

**TOWN OF YUCCA VALLEY
PLANNING COMMISSION MEETING MINUTES
January 15, 2008**

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. General Plan Amendment, GPA 01-06, Rezoning, R 01-06, Planned Development, Pd 01-07 and Tentative Tract Map, Tm 17862- COPPER HILLS

A request to change the designation of 63.4 acres located at the southeast corner of Golden Bee And Sage Avenue from Rural Living, 5 Acre Minimum To RS-3.5, 3.5 Units Per Acre; Planned Development Permit to establish development standards which vary from the Development Code for the 63.4 Acres; and a Tentative Tract Map to subdivide the 63.4 Acres into 111 single family lots, as well as lots for streets, a sewage treatment facility, parks and a retention basin. A Mitigated Negative Declaration is proposed located at the southeast corner of Golden Bee and Sage Ave and identified as APN 585-071-16, -17, -25 & -26

Contract Planner Nicole Criste commented the project was continued from the Planning Commission meeting of December 4, 2007 to this meeting. At that meeting the Commissioners requested visual simulations of the grade differential between lots and the necessary retaining walls. The applicant informed staff that those exhibits are not yet ready and requested the item be continued to the Commission meeting on March 4, 2008.

Mr. Huntington moved that the item be continued to the meeting of March 4, 2008, which motion was seconded by Mr. Willman and passed unanimously by voice vote.

2. 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 and identified as APN 587-282-33.

With reference to the complete printed staff report, copies of which are preserved in the project and meeting files and are contained in the meeting packet, Contract Planner Nicole Criste presented the project discussion to the meeting. Access is proposed from both Yucca Trail and Valley Vista. Medical Offices are proposed on the first floor with general offices on the second floor. Due to the limited parking area, the project is conditioned to allow medical offices on the 1st floor only. The site will be landscaped with on-site retention facilities to be reviewed by the Town Engineer. The site is located in an Alquist-Priolo zone and is conditioned to do the necessary geotechnical studies to assure that the structure is not located on an earthquake fault. Adequate access for Fire equipment is provided. The proposed architecture is southwest in style, consistent with the Town design guidelines and all sides of the building will be addressed. Windows have been omitted from the east side of the 2nd floor to provide privacy to the easterly residential area. The findings for approval of the CUP can be made and staff recommends approval. The project is exempt from CEQA as in-fill development, Section 15332.

Staff requests that Condition of Approval (“COA”) #59 be deleted as a duplication of COA #50 if the Commission approves the project.

Mr. Huntington commented fitting parking on the Site Plan appears to be a problem. Spaces #13 & 14 only access from Yucca Trail. The trash container is adjacent to them. He asked if the trash company is notified of proposed projects. Ms. Criste replied she does not believe so but a COA can be added requiring relocation of the trash receptacle to the satisfaction of the trash company.

Mr. Goodpaster questioned COA #14 on stamped P.10 and was informed that COA #15 and 16 should be lettered A & B under #14.

Mr. McKoy opened the public hearing.

Applicant representative and project architect Sy Golob of Yucca Valley stated they concur with the staff findings and worked very closely with staff. It's a small site and the applicant studied every possibility for location of the building and parking. To make this project work they have to have medical offices on the first level and offices on the second. They have a lot of improvements to make for a 1/3rd acre project. The building is less than 3,000 square feet and ½ street improvements are required on both Valley Vista and Yucca Trail. It just makes it when the project is penciled out. They will be happy to go forward with the project per the recommended COA.

Mr. Willman requested and received confirmation that access to the second floor is by stairs only, no elevator is planned.

Mr. McKoy closed the public hearing.

Mr. Willman asked how many additional parking spaces would be required if medical offices were allowed on the second floor. Ms. Criste replied one additional space.

Mr. Willman requested that the duplication of the word “on” be deleted from COA #2. He agreed that the trash enclosure conflicts with 2 parking spaces.

