction projects.

COMMISSIONER REPORTS AND REQUESTS

Commissioner Drozd thanked staff.

Commissioner Lavender commented on Yucca Valley's new west-entrance sign.

Commissioner Whitten thanked staff for their work and questioned the condition of the grass at Essig Park.

Vice Chair Bridenstine also thanked staff for their work on the Draft Development Code.

Chair Humphreville commented he has been approached by local contractors looking for information on the new Affordable Senior Housing Project.

**TOWN OF YUCCA VALLEY
PLANNING COMMISSION MEETING MINUTES
May 27, 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 Bridenstine seconded, and the motion passed unanimously.

PUBLIC COMMENTS

1. Margo Sturges, Yucca Valley, said that she likes the Planning Commission using the workshop format.

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

CLOSE PUBLIC COMMENTS

1. WORKSHOP – HOME OCCUPATION PERMIT REGULATIONS

Chair Humphreville opened the public workshop on Home Occupation Permit regulations. Deputy Town Manager Stueckle provided background on the Home Occupation Permit regulations and an overview of the purpose of the workshop. Chair Humphreville recessed the meeting for the workshop at 6:09, and one hour was dedicated to round table discussion with members of the public and the Commissioners. At 7:10, after the table discussion, Chair Humphreville resumed the meeting and opened the floor to reports from the table discussions and individual public comments. Posters listing each table's findings were displayed, and forms on which individuals wrote their suggestions were also submitted to the Commission.

PUBLIC COMMENTS

1. Nalini Maharaj, Yucca Valley, said that she would like to see gun sales prohibited as a home occupation.
2. Margo Sturges, Yucca Valley, said that she appreciated the workshop process, and would like the public hearing on the ordinance to be delayed.
3. Mark Miller, Yucca Valley, said that he approves of the changes in the regulation that makes the process of acquiring a home occupation permit easier and clearer. He said that the intent of the revisions should be to make it easier not harder to do business in Yucca Valley. He said that the regulations should be administered equally and without prejudice,

and we shouldn't unfairly discriminate against some businesses just because they are unpopular.

4. Dennis Pask, Yucca Valley, said that he approves of the changes in the draft ordinances. He said that it is unfair that artists with a HOP aren't allowed to display art in their front yard when anyone else in town is able to.
5. James Walker, Yucca Valley, said that he appreciates the workshop process, and that he believes that the process should be directed towards the regulations as whole and not specific cases.
6. Fitz Koneig, Yucca Valley, said that he believes that home business should be limited only to equipment or structures normally found within the home. He also objects the Planning Commission being able to issue Conditional Use Permits. He also doesn't think the noise ordinance is sufficient.

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

CLOSE PUBLIC COMMENTS

Commissioner Whitten said that he appreciated the public coming out to participate. He said he wants a balanced approach to Home Occupation Permits. Property owners should be able to exercise their rights while respecting the rights of their neighbors. He believes that the Planning Commission need to work to fine tune the ordinance to make it a softer.

Commissioner Lavender said that some of the individuals he spoke with were concerned about the number of deliveries which might be made to some home occupations. He suggested providing some kind of public space for artists to use. He also said he was happy with the ordinance the way it was, but he would like to see gun sales prohibited.

Commissioner Drozd said that it was great to see so many people come out to participate. He asked staff if, under the current complaint driven process, complaints were made anonymously. Staff replied that complaints could be made either anonymously or not. Commissioner Drozd believes that it is important to keep neighborhood character, but also allow business. He said he like the graduated scale for different size lots. He said that home based business have been becoming more popular with the current economy. He also said that while different sized parcels should be treated differently, people on the same size parcels should be treated the same.

Commissioner Bridenstine also thanked everyone for coming out to participate. She agreed that we need a tiered system. Some business would not be appropriate for a multi-family zone, but would be appropriate on a five acre parcel. Someone on a five acre parcel who is operating a legal business, which is not effecting anyone, should be allowed the freedom to do so. She believes that we should be more concerned about illegal guns rather than legal, licensed sales. She also believes that that the concern about deliveries doesn't take into account the fact that trash trucks, which regularly travel these roads, weigh more than delivery trucks. Rather than creating nitpicky regulations, we should rely more on common sense. If you are causing a nuisance in your

neighborhood, your neighbors have the right to complain. There is a procedure in place for those complaints to be investigated and your permit possibly revoked. Having a clear procedure for addressing complaints is more important than a lot of overly specific regulation.

Commissioner Lavender said that plots that do not have maintained roads may create an issue.

Chair Humphreville asked staff to clarify the intent of the language prohibiting the storage or use of explosives or highly combustible or toxic materials beyond that permitted by the Building, Fire Code, or adopted restrictions. He pointed out that artists and welders use paint and material which may be combustible or toxic. Staff explained that the purpose of that section was to limit the amount of that kind of material to amounts more typically found in residential uses, so that we don't see the type of volume associated with large scale commercial operations. Chair Humphreville suggested further clarification to that language. He also asked about the fee schedule, particularly the \$750 fee for the appeal process. Deputy Town Manager Stueckle explained that the fee structure was based on total cost recovery, but that staff would look at the fees. Chair Humphreville said that he would like to see some kind of language differentiating between commercial welding and art welding. He also thought that allowing artists to display some art in their front yards is something the Commission should discuss. He also said that allowing 6 or 8 deliveries a year is reasonable, and he doesn't think that someone with a Home Occupation Permit should have greater weight restrictions than other property owners. He doesn't think gun sales should be prohibited; it is a legal and regulated business. He also believes that home occupations which are exempt from acquiring a permit are fine in multi-family zones, but an activity requiring a Home Occupation Permit should be prohibited.

RECESS

Chair Humphreville called a five minute recess at 7:45. The meeting resumed at 7:50.

PUBLIC HEARING

2. DEVELOPMENT CODE AMENDMENT, DCA 07-13 ARTICLE 3CEQA EXEMPTION, SECTION 15061

Deputy Town Manager Stueckle gave the staff report. He stated that there have been multiple meetings on this public hearing, and that the only outstanding issue is the pending answer from the Town Attorney's office regarding whether or not surface mining can be prohibited and that section removed from the regulations. Staff recommended that, after receiving any public comments, if there were no further questions from the Commission, the Commission not send the item forward to the Town Council until the full draft of the Code has been completed.

PUBLIC COMMENTS

None

CLOSE PUBLIC COMMENTS

MOTION

Commissioner Whitten moved that the Planning 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 adopts the Ordinance, but delays forwarding that recommendation to the Council until the draft of the complete code is finished. Chair Humphreville seconded. The vote passes unanimously.

DEPARTMENT REPORTS**3. FIVE YEAR CAPITAL IMPROVEMENT PROGRAM**

Project Engineer Qishta presented the staff report. He provided a brief explanation of the purpose of a Capital Improvement Plan. The Capital Improvement Plan is a short-range, five year plan, which identifies capital projects, provides a planning schedule, and identifies options for financing the program. Staff went over the capital projects identified in the plan presented to the Planning Commission.

PUBLIC COMMENTS

None

CLOSE PUBLIC COMMENTS

Chair Humphreville said that he was concerned about the implications of doing work on Black Rock Canyon road without also putting in flood control measures. Staff explained that the original estimate for repairs was over \$600,000, much of which was due to the cost of the flood control measures. The flooding issue is a serious concern, and engineering is currently working on solutions. Chair Humphreville is concerned that maintaining that road as a gravel road without additional flood control measures will cause problems. Chair Humphreville also said that construction of the Safe Routes to School improvements on only one side of the street is better than nothing.

Commissioner Whitten asked about tiered catch basins at Black Rock Canyon. Staff said that basins are probably not a practical solution in this case. Commissioner Whitten agreed that improving one side of Sage Avenue for Safe Routes to School is better than nothing, but suggested that some money be set aside in the future to improve the upper end of Sage Avenue. He also asked if we had ADA park facilities, particularly playground equipment. Staff replied that Miracle Field is specifically designed for ADA access and that Staff believed that the playground equipment selected for the Brehm Park is ADA accessible. He also suggested that the Town might look into Rino Snot, a soil stabilization and dust abatement product, for use on Black Rock Canyon Road to increase its durability.

Commissioner Bridenstine asked if the Town was actively looking for new grants, particularly any federal grants, to help provide future funding. Staff replied that the Town was.

years, expiring on June 10, 2015, unless a request for renewal and related approval are obtained prior to that date. Motion was seconded by Commissioner Bridenstine. Motion carried 4-1 on a roll call vote.

AYES:	Commissioners Bridenstine, Drozd, Whitten and Chair Humphreville.
NOES:	Commissioner Lavender
ABSTAIN:	None
ABSENT:	None

**3. DEVELOPMENT CODE AMENDMENT, DCA 02-14
HOME OCCUPATION REGULATIONS**

Deputy Town Manager Stueckle provided the staff report. He provided a brief summary of the history of this item, noting that there had been a prior public hearing on this issue on May 13, 2014 and a public workshop was held on May 27, 2014. It was staff’s understanding that there was Planning Commission consensus that the ordinance should be tiered based upon lot size. Staff asked for direction from the Commission.

Chair Humphreville opened the floor to public comments.

PUBLIC COMMENTS

- David Cooper, Yucca Valley, said that from a general standpoint he would like to see the Commission relax the standards and extend the time frame for renewal. If all applicants have to go through the process they saw that night, people are either not going to comply or they will choose not move here.
- Margo Sturges, Yucca Valley, said that she believes that Home Occupation Permits should be limited to the home owner. She also said she believed that the requirement that a renter get approval from the landlord had been removed, and that the proposed ordinance would allow large truck signs. She believes that the appeal fee is too high and that multiple houses in the same area should not be allowed to operate the same type of business.
- Fritz Koenig, Yucca Valley, said that he would like agenda items 1 and 2 to be incorporated into the record for agenda item 3. He said that the Town does not inspect Home Occupation Permits each year, and that action is only taken when someone makes a complaint. He also objected to the language allowing the Planning Commission to grant Conditional Use Permits to activities which do not comply with the Home Occupation Permit regulations.

Seeing there were no more individuals wishing to speak, Chair Humphreville closed public comments.

CLOSE PUBLIC COMMENTS

Chair Humphreville introduced a discussion of firearm sales as a home occupation.

Commissioner Whitten said that a distinction should be made between home occupations and home based businesses. Commissioners Drozd, Bridenstine, Whitten and Chair Humphreville all said that gun sales should be allowed in some residential zones. There was Commission consensus that firearm sales should be prohibited in multifamily zones. Commissioner Whitten said that he felt that firearm sales should be allowed in RL5 zoning, and didn't think ammunition should be sold on site. Chair Humphreville said that he didn't think firearm sales should be limited to five acre lots, and that if the business was legal and meets the criteria, it should be allowed on half acre lots. He also said that he didn't object to ammo sales as long as it was done as drop shipments and not stored on the property, but he would be ok with restricting it. Commissioner Whitten said he thought firearm sales need the buffer provided by RL lot sizes.

Commissioners Drozd, Bridenstine, and Humphreville said that a half acre or greater lot size might be an appropriate lot size for gun sales. Commissioner Bridenstine clarified that she did not approve of allowing firearm sales, or any traffic generating business, in any of the RS zones, and that they should only be allowed in RL or above. Commissioner Lavender asked about the lot sizes in tracks. Commissioner Whitten said that he thought that firearm sales should be prohibited in RS and RN, but allowed in RL zones. He also said that he liked the additional safety features required in the Zorawicki Conditions of Approval. Chair Humphreville said that the Commission should not try to make standards based on gun size. Staff said they would take the Commission's direction to structure new recommended standards.

Chair Humphreville asked the Commissioners for comments on the purpose section of the draft regulations. Commissioner Whitten said he doesn't want to see any Home Occupations strictly prohibited. He also suggested that staff included language in the draft ordinance adding a sunset clause.

There was a discussion about how to address restrictions in multifamily zones. Commissioner Whitten said he would like to see definitions first and a tiered system. Staff asked if the Commission felt that exempt home occupations which are exempt from permitting should be allowed in multifamily zones. Commissioner Whitten said that he was ok with allowing the occupations listed as exempt allowed in multifamily zones, but would like to see a tiered table. Commissioner Drozd suggested having a set of standards rather than a list of exempt home occupations.

Commissioner Whitten said that he thought that the landlord should have to give approval for a renter's home occupation. Staff said that there was no intent to remove that requirement, and while staff may have missed including that language, getting landlord approval is a requirement of law. Staff said they would include that language.

Chair Humphreville asked for clarification from staff that a business which was listed as prohibited, could be allowed through a Conditional Use Permit. He thinks including a list of prohibited occupations helps clarify what is generally allowed.

Commissioner Bridenstine also suggested getting rid of the list of exempt occupations. There was commission consensus that they would like to see a tiered table.

Staff said that they will take the Commission's direction and work on a new draft of the regulations.

Commissioner Drozd suggested the Commission consider something to address allowing artist to participate in the art tours.

Commissioner Bridenstine said that she likes the tiered idea, and that she would prefer not to add more restrictions, and instead see it taken on a more case by case basis for Conditions of Approval.

Chair Humphreville asked if there were any comments on section G, Review. Commissioner Whitten asked staff if a single Commissioner could appeal a decision made at the Director level. Staff said that is not addressed in the code.

Chair Humphreville introduced a discussion of permit renewal. There was Commission consensus on a renewal period of three years. Commissioner Whitten said that he would like to see an option for extensions. Commissioner Bridenstine disagreed, and pointed out that the staff costs for approving an extension would be comparable to approving a renewal. There was Commission consensus that renewals would happen on the Director level provided that there are no complaints. Commissioner Whitten suggested removing the fee for renewal on permits with no complaints.

The Commissioners had no comments on the sections addressing revocation, or appeals.

Chair Humphreville asked the Commissioners for any general comments they had on Home Occupation Permits.

Commissioner Whitten asked if violation of property maintenance standards was included as a reason for revocation of a Home Occupation Permit. Staff said that being in violation of any code would be a reason for revocation.

CONSENT AGENDA

Chair Humphreville opened the floor to public comments.

PUBLIC COMMENT

- Margo Sturges, Yucca Valley, requested that the minutes submitted to the commission be amended. She felt that the reason for the recess during the May 13, 2014 meeting should be included in the minutes.

CLOSE PUBLIC COMMENT

MOTION

Chair Humphreville moved that the Planning Commission approve the submitted minutes of the meetings held on May 13, 2014 and May 27, 2014. Commissioner Bridenstine seconded. The motion passed unanimously.

COMMISSIONER REPORTS AND REQUEST:

Commissioner Drozd said that it was great seeing everyone at the meeting, but it is difficult to see a divided community. It is important that everyone is heard. He also thanked staff.

**TOWN OF YUCCA VALLEY
PLANNING COMMISSION MEETING MINUTES
June 24, 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 Bridenstine seconded, and the motion passed unanimously.

PUBLIC COMMENTS

Dennis Pask, Yucca Valley, thanked the Planning Commission for approving the Fallosi Home Occupation Permit application at their previous meeting. He said that he believes that home businesses will be an important issue in the future.

CLOSE PUBLIC COMMENTS

PUBLIC HEARINGS

**1. DEVELOPMENT CODE AMENDMENT, DCA 02-14
HOME OCCUPATION REGULATIONS
CEQA EXEMPTION, SECTION 15061**

Deputy Town Manager Stueckle provided the staff report. He provided a brief overview of the previous discussion on this issue and the proposed changes that the staff was presenting for the Commission's consideration. The proposed changes included adding additional activities to the prohibited list, including the sale of firearms in all residential zoning districts other than RL and R-HR, sales of ammunition and massage parlors. They also included establishing four classes of home occupations. Class I occupations would involve the activities which are exempt from permitting. Class II occupations would require a Home Occupation Permit and would be limited to RS, RL and R-HR zones but would not require a Planning Commission hearing. Class III occupations would require a Home Occupation Permit, would be limited to the RL or R-HR zones and would require a Planning Commission hearing. Class IV occupations would require a Conditional Use Permit to be issued by the Planning Commission.

After the presentation of the staff report Chair Humphreville opened the floor to public comments.

PUBLIC COMMENTS

- Janice Pask, Yucca Valley, spoke in support of the proposed inclusion of Conditional Use Permits to the regulations. She also said that she wasn't clear whether or not the use of accessory structures would be allowed.
- David Fallosi, Yucca Valley, said that he would like to see permits issued for a longer time period. He said that the permitting process can be very involved. He also asked if the proposed changes could be applied to business owners who already have permits.
- Curt Duffy, Yucca Valley, said that he was unclear about the higher standards required by the Conditional Use Permit. He also spoke against residential gun sales.

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

CLOSE PUBLIC COMMENTS

Following the public comments staff provided some additional information to address questions raised during public comments. Staff provided a brief explanation of the Conditional Use Permit process, and that its intent to provide flexibility to the code. Staff also stated that the use of accessory structures would be allowed by the proposed regulations.

Commissioner Drozd said that he is still in favor of regulations that are graduated based on parcel size, and he doesn't think the Commission should differentiate on anything but lot size and traffic generation. Very small parcels should not have any type of traffic generating business. He agreed with staff that the Conditional Use Permit created needed flexibility in the code, and clarified with staff that Conditional Use Permits could be appealed to the Town Council.

Commissioner Bridenstine said that she also likes the tiered structure. She said she felt that a three year time period for permits is appropriate. She asked staff about grandfathering in the currently active Home Occupation Permits. Staff said that grandfathering would require adding specific language to the regulations, and that there are currently five active permits, one of which would not conform to the proposed new regulations. Commissioner Bridenstine also suggested that the language in section E, Development Standards, be modified to include "from the exterior" with regards to changes in décor and appearance.

Chair Humphreville asked if it the Commission could retroactively apply the new regulations to the recently granted Home Occupation Permits. Staff said that the Commission could add language to extend the permits to three years, but also suggested that the Commission consider the specifics of the individual Home Occupation Permits before making a final decision on grandfathering.

Commissioner Whitten said he would like to remove the prohibited occupations from the ordinance, and would like to see a table similar to what appears in the ordinance addressing permitted uses in commercial zones. He also wanted the inclusion of the phrase "Home Based Businesses." He said that the Conditional Use Permit process gives the Commission the opportunity and flexibility to apply additional conditions to protect the public while helping businesses. Commissioner Whitten suggested replacing the language in the Development Standards addressing alteration of structures with a requirement to maintain architectural

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 likes 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

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

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

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

PUBLIC COMMENTS

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

END PUBLIC COMMENTS

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

MOTION

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

RECESS

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

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

Commissioner Lavender said that he wasn't particularly in support of the hookah lounge, and that he had lost people to lung cancer. He said that there was information about the dangers of smoking. He also was concerned about underage individuals trying to get in.

Commissioner Whitten said that he was in support of any type of new business coming into the area. He asked staff if the dual use would require any additional fire department approvals. Staff said it would not. Commissioner Whitten asked if food would be served in the hookah area. The applicant said that it would. Commissioner Whitten asked that staff make sure that the business would be in compliance with state smoking laws. Commissioner Whitten asked about the gate to the patio area. Staff said that there was a gate to the patio area, but it was conditioned to open only from the inside. Commissioner Whitten also asked the staff to look into any applicable Clean Air elements. He also asked staff to see if there were any air intake vents near the smoking area. He suggested a follow up to see if there were any complaints.

Chair Humphreville said that he didn't have any issues with the entrance. He also said that he hopes the business would be neighborly about addressing any complaints. He spoke in support of the application.

MOTION

Chair Humphreville moved that the Planning Commission find the project exempt from CEQA pursuant to Section 15303, Class 3, conversion of small structures, and that the Planning Commission approve Conditional Use Permit CUP 02-14 based upon the required findings and Conditions of Approval, provided that staff review the item to confirm that it is in compliance with state law. Commissioner Bridenstine seconded the motion, and it passed unanimously.

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

Deputy Town Manager Stueckle provided the staff report. He provided an overview of the history of previous commission discussion on this item as well as the changes included in the draft presented to the Commission. Staff also stated that they had researched state and county rules about cottage food industries, and staff had determined that the Town was required to allow them in multifamily zones. Staff recommended separating cottage food businesses from catering businesses.

Chair Humphreville opened the floor to public comments.

PUBLIC COMMENTS

- Mike Shaw, Yucca Valley, spoke against allowing the sale of firearms in residential areas.

- Bonnie Brady, Yucca Valley, spoke against allowing the sale of firearms in residential areas. She suggested only allow it on large lots of an acer or more.
- Fritz Koenig, Yucca Valley, spoke against the proposed changes to the development code. He said that the Commission was allowing industrial uses. He felt that special considerations were being put in. He also objected to including an allowance for outdoor storage of materials. He also said that the Planning Commission's actions had cost the town a lawsuit.
- Debra Thompson, Yucca Valley, spoke against allowing the sale of firearms in residential areas. She said that there is less oversight for small businesses in residential neighborhoods, and that firearm sales in residential neighborhoods can cause problems with crime.
- Susan Simmons, Yucca Valley, spoke against allowing the sale of firearms in residential areas. She said that she doesn't think they should be allowed on parcels less than 5 acres in size. She also asked about the limit of one type of home occupation to a residence, and asked that the Commission consider situations where a two earner family might have one type of occupation that is exempt.
- Margo Sturges, Yucca Valley, spoke against allowing the sale of firearms in residential areas. She said that there had been a previous consensus on limiting gun sales to lot one acre or large. She accused the Commissioners of flip flopping.
- Ester Shaw, Yucca Valley, spoke against allowing the sale of firearms in residential areas. She thinks they should be limited to parcels 5 acres or more.

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

CLOSE PUBLIC COMMENTS

Chair Humphreville spoke in response to Mr. Koenig's comments and stated that staff didn't make the decision to make changes to the proposed regulations, and that those decisions had been the Commissions.

Commissioner Drozd agreed that gun violence is something that should concern everyone, but this was a land use issue. There are people on both sides of the issue, and what some people would call flip flopping, other would call compromise.

Commissioner Bridenstine said that home businesses are an important issue. Legal home businesses are good thing for the community. She asked staff what licenses are required for firearm sales. Staff said that there are federal and state licenses required. Commissioner Bridenstine asked how often those licenses have to be renewed. Staff said that it was their understanding that federal firearms licenses had to be renewed each year. Commissioner Bridenstine said that the Commission hadn't flip flopped, and had instead come to a compromise

by allowing firearm sales in lots of a half-acre or large. One of reason for the Commissions choice was that there was a currently operating legal business on a lot of that size, and these kinds of issues can be difficult to grandfather. She said that having a gun seller have to go through the CUP process with conditions of approval was a good compromise. She also said that the Commission what there to decided land use issues, not moral issues, or the legality of gun sales. She approved of the draft ordinance.

Commissioner Lavender said that there was some confusion in the changes made to the ordinance. He saw that the draft regulations allowed gun sales in all residential zones besides multi-family, which seemed backward to him. He said he is against allowing gun sales at all in residential property, but he thinks this may be the wrong forum, and suggested getting together a referendum for the ballot.

Commissioner Whitten spoke about cottage food operations. He recommended it be something that requires a CUP given that there are state and county requirements which have to be met, and he didn't know if the Town had enough code enforcement staff to make sure those conditions were being met. He also asked about why there was a limit for hours of operation for businesses without customers visiting the residence. He also suggested modifying the language about renewal authority to add a caveat that the renewal authority remain with the director unless there is a change in conditions. He also said that he would prefer that firearm sales be limited to RL zones or greater. He believes that the Commission set the precedent for the community prohibiting gun sales in RS, because he doesn't thing that the Commission would have approved the previous presented and withdrawn application for the sale of firearms in a RS zone brought by Mr. Mintz, but the Commission approved the renewal of a firearm business in the RL zone. He suggested grandfathering the currently active business, and setting the limit to RL or greater.

Chair Humphreville asked staff to look into health standards for cottage food businesses. He also said the Ms. Simmons brought up a good point about the operation of two home businesses. He said that if two businesses were being operated in a residence and one of them was exempt, that would still only count as one home occupation permit and would cause no problems. He replied to Ms. Thompson's comments, saying that there were the same guideline and regulations for a home based firearm business as out of a commercial business. He said that it was a legal business and all sales should be treated the same. He said that he had received many calls in support of allowing firearm sales.

Commissioner Bridenstine asked staff what the process would be if the Commission decided to grandfather the current business. Staff said that there is typically a paragraph in the ordinance addressing previously approved uses. Commissioner Bridenstine also addressed Commissioner Whitten question about the limit on hours of operation for businesses without customers visiting the residence, and said that the limit was to address any business operations which might create noise or disturbance. She also said that if the currently permitted businesses could be grandfathered, she would support limiting gun sales to the RL or greater zones.

Staff said that it was their understanding that the Commission had addressed two primary areas. There was Commission consensus to limit firearms sales to RL and greater zones, provided there

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.

ORDINANCE NO. 100

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF YUCCA VALLEY, CALIFORNIA, REPEALING AND RESTATING CHAPTER 15 OF DIVISION 1, TITLE 4 OF THE COUNTY OF SAN BERNARDINO CODE AS ADOPTED BY THE TOWN OF YUCCA VALLEY RELATING TO SPECIAL EVENTS

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

SECTION 1. Code Amended

Chapter 15 of Division 1 of Title 4 of the San Bernardino County Code as adopted by the Town of Yucca Valley is hereby amended in its entirety to read as follows:

“Chapter 15

TEMPORARY SPECIAL EVENT PERMIT

Sections:

- 41.151 Intent.
- 41.1510 Temporary Special Event Permit
- 41.1515 Permit Required.
- 41.1520 Submittal
- 41.1525 Processing
- 41.1530 Insurance Requirements.
- 41.1540 Rules and Regulations
- 41.1545 Appeals.
- 41.1550 Referral By The Community Development Director
- 41.1555 Permits/Licenses Nontransferable.
- 41.1560 Posting.
- 41.1569 Requests for Law Enforcement Services at Special Events.

41.151 Intent.

The intent of this ordinance is to provide discretionary approvals for certain “temporary special events” as defined in this Chapter to be allowed in certain zones in addition to those uses which are specifically permitted in their respective zone. Temporary special uses shall be established by Special Event Permit granted by the Community Development Director or their designee pursuant to the procedures contained in this Chapter.

41.1510 Temporary Special Events Permitted.

Temporary special events shall be permitted with a Temporary Special Event permit as

specified below which indicate each temporary special event permitted, the zones in which the use is allowed, the maximum number of days each use is allowed and the maximum number of occurrences in each calendar year:

Permitted Special Events (With a Special Event permit)	Land Use District Permitted	Maximum Number of Days Per Event	Maximum Number of Events Per Calendar Year
Church tent revival meetings	All Land Use Districts	10	1
Circus, carnival	All "C", "T", and Public/Quasi Public Land Use Districts	10	2
Fair, concerts, parades, exhibits, festivals, or similar events	All "C", "T", and Public/Quasi Public.	10	10

Where uncertainty exists regarding the interpretation of any provision of this Chapter or its application to specific special event which may not be listed, the Community Development Director shall determine the intent of the provision and or determine whether the proposed event is consistent with the provisions of this Chapter.

41.1515 Permit Required.

Except as otherwise provided by the Town of Yucca Valley or state law, no person or entity shall operate, maintain, conduct, advertise, or provide admission for any temporary special event within the Town of Yucca Valley without possessing an unexpired, unsuspended and unrevoked permit from the Community Development Department for each such temporary special event.

41.1520 Submittal.

(a) An application for a temporary special event shall be filed with the Community Development Department. The following information shall be included in the application:

- (1) The name, address, and telephone number of the applicant or representative.
- (2) The signature of the property owner, address or assessors parcel number of the site at which the activity is to be conducted, authorizing the application to be filed.

(3) A written description specifying the date (s) of the event is to be held and a brief description of the activity, including the proposal for the preparation and clean up of the site where the activity is to take place.

(b) The charge for the permit shall be set from time to time by resolution of the Town Council. In addition, the applicant shall reimburse the Town for the actual cost of providing any necessary personnel, including but not limited to, police and fire personnel to the applicant for the purpose of assisting in the event.

41.1525 Processing:

Upon the receipt of a completed application and all related fees, the following will occur:

(a) The processing of a complete Temporary Special Event Permit application will generally vary from one (1) to five (5) working days, depending on the complexity. If such activities interfere with traffic or involves potential public safety hazards, an application may take more than five working days to allow for inter-departmental or agency notification.

(b) Each application for a Temporary Special Event Permit shall be analyzed at staff level to assure that the application is consistent with this Chapter and any other applicable Town standards or policies. If such activities interferes with traffic or involve potential public safety hazards the application shall be forwarded to the appropriate agencies for comment.

(c) At the completion of the Planning Section's review, a permit may be issued by the Community Development Director including a listing of conditions necessary to assure the preservation of public health, safety and welfare.

41.1530 Insurance Requirements.

(a) Before any permit is issued for a circus, large concert, parade, carnival or similar type of event, the applicant shall provide the Town with evidence of a policy of liability insurance issued by an admitted insurer in an amount of not less than \$1,000,000. The policy shall name the applicant and the Town of Yucca Valley, its officers, agents, and employees, as co-insured for protection against any loss, claims, liability, injury, and damage of any nature arising out of or in any way connected to the temporary special event conducted by the applicant. The insurance coverage shall be primary and not contributing with any other insurance of the Town. The certificate shall not be subject to cancellation or modification until after thirty days written notice to the Town. A copy of the certificate shall remain on file.

(b) The applicant shall enter into a hold harmless and indemnification agreement provided by the Town prior to the issuance of any permit.

(c) To ensure cleanup and restoration of the site, an applicant may be required to post a deposit at the time the application is submitted. Upon the completion of the event and inspection of the site by the Town, the deposit may be returned to the applicant if the cleanup and restoration of the site has been determined by the Town to be sufficient.

41.1540 Rules and Regulations.

(a) Change of Date: Upon the request of the applicant, the issuing authority shall have the power, upon a showing of good cause, to change the date for which the permit has been issued provided established limitations are complied with in respect to time and location.

(b) Conditions of Approvals: The conditions of approval shall be based upon the following criteria:

- (1) The health, safety, and welfare of all persons;
- (2) Avoidance of undue disruption of all persons within the affected area;
- (3) The safety of property within the Town;
- (4) Compliance with all other applicable agency regulations.
- (5) If an event is held within a parking area, the event shall not substantially alter the existing circulation pattern of the site or impact traffic movement with adjacent or surrounding public roadways.
- (6) The event shall not obstruct any existing handicap accessible parking space. Sidewalks shall be maintained at a minimum width of 4 feet to provide for handicap access.
- (7) Where an activity takes places within an unimproved (dirt) area, some form of dust control will need to be provided as approved by the Town.

(c) Additional Regulations: From time to time, the Community Development Director may recommend, as deemed necessary, rules and regulations to implement the provisions of this section. Such rules and regulations shall have the force of law and failure to comply shall be considered a violation of the provisions of this section. The rules and regulations to be adopted shall be implemented with the following intent:

- (1) Maintain the health and safety of persons and property within the Town;
- (2) Avoid undue disruption of persons and traffic within the affected areas of Town.

41.1545 Appeals.

Any person aggrieved or affected by a decision of the Community Development Director in denying a Temporary Special Event Permit may appeal to the Planning Commission in writing within ten days after notice of the decision is given.

Any person aggrieved or affected by a decision of the Planning Commission in denying a Temporary Special Event Permit may appeal to the Town Council in writing within ten days after notice of the decision is given. The decision of the Town Council shall be final.

41.1550 Referral By The Community Development Director.

If in the judgement of the Community Development Director or their authorized representative, a proposed temporary special event may have a substantial adverse impact on public health, safety or welfare, may elect not to approve a Temporary Special Event Permit and may refer the application for disposition by the Town Council at its next regularly scheduled meeting.

41.1555 Permits/Licenses Nontransferable.

Any permit issued pursuant to this chapter is not transferable to any other person, organization or place.

41.1560 Posting.

Every permit required by these regulations shall be conspicuously posted upon the premises of the temporary special event.

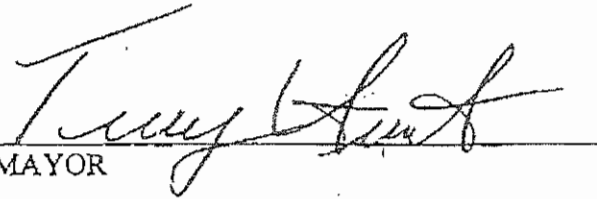
41.1569 Requests for Law Enforcement Services at Special Events.

Any person or entity required to obtain a permit in accordance with the provisions of this chapter may request law enforcement services to preserve the peace at special events. Such application shall be made to the Sheriff's Department and shall be in writing, stating the name and address of the applicant, the place where the special event is to be held, the estimated number of persons to be present and the purpose of the special event. Upon receipt of said application, the Sheriff's Department shall determine whether law enforcement services are necessary to preserve the peace, and if the Sheriff's Department so determines, and if the services will not reduce the normal and regular on-going service that the County would otherwise provide, the Sheriff's Department shall contract with the applicant to provide the services at an amount to include all costs to the Town of Yucca Valley.

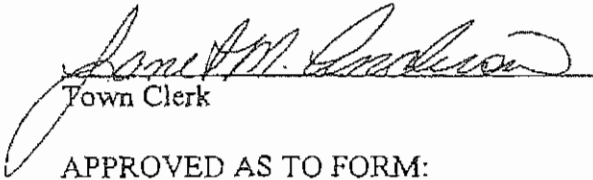
SECTION 2. NOTICE OF ADOPTION. Within fifteen (15) days after the adoption hereof, the Town Clerk shall certify to the adoption of this Ordinance and cause it to be published once in a newspaper of general circulation printed and published in the County and circulated in the Town pursuant to Section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

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

APPROVED AND ADOPTED by the Town Council and signed by the Mayor attested by the Town Clerk this 19~~th~~ day of Nov., 1998.

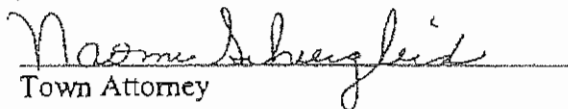

MAYOR

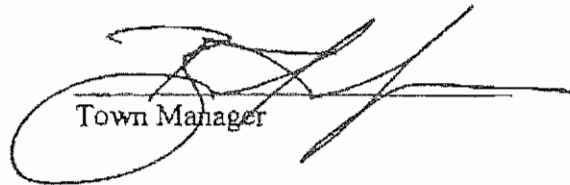
ATTEST:


Town Clerk

APPROVED AS TO FORM:

APPROVED AS TO CONTENT:


Town Attorney


Town Manager

F:\COMMON\COMMON\ORDINANCE\CA498TC.WPD

Chapter 7

TEMPORARY USES

Sections:

84.0701	General Provisions.
84.0705	Temporary Residential Quarters.
84.0710	Temporary Nonresidential Quarters.
84.0715	Temporary Construction Office Quarters.
84.0720	Temporary Real Estate Model Home/Sales Office.
84.0725	Temporary On-Your-Lot Builder Model Home/Sales Office.
84.0735	Temporary Signs.
84.0740	Temporary Transportable Treatment Unit.

84.0701 General Provisions.

(a) The uses described in this Chapter shall be permitted in any Land Use District subject to the issuance of a Temporary Use Permit (T.U.P.) in accordance with the provisions of Division 3 and as otherwise specified by this Chapter. In order to establish such a use, a person must submit a permit application and remit the appropriate fees to the Department of Environmental Health Services or the Office of Building and Safety and then obtain approval of the permit and any allowed extension thereof.

(b) Permit and permit extension actions may be appealed or referred to the next succeeding reviewing authority as specified by Division 3 of the Development Code. Such appeals shall consider compliance of the proposed action with the provisions of this chapter.

(c) All temporary uses shall be subject to the following, where applicable:

(1) The valid Temporary Use Permit issued by the Director of Environmental Health Services or Building Official shall be prominently displayed in a manner so as to be visible at all times from the exterior of the structure or vehicle so permitted and subject to inspection.

(2) The structure or vehicle so permitted shall provide evidence of approval by the State Division of Housing as prescribed in the California Health and Safety Code or the Federal Department of Housing and Urban Development.

(3) Installation of a structure or vehicle so permitted shall comply with all the requirements and regulations of the Development Code, Office of Building and Safety, and the Department of Environmental Health Services and applicable state and federal regulations.

(4) The owner of the use requiring the Temporary Use Permit shall submit a letter to the Reviewing Authority setting forth in detail the primary use or the use to which the structure or vehicle is to be put, the length of time such temporary use will be required, together with a statement of such future plans as will eliminate the necessity for the temporary use.

(5) A temporary occupancy use shall be located on the same parcel or on a contiguous parcel under the same ownership or control as the primary construction project, property being protected, or other primary use for which the Temporary Use Permit was requested and approved.

(d) A Temporary Use Permit may be issued for the interim operation of any use requiring a Conditional Use Permit for a period of time not to exceed one year, provided such permit does not authorize the construction or establishment of any new permanent structures and the Planning Agency makes the findings required for approval of a Conditional Use Permit. The Temporary Use Permit application shall be filed concurrently with an application for Conditional Use Permit, where appropriate.

(e) A Temporary Use Permit may be issued for the interim operation of an exterior storage area or short-term exterior sales display area for a period of time not to exceed thirty (30) days in any land use district.

84.0705 Temporary Residential Quarters.

Manufactured homes and self-contained recreational vehicles may be used for temporary residential quarters, subject to a Temporary Use Permit (T.U.P.) issued in accordance with the provisions of Division 3. Such temporary residential quarters shall be allowed only in the following instances:

(a) Temporary residential quarters for individuals involved in the construction of the first permanent dwelling unit on the same parcel. Such a T.U.P. shall be valid only if there is a current and valid Building Permit issued by the Building Official or a valid Mobilehome Setdown Permit issued by the Department of Environmental Health Services for the permanent dwelling unit.

(b) Temporary residential quarters for security personnel engaged in the short-term protection of a legally established and permitted commercial, commercial agricultural, industrial or institutional use; or for construction projects which have current and valid permits issued by the Office of Building and Safety.

T.U.P.'s for temporary security quarters or extension thereof, shall not be granted for any period of time to exceed five (5) years from the date the original T.U.P. was issued. If security quarters are needed for a longer term than three years, a caretaker's residence should be established in accordance with the provisions of the applicable land use district.

(c) The provisions of this Section shall not be construed to limit the authority of a public school, pursuant to law, to provide a manufactured home on school property for the purpose of housing a person or persons employed by the district as a watchman or caretaker of school property on a twenty-four (24) hour basis.

(d) Any permit issued pursuant to this Section in conjunction with a construction project shall become invalid upon cancellation or completion of the building permit for which the use has been approved or the expiration of the time for which the approval has been granted.

84.0710 Temporary Nonresidential Quarters.

(a) Manufactured homes, commercial coaches, self-contained recreational vehicles, mobile office vehicles, and appropriate structures constructed in accordance with the Uniform Building Code may be used for temporary nonresidential quarters, subject to the issuance of a Temporary Use Permit in accordance with the provisions of Division 3. Such temporary nonresidential quarters may be used to provide temporary office, retail, meeting assembly, wholesale, manufacturing and/or storage space for commercial, commercial agricultural, industrial, or institutional uses for a specified temporary period of time. Such quarters shall only be an interim substitute until permanent structures can be constructed or repaired, or until a short-term need has been satisfied.

(b) The Building Official shall determine through the Land Use Compliance Review that the proposed use has adequate access, circulation, parking, fencing, lighting, signage, landscaping and appropriate buffering from abutting uses as required by this Code and the applicable land use district.

(c) A T.U.P. for temporary nonresidential quarters and extension(s) thereof, shall not be granted for any period of time to exceed five (5) years from the date the original T.U.P. was issued.

84.0715 Temporary Construction Office Quarters.

Manufactured homes, commercial coaches, self-contained recreational vehicles, mobile office vehicles, and appropriate structures constructed in accordance with the Uniform Building Code may be used for temporary construction office quarters subject to a Temporary Use Permit (T.U.P.).

Any permit issued pursuant to this Section in conjunction with a construction project shall become invalid upon cancellation or completion of the building permit for which this use has been approved, or the expiration of the time for which the approval has been granted.

84.0720 Temporary Real Estate Model Home/Sales Office.

(a) Dwelling units may be used for temporary real estate model home/sales offices located in residential developments and subdivisions subject to the issuance of a Temporary Use Permit.

(b) Said model home sales office may be used only for conducting the necessary activities related to the initial sale or initial lease of the land or structure located within the residential development or subdivision in which the sales office is located, or such adjacent residential developments or subdivisions that are a part of or a continuation of the same development.

(c) At least one (1) model home shall be fully landscaped with drought tolerant xeriscape materials.

84.0725 Temporary On-Your-Lot Builder Model Home/Sales Office.

Single family dwelling units may be used for temporary on-your-lot builder model homes/sales offices subject to a Temporary Use Permit and the provisions of this Chapter, including the following:

(a) Intent. The provisions of this section are intended to regulate the use of a single family dwelling unit when used as a temporary sales office and model home for the sale of construction services to build single family residential units on vacant lots. These provisions are not intended to allow a permanent or temporary real estate office involved in real estate sales other than those involving lots sold in conjunction with the construction services being offered.

