

**TOWN OF YUCCA VALLEY
PLANNING COMMISSION MEETING MINUTES
December 18, 2007**

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

Commissioners present: Chair Dennis McKoy, Commissioners George Huntington, Steve Willman, Shannon Goodpaster and Robert Lombardo.

Chairman McKoy led the Pledge of Allegiance.

APPROVAL OF AGENDA:

Mr. Willman moved that the Agenda be approved, which motion was seconded by Mr. Goodpaster and passed unanimously by voice vote.

PUBLIC COMMENTS: None

PUBLIC HEARING:

1. CONDITIONAL USE PERMIT, CUP 04-07 - BALLINGER

A request to construct a two story office building of 3,000 square feet on a 0.30 acre lot located at the southeast corner of Yucca Trail and Valley Vista south which is identified as Assessors Parcel Number 587-282-33. The applicant requests that this item be continued to the Planning Commission meeting in January.

A written request from the applicant to continue the item to the Planning Commission meeting of January 15, 2008 having been received, copies of which are preserved in the meeting and project files, Mr. Willman moved to continue the public hearing to the meeting of January, 15, 2008. The motion was seconded by Mr. Goodpaster and passed unanimously by voice vote.

DISCUSSION ITEMS:

2. NATIVE PLANT PROTECTION ORDINANCE

A request from staff that the Commissioners receive the report and provide direction to staff.

Director of Community Development Tom Best stated Mario Suarez of Hogle Ireland, the consulting firm hired by the Town to prepare the ordinance, is present to discuss the proposed ordinance which will include a side by side comparison of the existing to the proposed ordinance. Staff requests that the Commissioners identify any issues they may

have and comment on format and content. Staff requests that the Commission discuss and then schedule the ordinance for a public hearing.

Mr. Suarez stated they hope this draft ordinance reflects the comments and recommendations made by the Commission and public in the previous discussion. Only the Plant Protection ordinance is being considered tonight. Phase 2 will be the Hillside Grading ordinance which will be coming to the Commission in the next few months. Both ordinances are tied together. The crux of this discussion references stamped pages 9 through 18 in the staff report. Effort has been made to make the ORD easy to read.

The exceptions to the ORD are in the Scope of the ORD on P.10. Staff can approve, with the presentation of photographic documentation, the removal of native plants that have died from natural causes. The table of regulated plants is on P.11. The Commission can add or delete plants to the table. Riparian habitat is addressed. A comment letter received from Ramon Mendoza, copies of which are maintained in the project and meeting files, in support of the ORD which requested that all native plants be included in the ORD was briefly discussed and presented for inclusion in the record.

A permit will be required to remove or relocate covered native plants as discussed on P.11 and P.12 of the packet. The new code will allow staff the flexibility to design forms and applications for these permits.

The previous ORD was almost impossible to enforce on new development. The new ORD is divided into single family residential projects, subdivisions, multi-family and commercial or industrial projects. There are 2 distinct processes, one for in-fill development and another for new development. Section B (1) (a) and (b) on P.12 describes the process for single family residences. Staff has suggested that a small plot plan may also be necessary. The Commission can insert any specific request it may wish.

Mr. Goodpaster stated a plot plan is now required and he sees no reason to change that. The plot plan should show the relationship between the native plants and the house. Mr. Kirschmann stated staff currently requires both photos and a plot plan. Mr. Suarez commented an aerial photo can also be requested.

Mr. McKoy asked how a new resident who moved here from out of state would become aware of this protective ordinance. Mr. Suarez stated that is part of the implementation process of the ORD. It is part of the marketing tools. He suggested the Commission can make a recommendation to the Town Council to work with the local Board of Realtors to include information about Native Plant protection in the escrow of all homes sold in Yucca Valley. Mr. Lombardo agreed that the Builders and Realtors are a good starting point for communication of this information.

Mr. Huntington commented that the text throughout the new ORD bounces between "regulated Native Plants" and just "native plants". He requested uniformity and the insertion of the word "regulated" before all instances of the words "native plant(s)" in the ORD.

