

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

SEPTEMBER 22, 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 Dennis McKoy was absent due to a family emergency.

Chairman Goodpaster led the Pledge of Allegiance.

APPROVAL OF AGENDA:

Ms. Sturges moved that the Agenda be approved, which motion was seconded by Ms. Rowe and passed unanimously by voice vote.

PUBLIC COMMENTS: None

PUBLIC HEARINGS:

1. SITE PLAN REVIEW SPR 02-07 ART MILLER JR. - EXTENSION OF TIME

A request for a two (2) year extension of time for the project which was approved on November 6, 2007 for a 6,000 square foot office building project; located on the southwest corner of Barberry Ave. at SR62 and identified as Assessors Parcel Number 595-371-12.

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. Mr. Kirschmann reported that this item was incorrectly listed on the agenda as a public hearing and is a discussion item for the Commission. He requested that the item be discussed at this time so the agenda items can be taken in the order as they appear on the agenda.

Due to the economy, the applicant has not been able to commence construction and requests the maximum 2 year extension of time for the project. Staff recommends that the Commission grant the extension of time to November 6, 2011.

Mr. Goodpaster opened the discussion to public comments.

Applicant Art Miller, Jr. of Yucca Valley stated he is continuing all the necessary permits and is working with Caltrans on the Barberry design and landscaping for the highway frontage. He would appreciate approval of the 2 year extension.

Mr. Goodpaster closed the discussion to public comments.

Ms. Sturges stated this is a wonderful project and she supports the extension of time due to the economy. She questioned the aesthetics of a sign which is currently on the property. Mr. Kirschmann replied staff will work with the applicant.

Ms. Sturges moved that the Planning Commission approve the extension of time request for the maximum allowable time of two (2) years. The motion was seconded by Mr. Lombardo and passed unanimously by voice vote of the Commissioners present.

2. REVISION OF THE DESERT NATIVE PLANT PROTECTION ORDINANCE

A Town initiated amendment to the Desert Native Plant Protection Ordinance.

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. A printed copy of the PowerPoint presentation used by staff at the meeting is also preserved in the project and meeting files.

The Planning Commission most recently discussed this matter at its meeting of April 21, 2009. The Planning Commission and Town Council held a joint meeting to discuss the matter on October 2, 2008.

Structural changes between the Draft and Existing ordinance were discussed as demonstrated in the charts below:

Draft Ordinance		Existing ORD 140	
89.0101	Purpose and Intent.	89.0101	Purpose.
89.0102	Regulated Desert Native Plants	89.0105	Intent.
89.0103	Scope.	89.0107	Regulated Desert Native Plants
89.0104	Permit Required.	89.0110	Scope.
89.0105	Regulated Native Plant Removal Procedures for all new commercial, industrial, multifamily development projects and single family residential subdivisions	89.0115	Permit Required.
89.0106	Single-family residential infill	89.0120	Findings for Removal.
89.0107	Regulated Native Plant Adoption Program	89.0125	Plot Plan Requirements.
89.0108	Construction Standards.	89.0130	Construction Standards.
89.0109	Transplanting of Desert Native Plants.	89.0131	Transplanting of Desert Native Plants
		89.0132	Findings for the Transplanting of Desert Native Plants
		89.0133	Retention of Joshua Trees and Yuccas

Some of the ordinance changes to the requirements for development project applications are: a discussion of the Native Plant Permit, Native Plant Survey – no expert has been required,

Procedures to Tag Plants are defined, maximum utilization in landscaping is suggested & encouraged but no minimum number or percentage of plants was established, and a 60 day adoption period is established.

In the native plant permit application specific requirements are established: botanical & common name of plant, precise current location of plant, trunk or stem diameter & height of each plant, identify health condition of plants to be transplanted & those not likely to survive, and proposed placement and disposition of plant.

Regarding requirements for Tags: tags are to be affixed harmlessly with no perforation of plant, education regarding tags before land disturbance or tag placement, tags are to be color coded;

Blue: remain in native location

Green: transplant on-site

Orange: available for adoption

Yellow: transplant off-site

Red: destruction permitted

and tags are to remain and be replaced through completion of land disturbing activity.

Signage and noticing is also required: minimum of one sign of established size, perpendicular to road, stating plants available for adoption, name & phone of contact person/company, meaning of color coded tags, and community development dept. phone number.

