

**TWENTYNINE PALMS PLANNING COMMISSION
CITY COUNCIL CHAMBER, 6136 ADOBE ROAD
TWENTYNINE PALMS, CALIFORNIA
TUESDAY, MARCH 3, 2009
6:00 P.M.**

MINUTES

- 1.0 CALL TO ORDER-** Chair Easter called the meeting to order at 6:00 p.m.
PLEDGE OF ALLEGIANCE- Commissioner Alderson led the Pledge of Allegiance.
ROLL CALL- The following Planning Commissioners were present: Alderson, Caplinger, Mintz, Rinke and Chair Easter.
- 2.0 SPECIAL ANNOUNCEMENTS** – Chair Eater announced this meeting will be televised on Cable TV Channel 10 Saturday, March 7, 2009 at 7:00 p.m. and Friday, March 13, 2009 at 5:00 p.m.
- 3.0 CONSENT CALENDAR**
 - 3.1 February 17, 2009 Planning Commission Meeting Minutes

On a motion made by Commissioner Caplinger, seconded by Commissioner Mintz and carried with a 5-0 roll call vote, the Planning Commission approved the Consent Calendar as presented.
- 4.0 ITEMS REMOVED FROM CONSENT CALENDAR FOR DISCUSSION OR SEPARATE ACTION-** None
- 5.0 PUBLIC COMMENTS**– None
- 6.0 PUBLIC HEARINGS**
 - 6.1 PC 09-07 (Amendments to Chapters 19.06, 19.08, 19.30, 19.40, 19.55, 19.62 and 19.82 of the “Development Code” of the City of Twentynine Palms)

RECOMMENDATION: Conduct the Public Hearing, consider public comment and adopt PC Resolution 09-02 forwarding a recommendation that the City Council determine that PC 09-07 is Exempt and adopt the proposed changes to Chapters 19.06, 19.08, 19.30, 19.40, 19.55, 19.62 and 19.82 of the “Development Code”.

Community Development Director LaClaire (Director LaClaire) presented a staff report to the Planning Commission regarding each of the issues within the Public Hearing report beginning with Conditional Use Permits (CUP) Chapter 19.30 of the “Development Code.”

Chair Easter opened the Public Hearing.

Chair Easter closed the Public Hearing after there were no requests to speak.

Director LaClaire responding to a question from the Planning Commission noted that the extension would be from the date the extension is granted. He said three years is the typical time frame of the life span of CUP's.

Chair Easter opened the Public Hearing.

Jay Corbin, Twentynine Palms, commented that the CUP provisions were not changed last year.

Chair Easter closed the Public Hearing.

On a consensus vote of the Planning Commission, the Planning Commission directed staff to bring this chapter back at the next Planning Commission meeting with additional language to include a two year time extension.

Director LaClaire presented a staff report regarding vacation home rentals.

Commissioner Alderson asked why the noticing distance for a CUP needed to be extended to 1,000 feet.

Director LaClaire responded it was due to the larger lot sizes in the City and activities taking place at the location.

Commissioner Caplinger said he would like to see 1,000 foot noticing because it was a good point that the City has larger lots than in other areas.

Chair Easter re-opened the Public Hearing.

Ann Congdon, Twentynine Palms, spoke in support of vacation home rentals in Twentynine Palms.

Sherry Hall, Twentynine Palms, spoke in support of vacation home rentals and felt the lot size suggested was too restrictive.

Jane Smith, Twentynine Palms, spoke in support of vacation home rentals.

Paul Smith, Twentynine Palms, president of the Innkeepers Association, spoke in support of vacation home rentals and said the Innkeepers Association is in favor of the Transient Occupancy Tax (TOT) being assessed on the rentals instead of the owners hiding and being afraid to pay the taxes.

Jay Corbin, Twentynine Palms, spoke in support of vacation home rentals and said people come to Twentynine Palms to get away. He spoke in opposition of adopting the section on paved roads but asked the Planning Commission to consider that this would be the only commercial use that they will be allowing on a non-paved road in the City.

Chair Easter closed the Public Hearing.

Commissioner Mintz said he did not think a garage should be required, he felt a deposit to the City from the owners of the vacation rentals was a good idea in case

there is a problem that deposit money can be used right away, and he said the TOT should be being paid from the vacation home rental owners. He said he felt it was acceptable for the locations to be on a dirt road. He said the house size should be in conjunction with the number of vehicles that are going to be parked at the site.

The Planning Commission agreed the cost of retro fitting a home to put in fire sprinklers in would be extreme.

