

**MINUTES OF THE REGULAR MEETING OF THE  
TOWN OF YUCCA VALLEY PLANNING COMMISSION  
7:00 P.M., TUESDAY, JANUARY 26, 2010**

**CALL TO ORDER:** Vice Chair Lombardo called the meeting to order at 7:00 pm.

**SWEARING IN OF NEW PLANNING COMMISSION MEMBER:**

Tim Humphreville was sworn in as a Planning Commissioner by Deputy Town Clerk Jeannie Lindberg and joined the other Commissioners at the table.

**ROLL CALL:** Vice Chair Robert Lombardo and Commissioners Tim Humphreville Dawn Rowe and Margo Sturges were present. Commissioner Dennis McKoy, was excused due to personal business appointments.

**PLEDGE OF ALLEGIANCE:** Mr. Lombardo led the pledge of allegiance

**APPROVAL OF AGENDA:** Ms. Rowe moved that the Agenda be amended to hear Item #2 before Item #1. The motion was seconded by Ms. Sturges and passed unanimously by voice vote of the Commissioners present.

**PUBLIC COMMENTS:** None

**PUBLIC HEARINGS:** None

**DEPARTMENT REPORTS:**

**1A. SIGN PERMIT SP 25-09 CHEVRON EXPRESS LUBE**

With reference to the complete printed staff report contained in the meeting packet, copies of which are preserved in the meeting and project files, Associate Planner Robert Kirschmann presented the project discussion to the meeting. The current business will be changing brands from Texaco to Chevron.

The sign incorporates a 4.48 square foot time and temperature electronic changeable copy component. Section 87.07110 (c)(4) of the Development Code requires that signs which incorporate electronic message boards must be reviewed and approved by the Planning Commission. Section 87.07110 (c)(5) requires that "the electronic message areas shall not exceed 25% of the total sign area of the sign structure it is attached to." The 4.48 square foot electronic component represents 18% of the 25 square foot sign.

Staff recommends that the Planning Commission approves the applicants request to install a 25 square foot monument sign of which 4.48 square feet is electronic changeable copy.

Ms. Rowe moved that SP 25-09 Chevron Express Lube be approved. The motion was seconded by Ms. Sturges and passed unanimously by voice vote of the Commissioners present.

**2. TOWN WIDE DISCUSSION OF TEMPORARY SPECIAL EVENTS (ORD. 100),  
ADDITIONAL USES (ORD. 110) AND DEFINITIONS (ORD. 112)**

With reference to the complete printed staff report contained in the meeting packet, copies of which are preserved in the meeting and project files, Associate Planner Robert Kirschmann presented the project discussion to the meeting. The Planning Commission has been discussing how the Town should regulate the permitting of Farmers Markets and other temporary special events. At the Planning Commission meeting of June 16, 2009 the Planning Commission approved Resolution PC 09-02. At the Town Council meeting of June 23, 2009, Resolution PC-09-02, identifying changes to Ordinance 100, Temporary Special Event Permit, Ordinance 110 Additional Uses and Ordinance 112 Definitions, was ratified by the Town Council.

Staff has reviewed the Resolution and made changes to each of those ordinances with minor additions. ORD 100 – Temporary Special Events, was modified to include art shows, car shows and farmers markets in the table. A longer time period has been allotted for farmers markets, allowing for 2 events per week and the permit is good for a year subject to annual review and approval. In ORD 110 reference to farmers markets was eliminated and a remnant section from the County Code was deleted. A definition of certified farmers markets was added to ORD 112.

Staff recommends that the Planning Commission review and discuss the information provided regarding desired changes to Ordinance 100 Temporary Special Event Permit, Ordinance 110 Additional Uses and Ordinance 112 Definitions and that the Planning Commission set a public hearing for the February 9, 2010 Planning Commission meeting.

Ms. Rowe suggested that the Maximum number of events per year for fairs, concerts, parades, exhibits, festivals, art shows, car shows, street fairs or similar events be changed to 12 per year. That would allow an art show to be a monthly event, possibly with a farmers market. Mr. Kirschmann replied it would be at the Commissions discretion. There was no particular reason to set the maximum number at 10.