For the transplanting of protected plants the requirements are: written permission of property owner, plant's physical orientation, prevailing winds, soil type and other attributes taken into consideration, if plants are stockpiled Maintenance Plan to include:

The proposed schedule of watering

The proposed location of stockpiled plants

How the plants will be supported

The method of trap fencing to be used

Other information deemed necessary.

The Adoption Program will require: publish notice of 60 day adoption period in local newspaper, notice to include project location, type & amount of plants, contact information & dates of adoption program, post required signage, and 1 annual report at end of first year for all transplanted & adopted plants within Town boundaries.

The Annual Report requirements are: report due to town 12 months after adoption or transplantation on or off site, identify location of plants, health of each plant, other information as deemed necessary by planning division.

There were several undecided issues from prior meetings for Single Family Residential In-fill lots as follows: should all plants likely to survive, including those within the pad or 20' of pad, be required to be transplanted, and should an annual report of health of plants be required and for how long?

Undecided issues regarding Large Lot New Subdivision are: should a Plant Survey prepared by an expert be required, should a Maintenance Program monitored by an expert be required and for how long, how many times can the plant be transplanted and will stockpiling be allowed, and is Planning Commission review of Native Plant Permit applications required.

Undecided issues regarding Small Lot New Subdivision are: should Annual Report of health of plants be required and for how long, should a Maintenance Program monitored by an expert be required and for how long, how many times can the plant be transplanted, and is Planning Commission review of Native Plant Permit applications required.

An additional question from staff for Commercial, Industrial, Multi-Family and Residential Subdivision Projects is should a minimum percentage of plants be incorporated into the project design. For clarification regarding definitions, a Maintenance Plan is how the plants are to be treated; an Annual Report reflects the state of health after 12 months.

Staff reported that Robyn Kobaly submitted a letter, copies of which were provided to the Commissioners at the meeting, in which she discussed the number of native plant experts in Yucca Valley. At a previous Commission meeting it was reported only one expert was located in the Town. Other experts are, however, located in the area and outside of the area who could be used by the Town.

Staff recommends that the Commission either continue the public hearing to the meeting of October 27, 2009; or, close the public hearing and continue the Commission Discussion to October 27, 2009.

Mr. Goodpaster opened the hearing to public comments.

Tim Humphreville of Yucca Valley commented that the soil cannot be touched on the project without the 60 day adoption period. Plan check takes roughly 2 weeks. He doesn't understand, if there is so much demand for these plants, why a new regulation adding additional time is required. At previous meeting the Commission has stated new regulations should not be added, the native plant expert being number one.

Robyn Kobaly of Morongo Valley stated her special concern regards the native plant expert. To have specifications in the ordinance and not require an expert is analogous to having specifications for a building plan that requires engineering and saying you don't need an engineer to do it. That puts the onus on the developer to hire someone to meet the specifications. It would be more prudent to have a base of available experts who are trained in the specifics of the ordinance. The experts could charge a small fee on a semi-volunteer basis. Their training could be used by the developer. She would be happy to participate in providing training. This could streamline the process but keep the plants in tact.

David Fick of Joshua Tree stated he is the president of the Morongo Basin Conservation Association. He highly recommends that translocation of plants stays within the Town limits for trees coming from large developments with hundreds of trees. You cannot protect or oversee plants outside of the Town's jurisdiction. He would not expect control over the single plants adopted by individuals. Plants most likely will not survive if they go to higher or lower altitudes. You would need enforcement workshops to avoid repetition of the Mesquite 55 experience. 277 Joshua Trees are still unaccounted for. Regarding a native plant expert, there are ways to create a community of experts. Regarding the 60 day adoption period, it is a very flexible term to accommodate the community and busy lives.

Judy Van-Ruggles of Landers commented when you create an ordinance you have to be able to follow through on it. She sees trees going to the dump and properties being clear bladed not taking into consideration that they should be transplanted and taken care of. There should be plenty of time for the neighbors and people in surrounding communities to adopt plants or have

a listing of the kind of plants available. Many people have knowledge about native plants just not a degree and could be utilized for training. You have to transplant them in the same disposition and area. That is not innate knowledge.

Chris Hutchins of Yucca Valley stated they went to great lengths to transplant 7 Joshua Trees on their project 2½ years ago, they all died and they used an expert. This is not accomplishing what the Commission is trying to do. These are sensitive plants and he is not saying just rip them all out. He will now have to pay to have the trees taken out with permits. This will cost a lot more and will be another roadblock to people who want to move to Yucca Valley. We should listen to the people who live in Yucca Valley.