(b) Findings. Prior to the issuance of a Temporary Use Permit, the reviewing authority shall find and justify the following to be true:

The proposed On-Your-Lot Builder Model Home/Sales Office structure is located fronting on a roadway designated by the General Plan Circulation map as either a Major Divided Highway, Major Arterial, Major Highway, Secondary Highway, Desert Major, Desert Secondary, Mountain Expressway, Mountain Major or Mountain Secondary.

(c) Conditions. Prior to approving the request for or request to extend a Temporary Use Permit for an On-Your-Lot Builder model home/sales office, the proposed use shall comply with the following:

(1) The On-Your-Lot Builder Model Home/Sales Office shall be used only for the sale of construction services to build single family residential dwelling units on vacant lots and related real estate sales. All real estate sales shall be limited to the sale of vacant lots in conjunction with the sale construction services for the same lot. All real estate sales shall be an accessory and subordinate use to the primary use of construction service or sales.

(2) Only one (1) accessory freestanding or monument sign shall be permitted and it shall neither exceed thirty-two (32) square feet nor twelve (12) feet in height. Such a sign shall only be permitted on the same lot as the model home/sales office and shall be kept in good repair at all times. A freestanding sign shall maintain a minimum clearance of eight (8) feet between the bottom edge of the sign and the ground. The leading edge of such a sign shall be no closer than one (1) foot from the planned right-of-way. All signs shall comply with the provisions of Development Code Division 7, Chapter 8, that are not in conflict with this subsection.

(3) Also, each site shall be allowed to have a maximum of four (4) flags that are each a maximum twelve (12) square feet in area and a maximum twelve (12) feet in height. Such flags shall be maintained in good repair at all times. For the purpose of this Section, this shall mean no weathered, faded or tattered flags are allowed.

(4) One (1) "open house sign" no larger than twenty-four inches by eighteen inches (24" x 18") on poles no higher than four feet (4') may be displayed. Also, no more than two pennants may be displayed. Pennants shall be no greater than two feet by three feet (2' x 3') mounted on poles no higher than four feet (4'). Hours of open house sign and pennant flag displays shall be no earlier than sunrise and no later than sunset.

(5) Other than as allowed by this Section, moveable or portable signs, off-site directional signs, plastic banners, balloons, streamers, propellers, or other similar apparatus which are primarily placed and intended to attract the attention of the general public shall not be permitted.

(6) An annual inspection by the Department of Environmental Health Services shall be made in order to ensure compliance with any conditions of approval.

(7) A minimum of two (2) paved and two (2) other alternate parking spaces shall be provided. The Director of Environmental Health Services shall approve alternate parking spaces subject to surfacing requirements and possible alternate locations (e.g., on-street parking) where it is deemed necessary and appropriate.

(8) The model home shall be fully landscaped with drought tolerant xeriscape materials.

(9) A Bond shall be required to ensure removal of any signs or flags and to reconvert, where necessary, any garage conversion.

(10) A Temporary Use Permit for other On-Your-Lot Builder Model Home/Sales Office may be transferred to another party. Such a transfer shall not entitle the new owner to use such a permit for a longer time period than five (5) years from the issuance of the original permit. Department of Environmental Health Services shall be notified of any transfer of ownership.

(11) Agreement to Terminate a Temporary Use. Prior to the issuance of the permit for the first year and as a condition of that permit approval, the permittee shall enter into an agreement with the County, which shall be recorded in the official records of the County by the County Recorder. The agreement will establish the responsibility of the permittee to comply with the provisions of this Chapter. This will include acknowledgement that the permittee shall terminate the model home/sales office no later than five (5) years from the date of the initial permit and restore the structure to a use allowed by the current land use district on the subject property.

(d) Existing Uses. All existing On-Your-Lot Builder Model Home/Sales Offices shall be required to obtain a Temporary Use Permit for their use. Such permits together with approved annual extensions will allow these uses to continue for an additional five (5) years from the effective date of this Section, without penalty, provided such uses comply with the provisions and conditions established by or under the authority granted by this section.

84.0735 Temporary Signs.

Temporary Signs shall be allowed subject to a Temporary Use Permit (T.U.P.) issued in accordance with the provisions of Division 7, Chapter 7, regarding Temporary Signs.

84.0740 Temporary Transportable Treatment Unit.

Temporary Transportable Treatment Unit (TTTU) may be used for treating hazardous waste or groundwater contamination subject to a Temporary Use Permit (T.U.P.) issued in accordance with the provisions of Division 3. Such temporary transportable treatment units shall be allowed only in the following instances:

(a) The site where a TTTU will be located and operated complies with the siting criteria and procedures identified in the San Bernardino County Hazardous Waste Management Plan, or

(b) The Director of Environmental Health Services shall determine through the Land Use Compliance Review that the proposed TTTU use will not create additional health risks as demonstrated by a site specific health risk assessment.

(c) Any permit issued pursuant to this section in conjunction with a TTTU shall become invalid upon violation of a permitting requirement or completion of the project or the expiration of the time for which the approval has been granted.

(d) An annual inspection by the Department of Environmental Health Services shall be made in order to ensure compliance with any conditions of approval.

(e) A T.U.P. for a temporary transportable treatment unit and extension(s) thereof, shall not be granted for any period of time to exceed five (5) years from the date the original T.U.P. was issued.

DIVISION 7. GENERAL DESIGN STANDARDS

Chapters:

1. General Provisions
2. Dedications and Street Improvements
3. Lot Area
4. Height Regulations
5. Projections Into Yards
6. Parking Regulations
7. Sign Regulations
8. General Setback Regulations
9. Performance Standards
10. Conditional Grading Compliance

Chapter 1

GENERAL PROVISIONS

Sections:

- | | |
|---------|----------------------------|
| 87.0101 | Intent. |
| 87.0105 | Modification of Standards. |

87.0101 Intent.

The provisions of this Division are intended to specify design standards that generally apply to all land use districts. The standards of this Division elaborate upon and otherwise augment the development standards specified by individual land use districts.

87.0105 Modification of Standards.

The provisions of this Division shall prevail should they conflict with the provisions of a land use district, a planning area, or specific plan, unless such district, area or plan standard specifically overrides or modifies the provisions of this Division by specific reference. An overlay district, Planned Development or Variance may modify the provisions of this Division.

Chapter 2

DEDICATIONS AND STREET IMPROVEMENTS.

Sections:

- 87.0201 Dedication of Additional Highway Right-of-Way.
- 87.0205 Installation of Street Improvements.
- 87.0210 Delayed Improvements — Bonding.
- 87.0215 Waiver of Requirements — Procedure.
- 87.0220 Office of Building and Safety Determination.

87.0201 Dedication of Additional Highway Right-of-Way.

Prior to Final Inspection of any buildings or structures in the unincorporated areas of San Bernardino County, the dedication of additional highway right-of-way may, at the discretion of the Director of Transportation and Flood Control, be required to comply with the County General Plan, any adopted specific plan, or the provisions of any specific ordinance which has established a future right-of-way line. Where none of the foregoing exist, the required dedication in the Desert Areas shall be forty-four (44) foot half-width on section lines and quarter section lines and thirty (30) foot half width on sixteenth section lines. In the Mountain Areas, a twenty (20) foot half-width from centerline shall be required. In the Valley Areas, additional right-of-way shall be required in compliance with road widths established by the County General Plan after review by the Director of Transportation and Flood Control.

87.0205 Installation of Street Improvements.

Prior to Final Inspection of any building, structure or improvement resulting in an increase or change of vehicular traffic such that the construction of street improvements are necessary for the purposes of protecting public safety and health, the installation of street improvements may, at the discretion of the Director of Transportation and Flood Control, be required in accordance with the current adopted County standards. "Street improvements" include any or all curb and gutter, sidewalks, concrete driveway approaches, drainage structures, paving, back-filling and preparation of the road surface to rough grade for the placement of paving and other necessary improvements as determined by the Director of Transportation and Flood Control.

87.0210 Delayed Improvements — Bonding.

Such right-of-way dedication and installation of street improvements shall be required prior to the occupancy of the premises or commencement of the above-referenced uses. Where it is impractical to install the required improvements at the time of the proposed development, an agreement in writing shall be entered into with the County Department of Transportation and Flood Control to make such

improvements, and a cash deposit, a surety bond or such other form of surety as may be acceptable to the County Department of Transportation and Flood Control in an amount equal to the estimated cost of the improvements as determined by the County Engineer, shall be posted with the County Department of Transportation and Flood Control in lieu thereof, to guarantee the installation of such improvements. In the latter event, the actual installation of street improvements may be delayed until written demand therefor is made by the County. If surety bonds are submitted, they shall be furnished by a surety company authorized to write such bonds in the State of California.

87.0215 Waiver of Requirements — Procedure.

(a) Requirements for all improvements in the public right-of-way will be specified by the County Department of Transportation and Flood Control. Request for a waiver of any of these requirements may be made to the Director of Transportation and Flood Control who shall have the authority to approve modifications or reject any of the requirements.

(1) Prior to waiving or modifying any improvement requirement, the Director of Transportation and Flood Control shall find as follows:

(A) That the waiver or modification of the required improvement would not adversely affect the public health and safety.

(B) That neither the improvements being waived nor the modifications authorized delete improvements which are a necessary prerequisite to the orderly development of the surrounding area.

(2) Prior to waiving any improvement requirement, the Director of Transportation and Flood Control may require a written agreement from the applicant, agreeing to participate in any street improvement program for the area in which the property is located, whether privately or publicly initiated. This agreement shall be recorded with the County Recorder.

(3) Appeal of Action by Director of Transportation and Flood Control. Any decision by the Director of Transportation and Flood Control pertaining to a request to waive or modify required improvements may be appealed to the Planning Commission.

87.0220 Office of Building and Safety Determination.

Before Final Inspection of any such building or structure, the Office of Building and Safety shall determine the following:

(a) That all of the required dedications have been provided.

(b) That all of the required street improvements have either been installed or that a cash deposit, surety bond or other form of acceptable surety in an amount equal to the estimated cost of the street improvements has been posted with the County Department of Transportation and Flood Control to assure the installation of said street improvements.

Chapter 4

HEIGHT REGULATIONS

Sections:

- 87.0401 General Provisions.
87.0405 Permitted Structural Height Increases.

87.0401 General Provisions.

The maximum structural height development standards established by the land use districts may be increased as specified by this chapter provided such increase does not conflict with airport safety regulations or approved conditions of approval.

87.0405 Permitted Structural Height Increases.

(a) Single Dwelling. Single dwellings in land use districts that impose a height limitation of thirty-five (35) feet or less may exceed the height limit by up to twenty-five (25) feet, when two side yards of at least twenty (20) feet are provided.

(b) Institutional Structures. Institutional buildings in land use districts that impose a height limitation of thirty-five (35) feet or less may exceed the thirty-five (35) foot height limit by up to twenty-five (25) feet when the required front, side and rear yards are increased an additional one (1) foot in excess of minimum requirements for each four (4) feet in height above thirty-five (35) feet.

(c) Miscellaneous Structures. The maximum structure height specified in a land use district may be exceeded by no more than fifty percent (50%) for the following structures, subject to an approved Land Use Compliance Review by the Building Official:

- (1) Cupolas, domes, skylights and gables.
- (2) Ornamental towers and spheres.
- (3) Church steeples and towers.
- (4) Flag poles.
- (5) Birdhouses.
- (6) Residential chimneys, flues, smokestacks and enclosures.
- (7) Mechanical equipment and its screening.
- (8) Elevator housings.
- (9) Bulkheads and skylights.
- (10) Monuments.
- (11) Barns, silos, grain elevators, windmills and other farm buildings or structures in Rural Conservation or Agricultural districts.
- (12) Noncommercial antennae up to sixty-five (65) feet in residential districts.
- (13) Fire or parapet walls.
- (14) Fire and hose towers.

- (15) Stairway housing.
- (16) Water tanks.
- (17) Cooling towers, gas holders, smokestacks or other structures in industrial districts which are required by permitted industrial processes.
- (18) Windmills and solar energy collectors in residential or commercial districts.
- (19) Water towers.
- (20) Observation and carrillon towers.
- (21) Radio and television station towers.
- (22) Distribution and transmission cables and towers.
- (23) Outdoor theater screens.
- (24) Sign spires.
- (25) Penthouses.
- (26) Other roof structures and mechanical appurtenances similar to those listed above.

Chapter 5

PROJECTIONS INTO YARDS

Sections:

- 87.0501 General Provisions.
- 87.0505 Clear Areas.
- 87.0510 Table of Projections Into Yards and Courts.

87.0501 General Provisions.

All required yards or court areas shall be open and unobstructed from finished grade or from such other specified level at which the yard or court is required, to the sky, except for structures allowed in yard or court by the table in Section 87.0510. The architectural projections listed in Section 87.0510 must be attached to the principal building allowed on the lot.

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

87.0505 Clear Areas.

(a) The projections listed in the table in Section 87.0510 may not, in any event, encroach on or into the following:

- (1) The Clear Sight Triangle required at traffic intersections.
- (2) Within three (3) feet of any lot line, dividing lots not in common ownership, except as noted in the table.

87.0510 Table of Projections Into Yards and Courts.

Facilities	Front and Street Side Yards	Interior Side Yards and Courts	Rear Yard
(a) Eaves; awnings, canopies, louvers, and similar shading devices; sills, cornices, planting boxes, cantilevered closet and bay windows on first floor similar features; skylights, flues and chimneys; similar architectural features.	4 ft.	2 ft.	4 ft.

Facilities	Front and Street Side Yards	Interior Side Yards and Courts	Rear Yard
(b) Evaporative Coolers, air conditioner compressors and pool equipment.	4 ft. When screened from view	2 ft.	4 ft.
(c) Propane tanks sited per Uniform Fire Code and Fire Hazard Design Standards specified by Chapter 9 of this Division.	Not allowed	Not allowed	4 ft.
(d) Attached patio roofs and similar residential structures having open, unwallied sides along not less than 50% of their perimeters, including top deck.	4 ft.	Not allowed	15 ft. Minimum 5 ft. separation from rear lot line.
(e) Breezeways and similar roofed passageways projecting from a residential building.	4 ft.	Allowed	2 ft.
(f) Cantilevered or supported decks; and cantilevered bay windows provided the total width of bay windows on any one story does not exceed 50% of the length of the wall containing them. Bay windows are to have no liveable area except a bench seat.	4 ft.	3 ft.	4 ft.
(g) Roofed stairways, landings corridors and fire escapes that are enclosed.	5 ft.	3 ft.	10 ft.
(h) Porches, platforms, or stairways that are uncovered, or landings of average height not greater than 4 feet above required yard or court level, plus railings up to 4 feet high.	4 ft.	4 ft.	10 ft.
(i) Open storage of boats, R.V.'s, trailers, appliances and similar materials and temporary trash storage not within ten feet of structures.	Not allowed	Allowed	Allowed

PROJECTIONS INTO YARDS

87.0510

Facilities	Front and Street Side Yards	Interior Side Yards and Courts	Rear Yard
(j) Slides, clotheslines and similar equipment and radio or television masts or antennas.	Not allowed	Not allowed	Allowed
(k) Garages, carports, sheds and other detached, enclosed accessory buildings which occupy no more than 25% of yard.	Not allowed	Not allowed	Allowed
(l) Unroofed parking and loading areas.	As specified by the parking regulations (87.0601 et. seq.)	Allowed	Allowed
(m) Covered, underground or partially excavated structures, such as garages, fallout shelters, wine cellars, basements and public utility or telephone/cable TV vaults.	Allowed, provided that: The facilities do not extend more than 30 inches above the adjoining average finished grade level.		
(n) Fences, screening, safety guard rails, walls and dense hedges along property lines.			
(1) Industrial land use districts.	Allowed 6 ft. max. height	Allowed 10 ft. max. height	Allowed 10 ft. max. height
(2) Commercial land use districts.	4 ft. max. height	10 ft. max. height	10 ft. max. height
(3) All other land use districts.	4 ft. max. height	6 ft. max. height	6 ft. max. height
Fence heights in excess of these standards may be allowed by an approved Conditional Use Permit or Variance or when required by the County for reasons of the health and safety of the general public. In the RC and RL Land Use Districts, open fences may go up to a maximum of five (5) feet in the front and street side yards.			

Facilities	Front and Street Side Yards	Interior Side Yards and Courts	Rear Yard
(o) Trees, shrubs and landscaping, other than dense hedges with a screening effect, sculpture and similar decorations; flagpoles; unroofed paving; driveways; walkways, and utility poles and lines located along property lines no closer than one foot from property line.	Allowed	Allowed	Allowed
(p) Signs	Allowed, subject to Sign Design Standards.		
(q) Swimming Pools and spas no closer than 5 ft. of any property line.	Not allowed	Not allowed	Allowed

ORDINANCE NO. 198

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF YUCCA VALLEY, CALIFORNIA, REPEALING AND REENACTING CHAPTER 6 OF DIVISION 7, OF TITLE 8, OF THE COUNTY OF SAN BERNARDINO DEVELOPMENT CODE AS ADOPTED BY THE TOWN OF YUCCA VALLEY (PARKING REGULATIONS).

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

SECTION 1. MUNICIPAL CODE AMENDED.

- 1.1 Division 7, Chapter 6 of Title 8 of the San Bernardino County Code as adopted by the Town of Yucca Valley is hereby repealed, the repeal to be effective only upon the effective date of the reenactment of said Chapter as set forth in Section 2.1 of this ordinance.

SECTION 2. REENACTMENT OF DIVISION 7, CHAPTER 6 OF TITLE 8 OF THE SAN BERNARDINO CODE AS ADOPTED BY THE TOWN OF YUCCA VALLEY

- 2.1 Division 7, Chapter 6 of Title 8 of the San Bernardino County Code as adopted by the Town of Yucca Valley is hereby reenacted in its entirety to read as follows:

“Chapter 6 Parking Regulations

- 87.0601 PURPOSE AND INTENT
87.0605 BASIC REQUIREMENTS FOR OFF-STREET PARKING AND LOADING
87.0610 OFF-STREET PARKING AND LOADING SPACES REQUIRED
87.0615 PARKING SPACES FOR PEOPLE WITH DISABILITIES
87.0620 BICYCLE PARKING
87.0625 MINIMUM DESIGN STANDARDS FOR PARKING AREAS
87.0630 LOCATION AND DESIGN OF OFF-STREET LOADING SPACES
87.0635 DRIVEWAY AND CORNER VISIBILITY
87.0640 PARKING AREA LAND REQUIRED
87.0641 STANDARDS FOR TRUCK PARKING IN RESIDENTIAL AREAS
87.0645 PARKING DESIGN GUIDELINES
- 87.0601 PURPOSE AND INTENT:** The specific purposes of the off-street parking and loading regulations are to:
- a. Ensure that off-street parking and loading facilities are provided for new land uses, and for major alterations and enlargements of existing uses in proportion to the need for such facilities created by each use; and

- b. Ensure that off-street parking and loading facilities are designed in a manner that will ensure efficiency, protect the public health, safety, and welfare, and where appropriate, insulate surrounding land uses from the adverse impacts of parking facilities and ingress/egress.
- c. To ensure improved health, safety, and welfare for the motoring public through controlling areas to and from public roadways.

87.0605 BASIC REQUIREMENTS FOR OFF-STREET PARKING AND LOADING

a. When Required:

- (1) **New construction.** For all new construction, off -street parking, loading, ingress and egress shall be provided in accordance with this chapter.
- (2) **Expansion of existing structures.** For any expansion/addition to an existing building that creates the need for additional parking facilities, parking shall be provided for the existing structure and the expansion area in accordance with this chapter.
- (3) **Change in use of an existing structure with existing parking.** Parking shall be provided in accordance with this chapter for any change in use that results in the requirement for an increase in the number of parking spaces:

(A) No additional parking will be required where the total number of spaces required for the change in use is less than ten percent of the number of spaces required and existing for the use prior to such change. A change in occupancy is not a change of use unless the new occupant is considered a different land use classification than the former occupant

- (4) **Change in use when no paved parking exists:** Where a change in use requires additional parking on a site where there is no existing paved parking, fifty percent of the required number of parking spaces shall be improved in accordance with this chapter.
- b. **Nonconforming parking or loading.** No existing use of land or structure shall be deemed to be nonconforming solely because of the lack of off-street parking or loading facilities required by this chapter, provided that facilities being used for off-street parking and loading as of the date of adoption of this chapter is not being reduced.
- c. **Spaces required for multiple uses.** In the case of mixed occupancies for all new development, the total requirements for off-street parking shall be the sum of the requirements for the various uses computed separately.
- d. **Location and ownership.** Parking required to serve a residential use shall be on the same site as the use served, except that subject to approval of the Community Development Director, parking for interim housing may be located on a different site under the same or different ownership provided it is adjacent to the use served. Parking

required to serve a non-residential use shall be on the same site as the use served or different site under same or different ownership with an approved parking agreement. Any required landscape setback shall not be used to meet off-street parking requirements.

- e. **Common loading facilities.** The off-street loading facilities required by this chapter may be satisfied by the permanent allocation of the prescribed number of spaces for each use in a common truck loading facility, provided that the total number of spaces shall not be less than the sum of the individual requirements.
- f. **Computation of spaces required.** If, in the application of the requirements of this chapter, a fractional number is obtained, the number shall be rounded up or down to the nearest whole number.
- g. **Mixed Use Developments.** For planned mix-use developments which consist of retail, office, and theater or hotel, parking may be reduced by a maximum of 20 percent provided documentation is provided which demonstrates sufficient parking is being provided. Reduced parking would not be considered for development consisting of only retail and office.

87.0610 OFF-STREET PARKING AND LOADING SPACES REQUIRED

Loading spaces shall be provided in accordance with the following matrix:

Required Loading Spaces	
Gross Floor Area	Spaces Required
General Commercial and Institutional Uses	
Less than 5,000 sf	None required
5,000 to 20,000 sf	One
Each additional 20,000 sf	One additional

Professional Office Uses	
Less than 10,000 sf	None required
10,000 to 99,999 sf	One
Each additional 100,000 sf	One additional

Manufacturing, Wholesale, Warehousing, and other Industrial Uses	
Less than 20,000 sf	One
Each additional 20,000 sf	One additional

References to spaces per square foot are to be computed on the basis of gross floor area unless otherwise specified, and shall include allocations of shared restroom, halls, and lobby area, but shall exclude area for stairs or elevators.

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

Residential

Day care home, large,	1 per 6 children; maximum enrollment based on maximum occupancy load
Interim housing	1 per sleeping room plus 1 per 100 sq. ft. used for assembly purposes or for common sleeping areas.
Single-family dwelling	2 parking space within a garage or carport.
Duplex dwelling	1 parking space per dwelling unit within a garage or carport
Multifamily	1 ½ parking spaces for each dwelling unit containing one bedroom, and 2 parking spaces for each dwelling unit containing two or more bedrooms. At least one of the parking spaces required for each unit shall be within a garage or carport.
Mobile homes within parks	2 per unit, 1 covered; tandem parking is permitted, plus 1 space per 8 units which must be designated for guest parking.
Residential care	1 per 3 licensed beds.
Bed and Breakfast	1 space per room available for rent in addition to those required for the primary residence.
Boarding House or similar use	1 space per sleeping room or 1 space per bed whichever is greater.

Senior housing

1 per unit within a carport or garage

Institutional Uses

Places of assembly: auditoriums, religious centers, funeral chapels, stadiums

One (1) space for every four permanent seats in principal assembly area or room. Where no permanent seats are provided, one space for every 30 sf of floor area in principal assembly room. Twenty-four linear inches of bench or pew shall be considered a fixed seat.

Airports/heliports

As specified by Conditional Use Permit.

Convalescent hospitals, sanitariums, congregate care, retirement, or rest homes and homes for mental patients

One (1) space per three (3) licensed beds

Cultural institutions/museums

One (1) space per 300 sf.

Hospitals

One (1) space per patient bed

Schools: (public and private)

Nursery/preschool

One (1) space per staff member, plus one (1) space per 10 children.

K. thru 8th

Two (2) spaces per classroom

9th thru 12th

Seven (7) spaces per classroom

Community college, university

Ten (10) spaces per classroom, plus one (1) space per faculty member and employee on the largest shift

Vocational, trade, or technical schools

1 space per 1.3 of faculty, support staff, students during heaviest attendance period.

Commercial

Ambulance Service

1 space per 500 sf plus 1 space per ambulance

Animal Service:

Animal boarding

1 per 400 sq. ft.

Animal grooming

1 per 400 sq. ft.

Animal hospitals

1 per 400 sq. ft.

Artist / dance studio

1 space per employee, plus 1 space per 2 students at maximum capacity based on occupancy of the building per Uniform Building Code (UBC).

Auto repair and service	6 spaces plus 3 spaces per bay
Automobile sales, boat sales, mobile home sales, retail nurseries and other open uses not in a building or structure	1 space per 2,000 sf of open area devoted to display or sales; provided that where such areas exceed 10,000 sf, only 1 space need be provided for each 5,000 sf above the first 10,000 sf contained in such area
Auto storage	1 per 5,000 sq. ft. of lot area, plus a minimum of 2 spaces outside any perimeter fence or secure area.
Bingo parlors	1 per 2 seats.
Catering services	1 per 400 sq. ft.
Carwash - full service	1 per 200 sf. of sales, office, or waiting area; plus a 5 space stacking lane per washing station
Carwash - self serve	1 space per stall, plus a 2 space stacking lane in front of each stall.
Communications facility	1 space per 500 sf
Daycare center	1 space for each employee or teacher and 1 space for each 5 children that the facility is designed to accommodate.
Fitness centers	1 space per 200 sf.
Furniture stores, household appliance store, home improvement stores	1 space per 300 sf
Funeral & interment services	1 space per 50 sf seating area
General retail store and service establishments	1 space per 250 sf
Hotel / Motel	1 space per guest room; plus 1 per 50 sq. ft. banquet seating area plus parking for other uses and facilities as required by this schedule
Maintenance & repair services, other than automotive	1 per 400 sf.
Mini-storage / Public storage	1 space for the exclusive use of a resident manager plus 4 up to 150 storage units, 6 for 151 to 500 storage units, 10 for 501 to 1,000 storage units, and one additional for each 500 storage units (or portion thereof) in excess of 1,000.

Restaurants, including drive-ins, café, night clubs, bars, taverns, and other similar establishments where food and refreshments are dispensed	1 space per 50 sf of seating area (including outdoor dining) plus a stacking area to accommodate a minimum of 10 cars for drive-up service independent of any on-site parking, parking maneuvering areas, and traffic ways. The drive-thru lane shall be protected and/or defined by a curbed landscape strip not less than 3 ft. wide or the driveway shall be segregated so as to not interfere with pedestrian or vehicle traffic and parking as approved by the Planning Commission.
Restaurants (take-out or delivery only) with no seating area	4 spaces plus 1 space for every delivery vehicle
Shopping centers	1 per 250 sq. ft. up to 400,000 sq. ft. of floor area; 1 per 225 sq. ft. for 400,000 to 600,000 sq. ft. of floor area; 1 per 200 sq. ft. over 600,000 sq. ft.
Swap meet	1 per 1,000 sq. ft. of lot area.
Theaters	1 space per 4 fixed seats
Commercial Recreation:	
Driving range	3 spaces plus 1 space per tee
Golf Course	6 spaces per hole, plus as required for any accessory uses
Miniature golf	3 spaces per hole, plus as required for any accessory uses
Bowling alleys	5 per alley, 2 per pool table, plus 1 per 250 sq. ft. of public assembly and retail areas.
Tennis/ racquetball courts	2 per court, plus as required for any accessory uses
Pool / Billiards Hall	2 per pool / billiard table plus 1 space per 250 sf of public assembly
Skating rink, ice or roller	1 per 5 fixed seats, or 1 per 35 sf seating area if there are no fixed seats; plus 1 per 250 sf of additional public assembly area and retail sales (excluding rink area)
Video arcade	1 space per 200 sf.
Theme amusement or recreation park	1 space per 200 sf within an enclosed structure, plus 1 space for every 3 persons at maximum capacity.
Offices	
General Office	1 space per 250 sf, minimum of 4 spaces
Medical and dental	1 space per 200 sf, minimum of 4 spaces.

Hazardous waste facility & transfer station	1 space for each 4,000 sf. of outdoor storage of material or 1 space for 250 sf. of office space or 1 space for each 500 sf. of indoor storage, whichever is greater
Manufacturing	1 space per 350
Recycling center	1 space for each 4,000 sf. of outdoor storage of material or 1 space for 250 sf. of office space or 1 space for each 500 sf. of indoor storage, whichever is greater.
Salvage & wrecking yard	1 per 5,000 sq. ft. of lot area plus 1 per 300 sq. ft. of office and sales area; unless modified by Conditional Use Permit.
Warehousing	1 space per 1,000 sf plus 1 space per 250 sf of auxiliary office area

87.0615 PARKING SPACES FOR PEOPLE WITH DISABILITIES.

All parking facilities shall comply with the requirements of the California Administrative Code (Title 24) and with the sign requirements of the California Vehicle Code, Section 22511.7. One parking space shall be provided for each dwelling unit designated for individuals with disabilities. Parking for individuals with disabilities shall be provided for all other projects on the basis of total parking provided on-site as follows:

1-25	1
26-50	2
51-75	3
76-100	4
101-150	5
151-200	6
201-300	7
301-400	8
401-500	9
Over 500	add 1 space per each additional 200 spaces

Each parking space for the disabled shall be a minimum of fourteen (14) feet wide, striped to provide a nine (9) foot wide parking area and a five (5) foot wide loading area, by nineteen (19) feet in depth. If two parking spaces for the disabled are located adjacent to each other, they may share the five foot wide loading area.

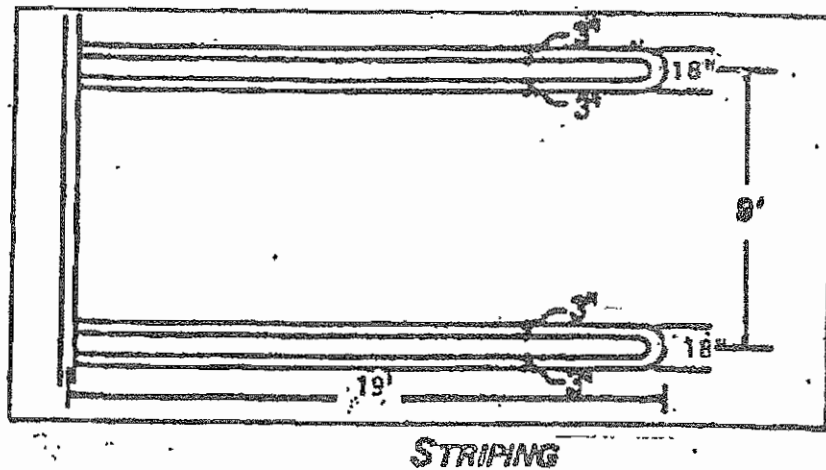
One in every eight (8) required accessible spaces, but not less than one, shall be served by an access aisle 96 inches wide minimum and shall be designed as "van accessible". Van accessible space shall be a minimum of seventeen (17) feet wide, striped to provide a nine (9) foot wide parking area and eight (8) foot wide access aisle (passenger side).

87.0620 BICYCLE PARKING

- a. Bicycle racks may be required for all commercial, industrial, public and semipublic projects. Bicycle parking would be in addition to automobile parking spaces.

87.0625 MINIMUM DESIGN STANDARDS FOR PARKING AREAS

- a. Except as provided in paragraph B below, each off-street parking stall shall consist of a minimum rectangular area nine (9) feet wide by nineteen (19) feet long with adequate provisions for ingress and egress.
- b. In parking lots which exceed 10 spaces capacity and serve non-residential uses, twenty-five percent of the required spaces may be allocated for compact parking.
- c. Compact car parking stalls shall not be less than seven and one-half feet wide and fifteen feet long. All compact car parking spaces shall be clearly marked and /or posted with signs stating "Compact Cars Only".
- d. Any parking adjacent to any building or structure, wall, or fence shall have wheel stops not less than 6 inch in height and a distance not less than 3 feet from said building or structure, wall, or fence.
- e. Individual parking stalls shall be clearly striped and permanently maintained with double or hairpin lines on the surface of the parking facility, with the two (2) lines being located an equal nine (9) inches on either side of the stall sidelines.



f. Minimum Aisle Widths

(1) One-way traffic:

One-way access drives leading to aisles within a parking area shall be a minimum width of twelve (12) feet, and within the aisles as follows:

Parking Stall Angle	Minimum Aisle (feet)
Parallel (0)	12
1-45	14
46-60	17
61-90	24

(2) Two-way traffic:

The aisles and the two-way access drives leading to aisles within a parking area shall be a minimum width of twenty-four (24) feet.

- g. All off-street parking and loading areas for commercial and industrial development and outdoor vehicle sales areas, including driveways, aisles, turning and maneuvering areas and parking spaces shall be paved with not less than two and one-half inches of asphalt concrete or an equivalent surfacing and shall be graded and drained so as to dispose of all surface water, and shall be maintained in good repair.
- h. All parking areas shall be well lit with sufficient lighting to illuminate all areas for security and safety and shall comply with the provisions of Chapter 8.70 *Outdoor Lighting Ordinance*.
- i. All street frontage parking shall have a three (3) foot high wall, solid hedge or landscape berm or a combination thereof or an alternate buffer may be used subject to approval of the Community Development Director, to buffer off-street parking, loading areas, and outdoor sales display areas. The buffer shall be measured from the grade of the parking, loading, outdoor sales area and in the case of hedges, shall be situated at the rear of the landscape setback. This paragraph shall not apply to single family residence or a two-unit duplex.
- j. Where more than twenty parking spaces are required in a commercial, office, or multi-family zone, the parking area shall be landscaped a minimum five (5) percent of the net off-street parking area.
- k. Drought tolerant, desert compatible shade trees and other landscape material shall be included in the parking lot design in order to reduce the visual effects of large asphalt areas and to assist in improving the appearance of the property from street frontage.

- i. Parking area shall be maintained at all times in a clean, neat, and orderly condition.
- m. All spaces in a parking facility, except single family and multifamily dwellings with up to two (2) dwellings, shall be accessible and all circulation shall be internal without re-entering a public right-of-way unless it is determined by the Community Development Director to be physically impossible to provide for such access. However, an alley may be used as maneuvering space for access to off-street parking. Off-street parking shall generally be located so as to be more convenient and accessible than on-street parking with respect to entrances of buildings and pedestrian circulation on the site served.
- n. Nonresidential parking, loading, or sales areas which abut residential land use districts, shall be separated by a solid fence or wall six (6) feet in height, measured from finish grade of parking lot. However, such fence or wall shall be reduced to a maximum four (4) feet in height within the required front or street side yard. Where no front or street side yard is required, such wall or fencing shall be four (4) feet high within ten (10) feet of the right-of-way.
- o. In single family residential land use districts where the parcel abuts a paved street or road, the driveway shall be surfaced with a minimum of two (2) inches of road mixed surfacing, except for single family residential uses on lots of eighteen thousand (18,000) square-feet or larger, in which case the driveway shall be dust proof with materials which may include slag, gravel, or similar materials.

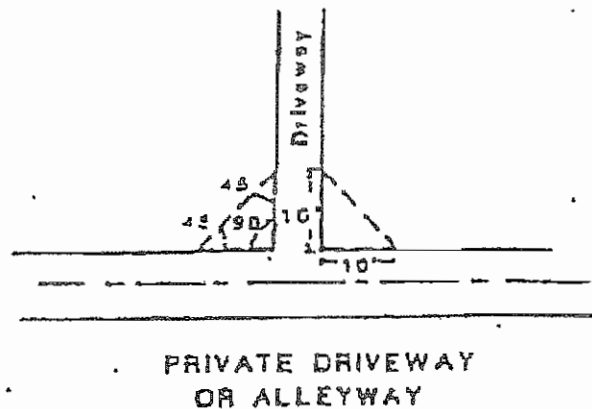
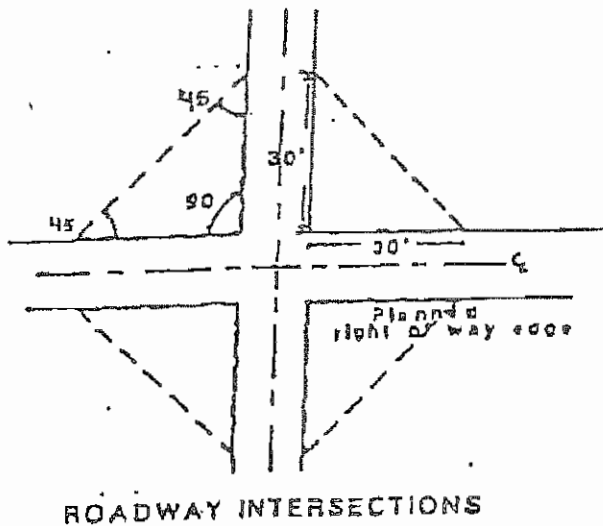
87.0630 LOCATION AND DESIGN OF OFF-STREET LOADING SPACES

- a. Each loading space shall not be less than ten (10) feet in width, twenty (20) feet in length.
- b. Required loading spaces shall not be within a building, but shall be on the site of the use served or on an adjoining site. On a site adjoining an alley, a required loading space shall be accessible from the alley unless an alternative access is approved by the Community Development Director. A required loading space shall be accessible without backing a truck across street property line unless the Community Development Director determines that provision of turn-around space is feasible and approves alternative access. An occupied loading space shall not prevent access to a required off-street parking space. A loading area shall not be located in a required landscape setback.
- c. Except in the Industrial District, a loading facility which serves a project(s) in excess of 50,000 square-feet that is visible from any public rights of way shall be screened from view.

87.0635 DRIVEWAY AND CORNER VISIBILITY

- a. Adequate visibility for vehicular and pedestrian traffic shall be provided at clear sight triangles at all ninety (90) degree intersections of public right-of-way and private driveways, through the following measures:
- b. Clear Sight Triangles are right angles which are measured as follows:
 - (1) The ninety (90) degree angle is formed by the intersection of either:

- (A) The intersection of the edges of two (2) roadways as measured at the edge of their ultimate planned right-of-way: or
 - (B) The intersection of the edge of a private driveway or alley and the edge of the ultimate planned right-of-way of an intersecting roadway.
- (2) The two (2) forty-five (45) degree angles of a Clear Sight Triangle shall be located as follows:



CLEAR SIGHT TRIANGLE

Exceptions. The Community Development Director may allow exceptions to the unrestricted visibility for street corners and driveways, following a determination that such exceptions will not adversely affect sight distance or pose a hazard to motorists and pedestrians.

87.0640 PARKING AREA PLAN REQUIRED: Prior to the construction of an off-street parking area for a non-residential use or a multi-family dwelling with more than 4 units, a plan shall be submitted to the Planning Section for the purpose of indicating compliance with the provisions of the Division. This plan shall include:

- a. The location and placement of required landscaped areas, including a computation of the required area;
- b. A planting plan including a list of plants by name and size keyed to their location on the parking area;
- c. Location and description of fencing and architectural screen walls;
- d. Layout and method of irrigation of landscaped areas;

- e. Location and placement of parking stalls, including bumpers, striping and circulation, and directional signs, and all dimensions to permit comparison with approved parking standards;
- f. Placement and illumination data of parking area lights; and
- g. Method of drainage.

87.0641 STANDARDS FOR TRUCK PARKING . Excluding pick-up trucks and sport utility vehicles, it shall be unlawful for any commercial vehicle having an unladen vehicle weight (as defined under the California Vehicle Code) of 10,000 pounds or more to be parked in a residential land use district except as allowed by this ordinance.

a. Definitions

“**Commercial Vehicle**” means a vehicle of a type required to be registered under the California Vehicle Code and is used or maintained for the transportation of persons for hire, compensation, profit, or design, used, or maintained primarily for the transportation of property having an unladen vehicle weight of 10,000 pounds or more.

“**Semi-trailer**” means a vehicle designed for carrying persons or property used in conjunction with a motor vehicle, and so constructed that some part of its weight and of its load rests upon, or is carried by, another vehicle.

“**Truck Parking Permit**” means the Commercial Vehicle Parking Permit issued by the Town of Yucca Valley.

“**Truck tractor**” means a motor vehicle designed and used primarily for drawing another vehicle and not so constructed as to carry a load other than a part of the weight of the vehicle and load so drawn. As used in this section “load” does not include items carried on the truck tractor in conjunction with the operation of the vehicle if the load carrying space for these items do not exceed 34 square feet.

“**Vehicle**” a device by which any person or property may be propelled, moved, or drawn upon a highway, excepting a device moved exclusively by human power or used exclusively upon stationary rails or tracks. Trailers, semi trailers, and truck tractors are considered vehicles.

b. Commercial Vehicle Parking Standards Single Family Land Use District.

- (1) The following standards shall apply to commercial vehicle parking within any single family residential land use district where documented proof of existence prior to the adoption date of this ordinance has been demonstrated.