Ms. Sturges agreed stating car shows may also want that.

Mr. Humphreville questioned the permit fees. Mr. Kirschmann replied there is a fee schedule in effect that was adopted by the Town Council.

Ms. Sturges commented there may be a typo on P97 under Certified Farmers Market: produces should read producers. She asked staff to look at it and make any appropriate correction. She also questioned more than one organization applying to have an art show on the same day or month.

Deputy Town Manager Shane Stueckle replied this ordinance does not regulate who or at what interval or at what location. Any individual would be eligible to apply and conflicting dates are not regulated. Staff will look at the code to determine if changes need to be made to allow other events to occur simultaneous with farmers markets. Both events could be covered by one permit with one fee. If they are separate events they would require separate permits and fees.

Mr. Humphreville asked if the fees apply if the event is on private property. Mr. Stueckle replied those activities can draw large numbers of people which create traffic, parking, safety and other issues which must be addressed. Some types of events must enter into a contract with the Sheriff's Dept. for police protection or security for the event. This approach is standard and the issues must be evaluated.

Ms. Sturges questioned a simultaneous farmers market and parade. Mr. Kirschmann replied they would be separate events because the parade would be on the streets and there would be traffic

issues.

Ms. Rowe moved that the table be amended to read 12 events maximum per year and a public hearing be scheduled for the February 9, 2010 Planning Commission meeting. The motion was seconded by Ms. Sturges and passed unanimously by voice vote of the Commissioners present.

## **1. DRAFT PLANT PROTECTION AND MANAGEMENT ORDINANCE**

Deputy Town Manager Shane Stueckle reported that staff would briefly describe all the sections of the proposed ordinance and requested that the Commissioners then discuss the ordinance section by section providing direction to staff.

With reference to the complete printed staff report contained in the meeting packet, copies of which are preserved in the meeting and project files, Associate Planner Robert Kirschmann presented the project discussion to the meeting. The ordinance has been revised to include the direction of the Planning Commission from its meetings of September 29, 2009 and October 13, 2009. Several modifications were recommended at that meeting which have been made and include:

- The draft ordinance has been revised to separate new Commercial, Industrial and Multi-family Residential development projects from Single Family Residential subdivisions.
- Language has been added to the ordinance addressing a minimum 25% native vegetation to be incorporated into the landscape design of Commercial, Industrial and Multi-family Residential projects.
- Incentives have been included for those projects which exceed 25% of native plants incorporated into the landscaping allowing for a 10% deviation from certain development standards identified in the draft ordinance in Tables 2, 3 and 4.
- A requirement has also been added that all Joshua Trees proposed for transplantation, relocation or adoption shall be relocated through an adequately sized tree spade. This addition has been included based upon information that indicates survivability of Joshua Trees is increased through the use of a tree spade in comparison to "bare root" transplanting techniques.
- The draft ordinance separates residential subdivisions based upon lot sizes up to 2.49 acres where no undisturbed areas are required to remain on those subdivisions. For subdivisions of 2.5 to 4.99 acres a minimum of 5% of the lot area shall remain undisturbed. For subdivisions of 5 acres and greater a minimum of 10% of lot area shall remain undisturbed.
- An approach similar to Commercial, Industrial and Multi-family Residential has been taken with residential subdivisions allowing for incentives to encourage additional areas to remain undisturbed. For those projects which exceed the minimum standard required for remaining undisturbed areas, a 10% deviation from certain development codes is allowed as identified in Tables 6 and 7 within the draft ordinance.
- Single-family Residential in-fill and existing Single-family residential properties are identified within their own section of the draft ordinance. The application and review process has been simplified for these property owners. There is no mandatory adoption period nor is there a mandatory requirement to transplant or relocate regulated desert native plants proposed for removal. Making regulated desert native plants available for adoption is at the option of the property owner.
- A similar approach has been taken for Single-family Residential in-fill and existing

Single-family residential properties through the use of incentives by providing a 10% deviation from certain development code standards as outlined in Tables 9 and 10 of the draft ordinance.