Steve Zimarik of Yucca Valley stated adding another regulation is a lot. The 60 day waiting period can make or break a lot of projects added to the time for plan check and other things that have to be done. He noticed that there was no one speaking here from Yucca Valley. They were all from out of Town.

Mr. Goodpaster closed the hearing to public comments.

Ms. Rowe commented development projects were originally divided into three categories. This draft proposes 2 categories with commercial, industrial and all subdivisions in the same category. Requesting clarification she stated in the Matrix question 2a asked "Should Native Plants determined to be likely to survive be required to be transplanted" and the Commission said no.

Deputy Town Manager Shane Stueckle replied the question was for "all" deemed likely to survive the process and after reviewing the minutes staff understood that the Commission said no, not for "all."

Ms. Rowe requested clarification from the Commission because she did not think we should do it on subdivisions of larger sizes. The field has been muddied by combining the categories. She asked if one of the questions is about percentage. Mr. Stueckle replied that is one of the questions for the PC to discuss and the answer may be no or at what percentage.

Ms. Rowe asked who is proposed to pay for the maintenance plan and annual report. Mr. Stueckle replied current Town Council policy is that development projects pay 100% of their costs of processing any application. This ORD continues that policy.

Ms. Rowe noted that Ms. Kobaly recognizes in her letter the additional costs to developers as prohibitive and discusses incentives. She asked if an incentive for the developer could be attendance at an educational seminar in exchange for a reduction in impact fees or a credit towards other fees rather than over regulating. She noted that people destroy plants rather than going through the process and sometimes spend money on native plant experts and the plants die.

Mr. Stueckle replied there is no relationship between impact fees and native plants so that cannot be done legally. The Commission could consider incentives to encourage transplanting back on site or keeping them in the native condition. You look at density bonuses or allowing setback standards to be changed, those types of things. Those are the standards that you would want to compare and contrast with these types of regulations so that you are looking at true land use issues together. You allow for deviation from the Development Standards to encourage conservation of the species.

Ms. Rowe noted some plants have been added to the protected list and a few have been deleted, requesting an explanation. Mr. Kirschmann replied based upon input from various native plant experts the Yucca whipplei, Nolina (Beargrass), and wild plum (desert jujube) were added. The plants eliminated include mesquite and palo verde, both of which are non native to the area. Ms. Rowe requested and received confirmation that Beargrass is under consideration for protection.

Ms. Rowe asked if the 60 day adoption period had also been recommended by a native plant expert. Mr. Kirschmann replied all private land development projects that come through today are conditioned for a 60 day adoption period by practice.

Mr. Stueckle commented the 60 days is a result of several projects coming through the hearing process and before the Commission as well as comments both at the joint Town Council/Planning Commission meeting and the second Commission meeting in April. The Commission has now seen the first complete draft ordinance based upon all the input. The purpose of the hearing is to accept the public testimony and then for the Commission to make changes they deem appropriate. There are many policy issues for the Commission to discuss and probably make changes either for less regulation or to set the ordinance on a higher level.

Ms. Rowe noted prior discussion did not include running an ad in the newspaper for the adoption process. We are regulating the size of the ad, the publication it goes in and the circulation amount. She suggested a less regulatory means of advertising could be created. She asked if the Town could partner with an organization like the Summertree Institute for the annual report. Mr. Stueckle replied that would not be something you would be including in the regulations. Putting something together like that may be feasible but typically volunteer programs in this type of environment are not ones that fit the timing of the organization or the developer. But it is something that the Commission could discuss.

Mr. Lombardo stated his impression was that the smaller and larger lots had been separated into different designations. The cost of transplanting is an enormous headache and a great burden on the builders and developers. If the city has to bear the cost of the annual maintenance report with even 15 projects going in a year and each project has 3 or 4 hundred trees or plants it will be a nightmare just to know where everything is. The city would be extremely burdened cost wise to keep track of it. The developer, builder or homeowner would be extremely taxed to know what they did with the plants if they transport them off property. He is in favor of keeping the plants on the property. We should tell them to keep 15 or 20 plants. We're using all these different species as protected then it should be easy to come up with 15, 20, 25 plants per plot no matter how big the plot is. Yucca and Joshua Trees are more major and he is not sure that creosotes are easily transplanted. On commercial lots, when they remove a lot of trees they are not going to be putting back 25% of them. It's outrageous that they are taking 700 plants at a time out. He can't see the cost justified in replacing that many trees. It's the handling, the keeping track and maintenance of them that can be ridiculous. We have to be mindful of encouraging development in our community as well as preserving the plants. We can do a better job of preserving them if we are realistic about it instead of making it so that it is a huge burden on the developer.

