



**CITY OF TWENTYNINE PALMS
PLANNING COMMISSION STAFF REPORT**

6136 Adobe Road
Twentynine Palms, CA 92277
(760) 367-6799 – Fax (760) 367-5400
commdev@ci.twentynine-palms.ca.us

To: Planning Commission
From: Community Development Director
Date: December 1, 2009

RE: PC 09-64 (An amendment to Title 19 “Development Code” of the City of Twentynine Palms Municipal Code by the addition of a new Chapter 19.57 “Certified Farmers’ Markets, Open Air Markets, Craft and Job Fairs” regarding the standards and criteria applicable to such markets.)

RECOMMENDATION

Conduct the Public Hearing, consider public comment and adopt PC Resolution 09-24 to forward a recommendation that the City Council determine that PC 09-64 is Exempt from further environmental review and adopt the proposed addition of Chapter 19.57 “Certified Farmers’ Markets, Open Air Markets, Craft and Job Fairs” to the “Development Code”.

Attachment

Draft PC Resolution 09-24
E-Mail from Ms. Vala Strults

ORDER OF PROCEDURE

- Request Staff Report (Charles LaClaire presenting)
- Commission Questions of Staff
- Re-open the open, continued Public Hearing
- Receive Public Testimony
- Close Public Hearing
- Commission Discussion
- Motion/Second
- Discussion of Motion
- Call the Question (voice vote)

PROJECT DESCRIPTION

A Development Code Amendment to Title 19 “Development Code” of the City’s Municipal Code by the addition of a new Chapter 19.57 “Certified Farmers’ Markets, Open Air Markets, Craft and Job Fairs”, establishing the standards and criteria applicable to such commercial retail establishments.

Background:

At its meeting of November 17, 2009, the Commission continued its work on the creation of a new Chapter within the Development Code to establish the standards and criteria to allow Farmers’ Markets and similar land uses. At the November 17th meeting, the Commission received a staff presentation, comments from the public and discussed the proposed language for the new Chapter 19.57 “Certified Farmers’ Markets, Open Air Markets, Craft and Job Fairs” at length, providing guidance to staff for further changes to the proposal. At the conclusion of the discussion, the Commission continued PC 09-64 to December 1, 2009 directing staff to return with possible alternative language for further discussion by the Commission.

Analysis:

With the presentation of information derived from the August 4, 2009 Study Session addressing the twenty-three (23) questions regarding Farmers' Markets, the Commission considered the draft language presented within the Public Hearing report for November 17, 2009 and suggested modifications to several aspects of that language. Issues raised at the November 17, 2009 Public Hearing included:

1. Smaller than one acre lot minimums should be allowed.
2. Reduced parking requirements for three (3) per vendor to one (1).
3. With reduced parking, keep this area paved (alternatively, continue to require parking, but not paved parking); either to be considered by the Commission during public review.
4. Unpaved parking must include dust control.
5. Temporary Use Permit versus Conditional Use Permit for shorter duration events (but cannot "link" events to string them along for extended periods).
6. Allow trucks greater access and use during Market/Fair events.
7. Prohibit animals from the Market or Fair.

Illustrated below is the "PROPOSED LANGUAGE" (as presented at the November 17, 2009 meeting, with alternative language for Commission consideration presented in both ***bold and italics for additions*** and ~~double strike through for deletions~~):

19.57 Certified Farmers' Markets, Open Air Markets, Craft and Job Fairs

19.57.010 Purpose. The purpose of this chapter is to permit and establish the regulations for Certified Farmers' Markets, Open Air Markets, Craft and Job Fairs which may, by their nature, require an increased level of regulation to ensure that such uses do not become a detriment to the health, safety and public welfare of the community of Twentynine Palms within all Commercial, Community Industrial and Public land use districts.

19.57.020 Requirements. No use mentioned in this Chapter shall be permitted, engaged or commenced unless first approved by the City of Twentynine Palms Planning Commission under a ***Temporary Use Permit for Markets or Fairs of four (4) months or less (seasonal) in duration within any twelve (12) month period (for any location, regardless of operator) or a Conditional Use Permit for Markets or Fairs of more than four (4) months (year-round) in duration.*** In addition to approval of ***either a Temporary Use Permit or*** a Conditional Use Permit, and subject to any Conditions of Approval that the Commission may apply, the following requirements shall be applicable to all Certified Farmers' Markets, Open Air Markets, Craft and Job Fairs uses.

- A. A Certified Farmers' Market, Open Air Market, Craft or Job Fair use may be established on any parcel ~~of at least one (1) acre in size~~ within any Commercial, Community Industrial or Public land use district, subject to the requirements and standards established within this Chapter and subject to Planning Commission approval of a Conditional Use Permit in compliance with the procedures established within Chapter 19.30 "Conditional Use Permits".
- B. A property used as a Certified Farmers' Market, Open Air Market, Craft or Job Fair shall be separated from any other property used for the same purpose by a minimum of one mile. A lesser separation distance may be allowed by the Planning Commission if, in its review of the Conditional Use Permit, the Commission determines that sufficient evidence has been provided that illustrates that due to the unique character of the property or properties requesting approval or due to the unique hours/days of operation of both activities being considered under the Conditional Use Permit that a lesser distance is appropriate.

- C. All property owners within one thousand (1,000) feet of the exterior perimeter of the property whereupon the Certified Farmers' Market, Open Air Market, Craft or Job Fair will be located shall be notified of the proposed Conditional Use Permit Public Hearing as provided in Chapter 19.44 "Public Hearings and Notices".
- D. An application for a Conditional Use Permit in compliance with the procedures established within Chapter 19.30 "Conditional Use Permits" may be made by the property owner and/or his/her authorized agent. A complete application shall be filed with the Community Development Department which shall charge and collect a filing fee for each such application, as determined by resolution of the City Council.
- E. The specific days and hours of operation of any Certified Farmers' Market, Open Air Market, Craft or Job Fair shall be identified and specifically considered/approved by the Planning Commission in its review of the required Conditional Use Permit.
- F. A submitted application for a Conditional Use Permit shall be reviewed for completeness by the Community Development Director before such application is processed to the Planning Commission for consideration and action. The Planning Commission shall approve, conditionally approve or deny such application as appropriate following a Public Hearing. Said Conditional Use Permit shall be approved only if it has been found that such proposed use, under any conditions imposed, would not have an adverse effect upon the use of any activity upon the site, the adjoining properties or the surrounding neighborhood, or upon the public right-of-way or upon the public health, safety or general welfare.
- G. The Planning Commission may impose any Conditions of Approval that it deems appropriate and necessary to assure that said Conditional Use Permit shall not adversely affect uses on-site, on adjoining properties, the surrounding neighborhood or any public right-of-way or the health safety and general welfare of the community of Twentynine Palms.