The Purpose and Intent section has not changed since the October meeting. It establishes the standards, criteria and permitting process for retention, adoption, and transplantation of regulated native plants, providing consistency in application of these standards across all land use districts and protecting the plants from indiscriminant removal to promote and retain the community character.

The next section lists the native plants and since the last meeting yucca whipplei has been added to the list. A letter from the Summertree Institute, copies of which are preserved in the meeting and project files, was distributed to the Commissioners which recommends additional plants be added: Desert Willow with trunks larger than 6 inches in diameter, Beavertail Cactus, Mojave Indigo Bush and Scrub Oak. The letter also requests that Creosote bushes with rings 5 feet or larger as measured from the outermost branches to the ground also be added to be protected. Current protected ring width is 10 feet.

The Ordinance next addresses the Scope, prohibited activities including commercial harvesting and permit requirements. The Exceptions are largely unchanged from the current ordinance. The next section establishes when a permit is required and what needs to be included on the survey.

The meat of the ordinance starts with Section 89.0105 where regulations for new commercial, industrial and multi-family residential development projects are established. Single family subdivisions have been separated from this section. A note has been added stating all Joshua Trees identified for adoption will be transplanted using an adequately sized tree spade. The adoption period was discussed at the last meeting and has been changed to establish a 30 day adoption period with a 30 noticing period prior to the adoption period for a total of 60 days for the adoption program. The plant tags remain unchanged. A requirement was added for the incorporation of 25% native vegetation into the projects landscape design either from on-site or a nursery. Projects that exceed the 25% by a minimum of 10% will be allowed up to a 10% deviation in standards. A table is included in the ordinance which shows existing setbacks and allowed deviations.

Mr. Stueckle stated, as established in earlier meetings, in the commercial, industrial and multi-family land use districts it is understood with this ordinance those projects are developed lot line to lot line and no regulated desert native plants will remain in its original location. The goal is education, encouragement, adoption or transplantation back on site. Some native plants may remain in phased projects or with a small development on a large property.

Mr. Kirschmann continued stating removal procedures for all new residential subdivisions are established. Lot sizes up to 2.49 acres have incentives only. 2.5 to 4.99 acres are required to leave 5% of the lot undisturbed. 5+ acres are required to leave a minimum of 10% undisturbed.

A chart was omitted from this section and the In-fill section pertaining to Rural Living being separated from Rural Hillside land uses. Table 6 is the standards for Rural Living. The Rural Hillside Reserves will have a 75 foot setback on all sides. A deviation of up to 10% will be allowed in both land uses.

Mr. Stueckle commented for subdivisions up to 2.49 acres, there is no requirement or expectation that any native plant will remain in its original location based upon prior Commission

discussion of topography, drainage and other issues. Ms. Sturges asked if a perimeter or buffer was required. Mr. Stueckle replied they are not required on parcels of those sizes but they are encouraged through incentives.

Regarding single family residential in-fill and existing single family residences, structures like swimming pools, play areas, RV parking and others are addressed. Printed photos and plot plans are required but the permit can be issued over the counter. Property owners may adopt out the plants or retain as many as possible but that is not required. The same lot sizes and deviations from standards as in the subdivisions apply to this section. The Rural Hillside Reserve chart also needs to be included in this section.

The next section describes the regulated desert native plant adoption program. The adoption period and noticing and report requirements are established. The size of the onsite signs has been increased to 24 by 36 inches and the necessary language is defined. Maintenance of regulated desert native plants is also addressed including; how the plants will be cared for on site including stockpiling, location, watering, trap fencing required and other issues. The final section pertains to construction standards which remains largely unchanged.

The expectation is that this ordinance will be largely based on education of the importance of the plants. There is no requirement for a native plant expert. Hopefully this ordinance will provide a clear and understandable regulation for the Commissioners, the community and staff.

Mr. Stueckle encouraged the Commission to begin with the purpose and intent and to discuss each section, asking questions and requesting changes section by section.