(A) Summary of Standards:

Min. Parcel Size	Max. # of Trucks	Setback Requirements	Permit Required
10,000 s.f. or less	None		

10,001 s.f. or One
more

25 foot front yard setback. The truck tractor shall maintain a minimum 75 foot setback from any livable dwelling on adjacent properties to the side and rear while the semi-trailer shall maintain a minimum 45 foot setback from any livable dwelling on the adjacent properties to the side and rear. In the case of adjacent vacant property a minimum 15 foot side and rear yard setback is required until such time adjacent property is developed.

Commercial Vehicle
Parking Permit required.

Up to a 25% reduction in setbacks

May be approved by the Community Development Director, following ten (10) day notice to all property owners within 300' of the subject property and following a staff level hearing.

Up to a 50% reduction in setbacks

May be approved by the Planning Commission, following ten (10) day notice to all property owners within 300' of the subject property and following a Planning Commission hearing and approval of a Special Use Permit, Residential Truck Parking.

Up to one additional truck

May be approved by the Planning Commission, following ten (10) day notice to all property owners within 300' of the subject property and following a Planning Commission hearing and approval of a Special Use Permit, Residential Truck Parking.

- (B) The granting of such permit will not result in damage to Town streets or cause pedestrian or traffic hazards or adversely affect adjacent properties.
 - (C) There shall be no continuous operation of commercial vehicle engines, refrigeration units, accessory generators, or compressors. "Continuous operations" shall be defined as operating in excess of fifteen minutes during any twelve (12) hour period.
 - (D) Such commercial vehicles, including an unloaded trailer shall be parked on private property adjacent to the residence of the applicant and outside of the required setbacks as identified above.
 - (E) An established truck route shall be filed and approved by the Town identifying the route to be traveled to and from a designated truck route and the applicant's property.
 - (F) Repair of commercial vehicles within a residential land use district, other than adding oil, brake adjustments, or minor repair of electrical, belts, hoses, lights, or similar equipment, is prohibited in residential land use districts.
 - (G) Parking may be permitted on an adjacent vacant lot under the same ownership and/or control as the applicant's residence only when there is no access and/or adequate space to the rear or side of the residence, subject to compliance with all other conditions, including:
 - (1) Commercial vehicles parked on a vacant lot shall be parked the same distance from the street as the applicant's residence.
 - (2) The commercial vehicle shall be parked perpendicular to the street.
 - (H) A commercial vehicle may temporarily be parked within the required front setback for the purposes of conducting minor repairs and/or washing provided the vehicle is not parked within the setback for more than two (2) hours between the hours of 7 a.m. and 9 p.m.
- (2) A tow truck operator may apply for a Commercial Vehicle Parking permit subject to the following standards:
- (A) The tow truck must be registered to a permanent tow truck business located within a commercial or industrial land use district.
 - (B) The tow truck shall be used for emergency calls only between the hours of 5 p.m. and 8 a.m. and on weekends and legal holidays. No parking shall occur at the residence between 8 a.m. and 5 p.m., except on weekends and legal holidays.

(C) The truck shall be parked in conformance with Section 87.0641(b)(1).

c. **Commercial Vehicle Parking Standards Commercial & Industrial Land Use Districts**

- (1) The following standards shall apply to commercial vehicle parking within any commercial or industrial land use district:
 - (A) The property where the commercial vehicle parking is to take place must be developed as commercial or industrial. Where a nonconforming residence may exist within a commercial or industrial land use district, no commercial vehicle parking will be allowed except in accordance with Sections (b) *Commercial Vehicle Parking Standards Single Family Land Use District*.
 - (B) When commercial or industrial property is adjacent to a residential land use district:
 - (1) There shall be no continuous operation of commercial vehicle engines, refrigeration units, accessory generators, or compressors. "Continuous operations" shall be defined as operating in excess of fifteen minutes during any twelve (12) hour period or the amount of time required for maneuverability of the truck, which ever is less, except during loading and unloading.
 - (2) All parking must be a minimum of 75 feet from any residence.
 - (C) Parking may be permitted on any street within any commercial or industrial area subject to the following standards:
 - (1) The street must be fully improved.
 - (2) The parking does not interfere with the visibility of vehicular and pedestrian traffic and is outside the clear sight triangle.
 - (3) The parking does not interfere with two-way traffic.
 - (4) Is not parked in excess of 72 hours.
 - (5) The parking does not violate any provision of the California Vehicle Code.
 - (6) The parking is not for the purpose of advertising a special event, merchandise sale, or business.

d. **Commercial Vehicle Parking Prohibited.**

- (1) In the interest of public safety and welfare, commercial vehicles as defined in this chapter are prohibited from parking on any street or portion thereof within a residential area, except with respect to making pickups or deliveries.
- (2) Parking of commercial vehicles is prohibited on a single family residential vacant lot, except as allowed in accordance with Section (b)(1)(G).
- (3) Parking of commercial vehicles is prohibited in any residential land use districts, except as allowed in accordance with Section (b) *Commercial Vehicle Parking Standards Single Family Land Use District*.
- (4) Vehicles used for the transportation of hazardous materials shall not be left unattended or parked overnight in a residential area per the California Vehicle Code.
- (5) Parking of commercial vehicles is prohibited in mobile home parks.
- (6) Unattached trailer or semi-trailers are prohibited on any highway, street, alley, public way or public place except in the process of being loaded or unloaded. Disabled trailers or semi-trailers or construction equipment which requires disconnecting the trailer to perform the required service shall be removed from the public right-of-way within twenty four (24) hours.

e. **Application and Permit.** Residents who utilized their property prior to the adoption of this ordinance may apply for a Commercial Vehicle Parking Permit to park their commercial vehicle on their residential property, subject to the standards contained above.

- (1) A completed Commercial Vehicle Parking Permit Application must be filed with the Town of Yucca Valley Planning Division within 120 days from the effective date of the ordinance. An existing operator who fails to obtain a Commercial Vehicle Parking Permit within the 120 day period will no longer be eligible under Section 87.0641(b) *Commercial Vehicle Parking Standards Single Family Land Use District*.
- (2) The applicant for the parking permit shall be the owner of the property or, if renting the residence, shall have written permission from the property owner. The permit is not transferable to another person or property.
- (3) At the time of application for the parking permit, the applicant shall show proof that he/she is the registered owner of the commercial vehicle and the vehicle is currently registered. The parking permit may also be issued to non-owners who show written permission of the vehicle owner and current registration.
- (4) When parked at the place of residency the commercial vehicle must display a Town of Yucca Valley Parking Permit placard from the front windshield. Failure to display the placard is a violation of this Code.

- f. **Variance Procedures.** Variances from the Commercial Vehicle requirements as established within Section 87.0641 (b). may be granted as Minor Variances pursuant to the procedures set forth below:
 - (1) Application for a Minor Variance shall be filed with the Planning Section with the appropriate fee established by resolution of the Council.
 - (2) The Minor Variance will be a staff level review with notice. However, if no verbal or written responses are received within one day of the established hearing date, the request will be reviewed and a decision rendered without a formal Staff Review meeting.
- g. **Appeal.** Any affected person may appeal the decision of the Director of Community Development Department to the Planning Commission. Appeals shall be filed with the Community Development Department within ten (10) days following the date of the action appealed. Any decision of the Planning Commission may be appealed to the Town Council within ten (10) days following Commission action.
- h. **Revocation**
 - (1) The Director of Community Development may revoke the Parking Permit upon failure to comply with any provisions of this code.

87.0645 PARKING DESIGN GUIDELINES

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

The design guidelines are general and may be interpreted with some flexibility in their application to specific projects. The guidelines will be utilized in conjunction with uses subject to a Site Plan Review in accordance with Chapter 3, Division 3 of Title 8: *Site Plan Review*, and conditional uses in accordance with Division 3, Chapter 3, Articles 1 and 9 of Title 8: *Conditional Use Permits and Variances*, to encourage the highest level of design quality while at the same time providing the flexibility necessary to encourage creativity on the part of project designers.

- b. **General design principles.** A well designed parking facility depends on a variety of desirable elements, including:
 - (1) Ease and convenience to all users;
 - (2) The best utilization of available space;

- (2) The best utilization of available space;
- (3) Ease of access;
- (4) Good internal circulation;
- (5) Easy parking maneuvers;
- (6) Public transit;
- (7) Safety; and
- (8) Aesthetics.

c. **Access**

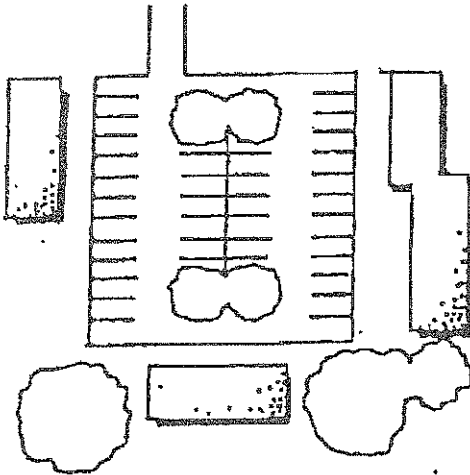
- (1) Locate driveways with left-turn movements with special attention to spacing driveways relative to the nearest point of street traffic control, especially a signal. Left turn movements are relatively hazardous.
- (2) Locate driveways with right-turn entry movements with special attention to their location relative to street traffic control. Such movements which may impede through traffic shall be minimized.
- (3) Driveway design should be directly related to the layout of the parking area, amount of stacking distance (e.g., drive-in service facilities), type of loading facility, circulation pattern, building placement, and relation to the design of the public street, traffic control devices, traffic volumes and placement of other driveways.
- (4) Driveways "throat" distance should be sufficient to minimize any effect on traffic movements on adjacent streets.

Driveway Throat Distance

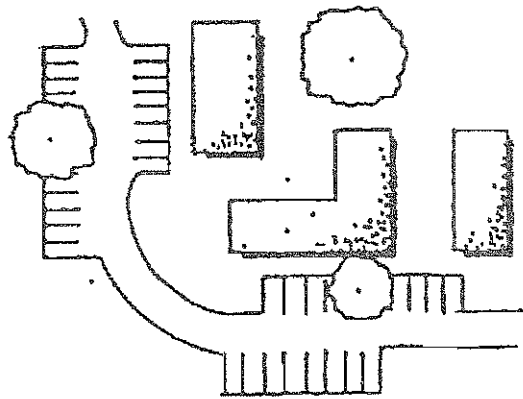
- (5) Avoid locating entry and exit points where vehicles entering or leaving the site would conflict with large numbers of pedestrians.
- (6) The access points should be limited to minimize the number of potential conflict points with public streets.
- (7) Driveway distance should be sufficient to prevent vehicles from backing into the public street.
- (8) Access roads and aisles for parking should be kept at the maximum distance possible from residential units.

d. Parking lot layout

- (1) When possible, segregate employee parking from customer parking. Employees will generally walk further from parking to their work destinations than shoppers will walk from parking to stores.
- (2) Larger parking lots should be broken into smaller modules to reduce the size and visual impact of expansive parking areas or should be designed with additional shade trees/landscaping and other material to assist in minimizing the visual effect of large parking facilities.



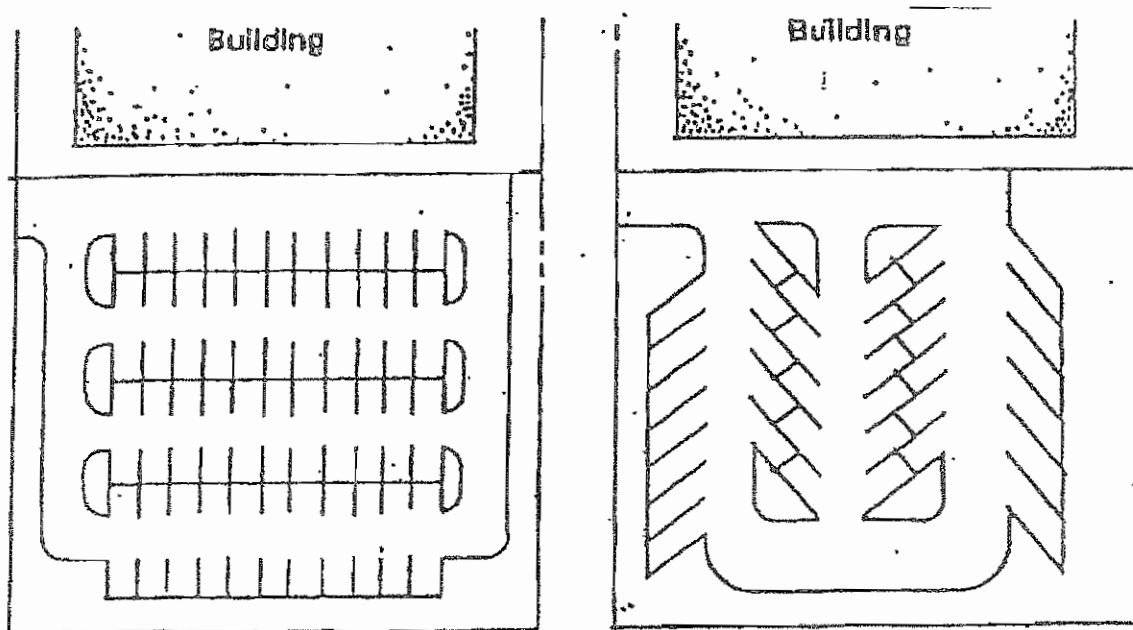
Large lots dominate the site.



Small scattered lots are less dominating.

- (3) Minimize the number of continuous parking spaces without interruption.
- (4) Consolidated parking lots for multiple uses are encouraged where practical.
- (5) Parking should be designed so that backing and turning movements associated with parking layout will not obstruct or conflict with traffic, either on-or-off-site.

- (6) Parking lots shall be designed with adequate room to allow vehicles to turn around within the parking lot and enter an adjoining street in a forward direction.
- (7) Parking shall be provided with curbs, wheel stops or other barriers to prevent vehicles from extending beyond the perimeter of the parking lot and to prevent vehicles from contacting a wall, a fence or a sidewalk.
- (8) Access aisles should be designed to allow the user to walk directly toward, rather than parallel to, the building front.



Not This

Do This

Orient parking aisles toward the building front.

- (9) End islands should be used to enhance the functional and aesthetic qualities of a parking lot in the following ways:
 - (A) Delineating on-site circulation roadways;
 - (B) Ensuring adequate sight distance at the intersections of the parking aisles and driveways;
 - (C) Defining the area and geometry of intersections of parking aisles and driveways;
 - (D) Protecting the vehicles at the end of a parking bay; and

(E) Providing aesthetic enhancement of the site design.

e. **Parking Stalls**

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

f. **Loading**

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

g. **Lighting**

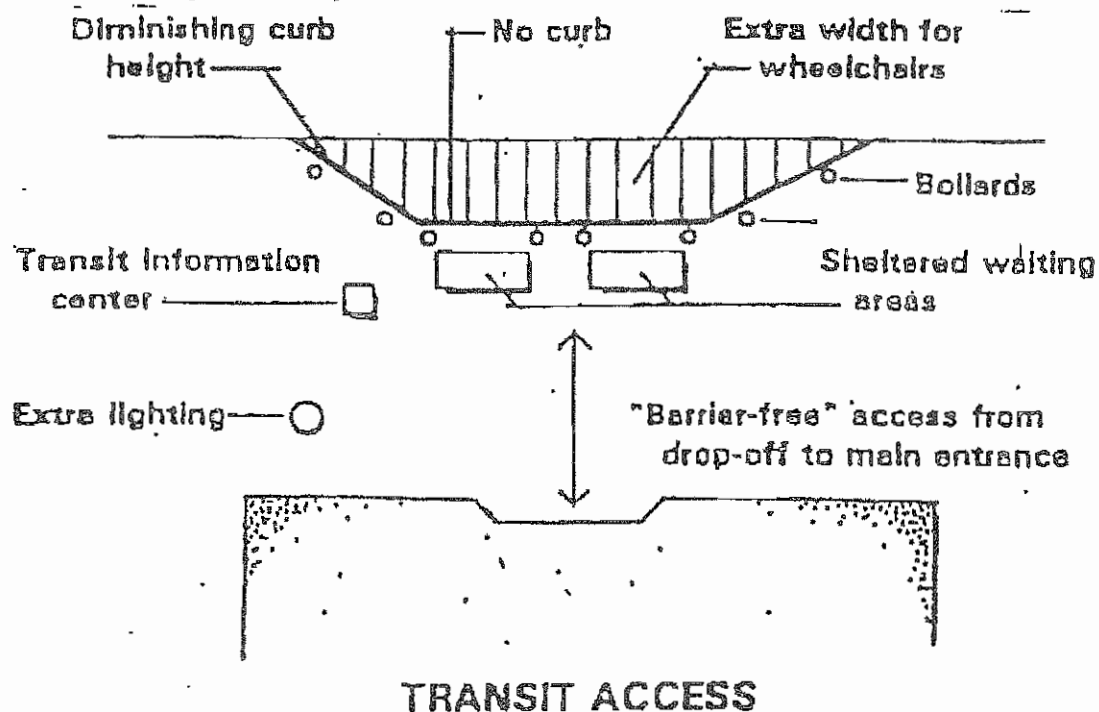
- (1) All parking lot and loading facility lighting shall be shielded in accordance with Chapter 8.70 *Outdoor Lighting Ordinance* so that substantially all the directly emitted light falls within the property line.
- (2) No illumination is to be designed or used which produces direct, or reflected light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

h. Pedestrian

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

i. Transit

- (1) Large scale commercial developments and employment center should provide transit access as near as possible to the main entrance to the facility.
- (2) Transit stops should be designed as an integrated component of the site and feature pedestrian amenities and shelter. Secured transit information centers or kiosks with bus routes and schedule information should be provided if feasible.
- (3) Non-residential development should orient the front or main entrance to the facility toward major streets with transit facilities.



- (4) Where parking areas separate the front or main entrance of the building from the transit facility, a separate pedestrian walkway or sidewalk may be required.

j. **Bicycles**

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

k. **Landscaping**

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

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 12th day of February, 2009.

MAYOR

ATTEST:

Town Clerk

APPROVED AS TO FORM:

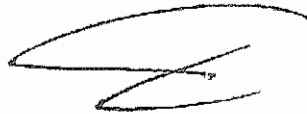
APPROVED AS TO CONTENT:

Town Attorney

Town Manager

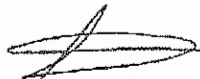
P:\MAJOR PROJECTS\DCA\2008\DCA 01-08PC - Parking Regs.RTF

APPROVED AND ADOPTED by the Town Council and signed by the Mayor and attested by the Town Clerk this 17th day of February, 2009.



MAYOR

ATTEST:



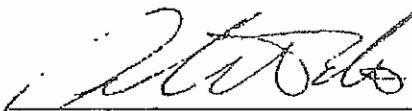
Town Clerk

APPROVED AS TO FORM:



Town Attorney

APPROVED AS TO CONTENT:



Town Manager

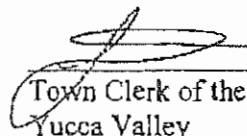
STATE OF CALIFORNIA
COUNTY OF SAN BERNARDINO
TOWN OF YUCCA VALLEY

I, Janet M. Anderson, Town Clerk of the Town of Yucca Valley, California hereby certify that the foregoing Ordinance No. 198 as duly and regularly introduced at a meeting of the Town Council on the 26th day of January, 2009, and that thereafter the said ordinance was duly and regularly adopted at a meeting of the Town Council on the 12th day of February, 2009, by the following vote, to wit:

Ayes: Council Members Herbel, Huntington, Mayes, Neeb, and Mayor Luckino
Noes: None
Abstain: None
Absent: None

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of the Town of Yucca Valley, California, this 13th day of February, 2009.

(SEAL)



Town Clerk of the Town of
Yucca Valley

Chapter 9

PERFORMANCE STANDARDS

Sections:

87.0901	Intent.
87.0905	Noise
87.0910	Vibration.
87.0915	Air Quality.
87.0920	Glare.
87.0930	Electrical Disturbances.
87.0935	Fire Hazards.
87.0940	Waste Disposal.

87.0901 Intent.

(a) The provisions of this chapter shall apply to commercial and industrial land uses.

(b) Performance standards are designed to mitigate the environmental impacts of existing and proposed land uses within a community. Environmental impacts include noise, air quality, glare, heat, and waste disposal and runoff control. Performance standards protect the health and safety of workers, nearby residents and businesses; and prevent damaging effects to surrounding properties.

87.0905 Noise.

(a) NOISE MEASUREMENT. Noise will be measured with a sound level meter, which meets the standards of the American National Standards Institute (ANSI Section S14-1979, Type 1 or Type 2). Noise levels shall be measured using the "A" weighted sound pressure level scale in decibels (ref. pressure = 20 micronewtons per meter squared). The unit of measure shall be designated as dBA. The Director of the Department of Environmental Health Services shall be the noise control officer.

(b) NOISE STANDARDS.

(1) The following table describes the noise standard for emanations from any source, as it affects adjacent properties:

NOISE STANDARDS

Affected Land Use (Receiving Noise)	Noise Level (Ldn)	Time Period
Residential	55 dBA	7:00 a.m.-10:00 p.m.
	55 dBA	10:00 p.m.-7:00 a.m.
Professional Services	55 dBA	Anytime
Other Commercial	60 dBA	Anytime
Industrial	70 dBA	Anytime

(2) No person shall operate or cause to be operated any source of sound at any location or allow the creation of any noise on property owned, leased, occupied or otherwise controlled by such person, which causes the noise level, when measured on any other property, either incorporated or unincorporated, to exceed:

(A) The noise standard for that receiving land use (as specified in Subsection (b)(1) of this section) for a cumulative period of more than thirty (30) minutes in any hour; or

(B) The noise standard plus 5 dBA for a cumulative period of more than five (5) minutes in any hour; or

(C) The noise standard plus 10 dBA for a cumulative period of more than five (5) minutes in any hour; or

(D) The noise standard plus 15 dBA for a cumulative period of more than one (1) minute in any hour; or

(E) The noise standard plus 20 dBA for any period of time.

(c) If the measured ambient level exceeds any of the first four (4) noise limit categories above, the allowable noise exposure standard shall be increased to reflect said ambient noise level. If the ambient noise level exceeds the fifth noise limit category, the maximum allowable noise level under this category shall be increased to reflect the maximum ambient noise level.

(d) If the alleged offense consists entirely of impact noise or simple tone noise, each of the noise levels in Subsection (b)(1) of this section shall be reduced by 5 dBA.

(e) EXEMPT NOISES.

(1) The following sources of noise are exempt:

(A) Motor vehicles not under the control of the industrial use.

(B) Emergency equipment, vehicles, and devices.

(C) Temporary construction, repair, or demolition activities between 7:00 a.m. and 7:00 p.m. except Sundays and Federal holidays.

87.0910 Vibration.

(a) **VIBRATION STANDARD.** No ground vibration shall be allowed which can be felt without the aid of instruments at or beyond the lot line, nor will any vibration be permitted which produces a particle velocity greater than or equal to two-tenths (0.2) inches per second measured at or beyond the lot line.

(b) **VIBRATION MEASUREMENT.** Vibration velocity shall be measured with a seismograph or other instrument capable of measuring and recording displacement and frequency, particle velocity or acceleration. Readings are to be made at points of maximum vibration along any lot line next to a lot within a residential, commercial and industrial land use district.

(c) **EXEMPT VIBRATIONS.**

(1) The following sources of vibration are not regulated by this Code:

(A) Motor vehicles not under the control of the subject use.

(B) Temporary construction, maintenance or demolition activities between 7:00 a.m. and 7:00 p.m. except Sundays and Federal holidays.

87.0915 Air Quality.

(a) All required permits shall be obtained for equipment that may cause air pollution. Before such equipment may be constructed, plans and specifications must be submitted for approval. After completion of construction, the equipment will be evaluated for a "Permit to Operate" and the installation inspected and tested. Plants must be reviewed annually, and, whenever there is a change of ownership, the equipment is rented, changes are made, or the equipment is relocated.

(b) Detailed rules for air containment emissions apply to, among others, hydrocarbons, oxides of nitrogen, sulfur dioxide, total suspended particulate (including fugitive dust), carbon monoxide, smoke, odor, combustion, containments, sulfur content of fuels, use of solvents, storage of organic liquids, and special regulations for certain industrial processes and equipment.

(c) The Ringelman Chart, published by the United States Bureau of Mines, shall be the basic measure for the density of smoke or other visible emissions. Emissions as dark or darker than Ringelman No. 1 shall not be allowed for periods of or aggregating to more than three (3) minutes in any one (1) hour.

(d) Permits for that portion of San Bernardino County lying north and east of the San Bernardino mountain range (southerly of the township line common to T3N and T2N and westerly of the range line common to R3E and R2E, SBB&M) shall be obtained from the San Bernardino County Air Pollution Control District; for the basin and mountain portion of the County, permits shall be obtained from the South Coast Air Quality Management District.

87.0920 Glare.

(a) Glare levels shall be measured with a photoelectric photometer, following the standard spectral luminous efficiency curve adopted by the International Commission on Illumination.

(b) Any activity producing glare in a Community Industrial or Regional Industrial District shall be carried on so that direct or indirect light from the source shall not cause glare above point five-tenths (0.5) footcandles when measured in a Residential District or lot.

87.0925 Heat.

Land uses in industrial districts shall not emit heat which would cause a temperature increase on any adjacent property in excess of 10 degrees (10°) Fahrenheit, whether the change is in the air, on the ground or in any structure.

87.0930 Electrical Disturbances.

No activity or land use shall cause electrical disturbance that adversely affects persons or the operation of any equipment across lot lines and is not in conformance with the regulations of the Federal Communications Commission.

87.0935 Fire Hazards.

This section establishes standards for storage of solid materials susceptible to fire hazards and flammable liquids and gases.

(a) Combustible Solids. Land uses which include the storage of solid materials susceptible to fire hazards shall be subject to the following storage standards when established within the following Land Use Districts:

(1) Regional Industrial (IR) Land Use District.

(A) Inside Storage. A building utilized for the storage, use, or manufacture of flammable solid materials shall be no less than forty (40) feet from any lot line and any other on-site buildings or shall adhere to standards specified in subsection 87.0935(a)(2) below.

(B) Outside Storage. Outdoor storage of flammable solid materials shall be no less than fifty (50) feet from any lot line and any other on-site buildings.

(2) All other manufacturing or industrial uses legally established within any other land use district. The storage, use or manufacture of highly flammable solid materials shall be done in enclosed spaces having fire resistance of no less than two (2) hours and protected with an automatic fire extinguishing system.

(b) Flammable Liquids and Gases. Land uses which involve the storage of flammable liquids and gases shall be subject to the following storage standards when established within the following land use districts:

(1) Storage Capacity. The total storage capacity of flammable liquids and gases on any lot shall not exceed the following quantities and setbacks:

LIQUIDS

Land Use District	Maximum Capacity
A. Liquids	
Regional Industrial District (IR)	120,000 gallons
All other manufacturing or industrial uses legally established within any other land use district	60,000 gallons
B. Liquefied Petroleum Gas (LPG).	
All manufacturing or industrial uses established in any land use district	Per S.B. County Code Title 2, Division 3
All commercial uses legally established in any land use district	15,000 gallons per tank 20,000 gallons maximum aggregate total
All agricultural uses legally established in any land use district	15,000 gallons per tank and aggregate total
C. Gases, other than LPG.	
Regional Industrial District (IR)	300,000 SCF Above Ground 600,000 SCF Below Ground
All other manufacturing or industrial uses legally established within any other land use district	150,000 SCF Above Ground 300,000 SCF Below Ground

SCF — Standard Cubic Feet at 60 degrees Fahrenheit and 29.92 inches Hg.

(2) The San Bernardino County Code Title 2, Division 3, shall establish setback requirements for flammable liquids and gases.

(c) **LPG Siting Requirements.** The following standards shall apply to the installation and maintenance of liquefied petroleum gas (LPG) storage and distribution facilities for commercial, agricultural, manufacturing or industrial uses in applicable land use districts allowing such uses. The County Code Title 2, Division 3, shall establish such standards for residential uses and residential land use districts.

(1) **Requirement for Conditional Use Permit.** All LPG storage and distribution facilities, except those for residential uses, shall be subject to a Conditional Use Permit, and subject to this section. In the event of any conflict between the provisions of this section and the provisions of any land use district, including the requirement for Conditional Use Permit, the provisions of this section shall prevail and control.

(A) The Planning Agency shall notify the applicable local fire authority of any Conditional Use Permit request to establish an LPG storage and distribution facility.

(B) The applicable local fire authority shall provide an analysis and report to the Planning Agency in accordance with the County Code Title 2, Division 3. This report shall address the following issues, as well as any other relevant issues.

- (I) Topographical Conditions
- (II) Nature of Occupancy
- (III) Proximity to Buildings
- (IV) Capacity of Proposed Tanks
- (V) Degree of Private Fire Protection
- (VI) Local Fire Protection Facilities
- (VII) Exposure To or From Other Properties
- (VIII) Water Supply
- (IX) Effectiveness of Plan Fire Brigade
- (X) Time of Response
- (XI) Probable Effectiveness of Fire Department
- (XII) Access Roads (All-weather surface)

(C) The applicable local fire authority shall provide the Planning Agency with recommendations of conditions of approval based upon the required analysis report and any health or safety conditions independently imposed by the applicable local fire authority.

(D) The Planning Agency shall impose as one of the conditions of approval for such uses the requirement that a Special Use Permit for the operation, siting and maintenance of an LPG storage and distribution facility be obtained and shall be made subject to the following:

(I) The Director of Environmental Health Services shall designate the applicable local fire authority as the reviewing authority for such Special Use Permits.

(II) The Special Use Permit shall be issued for time periods not to exceed two (2) years between the review and renewal of such a permit.

(III) Prior to issuance or renewal of such a Special Use Permit, the applicable local fire authority shall review the LPG storage and distribution facilities to determine compliance with the conditions of approval imposed by the Conditional Use Permit and/or Special Use Permit for such use. Also, the need for any additional conditions of approval shall be evaluated, including any needs caused by the development or change of use of the subject property or surrounding properties. Among the considerations of such a periodic review shall be the need for additional protective measures as surrounding areas develop.

(E) The Planning Agency shall not approve such requested Conditional Use Permits unless the applicable local fire authority has recommended such approval along with the conditions and requirements necessary to allow such a use.

(F) The Planning Agency shall not waive or significantly modify any such condition of approval unless recommended by the applicable local fire authority.

(2) Fire protection requirements for all parcels.

(A) Setbacks for LPG storage and distribution facilities from structures and property lines shall be those specified by the San Bernardino County Code Title 2, Division 3.

(B) LPG storage tanks shall be centrally located on the parcel to the satisfaction of the local fire authority.

(3) Additional fire protection requirements for parcels which have no more than one occupied structure which is less than five thousand (5,000) square feet in size and where the water system provides substandard flows per ISO Standards for structure protection are as follows:

(A) Where parcel size is ten (10) acres or more:

Fire flow shall be calculated for exposures only, in accordance with the County Code Title 2, Division 3.

(B) Where parcel size is at least five (5) acres but less than ten (10) acres:

(I) A one (1) hour approved protective coating shall be applied to the LPG storage tank.

(II) Fire flow shall be calculated for exposures only, in accordance with the County Code Title 2, Division 3.

(C) Where parcel size is at least two and one-half (2½) acres, but less than five (5) acres:

(I) A two (2) hour approved protective coating shall be applied to the tank.

(II) Fire flow shall be calculated for exposures only, in accordance with the County Code Title 2, Division 3.

(4) Additional fire protection requirements for any parcel with adequate fire flow available per ISO Standards:

(A) Fire hydrant(s) shall serve the parcel in accordance with the County Code Title 2, Division 3.

(B) Fire flow shall provide for exposure protection (ISO Calculation) and LPG storage tank protection/suppression (sprinklers shall use calculations, as adopted by County Code Title 2, Division 3, hoses shall use the formula $GPM = \text{five (5) times the square root of the tank capacity}$).

(C) Additional protection:

(I) Where the local fire authority determines that water can be applied to the tank or exposures by the fire authority in required amounts in eight (8) minutes or less, no additional protection shall be required.

(II) Where the local fire authority determines that water cannot be applied to the tank or exposures by the fire authority in required amounts in eight (8) minutes or less, one (1) of the following protection measures shall be required:

(i) One (1) hour approved protective coating shall be applied to the LPG storage tank; or

(ii) A fixed spray water system shall be installed as approved by the fire department.

(5) Additional fire protection requirements for any parcel not included in either 87.0935(c)(3) and (4) above.

(A) Either a one (1) hour or more protective coating shall be applied to the LPG storage tank, as required by the fire authority; or a fixed spray water system shall be installed in lieu of coating the tank.

(B) Fire flow shall be calculated for exposure only, in accordance with the San Bernardino County Code Title 2, Division 3.

87.0940 Waste Disposal.

(a) **LIQUID WASTE DISPOSAL AND RUNOFF CONTROL.** Land uses shall operate within the guidelines of the Regional Water Quality Control Board in the particular region that serves that location. Disposal of liquid waste must meet applicable guidelines of the Department of Environmental Health Services and the Office of Building and Safety. Disposal of waste shall comply with County Code, Division 1, Chapter 2, Section 31.023; Division 3, Chapter 3, Sections 33.031-33.0314; Chapter 4, Sections 33.041-33.0413; Chapter 5, Sections 33.051-33.059; Chapter 6, Sections 33.061-33.0614; and Chapter 7, Sections 33.071-33.0717.

(b) **HAZARDOUS WASTE.** Hazardous waste handling, transportation, recovery and disposal shall be regulated according to Federal Resource Conservation and Recovery Act, 1976; California Water Code, Division 7, Chapter 5; California Health and Safety Code (Division 20, Chapter 6.5, Hazardous Waste Control, Sections 25100-25240); and California Administrative Code (Title 22, Division 4, Chapter 30, Environmental Health) and the San Bernardino County Hazardous Waste Management Plan.

(c) **SOLID WASTE DISPOSAL.** Solid waste disposal shall be regulated as per County Ordinance 1924, as amended by Ordinance 2246 (related to refuse collection) and California Government Code, Title 7.3, which relates to solid waste management. Also involved is Federal Resource Conservation and Recovery Act of 1976, P.L. 94-580, which provides minimum standards, regulations for solid waste and hazardous waste management and recovery (recycling). The Director of Environmental Health Services shall be the enforcement agent.

Chapter 8

CEMETERY DESIGN STANDARDS

Sections:

- 88.0805 Findings.
88.0810 Requirements.

88.0805 Findings.

Findings. The Planning Agency when approving a Conditional Use Permit for the establishment or expansion of a cemetery, including pet cemeteries, shall find and justify the following to be true in addition to the findings required in Subsection 83.030120(d):

- (a) The present or probable population density in the area contiguous to said proposed cemetery or extension of an existing cemetery is not adversely affected by the cemetery development.
- (b) The proposed cemetery or extension of an existing cemetery does not interfere with the free movement of traffic, or the movement of police, ambulance, or fire equipment for the protection of the lives and property of the public.
- (c) A Final Map has been required to be submitted to the County Surveyor for review and recordation as specified by and subject to Subsection 83.040201(d).
- (d) The proposed cemetery or expansion complies with the California Health and Safety Code, Division 8.

88.0810 Requirements.

(a) In addition to any conditions necessary to ensure protection of public health, safety, and general welfare, the Planning Agency may require adequate screening or fencing of the property reserved for cemetery purposes in order to clarify the ultimate boundaries of said cemetery.

(b) An approved Conditional Use Permit or revised Conditional Use Permit shall be required for the establishment of cemetery boundaries or the expansion of previously approved boundaries. Such approvals shall identify all proposed structures and major grading activities.

(c) A Conditional Use Permit shall not be required for normal on-site development of grave sites within previously approved or established cemeteries that have recorded a map in compliance with Subsection 83.04020(d) of this Code.

DIVISION 10. SOIL AND WATER CONSERVATION

Chapters:

1. Surface Mining and Land Reclamation.
2. Erosion and Sediment Control.
3. Wind-borne Soil Erosion — West End.
4. Wind-borne Soil Erosion — Desert.
5. Dust Control — Desert Area.
6. Water Conservation.

Chapter 1

SURFACE MINING AND LAND RECLAMATION

Sections:

810.0101	Intent.
810.0110	Scope.
810.0115	Conditional Use Permit and Reclamation Plan Required.
810.0120	Review Procedures.
810.0125	Periodic Review.
810.0130	Enforcement.
810.0135	Appeal.

810.0101 Intent.

It is the intent of the Board of Supervisors to create and maintain an effective and comprehensive surface mining and reclamation policy with regulation of surface mining operations so as to assure that:

(a) Adverse environmental effects are prevented or minimized and that mined lands are reclaimed to a usable condition which is readily adaptable for alternative land use.

(b) The production and conservation of minerals are encouraged, while giving consideration to values relating to recreation, watershed, wildlife, range and forage and aesthetic enjoyment.

(c) Residual hazards to the public health and safety are eliminated.

(d) The extraction of minerals is essential to the continued economic well-being of the County and to the needs of society, and that reclamation of mined lands is necessary to prevent or minimize adverse effects on the environment and to protect the public health and safety.

(e) The reclamation of mined lands as provided in this chapter will permit the continued mining of minerals and will provide for the protection and subsequent beneficial use of the mined and reclaimed land.

(f) Surface mining takes place in diverse areas where the geologic, topographic, climatic, biological and social conditions are significantly different and that reclamation operations and the specification therefore may vary accordingly.

810.0110 Scope.

(a) The provisions of this chapter shall apply to the unincorporated areas of San Bernardino County.

(b) The provisions of this chapter are not applicable to:

(1) Excavations or grading for farming, on-site construction or restoration of land following a flood or natural disaster.

(2) Reclamation of lands mined prior to January 1, 1976.

(3) Operations conducted prior to January 1, 1976, on mining claims located under the mining laws of 1872, et seq., and not recorded by January 1, 1976, as abandoned.

(4) Those underground operations with tailings or waste dumps in total amounts of less than one thousand (1,000) cubic yards not exceeding one (1) acre in extent at any one site of underground access opening, providing such openings are secured.

(5) Surface mining operations that are required by Federal law in order to protect a mining claim, if such operations are conducted solely for that purpose.

(6) Prospecting for, or the extraction of, minerals for commercial purposes and the removal of overburden in total amounts of less than one thousand (1,000) cubic yards in any one location of one (1) acre or less.

(7) Such operations that the County determines to be of an infrequent nature and that involve only minor surface disturbance.

810.0115 Conditional Use Permit and Reclamation Plan Required.

(a) Any person who proposes to engage in surface mining activity shall, prior to the commencement of said operations, first file and obtain approval from the Planning Officer for a Conditional Use Permit application as provided in Section 84.0320 of the Development Code and a Reclamation Plan in accordance with the provisions set forth in this chapter, and as further provided in Section 2772(f) of the California Public Resources Code. A fee as established in the County Schedule of Fees shall be paid to Environmental Public Works Agency at the time of filing. A reclamation plan shall be filed for existing nonexempted operations within eighteen (18) months or as established by the Environmental Public Works Agency for the review and approval for the reclamation of surface mining activity for those portions of the site mined after January 1, 1976. A fee, as established in the County Schedule of Fees, shall be paid to the Environmental Public Works Agency at the time of filing of the Reclamation Plan.

Application for a Conditional Use Permit or Reclamation Plan for surface mining or land reclamation projects shall be made on forms provided by the San Bernardino Office of Planning within the Environmental Public Works Agency. Said application shall be filed in accord with this chapter and procedures to be established by the Environmental Public Works Agency.

(b) No person who has obtained a vested right to conduct surface mining operations prior to January 1, 1976, shall be required to secure a permit pursuant to the provisions of this chapter as long as such vested right continues; provided, however, that no substantial changes are made in any such operation except in accordance with the provisions of this chapter. Expenses incurred in obtaining the enactment of an ordinance in relation to a particular operation or the issuance of a permit shall not be deemed liabilities for work or materials.

A person who has obtained a vested right to conduct surface mining operations prior to January 1, 1976, shall submit to the Environmental Public Works Agency (and receive within a reasonable period of time) approval of a Reclamation Plan for operations to be conducted after January 1, 1976, unless a Reclamation Plan was approved by the County prior to January 1, 1976, and the person submitting the plan has accepted responsibility for reclaiming the mined lands in accordance with the reclamation plan.

Nothing in this section shall be construed as requiring the filing of a Reclamation Plan for, or the reclamation of, mined lands on which surface mining operations were conducted prior to January 1, 1976.

810.0120 Review Procedures.

Upon completion of the Environmental Review procedure and filing of all documents required by the County Office of Planning, consideration of the Conditional Use Permit or Reclamation Plan for the proposed or existing surface mine shall be completed pursuant to the Development Code and Section 2774 of the California Public Resources Code.

810.0125 Periodic Review.

As a condition of approval for either the Conditional Use Permit or the Reclamation Plan, a periodic review schedule shall be established to evaluate compliance with the said plan.

810.0130 Enforcement.

The provisions of this chapter shall be enforced by the Administrator of the Environmental Public Works Agency, an authorized designee or deputies.