Mr. Suarez stated the current code Section 89-0120 (b) (6) on P.25 justified the removal of native plants located within 20 feet of the building footprint and within the proposed driveway. He asked if the Commission wanted to continue with this kind of specificity and with what dimensions.

Mr. McKoy questioned a tree not within 20 feet of the building but in the proposed driveway. Mr. Huntington stated it's too specific and developers should design the driveways around the trees.

Mr. Best asked for direction on whether more explicit quantifiable mechanisms are necessary within the SFR paragraph so that applicants understand what is required by this ORD and staff discretion is reduced. Mr. Goodpaster stated the portion of the ORD now being discussed is the portion that created all the problems with allowing clear-cutting of lots. Mr. Kirschmann stated that problem arose from Section 89-0120 (b) (1) as shown on P.24; specifically the "ground disturbing activity". Mr. Goodpaster asked if staff had discussed the ground clearance standards with the Fire Dept. Mr. Kirschmann stated typically the larger plants and trees like Yuccas and Joshuas are not required to be removed by the Fire Dept. They are not a fire hazard unless they have dead or fallen branches or grasses underneath them that can cause combustion. Staff will look into it.

Mr. Goodpaster stated we do not want a conflicting number with the Fire Department for clearance around structures. It needs to be confirmed before the ORD comes back to the Commission. Mr. Suarez stated they will confirm but believes Mr. Kirschmann is correct.

Mr. Huntington stated no consideration is given to lot size for SFR's. There's not much opportunity to do much but grade the whole lot for anything smaller than an acre. There is more flexibility for parcels an acre or larger. The lot size should be addressed in the regs for SFR lots. Mr. Suarez stated the ORD can be as complex or as simple as the Commission wants. Currently whether the lot is 6, 000 s.f or an acre it requires review of the project with plot plan approval. The issue is plant protection and how does that work.

Mr. Goodpaster agreed with Mr. Huntington that there isn't much flexibility on a ½ acre or smaller lot. We need to quantify where the flexibility can be given. The SFR section could be considered and perceived as pretty restrictive for in-fill lots.

Mr. Suarez used a 3 acre parcel as an example with a variety of plants and topography and the construction of a garage and driveway. As proposed, the owner would come in with photos, a plot plan and description. That allows staff to look at the proposal and say this is going to work. Or, there may be a discussion of other design options to help make the garage happen to preserve a tree and design around it. That requires skill at the counter from staff. He asked how that differs from a smaller lot.

Mr. Goodpaster stated there is a big difference with a ½ acre lot. Some smaller lots in Town are just packed with native plants. Mr. Suarez stated the owner would bring in the plot plan, photos and make the request. More than likely that proposal would be reviewed and the findings would be made that removal, replanting, adoption and/or destruction would be justified. Section 89.0120 (2) (f) states that removal of regulated native plants is justified if the regulated native plant is located within a single family lot.

Mr. Goodpaster stated it is still ambiguous and there's a lot of room depending on who's in the Planning Dept. at the time to make those decisions. It's not a clear directive as far as SFR lots. You can always work with the developer for new development with the design issues, but in-fill is very different and there will be issues. Mr. Suarez requested and received confirmation that the Commission wants to add a (c) to Section 89.0115 (B) (1)

for locational requirements as related to the building footprint and property driveways and lot size requirements to provide direction.

Section 89.0115 (B) (2) addresses subdivisions, multi-family residential and commercial or industrial properties. This component becomes more complex and is pivotal. A native plant survey is required. This section is not contained in the current ORD. A maintenance plan and inspections must be included in the plan for transplanting and interim storage of native plants. The Design and Development section regulates designing around native plants, sets the order of consideration and requires that all native plants be systematically tagged.

Mr. McKoy asked how “*maximizing* the amount of regulated plants that will remain” would be quantified according to Sec. 89-01-30 (A) (1). It is open to a lot of interpretation. Mr. Suarez stated it really relates to the Hillside Grading ordinance. You really need to look at how and what that development plan was designed to deal with and the project. How were the grading issues addressed. Were there sufficient flows to deal with your sewer, water and drainage? The reality of the project gives this the ability to work with that without any specific constraints on it. Or the Commission can decide it wants to see at minimum 5%, 10% or some number percentage of plants maintained on site.