At the suggestion of Ms. Rowe, the discussion was opened to public comments.

Robin Kobaly of the Summertree Institute in Morongo Valley commented it is a complicated process when you have a lot of plants that each have different requirements and can withstand different transplanting situations. She does not believe the ordinance can be successfully managed without a native plant expert. A lot of people couldn't even identify the plants on the list. She understands that many if not all the native plants may have to be removed for projects. That underscores the need for time, consideration and really good techniques for adoption and transplanting. Even 20 foot Joshua Trees can be successfully transplanted with a 94 inch spade. Spades that large are available from outside of Town. Since some development has to be lot line to lot line, it is imperative that we have a strong transplantation and adoption program. She offered Summertree's assistance in developing a manual. She recommended additions to the list of regulated plants because they are the plants she considers the cornerstones of the population that support the reproduction of some of the iconic wildlife. As stabilizers for the whole community they are the most important plants to be added.

Mike Hildebrand of Yucca Valley stated he was arrested for taking down 2 Joshua Trees. He is a builder/developer/contractor and this was all new to him. He went through the process and had to pay a \$2,000 fine to the city, which he did so he could build his house. He understands wanting to keep the look but you also have to understand the city has to work with developers if you want development. The entrance to Yucca Valley is ugly because of all the Joshua Trees on stilts there that are dying. A lot of money was spent there that could have gone into education. Having Mr. Humphreville on the Commission will help the community because he understands building and growth. In the lower desert you can just tear out the desert, up here you can't. The Town has always worked with him to resolve issues. Instead of transplanting the builders and developers should be charged a fee to remove them.

Mr. Lombardo closed the discussion to public comments.

Ms. Sturges stated we are doing this because we have a General Plan which includes an element on biological resources to retain the rural character of the Town. That is the blueprint for the Town and we are supposed to follow it until it is revised. The Joshua Tree woodlands were identified as the predominant plant community in the General Plan study area and is a State designated "community of highest inventory priority." In 1995 they already said the mortality rate is to exceed 50% because it is very difficult to transplant Joshua Trees. The goal is to keep them in place and anything we come up with has to be in line with the General Plan.

#### 89.0101 Purpose and Intent

Ms. Rowe commented the existing "Intent" talks about balancing the need to keep our desert characteristics in conjunction with private property rights. She would like to see language included that states: "This intent and desire shall be balanced against the community's need for growth and the development rights of individual property owners. To achieve this preservation and protection while protecting both the property rights of property owners and the community's desert environment." We all moved here for different reasons and with different expectations for our properties. The above language would provide balance. Otherwise the Intent is great.

Mr. Humphreville commented he agrees the Intent is good but it should state the need to have a balance and reasonable process. He likes that the revision is education based.

Ms. Sturges agreed it has to strike a balance with growth. This "Purpose and Intent" has been diluted from the old ordinance which was an educational statement. We should put the emphasis on the plants being a natural resource and a desired element for the Town.

Ms. Rowe stated part of the purpose for this revision was to simplify the ordinance process in general. She is ok with the Intent as long as we add just a balance of growth and property rights. Ms. Sturges agreed to add that language as long as a sentence stating we cherish these native plants is also added.

Mr. Stueckle commented staff could craft some language to comment on the value of the biological resources to the community and community character which would catch the language from the General Plan referenced this evening.

Consensus was that staff would draft language to include both issues and bring it back to the next hearing.

#### 89.0102 Regulated Desert Native Plants

Mr. Lombardo requested discussions of the suggested additions to the native plant list.

Mr. Humphreville stated he does not mind adding the plants. Scrub Oak and Pinyon Pine are not transplantable but this is not a requirement but a recommendation to preserve if possible.

Ms. Rowe stated she would like to see them added but would also like to see clarification added to better explain what is meant by Creosote bushes with rings of 5 feet or greater by including the following language at the bottom of the list: "5 linear feet in any direction of outermost branches arising at ground level". Ms. Sturges agreed with this suggested language and to the addition of the plants and decrease in the size of the creosote ring.

