

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

APRIL 13, 2010

Chair Lombardo called the regular meeting of the Yucca Valley Planning Commission to order at 7:05 p.m.

Commissioners present: Chair Robert Lombardo, Commissioners Mike Alberg, Tim Humphreville, Dawn Rowe and Margo Sturges

Chairman Lombardo led the Pledge of Allegiance.

APPROVAL OF AGENDA:

Ms. Rowe moved that the Minutes be pulled from the Consent Agenda to be Item #1 and the Agenda be approved as amended. The motion was seconded by Mr. Humphreville and passed unanimously by voice vote.

MINUTES:

Ms. Sturges read a statement which commented on her preference for the amount of detail to be included in the meeting minutes.

Mr. Humphreville questioned what normal minutes are for other commissions. . Ms. Anderson replied the Town Council ordinance requires summary minutes that report the actions taken.

The Commission discussed available technology to record and transcribe minutes, the videotaping of Town Council meetings which records all details of the meetings, and the level of detail required in the Planning Commission minutes. Ms. Rowe moved that the minutes of the March 9th and 23rd meetings be approved as submitted. Mr. Humphreville seconded the motion. Motion carried 4-1 on a voice vote with Ms. Sturges voting no.

PUBLIC COMMENTS:

Bill Horne of Yucca commented on historical and current water recharge to the Warren Valley Basin, and questioned a comment attributed to him in the minutes of the last meeting.

David Mahaffey of Yucca Valley presented copies of information to the Commissioners about the Town, the water district and the public including documents which he said contain information about websites and nitrate removal onsite type systems which are inexpensive and go along with a public program rather than governmental solutions.

PUBLIC HEARINGS:

- 1. DEVELOPMENTS CODE AMENDMENT, DCA 01-07, NATIVE PLANT ORDINANCE, ENVIRONMENTAL ASSESSMENT, EA 02-10, AN ORDINANCE OF THE YUCCA VALLEY TOWN COUNCIL REPEALING AND REENACTING IN ITS ENTIRETY DIVISION 9 OF TITLE 8 OF THE SAN BERNARDINO COUNTY DEVELOPMENT CODE AS ADOPTED AND AMENDED BY THE TOWN OF YUCCA VALLEY.**

Continued from the meeting of March 9, 2010: A Request that the Planning Commission discusses the proposed amendment to the Plant Protection and Management ordinance and forwards a recommendation for approval to the Town Council.

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. he reviewed changes requested by the Commission to the draft native plant ordinance at the last meeting, and compared the current Ord. 140 to the proposed draft ordinance.

At the conclusion of the presentation he stated the recommendation this evening is that the Planning Commission recommends adoption of a Negative Declaration for EA 02-10 and approval of DCA 01-07, repealing and reenacting Division 9 of Title 8 and forwards that recommendation to the Town Council. Staff requested discussion by the Commission of the "Report Required" provision of the draft ordinance on P45 of the meeting packet. A request was received from a Commissioner that the language be changed to read: A developer is required to do a report for all plants transplanted on site, and the adoptee is required to do a report for any plants adopted off site.

Ms. Rowe stated a request has been received from Robin Kobaly to combine her 3 minutes of public comments time with Mr. Branning's time. Mr. Lombardo opened the public hearing to public comments.

Robin Kobaly of Morongo Valley, speaking on behalf of the Summertree Institute, addressed the list of plants on the protected list, specifically Cholla and its use by the cactus wren. Transplanting live Cholla and other similar plants, with their living micro-rhizole root partners, can help re-vegetate deprived or denuded soil. This information is presented for consideration of protecting Cholla over 3 feet tall.

Mike Branning of Yucca Valley discussed his collection of signatures on a petition in support of a viable protective native plant ordinance and the successful relocation of 100% of all the viable Joshua Trees, Yuccas and cactus from the Warren Vista shopping center site. Referencing a PowerPoint presentation he described the proper procedures for successfully using a tree spade to transplant Joshua Trees, including the root ball. He stated Yuccas can be bare-rooted and moved with a backhoe, but Joshua Trees will not survive; and, 75 Joshua Trees and 15 Yuccas were moved in 6 days.

Claudia Sall of Pioneertown requested that loopholes be closed and the requirement to use a tree spade be included in the ordinance. Conserving water through the use of native plants makes sense.

Mike Poland of Yucca Valley is in favor of the draft plant ordinance. He encouraged the Commission to look at the ordinance in terms of set-backs. Through a variance for setbacks he was able to leave 50% of the property untouched.

Charlyne Connors requested in writing that her position in favor of saving all native plants possible with sensible growth be recorded but she did not wish to speak.