Mr. Willman moved that the Planning Commission approve CUP 04-07 based on the findings contained within the staff report and the recommended COA amended as follows:

COA #2 is corrected to delete the repetition of the word "on".

COA #15 & 16 are corrected to become #14 (A) & (B)

COA #59 is deleted in its entirety.

A COA will be added requiring relocation of the trash enclosure to the satisfaction of the trash collection company.

The motion was seconded by Mr. Goodpaster and passed unanimously by voice vote.

3. PARCEL MAP PM 18349 - ROWE

A request to subdivide a 9.67 acre parcel into one 5.0 acre and one 4.4 acre parcel in the rural living, 2.5 acre minimum land use designation located on the southeast corner of San Andreas Road and Emerson Avenue and identified as APN 589-031-06.

With reference to the complete printed staff report, copies of which are preserved in the project and meeting files and are contained in the meeting packet, Contract Planner Nicole Criste presented the project discussion to the meeting. The parcel is adjacent to three Town streets, San Andreas, Vera Lane and Emerson Ave. Improvement of Vera Lane and Emerson Ave. to the Town dirt road standard is required. The property is consistent with the General Plan, exempt from CEQA as a minor division of land and staff recommends approval.

Mr. Huntington requested and received confirmation that Emerson will be graded to provide an additional through traffic route and to provide access should either of the subject parcels be divided again.

Mr. McKoy opened the public hearing.

Applicant Dawn Rowe of Yucca Valley presented written comments, copies of which are preserved in the meeting and project files, to the Commission. She plans to build on one of the parcels and sell the other and has kept the parcels large to reflect the rural quality of Yucca Valley. Originally she requested a division to 3 parcels but the conditions set by the Development Review Committee caused her to revise the plan to 2 parcels. Emerson Ave does not currently exist north of Vera Lane and she requests that it not be built even as a dirt road now because both parcels will have access from either Vera Lane or San Andreas.

Thomas Falls of Joshua Tree spoke in support of the modifications requested by Ms. Rowe. There is no reason to create Emerson as a connector road. If it is built it could have pavement and street lights in the future which would destroy the rural atmosphere. They are being asked to build improvements as if it were a Tract. He asked if the condition to pave part of San Andreas with curbs and gutters would just be in front of the parcel or the entire length of San Andreas. If it is only in front of the property, paving with

curbs and gutters will run for several hundred feet and then stop. This is a waste of money since there are no other curbs or gutters.

John Rodriguez of Rancho Mirage stated he works for Hacker Engineering who prepared the plans for this project. They had proposed 3 lots but were told they would have to pave Emerson from San Andreas to Vera so they reduced it to 2 lots with access at both ends. He is aware that the current COA is for Emerson to be a dirt road. The lot to the west of this project on Emerson is only 165 feet wide. If 30 feet is taken from it for a road easement it would be a very long and narrow lot and may become a sub-standard lot. Ms. Rowe is not a developer and only wants something for her family. He believes access from existing streets to each new lot is sufficient to meet engineering standards.

Mr. Goodpaster commented access to both lots would be more convenient from Emerson to San Andreas.

Mr. McKoy closed the public hearing.

Ms. Criste responded to Ms. Rowe's written comments as follows:

COA #9 - The applicant may be exempt from in-lieu fees for Parks. If not, the fee would be minimal in the range of \$20.

COA #12 - Not protesting the formation of a maintenance district(s) for infrastructure is a standard COA imposed for the maintenance of all roadways on all subdivisions no matter how large/small.

COA # 13 - Recording a non-opposition agreement to the future formation of a public safety assessment district is also a standard COA.

COA #14 - The condition for a pre-construction desert tortoise and burrowing owl survey was contained in the biological resource study prepared and submitted to the Town by the applicant's biologist.

COA #15 - The current COA for Emerson is for a dirt road which does not require curb, gutter or sidewalk.

COA #17 - Prior to the issuance of the first building permit Vera Lane and Emerson Ave. are to be bladed to meet the Town standard for dirt roads, which is a standard COA for all projects. Off-site improvements are to be made with the first action on the site.