19.57.030 Findings Required. In addition to the "Findings" for approval of a Conditional Use Permit as prescribed within Chapter 19.30 "Conditional Use Permits", prior to approving an application for a Conditional Use Permit for a Certified Farmers' Market, Open Air Market, Craft or Job Fair use, the Approval Authority shall find that all of the following are true:

- A. That the site upon which the Certified Farmers' Market, Open Air Market, Craft or Job Fair use is to be established conforms to all standards of the Land Use Zoning District in which it is located and that the site for the proposed use is adequate in size and shape to accommodate said use in conformance to all yard, building coverage, setback, parking area and other applicable requirements of the Code.
- B. That the character of the site, adjoining area or neighborhood in which the use is to be located shall be maintained and preserved and that the issuance of the Conditional Use Permit shall not be detrimental to the public health, safety and welfare of the residents and businesses within the neighborhood or injurious to the community within the vicinity and district in which the use is located.

19.57.040 Operating Conditions.

Failure to comply and/or conform with the following Operating Conditions shall constitute a violation of the City of Twentynine Palms Municipal Code and shall be grounds to revoke an approved Conditional Use Permit for a Certified Farmers' Market, Open Air Market, Craft or Job Fair use.

- A. Structural and Design Features

1. Each structure used in association with a Certified Farmers' Market, Open Air Market, Craft or Job Fair shall conform to all Fire Agency standards and criteria.
2. Access for the physically handicapped shall be provided per the requirements of the Americans With Disabilities Act (ADA) and Title 24 of the California Code of Regulations.
3. Alterations and modifications made to any structure(s) and to the site used for a Certified Farmers' Market, Open Air Market, Craft or Job Fair use shall be consistent, compatible and complimentary to the character of the surrounding neighborhood as determined by the Planning Commission. Alterations and modifications made to any on-site structure shall comply with all applicable provisions, requirements and standards of the City of Twentynine Palms Municipal Code, all applicable Uniform Codes and Fire Codes/Regulations.
4. The appearance of any structure(s) on-site shall not be altered nor occupied in a manner which would cause the premises to differ from its original character either by the use of colors, materials, construction, lighting, signs, or the emission of sounds, noises and vibrations.
5. Any lights used to illuminate a site used for a Certified Farmers' Market, Open Air Market, Craft or Job Fair purpose shall be designed so as to reflect away from adjoining properties, all public rights-of-ways and shall comply with Chapter 19.70 "Lighting Standards".

B. Operational Standards.

1. A Certified Farmers' Market, Open Air Market, Craft or Job Fair may include, with Commission approval, live or recorded music, street performers and/or other forms of live entertainment. Traditional "kiddy rides", such as inflatable or mechanical rides/devices (marry-go-rounds and the like) or animal rides are expressly prohibited.
2. Markets may be conducted either indoor or outdoor, or both, upon approval of a Conditional Use Permit by the Planning Commission.
3. All merchandise (including arts & crafts, flowers, prepared and raw food items, etc.) displayed or made available shall consist of new items, collectables and/or antiques (as defined herein) and new hand-made crafts. No second-hand or previously used items (except antiques and collectables) shall be displayed or allowed for sale. No items shall be displayed upon the ground, except those items which, by their nature, are too large or too heavy to be placed upon a display table. An antique is defined as any hand made or manufactured product, such as an automobile, a work of art, piece of furniture, jewelry, clothing or decorative object, of at least fifty (50) years of age or which is indicative of a specific period of craftsmanship and design. Further, a collectible is any mass-produced product, no longer manufactured and of limited availability, such as coins, books, stamps, clothing, bric-a-brac, curios or similar objects, regardless of its age, which represents an earlier period, style or fad, and which, when originally produced, carried an inexpensive retail price but has taken on an intrinsic value greater than that original value and which continues to appreciate with time.
4. All merchandise displayed or made available shall not be placed in a manner so as to become a visual distraction to motorists or pedestrians using the adjoining public right-of-way, or interfere with traffic signals or controls.

5. The sale, display or complimentary exchange (free give-a-way) of domestic animals (including dogs, cats, **birds**, fish, rabbits, **chickens**, ducks, etc.) or live stock of any type is expressly prohibited. **Further, domestic animals (including dogs, cats, birds, fish, rabbits, chickens, ducks, etc.) or live stock shall not accompany their human hosts (except "Service Animals"), or be allowed to freely roam, any site approved for a Market or Fair during such events.**
6. Public address systems shall not be used after 9:00 p.m. Sunday through Thursday and 10:00 p.m. on Friday and Saturday. Noise levels from the public address system shall not exceed sixty-five (65) dba at the property lines.

C. Records, Business License(s) and Performance Deposit

1. Records of all Vendors who participate in any approved Certified Farmers' Market, Open Air Market, Craft or Job Fair shall be preserved for a minimum period of three (3) years before such records are discarded. Such records shall be made available to the City within five working days upon written request from the City. Failure to preserve vendor records or failure to present vendor records when requested by the City shall be grounds to revoke the approved Conditional Use Permit for the Certified Farmers' Market, Open Air Market, Craft or Job Fair.
2. A valid Business License shall be required for the principal operator of any approved Certified Farmers' Market, Open Air Market, Craft or Job Fair and for each vendor within/at a Certified Farmers' Market, Open Air Market, Craft or Job Fair.
3. A deposit of \$1,000 shall be maintained and remain with the City of Twentynine Palms Finance Department during the life of the CUP approved Certified Farmers' Market, Open Air Market, Craft or Job Fair use. The City shall have the right to withdraw sufficient funds from this deposit to reimburse the City for costs and expenses incurred for City Staff, Fire Agency or Sheriff Officers which have responded to any calls received regarding the approved Certified Farmers' Market, Open Air Market, Craft or Job Fair. Additionally, sufficient funds may be withdrawn from this deposit to reimburse the City for expenditures incurred to abate any clean-up of trash or debris removed from the premises where a Market takes place pursuant to the proceeding described in Code Section 19.92 "Nuisance Abatement".

