

Town of Yucca Valley
PLANNING COMMISSION STAFF REPORT

To: Honorable Chair and Planning Commissioners
From: Jared Jerome, Associate Planner

Date: March 3, 2021
Meeting Date: March 9, 2021

Subject: Native Plant Permit (NPP) 322-21, 7359 Hermosa Avenue, Yucca Valley CA.
APN: 0588-703-03; Destroy Seven (7) Mojave Yucca.

Recommendation:

That the Planning Commission finds the application for NPP 322-21 is exempt from the requirement to obtain a permit, based upon Section 9.07.130 (B)(2)(f) that the regulated desert native plants being transplanted are within 20' of the footprint of the building and based upon Section 9.07.130 (C)(1), that the regulated desert native plants being destroyed are located within the identified grading area; and finding that all necessary submittal materials have been submitted as indicated in the Application Table and as contained within the staff report.

Prior Review

There has been no prior review of this matter.

Executive Summary

Native plant permits are ministerial permits issues at the staff level. Native plant permit applications are being forwarded to the Planning Commission for review and action at this time.

Order of Procedure

- Request Staff Report
- Request Public Comment
- Council Discussion/Questions of Staff
- Motion/Second
- Discussion on Motion
- Call the Question

Discussion

Applicant: Neil Rauschenberg
Address: 7359 Hermosa Avenue
APN: 0588-703-03
Zoning: Single-Family Residential (RS-2)
Parcel Size: 0.22 acres

Application has been filed with the Town to construct a single-family home. As part of that

process, an application for the removal of regulated native plants has been submitted. Only the native plant permit application is before the Commission; not the construction permits for the single-family residence.

The application is for the transplant of seven (7) groups of Mojave Yucca. These Mojave Yucca are located within 20' of the building footprint, and the regulations stipulate that removal does not require a permit in that location.

B.2.f. Any regulated desert native plant that is within the building footprint and within twenty feet (20') of the building footprint of an existing structure and for new infill residential development, as determined by the planning division.

C. 1. A regulated desert native plant permit application shall be submitted to the planning division at the time of filing a building or grading permit application for development of infill residential lots unless exempt.

Additionally, Section 9.07.130(C)(7) establishes that no undisturbed areas are required for infill lots of less than 2.49 acres, and this site satisfies that standard. Section 9.07.130 (C) (5) states:

“5. The property owner may attempt to retain as many regulated desert native plants in their native location as possible. The property owner may also attempt to transplant or relocate as many regulated desert native plants as possible on site. The property shall comply with the minimum standards specified in table 1 of this section.”

“TABLE 1

<i>Lot Size</i>	<i>Required Undisturbed Area</i>
<i>Up to 2.49 acres</i>	<i>No mandate, incentives only</i>
<i>2.5 to 4.99 acres</i>	<i>A minimum of 5% of the lot shall remain undisturbed</i>
<i>5+ acres</i>	<i>A minimum of 10% of the lot shall remain undisturbed”</i>

The table below identifies the application submittal requirements, as well as indicates if those submittal requirements have been satisfied by the applicant.

APPLICATION TABLE

APPLICATION REQUIREMENTS	INCLUDED YES/NO
1) The botanical and common name of the regulated desert native plant.	Yes
(2) A native plant survey showing the precise location of each regulated desert native plant.	Yes
(3) The trunk or stem diameter of each regulated desert native plant.	Yes

(4) The height of each regulated desert native plant.	Yes
(5) The health or condition of the regulated desert native plant, including the identification of those regulated desert native plants that are not likely to survive transplanting procedures.	Yes
(6) The proposed placement or disposition of the regulated desert native plant, i.e., transplant on site, adopt off site, remove, etc.	Yes
(7) Additional information that may be required based upon the individual application.	NA
a. Printed photographs depicting the proposed native plant that is to be removed or transplanted. The photographs must clearly show the location, size of the subject plant, and its surroundings. At minimum, the surrounding area photographs shall include two (2) different views of the subject plant.	Yes
b. A plot plan is required in order to show location of regulated desert native plants proposed to be removed, transplanted, or retained in its native location	Yes

The plot plan and photos of the regulated native plans are attached to this staff report.

Infill residential parcels of 2.49 acres or less in size are not required to retain undisturbed areas as part of the development of the site.

The Development Code section cited above is ministerial.

- Staff-level decision; forwarded to Planning Commission at this time;
- Little or no personal/subjective judgment;
- Use of fixed standards or objective measurements;
- No public notice required by the Development Code;

The Development Code does not provide for discretion of this permit application. The Town

cannot tell the applicant to relocate the house on the site; cannot tell the applicant to reduce the size of the home; the Town cannot tell the applicant that they cannot build on the site.

The application is consistent with the standards established by the Code, and therefore must be approved by the Town.

Alternatives

Staff recommend no alternative actions. The application is consistent with the Town's adopted standards.

Fiscal Impact

NA

Attachments:

NPP 322-21

9.60 Permit Procedures



Native Plant Permit Application

Date Received 2.23.21
 By [Signature]
 Case # 322-21

General Information

APPLICANT Neil Rauschenbers Phone 760 902 2680
 Mailing Address PO Box 2809 Email Neil@RORYU.com
 City Yucca valley CA State CA Zip 92286
 PROPERTY OWNER SIA Phone _____
 Mailing Address _____ Email _____
 City _____ State _____ Zip _____
 Address/Location of Plants 7359 Hermosa

Project Information

TYPE OF PLANT	# OF PLANTS BEING DESTROYED	# BEING RELOCATED		# BEING PROTECTED IN PLACE	# BEING TRIMMED	HEIGHT	DIAMETER
		ON-SITE	OFF-SITE				
MOJAVE YUCCA <i>Yucca Schottii</i>	7					2-3	
JOSHUA TREE				1			
OUR LORDS CANDLE							
CALIFORNIA JUNIPER							
PINON PINE							
PARRY'S NOLINA							

Reason for relocation or removal New Home
 Property owner signature [Signature] Date 2/18/21

Staff Use Only
 Issuance Date: _____ Issued By: _____
 Approved as shown on plot plan _____ photos _____ Expiration _____
 Denied _____ Reason for Denial _____