810.0135 Appeal.

Any person aggrieved by an act or determination of the Environmental Public Works Agency Administrator in the exercise of the authority granted herein, shall have the right to appeal to the Planning Commission or the Board of Supervisors, whichever is the next higher authority, pursuant to Section 2775 of the California Public Resources Code. An appeal shall be filed on forms provided, within fifteen (15) calendar days in writing, after a decision has been rendered.

Chapter 2

EROSION AND SEDIMENT CONTROL

Sections:

810.0201	Purpose.
810.0205	Scope.
810.0210	General Provisions.
810.0215	Project Design Considerations.
810.0220	Soil Erosion and Sediment Control Plan.
810.0225	Runoff Control.
810.0230	Land Clearing.
810.0235	Winter Operations.
810.0240	Continued Responsibility.
810.0245	Exemptions.
810.0250	Variances.
810.0260	Inspection and Compliance.
810.0265	Applicable Laws and Regulations.
810.0270	Appeals.
810.0275	Subject Areas.

810.0201 Purpose.

The purpose of this chapter is to eliminate and prevent conditions of accelerated erosion that have led to, or could lead to, degradation of water quality, loss of fish habitat, damage to property, loss of topsoil and vegetation cover, disruption of water supply, increased danger from flooding and the deposition of sediments and associated nutrients.

810.0205 Scope.

This chapter requires control of all existing and potential conditions of human-induced accelerated erosion within specified County areas, which are within or adjacent to mountains and hillsides. This chapter sets forth required provisions for project planning, preparation of erosion control plans, runoff control, land clearing, and winter operations and establishes procedures for administering those provisions.

810.0210 General Provisions.

(a) No person shall cause or allow the continued existence of a condition on any site that is causing or is likely to cause accelerated erosion as determined by the Building Official.

(b) Upon notification by the Building Official, the responsible person shall take all appropriate measures to control erosion on the site specified in the notification within a reasonable period of time as determined by the Building Official.

(c) The Building Official may require that a property owner whose property has been cited in accordance with Section 810.0210(b) file and obtain approval of a Soil Erosion and Sediment Control Plan and/or Permit in accordance with Section 810.0220.

(d) The Building Official may direct that any particular operation, process or construction be stopped during periods of inclement weather if he or she determines that erosion problems are not adequately being controlled.

810.0215 Project Design Considerations.

The following shall be incorporated into design considerations of all land use projects that are subject to the provisions of this chapter:

(a) Identify building and access construction envelopes and identify areas which will not be disturbed by construction activity in order to minimize disturbance of erodible areas of any proposed development site.

(b) The preservation of existing streams and drainage courses in their natural condition in order to retain their ability to accommodate runoff and water drainage with a minimum of erosion.

(c) All appropriate measures that can be addressed at the time of the proposed land use decision that will facilitate the preparation of an adequate Soil Erosion and Sediment Control Plan and/or Permit measures as specified by this chapter.

810.0220 Soil Erosion and Sediment Control Plan.

(a) No land clearing or grading other than those activities listed as exemptions by this chapter or as determined by the Building Official shall occur unless said land clearing or grading is in compliance with an approved Soil Erosion and Sediment Control Plan and/or Permit issued in accordance with the provisions of this chapter.

(b) A Soil Erosion and Sediment Control Plan shall be submitted and approved in accordance with the provisions of this chapter prior to the issuance of building permits, soil erosion and sediment control permits, grading permits or any other permit where, in the opinion of the Building Official, erosion can reasonably be expected to occur.

(c) Soil Erosion and Sediment Control Plans shall include the measures required by this chapter. Additional measures or modifications of proposed measures may be required by the Building Official prior to the approval of a Soil Erosion and Sediment Control Plan.

(d) Authority. The Building Official shall specify the application requirement for Soil Erosion and Sediment Control Plans and Permits including, but not limited to:

(1) Requirements for the submittal of plans and supporting data to accompany applications for Soil Erosion and Sediment Control Plans and/or Permits;

(2) Licensing and/or certification requirements for those preparing Soil Erosion and Sediment Control Plan and/or Permit submittals; and

(3) The incorporation and coordination of Soil Erosion Control Plans and/or Permits with other plan requirements.

(e) Exemptions. Applications for activities where the Building Official recognizes that no land disturbance will take place shall not be required to include a Soil Erosion and Sediment Control Plan and/or Permit. Such activities may include, but are not limited to:

(1) Change of use permits where there would be no expansion of land-disturbing activities.

(2) Construction within an existing structure.

810.0225 Runoff Control.

Runoff from activities subject to a development permit shall be properly controlled to prevent erosion. Erosion control and surface flow containment facilities shall be constructed and maintained to prevent discharge of sediment to surface waters or storm drainage systems. The following measures shall be used for runoff control, and shall be adequate to control runoff from a ten-year storm:

(a) Where soils having a permeability rate of more than two inches per hour, runoff in excess of predevelopment levels shall be retained on the site by methods and in quantities approved by the Building Official. This may be accomplished through the use of infiltration basins, percolation pits or trenches, or other suitable means. This requirement may be waived where the Building Official determines that high groundwater, slope stability problems, etc., would inhibit or be aggravated by on-site retention, or where retention will provide no benefits for groundwater recharge or erosion control.

(b) Where soils have a permeability rate of two inches per hour or less and on-site percolation is not feasible, runoff should be detained or dispersed over nonerodible vegetated surfaces so that the runoff rate does not exceed the predevelopment level. When the runoff rate must exceed the predevelopment level, the runoff water shall be discharged over nonerodible surfaces or at a velocity that will not erode. On-site detention shall be required by the Building Official unless the applicant shows that the runoff which is created will not contribute to downstream erosion, flooding or sedimentation.

(c) Any concentrated runoff which cannot be effectively dispersed over nonerodible channels or conduits to the nearest drainage course shall be contained within on-site percolation devices. Where water will be discharged to natural ground or channels, appropriate energy dissipators shall be installed to prevent erosion at the point of discharge.

(d) Runoff from disturbed areas shall be detained or filtered by berms, vegetated filter strips, catch basins, or other means as necessary to prevent the escape of sediment from the disturbed area.

(e) No earth, organic or construction material shall be deposited in or placed where it may be directly carried into a stream, lake, marsh, slough, lagoon, or body of water.

(f) Where land-disturbing activities are in proximity to lakes or natural watercourses, a buffer zone is required along the land-water margin of sufficient width to confine visible siltation within twenty-five percent (25%) of the buffer zone nearest the land-disturbing activities.

810.0230 Land Clearing.

Land clearing shall be kept to a minimum. Vegetation removal shall be limited to that amount necessary for building, access, fire protection and construction as shown on the approved Soil Erosion and Sediment Control Plan or as allowed by the Building Official through a Soil Erosion and Sediment Control Permit.

(a) All disturbed surfaces shall be prepared and maintained to control erosion and to establish vegetative growth compatible with the area. This control shall consist of any one or a combination of the following:

(1) Effective temporary planting such as rye grass, or some other fast-germinating native seed, and/or mulching with straw, pine needles, chippings or other slope stabilization material.

(2) Permanent planting of compatible drought-resistant species of ground cover, shrubs, trees, or other vegetation.

(3) Mulching, fertilizing, watering or other methods necessary to establish new vegetation.

(b) The protection required by this section shall be installed prior to calling for final approval of the project and at all times between October 15 and April 15. Such protection shall be maintained for at least one year or until permanent protection is established.

(c) No land clearing activities except as otherwise allowed by this chapter shall take place prior to approval of the erosion control plan and/or permit. Vegetation removal between October 15 and April 15 shall not precede subsequent grading or construction activities by more than fifteen (15) days. During this period, erosion and sediment control measures shall be in place.

810.0235 Winter Operations.

(a) The Building Official shall only authorize the following between October 15 and April 15 when it is found that such projects comply with the provisions and are consistent with the purposes of this chapter:

(1) Contiguous land clearing operations involving greater than one acre in a one-year period of time.

(2) Major grading operations (greater than 100 cubic yards).

When construction will be delayed due to the limitation on winter operations, the date for expiration of the permit shall be extended by that amount of time that work is delayed by the requirements of this chapter.

(b) The Building Official and Director of Environmental Health Services shall stamp or attach the following statement to all development permits and plans issued within areas subject to the provisions of this chapter.

NOTICE: IF THE CONSTRUCTION ACTIVITY WILL EXTEND INTO THE WINTER OPERATIONS PERIOD (OCTOBER 15 THROUGH APRIL 15), ADDITIONAL SOIL EROSION AND SEDIMENT CONTROL MEASURES MAY BE REQUIRED.

ANY DEVELOPMENT PROJECT WHICH IS REQUIRED TO IMPLEMENT AN APPROVED SOIL EROSION CONTROL PLAN SHALL HAVE SUCH APPROVED PLAN AMENDED IF IT DOES NOT COMPLY WITH THE PROVISIONS ESTABLISHED FOR WINTER OPERATION BY SECTION 810.0535 OF THE SAN BERNARDINO COUNTY CODE. ALL REQUIRED WINTER OPERATION EROSION CONTROL DEVICES SHALL BE INSTALLED PRIOR TO OCTOBER 15 FOR ONGOING CONSTRUCTION PROJECTS AND PRIOR TO ANY CONSTRUCTION ACTIVITY FOR THOSE DEVELOPMENT PROJECTS COMMENCING BETWEEN OCTOBER 15 AND APRIL 15.

(c) The following winter operation measures shall be taken to prevent accelerated erosion. Additional measures may be required by the Building Official, when determined to be necessary by field inspection:

(1) Between October 15 and April 15, disturbed surfaces not involved in the immediate operation shall be protected by mulching or other effective means of soil protection.

(2) All roads and driveways shall have drainage facilities sufficient to prevent erosion on or adjacent to the roadway or on downhill properties. Erosion-resistant surfacing may include, but is not limited to slag, crushed rock or natural soil when compacted to ninety (90) percent of maximum density as determined by Test D1557-58T of the American Society for Testing and Materials for the top 12 inches.

(3) Runoff from a site shall be detained or filtered by berms, vegetated filter strips, or catch basins to prevent the escape of sediment from the site. These drainage controls shall be maintained by the permittee or property owner as necessary to achieve their purpose throughout the life of the project.

(4) Erosion control measures shall be in place at the end of each day's work.

810.0240 Continued Responsibility.

It shall be the responsibility of the property owner and the permittee to ensure that accelerated erosion does not occur from any activity during and after project construction. Additional measures, beyond those specified in an approved Soil Erosion and Sediment Control Plan, may be required by the Building Official as deemed necessary to control erosion after project completion.

810.0245 Exemptions.

(a) Conditions of accelerated erosion existing prior to adoption of this chapter are not exempted. The intent of this section is not to invalidate existing discretionary permits, but rather to prevent or mitigate accelerated erosion. The following work is exempted from all provisions of this chapter except Sections 810.0510, General Provisions, and 810.0520, Appeals.

(1) **Agriculture Activities.** Agricultural grading, routine agricultural activities such as plowing, harrowing, discing, ridging, listing, land planning, and similar operations to prepare a field for a crop, including routine clearing to maintain existing rangeland.

(2) **Timber Harvesting.** Work done pursuant to a valid timber harvest permit.

(3) **Quarrying.** Quarrying done pursuant to a valid conditional use permit.

(4) **Septic Systems and Wells.** Work done pursuant to a valid permit for septic system installation and repair or well drilling; however, Subsections 810.0230(b), Land Clearing, and 810.0235(c), Winter Operations, shall apply, and sediment from these activities shall not be allowed to enter any stream or body of water.

(5) **Soil Tests.** Routine testing of soil type and characteristics to determine soil suitability, water percolation or similar soil tests; provided, however, that sediment from these activities shall not be allowed to enter any stream, drainage course or body of water.

(6) **Resource Management.** Clearing, fuel management, reforestation, erosion control or other resource management programs carried out under the auspices of a government agency which include appropriate erosion control measures. Agencies should notify the Building Official of such projects.

(7) **Land Clearing for Fire Protection.** Land clearing and vegetation clearance around structures as required by state and local fire codes and fire prevention guidelines. Land clearing exempted under the provisions of the subsection shall be limited to that required to comply with applicable fire codes and regulations.

(b) Road construction and maintenance and installation of utilities in accordance with plans and procedures approved by the San Bernardino County Director of Transportation and Flood Control or his designated representative are exempt from the provisions of this chapter provided that adequate measures, consistent with the intent of this chapter, have been taken to control erosion and the flow of sediment into lakes, streams, and drainage courses.

810.0250 Variances.

A request for a variance from the provisions of this chapter, the permit conditions or the plan specifications may be approved, conditionally approved or denied by the Building Official. The Building Official may refer any variance request filed in accordance with the provisions of this section to the appeal authority as defined in Section 810.0570. A request for a variance must state in writing: the provision from which it is to be varied, the proposed substitute provisions, when it would apply,

and its advantages. In granting a variance, the Building Official shall be guided by the following criteria:

- (a) That there are special circumstances or conditions affecting the property.
- (b) That the variance is necessary for the proper design and/or function of a reasonable project for the property.
- (c) That adequate measures will be taken to ensure consistency with the purpose of this chapter.

810.0260 Inspection and Compliance.

The Building Official shall conduct inspections to ensure compliance with this chapter.

(a) Inspection. The following inspections may be performed by the Building Official:

- (1) Pre-Site Inspection. To determine the potential for erosion resulting from the proposed project.
- (2) Operation Progress Inspections. To determine ongoing compliance.
- (3) Final Inspection. To determine compliance with approved plans and specifications.

(b) Notification. The permittee shall notify the Building Official at least twenty-four (24) hours prior to start of the authorized work, and also nine (9) business hours prior to any inspection requested by permittee or permittee's authorized agent.

(c) Right of Entry. The filing of an application for a development permit constitutes a grant of permission for the County to enter the permit area for the purpose of administering this chapter from the date of the application to the termination of the erosion control maintenance period.

810.0265 Applicable Laws and Regulations.

Any person doing work in conformance with this chapter must also abide by all other applicable local, state and federal laws and regulations. Where there is a conflict with other pre-existing County regulations, that conflict shall be resolved before the project is allowed to proceed.

810.0270 Appeals.

Any property owner or other person aggrieved, or any person whose interests are adversely affected by any act or determination of the Building Official under the provisions of this chapter, or by any act or determination of any other authorized employee charged with the administration and enforcement of this chapter, may appeal the act or determination to the Planning Commission.

810.0275 Subject Areas.

The provisions of this chapter shall apply to and be enforced in all areas within the Fire Safety (FR) Overlay District.

STATE OF CALIFORNIA
COUNTY OF SAN BERNARDINO
TOWN OF YUCCA VALLEY

I, Sue Tsuda, 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 6th day of January, 1994, and that thereafter the said ordinance was duly and regularly adopted at a meeting of the Town Council on the 20th day of January, 1994, by the following vote, to wit:

Ayes: Council Members Burnside, Reed, Richmond and Mayor Crouter

Noes: None

Absent: Council Member Pedersen

Abstain: None

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of the Town of Yucca Valley, California, this 21st day of January, 1994.

(SEAL)

Sue Tsuda
Town Clerk of the Town of
Yucca Valley

Ordinance No. 71

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF YUCCA VALLEY, CALIFORNIA, AMENDING CHAPTER 7, DIVISION 8, TITLE 8 OF THE SAN BERNARDINO COUNTY CODE AS ADOPTED BY THE TOWN OF YUCCA VALLEY RELATING TO ADULT-ORIENTED BUSINESSES.

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

Section 1. Chapter 7, Division 8, Title 8 of the San Bernardino County Code as adopted by the Town of Yucca Valley is amended to read as follows:

“Chapter 7
ADULT-ORIENTED BUSINESSES

Sections: 88.0701 Definitions
88.0705 General Provisions
88.0710 Development Standards
88.0715 Establishment of An Adult-Oriented Business

88.0701 Definitions

For the purposes of this Chapter, the following definitions shall apply:

(A) Adult-Oriented Businesses shall include any of the following:

- (1) Adult Arcade. An establishment where, for any form of consideration, one or more motion picture projectors, slide projectors or similar machines, for viewing by 5 or fewer persons each, are used to show films, motion pictures, video cassettes, slides or other photographic reproductions which are characterized by an emphasis upon the depiction or description of “specified sexual activities” or “specified anatomical areas.”
- (2) Adult Bookstore. An establishment which has a substantial portion of its stock-in-trade and offers for sale for any form of consideration any one or more of the following:
 - (a) Books, magazines, periodicals or other printed matter, or photographs, films, motion pictures, video cassettes, slides or other visual representations which are characterized by an emphasis upon the depiction or description of “specified sexual activities” or “specified anatomical areas;” or

- (b) Instruments, devices or paraphernalia which are designed for use in connection with "specified sexual activities."
- (3) Adult Cabaret. Night club, bar, restaurant or similar establishment which regularly features live performances which are characterized by the exposure of "specified anatomical areas" or by "specified sexual activities," or film, motion pictures, video cassettes, slide or other photographic reproductions which are characterized by an emphasis upon the depiction or description of "specified sexual activities" or "specified anatomical areas."
- (4) Adult Motel. A motel or similar establishment offering public accommodations for any form of consideration which provides patrons with close circuit television transmissions, films, motion pictures, video cassettes, slides or other photographic reproduction which are characterized by an emphasis upon the depiction or description of "specified sexual activities" or "specified anatomical areas."
- (5) Adult Motion Picture Theater. An establishment where, for any form of consideration, films, motion pictures, video cassettes, slides or similar photographic reproductions are shown, and in which a substantial portion of the total presentation time is devoted to the showing of material which is characterized by an emphasis upon the depiction or description of "specified sexual activities" or "specified anatomical areas."
- (6) Adult Theater. A theater, concert, hall, auditorium or similar establishment which, for any form of consideration, regularly features live performances which are characterized by exposure of "specified sexual activities" or "specified anatomical areas."
- (7) Massage Parlor. An establishment where, for any form of consideration, massage, alcohol rub, fomentation, electric or magnetic treatment, or similar treatment or manipulation of the human body is administered unless such treatment or manipulation is administered by a medical practitioner, chiropractor, acupuncturist, physical therapist or similar professional person licensed by the State. This definition does not include an athletic club, health club, school, gymnasium, reducing salon, spa or similar establishment where massage or similar manipulation of the human body is offered as an incidental or accessory service.

- (8) Sexual Encounter Establishment. An establishment, other than a hotel, motel or similar establishment offering public accommodations, which, for any form of consideration, provides a place where two (2) or more persons may congregate, associate or consort in connection with "specified sexual activities" or the exposure of "specified anatomical areas." This definition does not include an establishment where a medical practitioner, psychologist, psychiatrist or similar professional person licensed by the State engages in sexual therapy.
- (B) Specified Anatomical Areas. Includes any of the following:
- (1) Less than completely and opaquely covered human genitals, pubic region, buttocks, anus or female breasts below a point immediately above the top of the areole; or
 - (2) Human male genitals in a discernibly turgid state, even if completely and opaquely covered.
- (C) Specified Sexual Activities. Includes any of the following:
- (1) The fondling or other erotic touching of human genitals, pubic region, buttocks, anus or female breasts;
 - (2) Sex acts, normal or perverted, actual or simulated, including intercourse, oral copulation or sodomy;
 - (3) Masturbation, actual or simulated; or
 - (4) Excretory functions as part of or in connection with any of the activities set forth in subdivisions (1) through (3) of this subsection.
- (D) Substantial Enlargement. The increase in floor area occupied by the business by more than 10%, as such floor area exists on the effective date of this Development Code.
- (E) Substantial Portion. For the purposes of subsection (A)(2) of this section, "substantial portion" shall mean 20% or more of the face value of the stock-in-trade, or 20% of the floor area of the store, whichever is more."

88.0705 General Provisions

Adult businesses shall only be permitted to be established in the Industrial (I) Land Use District subject to the general development requirements of Division 4, Chapter 3, Section 84.0370 of this Title, the following standards specified by this Chapter and a Conditional Use Permit.

88.0710 Development Standards

- (A) Prohibition. It is unlawful to cause or permit the establishment or substantial enlargement of an adult arcade, adult bookstore, adult cabaret, adult motel, adult motion picture theater, adult theater, massage parlor or sexual encounter establishment within 2,000 feet of another such business or within 1,000 feet of any religious institution and any school or public park within the Town or within 1,000 feet of any property designated for residential use or used for residential purposes, or within 1,000 feet of State Highway 62 or State Highway 247. Adult Businesses are permitted subject to a CUP only in the Industrial (I) land use districts.
- (B) For the purposes of this section, all distances shall be measured in a straight line, without regard to intervening structures, from the nearest point of the building or structures in which the adult oriented business is or will be located to the nearest property line of any land use, Land Use District or zone described in Subsection (A).
- (1) All building openings, entries and windows shall be located, covered or screened to prevent viewing the interior from any exterior area.
- (2) No loudspeaker or sound equipment audible to persons in any public exterior area shall be used in connection with an adult oriented business, and the business shall be so conducted that sounds associated with the business are not emitted into any public exterior area.

88.0715 Establishment of an Adult Oriented Business .

The establishment of an adult-oriented business shall include any of the following:

- (A) The opening or commencement of any such business as a new business.
- (B) The conversion of an existing business (whether or not an adult-oriented business), to any of the adult-oriented businesses defined herein.
- (C) The addition of any of the adult-oriented businesses defined herein to any other existing adult-oriented businesses.
- (D) The relocation of any adult-oriented business."

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 2nd day of May, 1996.

Robert A. Hecox
Mayor

ATTEST:

Shirley Truesdale
Town Clerk

APPROVED AS TO FORM:

APPROVED AS TO CONTENT:

Town Attorney

Shirley Truesdale
Town Manager

F:\COMMON\ORDINANCE\CA4.95
8/10/95

STATE OF CALIFORNIA

COUNTY OF SAN BERNARDINO

TOWN OF YUCCA VALLEY

I, Sue Tsuda, 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 April, 1996, and that thereafter the said ordinance was duly and regularly adopted at a meeting of the Town Council on the 2nd day of May, 1996, by the following vote, to wit:

Ayes: Council Members Burnside, Crouter, Loveless, Pedersen and Mayor Hockett


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 May, 1996.

(SEAL)


Town Clerk of the Town of
Yucca Valley

**SUMMARY OF ORDINANCE NO. 71
RELATING TO ADULT ORIENTED BUSINESSES**

This Ordinance amends Chapter 7, Division 8, title 8 of the San Bernardino County Code as adopted by the Town of Yucca Valley relating to adult oriented businesses.

Adult businesses shall only be permitted to be established in the Industrial (I) land Use District subject to the general Development Requirements of Division 4, Chapter 3, Section 84.0370 of this Title. Such businesses shall not be within 2,000 feet of another such business or within 1,000 feet of any religious institution and any school or public park within the Town or within 1,000 feet of any property designated for residential use or residential purposes, or within 1,000 feet of State Highway 62, or State Highway 247. Adult businesses are permitted subject to a CUP only in the Industrial (I) land use districts.

Summary prepared by:

Jamie Anderson
Deputy Town Clerk

ORDINANCE NO. 128

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF YUCCA VALLEY, CALIFORNIA, AMENDING TITLE 8, DIVISION 4, CHAPTER 6, SECTION 84.0610 OF THE COUNTY OF SAN BERNARDINO CODE AS ADOPTED BY THE TOWN OF YUCCA VALLEY RELATING TO EXOTIC ANIMALS AND DIVISION 12 RELATING TO DEFINITIONS. (DCA-04-01)

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

SECTION 1. Code Amended

Title 8, Division 12, Section 812.01005 of the San Bernardino County Code as adopted by the Town of Yucca Valley is hereby amended to add the following:

“Exotic Animal: Means any animal of the class Aves (birds), class Mammalia (mammals), class Amphibia (frogs, toads, salamanders), class Osteichthyes (bony fishes), class Monorhina (lampreys), class Reptilia (reptiles), class Crustacea (crayfish), or class Gastropoda (slugs, snails) that are restricted by the State.

Zoo: Means a zoological garden or other collection of exotic animals which are raised, bred, trained and/or maintained for on-site display that is open to the general public, education, tours and exhibition which is accredited by the American Zoo and Aquarium Association (AZA).

Title 8, Division 4, Chapter 6, Section 84.0610 of the San Bernardino County Code as adopted by the Town of Yucca Valley is hereby amended to read as follows:

Section 84.0610

84.0610 Exotic Animals.

- (a) The keeping of exotic animals as defined in *Title 8 Division 12 Definitions* shall be permitted as an accessory use to single dwelling unit in accordance with this Code as follows:
- (1) Any exotic animal as defined in *Title 8 Division 12 Definitions* with a State Fish and Game caging requirement of 50 square-feet or less and kept within an enclosed building shall be permitted provided the applicant registers said animal(s) on a form to be provided by the Town's Animal Control Section. The applicant must provide a copy of the applicant's State Department of Fish and Game permit for each animal(s) registered.
 - (2) The keeping or maintaining of exotic animals on any property within the Town with a State Department of Fish and Game caging requirement of up to 149 square feet may be permitted as an accessory to a single family dwelling located within the Large Animal Overlay District subject to the provisions of this code. A Special Use Permit is required for the keeping or maintaining of up to two exotic

animals and a Conditional Use Permit is required for the keeping or maintaining of 3 to 4 exotic animals.

- (3) Any exotic animal with a caging requirement of 150 square-feet and greater is prohibited as an accessory use to a single family dwelling, except as a zoo.
 - (4) The keeping or maintaining of any exotic animal(s) for on-site display open to the general public shall be permitted subject to the issuance of a Conditional Use Permit by the Planning Commission and the further requirements of this code for the establishment of a zoo.
- (b) **Procedures and Requirements for Conditional Use Permit and Special Use Permit.**
- (1) Prior to giving a public hearing notice, the reviewing authority shall request that a Veterinarian that is recognized by the Department of Fish and Game submit a statement regarding the particular animal's mature behavior and personality characteristics specific to the animals being requested.
 - (2) Any action to approve a request for an exotic animal shall not be effective until written evidence is received by the Director that the applicant has received a permit from the State Department of Fish and Game.
 - (3) A Special Use Permit or Conditional Use Permit for the keeping of an exotic animal shall be noticed in accordance with Section 83.010205 (*Public Hearing*).
 - (4) Applicant shall provide any documentation or written notice received from State Department of Fish and Game regarding prior violations and corrective action pertaining to the keeping of the animal(s). Following the application submittal, Planning staff shall send a written letter to the State Department of Fish and Game requesting information on any prior violations and what the corrective measures were.
- (c) **General Standards for Conditional Use Permit and Special Use Permit:**
- (1) A person may keep or maintain in their possession or control an exotic animal with a caging requirement ranging from 51 to 149 square-feet on any property within the town on any parcel zoned for single family residential purposes only as specifically authorized by the provisions of this chapter and the site is located within areas identified on the Town adopted *Large Animal Overlay District Map*.
 - (2) The keeping of the animal(s) must comply with all setback requirements of *Section 84.0560(d)(1)(B) (Accessory Large Animal Keeping)*.
 - (3) The keeping of exotic animals as allowed by this Code shall be subject to the following parcel size and density restrictions:

Min. State Fish & Game Caging Req.

Minimum Parcel Size/Density

Animals which are normally maintained in aquariums, terrariums, bird cages or similar devices, each of which does not exceed a floor area of fifty (50) square-feet and where such devices/cages are maintained within an enclosed building. None

Requires a floor area of 50 sq. ft. or less per animal which are not maintained within an enclosed building. 1 per 10,000 sq. ft. Maximum of 4

Requires a floor area between 51 sq. ft. and 99 sq. ft. per animal which are not maintained within an enclosed building. 1 per 20,000 sq. ft. Maximum of 4

Requires a floor area between 100 sq. ft and 149 sq. ft. per animal which are not maintained within an enclosed building. 1 acre minimum. 20,000 sq. ft. for every additional animal. Maximum of 4

- (4) If the permit being requested from the Department of Fish and Game is an Exhibiting Permit that includes public on-site display of the animal(s), the following provisions shall apply:
- (A) A minimum parcel size of 20 acres shall be required for a facility that proposes any public on-site display of the animal(s).
 - (B) Visitor parking shall be provided in accordance with the *Parking Code*.
 - (C) Permanent restroom facilities shall be provided in accordance with the *Uniform Building Code (U.B.C)* and San Bernardino County Health Department requirements.
 - (D) All appropriate off-site improvements including access to the facility must be in existence or be constructed prior to the housing of any animal.
 - (E) The facility shall be accredited by the American Zoo and Aquarium Association (AZA).
 - (F) Any applicant proposing a zoo facility within a residential land use district or on a site that abuts a residential land use district shall include with the application written consent to the approval of the zoo facility dated within ninety days prior to the filing of such application from each owner(s) of property within 1,325 feet of the lot on which the facility is proposed.

- (d) **General Conditions for Conditional Use Permit and Special Use Permit.** Any action to approve a request for an exotic animal shall include the following conditions in addition to any conditions deemed appropriate by the reviewing authority:
- (1) The keeping of the animal must comply with all Town Code requirements including setbacks from property lines and other dwellings.
 - (2) The keeping/caging of the animal must comply with all applicable Federal and State requirements.

- (3) Each animal must have sufficient area to be maintained and exercised in a normal healthy manner as determined by the State Department of Fish and Game.
- (4) Each permit shall specify the annual renewal period and inspection requirements. Permits for any animal shall be issued for a period not to exceed twelve (12) months.
- (5) The applicant agrees to allow reasonable inspection of the property by Animal Control staff and/or designee to ensure compliance with the Conditions of Approval. Inspections shall include, at a minimum, one inspection per year following approval of the permit and at each renewal. At such time the applicant shall provide Animal Control written documentation/ records from a qualified veterinarian that the animal(s) are being properly cared for.
- (6) Upon the renewal of the permit and inspection, the applicant shall supply written documentation from the State Department of Fish and Game that the facility and the keeping of the animals is in compliance with all Federal and State requirements.
- (7) The applicant obtains a permit from the State Department of Fish and Game.
- (8) All cages shall be constructed by a licensed contractor and shall provide certification that the cages were constructed and installed in accordance with the approved plans and all State and/or Federal caging requirements.
- (9) The area where the animals are to be kept shall be screened from public view.
- (10) The applicant/owner shall agree to defend, indemnify, and hold harmless the Town, its agents, officers, or employees from any claim, action, or proceeding against the Town or its agents, officers, or employees to attack, set aside, void, or annul an approval of the Town an advisory agency, appeal board or legislative body concerning the permit or any other action relating to or arising out of such approval.

Any condition of approval imposed pursuant to the provisions of this condition shall include a requirement that the Town promptly notify the applicant of any claim, action, or proceeding and that the Town cooperate fully in the defense. If the Town fails to promptly notify the applicant of any claim, action, or proceeding, or if the Town fails to cooperate fully in the defense, the applicant shall not thereafter be responsible to defend, indemnify, or hold the Town harmless.

If any provisions of this condition is found invalid by a court of law, the remaining provision of this condition shall remain in full force and effect.

- (11) The occupant of the premises on which the exotic animal is kept shall keep and maintain the animal(s) and the premises in such a manner as not to be detrimental to the health, safety or welfare of any person on any adjoining property or of the

general public. Such maintenance shall be at least sufficient to keep dust, odor, and flies from having an adverse effect on any other property.

- (12) Immediate notification shall be given to the Department of Fish and Game, San Bernardino County Sheriff Department, and Town of Yucca Valley Animal Control in the event the animal(s) escape from the premises.
 - (13) Prior to occupancy of the site by any exotic animal, the applicant shall develop a comprehensive emergency plan for State Department of Fish and Game, local police and Animal Control for review and approval. This comprehensive plan of action shall be developed to address the following situations:
 - (A) Damaged to the enclosures. Temporary holding facilities shall be identified. Necessary mechanisms to safely transport the animal(s) to another holding enclosure shall be on hand.
 - (B) Animal attacking and/or injuring humans: include a list of safety equipment that will be available for use.
 - (C) Escape of animal from its enclosure: recapture plans shall outline the procedures for handling and recapture of the escaped animal(s), equipment to be used, people to be contacted, various restraint methods, including conditions which warrant the use of lethal force.
 - (14) Prior notification of inspection is not required if Town Animal Control staff has reason to believe the health and safety of the public or the animal is in danger if there is a delay.
 - (15) Any excessively disturbing noises, including, but not limited to, continued and repeated howling, barking, whining, or other utterances causing unreasonable annoyance, disturbance or discomfort to neighbors or others in close proximity to the premises where the animals is kept or harbored shall be considered a nuisance.
 - (16) Prior to occupancy of the site with any exotic animal as approved under a SUP or CUP, the applicant shall provide proof of their ability to respond in damages to and including the amount of one hundred thousand dollars (\$100,000.00) by obtaining a policy of insurance coverage in said amount for bodily injury or death of any person(s) or for damage to property owned by any other person which may result from the ownership, keeping or maintaining of an exotic animal(s). Proof of liability shall be provided as required by this ordinance in a form approved by the Town Attorney, a certificate of insurance issued by a solvent corporation authorized to issue bonds under the laws of the State. Such certificate of insurance or bond shall be provided that no cancellation of the insurance or bonds will be made unless thirty (30) days written notice is first given to the Town Community Development Planning Section.
- (e) **Findings for Conditional Use Permit and Special Use Permit:** Prior to taking action to approve a Special Use Permit or Conditional Use Permit for any exotic animal(s), the reviewing authority shall find and justify that all of the following are true:
- (I) That the impacts which could result from the keeping of exotic animal(s), and the proposed location, size, design and operating characteristics of the animal and/or

use, and the conditions under which it would be operated or maintained will not be considered to be detrimental to the public health, safety and welfare of the community or be materially injurious to properties and/or improvements within the immediate vicinity or be contrary to the General Plan;

- (2) Adequate safeguards have been established and will be maintained that effectively control all dangerous or vicious propensities of such animals;
 - (3) That the proposed animal keeping will comply with each of the applicable provisions of the Development Code, and applicable Town policies, except approved variances and State and Federal requirements;
 - (4) That the location of the animal keeping area and any proposed structures and improvements are compatible with the site's natural landform, surrounding sites, and structures.
 - (5) That the proposed animal keeping will not create such an attractive nuisance by nature of its existence that it would draw undue attention to the activity by an increase in foot or vehicular traffic to the surrounding neighborhood or might entice the general public onto the property.
- (f) **Revocation of Permit:** A Conditional Use Permit or Special Use Permit may be revoked by the Town Council if any one of the following findings can be made:
- (1) That the permit was obtained by misrepresentation or fraud.
 - (2) That the use for which the permit was granted has ceased or has been suspended for six or more consecutive months.
 - (3) That the use is in violation of one or more of the Conditions of Approval.
 - (4) That the use is in violation of any State or Federal requirement."

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 18th day of April, 2002.



MAYOR

ATTEST:

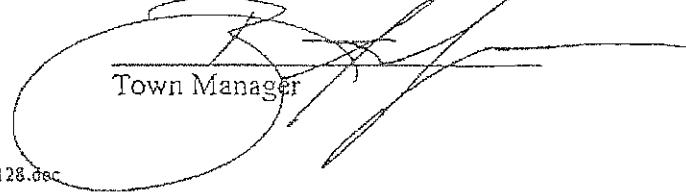


Town Clerk

APPROVED AS TO FORM:


Town Attorney

APPROVED AS TO CONTENT:


Town Manager

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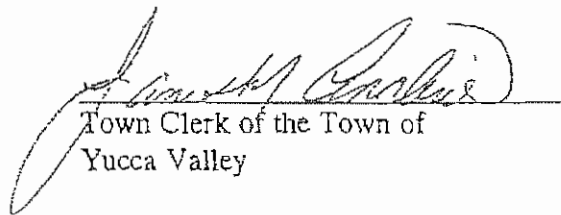
STATE OF CALIFORNIA
COUNTY OF SAN BERNARDINO
TOWN OF YUCCA VALLEY

I, Janet M. Anderson, Town Clerk of the Town of Yucca Valley, California hereby certify that the foregoing Ordinance No. 128 was duly and regularly introduced at a meeting of the Town Council on the 4th day of April, 2002, and that thereafter the said ordinance was duly and regularly adopted at a meeting of the Town Council on the 18th day of April, 2002, by the following vote, to wit:

Ayes: Council Members Cook, Earnest, Leone, Scott and Mayor Neeb
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 22nd day of April, 2002.

(SEAL)


Town Clerk of the Town of
Yucca Valley

ORDINANCE NO.239

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF YUCCA VALLEY CALIFORNIA, AMENDING TITLE 8, DIVISION 7 OF THE TOWN OF YUCCA VALLEY MUNICIPAL CODE BY ADDING CHAPTER 11, SECTIONS 87.1110-87.1180, DENSITY BONUS AND OTHER HOUSING DEVELOPMENT INCENTIVES

Sections:

87.1110	Definitions
87.1120	General density bonus provisions
87.1130	Incentives and concessions
87.1140	Waiver of reduction of development standards
87.1150	Calculation of density bonus
87.1160	Additional density bonus through donation of land
87.1165	Additional density bonus or concession or incentive through provision of child care facility
87.1170	Town's discretion in granting density bonus
87.1180	Parking requirements

87.1110 Definitions

For purpose of this chapter, the following definitions apply:

"Affordable housing cost" has the definition set forth in California Health & Safety Code section 50052.5.

"Affordable rent" has the definition set forth in California Health & Safety code section 50053.

"Child care facility" means a facility other than a family day care home, including but not limited to, infant centers, preschools, extended day care facilities, and school age child care centers.

"Common interest development" has the definition set forth in California Civil Code section 1351.

"Concession or "Incentive" means any of the following:

1. A reduction in site development standards or a modification of zoning code requirements or architectural design requirements that exceed the minimum building standards approved by the California Building Standards Commission, as provided in part 2.5 (the State Building Code commencing with Health & Safety Code 18901) of Division 13 of the Health and Safety Code, including but not limited to, a reduction in setback and square footage requirements, and in the ratio of

vehicular parking spaces that would otherwise be required, that results in identifiable, financially sufficient, and actual cost reductions.

2. Approval of mixed use zoning in conjunction with a housing project, if commercial, office, industrial or other land uses will reduce the cost of a housing development, and if the commercial, office, industrial or other land uses are compatible with the housing project and the existing or planned development in the area where the proposed housing project will be located.
3. Other regulatory incentives or concessions proposed by the applicant or the Town that result in identifiable, financially sufficient and actual cost reductions.

This definition does not limit or require the provision of direct financial incentives for a housing development, including the provision of publicly owned land, by the Town or the waiver of fees or dedication requirements.

"Density bonus" means a density increase over the otherwise maximum allowable residential density under the applicable zoning code provisions and the land use element of the general plan as of the date of application by the applicant to the Town.

"Development standard" means the site or construction conditions that apply to a residential development pursuant to any ordinance, general plan element, specific plan, or other Town condition, law, policy, resolution or regulation.

"Housing development" means a development project for five or more residential units.

"Housing development: also includes a subdivision or common interest development, or the substantial rehabilitation of an existing multifamily dwelling where the result of the rehabilitation would be a net increase in the number of residential units.

"Lower income households: has the definition set forth in California Health & Safety Code section 50079.5.

"Maximum allowable residential density" means the density allowed under the zoning code, or if a range of density is permitted, the maximum allowable density for the specific zoning range applicable to the project.

"Moderate income households" has the definition for "persons or families of moderate income" set forth in California Health & Safety code section 50093(b).

"Multifamily dwelling" has the definition set forth in California Government Code section 65863.4(b)

"Senior citizen housing development" has the definition set forth in California Civil Code section 51.3

"Specific, adverse impact" has the definition set forth in California Government Code section 65589.5(d) (2).

"Very low income households" has the definition set forth in California Health & Safety Code section 50105.

87.1120 General density bonus provisions.

- A. Application. Any person that desires a density bonus shall make an application on a form approved by the Director at the time of submitting an entitlement application for the housing development for which a density bonus is requested. The density bonus provided by this chapter only applies to housing developments consisting of five or more dwelling units.
- B. Incentives and concessions. When an applicant seeks a density bonus for a housing development or for the donation of land for housing within the Town, the Town shall provide the applicant incentives or concessions for the production of housing units and child care facilities as provided in this chapter.
- C. Available density bonus options. The Planning Commission will grant one density bonus, the amount of which will be as specified in Section 87.1150, *Calculation of Density Bonus*, and incentives or concessions as described in Section 87.1130, *Incentives and Concessions* when an applicant for a housing development seeks and agrees to construct a housing development, excluding any units permitted by the density bonus awarded pursuant to this chapter, that will contain at least one of the following:
 - 1. 10 percent of the total units of a housing development for lower income households.
 - 2. 5 percent of the total units of a housing development for very low income households.
 - 3. 10 percent of the total dwelling units in a common interest development for moderate income households, provided that all units in the housing development are offered to the public for purchase.
 - 4. A senior citizen housing development.As used in this subsection, "total units" or "a total dwelling unit" does not include units permitted by a density bonus awarded pursuant to this chapter.
- D. Applicants election of basis for bonus. For purposes of calculating the amount of the density bonus pursuant to Section 87.1150, the applicant who requests a density bonus pursuant to this section shall elect whether the bonus will be awarded on the basis of paragraphs (1), (2), (3) or (4) of subsection (C) of this section.
- E. Continued affordability.
 - 1. An applicant shall agree to the continued affordability of all low and very low income units that qualified the applicant for the award of the density bonus for

30 years or a longer period of time if required by any applicable construction or mortgage financing assistance program, mortgage insurance program, or rental subsidy program. Rents for the lower income density bonus units shall be set at an affordable rent. Owner-occupied units shall be available at an affordable housing cost.