D. Annual Inspection

1. Each year on or before the anniversary date of the approval of the Conditional Use Permit for the Certified Farmers' Market, Open Air Market, Craft or Job Fair, the owner(s) shall provide proof to the Community Development Department of an annual safety inspection from the Fire Agency. Further, each year on or before the anniversary date of the approval of the Conditional Use Permit for the Certified Farmers' Market, Open Air Market, Craft or Job Fair, the owner(s) shall request, and pay any applicable fee, for an inspection from the City's Building & Safety Division.

E. Parking, Access and Driveways

1. The property owner and/or operator of each Certified Farmers' Market, Open Air Market, Craft or Job Fair shall ensure that all required accesses, driveways and parking spaces for such activity remain clear and unobstructed, and are available and ready for their intended use at all times.

2. At a minimum, the parking requirements established within Chapter 19.82 "Off-Street Parking and Loading Regulations" shall apply, with paved parking **(inclusive of required, paved handicapped parking)** provided at a ratio of ~~three (3)~~ **one (1)** parking stalls per vendor plus one parking stall per 1,000 square feet of area encompassing all vendor booths and display areas. **For non-paved areas, private property or otherwise, provided and/or used for any Market or Fair, dust control measures shall be submitted to and approved by the Planning Commission under its review of either a Temporary or Conditional Use Permit.**

Alternatively:

2. **At a minimum, the parking requirements established within Chapter 19.82 "Off-Street Parking and Loading Regulations" shall apply, with parking provided at a ratio of one (1) parking stall per vendor plus one parking stall per 1,000 square feet of area encompassing all vendor booths and display areas. With the exception of "Handicapped Parking" stalls and access to such stalls, which shall be paved, parking areas may be paved or unpaved as approved by the Planning Commission under its review of either a Temporary or Conditional Use Permit. For non-paved areas, private property or otherwise, provided and/or used for any Market or Fair, dust control measures shall be submitted to and approved by the Planning Commission under its review of either a Temporary or Conditional Use Permit.**
3. Parking of commercial vehicle(s) anywhere on a site approved for a Certified Farmers' Market, Open Air Market, Craft or Job Fair, except temporarily for durations of less than four (4) hours when actively being loaded or unloaded, shall be prohibited, **except that the Commission may grant approval for longer term use of a limited number of commercial vehicles under its review of either a Temporary or Conditional Use Permit.**
4. Additional parking spaces may be required when deemed necessary by the Approval Authority.
5. The operator of any approved Certified Farmers' Market, Open Air Market, Craft or Job Fair shall assure that sufficient number and adequately trained staff are available at each event to properly maintain traffic circulation and control at all times.

F. Maintenance and Cleaning of Premises

1. The property owner and/or Market organizer shall keep or cause to be kept the property utilized for the Market in a neat, clean and orderly manner at all times. The property owner and/or Market organizer shall provide the City of Twentynine Palms Community Development Department with written permission that specifies that following the expiration of a written notice from the City to return the Certified Farmers' Market, Open Air Market, Craft or Job Fair property to its required neat, clean and orderly manner under the provisions and requirements of this Code and the Conditions of Approval of the Conditional Use Permit approved by the Planning Commission, that the City shall have the right to enter and clean, or cause to be cleaned, said property and the cost of such cleaning shall be the responsibility of the property owner and/or Market organizer. If the property owner and/or Market organizer fails to reimburse the City for the cost of cleaning the property as noted above, the City may first withdraw funds from the Deposit held by the City's Finance Department as described in Subsection 19.57.040 C 3. Where the funds within this deposit are insufficient to cover the actual costs of the

restoration, a lien shall be placed against the property for the remaining balance.

2. All landscaping on site shall be maintained in a neat, clean, weed and disease free manner at all times. Where a property is not maintained as specified herein, the Property owner shall be required to restore the property and/or landscaping to its required neat, clean, weed and disease free manner under the provisions and requirements of this Chapter and Code Section 19.92 "Nuisance Abatement".
3. In accepting the right to operate a Certified Farmers' Market, Open Air Market, Craft or Job Fair as approved by the Planning Commission under a Conditional Use Permit, if the property owner and/or Market organizer fails to restore the property and/or landscaping to its required neat, clean and orderly manner, the property owner and/or Market organizer with acceptance of the Conditional Use Permit declares and provides an express permission and consent to the City of Twentynine Palms, or agents acting on its behalf, to enter the property to restore the property and/or landscaping to its required neat, clean and orderly manner as prescribed in Code Section 19.92 "Nuisance Abatement". All costs of said restoration shall first be withdrawn from the Deposit required in Section 19.57.040 C "Records, Business License(s) and Performance Deposit" herein and where the funds within this deposit are insufficient to cover the actual costs of the restoration, a lien shall be placed against the property for the remaining balance.

G. Outstanding Citations

1. A Certified Farmers' Market, Open Air Market, Craft or Job Fair shall not be approved for any applicant (whether individual, company or corporation), or at a location where the property owner, a tenant or lessee, has either of the following:
 - a. Any combination of two (2) or more outstanding citations of the City of Twentynine Palms Municipal Code, or adjudicated citations found in favor of the City of Twentynine Palms by a court of competent jurisdiction, issued within the twenty-four (24) months preceding the submission date listed upon the Conditional Use Permit application and directly or indirectly related to, or similar to, any property, event, activity or use for which the Market application is proposed; or
 - b. The individual, company or corporation listed as the applicant upon the Conditional Use Permit application has, or where the property owner, a tenant or lessee, of the property listed upon the Conditional Use Permit application as the intended site of the Market has a Municipal Code violation(s) being processed by the City of Twentynine Palms or pending before a Court of competent jurisdiction and directly or indirectly related to, or similar to, any property, event, activity or use for which the Market application is proposed.

H. Miscellaneous Conditions

1. All pedestrian and vehicular traffic shall be arranged and directed in a manner that assures the safety of all individuals visiting or participating in the Certified Farmers' Market, Open Air Market, Craft or Job Fair.
2. The Certified Farmers' Market, Open Air Market, Craft or Job Fair use shall not involve the use of commercial vehicles for the display or delivery of materials to or from the premises beyond those commercial vehicles needed by the vendors for the delivery of their approved merchandise for sale.

3. The use of utilities and community facilities shall be limited to that normally associated with the property's use, except as approved under the Conditional Use Permit.
4. No signage of any type or nature shall be placed upon the site, or within the surrounding area, to identify the property as a Certified Farmers' Market, Open Air Market, Craft or Job Fair except as specifically approved by the Planning Commission under its consideration of the Conditional Use Permit and shall comply with the provisions of Chapter 19.82 "Signs".