CAO #21 - The requirement for a design professional to design and prepare construction plans and specs is prudent on the Town's part. We require that all plans be drafted by a design professional for improvement plans and Final Maps which is a standard COA.

COA # 34 - The COA for the septic system is what will be required when building plans are submitted. The Health Dept. will require that they demonstrate percolation for the septic system as part of the process.

Mr. Huntington asked if COA #21 regarding improvement plans for San Andreas requires the plans to be prepared prior to the development of either parcel or just the north parcel. Ms. Criste replied the south parcel could be developed without those improvements being made on San Andreas.

Mr. Huntington asked if there is any way to restrict further division of these 2 new parcels. Mr. Criste replied no.

Mr. Goodpaster asked if there is a mechanism by which the applicant can be repaid for improvements to Emerson by parcels to the south of the project site which will benefit by having a new road. Ms. Criste replied the assessment district will be for the ½ of Emerson which fronts this property. Unfortunately this property touches 3 local streets. When properties are on the corners of streets the off-site improvements are greater.

Mr. Willman requested and received confirmation that these 2 new lots can each be subdivided again based on the gross acreage calculation in the RL zoning.

Mr. Lombardo asked if it is the Town's desire to have Emerson constructed as a dirt road. Ms. Criste replied there are very few north/south routes in that part of Town and this local dirt road is seen as an additional north/south connection.

Mr. Willman questioned the date of the biological study. Ms. Criste replied October 7, 2007. A pre-construction survey is required prior to ground disturbance because it can be quite some time before that disturbance occurs and animals do move around albeit slowly. Staff recommends that the COA stand as they are written.

Mr. Goodpaster moved that the Planning Commission approve Parcel Map 18349 based on the findings contained within the staff report and the recommended Conditions of Approval. The motion was seconded by Mr. Willman and passed unanimously by voice vote.

4. TRACT MAPS TM 17378 & TM 17379 – ENVIRONMENTAL ASSESSMENT EA 17-05 YUCCA VALLEY HOMES LLC

A request to subdivide two parcels located in the residential single family, 2 unit per acre land use designation, as follows:

Tentative Tract Map 17378 – the subdivision of a 19.93 acre parcel into 32 single family lots of at least 18,000 square feet, as well as streets and storm water retention facilities located at the southeast corner of Joshua Drive and Acoma Trail and identified as APN 585-131-080

Tentative Tract Map 17379 – the subdivision of 20.06 acres into 32 single family residential lots of at least 18,000 square feet, as well as streets and storm water retention facilities located at the northeast corner of Golden Bee and Acoma Trail and identified as APN 585-131-082

With reference to the complete printed staff report, copies of which are preserved in the project and meeting files and are contained in the meeting packet, Contract Planner Nicole Criste presented the project discussion to the meeting. Ms. Criste stated they have taken

these 2 tract maps together because they are connected by a center tract which was approved 2 or 3 years ago. The applicant proposed at that time that if he secured the 2 adjoining parcels he would connect the roads internally through all 3.

The proposed tracts are approximately 20 acres each. 32 lots are proposed for each of the tracts. The northerly tract would take primary access from Joshua Dr. and the southerly tract would take primary access from Acoma. There is a loop road through the middle of each tract and connecting roads.

The property slopes downhill to the north with a differential of about 150 feet. The lots are proposed to be a minimum of 18,000 square feet as required by the RS2 zoning. The most significant slope difference in TM 17378 is 9 feet between 2 lots. There is a 21 foot difference between 2 lots in TM 17378. The applicant proposes to use slope rather than retaining walls with 3 exceptions. A stepped retaining wall is proposed for TM 17379 on lot #28 between lots 24 & 25; on lot #15 and the east boundary of lots #14 & 15; and, for TM 17378 in the rear yard of lot #18.