Ms. Sturges commented on the absences of one of the Commissioners from several of the discussions on the Native Plant Ordinance. She agreed that the Commission said no to "all" native plants likely to be transplanted. There were however 4 votes in favor of saving as many as possible. Regarding question 2b on the Matrix, two of the "no" answers were later changed

to “yes.” This needs to be discussed and we need to be clear we are all on the same page and she would like to have the full Commission here. She moved that the discussion be postponed to a future date and time.

Mr. Goodpaster requested but did not receive a second to the motion. He requested staff comments on resolution of Commissioner issues with the draft ordinance.

Mr. Stueckle commented the purpose of the regular scheduled meetings of the Commission and public hearings is to accept public testimony and then for the Commission to either bless it or tear it to pieces. This evening is the time for the Commission to start identifying the desired changes to the draft ordinance. Depending on the significance of those they could be addressed this evening or it may be necessary to continue the discussion to the second meeting in October and come back with the desired changes. The Commission has held the public hearing and accepted public testimony and closed the public hearing. It is the Commission's discretion to continue the public hearing and accept more public comment or to not accept more public testimony at the next meeting.

Ms. Sturges commented on discrepancies between the staff report and the PowerPoint presentation. Mr. Stueckle replied a PowerPoint is a summary, not a detailed verbatim of the ORD. He suggest that the Commission go through the ORD page by page so the Commissioners can identify concerns or changes they would like to see.

Ms. Sturges identified numerous differences between the existing “Purpose and Intent” and the proposed ORD. The original “Purpose and Intent” was written by our forefathers and is like a last will and testimony. The Intent was pulled out of the new ordinance and it talks about taking care of our developers, why we want to save our plants, the aesthetic values of our plants and keeping them for future generations. For our builders it talks about that we want to take into consideration lot configuration, potential development, lot circulation and infrastructure. It also states: to achieve the preservation and protection while protecting the rights of property owners and the communities desert environment, anyone submitting an application to move, destroy or destruct a Joshua Tree shall use all reasonable means to retain and preserve such tree in its native present location in presenting such native plant application. It spells out all the things we want to do without violating the rights of the individual property owners. She doesn't know why that language was deleted. The new ordinance is very sterile.

Mr. Goodpaster replied most of the purpose and intent was reviewed by the joint Commission and Town Council and there was no objection to the new purpose and intent at that point and there was never an objection at any point. It is not purposefully left out.

Ms. Sturges stated votes were recorded incorrectly on the matrix and decisions were made based on the fact we were told there is only one plant expert. Commissioner Lombardo said he did not want to create a bottleneck. She asked if we had 45 plant experts or designees would that change his opinion. She believes the Commission was given an incorrect amount of information at the time and made decisions on that. We want to help the builders and would have voiced our opinions differently if somebody said 40 people could be provided as designees.

Mr. Goodpaster commented the purpose of the previous meetings were for those discussions. It would more helpful to this discussion if the problems were laid out and specific comments about changes were made. That gives staff proper direction to move forward. We're trying to go back to the drawing board and he isn't sure that's where the Commission should be going.

He asked of if there were any issues with the list of regulated desert native plants in the draft ordinance.

Ms. Sturges stated she would like to discuss the purpose and intent and would like to see the verbiage from the original ORD included because it is educational and states that we want to protect property rights and give something to the future generations. If you read the original then the rest of it makes sense and you don't have to look at another brochure.

Mr. Goodpaster replied he believes the purpose and intent in the new ORD outlines what the purpose of this ordinance is.