Director LaClaire suggested bringing the item back to a future Planning Commission meeting. He said if the Planning Commission likes the edited item he brought back to the Commission they could move on, if they did not like what was brought before them they can set up a workshop.

Chair Easter re-opened the Public Hearing.

Sherry Hall, Twentynine Palms, spoke to the Planning Commission regarding housekeeping issues with vacation home rentals and explained her questions for screening future tenants.

Ann Congdon, Twentynine Palms, spoke to the Planning Commission regarding limiting occupancy. She suggested two sections one for existing structures and one for new structures. She said if people are building new structures that are specifically vacation home rentals you could ask a lot more of them in terms of the sprinklers and garages.

The Planning Commission decided by consensus that this item should be brought back for a separate Public Hearing.

Director LaClaire presented a staff report on Chapter 19.06 regarding Flood Control Management to the Planning Commission.

Chair Easter opened the Public Hearing.

After there were no requests from the public to speak, Chair Easter closed the Public Hearing.

The Planning Commissioners had no questions or concerns regarding this item.

Director LaClaire presented a staff report on Chapter 19.40 regarding abandonment of applications to the Planning Commission.

Commissioner Rinkes asked when a letter is sent out regarding the status of an application.

Director LaClaire responded that under current code, from the time the application is submitted there are thirty days to deem it complete or incomplete. He said there is no standard requiring an applicant to specify how and when they will address an issue.

Chair Easter opened the Public Hearing.

Jay Corbin, Twentynine Palms, spoke to the Planning Commission and said it was good to have a mechanism for deeming an application abandoned and it was a good change. He encouraged the Planning Commission not to include item D3 of the amendment regarding when an applicant can submit a new application for the same site.

Chair Easter closed the Public Hearing.

Director LaClaire suggested language would be added to D1 which would specify an abandonment period of sixty days and that paragraph three would specify that a prohibition of re-submittal after an application has been deemed abandoned and that the applicant could not resubmit for six (6) months.

All of the Planning Commissioners agreed on the 60 day abandonment.

Director LaClaire said he would add language to D-1.

The Planning Commission decided to remove the idea of having memorandums distributed by staff to the Planning Commission to keep the Commissioners informed regarding any abandonment issues with applicants.

ACTION: On a consensus vote the Planning Commission decided on an abandonment period of sixty (60) days and that the applicant could not resubmit an application for six (6) months.

Director LaClaire presented a staff report for Chapter 19.82 regarding parking on private property.

Director LaClaire said that this would provide an option for Code Enforcement to enforce the situations to ensure vehicles would not be parking on private property. He said it is not anticipated it is going to be a pro-active program. He said the property owner may not want to be involved in the situation and they may want to pass this difficulty to the City so Code Enforcement can cite the vehicle owner or have the vehicle towed from the property.

Chair Easter opened the Public Hearing.

After there were no requests to speak from the public, Chair Easter closed the Public Hearing.

The Planning Commission felt it was more of a burden to staff to have the property owner call the City instead of calling the Sherriff.

The consensus of the Planning Commission was to accept the proposed amendment as presented.

Director LaClaire requested to continue the item to the Planning Commission meeting on March 17, 2009. He said he will bring back language to address the different issues raise by the Planning Commission and at that time they will have the chance to break out any of the particular amendments if they are not

comfortable with the language proposed and make it a separate amendment and deal with it as a separate public hearing or they can make it a separate amendment and deal with it at a workshop.

ACTION: On a motion made by Commissioner Caplinger, seconded by Commissioner Alderson and carried with a 5-0 roll call vote, the Planning Commission re-opened and continued the item to the March 17, 2009 Planning Commission meeting.

7.0 NON-HEARING ITEMS – None

8.0 FUTURE AGENDA ITEMS – None

9.0 COMMISSION COMMENTS/STAFF COMMENTS

Commissioner Rinkes commended Director LaClaire on a tremendous job on his staff report for the Public Hearing item. She thanked him for thinking all of the items out.

Commissioner Caplinger informed the public about the new Public Arts exhibition by Kevin Wong at City Hall.

Director LaClaire informed the Planning Commission the Status Report would be listed under Future Agenda Items on future agendas.

10.0 STUDY SESSION – None

11.0 STATUS REPORT

11.1 Development Code updates.

After a brief report from Director LaClaire there was no discussion or action taken on this item.

12.0 ADJOURNMENT- Chair Easter adjourned the Planning Commission meeting at 8:00 p.m.

Respectfully Submitted,

Jacqueline Palmer, Deputy City Clerk