

**TOWN OF YUCCA VALLEY
PLANNING COMMISSION MEETING MINUTES**

AUGUST 11, 2009

Chair Goodpaster called the regular meeting of the Yucca Valley Planning Commission to order at 7:00 p.m.

Commissioners present: Chair Shannon Goodpaster, Commissioners Robert Lombardo, Dawn Rowe and Margo Sturges

Commissioner McKoy was absent as he was out of town on business.

Chairman Goodpaster led the Pledge of Allegiance.

APPROVAL OF AGENDA:

Mr. Lombardo moved that the Agenda be approved, which motion was seconded by Ms. Sturges and passed unanimously by voice vote of the Commissioners present.

PUBLIC COMMENTS:

David Mahaffey of Yucca Valley commented an important major breakthrough which is a source of perpetual water re-creation on site has been developed in Yucca Valley. Clean drinking water can be created from wastewater on site. Water can be blended to make water with no bacteria. This information can be shared with the world and can attract tourists to the Town to attend seminars and courses at CMC next year.

PUBLIC HEARINGS: None

DISCUSSION ITEMS:

1. SPECIAL LINCENSE SPL 20-09 MUELLER - FARMERS MARKET

With reference to the complete printed staff report provided in the meeting packets and preserved in the project and meeting files, Associate Planner Robert Kirschmann presented the project discussion to the meeting.

At the meeting of June 02, 2009 The Planning Commission discussed temporary special events, temporary uses and open air markets. At that meeting the Commission provided the following direction to staff:

1. That Farmers Markets were to be considered as a separate type of event from Swap Meets. Therefore the regulations in Ordinance 110, Section 84.0410(b) would not apply to Farmers Markets. All references to farmers markets are to be removed from Ordinance 110.

2. That because farmers markets are not a permanent event and no permanent improvements will be made to the property; the appropriate permitting process would be thru a Temporary Special Event Permit. Ordinance 100 will be revised to include additional types of events such as farmers markets, car shows, concerts, art shows, etc, and to adjust the time frames for events;
3. To revise Ordinance 112 to include the definition from the State Department of Food and Agriculture for *Certified Farmers Market*,

At the meeting of June 16, 2009, the Planning Commission approved an application for a Farmers Market on 29 Palms Hwy as well as a Resolution which was forwarded to the Town Council and approved at the June 23, 2009 meeting. The applicant has notified the Town that they will no longer be conducting the Farmers Market.

Planning Staff has received a new application to conduct a Farmers Market on the same location as the previous Farmers Market. The scope and location of the event are proposed to remain the same. Since the writing of the staff report staff has been made aware that the days and times of the event may be changing to include Friday nights and Saturday mornings.

Mr. Lombardo asked if Wednesday is still one of the proposed days. Mr. Kirschmann replied the applicant indicated initially the market will be held on Wednesday but it will change at some future date.

Mr. Lombardo asked if the market would be held over-night from Friday to Saturday. Mr. Kirschmann replied the hours on Friday would be from 6 to 8 pm. Saturday hours would be from 8 am to noon.

Mr. Lombardo requested and received confirmation that the market would be broken down on Friday and set back up on Saturday.

Ms. Sturges questioned the hours of operation on Wednesday. Mr. Kirschmann replied as currently proposed the hours on Wednesday would be the same as the original Farmers Market.

Mr. Lombardo requested and received confirmation that the market could be open potentially for three days per week.

Mr. Goodpaster questioned how that proposal would be affected by the proposed new ordinance. Mr. Kirschmann replied staff previously received direction to look at adjusting the days and times, but not specifics. Currently the Temporary Special Event ordinance allows a maximum of 10 day events, 10 times per year.

Mr. Goodpaster asked if this proposal would be in conflict with the ordinance in effect today. Mr. Kirschmann replied staff brought the issue to the Commission and Council because a Farmers Market is in conflict with the existing ordinances. The Commission may wish to discuss setting the number of events per week or per month.

Ms. Sturges questioned a Conditional Use Permit for an event held 3 or 5 times per week. Mr. Kirschmann replied the Commission directed staff to look at modifying the Special Event License definitions and additional uses sections. Currently Farmers Markets are in the same category as swap meets and open air markets. The

Commission directed staff to separate Farmers Markets from those other types of events through a separate ordinance and/or in the meantime be subject to the Temporary Special Event permit.

Deputy Town Manager Shane Stueckle commented there is no criteria established today that would differentiate this type of activity for a time period between a Special License or under a Conditional Use Permit. When staff brings those ordinances back to the Commission and Council through the public hearing process those will be established. Today there is no standard which states 2 days a week is temporary and more than 2 days a week is a Conditional Use Permit. It is at the Commission's discretion to determine if a Wednesday plus Friday plus Saturday event will still fall into that temporary type of permit.