19.57.050 Appeal of Decision. The appellant may appeal the decision of the Planning Commission to the City Council within ten (10) days following such action or decision in which case the City Council shall have the power to uphold or overturn the decision of the Planning Commission following a Public Hearing as prescribed in Chapter 19.30 "Conditional Use Permits". If the City Council approves a Conditional Use Permit for any Certified Farmers' Market, Open Air Market, Craft or Job Fair, the Council may impose Conditions of Approval as appropriate to assure the health, safety and general welfare the citizens of the City of Twentynine Palms.

19.57.060 Penalty for Non-Compliance. The Approval Authority may revoke or void any Conditional Use Permit for a Certified Farmers' Market, Open Air Market, Craft or Job Fair for noncompliance with the conditions set forth within this Chapter and/or under the approved Conditional Use Permit in conformance to the procedures established in Code Section 19.30.110 "Revocation", and shall give notice of such action to the permittee. In lieu of revocation, the Approval Authority, at its sole discretion, may suspend the right to use a property as a Certified Farmers' Market, Open Air Market, Craft or Job Fair use for three (3), six (6) or twelve (12) months, based upon the severity of the violations proven at an advertised Revocation Hearing in conformance to Code Section 19.30.110 "Revocation".

CEQA Environmental Review

Pursuant to Section 15305 of the State Guidelines to Implement the California Environmental Quality Act (CEQA), the proposed Development Code amendment constitute a minor alteration in land use limitations (which does not in-and-of itself create or allow an impact to the environment) and as any use approved under this amendment would be subject to appropriate environmental review prior to that use's approval, thus the amendment is Categorical Exempt from further environmental review.

General Plan/Zoning Designations Citywide

The proposed Development Code Amendment analyzed herein affects the land uses permitted within any Commercial, Community Industrial or Public land use districts throughout the City of Twentynine Palms. The proposed Amendment will establish new language within the Development Code that allows new uses within the City. With these facts in mind, it is noted that any change to the Development Code must be consistent with the Goals and Policies of the adopted General Plan.

For Commission consideration, it is suggested that the change proposed to the Development Code under this Amendment is consistent with the following Goals and Policies of the adopted General Plan. The proposed Amendment is consistent with the following Goals and Policies as the change will improve the livability of the City by making some commercial items more readily available (quality development standards and minimization of potential land use conflicts), control noise and traffic (time, location and established standards for the Markets and Fairs) and establishing high quality land use standard which minimize potential land use conflicts and impacts. Further, the proposed Amendment offers creative alternative development standards within the community (outdoor sales, displays and signage).

Land Use

Goal #1

A Land Use Plan which provides a desirable City in which to live.

Policy #1.1

Traffic, noise and other impacts will be considered prior to any land use designation change and/or land use intensification.

Policy #1.2

Quality standards will be applied to all new developments.

Policy 1.3

Uses shall be located in a manner which will minimize conflict and mitigate impacts.

Goal #5

The City will be environmentally sensitive and all land uses shall minimize adverse environmental impacts and shall maintain and enhance existing natural resources.

Noise

GOAL #1

Noise levels will be anticipated prior to the City taking actions on land use proposals and potential conflicts will be avoided so that noise levels will not exceed acceptable levels.

Safety

Goal #1

The City of Twentynine Palms will be a safe place to live and visit.

Site Characteristics

The Code Amendment under consideration shall apply to any Commercial, Community Industrial or Public land use district properties with a wide variety of site characteristics within each zoning district.

Findings

Pursuant to Section 19.22.050 "Findings" of the City's Development Code, the Planning Commission is required to make four (4) Findings of approval prior to recommending that the City Council approve a Development Code Amendment. The following are the required findings followed by a comment to address each for Commission consideration.

- A. The Zone Change or Development Code Amendment is consistent with the intent of the goals and policies of the General Plan; and

Comment: The proposed amendment to the Development Code is consistent with the goals and policies of the adopted General Plan by improving the livability of the City by enhancing established high quality land use standard for new and diversified commercial activities within the community.

- B. The Zone Change or Development Code Amendment prescribes reasonable controls and standards to ensure compatibility with other established uses; and

Comment: The proposed amendment to the Development Code will establish clear and detailed standards and criteria for "Certified Farmers' Markets, Open Air Markets, Craft and

Job Fairs” and require Planning Commission review of such uses, thus ensuring the compatibility of new development with existing uses.

- C. The Zone Change or Development Code Amendment provides reasonable property development rights while protecting environmentally sensitive land uses and species; and

Comment: The proposed Code Amendment will not alter development rights to existing land uses and although it will add “Certified Farmers’ Markets, Open Air Markets, Craft and Job Fairs” as a permitted use, such use shall be subject to strict standards and criteria and Planning Commission review, thus this change will not result in changes to existing standards meant to protect environmentally sensitive land uses and species. As such the proposed Amendment will enhance the use of commercial and public properties within the community, assuring the provision of development rights, while continuing to protect environmentally sensitive land uses.

- D. The Zone Change or Development Code Amendment ensures protection of the general health, safety, and welfare of the community

Comment: No changes are proposed under this Code Amendment that would reduce or compromise existing standards that protect the health, safety or general welfare of the citizens, residents and visitors to the City of Twentynine Palms.

Approval Process

The Planning Commission is the Reviewing Authority for any amendment to the City’s Development Code. If the Planning Commission’s action is to adopt Resolution 09-24, it will be recommending that the City Council determine that the Amendment is Exempt from further environmental review, find that the proposed Amendment is consistent with the Goals and Policies of the City’s adopted General Plan and adopt the proposed Amendment as detailed within the Commission Resolution.

Draft

CITY OF TWENTYNINE PALMS
PLANNING COMMISSION
RESOLUTION NO. 09-24

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF TWENTYNINE PALMS, CALIFORNIA, RECOMMENDING THAT THE CITY COUNCIL ADOPT PC 09-64, AMENDING TITLE 19 "DEVELOPMENT CODE" OF THE CITY'S MUNICIPAL CODE BY THE ADDITION OF CHAPTER 19.57 "CERTIFIED FARMERS' MARKETS, OPEN AIR MARKETS, CRAFT AND JOB FAIRS" PERTAINING TO THE STANDARDS AND CRITERIA APPLICABLE TO SUCH LAND USES.