Mr. Lombardo stated he likes the idea of a minimum percentage requirement of the native plants present on the lot to remain on the lot so we’re not just stripping the place nude.

Mr. McKoy stated the way it is written is very open to interpretation.

Mr. Huntington stated each project is different and has its own problems.

Mr. Goodpaster stated that is the whole issue. Some may be able to meet a percentage. Other lots may be made un-buildable because of lot size.

Mr. Huntington stated the ORD is written to maintain or save as many of the regulated plants as possible. Putting a percentage is arbitrary. It’s a decision of the Town Planning staff based on what is presented by the Native Plant Expert on how many can be saved, moved and transplanted. It’s their job to save or adopt out as many native plants as possible.

Mr. McKoy requested that the word “*maximizing*” be put in bold type.

Mr. Suarez stated it allows the Commission to hear the proposals and staff recommendations to set models that really work, that gets us to what we want to achieve. The projects are now required to justify what they are doing with the plants by coming in with a plan.

Mr. Goodpaster said the crux of this ORD is getting to the design portion and getting them to design with maximum retention of the plants.

Mr. Willman wants as many of the plants as possible to be saved and put back into the landscape. A percentage can’t work.

Mr. Suarez stated it is important that we hear that from the Commissioners. When staff is talking to developers at the beginning of the process they can say the message is clear

from the Commission and Council. Construction standards were carried over from the existing ORD.

Mr. Huntington asked for a definition of “a minimum of 25% beyond the drip line.” 25% of what? Mr. Suarez stated a plant has an irrigation area, the ORD requires 25% beyond that area. 25% more of the radius around the drip line of the plant. Mr. Huntington stated that needs to be clarified. Mr. Willman suggested it be a “drip-ring” or umbrella of the plant and not a drip line because it is based on the circumference of the plant.

Mr. Suarez stated the adoption program was an important issue raised by public comments and has been expanded. It does not say who will pay for each portion of the program. It is improved with a “Noticing” program, the paper program and that it has to be done. The developer must have a maintenance plan and have the plant ready to go if it is adopted.

Mr. Huntington asked Mr. Suarez to walk through the adoption program as it stands now, especially who pays for the transplant. Mr. Kirschmann replied the Town has a list of people who want to adopt native plants. There are more people who want trees than trees that are available. Then we have the Native Plant removal applications. The general public can look at the applications and contact the property owner about the tree. It’s a little different with a sub-division or commercial project. With a commercial project, a Native Plant Expert surveys the trees, determines which plants should be protected in place, which should be relocated on site, adopted out or destroyed. In quite a few cases developers want to relocate all the trees back on site. Developers have reported that some adopters don’t show up, don’t have the correct transplanting equipment or aren’t working with a plant expert and mishandle the trees. Some of the adopters have donated time to the site and materials to relocate the trees. The Town tries to put people who want trees together with people who have trees so they can work it out between themselves. Mr. Willman asked who paid for it and was informed it is between the developer and adoptee.

Mr. Willman asked if a native plant expert was involved in general development. Mr. Kirschmann replied the survey has to be done by a native plant expert and transplantation has to be done under the supervision of a native plant expert for commercial and subdivisions. At the conclusion of the adoption a list has to be provided to the Town of where the trees were taken. There are no relocation or adoption requirements for in-fill single family residential.

Mr. Huntington stated the glitch in the adoption process is the developer and client (or adopter) working together. It becomes expensive for whoever accepts one of these trees because they probably pay for it. Proper care for the more sensitive native plants after transplantation is required and the use of the correct transplant tool and transport can cost \$200 to \$300 per tree. If the developer is going to have trees for adoption that cannot be used on site, shouldn’t he be required to pay for that adoption to make sure it’s done. Mr. Willman agreed he would rather see the developer pay to have the trees adopted out. That way those trees are saved.

Mr. Suarez stated he will get together with staff to draft language in section 89.0135 to state relocation of regulated native plants within Town boundaries for adoption is at the full cost of the developer.