Mr. Goodpaster opened the discussion to public comments.

Applicant Eric Mueller stated they are requesting that the Commission allow staff to grant flexibility in the days and hours of operation so they do not have to come back to the Commission when they determine the permanent date for the market. They have no intention to open the market on Wednesday, Friday and Saturday. Community input seems to indicate a preference for Friday night and Saturday morning. That could be looked at as 2 calendar days or just one 24 hour period.

Ms. Sturges asked if the applicant has the permits in order for all three days. Mr. Mueller replied they have a permit from the County for Friday and Saturday and have requested that Wednesday be added to that permit. They believe they will have the Wednesday permit by tomorrow.

Mr. Lombardo commented the applicant probably does need some flexibility. He would like to see the project go forward.

Mr. Mueller commented they have heard from the religious community that services are held on Wednesday making it difficult for attendees to go to the market.

Mr. Lombardo asked if the applicant is leaning toward Friday and Saturday and, if so, would the market stay in place overnight. Mr. Mueller replied they are probably leaning toward Friday and Saturday. They hope to have different farmers on the different days and do not anticipate overnight camping.

David Mahaffey of Yucca Valley is pleased about the Farmers Market. He suggested they stay open until 9:00 pm. The shops in the area may stay open for it and it would be good for business.

Liz Mediavilla of Pioneetown is working with the applicant on the application and they would like to structure it as a co-operative, a non-profit with an oversight council. There has been interest from artisans and crafters about having non-agricultural products at the market. She has experience with other farmers markets and festivals and hopes the Commission would consider this in the development of the ordinance. It would not be a swap meet.

Jim Shelly of Yucca Valley asked if this would be like the street fair in Redlands.

Mr. Goodpaster closed the discussion to public comments.

Mr. Kirschmann commented prohibiting overnight camping could be added as a Condition of Approval. The items could also be required to be removed after each event. Regarding non-agricultural items, the application submitted is for a farmers market. It would be difficult to get County approval to include those items and could be in conflict with the County regulations for certified markets. The site is very small with room for only 8 vendors and there is minimal on-site parking. The Commission could have that discussion as the ordinance is developed.

Mr. Goodpaster commented the earlier discussion was to specifically move farmers markets out of the existing ordinance to facilitate bringing the farmers market back in to Town. Within those constraints it needs to stay strictly as a farmers market. Adding other items changes the scope of the event, becoming more of a festival than a farmers market. We need to stay within the parameters of a farmers market in order to get it reopened. He supports flexibility in the times to help the market build a customer base. He does have a concern with it being open for 3 days or longer which poses other potential problems. Others could use it as an example and ask why they can't be open that long.

Ms. Sturges commented she wants the farmers market back in Yucca Valley. She is glad the Town is working to make it a certified farmers market. She commented the staff report in the packet discusses Wednesdays and now that has changed to look at other days for flexibility. They have a certificate from the Dept. of Agriculture which states the farmers market can be open on Friday from 6 to 9 and on Saturday from 8 to noon. She asked if that would be discussed. Mr. Kirschmann replied the Commission is welcome to have that discussion if that is of concern.

Ms. Sturges stated the certificate says they are not to operate on Wednesday while the staff report says the Commission will be discussing Wednesday. This is new information.

Mr. Goodpaster replied staff indicated they received this information after the staff report was written.

Mr. Stueckle commented the applicant has indicated a desire for flexibility and that a permit has been obtained for Friday evenings and Saturday mornings. The applicant indicated on the record that they have submitted to the County for an amendment or separate application for Wednesday evenings. The discussion this evening is to ask if that is too broad a flexibility to provide for this type of event, or is the Commission satisfied to allow the applicant to work within those days to see what works best for the market and the community. That is the policy discussion.

Ms. Sturges stated we should allow it 5 days a week because we want it to work.

Mr. Goodpaster disagreed with 5 days a week. The application is for a Temporary Special License and temporary does not include 5 days a week. It is more reasonable if they move it to Friday when Wednesday doesn't work.

Mr. Lombardo agreed that flexibility is necessary and they should be able to choose the days that best work in the beginning. He would not want to see it 5 days a week. That

would be a structured business. He has concerns about overnight camping and wouldn't want it to be any more than 3 days. He likes the idea of artisans and musicians but we need to stick with just the farmers markets until we understand what differentiates this from a swap meet. This lot is not the right place for that venue. It could cause public safety and parking issues. When the ordinance is written it should include the possibility of a farmers market with other types of artisans and musicians as long as used items are not sold.

Ms. Rowe asked if anything precludes an applicant from requesting a separate permit for an arts & crafts event in conjunction with a farmers market. Mr. Kirschmann replied it would be difficult because of the constraints of the site.