WHEREAS, the City of Twentynine Palms General Plan was adopted by the City Council on April 12, 1988; and

WHEREAS, Title 19 (Development Code) of the Municipal Code of the City of Twentynine Palms was adopted by the City Council on April 12, 1988, and subsequently amended upon the recommendation of the Planning Commission; and

WHEREAS, on November 5, 2009 Development Code Amendment PC 09-64 was duly noticed in the Desert Trail, a newspaper of general circulation within the City of Twentynine Palms; and

WHEREAS, on November 17, 2009 and December 1, 2009, the Planning Commission of the City of Twentynine Palms conducted duly noticed and advertised Public Hearings on PC 09-64, an amendment to Title 19 "Development Code" of the City of Twentynine Palms Municipal Code, receiving testimony from the public and adopting Planning Commission Resolution No. 09-24 forwarding a recommendation to the Council to adopt the proposed Code Amendment; and

WHEREAS, based upon the State Guidelines to Implement the California Environmental Quality Act (CEQA), the proposed Development Code Amendment, a narrative change to the Development Code that cannot, in and of itself, impact the environment, does not allow new uses by right-of-zone that may negatively impact the environment and as projects that may be proposed under the new language within the Code would be subject to appropriate environmental review at the time of its proposal, it can be seen with certainty that the proposed amendment will not have an impact upon the environment and is, therefore, EXEMPT from further environmental review; and

WHEREAS, the City Planning Commission finds on the basis of the whole record before it (including any comments received at the Public Hearing) that there is no substantial evidence that the project will have a significant effect on the environment and that the Determination of Exemption reflects the Planning Commission's independent judgment and analysis, and

WHEREAS, proposed Development Code Amendment PC 09-64 is consistent with the Goals and Policies of the City of Twentynine Palms General Plan and Title 9 (Development Code) of the Municipal Code of the City of Twentynine Palms and shall promote the health, safety and general welfare of the citizens of the Community; and

WHEREAS, the City Planning Commission in its review of the proposed Development Code Amendment PC 09-64 makes the following “Findings”:

- A. The proposed amendment to the Development Code is consistent with the goals and policies of the adopted General Plan by improving the livability of the City by enhancing established high quality land use standard for new and diversified commercial activities within the community.
- B. The proposed amendment to the Development Code will establish clear and detailed standards and criteria for “Certified Farmers’ Markets, Open Air Markets, Craft and Job Fairs” and require Planning Commission review of such uses, thus ensuring the compatibility of new development with existing uses.
- C. The proposed Code Amendment will not alter development rights to existing land uses and although it will add “Certified Farmers’ Markets, Open Air Markets, Craft and Job Fairs” as a permitted use, such use shall be subject to strict standards and criteria and Planning Commission review, thus this change will not result in changes to existing standards meant to protect environmentally sensitive land uses and species. As such the proposed Amendment will enhance the use of commercial and public properties within the community, assuring the provision of development rights, while continuing to protect environmentally sensitive land uses.
- D. No changes are proposed under this Code Amendment that would reduce or compromise existing standards that protect the health, safety or general welfare of the citizens, residents and visitors to the City of Twentynine Palms.

NOW THEREFORE, THE PLANNING COMMISSION OF THE CITY OF TWENTYNINE PALMS, CALIFORNIA RECOMMENDS THAT THE CITY COUNCIL TAKE THE FOLLOWING ACTIONS:

Section 1. Based upon the State Guidelines to Implement the California Environmental Quality Act (CEQA), by the nature of Development Code Amendment PC 09-64 it can be seen with certainty that the proposed amendment will not have an adverse impact upon the environment and, therefore, it is Exempt from further environmental review.

Section 2. That the City Council find that the proposed Amendment is consistent with the following Goals and Policies as the change will improve the livability of the City by making some commercial items more readily available (quality development standards and minimization of potential land use conflicts), control noise and traffic (time, location and established standards for the Markets and Fairs) and establishing high quality land use standard which minimize potential land use conflicts and impacts. Further, the proposed Amendment offers creative alternative development standards within the community (outdoor sales, displays and signage).

Section 3. That the City Council approves and adopts the Findings required for approval for a Development Code Amendment as set forth above.

Section 4. That the City Council of the City of Twentynine Palms amend Title 19 “Development Code” of the City of Twentynine Palms Municipal Code by the addition of Chapter 19.57 “Certified Farmers’ Markets, Open Air Markets, Craft and Job Fairs” to read as follows:

19.57 Certified Farmers’ Markets, Open Air Markets, Craft and Job Fairs

19.57.010 Purpose. The purpose of this chapter is to permit and establish the regulations for Certified Farmers' Markets, Open Air Markets, Craft and Job Fairs which may, by their nature, require an increased level of regulation to ensure that such uses do not become a detriment to the health, safety and public welfare of the community of Twentynine Palms within all Commercial, Community Industrial and Public land use districts.

19.57.020 Requirements. No use mentioned in this Chapter shall be permitted, engaged or commenced unless first approved by the City of Twentynine Palms Planning Commission under a Temporary Use Permit for Markets or Fairs of four (4) months or less (seasonal) in duration within any twelve (12) month period (for any location, regardless of operator) or a Conditional Use Permit for Markets or Fairs of more than four (4) months (year-round) in duration. In addition to approval of either a Temporary Use Permit or a Conditional Use Permit, and subject to any Conditions of Approval that the Commission may apply, the following requirements shall be applicable to all Certified Farmers' Markets, Open Air Markets, Craft and Job Fairs uses.

- A. A Certified Farmers' Market, Open Air Market, Craft or Job Fair use may be established on any parcel within any Commercial, Community Industrial or Public land use district, subject to the requirements and standards established within this Chapter and subject to Planning Commission approval of a Conditional Use Permit in compliance with the procedures established within Chapter 19.30 "Conditional Use Permits".
- B. A property used as a Certified Farmers' Market, Open Air Market, Craft or Job Fair shall be separated from any other property used for the same purpose by a minimum of one mile. A lesser separation distance may be allowed by the Planning Commission if, in its review of the Conditional Use Permit, the Commission determines that sufficient evidence has been provided that illustrates that due to the unique character of the property or properties requesting approval or due to the unique hours/days of operation of both activities being considered under the Conditional Use Permit that a lesser distance is appropriate.
- C. All property owners within one thousand (1,000) feet of the exterior perimeter of the property whereupon the Certified Farmers' Market, Open Air Market, Craft or Job Fair will be located shall be notified of the proposed Conditional Use Permit Public Hearing as provided in Chapter 19.44 "Public Hearings and Notices".
- D. An application for a Conditional Use Permit in compliance with the procedures established within Chapter 19.30 "Conditional Use Permits" may be made by the property owner and/or his/her authorized agent. A complete application shall be filed with the Community Development Department which shall charge and collect a filing fee for each such application, as determined by resolution of the City Council.
- E. The specific days and hours of operation of any Certified Farmers' Market, Open Air Market, Craft or Job Fair shall be identified and specifically considered/approved by the Planning Commission in its review of the required Conditional Use Permit.
- F. A submitted application for a Conditional Use Permit shall be reviewed for completeness by the Community Development Director before such application is processed to the Planning Commission for consideration and action. The Planning Commission shall approve, conditionally approve or deny such application as appropriate following a Public Hearing. Said Conditional Use Permit shall be approved only if it has been found that such proposed use, under any conditions imposed, would not have an adverse effect upon the use of any activity upon the site, the adjoining properties or the surrounding neighborhood, or upon the public right-of-way or upon the public health, safety or general welfare.