In Sec. 89.0140, a notice is required advising the public that plants are available for adoption. Also, the Town may grant up to a 20% modification of a development standard for circulation, parking, loading, landscaping setbacks and lot coverage to preserve regulated native plants in place. Mr. Best commented height was also considered and perhaps should be included. Mr. Huntington stated on an individual basis he didn't see why not. It may not work on a particular lot because of the height relationships between that and the surrounding structures.

Mr. Suarez stated fees are addressed at the bottom of P.17. This would be a separate item to come forward at a later date, or can come simultaneously, dealing with putting together a fee for review of the Native Plant Survey and issuing of the permit, including inspections. The last section provides an appeal apparatus.

Mr. Goodpaster requested and received confirmation that the process now is to have a pre-inspection of in-fill projects to make sure plants have been marked within the project site. Mr. Kirschmann stated it is part of the Building & Safety permitting process and photos are taken. The process would stay the same with the new ORD.

Mr. Goodpaster commented he noticed a distinct difference between the existing ORD and the proposed. Language addressing the protection of property rights has been deleted. He asked why. Mr. Suarez stated there was no specific reason for the deletion; it was just to keep the new ORD as simple as possible. That language can be added back in if the Commission desires.

Mr. Goodpaster asked why dead plants cannot be removed without a permit. Mr. Suarez replied for clarification purposes for staff. It is a consistent code from town to town. Mr. Goodpaster asked if the property owner has to go through this process in order to remove a dead tree. Mr. Suarez stated they have to go through the process but it being dead is justification for removal. Mr. Huntington stated there appears to be an administrative hassle by requiring a permit to remove a dead tree or prune damaged limbs. That's a little extensive. He lives in an area that burned somewhat last year and every time a wind comes up limbs fall off of Joshua Trees. They become a hazard. We should not have to go through a permit process to do that.

Mr. Suarez stated the appropriate action would be to include in the exceptions on P.10 language that would specifically denote that. The problem will be who determines if the tree is dead. Mr. Goodpaster thought that might be the reasoning behind the language. It is cumbersome to go through the process for a dead limb.

Mr. Suarez stated the plant may be dormant. With a picture staff can recognize the plant and has the opportunity to make a determination. Section 89.0105 (E) (3) allows removal of regulated native plants as an exception if they are an immediate threat with review of photographic documentation and/or inspection. Mr. Goodpaster responded that is more for when the plant is living like a Joshua Tree leaning on a house. We're talking about a dead limb, a Joshua Tree that fell completely over and you know its dead. Mr. Best stated (6) in that section provides for the removal of a regulated native plant that has died from natural causes. If trimming is an issue perhaps the Commission can include that language in (6).

Mr. Goodpaster stated he wouldn't want to see a homeowner have to pay a fee to remove a dead plant from the property. If there is no fee for that permit he wouldn't have a

problem. Mr. Suarez stated an exception to the fee of zero or a very low fee can be given to single family homeowners for the removal of dead plants. Mr. Huntington stated even (6) requires a process that is unnecessary.

Mr. Huntington asked if the Hedgehog Cactus and Mojave Mound Cactus currently listed as regulated native plants are on the State list. Mr. Suarez stated he will check but thinks they came from the list of sensitive plants prepared by the native plant expert. Mr. Best commented the plants that were removed from the list in the existing ORD were done so at the suggestion of the native plant expert. Mr. Kirschmann commented the Mojave Mountain Cactus typically grows in rock crevices and are almost impossible to transplant. Mr. Suarez stated he will clarify that at the next meeting.

Mr. Suarez recapped the suggested changes as follows:

1. Clarify issues with regulated plants on the list on P.11
2. Insert "regulated" before "native plants" in all instances.
3. On P.12 (1) add (c) to include specific requirements as it relates to the footprint and driveways and look at lot size requirements for different standards and plot plan.
4. On P.14 under 89.0130 no percentages are required.
5. An example of the "tag" will be included in the box on P.15
6. Insert a graphic on P.15 specifically denoting a "drip line" as it relates to trap fencing
7. Expand the requirements for the adoption program to look at language to require developers to fully pay for the adoption within Town boundaries.
8. On P.17 under "Minor Modifications" include added height.