Ms. Rowe commented, when we revise the ordinance, we should give some thought to including artisans rather than having to revise it again later. Farmers markets should be separated but we would all like to see the artists' community thrive. Mr. Kirschmann replied he believes the intention of the Commission was to include special events like car shows, art shows, etc. The current Special Event Permit lists carnivals and fairs and similar events. Would an art show be similar to a carnival or a car show? Those would be future discussions for the Commission.

Mr. Goodpaster commented we were trying to facilitate the farmers market to get it open and should save these discussions about the ordinance for a later date. This discussion is just about this farmers market. He reopened the discussion to public comments requesting that the applicant define the request.

Mr. Mueller stated the request is for flexibility on hours and days and no more than 2 days per week. Also, the original application showed 8 vendors which included vendor truck parking on site. They are looking at requesting the farmer vendors park off site which would allow for additional vendor booths. They also request that flexibility. Other business owners in the area have shown an interest in co-hosting expansion of the market on their private property. They are requesting the flexibility to work with staff over the next year to keep developing the concept. If the craft part of the discussion is a concern they will come back for an additional permit. He stated he understands this is a Special Permit and the Commission is not creating an ordinance inside the Special Permit.

Mr. Lombardo questioned the expansion onto other lots. Mr. Mueller replied we want a parking problem in Old Town. We have the potential for public parking facilities in the Old Town long range plan.

Ms. Mediavilla commented farmers produce represents about 33 to 50% of vendors at other markets. The money from the other vendors subsidizes the cost of the farmers market. More than one income stream is often part of the mix to make the farmers market viable. Most by-laws for farmers markets include non-agricultural products like crafts. The second permit would be easy for them to do. They are proposing to manage the categories separately. They would be working with artists for a 3 to 6 month contract, providing promotion of the artists. This could be an incubator for a select handful of artists.

Mr. Goodpaster noted that Ms. Mediavilla is on the application as a contact person and representative so he will speak to the issue. This was brought to the Commission as a

certified farmers market so the Commission is limited within the constraints of that. The Commission is trying to alleviate the problems of the certified farmers markets. It was not brought forward as a market/craft fair. Dealing with the craft suggestion involves a much longer process, re-writing the ordinance. If that is the purpose we would have to table the discussion and bring it back as a festival, not a certified farmers market.

Ms. Mediavilla stated they would come back to the issue when it is appropriate.

Ramon Mendoza of Yucca Valley stated he is not sure what is happening other than the application for the farmers market can be approved in concept with an expansion. He supports the farmers market as an opportunity to provide more choice to the community for good organic food. He would also support expansion to include artists.

Tim Sakach of Joshua Tree stated he is with Earthwise Organic Farms which is shown on the County certificate as the market manager. The certified and non-certified areas must be shown on the map. Farmers must show certification that they are the direct marketer/producer of the agriculture to be in the certified area. Non-certified areas include other vendors like people who prepare food or local growers who may not have certificates. They are subject to a different set of rules for standard weights and measures. The non-certified areas can include vendors like Citizens On Patrol or other non-profits. He stated he has an e-mail from the County stating changing the day of operation is very simple, just send a letter informing the County of the change and they will reissue the certificate. An amendment has been sent to the County to include Wednesday.

Mr. Goodpaster closed the discussion to public comments and stated there is no obstacle to the farmers market. Adding crafts will change the scope and should be addressed when the ordinance is discussed. He can support no more than 2 days a week with flexibility on which days.

Mr. Kirschmann requested and received consensus from the Commission that no overnight camping will be allowed. He also requested and received consensus from the Commission that all materials should be removed at the end of each day.

Mr. Lombardo Moved to approve Special License 20-09 adding conditions to remove all materials each night, to prohibit overnight camping and to allow the market to be open no more than 2 days a week at the applicants discretion. The motion was seconded by Ms. Sturges and passed unanimously by voice vote of the Commissioners present.

2. DISTRIBUTION AND DISCUSSION OF REVISED DESERT NATIVE PLANT PROTECTION AND MANAGEMENT ORDINANCE (To be distributed at meeting)

With reference to the complete printed staff report provided in the meeting packets and preserved in the project and meeting files, Deputy Town Manager Shane Stueckle presented the project discussion to the meeting.

The public hearing has been scheduled for the meeting of August 25, 2009 for the Desert Native Plant Protection ordinance. Staff is presenting an update and a copy of the proposal. Based on the joint Commission/Council and the Commission meetings

discussing different standards and requirements based upon land use district the ordinance has been modified to address permitting issues for land use classifications and lot size. The document provided this evening is broken down into commercial, industrial, multi-family residential, single family residential up to 2.49 acres in size for new subdivisions. Standards and processes are called out for those. The ordinance does not include yet, but will before the next hearing, larger lots above 2.5 acre residential subdivisions.