PLOT PLAN

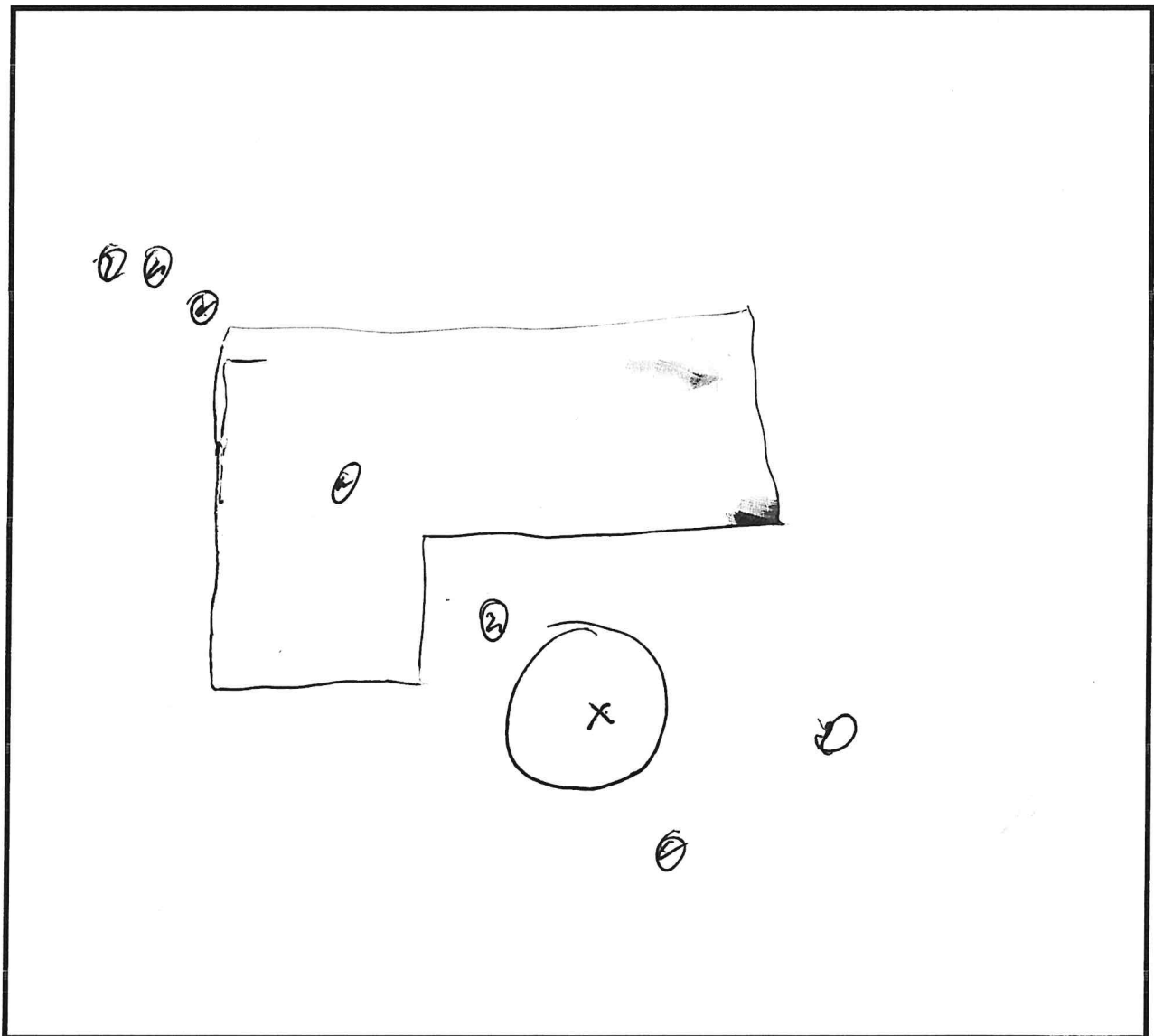
NAME Neil Rauschenbers

PROJECT ADDRESS 7359 Hermosa

ASSESSOR PARCEL NO. 0588-703-03

IF YOUR LOT IS NOT RECTANGULAR, PLEASE DRAW CORRECT DIMENSIONS AND SHAPE

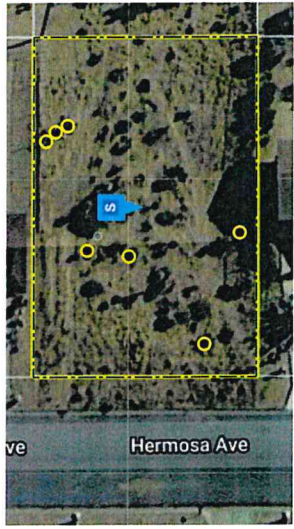
REAR PROPERTY LINE



FRONT PROPERTY LINE
STREET

ALL PLANS SHALL COMPLY WITH:

- 2019 California Building Code, including Chapter 1, Appendices C, I, and J;
- 2019 California Residential Code, including Appendix H;
- 2019 California Fire Code, including Appendix A;
- 2019 California Plumbing Code, including Appendices A, D, G, H, I, and K;
- 2018 International Property Maintenance Code, including all Appendices;
- 2019 California Existing Building Code, including Appendices A, B, and C;
- 2019 California Electrical Code, including all Appendices;
- 2019 California Energy Code, including all Appendices;
- 2019 California Green Building Standards Code

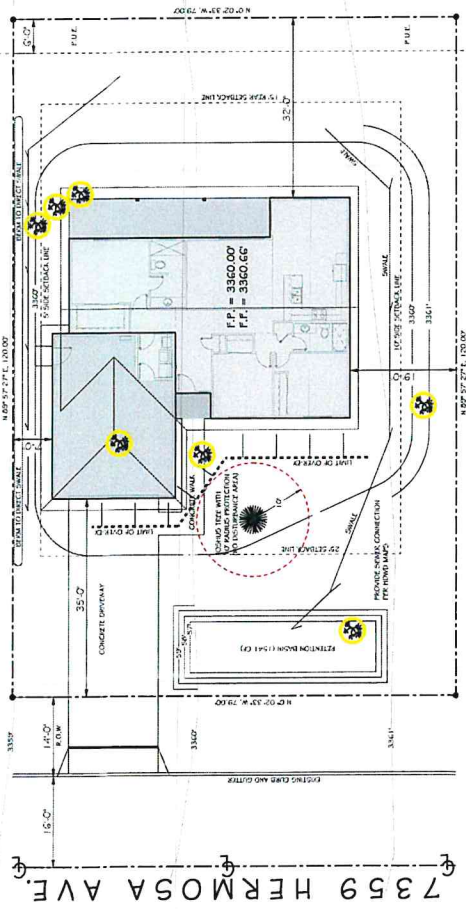


Vicinity Map

TREE SPACING	APPROXIMATE DENSITY	APPROXIMATE IN PLACE	APPROXIMATE REMOVAL	APPROXIMATE PRESERVE
MOJAVE YUCCA	1	0	0	0
YUCCA TREE	1	0	0	0
JOSHUA TREE	1	0	0	0
MOJAVE YUCCA TO REMAIN	0	0	0	0
MOJAVE YUCCA TO BE REMOVED	0	0	0	0