- G. The Planning Commission may impose any Conditions of Approval that it deems appropriate and necessary to assure that said Conditional Use Permit shall not adversely affect uses on-site, on adjoining properties, the surrounding neighborhood or any public right-of-way or the health safety and general welfare of the community of Twentynine Palms.

19.57.030 Findings Required. In addition to the "Findings" for approval of a Conditional Use Permit as prescribed within Chapter 19.30 "Conditional Use Permits", prior to approving an application for a Conditional Use Permit for a Certified Farmers' Market, Open Air Market, Craft or Job Fair use, the Approval Authority shall find that all of the following are true:

- A. That the site upon which the Certified Farmers' Market, Open Air Market, Craft or Job Fair use is to be established conforms to all standards of the Land Use Zoning District in which it is located and that the site for the proposed use is adequate in size and shape to accommodate said use in conformance to all yard, building coverage, setback, parking area and other applicable requirements of the Code.
- B. That the character of the site, adjoining area or neighborhood in which the use is to be located shall be maintained and preserved and that the issuance of the Conditional Use Permit shall not be detrimental to the public health, safety and welfare of the residents and businesses within the neighborhood or injurious to the community within the vicinity and district in which the use is located.

19.57.040 Operating Conditions.

Failure to comply and/or conform with the following Operating Conditions shall constitute a violation of the City of Twentynine Palms Municipal Code and shall be grounds to revoke an approved Conditional Use Permit for a Certified Farmers' Market, Open Air Market, Craft or Job Fair use.

A. Structural and Design Features

1. Each structure used in association with a Certified Farmers' Market, Open Air Market, Craft or Job Fair shall conform to all Fire Agency standards and criteria.
2. Access for the physically handicapped shall be provided per the requirements of the Americans With Disabilities Act (ADA) and Title 24 of the California Code of Regulations.
3. Alterations and modifications made to any structure(s) and to the site used for a Certified Farmers' Market, Open Air Market, Craft or Job Fair use shall be consistent, compatible and complimentary to the character of the surrounding neighborhood as determined by the Planning Commission. Alterations and modifications made to any on-site structure shall comply with all applicable provisions, requirements and standards of the City of Twentynine Palms Municipal Code, all applicable Uniform Codes and Fire Codes/Regulations.
4. The appearance of any structure(s) on-site shall not be altered nor occupied in a manner which would cause the premises to differ from its original character either by the use of colors, materials, construction, lighting, signs, or the emission of sounds, noises and vibrations.
5. Any lights used to illuminate a site used for a Certified Farmers' Market, Open Air Market, Craft or Job Fair purpose shall be designed so as to reflect away from adjoining properties, all public rights-of-ways and shall comply with Chapter 19.70 "Lighting Standards".

B. Operational Standards.

1. A Certified Farmers' Market, Open Air Market, Craft or Job Fair may include, with Commission approval, live or recorded music, street performers and/or other forms of live entertainment. Traditional "kiddy rides", such as inflatable or mechanical rides/devices (marry-go-rounds and the like) or animal rides are expressly prohibited.
2. Markets may be conducted either indoor or outdoor, or both, upon approval of a Conditional Use Permit by the Planning Commission.
3. All merchandise (including arts & crafts, flowers, prepared and raw food items, etc.) displayed or made available shall consist of new items, collectables and/or antiques (as defined herein) and new hand-made crafts. No second-hand or previously used items (except antiques and collectables) shall be displayed or allowed for sale. No items shall be displayed upon the ground, except those items which, by their nature, are too large or too heavy to be placed upon a display table. An antique is defined as any hand made or manufactured product, such as an automobile, a work of art, piece of furniture, jewelry, clothing or decorative object, of at least fifty (50) years of age or which is indicative of a specific period of craftsmanship and design. Further, a collectible is any mass-produced product, no longer manufactured and of limited availability, such as coins, books, stamps, clothing, bric-a-brac, curios or similar objects, regardless of its age, which represents an earlier period, style or fad, and which, when originally produced, carried an inexpensive retail price but has taken on an intrinsic value greater than that original value and which continues to appreciate with time.
4. All merchandise displayed or made available shall not be placed in a manner so as to become a visual distraction to motorists or pedestrians using the adjoining public right-of-way, or interfere with traffic signals or controls.
5. The sale, display or complimentary exchange (free give-a-way) of domestic animals (including dogs, cats, birds, fish, rabbits, chickens, ducks, etc.) or live stock of any type is expressly prohibited. Further, domestic animals (including dogs, cats, birds, fish, rabbits, chickens, ducks, etc.) or live stock shall not accompany their human hosts (except "Service Animals"), or be allowed to freely roam, any site approved for a Market or Fair during such events.
6. Public address systems shall not be used after 9:00 p.m. Sunday through Thursday and 10:00 p.m. on Friday and Saturday. Noise levels from the public address system shall not exceed sixty-five (65) dba at the property lines.

C. Records, Business License(s) and Performance Deposit

1. Records of all Vendors who participate in any approved Certified Farmers' Market, Open Air Market, Craft or Job Fair shall be preserved for a minimum period of three (3) years before such records are discarded. Such records shall be made available to the City within five working days upon written request from the City. Failure to preserve vendor records or failure to present vendor records when requested by the City shall be grounds to revoke the approved Conditional Use Permit for the Certified Farmers' Market, Open Air Market, Craft or Job Fair.
2. A valid Business License shall be required for the principal operator of any approved Certified Farmers' Market, Open Air Market, Craft or Job Fair and for each vendor

within/at a Certified Farmers' Market, Open Air Market, Craft or Job Fair.