The applicant has been working with other developers in the area to do a sub-regional waste water treatment plant. The TM's are conditioned to demonstrate that all of the legal mechanisms and agreements are in place and that capacity exists at the other developers treatment plant to accommodate the waste water from these tracts. All of that will have to be in place prior to recordation of the Map. Lots cannot be sold until all of that is accomplished.

Retention basins are proposed on all 3 tracts and the flood control for all 3 works together. Preliminary hydrologic analysis has been provided which the Town Engineer has reviewed and the Town Engineer will continue to review the final hydrology as the plans are finalized to assure all of the hydrologic components will work prior to the construction of the project. The projects were reviewed under CEQA; an initial study was prepared which concluded the projects could have significant impacts; mitigation measures which will reduce those impacts to less than significant have been included in the initial study; and, adoption of a Mitigated Negative Declaration is recommended by staff. Staff requests deletion of COA #29 c which is unnecessary.

Mr. Huntington stated his recollection of the approval of TM 16957 is that the grading was to be lot by lot and no mass grading was proposed. Is mass grading proposed for these two tracts? Ms. Criste stated staff has not seen a grading plan but she believes mass grading will be required due to the physical differences among the lots for all 3 tracts.

Mr. Huntington requested and received confirmation that the maintenance assessment district will include the internal streets.

Mr. Goodpaster asked if the tracts will come back to the Commission if the proper agreements regarding waste water treatment cannot be secured and one or both of the tracts need to be redesigned. Ms. Criste stated it would depend on the extent of the redesign. If the applicant proposed to use one of the residential lots for a treatment plant then the Town Engineer can find substantial conformance. If the tract is redesigned and the parcels change it will come back to the Commission.

Mr. Lombardo asked how these projects will work with the Native Plant Protection Ordinance. Ms. Criste replied the tracts will be subject to the ordinances in place at the time that grading permits are requested.

Mr. McKoy opened the public hearing.

Applicant representative and engineer Philip Fomotor of Palm Springs stated they concur with the COA with the one exception. They worked hard to design the tract and the grades to accommodate the natural drainage, minimize retaining walls and utilize slopes and the natural terrain.

Mr. Lombardo questioned the regional water treatment facility. Mr. Fomotor replied there is a treatment facility to the north they propose to hook into. They are in negotiations with the owner. Otherwise they will locate a facility on 1 or 2 of the northerly lots in the project.

Deputy Town Manager Shane Stueckle commented the waste facility is on a project referred to as Mesquite 55, a subdivision on Acoma Trail where 3 model homes have been built.

Joyce Metcalf of Yucca Valley stated a female desert tortoise was seen on April 6, 2007 at 4:00 p.m. coming out of the subject property. Another tortoise has been observed in the last few days following the same path. Other tortoises have been seen traveling towards the subject property. They use the wash to migrate back and forth. She presented written comments and pictures, copies of which are preserved in the meeting and project files. Also, this stand of Joshua Trees is one of, if not the most dense area of Joshua Trees, Yuccas and desert flora in our valley. She has seen many tortoises on the property. It would be a crying shame if this area was deprived of wildlife by blading their homes and removing Joshua Trees which are very difficult to transplant.

Rae Packard of Yucca Valley, Joshua Tree Tortoise Rescue and the Morongo Basin Property Owners Assn requested that the Commission reject the Mitigated Negative Declaration for this project. Contrary to what is stated on P.117 under aesthetics, the development will have a significant impact on scenic vista. A 6 foot block wall is proposed extending north to south the length of the project for noise control. She presented photographs of a similar wall, copies of which are preserved in the meeting and project files, at Mesquite 55. You can see that the viewshed is compromised. The development will have a significant impact on the CA Desert Tortoise. Sightings on the property are frequent and confirmed in the biologic study report.

The proposed mitigations are not acceptable. There is no detailed plan for the monitor should a tortoise be found. The developer should be required to mitigate matching acreage with the Joshua Tree National Park or the Desert Tortoise Natural Area to compensate for an incidental take. The proposed block wall with no breaks or openings will prohibit the movement of wildlife. The absolute horror of this project is noted in just two little words on P.76. Those words are "mass graded". This is one of Yucca Valley's most pristine Joshua Tree forests. Mass grading will not be tolerated by the citizens of this community. Several very serious environmental factors were omitted from this report. Development doesn't have to be like this. The applicant has indicated in the past that footprint development is possible in this area. Please require the applicant to go back to the drawing board until it is planned in the right way.