CAULIFLOWER TO STAY IN PLACE
 CAULIFLOWER TO BE REMOVED
 JOSHUA TREE TO STAY IN PLACE
 JOSHUA TREE TO BE TRANSPARENT
 MOJAVE YUCCA TO REMAIN
 MOJAVE YUCCA TO BE REMOVED

GRADING LIMITED TO GRUBBING AND LEVELING OF PRE GRADED PAD LESS THAN 10 YARDS CUT AND FILL OVERSCAVATE 10" MIN AND RECOMPACT



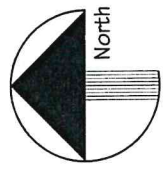
2803 SF IMPERVIOUS AREA
 2803 / 1000 = 2.80 x 550 = 1541 CF
 REQUIRED BASIN AREA
 1541 CF IN FRONT YARD

DRIVING AND DESIGN SERVICE
 57445 29 Palms Hwy., Suite 304
 Yucca Valley, CA 92284
 Phone (760) 365-8742
 Fax (760) 365-8743

DATE	12/27/2020
BY	NE
CHECKED BY	NE
SCALE	AS SHOWN
PROJECT NO.	1

OWNER:
 NEIL RAUSCHENBERG
 7359 HERMOSA AVE
 YUCCA VALLEY, CA 92284
 APN: 0568-703-03-0000
 LOT 97 TRACT 7798

LOT AREA: 9,480 Sq. Ft.
 OCCUPANCY: R3U
 SPRINKLERS: YES
 NO. OF STORIES: 1
 CONSTRUCTION TYPE: VB / U
 LIVING AREA = 1449 SF
 GARAGE AREA = 577 SF
 COVERED PATIO = 277 SF