3. A deposit of \$1,000 shall be maintained and remain with the City of Twentynine Palms Finance Department during the life of the CUP approved Certified Farmers' Market, Open Air Market, Craft or Job Fair use. The City shall have the right to withdraw sufficient funds from this deposit to reimburse the City for costs and expenses incurred for City Staff, Fire Agency or Sheriff Officers which have responded to any calls received regarding the approved Certified Farmers' Market, Open Air Market, Craft or Job Fair. Additionally, sufficient funds may be withdrawn from this deposit to reimburse the City for expenditures incurred to abate any clean-up of trash or debris removed from the premises where a Market takes place pursuant to the proceeding described in Code Section 19.92 "Nuisance Abatement".

D. Annual Inspection

1. Each year on or before the anniversary date of the approval of the Conditional Use Permit for the Certified Farmers' Market, Open Air Market, Craft or Job Fair, the owner(s) shall provide proof to the Community Development Department of an annual safety inspection from the Fire Agency. Further, each year on or before the anniversary date of the approval of the Conditional Use Permit for the Certified Farmers' Market, Open Air Market, Craft or Job Fair, the owner(s) shall request, and pay any applicable fee, for an inspection from the City's Building & Safety Division.

E. Parking, Access and Driveways

1. The property owner and/or operator of each Certified Farmers' Market, Open Air Market, Craft or Job Fair shall ensure that all required accesses, driveways and parking spaces for such activity remain clear and unobstructed, and are available and ready for their intended use at all times.
2. At a minimum, the parking requirements established within Chapter 19.82 "Off-Street Parking and Loading Regulations" shall apply, with paved parking (inclusive of required, paved handicapped parking) provided at a ratio of one (1) parking stall per vendor plus one parking stall per 1,000 square feet of area encompassing all vendor booths and display areas. For non-paved areas, private property or otherwise, provided and/or used for any Market or Fair, dust control measures shall be submitted to and approved by the Planning Commission under its review of either a Temporary or Conditional Use Permit.

Alternate offered within Public Hearing report:

2. At a minimum, the parking requirements established within Chapter 19.82 "Off-Street Parking and Loading Regulations" shall apply, with parking provided at a ratio of one (1) parking stall per vendor plus one parking stall per 1,000 square feet of area encompassing all vendor booths and display areas. With the exception of "Handicapped Parking" stalls and access to such stalls, which shall be paved, parking areas may be paved or unpaved as approved by the Planning Commission under its review of either a Temporary or Conditional Use Permit. For non-paved areas, private property or otherwise, provided and/or used for any Market or Fair, dust control measures shall be submitted to and approved by the Planning Commission under its review of either a Temporary or Conditional Use Permit.
3. Parking of commercial vehicle(s) anywhere on a site approved for a Certified Farmers' Market, Open Air Market, Craft or Job Fair, except temporarily for durations of less than four (4) hours when actively being loaded or unloaded, shall be prohibited, except that

the Commission may grant approval for longer term use of a limited number of commercial vehicles under its review of either a Temporary or Conditional Use Permit.

4. Additional parking spaces may be required when deemed necessary by the Approval Authority.
5. The operator of any approved Certified Farmers' Market, Open Air Market, Craft or Job Fair shall assure that sufficient number and adequately trained staff are available at each event to properly maintain traffic circulation and control at all times.

F. Maintenance and Cleaning of Premises

1. The property owner and/or Market organizer shall keep or cause to be kept the property utilized for the Market in a neat, clean and orderly manner at all times. The property owner and/or Market organizer shall provide the City of Twentynine Palms Community Development Department with written permission that specifies that following the expiration of a written notice from the City to return the Certified Farmers' Market, Open Air Market, Craft or Job Fair property to its required neat, clean and orderly manner under the provisions and requirements of this Code and the Conditions of Approval of the Conditional Use Permit approved by the Planning Commission, that the City shall have the right to enter and clean, or cause to be cleaned, said property and the cost of such cleaning shall be the responsibility of the property owner and/or Market organizer. If the property owner and/or Market organizer fails to reimburse the City for the cost of cleaning the property as noted above, the City may first withdraw funds from the Deposit held by the City's Finance Department as described in Subsection 19.57.040 C 3. Where the funds within this deposit are insufficient to cover the actual costs of the restoration, a lien shall be placed against the property for the remaining balance.
2. All landscaping on site shall be maintained in a neat, clean, weed and disease free manner at all times. Where a property is not maintained as specified herein, the Property owner shall be required to restore the property and/or landscaping to its required neat, clean, weed and disease free manner under the provisions and requirements of this Chapter and Code Section 19.92 "Nuisance Abatement".
3. In accepting the right to operate a Certified Farmers' Market, Open Air Market, Craft or Job Fair as approved by the Planning Commission under a Conditional Use Permit, if the property owner and/or Market organizer fails to restore the property and/or landscaping to its required neat, clean and orderly manner, the property owner and/or Market organizer with acceptance of the Conditional Use Permit declares and provides an express permission and consent to the City of Twentynine Palms, or agents acting on its behalf, to enter the property to restore the property and/or landscaping to its required neat, clean and orderly manner as prescribed in Code Section 19.92 "Nuisance Abatement". All costs of said restoration shall first be withdrawn from the Deposit required in Section 19.57.040 C "Records, Business License(s) and Performance Deposit" herein and where the funds within this deposit are insufficient to cover the actual costs of the restoration, a lien shall be placed against the property for the remaining balance.

G. Outstanding Citations

1. A Certified Farmers' Market, Open Air Market, Craft or Job Fair shall not be approved for any applicant (whether individual, company or corporation), or at a location where the property owner, a tenant or lessee, has either of the following:

- a. Any combination of two (2) or more outstanding citations of the City of Twentynine Palms Municipal Code, or adjudicated citations found in favor of the City of Twentynine Palms by a court of competent jurisdiction, issued within the twenty-four (24) months preceding the submission date listed upon the Conditional Use Permit application and directly or indirectly related to, or similar to, any property, event, activity or use for which the Market application is proposed; or
- b. The individual, company or corporation listed as the applicant upon the Conditional Use Permit application has, or where the property owner, a tenant or lessee, of the property listed upon the Conditional Use Permit application as the intended site of the Market has a Municipal Code violation(s) being processed by the City of Twentynine Palms or pending before a Court of competent jurisdiction and directly or indirectly related to, or similar to, any property, event, activity or use for which the Market application is proposed.