Mr. Lombardo stated we have reached consensus in adding the Desert Willow, Beavertail Cactus, Scrub Oak and Mojave Indigo Bush to the list and decreasing the creosote ring size to 5 feet.

#### 89.0103 Scope

Ms. Sturges questioned the meaning of subsection (a) (2) where it states: It is unlawful for any person to falsify any document offered as evidence of permission. She asked how it is unlawful and if there is a penalty. Mr. Stueckle replied those issues are not addressed in this ordinance.

That language insures that staff is reviewing application materials and that the property owners signature, representative signatures, etc. are on applications. What would come out of that process would be completely up to legal counsel. Potential litigation would be at Town Council direction.

Regarding subsection (b) – Exceptions, consensus of the Commission was that the only change was to replace the “Town of Yucca Valley” with “Planning Division in (3) and (5).

89.0104 Permit Required - Consensus of the Commission was to accept the section as written.

89.0105 Removal Procedures – New Commercial, Industrial and Multi-family development projects.

Ms. Rowe commented she does not remember the Commission requiring the use of a tree spade for all Joshua Trees. Mr. Stueckle replied that is correct, staff added that language based upon scientific information received that if transplanting and survivability is the goal through the educational process the use of a tree spade is highly recommended. That language is staff’s recommendation in terms of the desired outcome of this code.

Ms. Rowe asked if the scientific information was balanced against the cost to the developer. Mr. Stueckle replied that is completely a Commission discussion.

Mr. Humphreville stated he placed calls to 4 tree companies and 1 returned the call. He questioned the cost of using a tree spade and after ten minutes of discussion could not be given even a price per hour. He can’t tell you how much it will cost to use one. His stated he knows from experience that a tree spade is not necessary when Joshua Trees are in the range of one to three feet tall. His concern is for trees 15 feet and larger. The tree company representative stated 14 feet is pushing safety for him and 15 feet was out of the question for him and he has the only tree spade in Town.

Ms. Rowe stated she has heard up to \$900 per tree. Ms. Sturges and Mr. Lombardo commented approximately \$300 to \$400 per tree.

Ms. Sturges commented this is why we need a plant expert to determine which trees require a spade. She believes another tree person in town has a spade. She asked Mr. Humphreville how he moved the smaller trees.

Mr. Humphreville replied they use a backhoe and leave as much of the soil around the tree as possible. All of the soil does not stay on but it is not bare rooted. North/south alignment is marked so the tree is planted in the same way and it is a very simple process. Soft straps are

used to support the branches. He has had more success with watering them heavily for the first few weeks. If at all possible he does not stockpile the plants but transplants them immediately to the new location. The 1 and 2 foot trees can be moved with a shovel.

Ms. Rowe stated she would like to see the use of a spade removed from the ordinance because of the cost to the developer. It could be encouraged at the counter by the staff. If we truly have people who want the trees she could see someone volunteering the spade.

Ms. Sturges stated if it isn't in the ordinance they won't do it. Certain trees require a spade but we don't have to require it for the small trees. We want to make sure that they survive.

Mr. Humphreville stated the other issue is the different types of soil we have. A tree spade won't work in most of Western Hills because of the rocks. In caliche soil they have to jackhammer the plant out which is no different than a backhoe.

Mr. Lombardo asked if the ordinance could be written so that the use of a tree spade is strongly recommended. Mr. Stueckle replied using "encouraged or recommended" without making it mandatory is a very common approach.

Mr. Humphreville stated education and a hand-out would be very important and helpful when developers come in from out of the area.

Ms. Rowe questioned having an incentive if the developer went thru an educational process since we can't use the impact fees.

Mr. Stueckle replied additional language that says: "To obtain the incentives available to the different zoning districts, not only do you have to meet the standards but you also have to go through an educational process." The education portion would be mandatory for those incentives to be available. "

Ms. Rowe commented we would have to find out how often those classes are offered, hopefully as frequently as need be. She would not like to see development halted because they were only offered quarterly. Most builders and developers want to preserve if they can.