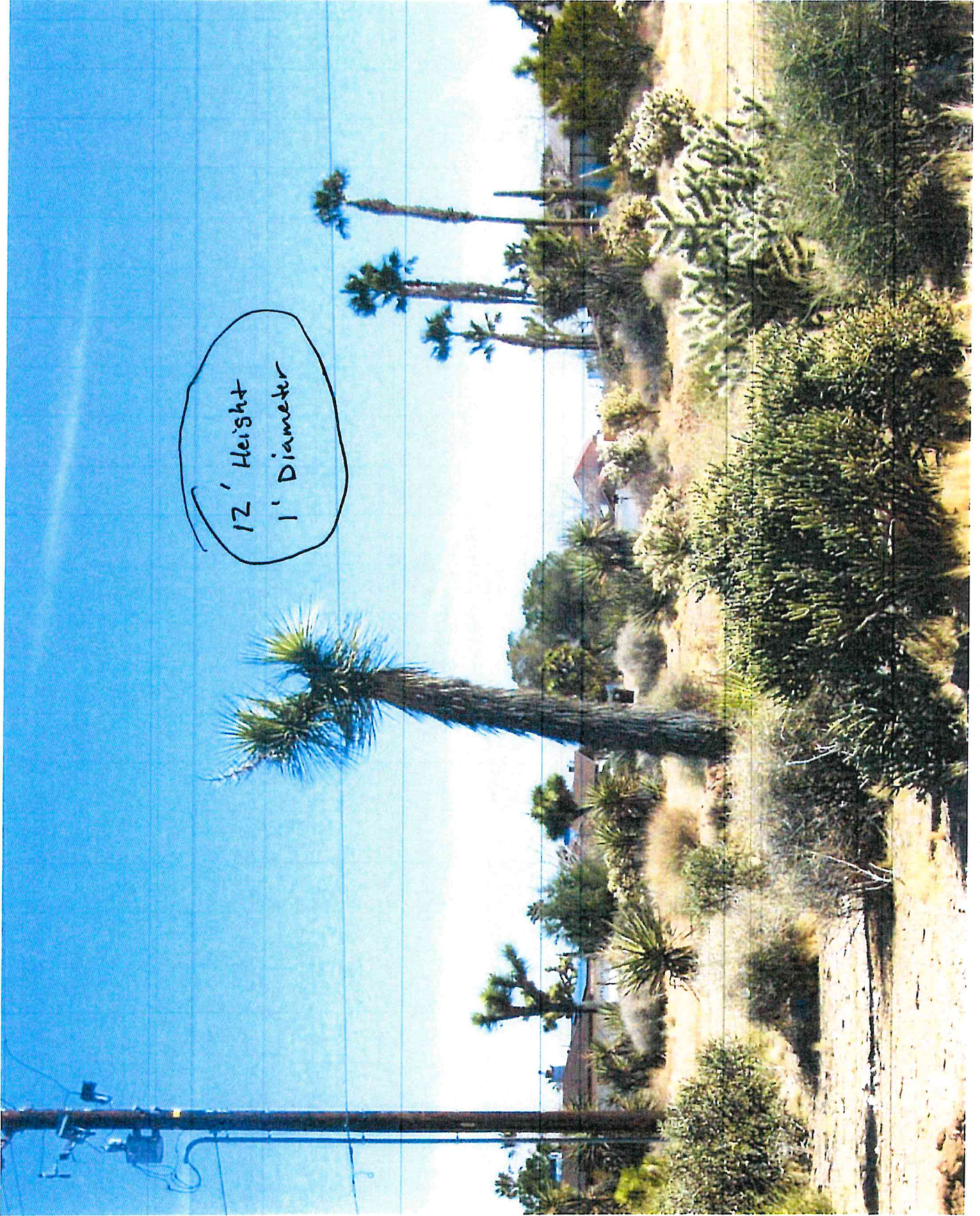


Revisions	By



Map data ©2020, Map data ©2020 20 ft

12' Height
1' Diameter





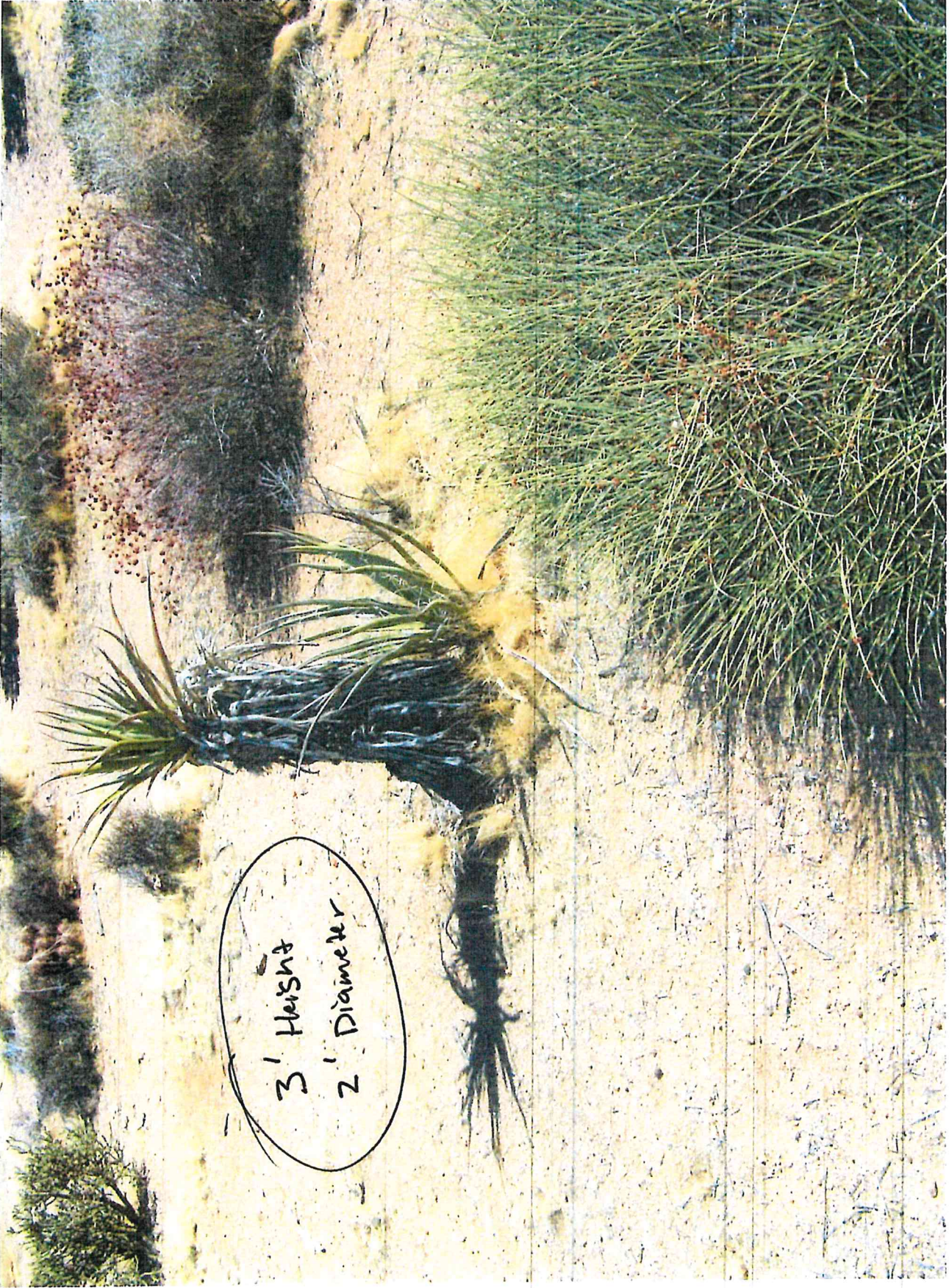
5' Height
2' Diameter



Height
Diameter

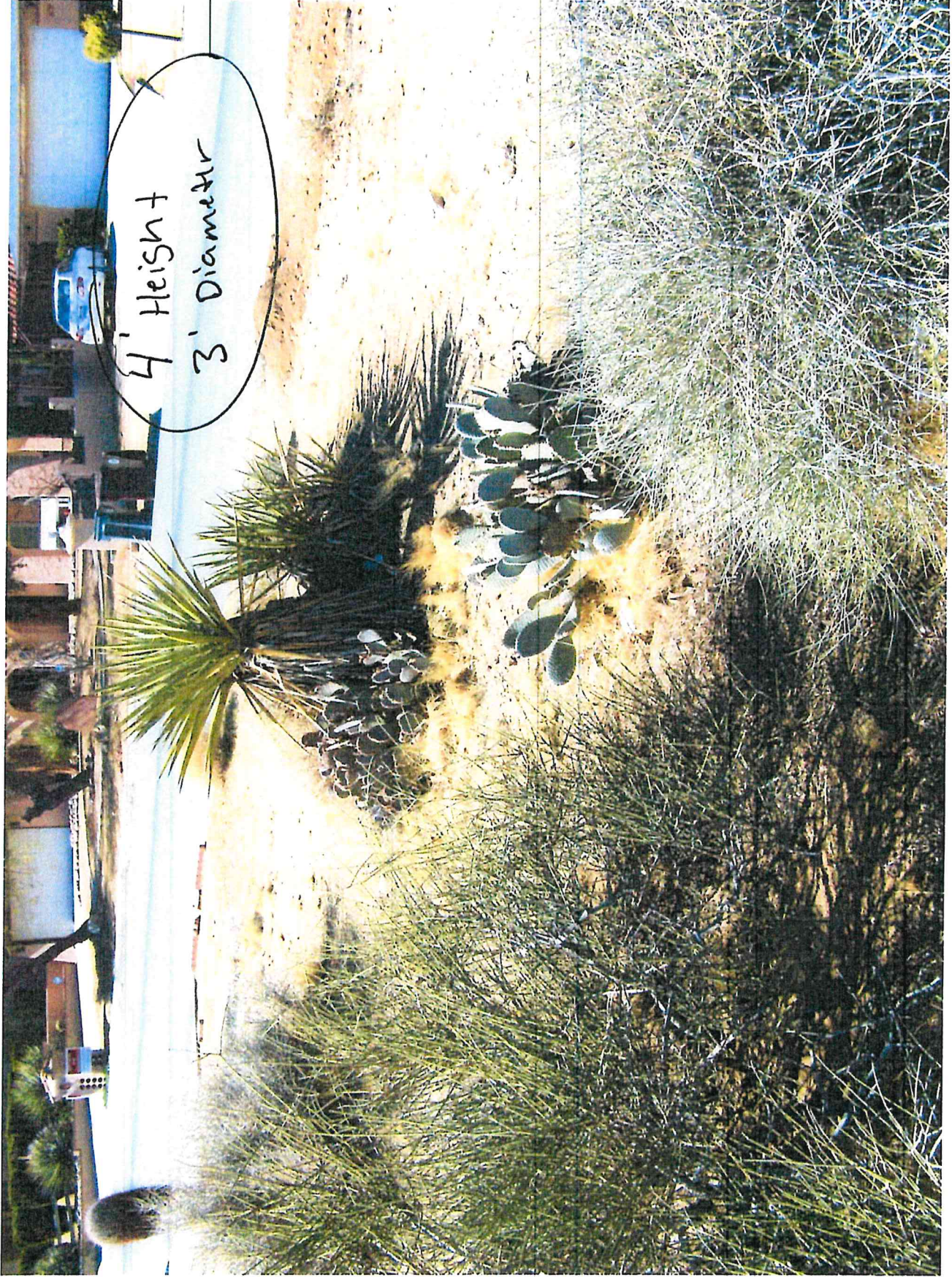


5' Height
2' Diameter



3' Height
2' Diameter

4' Height
3' Diameter





5' Height
3' Diameter

4' Height
4' Diameter

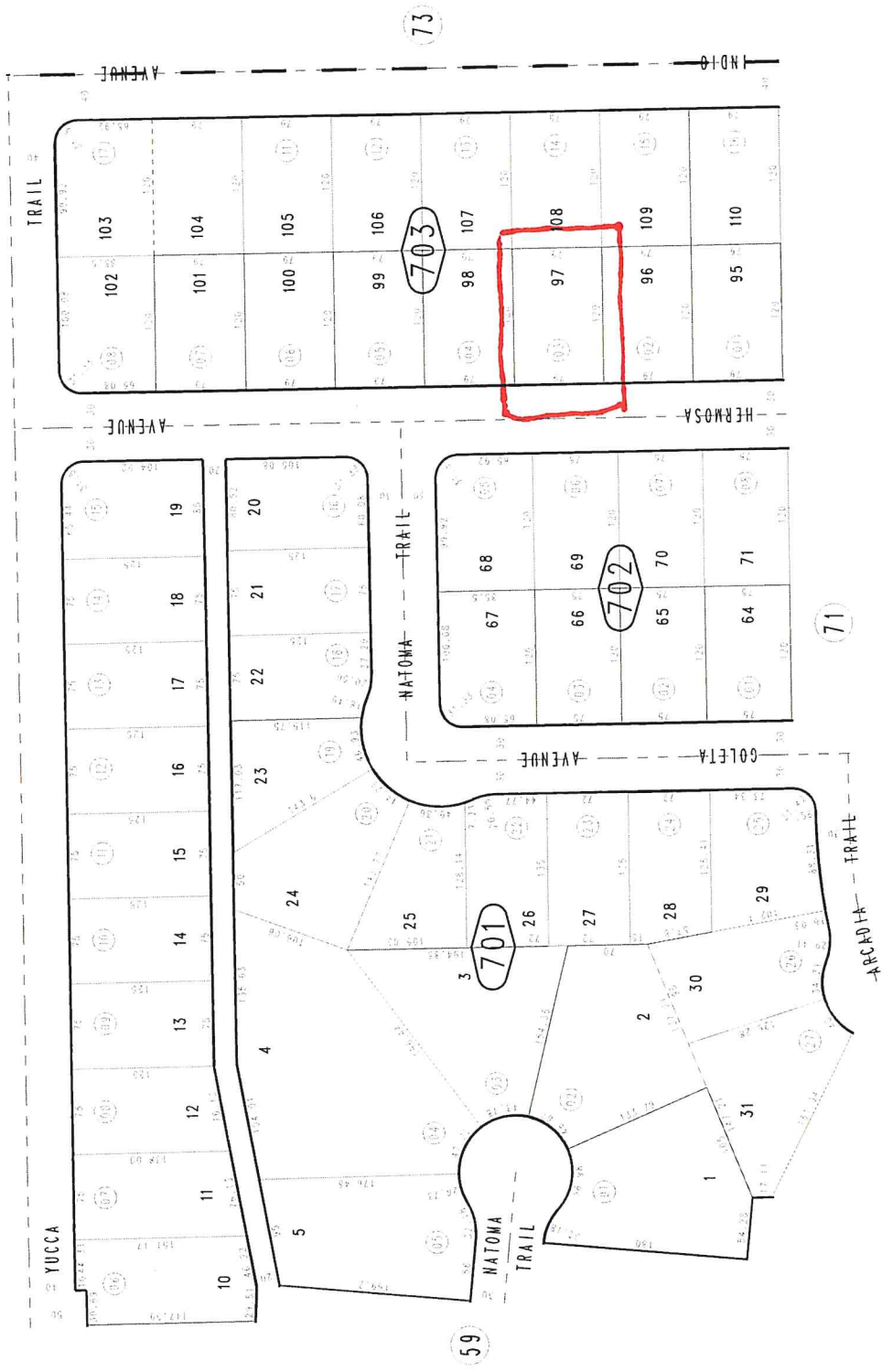
THIS MAP IS FOR THE PURPOSE
OF AD VALOREM TAXATION ONLY.



Ptn. Tract No. 7798, M.B. 99/3-6

Town of Yucca Valley 0588-70
Tax Rate Area
23019

0601
55



REVISED
02/20/19 KC

Assessor's Map
Book 0588 Page 70
San Bernardino County

Ptn. N.W.1/4, Sec. 5
T.1S., R.6E.