Mr. Lombardo requested and received confirmation that the developer will have to go to the adopters private property and dig the hole and plant the adopted plant under the supervision of a native plant expert to orient the plant correctly. He stated the adopter should have to pay at least a small fee. Mr. Willman stated stepping forward to take the plant is enough. Mr. McKoy stated there will be an expense to taking care of the tree. Mr. Huntington stated otherwise the existing adoption program gives the developer an out. He can advertise it for so many days and if there are no adopters then the trees are gone.

Mr. Kirschmann commented there was a project in Town that relocated close to 800 trees to Pioneertown. The person in charge of that project expressed great disappointment that the trees are not being watered or cared for per an agreement. A lot of the trees that could have survived have died for lack of care.

Mr. Lombardo asked if the payment of some fee by the adopter would encourage the adopter to be more concerned about the tree. Mr. Huntington stated a nominal fee may do that. Mr. Lombardo stated trees received for free are more easily neglected. The developer is paying for the transport and transplantation of the tree. The adopter needs to have an investment in the plant. Mr. Willman stated people who adopt the trees know they will beautify their property and will take care of them. Mr. Lombardo said the fee should not be prohibitive.

Mr. Kirschmann stated most of the 800 trees were of a size that they could be bar-rooted and marked for alignment and it was done by a native plant expert. Mr. Willman requested clarification of "bare-rooting". Mr. Kirschmann stated it is another way to remove a Joshua

Tree. They dig around the outside of the root ball with a shovel rather than using a tree spade which is typically used on the larger trees. Mr. Huntington stated he received 6 of the bare root trees about 4 months ago and are all surviving.

Mr. Kirschmann stated verifying the cleared space around structures recommendation with the Fire Dept. was omitted from the list of items to be added.

Staff noted that the following Commissioner requests were also omitted from the list of items to be added:

1. The Commission requested that driveways be designed around Joshua Trees and other large regulated plants.
2. Need specific quantifiable language for Single Family Residences so the applicant understands the requirements.
3. Lots larger than 18,000 s.f or ½ acre need a standard different from smaller lots.
4. Finding for removal (2) (f) on P.13 was ambiguous in that it appears to allow the removal of regulated native plants from all single family lots.
5. In Sec. 89.0130 (a) (1) the word “*maximizing*” should be printed in bold type.
6. The description of drip line should include “umbrella” or radius of the plant
7. The developer is to pay for transplanting of Joshua Trees including transportation and replanting on adopters property within the Town boundaries.

Mr. Kirschmann stated the preference currently is to give the trees to areas in the region where the recent fires occurred like Pioneer Town, Pipes Canyon and other areas affected by the Dolce Fire.

Mr. Willman stated the fire areas are big exceptions.

Mr. Huntington stated he would like to add the Beargrass Nolina to the list of regulated native plants.

Mr. Kirschmann stated staff is requesting a discussion of an issue briefly discussed on P.10 under (E) Exceptions (3) which is the removal of regulated native plants that are documented as an immediate threat to the public health, safety or welfare and require emergency removal to prevent probable damage. Some citizens want to remove Joshua Trees because kids are running into them. Under the current ORD a permit can be issued to remove needles from the trees or fence them off.

Mr. Willman stated he has had that problem and he fenced it off. Put a perimeter fence around it.

Mr. Huntington stated that a permit to prune a Yucca may be overkill and would become an enforcement issue. They should stay in place but he doesn't see a permit process to keep it out of harms way.

Mr. McKoy opened the discussion to the public.

Bill Souder of Yucca Valley stated he thought the Cholla was on the original list and is on the CA protected plant list. He requested that it be considered for the list. He suggested that mechanical line drawings of all regulated native plants be included in the ORD. He believes the proposed ORD is designed to make it easy for people to get permits to remove protected native plants from single family lots and it should be the other way around. On P.13 there is an exemption in (2) (f) for the single-family lot. He lives on horse property, 2 ½ acres, and they are all single family lots. Three of his neighbors clear cut everything but a few Joshua Trees. They have constant wind and water erosion. Horse property presents another issue to do with safety because they want to clear areas for corrals. They should not be able to clear the whole lot for a corral. The single family lot should be defined as something less than ½ acre. Full restrictions with no exemptions should be placed on lots of an acre or larger.