Mr. Humphreville stated most of the local developers already have a good idea of how to transplant the trees but would probably be willing to go to training or read information about it.

Mr. Stueckle asked if subsection (b)(7) would be deleted. Ms. Rowe stated she would like to see it reworded to encourage use of a tree spade. Ms Sturges agreed stating we should keep it in but modify the ordinance.

Consensus was to incorporate education about transplanting techniques into the incentives and to encourage use of a tree spade.

Ms. Sturges questioned the time periods in the Adoption Program. Staff clarified that the Adoption Program is made up of a 30 day Noticing Period followed by a 30 day Adoption Period for a total of 60 days. The Noticing Period can be longer but in no case shorter than 30 days. The 30 day Adoption Period may be shortened only if all available plants have been adopted in less than 30 days, in which case the development project may move forward sooner.

Ms. Rowe requested and received confirmation that if a project in this classification exceeds the required 25% of native vegetation by 10% then the project is allowed all of the deviations

included in Table 2.

Mr. Humphreville asked if the Town would provide the plant tags. Staff replied that could be spending public funds on a private project. Ms. Sturges suggested sample tags be made available. Mr. Lombardo commented he is not sure providing the tags is a Town responsibility.

Mr. Stueckle commented the goal of the tag system is so that individuals interested in adopting a plant can see what plants are available. The concept is to use simple construction tape/ribbon in those colors. Having a public agency provide the tags can create the misperception that the tags may be numbered and that staff will track the tags by tree and project which can make the process more complex. The approach in this ordinance is to be simple through education, encouragement and incentives.

Consensus of the Commission was to make no changes to the tags section.

#### 89.0106 Removal Procedures for All New Subdivisions

Mr. Stueckle commented staff will assume the same changes will be made in this section regarding the use of a tree spade, the additional table and the education/training class incentive.

Ms. Sturges commented they did not have a discussion about the Rural Hillside Reserve (RHR) and now it is going to have its own table. She requested a brief description of the RHR.

Mr. Kirschmann replied it is a SFR land use district with larger lots, typically 20+ acres, with larger setbacks of approximately 75 feet on all sides. It allows for animal keeping with increased densities. RHR can be subdivided to a minimum of 20 acre lots.

Mr. Stueckle commented the Commission had prior discussion which led to Table5 in item (g) regarding 5 acre or larger lots and established a minimum 10% of undisturbed areas for preservation in those parts of the community. The undisturbed area can be a perimeter or anywhere on site.

Ms. Sturges asked if there is any way to prohibit the undisturbed area from being an un-buildable area. Mr. Stueckle replied there is nothing in the current ordinance that gets into those kinds of specifics. The community has such varying terrain, topography and other physical constraints that those will be looked at case by case. The Commission has seen in recent projects that the steeper terrain areas which are more difficult and more costly to develop are the areas proposed for preservation by clustering the density outside of those areas and preserving those areas as no-build areas.

Consensus was to add the table and make the spade and educational component changes from the prior section.

#### 89.0107 Single Family Residential (SFR) In-fill and Existing SFR

Mr. Humphreville requested and received confirmation that the setback percentages are included as before.

Ms. Sturges questioned the lack of a requirement to save any plants. Mr. Lombardo replied for

lots this small there is no mandate to save plants but they are encouraged to save plants and have undisturbed areas for which they will have incentives.

Consensus was to make no changes to this section.

#### 89.0108 Adoption Program

After discussion, consensus was that language should be added to item (a) to clarify that the Adoption Program is made up of a 30 day Noticing period and an Adoption Period not to exceed 30 days for a total time period not to exceed 60 days. The Adoption Period can be less than 30 days only if all available plants have been adopted in less than 30 days.

Mr. Lombardo requested discussion of the report required in item (f). Ms. Rowe asked if it is feasible to ask the developer to track every plant and the conditions under which it was stockpiled or transplanted for plants going off-site. Mr. Lombardo asked if the plants are staying on-site is the report still required.

