

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

**MARCH 4, 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. Lombardo and passed unanimously by voice.

**PUBLIC COMMENTS:**

Mr. Tom O'Key of Joshua Tree distributed copies of a booklet to the commission, copies of which are preserved in the meeting file, to which he will refer later during a project discussion.

Daniel Seagondollar of Apple Valley complimented staff for the assistance he was given by Town employees when they gave him a ride to the Yucca Valley airport when a taxi did not arrive and the bus did not stop to pick him up.

**PUBLIC HEARING:**

**1. SITE PLAN REVIEW SPR 01-08 – COURTYARD COMMERCIAL (GUNTON)**

A request to add 1,900 square feet to an existing 5,417 square foot multi-tenant office building on a 0.56 acre lot located at 7211 Joshua Dr. and identified as APN 595-172-19

With reference to the complete printed staff report provided in the meeting packets and preserved in the project and meeting files, Contract Planner Nicole Criste presented the project discussion to the meeting. The existing building will be expanded and the landscaping and parking will be reconfigured to accommodate the additional space. Improvements require installing ribbon gutters to the alleys which are in very poor condition. The architecture and elevations are consistent with Town commercial design guidelines. Joshua Lane has already been improved to Town standards and nothing is required of the applicant for Joshua Lane. Staff recommends approval of the project.

Mr. Willman asked if the ribbon gutters will wrap around the building and drain onto Joshua Lane. Town Engineer Noel Owsley replied they will drain to the north behind Washington Mutual onto a property which is designed to accept that water.

Mr. Huntington questioned the site plan showing new curb and gutter. Director of Community Development Tom Best replied it is to replace an existing approach to the project. There should also be a Condition of Approval ("COA") for a sidewalk. Staff requests that the Commission amend the COA to include a sidewalk if the project is approved.

Mr. Huntington asked if the undergrounding of utilities will be required. Ms. Criste replied no new service is proposed so undergrounding will not be required. Grading and compaction reports will be required as part of the building permit process.

Mr. Huntington asked who owns the alleyway. Mr. Owsley stated there is an easement for the alley but the Town is not responsible for maintenance. There is no way to improve the alley unless someone builds on an abutting property. Mr. Huntington questioned the necessity for both COA 18 and 19. Mr. Owsley responded one covers the alley on the north which does not need a ribbon gutter and the other covers the alley on the south which does need a ribbon gutter.

Mr. Huntington asked what triggers a Conditional Use Permit ("CUP"). Ms. Criste replied that any modification to a commercial structure requires a CUP.

Mr. Goodpaster asked what the width for the alley will be. Mr. Owsley replied that it has to meet the Town standard. Mr. Goodpaster asked if Fire Dept. requirements will affect the width. Mr. Owsley replied the Fire Dept. only needs to get within 150 feet of the property and there is a fire hydrant closer than that and they have closer access from Joshua Lane. Furthermore, it may not be possible to get a wider alley.

Mr. McKoy opened the public hearing.

Applicant representative Dan Seagondollar of Apple Valley stated the primary purpose is to upgrade the building for handicapped accessibility. They will be happy to comply with any COA to bring the street to current Town standards. They plan to improve the rear alley and the parking situation. Maintenance of the alley is probably a hammer that can be used by Code Compliance with the business/property owner. The applicant concurs with the COA's and requests approval.

Mr. McKoy closed the public hearing.

Mr. Willman moved that the COA be amended to add a sidewalk on Joshua Lane and that SPR 01-08 be approved based upon the findings and amended COA. The motion was seconded by Mr. Goodpaster and passed unanimously by voice vote of the Commissioners present.

## **2. CONDITIONAL USE PERMIT CUP 05-01 AMENDMENT #2 – BARR LUMBER**

A request to revise the approved site plan for the off-site lumber storage facility located at 7029 Theater Road and identified as APN 595-161-10 to construct a covered lumber rack system and to allow the existing building that was previously proposed to be removed to remain as a storage building.

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. CUP 05-01 was approved November 20, 2001 which allowed the storage of lumber and materials on a parcel which is not adjacent to the Barr Lumber store. Amendment #1 was approved May 20, 2003 and allowed the construction of a metal lumber rack storage system on the non-adjacent parcel and allowed an existing building to remain on the parcel as additional storage. The approval expired on May 20, 2006 and no extension of time was requested so the project must go through the process again.