2. An applicant shall agree that the initial and subsequent occupants of the moderate income units that are directly related to the receipt of the density bonus in a common interest development are moderate income households and that the units are offered at an affordable housing cost for the required affordability period.

87.1130 Incentives and Concessions

- A. An applicant for a density bonus pursuant to Section 87.1120 may submit a proposal for the specific incentives or concessions that the applicant requests pursuant to this chapter.
- B. Subject to subsection (C) below, the applicant will receive the following number of incentives or concessions:
 1. One incentive or concession for projects that include at least 10 percent of the total units for lower income households, at least 5 percent for very low income households, or at least 10 percent for moderate income households in a common interest development.
 2. Two incentives or concessions for projects that include at least 20 percent of the total units for lower income households, at least 10 percent for very low income households, or at least 20 percent for moderate income households in a common development.
 3. Three incentives or concessions for projects that include at least 30 percent of the total units for lower income households, at least 15 percent for very low income households, or at least 30 percent for moderate income households in a common interest development.
- C. The Planning Commission shall grant the concession or incentive requested by the applicant, unless it makes a written finding, based upon substantial evidence, that:
 1. The concession or incentive is not required in order to provide for affordable housing costs or for rents for the targeted units to be set as specified in Section 87.1120(E)
 2. The concession or incentive would have a specific, adverse impact upon public health and safety, or the physical environment, or on

any real property listed in the California Register of Historical Resources, and there is no feasible method to satisfactorily mitigate or avoid the specific adverse impact without rendering the development unaffordable to low and moderate income households; or

3. The concession or improvement would be contrary to state or federal law.

87.1140 Waiver or reduction of development standards.

- A. An applicant may submit to the Town a proposal for the waiver or reduction of development standards that the applicant believes will have the effect of physically precluding the construction of a housing development that meets the criteria of Section 87.1120(C) at the densities or with the concessions or incentives permitted by this chapter, and may request a meeting with the director. Such proposal may not increase the number of incentives or concessions that the applicant is entitled to under Section 87.1130.
- B. The Planning Commission shall waive or reduce the development standard requested by the applicant, unless it makes a written finding, based upon substantial evidence, that:
 1. The waiver or reduction would have a specific, adverse impact upon public health and safety, or the physical environment, or on any real property listed in California Register of Historical Resources, and there is no feasible method to satisfactorily mitigate or avoid the specific adverse impact; or
 2. The waiver or reduction would be contrary to state or federal law.

87.1150 Calculation of density bonus.

- A. The applicant may elect to accept a lesser percentage of density bonus.
- B. The amount of density bonus to which the applicant is entitled will vary according to the amount by which the percentage of affordable housing units exceeds the percentage established in Section 87.1120 (C)
- C. For housing developments meeting the criteria of Section 87.1120(C) (1), the density bonus will be calculated as follows:

Percentage Low Income Units	Percentage Density Bonus
10	20
11	21.5
12	23
13	24.5
14	26
15	27.5
17	30.5
18	32
19	33.5
20	35

- D. For housing developments meeting the criteria of Section 87.1120(C) (2), the density bonus will be calculated as follows:

Percentage Very Low Income Units	Percentage Density Bonus
5	20
6	22.5
7	25
8	27.5
9	30
10	32.5
11	35

- E. For housing developments meeting the criteria of Section 87.1120(C) (4), as senior housing developments, the density bonus will be 20 percent.

- F. For housing developments meeting the criteria of Section 87.1120(C) (3), the density bonus will be calculated as follows:

Percentage Moderate Income Units	Percentage Density Bonus
10	5
11	6
12	7
13	8
14	9

15	10
16	11
17	12
18	13
19	14
20	15
21	16
22	17
23	18
24	19
25	20
26	21
27	22
28	23
29	24
30	25
31	26
32	27
33	28
34	29
35	30
36	31
37	32
38	33
39	34
40	35

- G. All density calculations resulting in fractional units will be rounded up to the next whole number. The granting of a density bonus will not be interpreted, in and of itself, to require a general plan amendment, zoning change or other discretionary approval.

87.1160 Additional density bonus through donation of land.

When an applicant for a tentative subdivision map, parcel map, or other residential development approval donates land to the Town, as provided for in this section, the

applicant will be entitled to a 15 percent increase above the otherwise maximum allowable residential density under the applicable zoning and the land use element of the general plan for the entire development, as follows:

Percentage Very Low Income	Percentage Density Bonus
10	15
11	16
12	17
13	18
14	19
15	20
16	21
17	22
18	23
19	24
20	25
21	26
22	27
23	28
24	29
25	30
26	31
27	32
28	33
29	34
30	35

- A. This increase will be in addition to any increase in density mandated by Section 87.1120(C).
1. All density calculations resulting in fractional units will be rounded up to the next whole number.
 2. Nothing in this section will be construed to enlarge or diminish the authority of the Town to require a developer to donate land as a condition of development.

- B. An applicant will be eligible for the increased density bonus described in this section if all of the following conditions are met.
1. The applicant donates and transfers the land no later than the date of approval of the final subdivision map or parcel map or residential development application.
 2. The developable acreage and zoning classification of the land being transferred are sufficient to permit construction of units affordable to very low income households, in an amount not less than 10 percent of the number of residential units of the proposed development.
 3. The transferred land is at least one acre in size or of sufficient size to permit development of at least 40 units, has the appropriate general plan designation, is appropriately zoned for development as affordable housing, and is or will be served by adequate public facilities and infrastructure.
 - a. The land shall have appropriate zoning and development standards to make the development of the affordable units feasible.
 - b. No later than the date of approval of the final subdivision map, parcel map, or of the residential development, the transferred land shall have all the permits and approvals, other than building permits, necessary for the development of the very low income housing units on the transferred land, except that the local government may subject the proposed development to subsequent design review, to the extent authorized by California Government Code section 65583.2(i), if the design is not reviewed by the town prior to the time of transfer.
 4. The transferred land and the affordable units will be subject to a deed restriction ensuring continued affordability of the units consistent with Section 87.1120(E) (1) and (2), which restriction will be recorded on the property at the time of transfer.
 5. The land is transferred to the Town or to a housing developer approved by the Town. The Town may require the applicant to identify and transfer the land to such housing developer.
 6. The transferred land shall be within the boundary of the proposed development or, if the town agrees, within one-quarter mile of the boundary of the proposed development.

87.1165 Additional density bonus or concession or incentive through provision of child care facility.

- A. When an applicant proposes to construct a housing development that conforms to the requirements of Section 87.1120(C) and includes a child care facility that will be located on the premises of, as part of, or adjacent to, the project, the Planning Commission shall grant either of the following:
 - 1. An additional density bonus that is an amount of square feet of residential space that is equal to or greater than the amount of square feet in the child care facility.
 - 2. An additional concession or incentive that contributes significantly to the economic feasibility of the construction of the child care facility.
- B. The Planning Commission shall require, as a condition of approving the housing development, that the following occur:
 - 1. The child care facility shall remain in operation for a period of time that is as long as or longer than the period of time during which the density bonus units are required to remain affordable pursuant to Section 87.1120(E).
 - 2. Of the children who attend the child care facility, the children of very low income households, lower income households, or moderate income households, shall equal a percentage that is equal to or greater than the percentage of dwelling units that are required for very low income households, lower income households, or moderate income households pursuant to Section 87.1120(C).
- C. Notwithstanding any requirement of this section, the Planning Commission is not required to provide a density bonus or concession for a child care facility if it finds, based upon substantial evidence, that the community has adequate child care facilities.
- D. For the purpose of calculating a density bonus, the residential units do not have to be based upon individual subdivision maps or parcels. The density bonus is permitted in geographic areas of the housing developments.
- E. The granting of a concession or incentive will not be interpreted, in and of itself, to require a general plan amendment, zoning change, or other discretionary approval.

87.1170 Town's discretion in granting density bonus.

Nothing in this chapter will be construed to prohibit the Planning Commission from granting a density bonus greater than what is described in this chapter for a development that meets the requirements of this chapter, or from granting a

proportionately lower density bonus than what is required by this chapter for developments that do not meet the requirements of this chapter.

87.1180 Parking requirements


- A. Upon the request of the applicant, the Town will not require a vehicular parking ratio, inclusive of handicapped and guest parking, of a development meeting the criteria of Section 87.1120(C), that exceeds the following ratios:
 - 1. Zero to one bedrooms: one onsite parking space
 - 2. Two to three bedrooms: two onsite parking spaces.
 - 3. Four and more bedrooms: two and one-half parking spaces.
- B. If the total number of parking spaces required for a development is other than a whole number, the number will be rounded up to the next whole number. For purposes of this section, a development may provide "onsite parking" through tandem parking or uncovered parking, but not through on-street parking.
- C. This section applies to a development that meets the requirements of Section 87.1120(C), but only at the request of the applicant. An applicant may request additional parking incentives or concessions beyond those provided in this chapter, subject to Section 87.1130.

SEVERABILITY. If any section, subsection, subdivision, sentence, clause, phrase, or portion of this ordinance, is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision will not affect the validity of the remaining portions of this ordinance. The Town Council hereby declares that it would have adopted this ordinance, and each section, subsection, subdivision, sentence, clause, phrase, or portion thereof, irrespective of the fact that any one or more sections, subsections, subdivisions, sentences, clauses, phrases, or portions thereof be declared invalid or unconstitutional.

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.

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 18th day of June 2013.


MAYOR

ATTEST:

APPROVED AS TO FORM:


TOWN CLERK


TOWN ATTORNEY

STATE OF CALIFORNIA

COUNTY OF SAN BERNARDINO

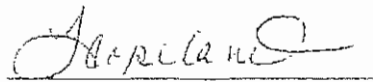
TOWN OF YUCCA VALLEY

I, Lesley R. Copeland, Town Clerk of the Town of Yucca Valley, California hereby certify that the foregoing Ordinance No. 239 as duly and regularly introduced at a meeting of the Town Council on the 4th day of June, 2013, and that thereafter the said ordinance was duly and regularly adopted at a meeting of the Town Council on the 18th day of June, 2013, by the following vote, to wit:

Ayes:	Council Members Huntington, Leone, Lombardo, Rowe and Mayor Abel
Noes:	None
Abstain:	None
Absent:	None

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of the Town of Yucca Valley, California, this 19th day of June, 2013.

(SEAL)



Town Clerk of the Town of
Yucca Valley

ORDINANCE NO. 178

AN ORDINANCE OF THE TOWN COUNCIL OF
THE TOWN OF YUCCA VALLEY, CALIFORNIA,
AMENDING TITLE 8, DIVISION 4, CHAPTER 6
SECTION 84.0615 OF THE SAN BERNARDINO
COUNTY CODE AS ADOPTED AND AMENDED BY
THE TOWN OF YUCCA VALLEY RELATING TO
HOME OCCUPATIONS (DCA-06-05)

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

SECTION 1. Development Code Amended.

1.1 Title 8, Division 4, Chapter 6 Section 84.0615 of the San Bernardino County Code as adopted and amended by the Town of Yucca Valley is hereby further amended to read in its entirety as follows:

"84.0615

Home Occupations

84.0615

(a) **PURPOSE AND INTENT:**

The purpose and intent of this Section is to establish regulations allowing for the operation of certain business activities in single and multi-family residential neighborhoods. The standards and requirements are intended to ensure that home based business operations do not alter the character of any residential neighborhood, or create impacts or activities that are not typically and commonly associated within residential neighborhoods. It is the intent of this Section to allow for commercial uses that are accessory and incidental to the primary purpose of residential homes, which is that of providing a habitable dwelling for the owner or occupant as the primary use of the residential dwelling unit. Home Occupation permits may be allowed in multi-family zoning and in multi-family units, including duplexes, tri-plexes, and apartment units.

(b) No person shall engage in a home occupation without first obtaining a special use permit from the Planning Division consistent with the requirements of this Chapter, unless otherwise exempt.

(c) The Director of the Community Development Department, or his designee, shall review all applications for a Home Occupation Permit to determine if the proposed use meets all of the standards of subsection 84.0615 (j). If all standards are met after complying with the notice provisions of this subsection, the Community Development Director shall make the following findings prior to issuance of the permit:

- (1) That the proposed use is not prohibited;
 - (2) That the proposed use will comply with all applicable standards;
 - (3) That the issuance of the Home Occupation Permit will not be detrimental to the public health, safety, and general welfare;
 - (4) That the proposed use will be consistent with any applicable specific plan.
 - (5) That the proposed use will not alter the character of the neighborhood and will not induce physical or socioeconomic changes to the neighborhood that are inconsistent with the goals and objectives of the General Plan, and the development code, and that do not create characteristics more closely associated with commercial, office or industrial land use activities.
- (d) (1) In accordance with Section 83.010330 *Notice of Pending land Use Decision*, notice shall be given, except that such notice will be given at least fifteen (15) days prior to the scheduled hearing date. If no response has been received by the Town five (5) days prior to the scheduled hearing date and the applicant has no objections to the conditions of approval, the Community Development Director may elect not to hold a formal hearing.
- (2) Home Occupation Permits are subject to review by the Community Development Director annually, or as a result of any written complaint.
- (3) Telecommuting and internet or electronic based businesses, or other similar activities that are transparent inside the residential structure, and do not involve customer to site, employees, or any structural alteration are exempt from permitting requirements.
- (e) Subject to the authority and discretion of the Director, Home occupations that meet the following standards, after appropriate application and subject to a field investigation, may be permitted without notice or a hearing. Alternatively, the Director may schedule a hearing or forward the matter to the Planning Commission for action. The Director may establish any other special condition of approval for any Home Occupation Permit as necessary to carry out the intent of this subsection.
- (1) There is no visible or external evidence of the home occupation. The dwelling was not built, altered, furnished or decorated for the purpose of conducting the home occupation in such a manner as to change the residential character and appearance of the dwelling, or in such a manner as to cause the structure to be recognized as a place where a home occupation is conducted;

- (2) There are no displays, for sale, or advertising signs on the premises;
- (3) There are no signs other than one (1) unlighted identification sign containing the name and address of the owner attached to the building not exceeding two (2) square feet in area per street frontage;
- (4) All maintenance or service vehicles and equipment, or any vehicle bearing any advertisement, shall be in conformance with Town regulations regarding vehicle signs;
- (5) The home occupation does not encroach into any required parking, setback, or open space area;
- (6) Outside storage of stock, merchandise, scrap supplies, or other materials or equipment on the premises shall not be visible from surrounding properties or public rights of way. Any storage of hazardous, toxic, or combustible materials in amounts exceeding those typically found in residential uses shall be prohibited;
- (7) There is complete conformity with Fire, Building, Plumbing, Electrical, and Health Codes and all applicable State and Town laws and ordinances. Activities conducted and equipment or material used shall not change the fire safety or occupancy classification of the premises;
- (8) No pedestrian or vehicular traffic is generated in excess of that customarily associated with a residential use and the neighborhood in which it is located;
- (9) The Home Occupation has a current business registration certificate;
- (10) If the home occupation is to be conducted on rental property, the property owner's written authorization for the proposed use has been obtained prior to the submittal for a Home Occupation Permit;
- (11) The garage has not and shall not be altered externally;
- (12) The Home Occupation does not create or cause noise in excess of noise standards established for residential land use districts, dust, light, vibration, odor, gas, fumes, toxic or hazardous materials, smoke, glare, electrical interference, fluctuations in the line voltage outside the structure, or other hazards or nuisances;
- (13) There are no sales of products on the premises.
- (14) No customers or clientele may visit the residence.
- (15) All employees shall be members of the resident family and shall reside on the premises.
- (16) Up to twenty-five percent (25%) or two hundred fifty (250) square-feet, whichever is greater, of the total floor area of the dwelling unit and the related accessory structures may be used for storage of material and supplies related to the home occupation.
- (17) No employees and no vehicle parking, other than that normally associated with a single family residential structure, is provided.

- (f) Home occupation permit applications meeting the following standards shall be subject to notice and hearing. The Community Development Director is the review authority, and the Director may forward the application to the Planning Commission for consideration.
- (1) There may be sales of products on the premises.
 - (2) Customers may visit the residence and then only by appointment. This is restricted to a single appointment at a time. The monthly average of the total trip count for business activities shall not exceed 10 trips per day in all Land use Districts.
 - (3) All employees of the home occupation, except one (1), shall be members of the resident family and shall reside on the premises provided all the required findings can be made, in all RS land use districts. All employees of the home occupation, except two (2), shall be members of the resident family and shall reside on the premises provided all the required findings can be made in all RL land use districts. The applicant must demonstrate that the lot can accommodate the parking of all personal and employee vehicles on-site.
 - (4) Up to twenty-five percent (25%) or two hundred fifty (250) square-feet, whichever is greater, of the total floor area of the dwelling unit and the related accessory structures may be used for storage of material and supplies related to the home occupation in all RS land use districts. Up to thirty-five percent (35%) or five hundred (500) square-feet, whichever is greater, of the total floor area of the dwelling unit and the related accessory structures may be used for storage of material and supplies related to the use in all RL land use districts.
 - (5) Operating hours of a home occupation shall be between the hours of 7:00 a.m. and 8:00 p.m.
- (g) **Prohibited Home Occupations.** The following uses are not incidental to or compatible with residential activities and therefore shall not be allowed as home occupations:
- (1) Animal hospitals;
 - (2) Automotive and other vehicle repair (body or mechanical), upholstery, painting, or storage;
 - (3) Junk yards;
 - (4) Medical and dental offices, clinics, and laboratories;
 - (5) Mini-storage;
 - (6) Storage of equipment, materials, and other accessories to the construction trades;
 - (7) Welding and machining.
 - (8) Cabinet shop.

- (9) Uses which may include the storage or use of explosives or highly combustible or toxic materials beyond that permitted by the Building, Fire Code, or adopted restrictions.
- (h) The Home Occupation Permit may be revoked by the Community Development Director if any one of the following findings can be made that there exists a violation of a condition; regulation or limitation of the permit and said violation is not corrected within ten (10) days after a notice of violation is served on the violator or after repeated violations. The permit shall not be revoked without notice of hearing ten days in advance of the hearing for consideration of permit revocation. The Director may schedule the revocation hearing for consideration by the Planning Commission.
- (1) That the permitted home occupation use has changed in kind, extent or intensity from the use which received an approved Home Occupation Permit;
 - (2) That the use has become detrimental to the public health, safety, welfare or traffic, or constitutes a nuisance;
 - (3) That the use for which the permit was granted has ceased or was suspended for six (6) or more consecutive calendar months;
 - (4) That the use is not being conducted in a manner consistent with applicable operating standards described in Section 84.0618 *Operating Standards*, of this Chapter;
 - (5) That the permit was obtained by misrepresentation or fraud;
 - (6) That one (1) or more of the conditions of the Home Occupation Permit have not been met;
 - (7) That the property owner or tenant fails to permit entry onto the premises to allow periodic inspections by representatives of the Town at any reasonable time;
 - (8) That the home occupation is in violation of any statute, law, ordinance, or regulation;
 - (9) That two (2) or more valid complaints from at least two (2) different parties have been filed against the home occupation within any six (6) month period, and it is found that the use is causing harm or unreasonable annoyance or is otherwise detrimental to other property or its use in the area.
 - (10) That the applicant has not obtained a current business registration certificate from the Town.
 - (11) That the proposed use altered the character of the neighborhood and/or induced physical or socioeconomic changes to the neighborhood that are not consistent with the goals and objectives of the General Plan, that are not consistent with the development code, and that create characteristics more closely associated with commercial, office or industrial land use activities.

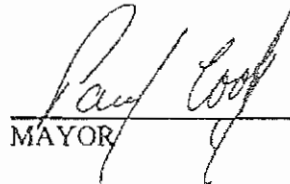
- (i) **Appeal.** Any affected person may appeal a decision of the Director of Community Development to the Planning Commission. Appeals shall be filed with the Community Development Department within ten (10) days following the date of the action appealed. Upon receipt of the notice of appeal, the Community Development Director shall schedule the matter on the agenda for the next possible regular Planning Commission meeting. The Planning Commission may affirm, revise or modify the action appealed from the Town staff. Any decision of the Planning Commission may be appealed to the Town Council within ten (10) days following the Commission action.
- (j) **General Standards.** All home occupations shall comply with all of the following operating standards at all times:
- (1) There shall be no visible or external evidence of the home occupation. No dwelling shall be built, altered, furnished or decorated for the purpose of conducting the home occupation in such a manner as to change the residential character and appearance of the dwelling, or in such a manner as to cause the structure to be recognized as a place where a home occupation is conducted;
 - (2) There shall be no displays, sale, or advertising signs on the premises;
 - (3) There shall be no signs other than one (1) unlighted identification sign containing the name and address of the owner attached to the building not exceeding two (2) square feet in area per street frontage;
 - (4) All maintenance or service vehicles and equipment, or any vehicle bearing any advertisement, shall be in conformance with Town regulations regarding vehicle signs;
 - (5) The home occupation shall not encroach into any required parking, setback, or open space area;
 - (6) There shall be no outside storage of stock, merchandise, scrap supplies, or other materials or equipment on the premises visible from surrounding properties or public rights of way. Any storage of hazardous, toxic, or combustible materials in amounts exceeding those typically found in residential uses shall be prohibited;
 - (7) There shall be complete conformity with Fire, Building, Plumbing, Electrical, and Health Codes and to all applicable State and Town laws and ordinances. Activities conducted and equipment or material used shall not change the fire safety or occupancy classification of the premises;
 - (8) No home occupation shall generate pedestrian or vehicular traffic in excess of that customarily associated with a residential use and the neighborhood in which it is located;
 - (9) No home occupation shall be initiated until a current business registration certificate is obtained;
 - (10) A Home Occupation Permit shall not be transferable;

- (11) If the home occupation is to be conducted on rental property, the property owner's written authorization for the proposed use shall be obtained prior to the submittal for a Home Occupation Permit;
- (12) The garage shall not be altered externally;
- (13) No use shall create or cause noise in excess of noise standards established for residential land use districts, dust, light, vibration, odor, gas, fumes, toxic or hazardous materials, smoke, glare, electrical interference, fluctuations in the line voltage outside the structure, or other hazards or nuisances;
- (14) The Director may establish any other special condition of approval for any Home Occupation Permit as necessary to carry out the intent of this Chapter.

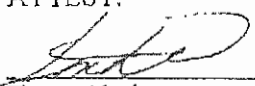
SECTION 2. NOTICE OF ADOPTION. Within fifteen (15) days after the adoption hereof, the Town Clerk shall certify to the adoption of this Ordinance and cause it to be published once in a newspaper of general circulation printed and published in the County and circulated in the Town pursuant to Section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

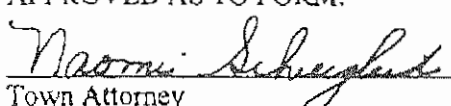
APPROVED AND ADOPTED by the Town Council and signed by the Mayor and attested by the Town Clerk this 5th day of January 2006.



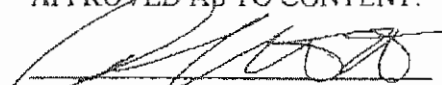
 MAYOR

ATTEST:


 Town Clerk

APPROVED AS TO FORM:


 Town Attorney

APPROVED AS TO CONTENT:


 Town Manager

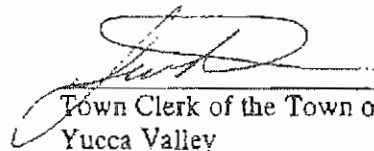
STATE OF CALIFORNIA
COUNTY OF SAN BERNARDINO
TOWN OF YUCCA VALLEY

I, Janet M. Anderson, Town Clerk of the Town of Yucca Valley, California hereby certify that the foregoing Ordinance No. 178 as duly and regularly introduced at a meeting of the Town Council on the 8th day of December, 2005, and that thereafter the said ordinance was duly and regularly adopted at a meeting of the Town Council on the 5th day of January, 2006, by the following vote, to wit:

Ayes: Council Members Leone, Luckino, Mayes, Neeb and Mayor Cook
Noes: None
Abstain: None
Absent: None

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of the Town of Yucca Valley, California, this 17th day of January, 2006.

(SEAL)


Town Clerk of the Town of
Yucca Valley

ORDINANCE NO. 175

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF YUCCA VALLEY, CALIFORNIA, AMENDING TITLE 8, DIVISION 11, CHAPTER 3 OF THE SAN BERNARDINO COUNTY CODE AS ADOPTED BY THE TOWN OF YUCCA VALLEY RELATING TO DEDICATION OF LAND FOR PARK AND RECREATIONAL PURPOSES

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

SECTION 1. Development Code Amended.

1.1 Title 8, Division 11, Chapter 3 of the San Bernardino County Code as adopted by the Town of Yucca Valley is hereby amended to read in its entirety as follows:

"Chapter 3"

DEDICATION OF LAND FOR PARK AND RECREATION PURPOSES

SECTIONS:

- 811.301 Purpose and Intent.
- 811.302 Park Land Dedication Requirements
- 811.303 Payment of In-Lieu Fees For Park and Recreational Purposes
- 811.304 Combination of Land and Fees Required
- 811.305 Procedure
- 811.306 Credit for Private Open Space
- 811.307 Improvements to dedicated parkland and adjoining public rights-of-way
- 811.308 Alternative Method
- 811.309 Severability

811.0301 PURPOSE AND INTENT.

This chapter is enacted pursuant to the authority granted by Section 66477 of the California Government Code which authorizes a city to require the dedication of land for park and recreation facilities or payment of in-lieu fees incident to and as a condition of approval of a tentative tract map or tentative parcel map for certain subdivisions. The purpose and intent of this Chapter is to implement the General Plan, the Parks Master Plan, and any specific or other plan in requiring the dedication of land for park and recreation purposes. The purpose and intent of this Chapter is also to ensure the adequate provision of park and recreation facilities to meet the needs of neighborhood residents for both active and passive recreational functions.

811.0302 PARK LAND DEDICATION REQUIREMENTS.

A. Applicability. The dedication of land for park and recreation facilities shall be required incident to and as a condition of the approval of a tentative tract map or tentative parcel map for a subdivision. Subdivisions containing less than five parcels and not used for residential purposes shall be exempted from the requirements of this chapter; provided, however, that a condition shall be placed on the approval of such parcel map that if a building permit is requested for construction of a residential structure or structures on one or more of the parcels within four years of the date of approval of the parcel map, the fee may be required to be paid by the owner of each such parcel as a condition to the issuance of such permit. The provisions of this chapter do not apply to commercial or industrial subdivision or to condominium projects or stock cooperatives which consist of division of airspace in an existing multifamily residential building which is more than five years old when no new dwelling units are added.

B. Use of Land and Fees. The land, fees or combination of land and fees, are to be used only for the purpose of providing park or recreational facilities within the Town which will serve or benefit future inhabitants of such subdivision, and the park and recreational facilities so developed shall bear a reasonable relationship to the needs thereof by the inhabitants of the subdivision. The park and recreational facilities shall be consistent with the standards and policies for park and recreation facilities, adopted in the General Plan, the Parks Master Plan or an applicable specific plan.

C. Establishment and Development Time. The Town Council shall specify by resolution at the time approval is given to the final map when the development of a park or recreation facility to serve the subject subdivision will begin. The starting date shall be reasonable with respect to (1) the need for such park or facility, (2) weather constraints, (3) minimized disruption of the neighborhood, and (4) the accumulation of the necessary funds and land.

D. Land Disposition. In the event that opportunities for better recreation facilities than those provided by the dedication materialize, the land so dedicated may be sold and the proceeds used for suitable park and recreation facilities which serve the neighborhood or area in which that subdivision is located.

E. Standards for Dedications. The amount of land required to be dedicated to the Town for park and recreation facilities incident to and as a condition of the approval of a tentative tract map or tentative parcel map for a subdivision shall bear a reasonable relationship to the use or benefits of the park and recreation facilities by the future inhabitants of the subdivision. It is found and determined that the public interest, convenience, health, welfare and safety require that five acres of usable land for each one thousand (1,000) persons residing within the Town be devoted to neighborhood or community park and recreation facilities. The park land to be so dedicated shall conform to locations and standards set forth in the General Plan and the Parks Master Plan, or as necessary to implement the General Plan and Parks Master Plan. The slope, topography and geology of the site, as well as its surroundings, must be suitable for the intended park and recreation purposes. The primary intent of this section shall be construed to provide the land for functional recreation units of local, neighborhood, or community park services, including but not limited to: tot lots, playlots, playgrounds, neighborhood parks, playfields, and other specialized recreational facilities that may serve the organized recreation programs, family group and also senior citizens.

F. Amount of Land to be Dedicated. Except as otherwise provided in this chapter, the number of acres or fraction of an acre of usable land required to be dedicated to the Town for park and recreation facilities incident to and as a condition of the approval of a tentative tract map or tentative parcel map shall be the product of the following:

1. The number of proposed dwelling units within the subdivision; multiplied by
2. The average number of residents per dwelling unit within the incorporated territory of the city, as determined by the most recent federal census or a census taken pursuant to the provisions of Title 4, Division 3, Part 2 of the California Government Code (commencing with Section 40200), or such other acceptable means of determination provided by California Government Code Section 66477, divided by;
3. 1000, multiplied by;
4. 5

811.0303. PAYMENT OF IN-LIEU FEES FOR PARK AND RECREATION PURPOSES.

A. Amount of In-Lieu Fees Required. Where a fee is required to be paid in-lieu-of dedicating land, the fee shall be based on the fair market value of the amount of land

which would otherwise be required for dedication, as provided in Section 811.0302(F). Such fee shall be determined each year in the amount as set forth in a park fee study. The fair market value of a buildable acre shall be based on an appraisal of similarly situated property for usable park land within the Town as determined by the Town Manager. If the subdivider objects to such evaluation, the subdivider may, at its own expense, obtain an appraisal of the property by a qualified real estate appraiser approved by the Town Manager, with the appraisal accepted by the Town Council if found reasonable or the city and subdivider may agree to the fair market value.

B. Fifty Parcels or Less. The payment of fees in-lieu-of dedication may be required in subdivisions containing fifty (50) or less lots or parcels, except that when a condominium project, stock cooperative or community apartment project exceeds fifty (50) dwelling units, dedication of land may be required notwithstanding that the number of parcels may be less than fifty-one (51).

811.0304. COMBINATION OF LAND AND FEES REQUIRED.

When only a portion of the required land is dedicated as required by Section 811.0302, an in-lieu fee for the remaining required acres of land shall be paid in accordance with Section 811.0303.

811.0305. PROCEDURE.

The procedure for determining whether the subdivider is to dedicate land, pay a fee, or both, shall be as follows:

A. Action by Subdivider. At the time of filing a tentative tract map or tentative parcel map for approval, the subdivider shall, as part of such filing state in writing whether such subdivider desires to dedicate property for park and recreation purposes or to pay a fee in-lieu thereof. If the subdivider desires to dedicate land for this purpose, the area shall be designated on the tentative tract or parcel map as submitted.

B. Actions of Town. At the time of the tentative tract map or tentative parcel map approval, the Parks, Recreation and Cultural Commission (the "Advisory Agency") shall recommend to the Planning Commission, and Town Council if required, whether to require dedication of the land within the subdivision, payment of a fee in-lieu thereof, or a combination of both, and shall incorporate such recommendation, as may be amended, as a part of its approval of the tentative tract map or tentative parcel map.

C. Prerequisites for Approval of Final Map. Where dedication is offered and accepted, it shall be accomplished in accordance with the Subdivision Map Act. Where fees are required, such fees shall be deposited with the Town prior to the approval of the final tract map. Open space covenants for private park or recreation facilities shall be submitted to the Town prior to the approval of the final tract map and shall be recorded contemporaneously with the final tract map.

D. Determination. The Parks, Recreation, and Cultural Commission shall recommend whether to require land dedication, require payment of a fee in-lieu thereof, or a combination of both, by consideration of the following:

1. Recreational element of the Town's General Plan and the Town's Parks Master Plan; and
2. Topography, geology, access and location of land within the subdivision available for dedication; and
3. Size and shape of the subdivision and land available for dedication.

E. Conveyances. All dedications of land shall be in accordance with the Subdivision Map Act. Land shall be conveyed in fee simple to the Town free and clear of all encumbrances. Properly executed deeds shall be delivered to the Town before the approval of the final map or parcel map. The subdivider shall also obtain at its sole cost, a policy of Title Insurance insuring the Town in an amount equal to the value of the dedicated land. If the final map or parcel map is disapproved, or if it is withdrawn by the subdivider, the deeds shall be returned to the subdivider. If the final map or parcel map is approved, the deeds shall be recorded concurrently with the final map/parcel map by the Town.

811.0306. CREDIT FOR PRIVATE OPEN SPACE.

When private open space for park and recreation purposes is provided in a proposed subdivision and such space is to be privately owned and maintained by future residents of the subdivision, such areas shall be credited up to twenty-five (25) percent against the requirement of a dedication of park and recreation purposes set forth in Section 811.0302 or the payment of fees set forth in Section 811.0303, provided the Parks, Recreation and Cultural Commission finds that it is in the public interest to do so, and that the following standards are met:

- A. That yards, court areas, setbacks and other open areas required to be maintained by the zoning, land use district, and building regulations shall not be included in the computation of such private open space; and
- B. That the private ownership and maintenance of the private open space is adequately provided for by written agreement; and
- C. That the use of the private open space is restricted for park and recreation purposes by recorded covenants which run with the land in favor of the future owners of the property within the tract; and
- D. That the proposed private open space is reasonably adaptable for use for park and recreation purposes, taking into consideration such factors as size, shape, topography, geology, access and location of the private open space land; and
- E. That facilities proposed for the open space are in substantial accordance with the provisions of the city's General Plan and Parks Master Plan and are approved by the Parks, Recreation, and Cultural Commission; and

F. That the private recreational facilities include one or more of the following active recreational elements: (1) Open spaces dedicated to active recreational pursuits such as soccer, golf, baseball, softball and football; (2) basketball courts, tennis courts, badminton courts, shuffleboard courts or other similar hard-surfaced areas and volleyball courts, especially designed and exclusively used for court games; and (3) recreational swimming pools and other swimming areas.

The Town may consider acceptance of passive open space, based upon preservation of the natural environment, topography, creation of useable passive open space reflective of the desert environment, consistent with the adopted General Plan.

811.0307.00 IMPROVEMENTS TO DEDICATED PARKLAND AND ADJOINING PUBLIC RIGHTS-OF-WAY

When the Town has required the dedication of land for park facilities incidental to and as a condition of the approval of a tentative tract map or tentative parcel map for a residential subdivision, the Town shall, as a further condition of such approval, require the construction and installation of the following public improvements within the dedicated parkland and adjoining public rights-of-way, which are in addition to any park and recreation facilities and improvement impact fees, including but not limited to:

1. Storm drainage facilities necessary for the conveyance and disposal of storm waters generated within or flowing through the dedicated parkland.
2. Fencing necessary in order to provide an appropriate barrier between the dedicated parkland and adjoining properties.
3. Street improvements within the adjoining public rights-of-way including, but not limited to, street paving, sidewalks, curbs, gutters, street trees and traffic control devices;
4. Grading necessary for facilitation of the project;
5. Any other public improvements which the Town determines are necessary in order to make the dedicated parkland suitable for development as a park facility.
6. Provide access from the park and recreational facilities to an existing or proposed public street, unless the Town determines that such access is unnecessary for maintenance of the park area or use of the park by the residents of the area.
7. Provide all utilities to the site.

No grading, drainage, irrigation, planting, street or utility improvements required under this section shall be eligible for a credit against the land to be dedicated or fees paid under the provisions of this section.

811.0308. ALTERNATIVE METHOD.

This chapter is intended to establish an alternative method for spreading the costs of the park and recreation facilities against the lands which will be benefited thereby; and the provisions of this chapter shall not be construed to limit the powers of the Town Council to utilize any other method for accomplishing this purpose but shall be in addition to any other requirements which the Town Council is authorized to impose as a condition to approving new development pursuant to state and local statutory and decisional law.

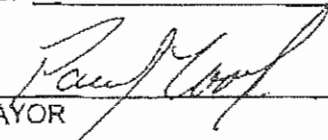
811.0309. SEVERABILITY

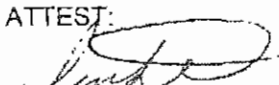
If any section, subsection, subdivision, paragraph, sentence, clause, or phrase in this chapter or any part thereof is for any reason held to be unconstitutional or invalid or ineffective by any court of competent jurisdiction, such decision shall not affect the validity or effectiveness of the remaining portions of this chapter or any part thereof. The Town Council declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause or phrase thereof irrespective of the fact that any one or more subsections, subdivisions, paragraphs, sentences, clauses or phrases be declared unconstitutional or invalid, or ineffective.


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.

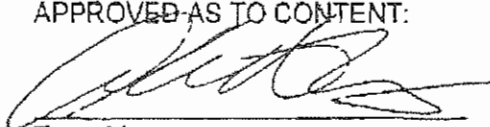
SECTION 3. EFFECTIVE DATE. This Ordinance shall become effective thirty (30) days from and after the date of its adoption.

APPROVED AND ADOPTED by the Town Council and signed by the Mayor and attested by the Town Clerk this 8th day of December, 2005.


MAYOR

ATTEST:

Town Clerk

APPROVED AS TO FORM:

Town Attorney

APPROVED AS TO CONTENT:

Town Manager

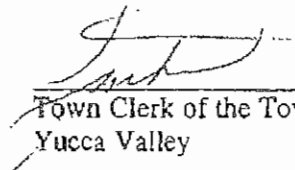
STATE OF CALIFORNIA
COUNTY OF SAN BERNARDINO
TOWN OF YUCCA VALLEY

I, Janet M. Anderson, Town Clerk of the Town of Yucca Valley, California hereby certify that the foregoing Ordinance No. 175 as duly and regularly introduced at a meeting of the Town Council on the 10th day of November, 2005, and that thereafter the said ordinance was duly and regularly adopted at a meeting of the Town Council on the 8th day of December, 2005, by the following vote, to wit:

Ayes: Council Members Leone, Luckino, Mayes, Neeb and Mayor Cook
Noes: None
Abstain: None
Absent: None

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of the Town of Yucca Valley, California, this 15th day of December, 2005.

(SEAL)



Town Clerk of the Town of
Yucca Valley

ORDINANCE NO. 45

AN ORDINANCE OF THE TOWN OF YUCCA VALLEY,
CALIFORNIA, ADDING TITLE 9 ENTITLED
"DEVELOPMENT CODE" AND ADDING A NEW
CHAPTER 9.75 RELATING TO LANDSCAPING/WATER
CONSERVATION REQUIREMENTS.

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

Section 1. New Title is Established. A new Title 9 entitled "Development Code" is hereby added to the Town of Yucca Valley Municipal Code.

Section 2. New Chapter 9.75 is Established. A new Chapter 9.75 is hereby added to Title 9 of the Town of Yucca Valley Municipal Code entitled "Landscape/Water Conservation Requirements". Said Chapter is attached hereto as Exhibit "A" and is incorporated by this reference as if fully set forth herein.

Section 3. Environmental Review. This addition to the Development Code qualifies as and is hereby found to be a Class 8 Categorical Exemption under the California Environmental Quality Act (CEQA Section 15308). Class 8 Exemptions consist of actions taken by regulatory agencies to assure the maintenance, restoration, enhancement, or protection of the environment where the regulatory process involves procedures for protection of the environment. This addition to the Development Code involves procedures for the protection of the environment through water conservation.

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. 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, and to this end the provisions of this Ordinance are declared to be severable.

APPROVED and ADOPTED by the Town Council and signed by the Mayor and attested by the Town Clerk this 20th day of January, 1994.

Marge Spouter
Mayor

ATTEST:

Sue Tsuda
Town Clerk

APPROVED AS TO FORM:

Naomi DeHughes
Town Attorney

APPROVED AS TO CONTENT:

Sue Tsuda
Town Manager

EXHIBIT "A"

9.75.010 GENERAL PROVISIONS

A. **Purpose and Intent.** The purpose of this ordinance is to establish standards for landscaping and irrigation requirements for development projects as defined in this ordinance and to provide for compliance with AB 325. The Town recognizes that water conservation is a critical factor within the Warren Valley Basin, and therefore proper landscaping and irrigation programs are essential for conserving as much water as feasible. The intent of water conservation shall not be viewed as a mandate to reduce landscaping requirements. Drought resistant landscaping plantings are available and the Town desires and intends to create aesthetically pleasing development projects.