He likes the idea of the developer paying to transplant plants to the adopters. He would not have an objection to paying some small amount to adopt a tree. \$350 to use a tree spade is a lot of money. He would be willing to pay \$10 or \$20 to adopt a tree. Joshua Trees not only want to be reoriented directionally when transplanted, they also want to stay at the same elevation and in similar soil. Perhaps there should be a procedure for transplanting and adopting somewhere in the ORD or Adoption Plan.

On P.16 Section 89.0135 (C) (1) exempts lots smaller than 1 acre from on-site signage requirements. He would like to see it be ½ acre so more plants can be adopted out. His understanding of the Fire Dept. requirement is to have a defensible area, not cleared area. They need to be able to get their equipment in to defend structures.

Tasya Herskovits of Pioneertown praised the draft ORD for covering a lot of bases. She agrees with Mr. Souder that properties under ½ acre should be exempt. If you have a single family residence on a 5 acre parcel you should be responsible for the plants on those 5 acres. Flexibility is needed for small lots. She agrees the developer should pay to adopt out a plant. Regarding the adopter taking care of the plants, when you adopt an animal you have to sign an agreement. Perhaps an agreement to care for the plant with a clear set of instructions on how to care for the plant and a \$10 to \$20 fee would be a solution. She helped transplant some of the 800 trees. One of the main problems was that they didn't have any of their soil. You may not need a tree spade for smaller trees but they need the root ball to stay in soil. The change in elevation is also the reason a lot of those trees aren't surviving. Having these transplants done under the supervision of a plant specialist is going to make a big difference.

She requested that a mechanism to track the survival rate of transplanted Joshua Trees be included in the ORD. That way we can do the research and find out what the simple things that can be done without a lot of cost are to increase the rate of survival. Certain plants may only be suited for certain environments and 1,000 feet of elevation is a big change.

Mr. Harry Bowkley of Yucca Valley stated the new ORD is an encouraging document. He understands that the enforcement part of it is in the hands of the Town Attorney and will be a separate document. He liked the penalties in the original; it had a lot of teeth in it even though no one was bitten with it as far as he knows. It's very important that the Town get builders, developers and real estate brokers involved when new people unfamiliar with the environment move into Town. New residents should know what's protected and what isn't. A plot plan is an important part but one thing not noted in the discussion is that only the

plants identified for removal are identified on the plot plan. They do not identify the original inventory of plants. That was a significant hole. Now requiring "before" pictures is an improvement.

He sees language like "others approved by the Town." By whom and how approved? What is a disturbing activity? That was the original loophole. What is meant by "Every reasonable effort"? Who makes those reasonable decisions and how are they documented? What does "to the extent practicable" mean? It's this kind of language that allows Mack trucks to drive through. It's wonderful that the developer pays.

Robin Kobaly of Morongo Valley is very encouraged by the fact that this is being addressed and a good job has been done with the nuts and bolts. The loss of so many plants in the region is what caused the non-profit organization she works for, the Summertree Institute, to start two big programs educating people about this. One is called "Saving the Ancients", a community awareness program which gives free lectures. Another program is "Discovering the Ancients" which is a curriculum program in place at JTNP to teach young people about how old the plants are. She presented a brochure, copies of which are preserved in the meeting and project file, about the "Discovering the Ancients" program. The brochure includes research done at the Univ. of Riverside dating the plants that occur in the area. The biggest challenge is going to be water use. We can't keep planting things from Michigan and Wisconsin in our yards. We don't have the water. And what a shame to take out 1,000 or 1,500 year old Junipers that don't need water or fertilizer to plant non-native plants. We just lost a treasure. Education could be a part of this ORD. We will really succeed when builders, developers and realtors want to save these plants because they are an asset to the property. They reduce both wind and water erosion, require less water, are easier to maintain, bring in wildlife and increase the property value. Educate them so we don't have to beat them over the head with the ORD.