Mr. Stueckle commented the language from the old ORD was removed because the first 2 paragraphs are meaningless. They do not establish regulations and the words are not implemented within the ORD. Staff's opinion is that it would be erroneous to include the 3rd and 4th paragraphs of the intent section of the old ORD in the draft because the draft ORD does not say or require those things. It does not require taking into consideration lot configuration, potential property development, or on-site circulation. The draft does not say that staff will look at those alternatives. It says the exact opposite of that. In the Commissions discussion and the draft ORD the commercial, industrial, multi-family and small lot residential was clearly explained. Both the Town Council and Planning Commissioners were nodding their heads that they understood those types of projects are developed lot line to lot line. There is nothing remaining in place in its native location as a result of current development practices. And that's what the draft ORD says. There would be no relationship between the existing purpose and intent language and the proposed regulations in the draft Ord. The Commission can make any changes it desires. He agrees that the language today is more sterile but it is also very precise. The purpose and intent of this ORD is to establish the standards, the criteria and permitting processes and establish and ensure consistency in the application of those standards. It is to protect regulated native plants from indiscriminant removal and to regulate activities that can take place, and to promote sustained community character associated with the presence of native plants pursuant to the standards contained in the ORD.

Mr. Lombardo asked if it would be simpler to say every lot has to have 75 native plants on it and leave it at that. Let the developer decide where and the native plant expert say which ones can be saved. Give them 30 days to do it and adopt out the ones that are still savable.

Mr. Goodpaster asked if we are ok with the purpose and intent.

Ms. Rowe replied she would like to leave the private property rights and the draft is more apropos.

Ms. Sturges moved that the Commission have a study session to go over the draft. The motion was seconded by Mr. Lombardo.

Ms. Rowe asked what the study session would accomplish and how much time it would delay.

Mr. Goodpaster asked if that wouldn't basically take it back to the drawing board.

Mr. Stueckle replied that's where you are right now. The Commission can go through it word by word now or at a study session later.

Ms. Rowe asked if the study session would be a public hearing open to the general public.

Mr. Stueckle replied it would be open to the general public but would not be a public hearing.

Mr. Goodpaster stated he disagrees with the motion and we should not be sending this back to the drawing board.

The motion passed by voice vote of 3 to 1. Mr. Goodpaster voted no.

DISCUSSION ITEMS:

3. DEVELOPMENT STANDARDS TO BE APPLIED TO DEVELOPMENT PROJECTS PROPOSING PHYSICAL EXPANSION OF EXISTING DEVELOPED COMMERCIAL AND INDUSTRIAL PROPERTIES

A request by staff that the Planning Commission discuss the application of Development Code and other standards for expansion of use of existing developed properties within commercial and industrial land use designations; and provide direction to staff.

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. A printed copy of the PowerPoint presentation used by staff at the meeting is also preserved in the project and meeting files.

At the Planning Commission meeting of May 19, 2009, a discussion was initiated regarding development standards for Commercial and Industrial land use districts. At the July 21, 2009 meeting, Staff returned to the Commission with a discussion focused on the question “what should be required for changes in use and physical expansions of existing buildings”. The ultimate goal of Town Council, Planning Commission and Staff is to clearly establish which Town requirements are imposed and at what level of physical expansion of buildings, either by square footage thresholds, percentage thresholds or based upon a sliding scale.

Staff has looked at several options: Square feet Thresholds (Alternative A chart), Percentage Thresholds (Alternative B chart), and Sliding scale (LUCR chart). The proposal is represented in the chart below.

LAND USE COMPLIANCE REVIEW

SQUARE FOOTAGE OF BUILDING	FOOTAGE OF EXISTING	PERCENTAGE OF ADDITION	MAXIMUM FOOTAGE	SQUARE
up to 5,000		25% +	1250 sq ft	
5,001-10,000		20%-40%	2000 sq ft	
10,001 +		up to 25%	2500 sq ft	




The chart above is set up so that an existing business between 0 and 5,000 square feet can expand up to 1,250 square feet and be processed through the LUCR process. An existing business between 5,001 and 10,000 square feet can expand up to 2,000 square feet under a LUCR, and an existing business of 10,001+ square feet can expand up to 2,500 square feet under a LUCR.

The Land Use Compliance Review process is a remnant County Code Section and currently allows for staff level review of projects of 500 square feet or 25%, whichever is larger. This proposal would modify that Section. It is Staff's belief that this process was implemented by the County to review a proposed project for consistency with existing regulations in place, including regulations such as parking, signage, outdoor lighting, etc.

Another chart provided in the staff report (below) discusses parking ordinance, signs, commercial guidelines, etc. On the far right hand are patches indicating required, may be required if subject to a CUP or SPR, and required by other agencies. Those required by other agencies are included so the Commission is aware staff does not have control over those requirements.

