

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

OCTOBER 13, 2009

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

Commissioners present: Lombardo, McKoy, Rowe, Sturges and Chair Goodpaster

Pledge of Allegiance was led by Chair Goodpaster.

APPROVAL OF AGENDA

Mr. Lombardo moved that the Agenda be approved, which motion was seconded by Mr. McKoy. Motion carried 5-0 on a voice vote.

PUBLIC COMMENTS: None

DEPARTMENT REPORTS:

1. SITE PLAN REVIEW 03-07 - THE MOJAVE - EXTENSION OF TIME

A proposal for 35,000 square feet of retail and office space on 8 separate parcels bounded by Balsa to the west, Diadem to the south and Emerson on north and east. The project is also identified as assessors parcel numbers 601-531-01, -02, -03, -04, -05, -06, -07, and 08.

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. Due to the economy, the applicant has not been able to commence construction and requests the maximum 2 years extension of time for the project. Staff recommends that the Planning Commission grant the extension of time to December 4, 2011.

Chair Goodpaster opened and closed Public Comments there being no one wishing to speak.

Mr. Lombardo 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 Ms. Sturges. Motion carried 5-0 on a voice vote.

2. COMMERCIAL BUILDING COLOR INTERPRETATION

Interpretation of the Commercial Design Guidelines for a multi tenant business located at 56778 29 Palms Highway and also identified as assessors parcel number 595-111-33.

Chair Goodpaster opened the discussion to public comments.

Applicant Ms. Vreeken stated the pictures were taken when it was newly painted and was wet and seems brighter than it really is. The building was painted in four different colors facing westbound on Highway 62 to differentiate the four different businesses.

Ms. Sturges asked the applicant regarding the interaction between Code Enforcement staff and the applicant.

Applicant stated she didn't have any conversation with staff until she received the violation notice letter and replied the painting job cost \$3,600. The applicant also stated she noticed other businesses of having the same red colors in town: Thacher and Daughter, the Red Barn, and Color Me Red; however that the red color did not come out exactly as planned.

Chair Goodpaster closed the discussion to public comments.

Associate Planner Kirschmann referenced to the complete printed staff report provided in the meeting packets and the Town of Yucca Valley's Commercial Design Guidelines.

Ms. Sturges stated that the building stands out by itself.

Mr. Lombardo stated that he understands that business needs to stand out but is concerned the red color should be of a muted earth tone.

Ms. Rowe appreciates the business trying to improve the look of the building and commented on voting for keeping it in one color.

Mr. McKoy stated if the objective was to get attention that it was achieved being painted on the east side of the building with red, navy blue, yellow and tan.

Chair Goodpaster stressed the applicant did not follow the Design Guidelines.

Public Comment was re-opened and closed after the applicant Ms. Vreeken agreed to change the colors if needed.

Ms. Sturges disagreed with the red color being acceptable stating that it is not in compliance with the Design Guidelines color code and that it needs to be more of a terracotta shade.

Deputy Town Manager Stueckle suggested that the Planning Commission direct the applicant to work with the Town staff to comply with the Commercial Design Guidelines.

Ms. Sturges moved that the Planning Commission direct the applicant to work with Town staff until determined that the building colors are consistent with the Town's Commercial Design Guidelines. The motion was seconded by Mr. Lombardo. Motion carried 5-0 on a voice vote.

3. DRAFT PLANT PROTECTION AND MAINTENANCE ORDINANCE

Continuation of the discussion of the draft Plant Protection and Maintenance Ordinance.

Associate Planner Kirschmann referenced to the complete printed staff report provided in the meeting packets summarizing the September 29, 2009 Special Meeting of the Planning Commission continuing the discussion of the draft Native Plant Protection and Maintenance Ordinance.

Referring to the consensus reached at the September 22, 2009 Planning Commission meeting:

1. The Commission limited the Native Plant adoption period to 30 days.

2. The Commission determined that the sign and advertising can start in conjunction with the native plant permit submittal.
3. The tagging system as proposed is acceptable.
4. The consensus was to separate infill lots 2.49 acres and less from 2.50 acres and larger.

Mr. McKoy stated that he had no objections to the four pointers of the September 22, 2009 notes.