H. Miscellaneous Conditions

1. All pedestrian and vehicular traffic shall be arranged and directed in a manner that assures the safety of all individuals visiting or participating in the Certified Farmers' Market, Open Air Market, Craft or Job Fair.
2. The Certified Farmers' Market, Open Air Market, Craft or Job Fair use shall not involve the use of commercial vehicles for the display or delivery of materials to or from the premises beyond those commercial vehicles needed by the vendors for the delivery of their approved merchandise for sale.
3. The use of utilities and community facilities shall be limited to that normally associated with the property's use, except as approved under the Conditional Use Permit.
4. No signage of any type or nature shall be placed upon the site, or within the surrounding area, to identify the property as a Certified Farmers' Market, Open Air Market, Craft or Job Fair except as specifically approved by the Planning Commission under its consideration of the Conditional Use Permit and shall comply with the provisions of Chapter 19.82 "Signs".

19.57.050 Appeal of Decision. The appellant may appeal the decision of the Planning Commission to the City Council within ten (10) days following such action or decision in which case the City Council shall have the power to uphold or overturn the decision of the Planning Commission following a Public Hearing as prescribed in Chapter 19.30 "Conditional Use Permits". If the City Council approves a Conditional Use Permit for any Certified Farmers' Market, Open Air Market, Craft or Job Fair, the Council may impose Conditions of Approval as appropriate to assure the health, safety and general welfare the citizens of the City of Twentynine Palms.

19.57.060 Penalty for Non-Compliance. The Approval Authority may revoke or void any Conditional Use Permit for a Certified Farmers' Market, Open Air Market, Craft or Job Fair for noncompliance with the conditions set forth within this Chapter and/or under the approved Conditional Use Permit in conformance to the procedures established in Code Section 19.30.110 "Revocation", and shall give notice of such action to the permittee. In lieu of revocation, the Approval Authority, at its sole discretion, may suspend the right to use a property as a Certified Farmers' Market, Open Air Market, Craft or Job Fair use for three (3), six (6) or twelve (12) months, based upon the severity of the violations proven at an advertised Revocation Hearing in conformance to Code Section 19.30.110 "Revocation".

Section 5. Notice of Adoption. The Deputy City Clerk of the City of Twentynine Palms shall certify to the adoption of this resolution.

Section 6. Effective Date. This Resolution shall become effective upon its adoption.

Section 7. Severability. If any provision of this Resolution 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 Resolution are declared to be severable.

APPROVED AND ADOPTED THIS 1st DAY OF DECEMBER, 2009

AYES: COMMISSIONERS:

NOES: COMMISSIONERS:

ABSENT: COMMISSIONERS:

Chuck Caplinger, Chairman

ATTEST:

Jaqueline Palmer, Deputy City Clerk

I hereby certify that the foregoing is a true copy of Resolution No. 09-24 duly adopted by the Planning Commission of the City of Twentynine Palms in a meeting held on the 1st day of December, 2009 in Twentynine Palms, California.

Dated this 1st day of December, 2009.

Jaqueline Palmer, Deputy City Clerk

Vala Strults E-Mail

Hi Charles,

Although I did not speak last night at the PC meeting I wanted you to know that I read your proposal and liked it very much. After the meeting I had just a couple of questions raised not by your work but by issues raised by the Commissioners.

I may have heard incorrectly but I thought I heard one commissioner say something about limiting booth size. I would suggest letting the market do this as some the best booths are quite large 4-5 parking spaces and some are small 2 spaces. The market manager is a better judge of this issue and could be unnecessarily harmed by such limits.

In my discussions with managers the same is true of placing any type of limit on the size of the space (acreage) used by the market itself not including parking. Let the economy and space available determine how large or small the market is as long as it is a productive endeavor and the market manager should determine that. The market itself should be on a paved or grassy surface.

With regards to dust any uncovered foods such as produce should be taken home and washed just as they should be from the grocery store. In addition no market manager is going to use an environmentally undesirable location because the farmers wont come and neither will the public.

With regard to the issue of TUP versus CUP a farmers market relies on a regular established operating schedule and needs to be under a CUP. As far as other events they can be determined at time of application rather than by code.

Thanks again for your work on this. Great job.
Vala with an "a" please.

--

We must be willing to get rid of the life we've planned, so as to have the life that is waiting for us. (Joseph Campbell)

The happiest people don't necessarily have the best of everything; They just make the best of everything they have.

Internal Virus Database is out of date.

Checked by AVG - www.avg.com

Version: 8.5.424 / Virus Database: 270.14.51/2482 - Release Date: 11/05/09
07:37:00



City of Twentynine Palms
6136 Adobe Road
Twentynine Palms, CA 92277
commdev@ci.twentynine-palms.ca.us
(760) 367-6799 FAX (760) 367-5400

MEMO

Date: October 20, 2009
To: Planning Commission
From: Charles K. LaClaire, Community Development Director
Re: **GPAC Draft Vision, Guiding Principles, Issues and Objectives**

As directed at your meeting of November 17, 2009, attached herewith is a list of the issues/concerns that were expressed during the November 4, 2009 Special Joint meeting between the City Council and the Planning Commission. The purpose of the November 4th Special Joint meeting was to receive, examine, discuss and accept the "Draft Vision, Guiding Principles, Issues and Objectives" that were forwarded by the General Plan Advisory Committee (GPAC) in its efforts to assist in the creation of the comprehensive Update to the City's General Plan. Although both the Council and Commission accepted the "Draft Vision, Guiding Principles, Issues and Objectives" forwarded by the GPAC, thus allowing the General Plan Consultants (Hogle-Ireland, Inc.) to continue to the next step in the Update process, during the Special Joint meeting members of both bodies raised issues/concerns that may need to be further addressed.

As noted, attached is a list of the issues/concerns that were raised. The Commission, at its discretion, may discuss any or all of these topics with any suggestions about the General Plan Update "Draft Vision, Guiding Principles, Issues and Objectives" being forwarded to both the GPAC and City Council.

November 4, 2009
Joint City Council/Planning Commission
General Plan Update Study Session

The following are issues raised by various Council and Commission members during the Study Session:

1. Paved verses Non-paved roads (new or existing development)
2. Big Box versus traditional development
3. Buffer Zones (between cities, county and National Park)
4. "Over Saturation" of some land uses
5. Casino impacts (traffic, environmental, social)
6. Traffic Impacts/Mitigations (traffic circles, neck downs, center islands, Figure "N")
7. Rural Road concept
8. Vacation Home Rentals
9. Downtown Blight mitigation measures
10. Wildlife corridors and linkages (Open Space Fee)
11. Development fees in general
12. Conflict between charging fee verses providing infrastructure
13. Streamline the development process (speed verses accuracy)
14. Off Road Vehicle facilities
15. Inconsistencies within the material presented.
16. Water availability now/future
17. Need to figure out what we want to be, arts/tourist community and 55+ or retail community