LAND USE COMPLIANCE REVIEW

Square Footage of Existing Building	up to 5,000	5,001-10,000	10,001 +
Maximum Square Footage of Addition	1250 sq ft	2,000 sq ft	2,500 sq ft
Percentage of Addition	25% +	20% - 40%	up to 25%
Parking Ordinance	REQUIRED	REQUIRED	REQUIRED
Sign Ordinance	REQUIRED	REQUIRED	REQUIRED
Outdoor Lighting	REQUIRED	REQUIRED	REQUIRED
Native Plants	REQUIRED	REQUIRED	REQUIRED
Comm Design Guidelines	REQUIRED	REQUIRED	REQUIRED
Underground Utilities ⁽¹⁾	MAY BE REQUIRED IF SUBJECT TO CUP OR SPR	MAY BE REQUIRED IF SUBJECT TO CUP OR SPR	MAY BE REQUIRED IF SUBJECT TO CUP OR SPR
Landscaping	MAY BE REQUIRED IF SUBJECT TO CUP OR SPR	MAY BE REQUIRED IF SUBJECT TO CUP OR SPR	MAY BE REQUIRED IF SUBJECT TO CUP OR SPR
HDWD Landscaping Approval (500 sq ft +)			
Street Improvements (Curb, Gutter, Sidewalks, Street Lights)	REQUIRED	REQUIRED	REQUIRED
Engineered Street Imp Plans			
Engineered Grading Plans	REQUIRED	REQUIRED	REQUIRED
Assessment Districts	REQUIRED	REQUIRED	REQUIRED

-  REQUIRED
-  MAY BE REQUIRED IF SUBJECT TO CUP OR SPR
-  REQUIRED BY OTHER AGENCIES

ANY PROJECT THAT EXCEEDS THE THRESHOLDS ON THIS CHART MAY BE SUBJECT TO EITHER A CONDITIONAL USE PERMIT OR SITE PLAN REVIEW

(Landscape, Lighting, Streets, Drainage & Other Infrastructure)				
(Public Safety)				
Drainage				
On Site Retention				
Master Plan of Drainage				
Hydrology				
Evaluation of retaining incremental increase of runoff				
Traffic				
Geotechnical ⁽²⁾				
Storm Water Pollution Prevention Plan SWPPP				
Fire Dept Regulations				
Cal Trans Requirements				
County Environmental Health Approval				

You can clearly see that parking, sign code, outdoor lighting, native plants and commercial design guidelines would all be implemented by staff as part of the Land Use Compliance Review. He noted that the Commission previously discussed not including commercial design guidelines on the (garbled). Staff felt they should be included because an existing business that wants to paint the building is required to obtain a permit for the color change. Engineered Grading Plans are automatically required along with hydrology and a geotechnical report, not necessarily at the entitlement phase but in conjunction with the grading plant. A SWPPP is required for lots larger than 1 acre, fire regulations must be complied with and a Fire Letter submitted, Caltrans may institute requirements if the project is location on a state highway, and if they are a restaurant County Environmental will implement requirements.

Staff will be happy to answer any questions.

Mr. Goodpaster opened the discussion to public comments. There being no one wishing to speak on the item, he closed public comments.

Mr. Lombardo asked if the percentages were suggested by staff or by Commission discussion.

Mr. Kirschmann replied lots of numbers were kicked around. Staff surveyed other cities and received two returned calls. The City of Twentynine Palms allows staff approval of up to a 2,500 sf addition and the City of Yucaipa allows staff review up to 500 sf.

Mr. Lombardo requested and received confirmation that the 2,500 sf could be added to any size existing building. Ms. Rowe requested and received that applies even if 2,500 sf is more than 100% of the existing square footage.

Mr. Goodpaster commented we discussed making the process more equitable across the board and this matrix accomplishes that. Mr. Lombardo commented the matrix provides more flexibility.

Ms. Rowe requested and received confirmation that the Alternative A and B were subsequent alternatives to the latest compliance review chart. Mr. Kirschmann replied they were based on other discussions regarding expansion by a certain percentage. Another chart (see below) was also included which shows existing businesses square footages and what they would be allowed which demonstrates the inequities between a percentage or just 1,000sf.