Mr. Lombardo commented that he liked the sliding scale instead of longer time.

All four Planning Commissioners except for Ms. Sturges agreed with the top four.

Ms. Sturges read a Hi-Desert Star editorial and asked Deputy Town Manager Stueckle what is the loophole the editorial referred to and if it has been closed.

Chair Goodpaster stated that he would like to save as many plants as possible and it not necessarily having to be on that property.

Mr. Lombardo noted that the end result is to see a house with some plants on it with at least minimum number on the property.

Ms. Sturges commented wanting to cross off numbers 1, 2, and 3.

Mr. Lombardo noted separating the infill lots into 3 sections: less than 2.49 acres; 2.5 to 4.99 acres; and 5 acres and larger.

Ms. Sturges requested that Public Comment be taken at this time. Chair Goodpaster stated Public Comment would be addressed after the end of discussion with staff.

The Planning Commissioners discussed water issue and current landscaping regarding commercial projects as well as multi-family water usage reduction and maintenance for native preservation.

Chair Goodpaster recessed the meeting at 8:35 pm. The meeting reconvened at 8:40 pm.

Chair Goodpaster commented 25-50% of the landscape design plants being in water sensitive areas.

Ms. Sturges commented that the State of California is working on a landscape ordinance and the Hi-Desert Water District (HDWD) is working on the Ordinance.

Mr. Kirschmann stated that the State of California is working on an ordinance however the Town staff had been informed by the HDWD that at this point the State does not have plans to review the ordinance and that there are other ways that the cities and municipalities can obtain compliances with the tier water system. Staff is working with HDWD on that and commented that the State's ordinance does not come into effect until January 2010.

Deputy Town Manager Stueckle summarized that the Planning Commission had been discussing commercial and industrial projects establishing a percentage of plants to be in the final landscaping plan for those projects. The percentage that is being discussed is not the percentage of those that existed prior to development but the percentage of the landscaped area must contain 25-50%. Of the 5% mandatory landscaped area, 25-50% of that 5% must be regulated native plants and the 15ft parkway plants.

Ms. Rowe directed staff to bring back to Planning Commission draft incentives for the builder or the commercial owner to increase more than what is stated where it is not mandatory but incentivized.

Chair Goodpaster agreed that it is important to incentivize the process in order to make it conducive to commercial developments.

Deputy Town Manager Stueckle summarized the consensus of the commission that of the 5% onsite landscaping plus the parkway landscaping, a minimum of 25% of that is landscaped with regulated native plants and then if the project proponent goes beyond that, the Planning Commission would like to see the language that provides for incentives in potentially reduced building setbacks, reduced parking requirements, building heights, lot coverage and of those types of approaches.

Staff was directed to include multi family projects of 3 units or more also with commercial and industrial projects being entitlement applications that require Planning Commission site plan and conditional use review as one section when drafting the incentives language.

Ms. Sturges asked staff where the mass grading loophole from the old ordinance was.

Deputy Town Manager Stueckle replied the issue of the land disturbance in the existing code being addressed for example in the commission discussion on establishing a 5% undisturbed area for the 2.5 – 4.9 acre infill and 10% for 5 acre and larger, the commission is addressing the standards the commission would like to see this community establish for a percentage of the projects that are not allowed to be graded.

Chair Goodpaster commented that when dealing with track subdivisions with requirements of roads, curbs and gutters, water retention on those lots, it is virtually impossible to grade most of those type of tracks without grading the whole thing. So if you are looking for plants to be reintroduced onto those lots, there's not going to be in the form of leaving undisturbed areas, it is just about impossible not practical in order to do that. There are certain situations where certain developments have been proposed under the planned developments where they designated certain areas to be undisturbed which they were given (trade off) their ability to their own specific plan. He also stated retaining plants works best when they are undisturbed wanting to incentivize for maximum utilization to keep the native plants in place.

Mr. Lombardo stated he would like to have the minimum requirement to have some plants on the property but to have the number vary if they leave undisturbed areas.

Ms. Sturges commented the property would have to be graded inside for drainage, elevation, and etc. but if there was a 30-40 feet buffer zone around the perimeter it would be able to leave it in place.