Staff worked to take comments from Council members and Commissioners in constructing this ordinance to address the concerns that were raised. Discussion has been left out regarding a native plant expert as well as the maintenance program. There will be language in the next revision where the requirement for an expert and maintenance plans can be added, retained or removed. Staff wanted the Commission to be able to focus on the standards and process that have been established. Standardized language for those two issues will be provided that can be inserted into any section of the ordinance.

Staff does not encourage any discussion this evening. Staff wanted to provide an update to the Commission and to inform the Community of the Public Hearing on August 25th.

Mr. Goodpaster stated we are looking for questions of staff but not discussion. The discussion will be opened to public comment but the Commission will not discuss it tonight.

Ms. Sturges stated she wished this document had been included in the packet even though it is not scheduled for discussion. She feels it was withheld from the staff report. She would have liked the opportunity to review the 11 pages but hasn't had the opportunity to read them. It appears there are chapters missing in this draft. Is enforcement included?

Mr. Stueckle replied the only chapter included this evening is Chapter 1. He stated staff does not withhold anything from the Commission. Staff finished work on this only this afternoon. Staff wanted to distribute it so the Commission has an opportunity to review it before the public hearing.

Ms. Rowe requested and received confirmation that information for parcels larger than 2.5 acres will be included in the final draft.

Mr. Goodpaster opened the discussion to public comments.

David Fick of Joshua Tree stated he is the president of MBCA which has members who live in Yucca Valley. He asked if the working draft will be available in digital form for distribution to the public who may want to comment on August 25th. On the short list of protected plants he notices the Yucca which appears on the Town seal is not included. Any off-site translocation in large numbers of Joshua Trees and others probably should stay within the Town limits because of jurisdictional problems. If these plants go to a greater altitude than their original location they will probably die. California is going to go through an extreme drought in the next 5 years and desert plants use the least amount of water.

David Mahaffey of Yucca Valley commented water creation and remanufacture of water on site is a capability for the Town. We have the ability to grow those plants and natural floras in sealed containers with no water loss. This could help get us through this drought. He is in favor of the natural plants.

Ramon Mendoza of Yucca Valley stated he is in favor of fine tuning this ordinance to protect native plants. He is happy to see protection of riparian plant conservation included in the draft. We have a problem with outside consultants who do not realize we have riparian areas here. That doesn't mean flowing water. The water is often very deep in the ground. He would like to see some ordinance include the removal of Tamarisk trees because they are not native and can consume 200 to 300 gallons of water a day. We could lose 100 acre feet of water recharge a year to Tamarisk trees. Joshua Trees can be pruned successfully without damage to the tree. The draft looks like its pretty well put together and he supports it. All our blue line areas are riparian and we should never build in a riparian wash.

Mr. Goodpaster closed the discussion to public comments.

Ms. Sturges thanked staff for making the draft available this evening but is at a disadvantage because she had asked staff for an advance copy of this ordinance.

Mr. Goodpaster replied there will never be something distributed that night for which discussion will be requested that night. We will always receive an advanced copy. Staff wouldn't withhold it. The statement that staff withheld it on purpose is just not true.

Mr. Lombardo moved that the Commission accept the report. The motion was seconded by Ms. Rowe and passed unanimously by voice vote of the Commissioners present.

CONSENT AGENDA: MINUTES –

Ms. Rowe moved that the Planning Commission approve as submitted the minutes of the Regular Planning Commission Meeting held on July 21, 2009. The motion was seconded by Mr. Lombardo and passed unanimously by voice vote of the Commissioners present.

STAFF REPORTS AND COMMENTS: None

FUTURE AGENDA ITEMS:

Mr. Stueckle reported that Medical Marijuana, Native Plants, the update to the Housing Ordinance, a major Variance and a presentation by the Town Attorney on the Brown Act are proposed to be on the agenda for the meeting of August 25, 2009.

COMMISSIONER REPORTS AND REQUESTS:

Mr. Lombardo requested an update on the golf course. Mr. Stueckle replied staff received a notice from the bank of foreclosure proceedings on the current owners. The desire is for the private sector to continue to own and operate the golf course. There are rumors of negotiations between the private sector and either the bank or current owners.

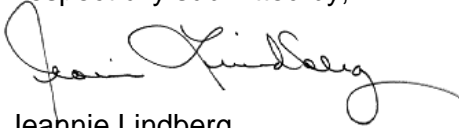
ANNOUNCEMENTS:

Mr. Goodpaster announced that the next regular meeting of the Yucca Valley Planning Commission will be held on Tuesday, August 25, 2009 at 7:00 pm.

ADJOURNMENT

The meeting adjourned at 8:05 pm.

Respectfully submitted by,

A handwritten signature in black ink, appearing to read "Jeannie Lindberg", with a long, sweeping underline that extends to the right.

Jeannie Lindberg
Administrative Assistant III