EXAMPLES OF EXISTING LOCATIONS

Location	Existing Square Footage		add 1000 sq ft	add 25%	add 50%	add 75%
Johns Place	1,664 sq ft		60.00%	416 sq ft	832 sq ft	1,248 sq ft
Mastercraft Kitchens	3,652 sq ft		27.40%	913 sq ft	1,826 sq ft	2,739 sq ft
Wal Greens	14,490 sq ft		6.90%	3,622.5 sq ft	7,245 sq ft	10,867.5 sq ft
Yucca Bowl	23,000 sq ft		4.30%	5,750 sq ft	11,500 sq ft	17,250 sq ft
Stater Bros	40,578 sq ft		2.50%	101,44.5 sq ft	20,289 sq ft	30,433.5 sq ft
Home Depot	118,781 sq ft		0.85%	29,695.25 sq ft	59,390.5 sq ft	89,085.75 sq ft

Ms. Rowe commented that is very helpful.

Ms. Sturges stated she is trying to understand the differences between Alternative A and B. There appears to be less requirements and regulations. She requested clarification of A.

Planning Technician Diane Olsen replied Alternative A is based on square footage additions. If you were to add 1,000sf you would only be subject to the parking, sign, outdoor lighting and native plants ordinances. If you were to add between 1,002 to 5,000sf you would be subject to more regulations. Alternative B is similar but based on the percentage of square footage that would be added. The higher percentage of added square footage the more regulations you would be subject to.

Mr. Kirschmann referred to the “Examples of Existing Locations” chart commenting the reason staff went to the sliding scale is when you take a 1,664sf building and add 1,000sf, that’s a 60% addition. On a business 60% could equal 118,000 sf. A 1,000 sf addition would not even be a 1% increase. Staff was attempting to build equity into this.

Ms. Sturges commented she likes that.

Mr. Goodpaster stated he likes the sliding scale and it is right on track. There will be some inequities but when you have a small business and you are trying to add a little to it the sliding

scale gets to what we are trying to accomplish. We're going to get advantages as a Town to let some of these smaller businesses make additions and clean up their business fronts and old signs. By bending a little the Town acquires benefit.

Mr. Kirschmann stated for clarity that once these thresholds are exceeded a Conditional Use Permit or Site Plan Review is required and the project will come before the Planning Commission with recommendations for conditions of approval to include street improvements, curbs and gutters, sidewalks, assessment districts, retention basins, etc.

Mr. Lombardo requested and received confirmation that within these thresholds staff will be handling the project. He stated it is simpler for the builder and they don't have to spend the time coming to the Commission for smaller projects.

Deputy Town Manager Shane Stueckle commented that staff will come back with a Code amendment with the ancillary language for implementation because it does require some changes. One of the things that will probably be in that language is a change in the utility underground ORD because today if you want to add 1 sf to your commercial building your utilities have to go underground. One of the things that will be brought back during the public hearing process is forwarding an amendment to the Town Council that will allow for the percentages that staff identified in the Land Use Compliance Review table this evening to be exempt from utility undergrounding.

Ms. Rowe stated it sounds great. Mr. Lombardo stated if utility undergrounding is within the thresholds it should be discretionary or not required. Ms. Sturges commented she would love to see everything underground but she does not want the small business or the builder to have to do it. We'll have to find another solution and she is glad to see undergrounding will not be required.

Mr. Goodpaster requested and received confirmation from staff that they had received sufficient direction from the Commission.

CONSENT AGENDA: MINUTES –

Mr. Lombardo moved that the Planning Commission approve as submitted the minutes of the Regular Planning Commission Meeting held on August 25, 2009. The motion was seconded by Ms. Sturges and passed unanimously by voice vote of the Commissioners present.

STAFF REPORTS AND COMMENTS: None

FUTURE AGENDA ITEMS:

At the request of Commission the study session to continue the discussion of the proposed Native Plant Protection ordinance was scheduled for Tuesday, September 29, 2009 at 6:00 pm.

COMMISSIONER REPORTS AND REQUESTS: None

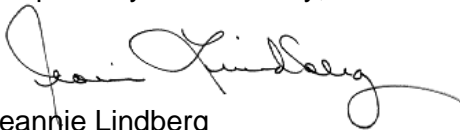
ANNOUNCEMENTS:

Mr. Goodpaster announced that the next regular meeting of the Yucca Valley Planning Commission will be held on Tuesday, October 13, 2009.

ADJOURNMENT

The meeting adjourned at 8:30 pm.

Respectfully submitted by,

A handwritten signature in black ink, appearing to read "Jeannie Lindberg". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Jeannie Lindberg
Administrative Assistant III