The size of the project has been decreased to accommodate a 15 foot landscaping area along Theatre Rd. A spray-on texture is proposed on all sides of the metal structure visible to the public. The Conditions of Approval ("COA") are incorrectly numbered with a repetition of #s 17 through 20. They will be referred to as 17a through 20a for the purpose of this discussion and will be correctly re-numbered after the hearing. COA #'s 14 and 15 require landscaping along SR247 in front of the Barr store and the proposed storage area as well as along Theatre Rd. Additional plants and decorative treatment will be added to the planter at the store. Applicant requests that landscaping along Theatre Rd. not be required. A 15 foot landscaping planter along all street frontages is typically required for commercial development.

The project is required to underground utility lines. The applicant requests that the COA be removed. An 8 foot high block wall is required to be installed at the store and the off-site location. The Planning Commission previously approved T-111 screening for a maximum of 2 years. The T-111 wall has not been upgraded. The applicant wishes to leave the T-111 and not construct the block wall. The off-site location was also originally conditioned for slating in the chain link fence. The slats have been only partially installed. COA 17a refers to refurbishing a fence along the north and west boundaries of the store property which may not be on the applicant's property. That COA will be removed once that is confirmed and staff will work with the owner of the fence to bring it into compliance with code. COA #22 requires the standard 3 foot dedication along the right-of-way of SR247.

Staff requests that the Planning Commission discussion include the following topics.

1. Does the Commission still want to have solid screening other than T-111 at the Main facility?
2. Does the Planning Commission still agree that slatted chain link fencing is appropriate along SR 247 for the off site location?
3. Should the landscaping be provided along SR 247 at the main facility and the offsite facility? Along Theater road?
4. Does the Planning Commission feel that this project qualifies for a waiver from the utility undergrounding ordinance?

Staff recommends approval of the project.

Mr. Goodpaster asked if the Underground Utility Ordinance applies to all services or just new service. Mr. Kirschmann replied it applies to all but there is an exemption for expansion. However, this is not an expansion because it is not located on the same parcel as the store.

Mr. Lombardo requested and received confirmation that the applicant request for the removal of the COA is based on cost.

Mr. Huntington commented that the CUP pertains to parcel #10 but we are involving the original store facility which is two lots removed from the subject property. Mr. Kirschmann replied the original CUP involved the other 2 lots as well. Theatre Rd. is a private road.

Mr. McKoy asked if the fencing on the north of the store property is visible. Mr. Kirschmann replied it is visible from SR247 and Papa John's Pizza.

Mr. McKoy opened the public hearing.

V.P. and General Counsel for Barr Lumber Peter Freeman of Irvine stated the single largest issue for them is the undergrounding of utilities. This project deals with 3 parcels. The store is on the southern most parcel, the middle parcel which Barr owns is the subject parcel where they want to put up this removable structure. If Barr ever relocates it will go with them. The third parcel is a rented parcel. They wonder if they would have the same COA if the storage parcel were 2 blocks away instead of 2 parcels away.

The utility services runs down the property line between 2 parcels. There is only one feed from the utility pole to the existing structure. That service will remain for the burglar alarm but no new service is proposed. It would be \$20 to \$30 thousand to trench and underground the existing drop. They would have to trench through Theatre Rd. or go up and over and add a new pole. They will not be able to do the project if that COA stays. The other alternative is to reduce the structure by 30% to become eligible for a waiver.

The next issue is the block wall. The T-111 wall is well maintained and provides a full 8 feet of screening. They believe it is safer than a block wall would be for the fork-lift drivers who work in the area. They would like to work with the Town to maintain the T-111, spruce it up and get it closer to what the Town wants to see. If the Town can make contact with the owners of the adjoining property and approve removal of the unsightly chain link fence, Barr will remove the fence.

Barr will improve the landscaping in front of the store. They would like to not have to run water lines to irrigate it. They propose drought tolerant native plants and decorative rock or similar. The real issue is week-end parking on Theatre Rd where there are no defined curbs. People park everywhere on the road and landscaping will not survive. They also do not want to landscape along SR247 of the northern most property because it is rental property. The curb line is broken and the area floods from run-off so landscaping will also not survive there.

They believe Barr has dedicated the additional 3 feet along SR247. If the appropriate documents have not been filed, they will take care of it. They have 5 full size parking spaces on the north side of the driveway into the store. The dedication will require reducing the size of those spaces. They request that those changes be made when and if the space is needed for SR247. They would accept the requirement to reduce those spaces as a COA as part of the dedication. They do not oppose COA 17.

Mr. Willman asked if employees parked on the storage parcel. Mr. Freeman replied there is no public access to that parcel; it is used only to off-load materials exclusively by the employees. There are no private vehicles there.