She asked that wild plum or desert jujube be added to the list. Also, a 10 foot creosote could be 2,000 years. She suggested reducing it to 5 ft. diameter which could be 1,000 years old. Much smaller creosote are over 100 years old and also deserve attention in the new ORD.

Mr. McKoy stated there are 3 potential additions to the list; Cholla, wild plum and desert jujube. He asked if they could have some guidelines for making these decisions. Mr. Goodpaster commented he thought the guideline was the native plant list that came from the native plant expert. Mr. Suarez stated they are not completely off the list because they are still on the CA list and could qualify for the ORD list if the Commission desires. The ones on the list are the more sensitive plants.

Mr. Huntington stated he would tend to go with Ms. Kobaly's list. There is no one in the valley who knows more than she does about native plants. Cholla is valid for habitat for birds but is it a sensitive plant? It's easy to grow and can start anywhere. He doesn't think it should be on the list. Consensus was to add wild plum, desert jujube and Nolina to the list.

Mr. Suarez asked if properties ½ acre or larger should be looked at differently, similar to that of a sub-division or larger projects. Is that the breaking point? Consensus was yes, ½ acre is the limit.

Mr. Suarez commented tracking survival rates should be part of the implementation procedures of the ORD. The procedure for adoption was purposefully left out to keep the ORD easier to read and simpler. It was also allocated to the implementation process. It will be noted that it is a component of making the ORD successful along with education. He asked if the Commission wanted to establish a fee for the adopter of less than \$50.

Consensus of the Commission was to implement a \$10 or \$20 fee to be paid by the adopter Mr. Huntington stated it would help track where the trees are going.

Mr. Huntington asked if line drawings of plants could be included. Mr. Best stated staff requested that drawings or pictures of the plants be removed from the ORD and be provided in a companion document. Mr. Willman stated people won't know what they are looking at if that piece doesn't get with the application which should include phone numbers. Mr. Goodpaster and Mr. Huntington agreed that the plants are named in the ORD and that the companion piece with drawings to go with the application for the native plant permit would be a good opportunity for education of the public.

Mr. Best stated staff does not have the resources to track survival rates of transplanted trees, and there could be private property rights issues about tracking.

Mr. McKoy suggested an information piece be developed to illustrate balling the soil when transplanting Joshua Trees. Mr. Lombardo asked if there were other plants as sensitive as Joshua Trees and was informed the barrel cactus is as sensitive.

Mr. Best suggested that the public hearing be scheduled for the Planning Commission meeting of February 5, 2008.

Mr. Goodpaster moved that the public hearing for the Native Plant Protection Ordinance be scheduled for February 5, 2008. The motion was seconded by Mr. Huntington and passed unanimously by voice vote.

CONSENT AGENDA: MINUTES

Mr. Willman moved to approve as submitted the minutes of the November 20, 2007 and November 6, 2007 Planning Commission meetings. The motion was seconded by Mr. Goodpaster and passed unanimously by voice vote.

COMMISSIONER REPORTS AND REQUESTS:

Mr. Huntington reported that he will not be able to attend the joint Planning Commission – Park, Recreation and Cultural Commission meeting scheduled for Wednesday, January 8, 2008.

Mr. Willman stated the left turn signal at SR62 and Sage is a welcome addition.

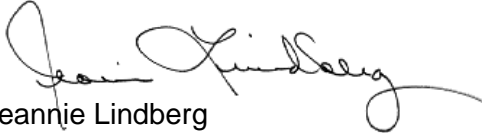
ANNOUNCEMENTS:

Mr. McKoy announced that the next regular meeting of the Planning Commission will be held at 7:00 p.m. on Tuesday, January 15, 2008.

ADJOURNMENT

The meeting adjourned at 9:15 p.m.

Respectfully submitted by,

A handwritten signature in cursive script, appearing to read "Jeannie Lindberg". The signature is written in black ink and is positioned above the printed name and title.

Jeannie Lindberg
Administrative Assistant III