Mr. Stueckle replied the language states for all transplanted regulated desert native plants on-site and off-site within the Town limits, which staff believes was the final consensus of the Commission.

Ms. Sturges stated if we don't have a report how are we going to know how the plants are doing. If we have a report that shows transplanting isn't working then we can scrap the requirement. We can learn from the report. Mr. Lombardo agreed that the report is important.

Ms. Rowe questioned how the data can be collected from individual private property owners. She also commented the language in (f)(3) is vague. Mr. Stueckle stated staff would be comfortable with removing that language.

The Commissioners discussed the difficulties with collecting the data to be included in the report and possibly collecting and refunding a fee of from \$50 to \$100 for the report. Ms. Sturges suggested the report could contain a check box to note that the property owner refused admission to their property. Mr. Stueckle stated staff will need time to consider the alternatives and bring back suggested language at the next hearing.

Ms. Sturges was in favor of requiring the report but possibly adding a time limit. Ms. Rowe preferred that the report be voluntary. Mr. Lombardo suggested the report only be for those plants kept on the property.

Consensus was that the one report shall be required after one year, be limited to those plants kept on property and is the responsibility of the developer.

Ms. Rowe stated she thought the Commission had reached consensus that it was not necessary to publish a notice in the newspaper and that on site signage, handouts at the counter and a notice on the Town website was enough notice. Mr. Humphreville stated the radio could also run a notice as a public service announcement.

Ms. Sturges stated it should be in the newspaper but does not have to be a large ¼ or ½ page ad. A lot of people take the newspaper and read the public notices. The ad could refer people to the Town website.

Mr. Lombardo commented if it is available on the Town website that should be sufficient. People who want plant will know about that.

Mr. Stueckle replied the adoption program is communicated/coordinated by Town staff. The list of adoptees and adoptors will be a merged document and traded between the two groups. It would be very easy to create a space on the website where that information could be available.

Mr. Lombardo suggested that the Notice Required section (1) (A) through (D) be deleted. The other Commissioners agreed. Section (f) (3) was also removed from the ordinance by consensus.

Mr. Lombardo recessed the meeting at 9:00 pm for a short break. He reconvened the meeting at 9:10 pm.

The Commission continued the discussion with item (g) - On-site Signage Required. Consensus was that there were no changes required to this item.

Regarding item (h) – Adoption, Transplanting and Maintenance of Regulated Desert Native Plants, item (E) was deleted by consensus of the Commission. No other changes were made to the item.

Regarding item (i), Mr. Humphreville asked why a Plant Expert is referenced. Mr. Kirschmann replied this item is not requiring a Native Plant Expert. The item states that the standards shall apply unless it is otherwise approved by an Expert. If a developer did not want to do trap fencing they can get a Desert Native Plant Expert to say it is not necessary and it won't be required based upon the Expert's decision.

Consensus of the Commission was no changes are required to this item.

## Chapter 2 – Riparian Plant Conservation

Mr. Stueckle commented the Commission has not discussed this chapter which states that those areas within 200 feet of a blue line stream as indicated on the USGS Quad Maps would be reviewed much more carefully because those areas are identified as containing more resources. Interfering with blue line streams requires permits from the Corps of Engineers. This section specifically states: except as otherwise provided, removal within 200 feet of those areas shall be subject to a native plant permit in accordance with Chapter 1 of this Division.

Mr. Lombardo asked if that is 200 feet on either side of the stream or 100 feet on either side.

Mr. Stueckle replied this language is a carry over from the County Code.

Mr. Humphreville replied it is typically 100 feet on each side of center of the stream.

Mr. Lombardo stated that should be made clear in the wording in the ordinance.

Ms. Sturges asked if these areas would be considered wildlife corridors.

Mr. Stueckle replied it could be. The Morongo Basin Open Space Group has been working on their planning efforts for wildlife corridors. Once those are finalized, and as the Town is updating the Development Code, the Town may choose to add some special designation to

those specific wildlife corridors. Those may be the same as the blue line streams in some situations, or they may be different. The Commission will be addressing wildlife corridors over the next year.