Mr. Lombardo encouraged the idea of exchange to leave undisturbed areas of the property that would allow some favorable circumstances in other things.

Mr. Goodpaster commented the discussion was perhaps reducing the minimum lot size in order to accommodate the buffer zone. He is on board with that. Mr. Lombardo agreed.

Deputy Town Manager Stueckle commented increasing the density may create some difficulties because the circulation element is based upon the identified densities as one example. The incentive is to allow for a smaller lot size reducing site development cost by minimizing the area

that is going to be disturbed in return provide it back to the community as the area around the perimeter that is undisturbed for community character.

Mr. Lombardo stated the parameters need to be clear to the developer and what can be changed if they give us more property.

Mr. Stueckle commented the first question would be, do you want to require, or mandate, those types of design treatments like perimeter buffers of new residential subdivisions of 18,000 sf or less. If the answer is now then you would look at incentives.

MS. Rowe questioned where the calculation of lot size changed from net to gross.

Deputy Town Manager Stueckle replied in residential single family (RS) land use districts regardless of the lot size, lot size is determined upon net. RL lots including the smallest RL1, which is 1 acre, is determined by gross size, allowing for those areas within the dedicated public rights of way.

Ms. Rowe asked if that could become a bonus to the RS so they were not based on net lot size.

Mr. Stueckle replied it is possible but whether it is net or gross those are the minimum standards that have to be met on a subdivision. So the lot size in a RS have to meet the minimum of 18,000 sf..

Mr. Goodpaster asked if the Commission wanted to mandate or incentives. Mr. Lombardo commented that he did not want to mandate but to incentivize to get a buy in to give the developer options to preserve undisturbed areas.

Ms. Sturges questioned other recent developments. Mr. Stueckle replied the Commission is discussing mandated undisturbed areas on small lot subdivision. The Commission has not finished that discussion. Staff is hearing incentives and has not heard any direction towards mandating.

Mr. McKoy commented if the incentives are effective enough we won't have to worry about mandating. Chair Goodpaster commented we can accomplish what we need with incentives without putting mandates on it.

Ms. Sturges stated if we don't use the word mandate then how do we accomplish the goal. It would leave too much gray area. The intent is to save the Native Plants and the only way to do that is to leave them in tact. We need a compromise and a buffer zone would satisfy that.

Mr. Lombardo stated we should incentivize to leave an undisturbed area and the more they leave undisturbed the more we are willing to tweak the rules that can be tweaked in exchange.

Mr. Goodpaster suggested that the incentives included in the ordinance for buffer zones would be a certain percentage reduction in setbacks. Mr. Lombardo and Ms Rowe agreed.

The Commission agreed and directed staff to draft language and return to the commission regarding single family residential subdivisions not mandating any amount of undisturbed area but with incentives that would allow potentially smaller lot size, reduced building set back, building height, those typical types of zoning standards as incentives to discourage mass grading and to leave the undisturbed areas as part of the project design.

Mr. Stueckle stated the next question is this direction applicable to the smaller lot residential

subdivisions or does it extend all the way to Hillside Reserve 20 minimum. The Commission created 3 lot sizes this evening for in-fill: 2.49 or less, 5 % for 2.5 to 4.9 and a d 10% for 5 acres and larger. Does the Commission want a different standard for the larger lot areas? On the larger lots the 5 to 15% should be achievable. He referred to a recent subdivision of 1 acre parcels in RL. It would be very difficult to have an undisturbed area on a 1 acre lot.

Chair Goodpaster further stated he would not wanting to mandate on subdivisions of lot sizes smaller than 2.5 acres but in regards to larger lot subdivisions wanting to have discussions on mandating percentages on 2.5 acres or larger for the infill.

Mr. Stueckle restated the discussion as it is not mandated on subdivisions smaller than 2.5 acres. However, the Commission would like to have a discussion bout mandating percentages on lots larger than 2.5 acres. Would the percentages established for in-fill apply.

Mr. Goodpaster replied there is a difference in a subdivision when you have to install roads, curbs & gutters. Above 5 acres it would be a problem to leave some undisturbed land.