Mr. Willman asked why the slated fence was not installed along Theatre Rd. Mr. Freeman responded his impression is that the T-111 met the requirement and visibility was provided for police security. Mr. Willman asked staff if that was a COA for the storage yard. Mr. Kirschmann replied COA #18 from the original approval required slating to be installed around the perimeter where no solid wall exists. They partially addressed the COA with slating on SR247 adjacent to Discount Tire but it was never completed. Nothing was installed along Theatre Rd. Mr. Freeman stated there is an 8 foot chain link fence on Theatre Rd. and there is no one back there except for the swap meet. Mr. Willman commented that means the public is there.

Mr. Lombardo questioned the T - 111 fence adjacent to the chain link fence on the southern boundary of the store property. Mr. Freeman replied they would be able to do some maintenance on the T-111 fence if the chain link came down. There is an elevation difference on the property boundary and the chain link fence sits on a pony wall which elevates it even more. If/when the chain link fence comes down the T-111 will extend from the corner of the parking lot west to Theatre Rd. They would like to install a 3 or 4 foot chain link east of the T-111 wall to the end of the parking lot for safety purposes.

Fritz Koenig of Yucca Valley supports efforts of Barr Lumber to improve the site and stay in Yucca Valley. He would like to see the utility lines go underground but the Town needs a mechanism to help pay for that. He requested that a concrete sidewalk not be installed in front of the project. Walk paths should be of hardened sand.

Mr. McKoy closed the public hearing.

Regarding the Barr request to not install permanent irrigation in front of the store, Mr. Kirschmann commented the landscaping required by the approval in 2001 is not in place. Irrigation would improve the chances for survival and drought tolerant plants are recommended. The Undergrounding Ordinance states the owner/developer shall bear the expense. A survey is required to establish the property line and ownership of the southerly chain link fence. Chain link fencing is typically not allowed in commercial districts. A wrought iron or other decorative fence would have to be installed east of the T-111 wall on the south property boundary. There is a 3 foot drop-off between the Barr and Food-4-Less properties.

Mr. Goodpaster commented that undergrounding the utilities is the big issue and this would be an appropriate waiver because it is a temporary structure. T-111 is not the most attractive fencing but this one has been kept in pretty decent condition. Something should be done about the landscaping along SR247. Wrought iron or other decorative fencing on the south property line would be more appropriate.

Mr. Willman agreed that the proposal is for an open storage structure which can be removed, and the utility undergrounding can be waived. He asked if the northern chain link fence on the off-site property has been slated. Mr. Kirschmann replied only on the front. Mr. Willman believes it should be slated completely around the property,

especially on Theatre Rd. which can be seen by the public. If the T-111 wall is going to remain it needs to be improved with aesthetic detail.

Mr. McKoy agreed with the undergrounding waiver but it should have a time limit.

Mr. Huntington stated he believes findings can be made for the undergrounding waiver. Doing short sections of undergrounding is the least cost effective alternative. In-lieu fees would be more economical. He remembers approving the T-111 fence with a two year period stipulation. If we allow it to remain how do we assure maintenance? The landscaping at the retail facility should be irrigated and improved. At the temporary facility non-irrigated rock forms and xeroscaping would be acceptable. Chain link fencing is not appropriate on the south boundary of the store property. Slating should be required around the entire parcel for the storage structure.

Consensus of the Commission was that landscaping is not required along Theatre Rd.

Mr. Kirschmann recapped the Commission recommendations as follows:

1. A COA is to be added stating the T-111 fencing can remain but must be maintained.
2. Slated chain link fencing and non-irrigated drought tolerant landscaping is appropriate along SR247 on the storage yard frontage.
3. Undergrounding of utilities will be waived for the storage yard and COA #18 will be amended to reflect that waiver based both on site conditions and that it is a temporary facility
4. COA #14 will be amended to require irrigation and drought tolerant plants along SR247 on the retail store frontage.
5. References to Theatre Road will be removed in COA #14
6. COA #19 is to be amended to read the T-111 siding will be maintained in good condition
7. COA #20 will be removed
8. Regarding COA #17a, the Commission requested that staff work with the applicant and the owner of the adjacent southerly parcel for removal of the aged chain link fence. Staff believes the applicant should initiate that contact.
9. No changes were made to COA #18a or 22
10. COA 22a will be amended to add language stating documentary proof of the offer to dedicate shall be provided to the Town if completed or the instruments will be provided.

Mr. Goodpaster moved that CUP 05-01, Amendment #2 be approved as amended above based upon the findings contained within the staff report. The motion was seconded by Mr. Willman and passed unanimously by voice.

Mr. McKoy adjourned the meeting at 8:20 p.m. for a ten minute break.

Mr. McKoy called the meeting back to order at 8:30 p.m.