Charla Shamhart of Yucca Valley is a representative of Desert Environment Response Team, formed in 1993 against the mega-dumps planned for our community at that time. After those issues subsided they turned their attention to appropriate and inappropriate desert development. She witnessed a tortoise leaving the subject property last spring. She has seen desert tortoise on the property on other occasions. She is concerned about the mass grading in that area because the Joshua Tree population is extremely dense. A large variety of wildlife is also present and she would not want to see another block wall like Mesquite 55 in that area. It's not appropriate. There are ways to develop this area appropriately but it will probably not be at this density if it is done right.

Virginia Barrera of Yucca Valley lives on Acoma at Desert Gold and has seen tortoises. She is against mass grading across from her home and would not like to be looking at a block wall from her front door. Please take the desert tortoise into consideration.

Mr. McKoy closed the public hearing.

Ms. Criste stated the Initial Study included reference and discussion from the latest biological study and identified tortoise on the site. The applicant is required to resurvey and to secure permits should the species be identified when development occurs, which is likely. The applicant will have to go through the process with the US Fish & Wildlife Service and the CA Dept. of Fish & Game to secure permits. The permits will include mitigation measures to compensate for the take. This could include the acquisition of mitigation land. That process takes from 18 months to 4 years. The applicant is required to maintain a tortoise monitor on site during grading activities in addition to the permits.

The wall would not be required if this project was not on Acoma. The long term noise impact, based on the long-term potential for traffic, from Acoma requires that we assure that the noise level in back yards of residences that back up to Acoma be at a certain level. Noise levels on Acoma at General Plan build out are expected to exceed allowed levels. The mitigation measure for the noise level is to construct the wall which is a standard mitigation measure for noise impacts. The applicant will landscape the parkway in front of the wall. Walls are not ideal but there is an environmental benefit requiring us to meet Town noise standards.

Regarding the grading, the original tract was to have a limited amount of grading. Because of the slope it does not appear to staff that the tracts can be lot or individually graded. If the applicant can demonstrate to the satisfaction of the Town Engineer that limited grading is possible, the applicant has indicated that would clearly be his preference. To date staff has not seen a detailed grading proposal indicating that is possible.

Mr. Lombardo asked if openings could be provided in the wall for the tortoise. Ms. Criste stated the wall is specifically required to not have openings. It would defeat the purpose of the wall for noise reduction. Noise is linear and would go through the holes. Mr. Huntington requested and received confirmation that the wall is proposed only for Acoma. He asked if aesthetic treatments are proposed for the wall. Ms. Criste stated that is not normally part of the mitigation measures but can be added as a COA but staff has not seen a wall design.

Mr. Huntington stated he is really concerned about the mass grading. He voted yes on the initial Tract based on the fact it was going to be spot graded. If they can't achieve that

then he would say they go back to the drawing board and work out a less dense project so they can achieve spot grading. Those Joshua Trees are ancient, old stock and cannot be saved. They can't be transplanted because they are too large. It's a huge loss. There will be loss with the development of the Tract but we can minimize it to some extent by spot grading.

Mr. Goodpaster agreed, the biggest problem is to consistently mass grade these sites without having some sort of review to figure out if we can lot grade them. That should be explored before we approve. He does not have a problem with the lot sizes which are consistent with that area. It would be a shame to approve without having some consideration to redesign for lot grading versus mass grading.

Mr. Willman has a problem with the 21 foot difference between a couple of the lots. He referenced another project for which the PC requested visual simulations because of lot differentials. 21 feet is significant and stepping the wall may not work. He agrees with Mr. Huntington and Mr. Goodpaster. He is a firm believer that we have to save our Joshua Trees. If we don't start saving them right now they will all be gone. If there is some way to spot grade this area he would prefer to see that. We need to start doing something now, not 20 years from now.