B. **Policies.** The Town of Yucca Valley adopts the following policies as a guide for implementation of this Ordinance.

1. The Town of Yucca Valley shall cooperate with the Hi Desert Water District in relation to water conservation measures and shall ensure compatibility between all regulations and requirements of both the Town and the District.

2. The Town and the District shall make all efforts to avoid duplication of services provided by either Agency, and shall also attempt to keep costs to the minimum. Costs associated with this ordinance shall be intended to only cover Town costs related to the review, permitting, inspection, and continued monitoring of landscaping and irrigation projects as defined by State law and this ordinance.

3. The Town encourages quality landscaping in conjunction with new development projects and with the remodeling and upgrading of existing commercial and residential projects. Project proponents are expected and shall be required to provide for acceptable landscaping which adds to the quality and aesthetics of project developments.

4. All landscaping materials shall be drought resistant and compatible with the Mountain/Desert environments present in Yucca Valley.

5. The Town encourages the use of the highest and most efficient irrigation systems available, which will provide the best means of efficiency and therefore water conservation measures.

6. While the Town has not yet adopted a General Plan, the Town will exercise its authority in determining the adequate landscaping areas, plant materials, irrigation systems and designs for those projects to ensure that minimal attempts have been made to provide adequate landscaping.

7. Ordinance policies are designed to ensure that future landscaping projects are designed and constructed to the highest level of aesthetic values and water efficiency, and to make wise water management viable and easy. The estimated water use shall not exceed the maximum water use allowance. If necessary the landscape planting and irrigation system shall be modified to bring total water use to equal or less than the maximum water use allowance.

C. Definitions. In addition to the definitions set forth in this ordinance, definitions prescribed by AB 325 shall apply to development projects. Any contradiction in terms shall be resolved by the Town's Landscape Architect.

1. "anti-drain valve" or "check valve" shall mean a valve located under/in a sprinkler head to hold water in the system so as to minimize drainage from the lower elevation sprinkler heads.
2. "application rate" shall mean the depth of water applied to a given area, usually measured in inches per hour.
3. "backflow prevention device" shall mean a safety device used to prevent pollution or contamination of the water supply due to the reverse flow of water from the irrigation system.
4. "beneficial use" shall mean water used for evapotranspiration and salt balance control.
5. "billing units" are units of water (100 cubic feet = 1 billing unit = 748 gallons) for billing purposes.
6. "drip irrigation" shall mean that method of irrigation where the water is applied slowly at the base of plants without watering the open space between plants.
7. "emitter" shall mean drip irrigation fittings that deliver water slowly from the system to the soil.
8. "established landscape" shall mean the point at which plants in the landscape have developed roots into the soil adjacent to the root ball.
9. "establishment period" shall mean the first year after installing the plant in the landscape area of the development project.
10. "estimated water use" shall mean the annual total amount of water estimated to be needed to keep the plants in the landscape healthy. It is based upon such factors as the local evapotranspiration rate, the size of the landscaped area, the types of plants, and the efficiency of the irrigation system. The estimated water use for any plant material shall be determined by the Town's Landscape Architect.

11. "electronic controllers" shall mean time clocks that have the capabilities of multi-programming, water-budgeting and multiple start times.
12. "ET adjustment factor" shall mean a factor of 0.8 that, when applied to reference evapotranspiration, adjusts for plant factors and irrigation efficiency, which are two major influences upon the amount of water that needs to be applied to the landscape.
13. "evapotranspiration" or "ET" shall mean the quantity of water evaporated from adjacent soil surfaces and transpired by plants during a specific time expressed in inches.
14. "flow rate" shall mean the rate at which water flows through pipes, valves and meters (gallons per minute or cubic feet per second).
15. "head to head coverage" shall mean 100 percent coverage of the area to be irrigated, with maximum practical uniformity.
16. "high flow check valve" shall mean a valve located under/in a sprinkler head to stop the flow of water if the sprayhead is broken or missing.
17. "hydrozone" shall mean a portion of the landscaped area having plants with similar water needs that are served by a valve or set of valves with the same schedule.
18. "infiltration rate" shall mean the rate of water entry into the soil expressed as a depth of water per unit of time (inches per hour).
19. "irrigation efficiency" shall mean the measurement of the amount of water beneficially used divided by the amount of water applied. Irrigation efficiency is derived from the measurements and estimates of irrigation system characteristics and management practices. The minimum irrigation efficiency shall be 0.625. Greater irrigation efficiencies can be expected from well designed and maintained systems.
20. "landscape irrigation audit" shall mean a process to perform site inspections, evaluate irrigation systems, and develop efficient irrigation schedules.
21. "landscaped area" shall mean the entire parcel less the building footprint, driveways, non-irrigated portions of the parking lots, hardscapes such as decks and patios, and other non-porous areas.
22. "lateral line" shall mean the water delivery pipeline that supplies water to the emitters or sprinklers from the valve.
23. "main line" shall mean the pressurized pipeline that delivers water from the water source to the valve or outlet.

24. "Maximum Water Allowance" shall mean, for the design purposes, the upper limit of annual applied water for the established landscape area as specified in Div. 2, Title 23, CA. code of Reg., chapter 7, section 702. It is based upon the area's reference evapotranspiration, ET adjustment factor, and the size of the landscaped area. The estimated water use shall not exceed the maximum water allowance.
25. "micro-irrigation" see drip irrigation.
26. "mulch" shall mean any organic material such as leaves, bark, straw or inorganic materials such as pebbles, stones, gravel, or decomposed granite left loose and applied to the soil surface to reduce evaporation.
27. "operating pressure" shall mean the pressure at which an irrigation system is designed to operate, usually indicated at the base of an irrigation head.
28. "overpray" shall mean the water which is delivered beyond the landscaped area, wetting pavements, walks, structures, or other non-landscape areas.
29. "pressure compensating screens/devices" shall mean screens/devices inserted in place of standard screens/devices that are used for radius and high pressure control.
30. "plant factor" shall mean the crop co-efficient that when multiplied by reference evapotranspiration (ET_o), estimates the amount of water used by a plant(s).
31. "qualified professional" shall mean a person that has been certified by their professional organization or a person that has demonstrated knowledge and is locally recognized among landscape architects due to long time experience as qualified.
32. "reclaimed water" shall mean treated or recycled waste water of a quality suitable for non-potable uses such as landscape irrigation. Reclaimed water is not for human consumption.
33. "record drawing" or "as-builts" shall mean a set of reproducible mylar drawings which show significant changes in the work made during construction, and which are usually based on drawings marked up in the field and other data furnished by the contractor.
34. "recreational area" shall mean areas of active play or recreation such as sports fields, school yards, picnic grounds, or other areas with intense foot traffic.
35. "reference evapotranspiration" or "ET_o" shall mean a standard measurement of the environmental parameters which affect the water use of plants, using cool season grass as a reference. ET_o is expressed in inches per day, month, or year.

36. "run off" means water which is not absorbed by the soil or landscape to which it is applied, and flows from the area.
37. "soil moisture sensing device" shall mean a device that measures the amount of water in the soil.
38. "soil texture" shall mean the classification of soil based on the percentage of sand, silt, and clay in the soil.
39. "sprinkler head" shall mean a device which sprays water through a nozzle.
40. "static water pressure" shall mean the pipeline or municipal water supply pressure when water is not flowing.
41. "station" shall mean an area served by one valve or by a set of valves that operate simultaneously.
42. "System" shall mean the network of piping, valves and irrigation heads.
43. "turf" shall mean a surface of earth containing mowed grass with roots.
44. "valve" shall mean a device used to control the flow of water in the irrigation system.

9.75.020 APPLICABILITY

A. This landscape water conservation ordinance is applicable to all projects that require a permit as defined.

1. New and rehabilitated landscaping for public and private projects such as golf courses, common area landscaping, private and public schools, businesses, and for multi-family housing.
2. Developer installed landscaping in single and multi-family projects.

B. Exempt projects. The following projects are exempt from the requirements of this ordinance.

1. Any homeowner provided landscaping at single family and multiple family projects.
2. Registered historical sites.
3. Ecological and mined land reclamation projects that do not require a permanent irrigation system.

4. Any project with a landscaped area less than 2,500 square feet.

9.75.030 APPLICATION PROCEDURES AND REQUIREMENTS

The following information provides and outlines the procedures and requirements for submittal to the Town. These procedures and requirements may only be modified for individual projects as determined necessary by the Department Director.

A. Procedures:

1. The applicant or applicant's representative shall submit three blue line copies of the landscape documentation package and one copy of the grading plan to the Community Development Department. No permit for site development shall be issued until the Town reviews and approves the landscape documentation package. Exceptions to this requirement may only be made by the Department Director.
2. The plans shall normally be reviewed and returned to the applicant with comments by the Planning Division within 10 working days of receipt of a complete application and documentation package.
3. If corrections are required following the first plan check, and after noted corrections have been made to the plans by the applicant, the applicant shall return the original submittal and final landscape and irrigation plans for signing. If all required corrections have not been made, the plans shall be returned to the applicant for additional revision.
4. The Community Development Department will attach a signature block, and the plans shall be signed by the Department Director or his/her designee prior to issuance of any permits for the project.
5. The Town will normally return a copy of the signed original plan to the applicant within five working days.
6. As built plans shall be submitted to the Town following completion of the Project.
7. The applicant is responsible for all costs of review, approval, inspections and monitoring of the project in accordance with the Town's fee schedule.

B. Landscape Documentation Package requirements: Each Landscape Documentation Package shall consist of the following, and any additional information as required by the Community Development Department.

1. Water Conservation Concept Statement.
2. Calculation of Maximum Water Allowance.
3. Calculation of Estimated Water Use
4. Site Grading Design Plan
5. Soils Analysis Report
6. Landscape Design Plan
7. Irrigation Design Plan
8. Irrigation Schedules
9. Maintenance Schedule
10. Landscape Irrigation Audit Schedule
11. Certificate of Substantial Completion. (To be submitted after installation of the project is complete.)

9.75.040 LANDSCAPE DESIGN

A. Specifications

The landscape design plan shall be drawn on project base sheets at a scale that accurately and clearly identifies the following:

1. Show vicinity map on top or cover sheet.
2. Show plan scale and north arrow on applicable sheets.
3. Show proposed planting areas with linear and square footage dimensions.
4. Plant material location and size.
5. Plant botanical and common names.
6. Plant spacing and quantity shall be identified.
7. Natural features including but not limited to rock outcroppings, existing trees, and shrubs that will remain.

8. Reserve a space uniform on all landscape, irrigation, detail/specification sheets for a signature block. Area should be located on the lower right corner and must be at least three inches in height by six inches in length.
9. Planting installation details and written specifications.
10. Show all property lines and street names.
11. Show all paved areas such as driveways, walkways and streets.
12. Show all pools, ponds, water features, fences, and retaining walls.
13. Show total landscaped area in square feet. Separate lawn and/or turf area square footage from tree/shrub/ground cover area square footage shall be illuminated. Show the percentage of area to be planted with turf.
14. Show estimated water use, for each major plant group expressed in billing units for spring, summer, and fall/winter. Show total yearly water use. (Formula in Appendix B, and on Sample Calculation Estimated Water Use). Yearly water use shall not exceed Maximum Water Allowance as expressed by Division 2, Title 23 California Code of Regulation, Chapter 7.
15. Designate proposed recreational areas.
16. Illustrate existing and proposed buildings and structures including elevation if applicable.

B. Landscape Design

1. Plants shall be selected based upon appropriateness and their adaptability to climatic, geologic, and topographical conditions of the site. Protection and preservation of native species and natural areas is encouraged.
2. Selection of water efficient and low maintenance plant material is recommended.
3. The landscape design must be carefully planned and take into account the intended function of the project.
4. Consideration shall be given to continuity of an established neighborhood landscape theme if it exists. If not, a low water use theme should be utilized.
5. For residential projects consisting of eight or more homes, at least one model home shall be landscaped totally with water efficient plants.

6. All planted areas must be a minimum of one inch below adjacent hardscapes to reduce runoff and overflow.
7. Consider using polymer in the backfill soil of all plants in coarse sandy soils to boost the soil water holding capacity.
8. In general, large turf areas are discouraged. Large turf areas shall be found only in areas of maximum human contact. These areas include recreational areas such as that found in town parks and school yards. Large non-functional turf areas shall be minimized and reviewed to see if the same effect can be obtained with other plant material. Designers should consider that lawn reduces tree growth because of competition for fertilizer and water. Trees in lawn need deep irrigation, increasing and complicating irrigation systems. Lawn around trees becomes a maintenance problem increasing maintenance costs.
9. Street median and parking landscaping consisting of turf grass shall not be allowed.
10. Avoid designing long, narrow or irregularly shaped turf areas, because of the difficulty in irrigating uniformly without overspray onto hardscape and/or structures.
11. Plants having similar water use shall be grouped together in distinct hydrozones.
12. Plants requiring more frequent irrigation shall be confined to high visibility areas; i.e. entries, patios, and also low lying areas that are designed to catch and retain normal storm runoff. Plants that require less frequent irrigation should be located in less visible areas or around property perimeter.
13. Areas of minimum visual aesthetics shall have planting designed to provide erosion and/or shade protection.
14. The use of a soil covering mulch, such as decomposed granite, to reduce soil surface evaporation is encouraged around trees, shrubs and on non-irrigated areas. The use of boulders and creek stones should be considered to reduce the total vegetation area, make sure area has enough shade to avoid reflected or retained heat. Planting of trees is encouraged wherever it is consistent with other provisions of this ordinance.
15. Annual color plantings should be used only in areas of high visual impact. These areas should be where the colors can be appreciated, otherwise, perennial plantings should be primary source of color.
16. Landscaping must not obstruct or interfere with street signs, lights, or road/walkway visibility. Screening may be provided by walls, berms or plantings.
17. Water features shall use recirculating water. Pool and spa covers are encouraged.

18. Fire prevention needs shall be addressed in areas that are fire prone. The Yuuca Valley Fire Protection District and the California Department of Forestry can provide information on fire prone areas and appropriate landscaping.

C. Landscape Grading

1. The grading plan design shall indicate finished configurations and elevations of the landscaped areas, including the height of graded slopes, drainage patterns, ped elevations, and finish grade.
2. All grading must retain normal storm water runoff and, as much as possible, provide for an area of containment. All irrigation water shall be retained within property lines, and not allowed to flow into public streets or public rights of way or to adjacent private property. Where appropriate, a simulated dry creek bed may be used to convey storm drainage into retention areas. A dry well should be installed if the retention basin is to be used as a recreational area.
3. Turf covered area shall be at a 3:1 slope, or less. avoid mounded or sloped planting areas that contribute to run off onto hardscape. Sloped planting areas above a hardscape area shall be avoided, unless there is a drainage swale at toe of slope to direct runoff away from hardscape. The swale areas maybe planted to turf, ground cover or low shrubbery, and shall be separately watered.
4. Slopes steeper than 3:1 shall be planted to desert compatible landscaping or permanent ground covering plants adequate for proper slope protection.

D. Soils Report

The soils report shall cover:

1. Determination of soil texture including percent organic matter.
2. Soil pH and total soluble salts.
3. Infiltration rate, may be measured or taken from texture/infiltration rate tables.

9.75.050 IRRIGATION DESIGN

The irrigation design plan shall be drawn on project base sheets. It should be separate from, but use the same format as, the landscape design plan.

Separate landscape water meters shall be installed for all projects in accordance with requirements set forth by AB 325 and by the Hi-Desert Water District. When irrigation water is from a well, the well shall be metered.

The irrigation system specifications shall accurately and clearly identify the following:

A. Irrigation Specifications

1. Point of connection or source of water.
2. Meter location and size (where applicable)
3. Pump station location and pumping capacity (where applicable)
4. Backflow prevention unit location and size.
5. Control valves, manufacturer's model number, size and location.
6. Irrigation heads manufacturer's model number, radius, operating pressure, GPM/GPH (gallons per minute/gallons per hour), and location.
7. Piping type, size and location.
8. Power supply/electrical access and location.
9. Plan scale and north arrow on all sheets.
10. Irrigation installation details and notes/specifications.
11. Show GPM through each valve on plan.

B. Irrigation Efficiency

The minimum irrigation efficiency shall be 0.625 as specified by model AB 325 ordinance. Greater irrigation efficiencies are expected from well designed and maintained systems. The following are required:

1. High flow check valves shall be installed under all heads adjacent to street curbing, parking lots and where damage could occur to property due to flooding, unless controllers with flow sensor capabilities are specified that can automatically shut off individual control valves when excess flow is detected.
2. Pressure compensating screens/devices shall be specified on all sprayheads to reduce radius as needed, and/or to control high pressure.

3. Soil moisture sensing systems that over-ride normal programmed schedules, shall be specified on projects with 60,000 square feet or more of landscaped area. The moisture sensing system shall provide at least one sensor location per planting zone. Controllers with the capabilities of automatically making daily schedule adjustments according to plant water needs, derived from weather sensing and recording equipment, on or near the site, or that have an annual normal daily ETo in memory, are encouraged.

If the soil moisture sensing system and controller cannot automatically make daily schedule adjustments from local ETo (reference evapotranspiration -- inches per year) data, then provide an annual irrigation schedule for all projects for each of the following conditions:

- a) plant establishment period
- b) for established landscaping
- c) temporarily irrigated areas

Irrigation schedules shall include: irrigation run time per cycle, cycles per day, and days per week (month) for each plant hydrozone and application rate. Irrigations shall be scheduled for cool time of each irrigation day to avoid irrigating during periods of strong winds and high temperatures with high evaporation loss. These requirements shall also reflect those established by Ordinance of the Hi-Desert Water District.

4. Electronic multi-program controllers shall be specified where there is a combination of different hydrozones or when using different types of irrigation equipment.

C. Irrigation System Design

1. The Estimated Water Use shall not exceed the Maximum Water Allowance.
2. All irrigation systems shall be designed to avoid runoff onto hardscape from low head drainage, overspray, and other similar conditions where water flows onto adjacent property, non-irrigated areas, walks, roadways or structures.
3. The irrigation system shall be automatic and constructed to discourage vandalism, and to simplify maintenance.
4. All equipment shall be of proven design with local service available.
5. Control valves should be rated at 200 PSI.
6. Visible sprinklers adjacent to hardscape shall be pop-up design.
7. All heads should have a minimum number of wearing pieces with an extended life cycle.

8. Lawn sprayheads shall be set back from hardscape 3 inches and shrub sprayheads shall be setback from hardscape 6 inches. Rotor type heads shall be setback a minimum of 4 to 6 feet from hardscape.
 9. Sprayhead and rotorhead stations shall be designed with consideration for worst wind conditions. Spacing of sprinkler heads shall not exceed manufacturer's maximum recommendations for coverage, or the plan design shall show a minimum of .7 distribution uniformity.
 10. Only irrigation heads with matched precipitation rates shall be circuited on the same valve.
 11. Valve circuiting shall be designed to be consistent with hydrozones.
 12. Sprinklers, drippers, valves, etc., must be operated within manufacturer's specifications.
 13. The use of drip or micro-irrigation is encouraged for all shrubs and trees. Small, narrow, irregularly shaped or sloping areas shall be irrigated with drip or low flow heads.
 14. Trees in turf areas shall be on a separate station to provide proper deep watering.
 15. Street median irrigation.
 - a. No overhead sprinkler irrigation system shall be installed in median strips.
 - b. A twelve inch wide "mowstrip" inside curb with a one inch slope toward planting area is suggested.
 - c. Median strips shall be drip irrigated as much as possible.
 16. If meter sizing requirements conflict with the requirements of the Hi Desert Water District, the District shall determine the final metering size.
 17. Backflow prevention devices will be installed behind meter at curb, as approved by the Hi Desert Water District.
- D. Drip Irrigation System Design
1. The drip system shall be sized for mature size plants.
 2. The irrigation system should complete all irrigation cycles during peak use in about 12 hours per day or less. Normally each irrigation controller should not have more than

four drip stations that operate in sequence. All drip valves may be operated at any one time during an irrigation cycle provided GPM does not exceed supply.

3. Field installed below-ground pipe connections shall be threaded PVC or glued PVC. Surface laid hose and tubing is prohibited. Micro-tube distribution is prohibited unless emitter is installed in an access box. Micro tubing must be buried at least 6", and the end of micro tubing must be secured. Maximum length of micro-tubing must be specified on the plan.
4. GPH per plant shall be proportioned according to plant size. The following sizing chart is for peak water use, using a four hour daily cycle. The low to high range is according to the relative water use of the plants. The low is for desert natives, and the high is for sub-tropical type plants. This chart assumes that there are no other sources of water for the plants.

Gallons Per Hour Per Plant According to Size:

Large trees (over 32' diameter) 16+ to 32+ GPH

Medium trees (about 18' diameter) 4 to 8 GPH

Small trees/large shrubs (9' diam.) 1 to 2 GPH

Medium shrubs (3.5' diameter) .5 to 1 GPH

Small shrubs/groundcover .5 GPH or less

5. When a landscape planting has a combination of large trees, shrubs and small groundcover plants, the system is easier to size for GPH per plant if trees and large shrubs are valved separately from small shrubs and groundcover etc. Whenever possible, show cactus and other very low water using plants to be on a separate valve.
6. Most plants require 50 percent or more of the soil volume within the drip line to be wetted by the irrigation system. (See Appendix B). For additional information on plant watering and plant relative water needs, refer to Yucca Valley Water Conservation Landscaping Guide.

E. Reclaimed Water

1. When a site has reclaimed water available, or is in an area that will have reclaimed water available as irrigation water, the irrigation system shall be installed using the industry standard purple colored or marked "reclaimed water do not drink" on pipes, valves and sprinkler heads.

2. The backup ground water supply (well water or domestic water) shall be metered. Backup supply water is only for emergencies when reclaimed water is not available.
3. Sites using over 50 percent reclaimed water are exempted from Maximum Water Allowance and mandatory water audits every five years.
4. Reclaimed water users must comply with all Hi-Desert Water District, County, State and Federal health regulations. All retrofitted systems will be dye tested before being put into service. Cross connection control shall be determined by the Hi-Desert Water District, upon application for water service.

F. Irrigation Water (non-potable)

1. When a site is using non-potable irrigation water that is not reclaimed water (from an on site well), all hose bibs shall be loose key type, and quick coupler valves shall be of locking type with non-potable markings to prevent possible accidental drinking of this water. Cross-Connection Control shall be in accord with Section 1003 of the Uniform Plumbing Code with devices as approved by the Hi-Desert Water District.
2. Sites using irrigation water are not exempted from the Maximum Water Allowance or mandatory water audits.

9.75.060 CERTIFICATION OF PROJECT

- A. Upon completion of the installation of the landscaping and irrigation system, an irrigation audit shall be conducted by a certified Landscape Irrigation Auditor prior to the final field observation.
- B. A licensed landscape architect, or other qualified professional in a related field, shall conduct a final field observation, and shall provide a certificate of completion. The certificate shall specifically indicate that plants were installed as specified, and that the irrigation system was installed as designed.
- C. Certification shall be accomplished by completing a certificate of completion and delivering it to the Water District, Town, and to the owner of record.

9.75.070 LANDSCAPE AUDIT SCHEDULE

- A. All existing landscaped areas approved under this ordinance, that are irrigated with ground water and that are over 2,500 square feet in planted area shall have an irrigation audit at least every five years. Those subject to an audit are public agencies, schools, cemeteries, public parks, business center, golf courses, common areas, greenbelts, and multi-family housing with common area. Runoff, low head drainage, overspray, or other similar conditions where water flows onto adjacent property, non-irrigated areas, walks,

roadways, or structures shall be prohibited.

- B. Water audits shall be conducted by a certified landscape water auditor, in accordance with the current edition of the Landscape Irrigation Auditor Handbook as provided by the State of California Landscape Water Management Program.
- C. A landscape project is exempted from a water audit if the water use is less than the maximum water use allowance during the previous 24 months. To qualify for exemption, the owner must submit a request for exemption with square footage (acreage) of property and water use records. The exemption shall be good for two years.
- D. All new projects shall have an audit prior to the end of the maintenance period.

9.75.080 WATER WASTE PREVENTION

- A. Water waste from inefficient landscape irrigation allowing runoff, low head drainage, overspray or other conditions where water flows onto roadways, adjacent property or non-irrigated property is prohibited.
- B. Landscape irrigation water service to users who cause water waste, may be discontinued in accordance with Hi Desert Water District requirements. Penalties for water waste shall be established by the Town Council within the Development Code.
- C. Customers who appear to be exceeding the Maximum Water Use Allowance may be interviewed by the Water Management Specialist to verify water usage and to assist them in reducing landscape water usage where appropriate. Users who continue to have high water use for projects approved under this ordinance may be subject to fines and penalties by the Town.

9.75.090 MAINTENANCE SCHEDULE

- A. Landscape and irrigation systems shall be maintained to ensure water efficiency. A regular maintenance schedule shall include, but not be limited to checking, adjusting, repairing irrigation equipment, resetting the time clocks monthly, aerating and detaching turf areas, replenishing mulch, fertilizing, pruning, and weeding all planted areas.
- B. Whenever possible, repair of irrigation equipment shall be done with originally specified materials or their equivalents.
- C. Programmed irrigation should only occur between those hours prescribed by the Hi-Desert Water District.

9.75.100 PUBLIC EDUCATION

- A. Hi-Desert Water District provides information about efficient use of water in the landscape to customers throughout the District's service area.
- B. Hi-Desert Water District provides to all owners of new single family residential homes, information regarding the design, installation, and maintenance of water efficient landscapes through educational materials and workshops.
- C. Model Homes: At least one model home, in each project consisting of eight or more homes, shall demonstrate with signs and information the principles of water efficient landscapes described in this ordinance.

Signs shall be used to identify the model as an example of a water efficient landscape, and may feature elements such as a zonal planting scheme, irrigation equipment and others which contribute to the overall water efficient theme.

Information shall be provided about designing, installing, and maintaining water efficient landscapes. The developer is encouraged to provide specific project landscape information, or may utilize information provided by the Town of Yucca Valley.

9.75.110 FEES FOR INITIAL REVIEW AND PROGRAM MONITORING

The following fees are deemed necessary to review landscape documentation packages and monitor landscape irrigation audits, and shall be imposed on the subject applicant, property owner or designee:

- A. A Landscape Documentation Package Review Fee will be due at the time initial project application submission to the Planning Division.
- B. The project owner/developer shall cause a landscape irrigation audit to be completed by a Certified Landscape Irrigation Auditor. A Landscape Irrigation Audit Fee will be due at the time of initial review by the Planning Department. If the irrigation audit application is not submitted in a timely manner, a late submittal fee of twice the review fee shall be required.
- C. If a Landscape Documentation Package is not submitted prior to the start of landscape construction work, for those projects where it is required, a late submittal fee of twice the review fee shall be required, in addition to possible citations.

The Town Council, by resolution, shall establish the amount of the above fees in accordance with applicable law.

9.75.120 ENFORCEMENT AND PENALTIES

- A. For the purposes of ensuring that applicable projects comply with the provisions of this

ordinance, the Planning Director may, following written notice to subject property owner(s), initiate enforcement action(s) against such property owner(s) or designee(s), which enforcement action may include, but not be limited to, the following:

1. Revocation of a Landscape Documentation Package
 2. Revocation of an approved Conditional Use Permit
 3. Withholding issuance of a Certificate of Use and Occupancy or Building Permit
 4. Issuance of a Stop Work Order
 5. Non-compliance penalty as specified in the Town Municipal Code.
- B. In addition to any other remedies for violation of Town Ordinances in force, the Town may bring and maintain any action permitted by law to restrain, correct, or abate any violation of this Chapter, and in the event that legal action is brought by the Town, reasonable attorney's fees and court costs shall be awarded to the Town, and shall constitute a debt owed by the violator to the Town. The Town may place a lien on the affected property in the event any debts so incurred are not paid in a timely manner.

9.75.130 APPEALS

- A. Decisions made by the Planning Director may be appealed by an applicant, property owner(s), or designee(s) of any applicable project to the Town Council by an application in writing to the Clerk of the Town Council within fifteen (15) days from the date of notification of decision.
- B. An appeal by the applicant shall be accompanied by a deposit/fee as required by Town Council resolution.
- C. The appellate body may affirm, modify, or reverse the previous decision. The decision of the appellate body hearing the last appeal shall be final.

1/24/94 Rev. 4

ORDINANCE NO. 114

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF YUCCA VALLEY, CALIFORNIA, AMENDING TITLE 8, DIVISION 4, CHAPTER 4, SECTION 84.0410 OF THE COUNTY OF SAN BERNARDINO CODE AS ADOPTED BY THE TOWN OF YUCCA VALLEY RELATING TO WIRELESS COMMUNICATIONS FACILITIES (DCA-4-99)

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

SECTION I. Code Amended

Title 8, Division 4, Chapter 4, Section 84.0410 of the San Bernardino County Code as adopted by the Town of Yucca Valley is hereby amended as follows:

"Chapter 4

ADDITIONAL USES

Sections:

84.0410 List of Additional Uses.

(c) Wireless Communications Facilities

- (1) **Purpose:** The purpose of this section is to provide site selection and general standards applicable to wireless communications facilities, as well as special design standards for Town entry points, scenic corridors, and buffer areas in order to preserve the Town's desert rural neighborhood character and protect and enhance aesthetic and scenic values reflecting the community's image and character consistent with the goals and policies of the General Plan.
- (2) **Applicability:** This section identifies regulations applicable Townwide for the location, design, and screening of all wireless communication facilities, including satellite, cellular, paging, and other wireless communication technologies.
- (3) **Definitions:**
 - (A) Co-location: means locating wireless communication equipment from more than one provider on a single site.
 - (B) Lattice Tower: means a guyed or self-supporting, three or four sided, open frame structure used to support telecommunications equipment.
 - (C) Monopole Tower: mean a communications tower consisting of a single

- pole, constructed with or without guy wires and ground anchors.
- (D) **Whip Antennas:** means an omni-directional antenna that is very thin, less than two inches in diameter, and not exceeding eighteen feet in height.
 - (E) **Wireless Communication Facilities:** means a broad range of telecommunications services that enable people and devices to communicate independent of location. This includes the technologies of cellular communications and personal Communications Services. This excludes non-commercial antennas, radio and television signals, and non-commercial satellite dishes typically associated with residential development. For the purpose of this definition, non-commercial antennas is not defined based on FCC filing status.
 - (F) **Wireless Communication Facilities - Height:** The height of wireless communication towers or poles shall be measured from natural, undisturbed ground surface below the center of the tower or pole to the top of the highest antenna or piece of equipment attached thereof. In the case of building mounted facilities, the height shall include the height of the portion of the building on which it is mounted.
- (4) **Special Design Areas:** Special Design Areas shall be located within five thousand (5,000) feet on both sides of the scenic highways identified on Exhibit III – 13 of the Scenic Highways Element of the General Plan or within five hundred (500) feet of property zoned for residential units with a minimum lot size of one acre or less. The scenic highways identified in the General Plan are State Highways 62 and 247, Joshua Lane, and Pioneertown Road. Additional special landscape and architectural treatments shall be given to major Entry Points to the Town.
 - (5) **Permitted Land Use Districts:** Wireless communications facilities may be permitted in all land use districts, subject to the reviews specified by Sections 84.0401 and 84.0405 and further defined in Subsection (6), *Review Process*.
 - (6) **Review Process:**
 - (A) Wireless communications facilities within Special Design Areas, identified in Subsection (4), *Special Design Areas*, except those located on existing structures and natural features in compliance with Subsection (7)(B)(1a & b), *General Policies* shall be subject to a Conditional Use Permit – Planning Commission Review.
 - (B) Wireless communication facilities greater than thirty (30) feet in height shall be subject to Conditional Use Permit – Planning Commission review and shall also be referred to the Town Council for final review and approval.
 - (C) Wireless communication facilities outside the Special Design Areas, and those located on existing structures and natural features less than 30 feet in

height, shall be subject to a Conditional Use Permit - Administrative Review.

(7) **General Policies**

(A) **General:** Community and neighborhood visual concerns should be considered paramount in the consideration of and selection of wireless communications facilities sites. These concerns should be evaluated in consideration of the goals, policies, and programs of the General Plan and the standards set forth in this section.

(B) **Site Selection and General Standards:** The following standards shall apply to all wireless communications facilities.

(1) Within any land use district, wireless communications facilities sites should be located in the following order of preference:

(a) On existing structures such as buildings, communication towers, water towers, or similar structures. Antennas should be located so that they do not extend above the height or profile of the structure on which they are located. When located on a building or structure, antennas shall be painted and texturized to match the existing building or structure.

(b) On natural features or topography, located so that structures or antennas, other than whip antennas, do not project above the ridgeline, or into the skyline for both community and neighborhood views.

(c) Outside the Special Design Areas identified in Subsection (4) *Special Design Areas*.

(d) Sites otherwise located shall comply with the visual impact and screening requirements in Subsection (8) *Visual Impact and Screening Standards*.

(2) Facilities, including any towers and equipment buildings, should be located to avoid the dominant silhouette on ridgelines. Preservation of viewsheds of surrounding residential development should also be considered in the location and design of facilities.

(3) Facilities greater than thirty (30) feet in height shall be subject to Town Council review and approval and may be required to provide additional visual mitigation to disguise their appearance to look like a tree, natural feature, building, or other structure subject to the approval of the Town Council. Such designs shall be in scale with the surrounding development or landscaping.

(4) Facilities, including equipment buildings, shall be architecturally and visually compatible, including scale, size, and use of similar colors and building materials, with surrounding existing buildings, structures, and uses in the vicinity.

(5) Antennas shall not be light reflective and shall not have any sign copy on them, nor shall they be illuminated.

- (6) Where the result of adding a second facility on an existing tower or monopole is of a less visual impact than what exists and sufficient vertical separation can be provided, sites should be co-located with other wireless communication providers.
 - (7) All sites shall be landscaped or treated with a soil binder to prevent erosion, including wind erosion.
 - (8) Applicants for wireless communications facilities shall submit a certification from an engineer qualified in radiofrequency radiation that the proposed facility complies with the Federal Communications Commission (FCC) Guidelines for Evaluating the Environmental Effects of Radiofrequency Radiation and complies with the standards for maximum emissions of radiofrequency radiation of the American National Standards Institute (ANSI)/Institute of Electronics and Electrical Engineers (IEEE) C95.1-1992 and the National Council on Radiation Protection and Measurement (NCRP).
 - (9) A visual simulation and detailed viewshed analyses shall be prepared to demonstrate the compatibility of the proposal with the standards and criteria of this ordinance and with surrounding development and viewsheds.
 - (10) Site location and development shall preserve the pre-existing vegetation, topography, and character of the site as much as possible.
 - (11) Security fencing shall be kept to a minimum and shall be colored or shall be of a design that blends into the character of the existing environment.
 - (12) Access roads shall be limited to 12 feet in width except where the Fire Department requires a greater width. The access road may be paved unless a gravel or other non-paved surface is approved by the Town.
 - (13) Any new parking areas constructed shall be no larger than to accommodate two parking spaces and maneuvering area.
 - (14) The proposed antenna facility will operate in compliance with all applicable Federal safety regulations for such facilities in that the applicant provides documentation to show that their facility will operate below such standards and conditions have been included requiring testing upon installation and operation on the facility.
 - (15) New projects shall be conditioned to ensure the facilities do not cause interference with other utilities or communication infrastructure or services.
 - (16) Existing facilities shall not cause interference or disturbance with other utilities or communication infrastructure or services. If it is determined that existing facilities do cause such interference, operations shall cease until repairs are made or further clearance is granted.
- (8) **Visual Impact and Screening Standards: Facilities within Special Design Areas**

shall comply with the following standards, in addition to the policies in Subsection (7) *General Policies*.

- (A) Within Special Design Areas, antennas shall be located on existing buildings, communication towers, water towers, or similar structures; on natural features or topography; or shall be disguised or screened in a manner compatible with the Town's desert rural neighborhood character.
 - (B) Facilities should be located so that they do not extend above the height or profile of the structure on which they are located. When located on a building or structure, antennas shall be painted and texturized to match the existing building or structure.
 - (C) Structures or antennas located on natural features or topography, other than whip antennas, should not project above the ridgeline, or into the skyline for both community and neighborhood views. Free-standing monopole and/or lattice towers shall be designed to disguise their appearance, to look like a tree, natural feature, building, or other structure subject to the approval of the Planning Commission. Such designs shall be in scale with surrounding development or landscaping.
 - (D) Free-standing monopole and/or lattice towers shall have a minimum setback of four hundred fifty (450) feet from any property zoned for residential units with a minimum lot size of one acre or less. Those facilities designed to disguise their appearance in accordance with Section (8)(C) shall have a minimum setback of two hundred seventy-five (275) feet from any property zoned for residential units with a minimum lot size of one acre or less.
 - (E) Sites shall be landscaped to screen buildings, equipment and the base of any towers and from surrounding land uses.
- (9) **Abandonment:** Lawfully erected wireless communication facilities that are abandoned shall be removed promptly from the premises, and no later than 90 days after the discontinuance of use. A wireless communication facility is considered abandoned if it no longer provides wireless communication service. In the case of multiple operators sharing use of a single tower, this provision shall become effective until all users cease operation. Such removal shall be in accordance with proper health and safety requirements.

A written notice of the determination of abandonment shall be sent or delivered to the operator of the wireless communication facility. The operator shall have 90 days to remove the facility or provide the Community Development Director with evidence that the use has not been discontinued. All abandoned facilities not removed within the 90 day period shall be in violation of the Code and operators of

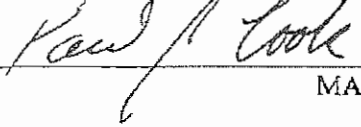
the facility and the owners of the property shall be subject to penalties in accordance with the Town of Yucca Valley Municipal Code.”

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.

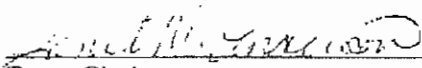
SECTION 4. REPEAL OF ORDINANCE 109. Ordinance 109 is repealed effective on the effective date of this Ordinance.

APPROVED AND ADOPTED by the Town Council and signed by the Mayor and attested by the Town Clerk this 16 day of October, 1999.

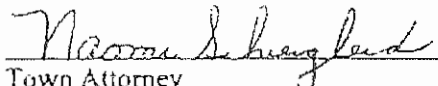


MAYOR

ATTEST:



Town Clerk

APPROVED AS TO FORM:


Town Attorney

APPROVED AS TO CONTENT:


Town Manager

G:\RESTORE\FCOMMON\COMMON\ORDINANCE\OCA499tc.doc
Dec. 16, 1999 TC

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 2nd day of December, 1999, and that thereafter the said ordinance was duly and regularly adopted at a meeting of the Town Council on the 16th day of December, 1999, by the following vote, to wit:

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

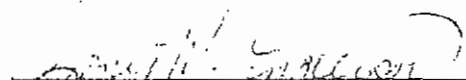
Noes: None

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 17th day of December, 1999.

(SEAL)


Town Clerk of the Town of
Yucca Valley

ORDINANCE NO. 156

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF YUCCA VALLEY, CALIFORNIA, AMENDING TITLE 8, DIVISION 7, CHAPTER 7 OF THE SAN BERNARDINO COUNTY CODE AS ADOPTED AND AMENDED BY THE TOWN OF YUCCA VALLEY RELATING TO SIGN REGULATIONS (DCA-03-03)

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

SECTION 1. MUNICIPAL CODE AMENDED.

Title 8, Division 7, Chapter 7 of the San Bernardino County Code as adopted and amended by the Town of Yucca Valley is further amended to read in its entirety as follows:

**"Chapter 7
Sign Regulations**

Sections	87.0710	Purpose and Intent
	87.0720	Definitions
	87.0730	Applicability
	87.0740	Administration
	87.0750	Sign Permits Required
	87.0760	Design Merit Sign Permit
	87.0770	Landmark Sign Permit
	87.0780	Prohibited Signs
	87.0790	Exempt Signs
	87.07100	Sign Program
	87.07110	General Design Standards
	87.07120	Signs in Residential, Open Space, & Public/Quasi Public Districts
	87.07122	Signs in Commercial Districts
	87.07124	Signs in Industrial Districts
	87.07128	Signs in Specific Plan Overlay
	87.07130	Temporary Signs
	87.07140	Off-Site Signs and Billboards
	87.07145	Off-Site Signs on Public Property
	87.07146	Public Facility Directional Signs
	87.07147	Wall Murals
	87.07150	Abandoned Signs
	87.07160	Construction and Maintenance
	87.07170	Nonconforming Signs
	87.07190	Enforcement

Section 87.0710 PURPOSE AND INTENT

The purpose and intent of this Chapter is to protect the general public health, safety, welfare, viewsheds and other aesthetic values of the community by ensuring that signage is clear, consistent and compatible with surrounding neighborhoods and the rural desert character of the Town; assure the implementation of community design standards consistent with the General Plan; promote the community's appearance by regulating the design, character, location, type, quality of materials, scale, color, illumination, and maintenance of signs; place limits on the use of signs which provide direction and aid orientation for businesses and activities; promote signs that identify uses and premises without confusion; reduce possible traffic and safety hazards through good signage. It is the further intent of this Chapter to establish flexibility based upon individual circumstances which includes building location in relation to adjacent structures, public rights-of-way, compatibility with surrounding development and visibility of the business location to the general public.