December 2004

2014

OFFICIAL ZONING DISTRICT MAP

LEGEND

- R-HR HILLSIDE RESERVE (1 du / 20 ac.)
- R-L RURAL LIVING (1 du / 1, 2.5, 5, 10, 20 ac.)
- R-S RESIDENTIAL, SINGLE FAMILY (0-2, 0-3, 5, 0-5 du / ac.)
- R-M RESIDENTIAL, MULTI-FAMILY (1-10, 0-14 du / ac.)
- C-MU MIXED USE COMMERCIAL (Varies)
- C-N NEIGHBORHOOD COMMERCIAL
- C-G GENERAL COMMERCIAL
- C-C COMMUNITY COMMERCIAL
- C-O OFFICE COMMERCIAL
- I INDUSTRIAL
- P/QP PUBLIC/QUASIPUBLIC (SEE SYMBOLS)
- O-S OPEN SPACE (SEE SYMBOLS)
- (SP) SPECIFIC PLAN
- OLD TOWN LAND USE
- OTHIC OLD TOWN HIGHWAY COMMERCIAL
- OTIC OLD TOWN INDUSTRIAL/COMMERCIAL
- OTMU OLD TOWN MIXED USE
- OTCR OLD TOWN COMMERCIAL/RESIDENTIAL