Isaac Hagerman of Yucca Valley is for property rights but does not want to blade lot line to lot line, stating developers or private property owners are taxed again to give

something away. He asked the Commission to come up with a reasonable ordinance that respects property rights.

Ramon Mendoza of Yucca Valley commented on property rights, the privilege to build, maintaining quality of life variables, ecosystems and protecting the life force through open spaces.

David Mahaffey of Yucca Valley supports the Commissioners, commented wastewater can enhance this and cactus are good fire protectors when they are wet.

Lorraine Turk of Joshua Tree applauded the progress made, supports having the chollas go to the park and wildlands and the use of a tree spade.

David Fick of Joshua Tree stated spading is 8 times more effective than backhoes, to step away from that is a mistake, the incentive program should be a cash value assigned to Joshua Trees at twice as much to destroy as to move, and an expert should be involved.

Danny Sall of Pioneertown was involved in transplanting Joshua Trees to burn areas, 100% those moved by a spade survived and 70% of them bloomed, about 50% of those moved by backhoe survive, and aftercare is important.

Jude Salomar of Yucca Valley discussed the collection of 550 signatures of basin residents who are passionate about trying to save our natives.

Mr. Lombardo closed the hearing to public comments.

Mr. Kirschmann briefly discussed and reviewed the Power Point presentation, specifically plant tags, report required, definition of "undisturbed", minor trenching for utilities and the developer being responsible for the cost of the movement of adoptable native plants.

Ms. Rowe discussed her suggestion that language stating "The developer is required to do a report for all plants transplanted on site, and the adoptee is required to do a report for any plants adopted off site..." for clarification. The Commissioners discussed the suggestion and consensus was that the language addition is more precise for section (i) on P45.

Regarding the Cholla issue, Mr. Humphreville suggested information be included in the education portion but not mandated. The ordinance includes incentives for setbacks.

Ms. Rowe discussed mandated education, that this is an incentive based ordinance to balance against property rights, and questioned the integrity of the names on the petition.

Ms. Sturges discussed the Cholla issue, the list of protected plants, a document in the meeting packet from Ed LaRue, and the CA Desert Native Plant Act.

Mr. Alberg questioned inclusion of all the plants protected by the CA Desert Native Plants Act in the draft ordinance. Mr. Stueckle replied the community has the right to establish its own standards which is the purpose of this process noting the CA Desert

Native Plans Act applies to commercial harvesting.

The Commission discussed including Cholla in the education portion, on the plants to be adopted list and encouraging that they be offered for adoption or transplanted on site but not mandating that. Consensus was to add item (f) to the Definitions in Section 89.0708 regulated desert native plant adoption program to read as follows: "Benefits and importance of Cholla, other cacti and other non regulated desert native plants to the community."

Mr. Lombardo and Ms. Rowe commented on the importance and value of native plants, not grading the entire lot, that some lots will not have many plants saved due to fire and other regulation and issues of in-fill development.

Ms. Sturges, Mr. Alberg and Mr. Lombardo commented on a draft ordinance prepared by Hogle-Ireland and its value to the discussion.

The Commission discussed the presentation and requiring the use of a tree spade where appropriate. Consensus was to not mandate the use of a tree spade. It was noted that the draft ordinance includes language to strongly encourage the use of an adequately sized tree spade.

Ms. Rowe moved that the Planning Commission forward a recommendation to the Town Council for adoption of a Negative Declaration for EA 02-10 and approval of Development Code Amendment 01-07, repealing and reenacting Division 9 of Title 8 (Plant Protection and Management) and forward that recommendation to the Town Council. The motion was seconded by Mr. Humphreville and passed unanimously by voice vote.

The Commission discussed sending a representative from the Planning Commission to the Town Council hearing to answer any questions the Council may have about the Native Plant Ordinance. Staff commented, in the ordinance establishing the Planning Commission, the Chairman is named as the spokesman for the Commission before the Town Council. The Chairman may appoint another Commissioner to speak. Mr. Lombardo commented he may not be available but that Commissioner Rowe has agreed to appear in his place if necessary.

DISCUSSION ITEMS: None

STAFF REPORTS AND COMMENTS: None

FUTURE AGENDA ITEMS: Staff reported the first meeting in May of the Commission is cancelled. A public hearing for a proposed subdivision and planned development will probably be scheduled for the second meeting in May.

COMMISSIONER REPORTS AND REQUESTS:

Ms. Sturges requested that fewer initials be used in staff reports.

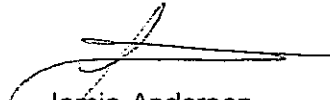
Ms. Rowe requested future discussion regarding how the minutes are to be prepared.

ANNOUNCEMENTS: None

ADJOURNMENT

The meeting adjourned at 8:50 pm.

Respectfully submitted by,



Jamie Anderson
Town Clerk