Section 87.0720 DEFINITIONS

Abandoned Sign. Any sign and supporting structures located on a property or premises which is vacant and unoccupied for a period of ninety (90) days or more which no longer advertises or identifies an ongoing business, product, or service available on the business premises where the display is located, or a sign which is damaged, in disrepair, or vandalized and not repaired within ninety (90) days of the date of the damaging event.

Advertising Statuary: A statue or other three dimensional structure in the form of an object that identifies, advertises, or otherwise directs attention to a product or business.

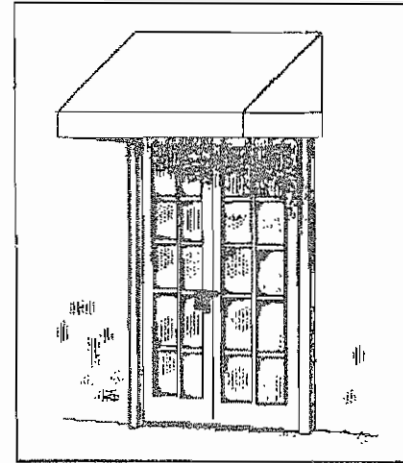
Address Sign. The numeric reference of a structure or use to a street, included as part of a wall or monument sign.

A-Frame Sign. A free standing sign usually hinged at the top, or attached in a similar manner, and widening at the bottom to form a shape similar to the letter "A".

Anchor Tenant. A shopping center key tenant, usually the largest or one of the largest tenants located within the shopping center, which serves to attract customers to the center through its size, product line, name, and reputation. The term anchor tenant is interchangeable with the term major tenant.

Animated or Moving Sign. Any permanently constructed monument, freestanding, or wall sign which uses movement, lighting, or special materials to depict action or create a special effect or scene.

Awning, Canopy, or Marquee Sign. Signs which are placed on or integrated into fabric awnings or other material canopies which are mounted on the exterior of a building which extend from the wall of a building to provide shielding of windows and entrances from inclement weather and the sun.



Banner, Flag, Pennant or Balloon. Any cloth, bunting, plastic, paper, vinyl, or similar material used for advertising purposes attached to or pinned on or from any structure, staff, pole, line, framing, or vehicle, including captive balloons and inflatable signs but not including official flags of the United States, the State of California, County of San Bernardino or Town of Yucca Valley.

Bench Sign. Copy painted on any portion of a bus stop bench.

Billboard. Any off-premise outdoor advertising sign structure which advertises products, services, or activities not conducted or performed on the same site upon which the outdoor advertising sign structure is located and governed by the Outdoor Advertising Act.

Building Face and/or Frontage. The exterior wall of a building exposed to public view or that wall viewed by persons not within the building.

Building Wall: The individual sides of a building.

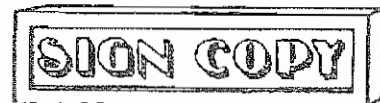
Business Entrance Identification: A sign adjacent to, or on the entrance door of a business which names, gives the address and such other appropriate information as store hours and telephone numbers.

Cabinet: A three dimensional structure which includes a frame, borders, and sign face panel and may include internal lighting upon which the sign letters and logos are placed or etched, and is architecturally integrated with the building.

Canopy Sign. Refer to definition of a Shingle Sign

Center: A center contains businesses and buildings designed as an integrated and interrelated development sharing such elements as architecture, access, and parking. Such design is independent of the number of structures, lots or parcels making up the center.

Changeable Copy Sign. A sign designed to allow the changing of copy through manual, mechanical, or electrical means including time and temperature.



Channel Letter Sign: Three dimensional individually cut letters or figures, illuminated or non-illuminated, affixed to a building or sign structure.

Civic Event Sign. A temporary sign, other than a commercial sign, posted to advertise a civic event sponsored by a public agency, school, church, civic-fraternal organization, or similar noncommercial organization.

Clear Sight Triangle: Triangular-shaped portion of land established at a street intersection or driveway in which no signs are placed in a manner as to limit or obstruct the sight distance of motorists entering or leaving the intersection or driveway.

Commercial Complex. A group of three (3) or more commercial uses on a single parcel or contiguous parcels which function as a common commercial area including those which utilize common off-street parking or access.

Commercial Sign. A sign that identifies, advertises or otherwise attracts attention to a product or business.

Construction Sign. A temporary sign erected on the parcel on which construction is taking place, limited to the duration of the construction, indicating the names of the architects, engineers, landscape architects, contractors, or similar artisans, and the owner, financial supporters, sponsors, and similar individuals or firms having a major role or interest with respect to the structure or project.

Directional Sign. Signs limited to directional messages, principally for pedestrian or vehicular traffic, such as "one way", "entrance", or "exit".

Directory Sign. A sign for listing the tenants or occupants and their suite numbers of a building or center.

Double-faced Sign. A single structure designed with the intent of providing copy on both sides.

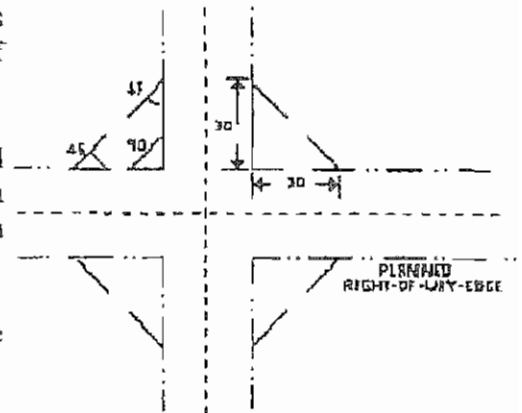
Eaveline. The bottom of the roof eave or parapet.

Entryway Sign: A sign which is placed on the perimeter of a recorded subdivision, townhouse project, commercial district, master planned community, hotel, motel, or guest ranch at a major street or driveway entrance to identify the name of the interior project. Such signs may flank both sides of the entrance and may include monument or landscape wall sign types.

Fascia Sign: A sign placed on a parapet type wall used as part of the face of a flat roofed building and projecting not more than one foot from the building face and may be incorporated as an architectural element of the building.

Flashing Sign. A sign that contains an intermittent or sequential flashing light source.

Freestanding Sign. Any sign which is supported by structures or supports that are placed on, or anchored in the ground which are independent from any building, such as a pole and monument



signs.

Future Tenant Identification Sign. A temporary sign which identifies a future use of a site or building.

Grand Opening. A promotional activity used by newly established businesses, within 2 months after occupancy, to inform the public of their location and service available to the community. Grand Opening does not mean an annual or occasional promotion of retail sales or activity by a business.

Height of Sign. The greatest vertical distance measured from the immediate adjacent roadway grade level or existing grade, to the highest element of the sign structure

Holiday Decoration Sign. Temporary signs, in the nature of decorations, clearly incidental to and customarily associated with holidays.

Illegal Sign. Any sign erected without first obtaining a sign permit, or a sign for which the permit has expired or been revoked.

Illuminated Sign. A sign with an artificial light source for the purpose of lighting the sign.

Institutional Sign. A sign identifying the premises of a church, school, hospital rest home, or similar institutional facility.

Kiosk. An off-premise sign used for directing people to the sales office or models of a residential subdivision project.

Logo. An established identifying symbol or mark associated with a business or business entity.

Logo Sign. An established trademark or symbol identifying the use of a building.

Model Home. A single family residential structure when used as a temporary sales office and model home for the sale of construction services to build single family residential units on vacant lots.

Monument Sign. An independent structure supported from grade to the bottom of the sign with the appearance of having a solid base.

Moving Sign. Animated signs or signs which contain any moving elements as part of the structure but does not include reflective, shimmering devices.

Nonconforming Sign. A legally established sign which fails to conform to the regulations of this Chapter.

Off-Site Sign. Any sign which advertises or informs in any manner businesses, services, goods, persons, or events at some location other than that upon which the sign is located.

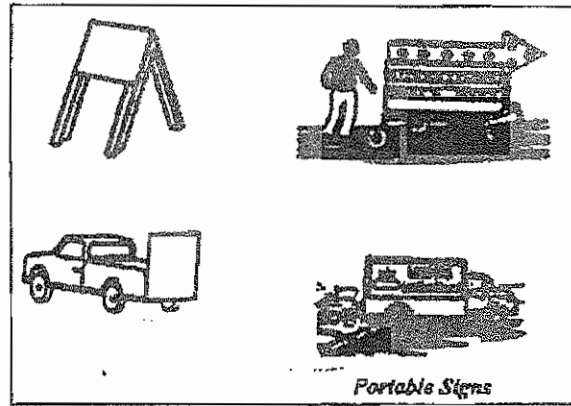
Open House Sign. A temporary sign posted to indicate a salesperson is available to represent the property subject to sale, lease, or rent.

Outdoor Advertising Sign Structure (Billboards) A sign, display, or device affixed to the ground or attached to or painted or posted onto any part of a building or similar permanent structure, used for the display of an advertisement to the general public.

Pole/ Pylon Sign: A two-sided sign with an overall height as allowed by Code and having one or more supports permanently attached directly into or upon the ground with the lower edge of the sign face to be at least seven (7) feet above grade or four (4) feet above grade if the sign is located within a street landscape setback.

Political Sign. A temporary sign directly associated with national, state, county or local elections.

Portable Sign. A sign that is not permanently affixed to a structure or the ground, not including A-frame signs.



Projecting Sign. A sign other than a wall sign suspended from, or supported by, a building or structure and projecting outward.

Promotional Sign. A sign erected on a temporary basis to promote the sale of new products, new management, new hours of operation, a new service, or to promote a special sale.

Real Estate Sign. An on-site sign pertaining to the sale or lease of the premises.

Roof Sign. A sign erected, constructed, or placed upon or over a roof of a building, including a mansard roof and which is wholly or partly supported by such buildings.

Shingle Sign (canopy sign). A sign suspended from a roof overhang of a covered porch or walkway that identifies the tenant of the adjoining space.

Sign. Any structure, housing, device, figure, statuary, painting, display, message placard, or other contrivance, or any part thereof, which is designed, constructed, created, engineered, intended, or used to advertise, or to provide data or information in the nature of advertising, for any of the following purpose: to designate, identify, or indicate the name of the business of the owner or occupant of the premises upon which the advertising display is located; or, to advertise the business conducted, services available or rendered, or the goods produced, sold, or available for sale, upon the property where the advertising display is erected.

Sign Area. The entire face of a sign, including any framing, projections, or molding, but not including the support structure. Individual channel-type letters mounted on a building shall be

measured by the area enclosed by straight lines not to exceed ten (10) sides, containing words, letters, figures, or symbols, together with any frame or material forming an integral part of the display but excluding support structures.

Sign Program. A coordinated program of one or more signs for an individual building or building complexes with multiple tenants.

Special Event. An event such as sales, grand openings, going out of business, or other promotional events that are not part of typical business, cultural, or civic activity.

Temporary Sign. A sign intended to be displayed for a limited period of time.

Tract. A residential subdivision of contiguous lots within a recorded tract where five or more lots are concurrently undergoing construction.

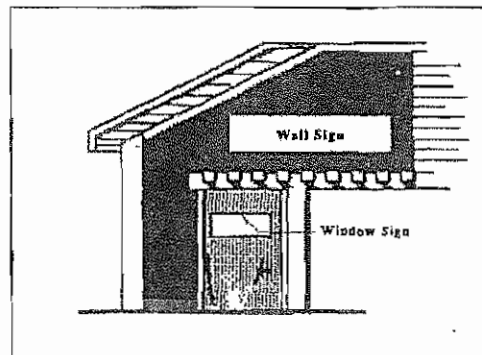
Trademark. A word or name which, with a distinctive type or letter style, is associated with a business or business entity in the conduct of business.

Two-sided Sign. Means a freestanding sign where two identical sign faces are placed back to back on the same structure. Any other configuration is considered to be a sign with more than two faces except as allowed by the freestanding sign standards.

Vehicle Sign. A sign which is attached to or painted on a vehicle which is parked on or adjacent to any property, the principal purpose of which is to attract attention to a product sold or an activity or business located on such property.

Wall Sign. A sign painted on or fastened to a wall and which does not project more than 12 inches from the building or structure.

Window Sign. Any sign that is applied or attached to a window so that it can be seen from the exterior of the structure.



Section 87.0730 APPLICABILITY.

This Chapter shall apply to all signage proposed within the community. No signs shall be erected or maintained in any land use district established, except those signs specifically enumerated in this Chapter. The number and area of signs as outlined in this Chapter are intended to be maximum standards. In addition to the standards set forth herein, consideration shall be given to a sign's relationship to the need that it serves, and the overall appearance of the subject property as well as the surrounding community. Compatible design, simplicity, and sign effectiveness are to be used in establishing guidelines for sign approval, but shall not limit maximum standards for signs.

Section 87.0740 ADMINISTRATION

- a. **Administration**
The Director of the Community Development Department is authorized by the Town Council to administer and enforce the provisions of this Chapter, unless otherwise provided in this Chapter. The Director may designate a representative to act in his/her place.
- b. **Application and Fees.**
 - 1. Applications for sign permits shall be made on forms provided by the Planning Division and accompanied by the information, materials, and submittal requirements as specified on the forms.
 - 2. Fees shall be paid as established by the Town of Yucca Valley fee schedule.
 - 3. Political Signs are exempt from payment of fees.
 - 4. Any fees shall be doubled for signs that are erected or placed prior to issuance of a sign permit or any required building and electrical permits.
- c. **Interpretation**
 - 1. This Chapter shall be interpreted in a manner which best fulfills the intent of its provisions.
 - 2. Questions arising from the application of the Chapter shall be interpreted by the Director. If any inconsistency still exists in the interpretation, an appeal application shall be referred to the Planning Commission for their determination.
- d. **Appeals**
 - 1. Any decision or determination of the Director may be appealed within ten (10) days to the Planning Commission. Appeals shall be made on forms provided by the Planning Division and fees shall be paid as established by the Town of Yucca Valley fee schedule.
 - 2. Any decision of the Planning Commission may be appealed to the Town Council in accordance with the Appeal provisions provided by the Development Code.

Section 87.0750 SIGN PERMIT REQUIRED

- a. No exterior sign shall be erected, placed, displayed, or dimensionally altered, without registration and the prior issuance of a Sign Permit by the Planning Division, unless exempted by *Section 87.0790 Exempt Signs*. Temporary Sign Permits are required for those designated under *Section 87.07130 Temporary Signs*. Sign Permits are not required for change of sign face/ copy, minor maintenance or minor repairs to existing legally erected signs. Building and/or electrical permits may also be required from the Building Division.
- b. The Director of the Community Development Department shall review all applications for consistency with this Chapter. The Director shall approve, or approve subject to modifications and/or conditions and consequently issue a sign permit, or deny the sign application.

- c. Signs shall be erected in conformance with the provisions of this Code and any applicable specific plan, master sign program, and any conditions of approval of the Sign Permit.
- d. Any proposed sign design that does not conform to the standards of this Chapter shall be subject to the variance provisions of this Development Code. The provisions of *Section 83.030905, Variance* shall apply. The Planning Commission may grant a sign variance based on findings, and it may be granted when property has special circumstances such as size, shape, topography, location or surroundings that deprive the property owner of privileges enjoyed by other property owners in the vicinity under identical zoning classifications. Applications for a variance shall be made on forms provided by the Planning Division and fees shall be paid as established by the Town.

Section 87.0760 DESIGN MERIT SIGN PERMITS

The purpose of these provisions shall apply to permanent signs to provide flexibility in sign regulation and to encourage exceptional quality in sign design and construction. The provisions are intended to implement the goals and objectives of the Town's General Plan; to encourage and promote designs which relate to and are harmonious with the rural desert character, and which enhance the quality of life of the Town.

- a. **Application and Fees** . Design Merit Sign Permits shall be made on Conditional Use Permit (CUP) application forms provided by the Planning Division and accompanied by the information, materials, and submittal requirements as specified on the forms, including information which will enable the required findings to be made. Applications shall clearly demonstrate exceptional design and construction quality in order to be considered for Design Merit Sign Permits. Fees shall be paid as established by the Town of Yucca Valley fee schedule.
- b. The Planning Commission shall review all applications for a Design Merit Sign Permit for consistency with the review criteria described in *Subsection (d)*, below, as well as consistency with all other standards and guidelines in this Chapter. Review shall include focus on the overall integration and relationship of the proposed sign with the buildings and site and the integration of all elements relating to the sign to achieve the purpose of this Section for exceptional quality that is harmonious with the desert character. Consideration may include size, color, materials, illumination, location, as well as all other elements of creative sign design and construction. Signs that do not clearly demonstrate exceptional quality in design, use of materials, and craftsmanship shall not be considered for any increase in size or height as allowable by this Section.
- c. **Allowable Sign Area and Height.**
The following increases in sign area and height may be allowed when consistent with the purpose, criteria and findings of Design Merit Sign Permits.
 - 1. Freestanding signs in Commercial and Industrial land use districts.
 - A. Freestanding signs for single and multi-tenant buildings and sites that are allowed pursuant to *Sections 87.07122 and 87.07124* of this Chapter.
 - 1. Up to a maximum of twenty-five (25) percent increase in area may be allowed.
 - 2. Up to a maximum of fifty (50) percent increase in height for

freestanding signs may be allowed for signs.

d. **Review Criteria**

1. The General Design Standards included in *Sections 87.07122 and 87.07124* are minimum requirements that apply to all signs. Each Design Merit Sign Permit application shall be reviewed by the Planning Commission to determine how exceptional design and material beyond these minimum standards have been incorporated into the proposed sign and whether these elements have been successfully integrated to create a sign that is consistent with the purposes of this Section, which represents exceptional quality, enhances community design and is harmonious with the desert character because it:
 - A. Evokes a special relationship to the structure and uses located on site by incorporating elements of the structural architecture and/or natural features of the site, without dominating the site;
 - B. Makes use of high quality and/or natural or indigenous building materials including, but not limited to rock, adobe, timber, carved wood and incised lettering in stone;
 - C. Identifies the site or use without intensive sign copy (text) by use of graphic imagery and/or logo or utilizes reverse channel lettering or opaque sign field (background) with illuminated routed copy.
 - D. Sign structure is incorporated with landscape treatments including landscape planters, rockscapes, xeriscapes or similar creative landscape elements.
2. Treatments more specific to wall signs that may qualify for the Design Merit Permit include:
 - A. Graphic or logo sign only (without text or type face)
 - B. Reverse channel lettering on opaque background;
 - C. Base-relief lettering.

e. Prior to approving a Conditional Use Permit application for a Design Merit Sign Permit, the Planning Commission shall find and justify that all of the following are true:

1. The proposed sign exhibits exceptional design quality and incorporates high quality materials that enhance the overall development and appearance of the site and will not have an adverse impact on the safe and efficient movement of vehicular or pedestrian traffic;
2. The proposed sign is well integrated with the buildings and other elements of the property and is harmonious with the surrounding desert character;
3. The proposed sign, by its design, construction and location, will not have a substantial adverse effect on abutting property or the permitted use thereof, and will contribute to the Town's unique character and quality of life;

4. The proposed sign is consistent with the goals, policies and standards of the Town's General Plan and any applicable specific plan;
5. That granting the Design Merit Sign Permit is based upon its distinct quality and does not constitute a granting of special privileges beyond those provided for by criteria provided in *Subsection d* above and by *Sections 87.07122 and 87.07124* of the Development Code.

Section 87.0770 LANDMARK SIGN PERMIT

The purpose of these provisions shall apply to existing permanent signs to provide flexibility in sign regulation that provide landmark value to the community as well as structural sign support. Landmark signs shall evoke a ready reference and connection to the local history of the Town or symbolic landmark. Typical examples include western settlement themes associated with ranching, prospecting, mining, adobes, or extensions of similar architectural landmarks.

- a. **Application and Fees** . Landmark Sign Permits shall be made on Conditional Use Permit application forms provided by the Planning Division and accompanied by the information, materials, and submittal requirements as specified on the forms, including information which will enable the required findings to be made. Applications shall clearly demonstrate the landmark quality and features of the proposed sign in order to be considered for the Landmark Sign Permit. Fees shall be paid as established by the Town of Yucca Valley fee schedule.
- b. The Planning Commission shall review all applications for the Landmark Sign Permit for consistency with the review criteria and finding described below, as well as reference and connection to the local history or symbolic landmark of the Town. Review shall include consideration of size, color, materials, illumination, location, as well as all other elements of creative sign design and construction.
- c. **Review Criteria.** The following criteria will be used to provide guidance during the Town's review. A landmark sign should meet one or more of the following criteria:
 1. The sign shall be at least 25 years or older.
 2. The sign shall exhibit a creative or unique sign design, creative or unique graphics, or construction
 3. The sign structure advertises the original business center name or business name.
 4. The sign display signs must be clean, neatly painted, free from corrosion, cracks, and broken surfaces. The sign shall also have no malfunctioning lights or missing sign copy.
- d. **Findings.** Prior to approving a Conditional Use Permit application for a "Landmark Sign Permit", the Planning Commission shall find and justify that all of the following are true:
 1. The sign is distinct from other signs in the Town in that it clearly provides a reference and connection to the local history of the Town or a local symbolic landmark.

2. The sign, by its design, construction and location, will not have a substantial adverse effect on abutting property or the permitted use thereof, and will contribute to the Town's unique character and quality of life;
3. The sign is consistent with the goals, policies and standards of the Town's General Plan and any applicable plan;
4. That granting of the Landmark Sign Permit is based upon its distinct quality.
5. The sign and all parts, portions, and materials shall be maintained and kept in good repair. The display surface of all signs shall be kept clean, neatly painted, and free from rust and corrosion.

Section 87.0780 PROHIBITED SIGNS

Unless otherwise determined by the Director, the following signs are inconsistent with the sign standards set forth in this Chapter, and are therefore prohibited:

- Abandoned signs and supporting structures
- Chalkboards or blackboards
- Permanent sale or come-on signs
- Portable signs (except A-frame)
- Roof signs
- Signs painted on fences or roofs
- Large balloons or other large inflatable devices
- Signs that are affixed to vehicles that are purposely parked and serve as an advertisement device.
- Signs which simulate in color or design a traffic sign or signal, or which make use of words, symbols or characters in such a manner to interfere with, mislead, or confuse pedestrian or vehicular traffic.
- Signs which incorporate in any manner any flashing, moving, or intermittent lighting.
- Animated or moving signs or signs which contain any moving parts.
- Banners and Flags (see *Section 87.0130 Temporary Signs*)

Section 87.0790 EXEMPT SIGNS

The following non-illuminated signs shall be permitted without the requirements of a sign permit obtained from the Director of Community Development Department subject to limitations provided in this Chapter or as otherwise provided by State law:

- a. **Exempt Residential Signs:**
 1. One (1) residential building identification sign, used to identify individual residences, not exceeding 2 square feet in area displaying the name of the owner, occupant, or specific property name.
 2. Address numbers shall be placed upon existing and on newly constructed primary dwelling units. Numbers shall be a minimum of 4 inches in height and shall be contrasting in color to the background. Numerals shall be illuminated during hours of darkness.

3. One (1) double faced real estate advertising sign, for sale, lease or rent of a single-family residence and residential lots:
 - A. Such sign shall not exceed nine (9) square feet in area and six (6) feet in height.
 - B. Such sign shall be situated within the property line and in no event shall encroach upon public right-of-way. Such sign shall remain only during the period of time that the premises are being offered for sale, lease or rent and in any event shall be removed fifteen (15) days after the property is sold or the lease is terminated. Property is deemed to be sold upon the close of escrow, upon transfer of legal title, or upon execution of an installment sale, contract, whichever occurs first.
 - C. Open House signs, for the purpose of selling a single house or condominium and not exceeding nine (9) square feet in area and six (6) feet in height, are permitted for directing prospective buyers to property offered for sale.
 - D. Three (3) Open House banners per dwelling unit are allowed on the lot where the open house is conducted with a maximum sign area of sixteen (16) square feet each, for a period not to exceed three (3) days.
4. Until such time as a formal kiosk program is implemented by the Town Council, temporary off-site weekend directional signs shall be permitted for purposes of providing direction subject to the following regulations:
 - A. Maximum area of a directional sign shall not exceed three (3) square-feet nor shall the maximum height of any part of the sign exceed height of three (3) feet.
 - B. Signs shall only be posted on weekends between 3:00 p.m. on Friday and 8:00 a.m. on Monday, or between 3:00 p.m. on the day preceding a holiday occurring on Friday and 8:00 a.m. on the following Monday, or between 3:00 p.m. Friday and 8:00 a.m. on the following Tuesday following a holiday occurring on a Monday.
 - C. Signs shall be posted in the right-of-way.
 - D. There shall be no more than one (1) sign per direction of traffic at any intersection.
 - E. Signs shall be at least five hundred (500) feet from any other sign for the residential development, except at intersections. Signs shall not be within twenty (20) feet of a sign for any other residential development and shall in no way obscure, obstruct, detract, or interfere with any traffic or safety sign.
 - F. Signs left within the right-of-way beyond the time specified in *Subsection (B)* above will be removed by Town forces and any costs for removal will be billed to the project developer

b. **Exempt Commercial Signs:**

1. Window signs not exceeding three (3) square feet and limited to business identification, hours of operation, and emergency information.
2. Non-illuminated real estate signs for the initial sale, rental, or lease of commercial and industrial premises subject to the following:

One (1) sign per street frontage not to exceed 32 square feet in area to advertise the sale, lease, or rent of the premises. No such sign shall exceed eight (8) feet in overall height and shall be removed upon sale, lease or rental of the premises or 24 months, whichever comes first. Thereafter, one sign per premise not to exceed 16 square feet in size and eight (8) feet in height is permitted for the sale, lease or rent of the premise.
3. Identification signs on construction sites. Such signs shall be limited to one directory or pictorial display sign per street frontage or entrance, up to a maximum of two signs, identifying all contractors and other parties (including lender, realtor, subcontractors, etc.). Each sign shall not exceed 32 square feet in area and eight (8) feet in height. Each sign shall be removed prior to issuance of a Certificate of Occupancy.
4. One (1) building identification sign, used to identify individual buildings, not exceeding two (2) square feet in area displaying only the name of the owner or occupant.
5. Address numbers shall be placed upon existing and on newly constructed primary buildings. Number height shall be in accordance with the Fire Department requirements. Numerals shall be illuminated during hours of darkness.
6. Vacant commercial parcels may have real estate freestanding signs which do not exceed a maximum of eight (8) feet in height with a maximum of two (2) signs not to exceed an area of sixteen (16) square feet each, not to exceed a combined total of 32 square-feet.
7. Signs located within a structure and not visible from the outside of the building or not so located as to be conspicuously visible from the outside.
8. Memorial signs and plaques installed by a civic organization provided they shall not encroach upon public right-of-ways.
9. Official and legal notices issued by a court or governmental agency.
10. Official flags of the United States, the State of California, County of San Bernardino, Town of Yucca Valley, and nationally or internationally recognized organizations.
11. Official traffic, fire and police related signs, temporary traffic-control signs used

- during construction, utility facilities, substructure location, identification signs, markers required to protect said facilities, and other signs and markers required by the Town, Caltrans, or other public agency.
12. Holiday decorations, in season, displayed for an aggregate period not exceeding sixty (60) days in any one (1) calendar year.
 13. Incidental signs for automobile repair stores, gasoline service stations, automobile dealers with service repairs showing notices required by law, trade affiliations, credit cards accepted, and the like, attached to the structure or building; provided that all of the following conditions exist:
 - A. The signs number no more than four.
 - B. No such sign projects beyond any property line.
 - C. No such sign shall exceed an area per face of three square feet.
 - D. Signs may be double-faced.
 14. Copy applied to fuel pumps or dispensers such as fuel identification, station logo, and other signs required by law.
 15. Agricultural signs, either wall or freestanding types, non-illuminated, and not exceeding four square feet for lots two acres or less and 16 square feet for lots greater than two acres, identifying only the agricultural products grown on the premises. The number of such signs shall be one per street frontage or a maximum of two, with wall signs to be located below the roofline and freestanding signs to be no higher than eight (8) feet.
 16. Directional signs to aid vehicle or pedestrian traffic provided that such signs are located on-site, have a maximum area that does not exceed three (3) square feet, have a maximum overall height of four (4) feet above grade, and are mounted on a monument or decorative pole. Such signs may be located in a required setback provided that a minimum distance of five (5) feet from any property line is maintained. Directional signs may display an arrow or other directional symbol and/or words, including but not limited to "parking", "enter", "exit", "do not enter", "drive-through", and other similar messages.
 17. Notices or signs required to be posted by law.
 18. Signs located within recreational facilities such as baseball fields, stadiums and other similar facilities that advertise local businesses and other sponsors for sporting activities.
 19. Official Town signs which incorporate reflective, shimmering discs, or similar elements.

Section 87.07100 SIGN PROGRAM

- a. **Sign Program Required.** A sign program shall be developed for all new commercial, office, and industrial centers. The purpose of the program is to integrate signs with building and landscaping design to encourage a unified architectural statement. This shall be achieved by:
- The use of the same background color, and allowing signs of up to three (3) different colors per multi-tenant center.
 - The use of the same type of cabinet supports, or method of mounting for signs, and the same type of construction material for components, such as sign copy, cabinets, returns, and supports.
 - Utilizing the same form of sign illumination.
 - Logos may be permitted and are not subject to the color restrictions specified in the program and serve as supplementary advertising devices to the sign(s).
- b. **Application Requirements.** In addition to any application form and fee, the following information is required for review of a sign program:
1. Site plan, to scale, indicating the location of all existing and proposed freestanding signs with sign area dimensions, colors, material, letter type, letter height, and method of illumination;
 2. Building elevation(s), to scale, with sign location shown and dimensioned;
 3. Sign details indicating sign area, dimensions, color, materials, letter style, letter height, and method of illumination.
- c. **Design Guidelines.** The following guidelines are encouraged in developing a sign program.
1. A theme, styles, types, color or placement of signs that will unify and identify the center and integrate the signs with the building design should be provided. Consideration should be given to the different types of tenants (e.g. major and minor) and placement locations consistent with the architectural design;
 2. Sign color should compliment the building color. In general, the number of primary colors on any sign shall be limited to no more than two with secondary colors used for accent or shadow detail. Variations in color may be used as long as the remaining components of the program remain consistent with the overall program;
 3. The same type of cabinet supports or method of mounting for signs of the same type shall be used;
 4. The same type of construction material for same components, such as monument sign bases, panels, cabinets, and supports shall be used;
 5. Consideration should be provided for logos or trademarks.
- D. **Approval.** The Director shall have the authority to approve, conditionally approve, or deny a sign program based on the findings that the proposed sign program is in compliance with the

purpose of this Section.

Section 87.07110 GENERAL DESIGN STANDARDS:

The purpose of this Section is to assist professional sign designers and the general public in understanding the Town's goals and objectives for achieving high quality, efficient signage within the Town. These standards will be used to encourage a high degree of sign quality while providing flexibility necessary for creativity on the part of sign designers. The criteria and standards in this section apply to all sign proposals. The standards should be followed unless the purpose of this Chapter can better be achieved through other design techniques.

a. **Computations** The following methods shall be used to measure sign height and sign area.

1. **Sign Height**

A. **Pole Sign**

1. The vertical distance measured from the immediate adjacent roadway grade level to the highest point of the sign structure.
2. Where the finished grade level is above or below street level and/or a planter or retaining wall exists, the height shall be the vertical distance measured from the immediate adjacent roadway grade level to the highest point of the sign structure.

B. **Monument Sign**

1. The vertical distance measured from the immediate adjacent roadway grade level to the highest point of the sign structure.
2. Where the finished grade level is above street level, and/or a planter or retaining wall exists, the height shall be the vertical distance measured from finished grade to the highest point of the sign structure.
3. Where the finished grade level is below street grade level and/or a planter or retaining wall exists, the height shall be the vertical distance measured from the immediate adjacent roadway grade level to the highest point of the sign structure.

2. **Sign Area**

The entire surface area within a single continuous perimeter, not to exceed ten (10) sides, containing words, letters, figures, or symbols, together with any frame or material forming an integral part of the display but excluding support structures, face of building and incidental parts shall constitute sign area. Signs placed back to back shall be taken as the area of one face if the two faces are of equal area or of the area of the larger face if the two are of unequal area.

c. **Sign Copy**

1. Letter size shall be proportional to the background and overall sign size.
2. Graphics consistent with the nature of the product to be advertised are encouraged. However, these shall be considered as part of the sign area.

3. Logos are encouraged but are considered part of the sign area.
4. Signs which incorporate electronic message boards shall be subject to review and approval by the Planning Commission.
5. Electronic message areas shall not exceed 25% of the total sign area of the sign structure it is attached to.

d. **Materials**

1. All signs, except those provided for under Temporary Signs shall be permanent in nature and should reflect the architectural design of structures and natural features of the site by containing unifying features and materials.
2. High quality and natural materials, such as exterior grade building materials are encouraged.
3. Freestanding/monument signs shall incorporate lighting, colors, planters, or other architectural treatment to enhance the visual element of the installed sign.
4. Poles or other supporting structures for freestanding signs shall incorporate architectural treatments, landscape planters, or similar structural enhancements.

e. **Illumination**

1. **Preservation of the Night Sky**
 - A. All signs shall comply with *Chapter 8.70* of Title 8 of the Yucca Valley Municipal Code relating to Regulations for Outdoor Lighting.
 - B. Off-white shades shall be encouraged for sign background color in lieu of pure white.
 - C. The use of dark background coloring and lighter shades for lettering is highly encouraged.
2. **Neon Signs**
 - A. **Exterior Signs:** Neon tubing may be permitted as a material in exterior signs subject to the following:
 1. Exterior neon signs shall be permitted only in commercial zones.
 2. Within shopping centers, neon signs may be allowed as a part of a sign program.
 - B. **Interior Neon Signs:** Neon tubing may be permitted as a sign material for interior window signs subject to the following:
 1. Permitted in commercial zones only.
 2. No more than two (2) neon window signs shall be permitted per

business.

e. **Clear Sight Triangles**

All signs shall comply with the provisions of the Development Code regarding clear sight triangles which includes the following:

1. There shall be no monument signs allowed within a clear sight triangle.
2. There shall be no more than two (2) posts or columns, each with a width or diameter no greater than twelve (12) inches, within a clear sight triangle.
3. When a freestanding sign is located within a clear sight triangle, the lower edge of the sign face shall be at least eight (8) feet above grade.

Section 87.07120 SIGNS IN RESIDENTIAL, OPEN SPACE, PUBLIC/ QUASI PUBLIC DISTRICTS

No sign, outdoor advertising structure, or display of any kind shall be permitted in Residential, Open Space, and Public and Quasi Public land use districts, except those provided for below and those provided in *Section 87.0790, Exempt Signs* and *Section 87.07130, Temporary Signs* or as otherwise provided in this Chapter. In addition to the standards provided below, consideration shall be given to a sign's relationship to the overall appearance of the subject property as well as the surrounding community.

a. **On Site Subdivision, Mobile Home Park and Multi-Family Identification.**

1. One (1) monument sign per each public street frontage, not to exceed two (2) such signs with a maximum of twenty-four (24) square feet in area each, and six (6) feet in height. The sign shall be set back a minimum of five (5) feet from any property line.
2. Sign copy shall be limited to the name of complex, address, and complex manager's phone number.
3. One directory sign per vehicle entrance to multi-residential developments of 12 or more units or mobile home parks, not to exceed four (4) feet in height and 24 square feet in sign area to be located within required front yard or street side yard.

b. **Signs for Non-Residential Uses**

Non-residential uses located in Residential, Open Space, or Public and Quasi Public land use districts such as institutional uses including churches, schools, funeral homes, cemeteries, recreational uses, and agriculture related signs may be permitted. More than one sign may be allowed provided that the maximum cumulative sign area is not exceeded.

1. One (1) monument sign per each public street frontage, not to exceed two (2) such signs with a maximum of twenty-four (24) square feet in area each, and six (6) feet in height and may not extend above a wall or fence. The sign shall be set back a minimum of five (5) feet from any property line.
2. Non- illuminated wall signs may be permitted a cumulative sign area per building frontage of one (1) square foot per each one (1) foot of building frontage with a maximum of two (2) signs. Wall signs shall not be located above an eave, roof line or

parapet.

3. **Signs for Cemeteries or Memorial Parks.** Entryway signs not to exceed twenty-four (24) square-feet in area mounted on decorative driveway entryway wall/fencing.

Section 87.07122. SIGN IN COMMERCIAL DISTRICTS

No sign, outdoor advertising structure, or display of any kind shall be permitted in Commercial District except those provided for below and those provided in *Section 87.0790, Exempt Signs* and *Section 87.07130, Temporary Signs* or as otherwise provided in this Chapter. In addition to the standards provided below, consideration shall be given to a sign's relationship to the overall appearance of the subject property as well as the surrounding community.

a. **Single Tenant Building**

1. **Wall Signs**

- A. For each use or occupancy, one building sign per building frontage oriented towards a street, driveway, or parking area based on a maximum of one (1) square-foot of sign area per one lineal foot of use or occupancy. For each occupancy with a minimum width of 80 feet, a maximum of two building signs shall be allowed on each building frontage oriented towards a street, driveway, or parking area provided the combined area of the two signs does not exceed the allowable square-footage.

2. **Freestanding Signs**

- A. The cumulative total sign area allowed for freestanding signs on parcels with 150 feet of frontage and greater shall be based on one (1) square-foot per five (5) linear feet of street frontage on which the sign is located. No single sign shall exceed sixty (60) square-feet in area.
- B. A maximum 30 square foot freestanding sign is allowed on any parcel with less than 149 feet of street frontage.
- C. Maximum height of a monument sign shall not exceed eight (8) feet or a maximum height for a pole sign not to exceed twelve (12) feet with the lower edge of the sign face to be at least seven (7) feet above grade or 4 foot clearance if located within a landscape setback.
- D. Any single sign 25 square-feet in area or less in area may be designed with sign faces placed at angles provided they do not exceed 45 degrees and not be considered a multi-faced sign.

3. **Shingle Signs** Small suspended signs may be permitted subject to the following:

- A. Maximum of one (1) sign per building entrance is permitted provided that it is perpendicular to the main face of the building suspended from a canopy or projects not more than three (3) feet from building face.
- B. Such signs shall not exceed five (5) square-feet in area and shall have a minimum ground clearance of eight (8) feet.

4. **Projecting Signs** A projecting sign may be permitted subject to the following:
- A. In lieu of a permitted building wall sign, a double faced projecting sign may be installed and placed at angles provided they do not exceed 60 degrees, provided such sign does not exceed the size allowance.
 - B. Maximum of one (1) sign per building entrance is permitted provided that it is perpendicular to the main face of the building and projects not more than three (3) feet from building face and does not extend above the roof line.
- b. **Commercial Complexes & Multiple Tenant Buildings**
- 1. **Wall Signs**
 - A. For each use or occupancy, one building sign per building frontage oriented towards a street, driveway, or parking area based on a maximum of one (1) square-foot of sign area per one lineal foot of use or occupancy. For each occupancy with a minimum width of 80 feet, a maximum of two building signs shall be allowed on each building frontage oriented towards a street, driveway, or parking area provided the combined area of the two signs does not exceed the allowable square-footage.
 - B. Subject to the approval of a sign program, the property owner may apportion the sign area to individual uses or overall building, or certain identification, provided that the total cumulative sign area is not exceeded.
 - 2. **Freestanding Signs**
 - A. The cumulative total sign area allowed for freestanding signs shall be one (1) square-foot per five (5) linear feet of street frontage on which the sign is located.
 - B. No single sign shall exceed three hundred (300) square-feet in area.
 - C. Any single sign 25 square-feet in area or less in area may be designed with sign faces placed at angles provided they do not exceed 45 degrees and not be considered a multi-faced sign.
 - D. Maximum height of freestanding signs shall comply with the following:

Road Designation Per Circulation Element of General Plan	Net Center Area	Max. Sign Height
Highway	15 acres or more	25 feet pole or pylon
Highway	8 to 14.99 acres	15 feet pole or pylon
Highway	Less than 8 acres	In accordance with Sec. 87.07122
Arterial	Any size	In accordance with Sec. 87.07122
Collector or Other	Any size	In accordance with

- E. Freestanding building pads located adjacent to a highway or street may be permitted a monument sign not to exceed 25 square-feet.
- F. All freestanding signs shall reflect high quality, enhance community design and be harmonious with the desert character through the following:
 - 1. Evokes a special relationship to the structures and uses located on the site by incorporating elements of the structural architectural and/or natural features of the site;
 - 2. Makes use of high quality and/or natural building materials, including but not limited to, rock, adobe, timber, carved wood and incised lettering in stone;
 - 3. Identifies the site or use without extensive sign copy (text) by use of graphic imagery and/or logo.
- 3. **Shingle Signs.** Small projecting or suspended signs may be permitted subject to the following:
 - A. Maximum of one (1) sign per building entrance is permitted provided that it is perpendicular to the main face of the building suspended from a canopy or projects not more than three (3) feet from building face.
 - B. Such signs shall not exceed five (5) square-feet in area and shall have a minimum ground clearance of eight (8) feet.
- c. **Pedestrian Sidewalk (A-Frame) Sign.**
 - A. One pedestrian (A-frame) sign per tenant, not to exceed 2'x3' or 6 square-feet for each side of sign area shall be permitted when placed on the sidewalk adjacent to the business and in no case shall be lined along the street frontage and within any right-of-way.
 - B. The sign shall be appropriately anchored with a bolt system or other methods to ensure the sign is properly secured and the sign is not left out overnight at any time.
 - C. The sign shall not be located in a landscape planter or a location which may create an impediment to pedestrian, disabled, or emergency access.
 - D. Balloons, banners, flags, lights, or other similar items shall not be attached to or made a part of the sign.
- d. **Window Sign**
 Windows with permanent and/or temporary signage are allowed if they do not cover more than 50% cumulative total of permanent and temporary signage of the individual window

surface and shall be removed upon non-occupancy.

e. **Service Station-Identification**

1. **Freestanding Signs:**

- A. On-premises/Price Freestanding Sign. One maximum thirty (30) square-foot, including price advertising as required by State law sign per street frontage.
- B. Service stations, whether situated on an independent parcel, or incorporated as part of a commercial, industrial or office complex, shall have independent freestanding sign rights.