SYMBOLS

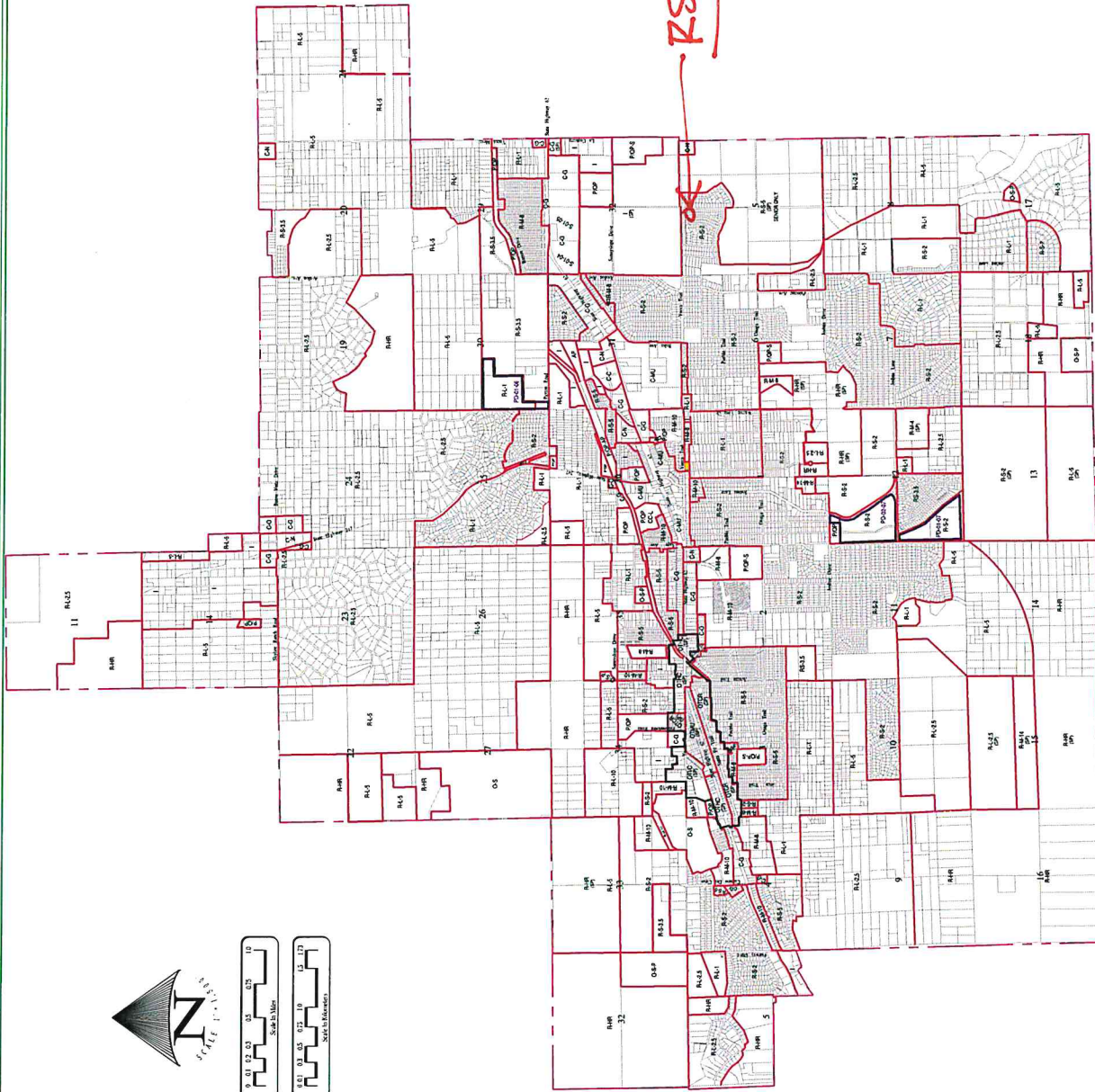
PUBLIC/QUASIPUBLIC

- AP AIRPORT
- CC CIVIC CENTER
- FS FIRE STATION
- PS POLICE STATION
- H HOSPITAL
- S SCHOOL
- L LIBRARY
- U-SS UTILITY SUBSTATION
- FW FLOODWAY
- OPEN SPACE
- P PARK
- LAND USE PLANS
- SP SPECIFIC PLAN
- PD PLAN DEVELOPMENT



Town of Yucca Valley

TOWN COUNCIL MEETING
DECEMBER 16, 2014



9.07.130: NATIVE LANDSCAPE DOCUMENTATION PACKAGE:

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

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

REGULATED DESERT NATIVE PLANTS

Botanical Name	Common Name
Yucca brevifolia	Joshua tree
Yucca schidigera	Mojave yucca
Nolina parryi	Parry's nolina
Juniperus californica	California juniper
Yucca whipplei	Our Lord's candle
Pinus monophylla	Pinon pine

Pursuant to section 80117 of the state Food And Agricultural Code, the clearing or removal of native plants from a canal, lateral ditch, survey line, building site, or road or other right of way by the landowner or his agent, if the native plants are not to be transported from the land or offered for sale, are not subject to state regulations. For plants regulated by the state to be transplanted off site, the town shall issue permits for their relocation in accordance with this chapter.

B. Scope:

1. Provisions: The provisions of this section shall apply to all land within the town of Yucca Valley.

a. It is prohibited for any individual or entity to remove, transplant, damage, disturb, or destroy any part of any regulated desert native plant, except its fruit, from any privately or publicly owned piece of land in the town of Yucca Valley, without first obtaining a regulated desert native plant permit from the town, unless said activity is exempt from the requirement to first obtain a regulated desert native plant permit.

b. It is prohibited for any individual or entity to remove or damage all or part of any regulated desert native plant on another property without first obtaining written permission from the landowner and an approved regulated desert native plant permit. It is unlawful for any person to falsify any document offered as evidence of permission to enter upon the property of another to remove all or parts of a regulated desert native plant, whether it is alive or dead.

c. It is prohibited for any individual or entity, unless exempted by this section, to destroy, dig up, mutilate or to possess any regulated desert native plant, including the living parts of such, unless the regulated desert native plant was disturbed under a regulated desert native plant permit. Any individual or entity shall exhibit the regulated desert native plant permit upon request for inspection by any duly authorized entity as described in this section.

d. The commercial harvesting of regulated desert native plants is prohibited.

2. Exceptions: The following are exempt from the provisions of this section:

a. The removal and transplanting on and off site of regulated desert native plants on and from lands owned by the United States government or any federal agency, the state of California, the county of San Bernardino, the town of Yucca Valley, and all special districts.

b. The removal and transplanting on and off site of regulated desert native plants required by other codes, ordinances or laws of the town of Yucca Valley, county of San Bernardino, the state of California or the United States government or any federal agency.

c. The removal and transplanting on and off site of regulated desert native plants which are an immediate threat to the public health, safety or welfare, as determined by the planning division.

d. Removal as part of a bona fide agricultural activity as determined by the town that is:

- (1) Served by a water distribution system adequate for the proper operation of such activity; and/or
- (2) Conducted under a land conservation contract; and/or
- (3) An existing agricultural activity; and/or

(4) A proposed bona fide agricultural activity if the planning division is given thirty (30) days' written notice of the removal describing the location of the land and the nature of the proposed activity. The planning division shall notify the landowner in writing prior to the lapse of the thirty (30) day period if, in the opinion of the planning division the activity is not a bona fide agricultural activity or else the activity shall be deemed bona fide.

e. Destruction or removal of a regulated desert native plant that has died from natural causes or that has been destroyed by fire or other natural disasters.

f. Any regulated desert native plant that is within the building footprint and within twenty feet (20') of the building footprint of an existing structure and for new infill residential development, as determined by the planning division.

g. When removal is required by any public utility subject to jurisdiction of the public utilities commission or any other constituted public agency, including franchised cable TV, to establish or maintain safe operation of facilities under their jurisdiction.