Mr. Lombardo suggested from 2.5 to 5 use 5% and a higher percentage for over 5 acres.

Ms. Sturges' concern of requiring transplanting and adopting out the trees was confirmed that it is in addition to the purpose of the ordinance of maximum utilization of native plants.

Mr. Stueckle stated that the Commission agreed this evening that items 1 through 3, consensus was to separate in-fill lots. The smallest up to 2.49 acres would have 5 native plants minimum. 2.5 to 4.9 acres would have 5% of the lot area left undisturbed. 5 acres or more would have a minimum of 10% of the lot left undisturbed. Does the Commission want to go further in mandating what appears back into Commercial, Industrial and Multifamily development projects?

Mr. Kirschmann replied staff notes indicate that a number or percent should go back into the landscaping on Commercial, Industrial and Multifamily of 3 units or more.

Mr. Stueckle commented the Commission determined that 25% percent of the landscaping in the parking lot and parkway planters shall be Native Plants. If they go beyond 25% staff will return with language about incentives to provide for that increased percentage. From a prior meeting SFR have been addressed. Subdivisions of 2.49 acres and smaller are incentive based only, nothing mandated to be preserved. The 2.5 to 4.9 acre lots will have 5% left undisturbed. 5 acres and larger 10% left undisturbed. The Commission requested staff to look very carefully to see if those are achievable.

Ms. Rowe suggested the infill could exactly mirror that with incentives only to get away from a number of plants. Her suggestion is to remove the mandate and make it incentives only. Mr. Goodpaster agreed.

Mr. Stueckle replied staff will be drafting language to look at those other portions.

The Planning Commission directed staff to return with draft revised ordinance language for in fill development to not mandate but to provide incentives to have native plants preserved on lots smaller than 2.5 acre lot projects and to mandate that lots between 2.5 and 5 acres leave 5 percent of the lot undisturbed, while lots bigger than 5 acres should leave 10 percent undisturbed for builders and developers with some sort of incentives to save the plants, such as reductions in set backs or permitting smaller lot sizes in developments.

Chair Goodpaster opened the discussion to public comments.

David Fick, Joshua Tree, commented that the ordinance was getting weakened from 60 to 30 days, to stay with percentages instead of numbers, and his desire to see translocations be kept within the Town for mass scale projects.

Chair Goodpaster closed the discussion to public comments.

Upon discussion, the Planning Commission directed Staff to return with one more draft of the ordinance with the recommended changes to finish discussion and to schedule the matter for Planning Commission Public Hearing.

CONSENT AGENDA:

4. MINUTES –

Ms. Sturges moved to approve the minutes of September 22, 2009 and continue approval of the September 29, 2009 minutes until the next meeting when she has had the chance to review the audio recording along with the submitted minutes. The motion died due to a lack of a second vote.

Ms. Rowe moved that the Planning Commission approve as submitted the minutes of the Regular Planning Commission Meeting held on September 22, 2009 and September 29, 2009. The motion was seconded by Mr. Lombardo. Motion carried 4-0-1 on a voice vote with Mr. McKoy abstaining.

STAFF REPORTS AND COMMENTS:

Associate Planner Kirschmann commented on Mr. Art Miller Jr.'s request for extension of time to remove the free standing sign stating that it is on CalTrans right of way where the applicant is working on obtaining an encroachment permit.

Walmart sign was brought into compliance when it was removed to be painted it for remodeling. Staff has received an application for a new pole sign.

FUTURE AGENDA ITEMS:

Associate Planner Kirschmann stated that an extension of time request on Vickery project on Yucca Trail and Wall Street.

COMMISSIONER REPORTS AND REQUESTS:

Ms. Sturges requested an update on commercial properties that are out of compliance on color coding requirements. Also requested a report on Mesquite 55 as to what actually took place and if there was a bond posted.

ANNOUNCEMENTS:

Chair Goodpaster announced that the next regular meeting of the Yucca Valley Planning Commission will be held on Tuesday, October 27, 2009 at 7:00 p.m.

ADJOURNMENT

The meeting adjourned at 9:42 p.m.

Respectfully submitted by,

Christine E. Kim
Deputy Town Clerk