2. **Building and Pump Island Canopy Signs**

- A. Building wall and canopy signs shall be limited to two signs totaling no more than thirty-six (36) square-feet in combined display area. For service stations with multiple tenants, one additional building wall sign shall be allowed for each use, with a maximum combined sign area limit of fifty (50) square-feet.

3. **Pump Island Signs**

- A. One (1) non-illuminated wall or ground sign for each pump island, not to exceed a total of four (4) per station, with a maximum sign area of two (2) square feet per face. Special service signs shall be limited to such items as self serve, full serve, air, water, cashier, and shall be non-illuminated. Price signs must meet requirements of the California Business and Professions Code.

f. **Drive-through Restaurant Menu Boards.** In addition to the provisions for freestanding commercial business under *Subsection (b)(2)* of this Section, fast food restaurant with drive-thru or walk up facilities may be allowed up to two (2) menu or reader boards with a maximum area of twenty-five (25) square-feet each. Any pictures, photographs, representations, or logos within the perimeter of the board shall be included in the computation of maximum area for such boards.

Section 87.07124 SIGNS IN INDUSTRIAL DISTRICTS. No sign, outdoor advertising structure, or display of any kind shall be permitted in an Industrial District, except those provided for below and those provided in *Section 87.0790, Exempt Signs* and *Section 87.07130, Temporary Signs* or as otherwise provided in this Chapter. In addition to the standards provided below, consideration shall be given to a sign's relationship to the overall appearance of the subject property as well as the surrounding community.

a. **Single Tenant Building**

1. **Wall Signs**

- A. For each use or occupancy, one building sign per building frontage oriented towards a street, driveway, or parking area based on a maximum of one square-foot of sign area per one lineal foot of use or occupancy. For each occupancy with a minimum width of 80 feet, a maximum of two building signs shall be allowed on each building frontage oriented towards a street, driveway, or parking area provided the combined area of the two signs does

not exceed the allowable square-footage.

2. **Freestanding Signs**
 - A. The cumulative total sign area allowed for freestanding signs shall be one (1) square-foot per five (5) linear feet of street frontage on which the sign is located.
 - B. No single sign shall exceed sixty (60) square-feet in area.
 - C. Maximum height of a Monument sign shall not exceed eight (8) feet or maximum height for a pole sign shall not exceed twelve (12) feet.
 3. **Shingle Signs** Small suspended signs may be permitted subject to the following:
 - A. Maximum of one (1) sign per building entrance is permitted provided that it is perpendicular to the main face of the building suspended from a canopy
 - B. Such signs shall not exceed five (5) square-feet in area and shall have a minimum ground clearance of eight (8) feet.
- b. **Industrial Complexes & Multiple Tenant Buildings**
1. **Wall Signs**
 - A. For each use or occupancy, one building sign per building frontage oriented towards a street, driveway, or parking area based on a maximum of one square-foot of sign area per one lineal foot of use or occupancy. For each occupancy with a minimum width of 80 feet, a maximum of two building signs shall be allowed on each building frontage oriented towards a street, driveway, or parking area provided the combined area of the two signs does not exceed the allowable square-footage.
 - B. Subject to the approval of a sign program, the property owner may apportion the sign area to individual uses or overall building, or certain identification, provided that the total cumulative sign area is not exceeded.
 2. **Freestanding Signs**
 - A. The cumulative total sign area allowed for freestanding signs shall be one (1) square-foot per five (5) linear feet of street frontage on which the sign is located.
 - B. No single sign shall exceed two hundred (200) square-feet in area.
 - C. Maximum height of a Monument sign shall not exceed eight (8) feet or maximum height for a pole sign shall not exceed twelve (12) feet.
 3. **Shingle Signs** Small projecting or suspended signs may be permitted subject to the following:
 - A. Maximum of one (1) sign per building entrance is permitted provided that it is perpendicular to the main face of the building suspended from a canopy or

projects not more than three (3) feet from building face.

- B. Such signs shall not exceed five (5) square-feet in area and shall have a minimum ground clearance of eight (8) feet.

Section 87.07128 SIGNS IN SPECIFIC PLAN (SP) DISTRICTS

Sign Programs for special or unique uses as a part of a specific plan may be approved containing standards other than provided in this Chapter except that the provisions of Section 87.07100 *Sign Program* shall apply.

Section 87.07130 TEMPORARY SIGNS. Temporary signs shall not be installed prior to the issuance of a Temporary Sign Permit.

a. **Special Events (Charitable Community Events)**

- 1. **(Charitable Events) Temporary Special Event Signs for Charitable Community Events** (charitable events, fund raising sales and other similar community events) may be permitted as a means of publicizing an event for a limited, specified period subject to the following restrictions:
 - A. Signs shall be removed promptly at the end of the special event or the display period but not to exceed 30 days, which ever occurs first.
 - B. One (1) banner located on a building wall shall be allowed for non-profit, religious, charitable or fraternal organizations when used for the temporary advertising of special events, provided it does not exceed sixty (60) square feet.
 - C. Where no building exists, one (1) thirty-two (32) square-foot banner detached from any building is allowed, provided it is announcing a charity or community event and is being displayed on the property in which the community or charity event is to take place.
 - D. Provided consent of the property owner is granted in writing, a nonprofit, religious, charitable (501c3) or fraternal organization may display one "A" frame off-site temporary directional sign along either SR 62 or SR 247 for no more than three (3) events annually to advertise a charitable event, provided:
 - 1. The sign is neither located within the public right-of-way or creates a visual obstruction for drivers of vehicles.
 - 2. The sign complies with *Section 87.07122(b)(4)* of this code and may be displayed for the duration of the charitable community event.
- 2. **Civic Community Events: Temporary Special Event Signs for Civic Community Events** (holiday parades, festivals, and other similar civic events) where the Town is either a sponsor or co-sponsor of the event may be permitted as a means of publicizing an event for a limited specified period subject to the following restrictions:
 - A. Signs shall be removed promptly at the end of the special event or the display period which ever occurs first but not exceed 30 days.

- B. Up to six (6) building wall mounted banners shall be allowed for civic organizations when used for temporary advertising special civic events provided each banner does not exceed one hundred (100) square feet and consent of the property owner is granted in writing.
- C. One 60 square-foot freestanding banner is limited to the site in which the event is to take place and cannot be located within the public right-of-way or create a visual obstruction for drivers of vehicles. Except that provided consent of the property owner is granted in writing, one (1) temporary banner not exceeding sixty 60 square-feet may be installed at each Town entryway along SR 62 to 30 days prior to the event and removed promptly at the end of the special event.

b. **Subdivisions and Model Home Signs (Temporary)**

The following shall apply to tracts and model home signs except for signs within developments with an adopted sign program, pursuant to *Section 87.07100*.

1. **On-site Freestanding Signs**

Freestanding signs shall be limited to one sign per street frontage and shall be located 10 feet from any street right-of-way on the project site. All signs shall be removed within 30 days after the sale/rental of the last unit in the project/subdivision. Refer to *Section 87.07140(b) & (c)* for regulations pertaining to off-site subdivision signs.

- A. For subdivisions up to 5 acres, one (1) sign is allowed, not to exceed a maximum sign area of 16 square feet, and not to exceed a maximum sign height of eight (8) feet.
- B. For subdivisions 5 to 40 acres, two (2) signs are allowed, not to exceed a maximum sign area of 16 square feet, and not to exceed a maximum sign height of eight (8) feet.
- C. For subdivisions more than 40 acres, two (2) signs are allowed, with a maximum of 32 square feet of sign area each, and eight (8) feet in height.

c. **Temporary Commercial and Industrial Signs.** Temporary commercial and industrial signs to publicize sales, new merchandise, close-outs, grand openings or other similar events may be permitted subject to the following restrictions:

- 1. A permit may be issued for temporary signs provided that a permit may not be issued to an applicant unless a period of time has elapsed which is two (2) times the length of time that the previous sign was permitted.
- 2. Temporary window signs may be permitted on outside facing windows if the cumulative total of any permanent and temporary signage (excluding open/close signs) does not cover more than 50% of the individual window surface.
- 3. Special event signs may include search lights, beacons, and small balloons; however, the display of such devices shall be limited to 2 days or less or the duration of the event.

4. One thirty two (32) square-foot, 8 foot-high non-illuminated freestanding sign per street frontage located on the subject property advertising a future facility/business or tenant provide the temporary sign is located ten (10) feet from any right-of-way and the sign is removed upon occupancy of the building.

5. **Banners and Flags:**

A. No banners, flags, pennants, hulas, streamers shall be displayed without a permit.

B. One banner not exceeding sixty (60) square-feet shall be permitted to advertise a special event provided the banner is attached to the space advertising the special event in accordance with the time frames specified above. However, in lieu of a building wall banner, one-thirty-two (32) square foot of sign area may be permitted for a maximum of thirty (30) calendar days that may be located on the property to advertise seasonal sale items such as pumpkins or Christmas trees.

C. The business owner/applicant shall immediately remove any banner, flag, pennant, hula and streamers determined to be tattered, torn, faded, no longer tightly attached to the building, abandoned, or non-maintained.

D. Pennants, hulas, streamers and other similar devices shall be limited to fleet services (i.e. car lots). The strings on which pennants, hulas, streamers and other such devices are hung, where permitted, shall be limited in length to not more than one and one half (1/2) times the street frontage of the property or tenant/building frontage.

E. Banners, flags, pennants, hulas and streamers shall not be displayed above the roof line of the building.

F. One maximum fifty (50) square-foot banner identifying the name of a new business may be displayed for no more than ninety (90) days.

d. **Political Signs (Temporary)**

Temporary political signs are exempt from Temporary Sign Permit fees, and are permitted on private property in all land use districts subject to the following limitations:

1. Signs shall not be displayed more than forty-five (45) days prior to an election, and shall be removed within fifteen (15) days after the same election.

2. Political signs shall have a maximum area of eight (8) square feet in residential land use districts and thirty-two (32) square feet in all other land use districts.

3. Such signs shall not be erected within any street intersection, clear sight triangle or at any location where the sign may interfere with, obstruct the view of, or be confused with any authorized traffic sign.

4. Such signs shall not be nailed or affixed to any tree, fence post or public utility pole and shall not be located in the public right-of-way or publicly owned land.
5. Such political signs shall be affixed in such a manner that they can be easily removed.

Section 87.07140 OFF-SITE SIGNS AND BILLBOARDS

a. Billboards

No new off-site advertising sign structures shall be located within the Town. Any owner of an existing permitted off-site billboard sign may replace such sign on the same site with another off-site billboard sign when located in the commercial land use districts subject to obtaining a Conditional Use Permit in accordance with the provisions of *Chapter 83.03105*. The following conditions shall apply:

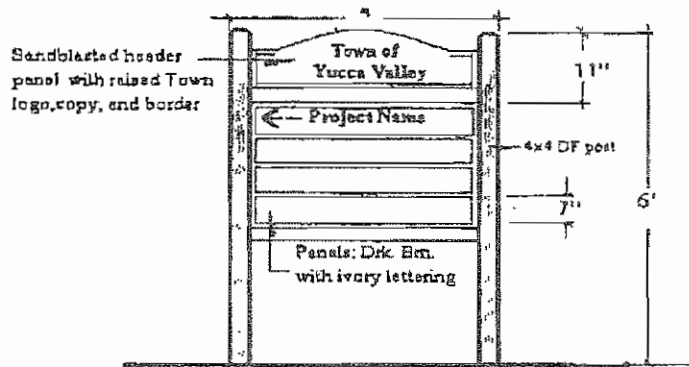
1. The advertising display area of the replacement sign shall not exceed the display area of the existing sign or signs to be replaced and in no event shall it be greater than 200 square feet per face with a maximum of two faces. Display area does not include decor or pole covers.
2. Any upgraded billboard sign located along a designated Scenic Highway Corridor shall be maintained at the same existing height. It shall be located so that no materials or structural feature, except poles or pilasters, shall extend into the cross visibility area between ground level and lower edge of the billboard sign.
3. Any upgraded billboard sign located along a designated Scenic Highway Corridor shall be treated so as to screen the billboard lighting from public view. The color and materials shall be subject to approval pursuant to the provisions of this Section.
4. The sign structure shall be located no closer than ten (10) feet to any property line.
5. Under no circumstances shall more than one new sign be erected to replace one sign removed.
6. The replaced sign(s) shall be removed prior to the use of the replacement sign.
7. The sign and structure shall be continuously maintained in an attractive, clean, and safe condition pursuant to this Section.
8. The sign structure shall not constitute a traffic hazard because of sign shape or its location in relationship to an official public traffic sign or signal.
9. The sign structure shall not contain any flashing or blinking light material, or mechanically activated or animated devices.
10. The sign structure shall be located in such a manner that it does not block the view of any on-site advertising sign on the same or adjoining parcels.

b. Off-Site Residential Subdivision Directional Signs

The following shall regulate and establish a standardized program of off-site residential and subdivision directional kiosk signs for the Town. For the purposes of this subsection, a residential subdivision is defined as a housing project within a recorded tract where five or more structures or dwelling units are concurrently undergoing construction.

1. **Kiosk Signs.**

A. The panel and sign structure design shall be in accordance with Fig 10.



RESIDENTIAL KIOSK DIRECTIONAL SIGN
Single Panel Signs

Figure 10

- B. A kiosk sign structure shall be located no less than 300 feet from an existing or previously approved Kiosk site, except in the case of signs on different corners of an intersection.
- C. The placement of each kiosk sign structure requires review and approval by the Community Development Director.
- D. All kiosk signs shall be placed on private property with written consent of the property owner or on Town right-of-way pursuant to issuance of a Town of Yucca Valley encroachment permit.
- E. A kiosk sign location plan shall be prepared, showing the site of each kiosk directional sign, and shall be approved by the Director prior to the issuance of a Sign Permit.
- F. There shall be no additions, tag signs, streamers, devices, display boards, or appurtenances added to the kiosk signs as originally approved. No other non-permitted directional signs, such as posters or trailer signs, may be used.
- G. All non-conforming subdivision kiosk directional signs associated with the subdivision must be removed prior to the placement of directional kiosk sign(s).
- H. Kiosk signs, or attached project directional signage, shall be removed when

the subdivision is sold out. The entity administering the program will be responsible for removal of panels and structures no longer needed.

- I. All kiosk sign structures shall conform with the following standard regulations:
 1. No more than one panel per development per side of a kiosk sign is permitted.
 2. Double sided kiosk signs are permitted.
 3. Kiosk sign panels may only contain the name of the subdivision, a directional arrow, and one sign copy color as indicated Figure 10.
 4. Kiosk sign structures with different size structures for major and local streets shall be considered by the Director or his/her designee. Design, size and height of kiosk structures and panels shall require approval of the Community Development Director.

- c. **Interim Temporary Off-Site Residential and Subdivision Signs.** Until such time as a Kiosk program is implemented by the Town Council, temporary off-site residential and residential subdivision signs shall be allowed subject to the approval of a Temporary Sign permit. Signs shall be of quality or near quality in composition normally associated with professionally manufactured signs.

Temporary off-site residential and subdivision signs shall be permitted subject to the following regulations:

- I. **Residential Subdivision Signs:** For subdivisions as defined in this subsection, all signs shall conform to the following standards:
 - A. A maximum of four (4) off-site signs per subdivision shall be permitted.
 - B. The maximum area of any sign shall not exceed thirty-two (32) square-feet and no dimension shall exceed eight (8) feet.
 - C. The maximum height of any part of the sign shall not exceed eight (8) feet.
 - D. Signs shall be located a minimum of five hundred (500) feet from any other sign for the same subdivision and at least one hundred (100) feet from any other subdivision sign, except at intersections.
 - E. Signs shall not be located within any clear sight triangle as required by this Code.
 - F. Signs shall not be located closer than five (5) feet from the edge of the planned or ultimate right-of-way of any street.
 - G. Such off-site signs shall be permitted only on vacant property with written authorization from the property owner.

- H. No flags or banners shall be permitted for off-site sign.
 - I. Temporary Sign Permits shall be valid for twelve (12) months. Permits shall be renewed every twelve (12) months.
 - J. At the completion or build out of a subdivision all signs shall be promptly removed.
 - K. If after one hundred eighty (180) days no construction activity has occurred, all signs shall be promptly removed.
2. **Residential (Non Subdivision) Signs:** For residential development all signs shall conform to the following standards:
- A. A maximum of four (4) off-site signs per residence under construction shall be permitted.
 - B. The maximum area of any sign shall not exceed four (4) square-feet and no dimension shall exceed two (2) feet.
 - C. The maximum height of any part of the sign shall not exceed four (4) feet.
 - D. Signs shall be located a minimum of five hundred (500) feet from any other sign for the residence under construction and at least one hundred (100) feet from any other residential sign, except at intersections.
 - E. Signs shall not be located within any clear sight triangle as required by this Code.
 - F. Signs shall not be located closer than five (5) feet from the edge of the planned or ultimate right-of-way of any street.
 - G. Such off-site signs shall be permitted only on vacant property with the property owners written authorization.
 - H. No flags or banners shall be permitted for off-site sign.
 - I. Temporary Sign Permits shall be valid for twelve (12) months. Permits shall be renewed every twelve (12) months.
 - J. Such sign shall remain only during the period of time that the residence is being offered for sale and in any event shall be removed ten (10) days after the property is sold. Property shall be deemed sold upon the close of escrow or upon transfer of legal title, whichever occurs first.

Section 87.07145 OFF-SITE SIGNS ON PUBLIC PROPERTY

Private advertising signs may be placed on structures in the public right of way, such as bus shelters, if there is a licensing agreement approved by the Town Council authorizing such off-site signs on public property. An application for a sign permit must be approved prior to the construction of off-site signs on public property; and the applicant and the owner of the sign shall comply with the

provisions of *Section 87.07160* regarding sign construction and maintenance standards.

Section 87.07146 PUBLIC AND INSTITUTIONAL FACILITY DIRECTIONAL SIGNS

a. **Intent**

It is the intent of this section to establish criteria for those signs used to identify public facilities that are either public service integrated and Town owned or acknowledged through joint partnership agreements and institutional uses.

Public and institutional facilities signs play an important role in guiding and directing citizens and visitors to public and institutional facilities within the Town. Additionally, it is important with current sign issues on SR62 and on local roads that the installation of directional signs does not create additional sign clutter following installation. It is the intent of this section to establish guidelines for primary Town owned and operated public facilities and institutional facilities. Prior to consideration of approval for installation of the directional signs, the Traffic Commission and Town Council shall carefully consider the use of the public facility and institutional facility and the need for directional signing both along the state highway and/or on local roads.

b. **Justification:** A Directional Sign for the purposes of identifying site location is warranted when any of the following facility criteria are met:

1. The facility is public service integrated, i.e. official Federal, State, County of San Bernardino, Town of Yucca Valley facilities, as well as regionally and community significant park facilities, and institutional facility.
2. The facility is owned or operated by the Town of Yucca Valley.
3. The facility is involved in a current joint partnership agreement with the Town.

c. **Appearance:**

1. Signs to be installed along State Highways:
 - A. All signs installed along State highways shall conform to the height, size and color requirements as stipulated in the CalTrans *Traffic Manual*.
2. Signs to be installed along roads within Town right-of-way:
 - A. All signs shall be constructed of aluminum alloy material and include an engineering grade, smooth reflective sheeting or reflective baked enamel finish.
 - B. Sign shape shall be rectangular with a maximum horizontal length of 36 inches and a maximum vertical length of 24 inches.
 - C. Sign color shall be a blue reflective background with reflective white lettering and symbol. Public park identification signs shall be the Federal Standard of brown background with reflective white lettering.
 - D. Sign post shall have "break-away" capability and be either a singular square steel tube, steel u-post or wooden material.

- E. Sign height, once installed, shall not exceed 80 inches and shall be a minimum of 48 inches high.
- d. **Location:**
- 1. Signs installed along State Highways:
 - A. All signs proposed along State Highways shall conform to the installation requirements pursuant to the CalTrans *Traffic Manual*.
 - 2. Signs installed along roads within Town right-of-way:
 - A. Signs installations shall be limited to only those streets that are included in the Town's maintained road system.
 - B. Sign placement shall be determined by the Town's Engineering Division.
 - C. The number of signs installed for a specific facility shall be determined by the Town's Engineering Division.
 - D. Maintenance of the signs shall become the responsibility of the Town.
- e. **Approval:**
- 1. All directional Signs:
 - A. All public facility directional signs shall be approved by the Town Traffic Commission prior to installation.

Section 87.07147 WALL MURAL DESIGN CRITERIA

- a. **Criteria**
- 1. **Maximum Number of Murals Per Site:** One (1) mural per structure may be approved by the Planning Commission. In unique circumstances whereby the design of the mural(s) and structure are enhanced by additional murals, the Planning Commission may allow for more than one mural per structure.
 - 2. **Advertisement Value:** Words and/or images may not generally be incorporated within the proposed mural which specifically identifies or reflects the business, products and/or services provided by the business occupying the structure.
 - 3. **Design Theme:** Desert-Western, compatible with the building design and surrounding properties.
 - 4. **Sign Area:** Wall mural signs shall not be calculated as business advertising signage and is not subject to the maximum wall sign area ratio. Murals can occupy an entire single wall on which the mural is applied.
 - 5. **Color Scheme:** The colors used in the mural signs shall be complimentary and harmonious with the exterior colors of the building and consistent with the Desert-Western concept and surrounding properties. Florescent colors would not be considered in keeping with the Desert-Western concept.

6. **Permitting Process:** All Wall Mural applications shall be processed through the Design Merit Program process.
7. **Findings:** Prior to approving a Wall Mural application, the Planning Commission shall find and justify that all of the following are true:
 - A. The proposed mural exhibits exceptional design quality and incorporates high quality material that enhance the overall development and appearance of the site and will not have an adverse impact on the safe and efficient movement of vehicular or pedestrian traffic;
 - B. The proposed mural is well integrated with the buildings and other elements of the property and is harmonious with the surrounding desert character;
 - C. The proposed mural, by its design, construction and location, will not have a substantial adverse effect on abutting property or the permitted use thereof, and will contribute to the Town's unique character and quality of life;
 - D. The proposed mural is consistent with the goals, policies and standards of the Town's General Plan and applicable specific plans;
 - E. That the granting the Wall Mural Permit is based upon its distinct quality and does not constitute a granting of special privileges beyond those provided for by criteria provided above.

Section 87.07150 ABANDONED SIGNS

- a. A sign or sign structure that is nonconforming shall be removed by the owner or lessee of the premises upon which the sign or structure is located when for a period not less than 90 days the business or product identified in the sign is no longer conducted on the premises, the structure upon which the sign is displayed is abandoned, or the advertising is no longer displayed on the sign structure. If the owner or lessee fails to remove the sign, the Director shall give the owner 30 days written notice to remove it. Upon failure to comply with the notice, the Director may have the sign removed at the owner's expense.
- b. Any legal, conforming structural supports for an abandoned sign may remain, if installed with a blank sign face and supporting structures are maintained.

Section 87.07160 CONSTRUCTION AND MAINTENANCE

- a. Every sign, and all parts, portions, and materials shall be manufactured, assembled, and erected in compliance with all applicable State, Federal, and Town regulations and the Uniform Building Code.
- b. Every sign, including those specifically exempt from the provisions of this Chapter with respect to permits and permit fees, and all parts, portions, and materials shall be maintained and kept in good repair. The display surface of all signs shall be kept clean, neatly painted, and free from rust and corrosion. Any cracked, broken surfaces, malfunctioning lights, missing sign copy or other non-maintained or damaged portion of a sign shall be repaired or

replaced within 30 calendar days following notification by the Town. Failure to do so may result in the sign being adjudged a nuisance and abated in accordance with Section 87.07190 et seq. of this code.

Section 87.07170 NONCONFORMING SIGNS

- a. **Purpose and Intent.** The requirements of this Section are intended to recognize that the eventual elimination of signs that do not comply with the provisions of this Chapter is as important as the prohibition of new signs that would violate these standards.
- b. Any sign legally existing on the effective date of this Ordinance that does not comply with the regulations of this Chapter shall be deemed to be a nonconforming sign.
- c. A legally established sign which fails to conform to this Chapter shall be allowed as a continued use until such time any of the following occurs first:
 1. Structurally altered so as to extend its useful life.
 2. Expanded, moved, or relocated.
 3. Re-established after damage or destruction of more than 50% and the destruction is other than facial copy replacement and the display is not repaired within 30 days of the date of its destruction.
 4. There is a change in ownership of the property, inheritance by a member of a deceased owner's family shall not be deemed to constitute a change of ownership;
 5. The business or land use activity is discontinued or sold;
 6. The property is subdivided or the real property upon which the sign is located is severed from the real property upon which the business or primary use of the entire parcel is located, by lease, lease-back, or any other arrangement, method or device which would otherwise circumvent the intent of this section;
 7. A Conditional Use Permit, Site Plan Review, or Land Use Compliance Review is granted for the property or use of the property;
 8. A Sign Permit is issued permitting installation or construction of a new or additional sign on the property;
 9. Whenever there is a change in ownership or tenancy of any business or tenant space within a shopping center, new wall signage and/or freestanding sign conforming to the requirements of this Chapter that identifies such change is permitted although nonconforming signs exist within the center. However, no change of sign copy to identify such change in ownership or tenancy shall be permitted on any nonconforming sign.

Section 87.07190 ENFORCEMENT

- a. **Stop Work Orders.** The issuance of a sign permit shall not construe a waiver of any provisions of this Chapter or any other ordinance of the Town. The Building Official, or other designated person, is authorized to issue a stop work order for any sign or advertising display installation which is being erected or displayed in violation of this Chapter, or any other ordinance of the Town.
- b. **Revocation.** Upon failure of the holder or applicant to comply with the provision of this Chapter or the conditions of approval of the sign permit, the Director is authorized and empowered to revoke any permit with a written statement of the reasons for revocation.
- c. **Public Nuisances.**
 1. The following signs and advertising displays are hereby declared to be public nuisances:
 - A. Signs and advertising displays illegally erected, placed or encroaching on or over any public right-of-way;
 - B. Any sign or advertising display declared to be hazardous or unsafe by the Director, the Building Official, or any other Town designated person.
 2. A Town enforcement officer may, without notice, move, remove, and/or dispose of a sign or advertising structure that has been declared a public nuisance in accordance with *Subsection (a)* above. In addition, an enforcement officer may authorize any work required to correct a hazardous or unsafe condition.
 3. A Town enforcement officer shall charge the costs of processing, moving, removing, disposing, correcting, storing, repairing or working on a sign or sign structure to any one of all of the following, each of which shall be jointly and individually liable for said expenses.
 - A. The permittee; and/or
 - B. The owner of the sign; and/or
 - C. The owner of the premises on which the sign is located.
 4. The charge for expenses shall be in addition to any penalty for the violation and recovery of the sign does not necessarily cancel the penalty.
 5. Signs made of paper, cardboard, lightweight wood or inexpensive plastic or similar materials which are removed, may be discarded immediately. All other removed signs shall be held thirty (30) days by the Town, during which period it may be recovered by the owner paying the Town for costs of removal, storage, and processing. If not recovered within the allowed thirty (30) day period, the sign and structure is hereby declared abandoned and title thereto shall vest to the Town.
- d. **Abatement of Signs.** The Community Development Director shall order the abatement, abate, or cause to be abated any temporary or permanent sign erected, placed or displayed in

violation of this Chapter in accordance with the following:

1. Notice

A. A written notice shall be sent or delivered to the owner of the sign or advertising display, or his representative, ordering abatement of the illegal or obsolete display, except as noted above. Temporary signs or advertising displays shall be ordered to be removed or abated immediately. Signs other than temporary signs or advertising displays shall be ordered to be abated within ten (10) days.

B. Subsequent to or in lieu of the notice to abate, the Director may cause to be mailed by registered or certified mail written notice to the owner of the sign, at the last known address or to the owner of the property as shown on the latest assessment roll, or to the occupant of the property at the property address. The notice shall describe the sign and specify the violation involved, and indicate that the sign will be removed if the violation is not corrected within ten (10) days.

e. Appeal

The owner may, within the ten (10) day period, appeal the notice to the Town Council. Appeals shall be made on forms provided by the Planning Division and fees shall be paid as established by the Town fee schedule. There shall be a stay of abatement until a decision is rendered by the Town Council.

f. Abatement

After the expiration of the ten (10) day notice period, the enforcement officer may enter the property and abate the sign or advertising display. The Town may also contract for the abatement.

g. Assessments

The Town may order a special assessment and place a lien against the property for reimbursement of all costs in accordance with *Chapter 6.04* of the Town of Yucca Valley Municipal Code.

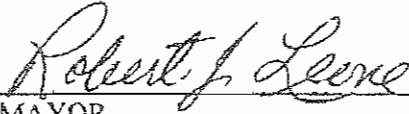
h. Alternatives

Nothing in this Chapter shall be deemed to prevent the Town Council from ordering the Town Attorney to abate the alleged nuisance or to obtain any other appropriate remedy in addition to, as an alternative to, or in conjunction with the procedures authorized by this Chapter. Nor shall the implementation of this Chapter be deemed to prevent appropriate authorities from commencing a criminal action based upon the conditions constituting the alleged nuisance.”

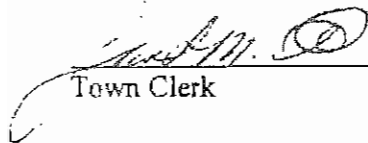
SECTION 2. NOTICE OF ADOPTION. Within fifteen (15) days after the adoption hereof, the Town Clerk shall certify to the adoption of this Ordinance and cause it to be published once in a newspaper of general circulation printed and published in the County and circulated in the Town pursuant to Section 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. Section 87.07170(c)(4) and (5) shall become operative October 2,2006.

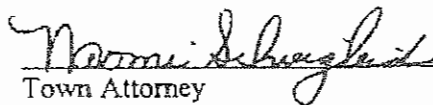
APPROVED AND ADOPTED by the Town Council and signed by the Mayor and attested by the Town Clerk this 2nd day of September, 2004.


MAYOR

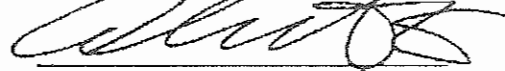
ATTEST:


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. 156 as duly and regularly introduced at a meeting of the Town Council on the 19th day of August, 2004, and that thereafter the said ordinance was duly and regularly adopted at a meeting of the Town Council on the 2nd day of September, 2004, by the following vote, to wit:

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

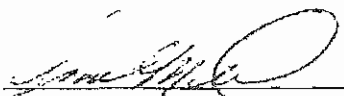
Noes: None

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 7th day of September, 2004.

(SEAL)



Town Clerk of the Town of
Yucca Valley

ORDINANCE NO. 240

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF YUCCA VALLEY CALIFORNIA, AMENDING TITLE 8, DIVISION 4, CHAPTER 3, SECTION 84.0370 TO ALLOW EMERGENCY TRANSITIONAL HOUSING AND SINGLE ROOM OCCUPANCY UNITS WITHIN THE INDUSTRIAL LAND USE DISTRICT.

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

SECTION 1.

Section 84.0370 Industrial Districts (l) is amended to read as follows:

Section 84.0370 (a) Permitted Land Uses

- (3) Emergency Transitional Housing subject to a Special Use Permit
- (4) Single Room Occupancy Units subject to a Conditional Use Permit

Section 84.0370 (d) (5) is added to read as follows:

(5) Emergency Transitional Housing

(A) This section establishes standards for Emergency Transitional Housing as defined in subdivision (e) of Section 50801 of the Health and Safety Code, which are in compliance with state law, including the limitations on the Town's authority to regulate these facilities in zones without a discretionary approval.

(B) These standards apply in addition to all other applicable provisions of this Chapter and any requirements imposed by the State Department of Housing and Community Development through its oversight.

- (1) The maximum number of beds or persons to be served nightly shall be fifty (50), and shall not exceed 1 per 125 square feet of floor area.
- (2) The maximum length of stay for any one individual shall not exceed 180 days in a 365 day period.
- (3) Off street parking shall be provided at a rate of one parking space for every four beds and one parking space for each employee on shift.
- (4) Exterior and interior waiting and client intake areas shall be provided on site to accommodate waiting clients and to prevent queuing into any public rights of way. An exterior waiting area shall be physically separated and visually screened from the public right of way.

- (5) An on-site manager shall be present at all times, 24 hours per day, 7 days per week. The onsite manager shall not be an individual or individuals who utilize the homeless beds or services and shall maintain their own residence off site.
- (6) Lighting shall be provided for all entrances, parking lots, pathways and public areas.
- (7) Stays at the Emergency Shelter facility shall be limited to between the hours of 5:00 P.M. and 8:00 A.M.
- (8) Nonoperational and unregistered vehicles shall not be kept on site. Towing shall be the responsibility of the shelter operator.
- (9) A minimum distance of 300 feet shall be maintained from another emergency shelter. The distance of separation shall be measured in a straight line between the property lines of each use without regard to intervening structures or objects.
- (10) Alcohol and illegal narcotics use and consumption are prohibited within the facility and on the property.
- (11) An operations plan shall be submitted for review and approval by the Director and the Chief of Police prior to operation of the Emergency Shelter. The plan shall include minimum provisions related to on-site security and safety, staff training, loitering control, client eligibility, counseling services and indoor and outdoor management of the facility.
- (12) The shelter operator shall regularly patrol the area surrounding the shelter site during hours that the shelter is in operation to ensure that homeless persons who have been denied access are not congregating in the neighborhood.
- (13) Each shelter shall be operated by a responsible agency or organization, with experience in managing and/or providing social services.
- (14) Staff and services shall be provided to assist residents to obtain permanent shelter and provide referral information and/or services for health or mental health services, educational opportunities, job training/employment and life skills training.
- (15) There shall be at least one on-site supervisor per 25 persons during the hours of operation.

- (16) Operators shall maintain a log of occupants which may be reviewed by the Town at any time to assure compliance with these regulations and standards.
- (17) Security systems shall be installed prior to issuance of a certificate of occupancy. Security systems shall include an alarm system to detect unrecorded or unauthorized entry or exiting of a facility, and a camera surveillance system which shall be installed in locations to the satisfaction of the Chief of Police.
- (18) The outdoor areas and yards of shelters and surrounding areas shall be kept clean and free of debris, litter, and storage of personal effects shall not be allowed.

(C) Transitional Housing is a development with buildings configured as rental housing developments, but operated under program requirements that call for the termination of assistance and recirculation of the assisted unit to another eligible program recipient at some predetermined future point in time, which shall be no less than six months. Transitional housing that is provided in single family dwelling, multi-family dwelling units, residential care facilities or boarding house uses, shall be permitted, conditionally permitted or prohibited in the same manner as the other single family dwelling, multi-family dwelling units, residential care facilities, or boarding house uses under this code.

(D) Supporting housing is housing with no limit on length of stay, that is occupied by the target population, and that is linked to onsite or offsite services that assist the supportive housing resident in retaining the housing, improving his or her health status, and maximizing his or her ability to live and, when possible, work in the community. Supportive housing that is provided in single family dwellings, multi-family dwelling units, residential care facilities, or boarding house uses, shall be permitted, conditionally permitted, or prohibited in the same manner as the other single family dwelling, multi-family dwelling units, residential care facilities, or boarding house uses under this code.

Section 84.0370 (d) (6) is added to read as follows:

- (A) Single Room Occupancy Purpose and Intent: It is the purpose and intent of this section to regulate the development and operation of Single Room Occupancy land uses. Single Room Occupancy units provide housing opportunities for lower-income individuals, persons with disabilities, the elderly and formerly homeless individuals.
- (B) Single Room Occupancy shall mean a facility providing dwelling units where each unit has a minimum floor area of 150 square feet and a maximum floor

area of 350 square feet. These dwellings units may have kitchen or bathroom facilities and shall be offered on a monthly basis or longer.

(C) Single Room Occupancy Units shall be located exclusively in the Industrial (I) land use district with the approval of a Conditional Use Permit. An application pursuant to this section shall be processed concurrently with any other application(s) required for housing development.

(D) The following development standards shall be used in conjunction with the industrial district standards for any Single Room Occupancy development.

(1) Unit Size: The minimum size of a unit shall be 150 square feet and the maximum size shall be 350 square feet which may include bathroom and/or kitchen facilities.

(2) Occupancy: An SRO unit shall accommodate a maximum of two persons.

(3) Common Areas: A minimum of 10 square feet for each unit shall be provided for common area. All common areas shall be within the structure. Dining rooms, meeting rooms, recreational rooms or other similar areas may be considered common areas. Shared bathrooms, kitchens, janitorial storage, laundry facilities and common hallways shall not be considered as common areas.

(4) Kitchen Facilities: An SRO is not required to but may contain partial or full kitchen facilities. A full kitchen includes a sink, a refrigerator and a stove, range top or oven. If a full kitchen is not provided, common kitchen facilities shall be provided with at least one kitchen per floor.

(5) Bathroom Facilities: For each unit a private toilet and sink in an enclosed compartment with a door shall be provided. This compartment shall be a minimum of 15 square feet. If private bathing facilities are not provided for each unit, shared shower or bathtub facilities shall be provided in accordance with the most recent edition of the California Building Codes for congregate residences with at least one full bathroom per every three units on a floor. The shared shower or bathtub facility shall be accessible from a common area or hallway. Each shared shower or bathtub facility shall be provided with an interior lockable door.

(6) Closet: Each SRO shall have a separate closet.

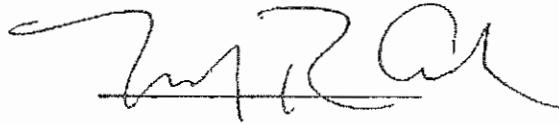
(7) Laundry Facilities: Laundry facilities shall be provided in a separate room at the ratio of one washer and dryer for every 10 units, with at least one washer and dryer per floor.

- (8) Cleaning Supply room: A cleaning supply room or utility closet with a wash tub with hot and cold running water shall be provided on each floor.
- (9) Management: A management plan shall be submitted with the development application for an SROP facility and shall be approved by the Director and the Chief of Police. The management plan must address management and operation of the facility, rental procedures, safety and security of the residents and building maintenance.

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.

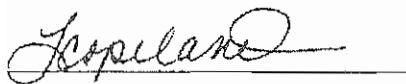
SECTION 3: EFFECTIVE DATE. This Ordinance shall become effective thirty (30) days from and after the date of its adoption.

APPROVED AND ADOPTED by the Town Council and signed by the Mayor and attested by the Town Clerk this 18th day of June 2013.



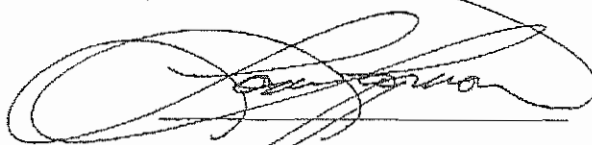
MAYOR

ATTEST:



TOWN CLERK

APPROVED AS TO FORM:



TOWN ATTORNEY

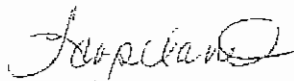
STATE OF CALIFORNIA
COUNTY OF SAN BERNARDINO
TOWN OF YUCCA VALLEY

I, Lesley R. Copeland, Town Clerk of the Town of Yucca Valley, California hereby certify that the foregoing Ordinance No. 240 as duly and regularly introduced at a meeting of the Town Council on the 4th day of June, 2013, and that thereafter the said ordinance was duly and regularly adopted at a meeting of the Town Council on the 18th day of June, 2013, by the following vote, to wit:

Ayes:	Council Members Huntington, Leone, Lombardo, Rowe and Mayor Abel
Noes:	None
Abstain:	None
Absent:	None

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of the Town of Yucca Valley, California, this 19th day of June, 2013.

(SEAL)



Town Clerk of the Town of
Yucca Valley