3. Permit Required: A native plant permit shall be required for the removal and transplanting on and off site of any regulated desert native plants identified in this section.

a. A regulated native plant permit application shall be submitted to and approved by the town prior to the removal and transplanting on and off site of any regulated desert native plant.

b. The regulated native plant permit application shall include the following information:

- (1) The botanical and common name of the regulated desert native plant.
- (2) A native plant survey showing the precise location of each regulated desert native plant.
- (3) The trunk or stem diameter of each regulated desert native plant.
- (4) The height of each regulated desert native plant.

(5) The health or condition of the regulated desert native plant, including the identification of those regulated desert native plants that are not likely to survive transplanting procedures.

(6) The proposed placement or disposition of the regulated desert native plant, i.e., transplant on site, adopt off site, remove, etc.

(7) Additional information that may be required based upon the individual application.

C. Single-Family Residential Infill, Existing Single-Family Residences And Multi-Family Residential Three Units Or Less:

1. A regulated desert native plant permit application shall be submitted to the planning division at the time of filing a building or grading permit application for development of infill residential lots unless exempt.

2. A regulated desert plant permit application shall be submitted to the planning division for removal or relocation on or off site when the property owner is proposing improvements to the property including swimming pools, swing sets, horse arenas, other animal keeping activities, basketball courts, tennis courts, recreational or other vehicle parking, driveways and access, play areas, accessory structures, and other uses typical to single-family residences.

3. The regulated desert native plant application documentation shall contain the following information:

a. Printed photographs depicting the proposed native plant that is to be removed or transplanted. The photographs must clearly show the location, size of the subject plant, and its surroundings. At minimum, the surrounding area photographs shall include two (2) different views of the subject plant.

b. A plot plan is required in order to show location of regulated desert native plants proposed to be removed, transplanted, or retained in its native location. The plot plan shall clearly demonstrate that the property meets the standards in table 1 of this section.

4. Written permission from the property owner(s) authorizing the proposed removal or relocation of regulated desert native plants from the property.

5. The property owner may attempt to retain as many regulated desert native plants in their native location as possible. The property owner may also attempt to transplant or relocate as many regulated desert native plants as possible on site. The property shall comply with the minimum standards specified in table 1 of this section.

6. Those regulated desert native plants identified in the permit application to not remain on site following development, and which are not incorporated into a project's landscaping plan, may be available for adoption at the property owner's discretion.

7. The following chart establishes the minimum undisturbed area that shall be provided:

TABLE 1

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

8. Single-family residential infill development in the rural living residential land use district, which exceed the minimum required undisturbed area from table 1 of this section by a minimum of ten percent (10%), shall be allowed up to a ten percent (10%) deviation of all development code standards listed in table 2 of this section and approved in conjunction with the project. The deviations include the following:

TABLE 2

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

9. Single-family residential infill development in the single-family residential land use district which voluntarily retains ten percent (10%) undisturbed area shall be allowed up to a ten percent (10%) deviation of all development code standards listed in table 3 of this section and approved in conjunction with the project. The deviations include the following:

TABLE 3

Typical Standards		Deviations Permitted
Lot size	Varies	Up to a 10% reduction in lot size based

		on property zoning
Front setback	25'	22.5'
Side/rear setbacks	5'/10'	4.5'/9'
Arterial/collector street side setback	25'	22.5'
Local street side setback	15'	13.5'
Lot dimensions	60'/100'	54'/90'
Lot coverage	40%	44%

10. Single-family residential infill development in the residential-hillside reserve land use district which exceeds the minimum required undisturbed area from table 1 of this section by a minimum of ten percent (10%) and provide documentation that the applicant has attended educational training on native plants shall be allowed up to a ten percent (10%) deviation of all development code standards listed in table 4 of this section and approved in conjunction with the project. The deviations include the following:

TABLE 4

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

D. Regulated Desert Native Plant Removal Procedures For All New Residential Subdivisions And Multi-Family Four Units Or More: Single-family residential subdivisions and multi-family four (4) units or more, shall be allowed to transplant on and off site and to remove all regulated desert native plants from their native locations within the property boundaries, pursuant to the following development standards and requirements:

1. Application Submission: A regulated desert native plant permit application shall be submitted to the planning division at the time of filing land use applications for development of residential subdivision projects. Land use applications for residential subdivision projects may include, but are not limited to, planned developments, specific plans, parcel and tract map applications, grading permit applications, building permit applications, and any other applications necessary for town authorization of land disturbing or development activity. The planning commission shall review and approve all native plant applications for residential subdivisions.

2. Application Information: The regulated desert native plant application documentation shall contain the following information:

- a. The botanical and common name of the regulated desert native plant.
- b. The precise location of each regulated desert native plant.
- c. The trunk or stem diameter of each regulated desert native plant.
- d. The height of each regulated desert native plant.
- e. The health or condition of the regulated desert native plant, including the identification of those regulated desert native plants that are not likely to survive transplanting procedures.

f. The proposed placement or disposition of the regulated desert native plant, i.e., transplant on site, adopt off site, remove, etc. The plans for the regulated desert native plant survey shall be no smaller than twenty four inches by thirty six inches (24" x 36") unless otherwise approved by the planning division.

3. **Transplanting Off Site And On Site:** All regulated desert native plants identified in the regulated desert native plant survey as likely to survive transplanting shall be made available for adoption or shall be transplanted on site as part of the project's landscaping plan. All native plant permit applications shall illustrate maximum utilization of regulated desert native plants in the project's landscaping plan. It is strongly encouraged that all *Yucca brevifolia* (Joshua trees) identified for adoption and transplantation be relocated through the use of an adequately sized tree spade.

4. **Adoption:** Those regulated desert native plants identified in the regulated desert native plant survey as likely to survive transplanting procedures, and which are not incorporated into a project's landscaping plan, shall be available for adoption pursuant to this section to the general public for an adoption period of thirty (30) days, or until all available plants have been adopted, whichever is sooner, prior to any other ground disturbing activity on the project site. A thirty (30) day noticing and signage period is required which noticing period may begin prior to issuance of the regulated desert native plant permit.

5. **Removal:** Those regulated desert native plants not incorporated into a project's landscaping plan and not adopted during the thirty (30) day adoption period are allowed to be removed.