Consensus of the Commission was to make no changes in the Chapter other than the recommended definition of the 200 feet.

### Chapter 3 – Enforcement

Mr. Stueckle commented this section identifies who can be authorized to enforce the provisions of this chapter. The penalties come straight from the standard language for violations in the Development Code. Item 89.0302 (b) discusses other penalties the Town may require when regulated desert native plants have been removed without a permit. The Town may require a desert native plant expert to develop or implement a replacement program. In that effort the expert would determine the appropriate number, size, species, etc. This is a part of the County Code that has not been modified. Item (c) states upon conviction of violation of this Division, all Regulated Desert Native Plant removal permits issued shall be revoked and no new or additional removal permits shall be issued to the permittee for a period of one year.

Mr. Lombardo asked the Commissioners if 1 year is an appropriate amount of time. Ms. Rowe replied stiff penalties are good. Ms. Sturges replied a person can become a corporation so it may not be enforceable but the 1 year is good. She asked if the penalties were established in 1995.

Mr. Stueckle replied the penalties here are the standard penalties imposed for a misdemeanor conviction of the Development Code. While the Town may write a citation, the fines are taken out of the Town's hand as the citation moves through the Court system and are left up to the judge or jury.

Ms. Sturges requested that staff look at the fines to be sure they are set at 2010 levels since the current ordinance was signed in 2003. Mr. Stueckle replied staff would be happy to look at it but he believes it is consistent with the current bail schedule.

Ms. Sturges asked if the language could be written so the fines are automatically adjusted. Mr. Stueckle replied those types of schedules are usually set either by the County or State based upon the Court system, but staff will check and bring it back at the next hearing.

Consensus of the Commission was to make no changes to the Chapter other than the adjustment to the fines, if necessary.

Mr. Stueckle stated that concludes the review of the ordinance this evening and requested action by the Commission to schedule the public hearing to take public testimony and hopefully forward the ordinance to Town Council after that hearing.

Ms. Rowe moved to amend the ordinance as discussed at this meeting and to set the public hearing for the Planning Commission meeting on February 23, 2010. The motion was seconded by Ms. Sturges and passed unanimously by voice vote of the Commissioners present.

**5. CONSENT AGENDA: MINUTES -**

Mr. Humphreville moved to approve the consent agenda containing the minutes of the regular Planning Commission meetings held on October 13, 2009 and January 12, 2010 as submitted. The motion was seconded by Ms. Rowe and passed unanimously by voice vote of the Commissioners present.

**STAFF REPORTS AND COMMENTS:**

Mr. Kirschmann reported building & grading permits were issued to the Arco AM/PM and the CarQuest building this week. Native plants will begin to be removed from the Arco site on Monday.

Mr. Stueckle reported Burrtec has been working on a new proposed site for their facility and an appointment has been set for next week to discuss a possible application.

**FUTURE AGENDA ITEMS:**

Mr. Kirschmann reported the public hearing for Development Standards and Farmers Markets has been set for February 9, 2010, and Commercial Design Guidelines is also on that agenda. The proposed agenda for February 23, 2010 includes Native Plants and the Active Projects update.

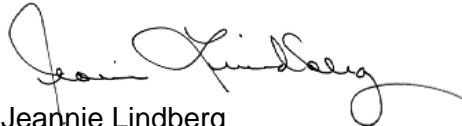
**COMMISSIONER REPORTS AND REQUESTS:**

Ms. Sturges commented she appreciated the update on the residential project and asked if a similar report on commercial/development development would be available. Mr. Kirschmann replied the report presented at the last meeting contained commercial/industrial development. There just isn't much residential going on.

**ANNOUNCEMENTS:** Mr. Lombardo announced that the next regular meeting of the Yucca Valley Planning Commission will be held on Tuesday, February 9, 2010 at 7:00 p.m.

**ADJOURN:** The meeting adjourned at 9:30 pm.

Respectfully submitted by,



Jeannie Lindberg  
Administrative Assistant III