Mr. Lombardo stated, with all the reports of tortoise on site, mass grading is out of the question. He doesn't see how that can be permitted or allowed. Even with someone watching as they blade there is sure to be a kill or damage to an animal because they burrow and hibernate. If they can spot grade he would be amenable to it. That may be a lower density than the project they are looking at here. He doesn't like the idea of the block wall but realizes it is necessary for noise reduction. Aesthetic treatments are necessary on the wall to make it less obtrusive.

Mr. McKoy reopened the public hearing and requested a response from Mr. Fomotor to the Commissioner comments.

Mr. Fomotor stated they originally came in with a spot grading concept and were very definitely pointed by staff in the direction of mass grading in terms of erosion. They can go back and look at spot grading. They have a level of frustration that they have a property zoned for this density and the applicant worked within the zoning and development guidelines and then finds out that there is a desire to keep more as open space. They will look at the design.

He looked at the photos of the wall which had been presented by a member of the public and they would propose a more decorative colored slump block and with some kind of a pattern. They can improve on the wall in the pictures.

Mr. Willman questioned the feasibility of spot grading.

Mr. Fomotor replied because of the grade differences it's going to be a challenge. The Town engineering staff directed them to mass grading. Staff felt a lot more comfortable in terms of the engineering and drainage issues and the builder/developer is pushing in that direction also.

Mr. Willman restated his concern with the 21 foot difference between lots. Visual simulations were requested of another project to see how they are going to handle that difference.

Mr. Fomotor stated they prepared quite a comprehensive grading plan that showed those walls and how they stair-step.

Ms. Criste commented the Grading Plan was reviewed at length by staff. Staff did not ask for a visual simulation because there is only one location with this differential. The other project had multiple locations. The Grading Plan does show the location of limited retaining walls and how they will handle slope through the site.

Mr. Willman asked how many Joshua Trees are on those sites.

Ms. Criste stated there are 208 Joshua Trees, 309 Yuccas and 12 Junipers on the southern piece. There are 176 Joshua Trees, 434 Yuccas and 2 Junipers on the northern piece.

Mr. Willman stated that's a lot of Joshua Trees and Yuccas. With those numbers the site is just completely dense with Joshua Trees and Yuccas. He can't see destroying all of them. He would really prefer to see the applicant come back with a spot grading plan.

Mr. Fomotor stated they will look at that.

Mr. McKoy closed the public hearing.

Mr. Goodpaster asked what the options are.

Ms. Criste replied the Commission can deny the project, approve the project, continue the project to a date certain meeting or table the project indefinitely which would require re-posting of the Notice when the project was scheduled for a public hearing.

Mr. Lombardo moved to table the project which motion was seconded by Mr. Goodpaster and passed unanimously by voice vote.

BUSINESS ITEMS: None

CONSENT AGENDA - Minutes of Meeting of December 4, 2007

Mr. Willman moved that the Planning Commission approve as submitted the minutes of the Commission meeting held on December 4, 2007. The motion was seconded by Mr. Huntington and passed unanimously by voice vote.

STAFF REPORTS AND COMMENTS: None

COMMISSIONER REPORTS AND REQUESTS:

Mr. Willman requested Code Enforcement action for the informal used car lot at the corner of Balsa and SR62.

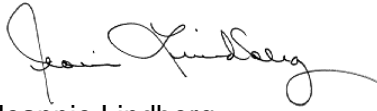
ANNOUNCEMENTS:

Mr. McKoy announced that the next regular meeting of the Planning Commission will be held at 7:00 p.m. on Tuesday, February 5, 2008.

ADJOURNMENT

The meeting adjourned at 8:30 p.m.

Respectfully submitted by,

A handwritten signature in black ink, appearing to read "Jeannie Lindberg", written in a cursive style.

Jeannie Lindberg
Administrative Assistant III