6. **Table 5:** The following additional standards shall apply to all new residential subdivisions:

TABLE 5

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

7. **Table 6:** New residential subdivisions in the rural living land use districts, which exceed the minimum required undisturbed area from table 5 of this section by a minimum of ten percent (10%), and provide documentation that the applicant has attended educational training on native plants shall be allowed up to a ten percent (10%) deviation of all development code standards listed in table 6 of this section and approved in conjunction with the project. The deviations include the following:

TABLE 6

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

8. **Table 7:** New residential subdivisions in the single-family residential land use districts which exceed the minimum required undisturbed area from table 5 of this section by a minimum of ten percent (10%) shall be allowed up to a ten percent (10%) deviation of all development code standards including:

TABLE 7

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

9. Table 8: New residential subdivisions in the residential- hillside reserve land use district, which exceed the minimum required undisturbed area from table 5 of this section by a minimum of ten percent (10%), and provide documentation that the applicant has attended educational training on native plants shall be allowed up to a ten percent (10%) deviation of all development code standards listed in table 8 of this section and approved in conjunction with the project. The deviations include the following:

TABLE 8

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

TABLE 9

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

CHAPTER 9.60

PERMIT PROCEDURES; GENERAL PROVISIONS

SECTION:

- 9.60.010: Purpose
- 9.60.020: Types Of Procedures
- 9.60.030: Review Authority For Land Use And Zoning Decisions
- 9.60.040: Referral To Next Higher Review Authority

9.60.010: **PURPOSE:** This chapter establishes the procedures to process land use entitlements and development proposals in any land use zoning district. (Ord. 243, 10-15-2013)

9.60.020: **TYPES OF PROCEDURES:**

A. This development code utilizes the following three (3) basic procedures to review all types of applications:

1. Public Hearing:

a. **Formal Open Forum For Public Review:** Public hearing procedures are distinguished by a formal open forum for public review of a proposal. During the course of the public hearing, the applicable review authority invites public testimony for and against the land use proposal, reviews evidence and then renders its decision in compliance with chapter 9.85, "Public Notices And Hearings", of this title. A public hearing may be conducted before the council, the commission, or the director.

b. **Review Evidence And State Relative Positions:** Public hearing procedures shall be used to give all interested parties an opportunity to review the evidence and to state their relative positions in a common public forum before the applicable review authority.

2. Staff Review With Notice:

a. Based Upon Specific Findings Or Conditions: Staff review with notice procedures are distinguished by land use decisions that are based upon specific findings or conditions that limit the discretion of the applicable review authority.

b. Rendering Of A Decision With Notice: Staff review with notice procedures shall provide written or published notice given to affected and interested parties followed by a decision by the applicable review authority. The notice shall be designed to ensure that all interested parties are aware of the pending decision and are given a chance to comment before the review authority renders its decision.

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.

3. Staff Review Without Notice:

a. Decisions Based Upon Adopted Standards: Staff review without notice procedures are distinguished by land use decisions made by the applicable review authority based upon standards that have been adopted by the town as law or as policy.

b. Rendering Of A Decision Without Notice: Staff review without notice procedures shall be used when sufficient standards have been adopted by the commission or the council to allow the applicable review authority to render a decision without giving notice to surrounding property owners and other parties. (Ord. 243, 10-15-2013)

9.60.030: REVIEW AUTHORITY FOR LAND USE AND ZONING DECISIONS:

- A. Table 4.1: Table 4.1, "Review Authority", of this section identifies the town official or authority responsible for reviewing and making initial decisions on each type of application or land use entitlement required by this development code, the nature of the initial decision (i.e., decision or recommend), and the nature of the response of the subsequent review authority.

- B. Concurrent Processing: Multiple applications for the same project shall be processed concurrently, and shall be reviewed, and approved or disapproved by the highest review authority designated by this development code for any of the required applications (e.g., a project with applications for both a zoning map amendment and a conditional use permit shall have both applications decided by the council, instead of the commission acting on the conditional use permit as otherwise provided by table 4.1, "Review Authority", of this section).

TABLE 4.1
REVIEW AUTHORITY

Type Of Entitlement Or Decision	Applicable Code Section	Director ^{1,2}	Planning Commission ³	Town Council ⁴
Amendments to development code or zone change	Ch. 9.62	Recommend ⁵	Recommend	Decision
Conditional use permits	Ch. 9.63	Recommend	Decision	Appeal ⁵
Development agreements and amendments	Ch. 9.64	Recommend	Recommend	Decision
General plan amendments	Ch. 9.65	Recommend	Recommend	Decision
Home occupation permits	Ch. 9.50	Decision	Appeal	Appeal
Interpretations	Sec. 9.02.010	Decision	Appeal	Appeal
Land use compliance review	Ch. 9.66	Decision	Appeal	Appeal
Minor revisions to approved actions	Varies	Decision	Appeal	Appeal
Native plant permits	Ch. 9.77	Decision	Appeal	Appeal
Planned development permits	Ch. 9.67	Recommend	Recommend	Decision
Sign permits	Ch. 9.76	Decision	Appeal	Appeal
Site plan and design review	Ch. 9.68	Recommend	Decision	Appeal
Special use permits	Ch. 9.69	Decision	Appeal	Appeal
Specific plans and amendments	Ch. 9.70	Recommend	Recommend	Decision
Temporary special event permits	Ch. 9.71	Decision	Appeal	Appeal

Type Of Entitlement Or Decision	Applicable Code Section	Director ^{1,2}	Planning Commission ³	Town Council ⁴
Temporary use permits	Ch. 9.72	Decision	Appeal	Appeal
Variances	Ch. 9.73	Recommend	Decision	Appeal

Notes:

1. The director may defer action and refer any permit or approval application to the commission for final determination.
2. All decisions of the director are appealable to commission, and then to the council, in compliance with chapter 9.81, "Appeals", of this title.
3. The commission may refer consideration of an appeal to the council.
4. All decisions of the council are final.
5. "Recommend" means that the review authority makes a recommendation to a higher review authority; "appeal" means that the review authority may consider and decide upon appeals to the decision of an earlier review authority, in compliance with chapter 9.81, "Appeals", of this title.

(Ord. 243, 10-15-2013)

9.60.040: REFERRAL TO NEXT HIGHER REVIEW AUTHORITY:

- A. A review authority may refer any application to the next succeeding review authority, based upon the following criteria:
1. Impact upon public services and facilities greater than typical for the type of project proposed;
 2. Impact upon surrounding properties greater than typical for the type of project proposed;
 3. Floor or site square footage greater than typically found in the type of project;
 4. Intensity of use greater than typically found in the type of projects;
 5. Operating characteristics not typical of the type of project proposed;
 6. Other factors including, but not limited to, public opposition to development of the project;
 7. The need for town interpretation of the general plan and/or development code as related to the project. (Ord. 243, 10-15-2013)