3. **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-2, 2 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 109 single family lots, as well as lots for streets, a sewage treatment facility, parks and a retention basin. A Mitigated Negative Declaration is proposed. APN: 585-071-16, -17, -25 & -26.

With reference to the complete printed staff report provided in the meeting packets and preserved in the project and meeting files, contract Planner Nicole Criste presented the project discussion to the meeting. At the Commission meeting of December 14, 2007 the Commission requested that the applicant provide visual simulations of the Tract and continued the item. The applicant is requesting an RS-2 zoning designation. The Tract Map has been revised to 109 lots. Visual simulations showing the project site from 3 locations, a series of topographic models of the post construction condition and modeled drawings that show views of 6 locations in the proposed tract have been provided.

The number of retaining walls within the tract has been reduced. The slope is being accommodated through terraces and sloped areas. Retaining walls are still proposed at a dozen locations. The pads for lots 63 through 66 are proposed to be 24 to 37 feet above the pads for lots 72 through 74. The previous elevation differentials were from 13 to 25 feet which is an increase. The pads for lots 96 and 97 are now 21 to 26 feet above lot 101 .The pad differential between lots 97 and 98 was previously 10 feet and is now 20 feet of separation. The topographic models show some of these differentials. All of the houses are not plotted on the models.

Staff has multiple concerns regarding the differentials ranging from shade and lack of livability of lots on the low side to wind and water erosion during storm events. The lower lots could experience considerable siltation.

Staff believes RS-2 is appropriate for the site in that it would normally generate 18,000 s.f. lots. Smaller lots are being sought through the Planned Development. Staff supports the General Plan Amendment and Re-zone for 18,000 s.f. lots but not the Planned Development as designed. A Mitigated Negative Declaration is proposed for the Environmental Assessment.

Mr. Lombardo commented the project appears to have gotten worse since the last meeting and the goals were not met. Ms. Criste replied the grade differentials are greater than before.

Mr. McKoy asked if the loss in lot size was due to the slopes. Ms. Criste replied there are 2 fewer lots probably associated with the elimination of many of the retaining walls.

Mr. Willman asked who would be responsible for maintaining the slope. Ms. Criste replied since the slopes occur on individual lots it falls to the individual property owners.

Mr. McKoy opened the public hearing.

Bill Warner of Nolte Associates recapped the history of the project as first appearing before the Commission in February of 2007. The Commission expressed some of the

same concerns then and suggested a Planned Development may be a mechanism for redesign. The density was reduced slightly and the smaller lot sizes allowed for the park, trails and other amenities but it required retaining walls on virtually all lots. The number of walls has now been considerably reduced based upon Commissioner and audience concerns expressed at the last hearing. There is a 150 foot vertical drop on the entire property. Grading is necessary, walls are expensive but slopes take up space. A balance must be struck. The grade differential lot to lot in adjoining neighborhoods is from 10 to 12 feet.

The goal was to internalize the grade differential in the middle of the tract and soften all grading in other areas of the site. The purpose was to reduce the visual impact those high slopes have from outside the project. The proposed grading is conventional with contours spaced irregularly not smoothed planes. On the precise grading plan mid height or partial height benches will be placed. They are aware slope erosion is a concern and measures are prescribed in the Development Code to address that. The proposed slope design and grading concepts are consistent with the Code as well as the proposed new Grading Ordinance. The overall density is 1.7 per acre which is lower than the neighborhood to the east. They have tried to reduce the walls, internalize the slope differences and minimize the gradient between the lots.

The developer has spent a lot of money trying to comply with staff and Commission suggestions. The applicant agrees with the proposed COA. There is a proposed 20 foot parkway along Sage with a meandering sidewalk. Almost 3 miles of trails and walks are proposed and Long Canyon Channel will remain natural. They request approval of the project.

Mr. McKoy questioned the effect of torrential rain on the surrounding areas if the project were built. Mr. Warner replied rocks, matting and modern geoscape materials help reduce erosion and encourage re-growth. These are not terribly high slopes and would be engineered, compacted and maintained by the Home Owners Association. Side yard and smaller slopes up to 10 feet would be maintained by the individual homeowners.

Applicant Bill Shack of Yucca Valley stated this is his fourth tract development. The tract east of the site has the same elevations with no drainage problems there and they are maintained by the homeowners with jute matting or vegetation. The grading on this project is no less or greater than the tract to the east. He hires local people and buys materials locally. This density is at 1.7. The tract to the west is 2.4 and the one to the east is at 2.6 density.

They came first with a tract and were told to come back with a Planned Development, so they did. Now they brought the visuals. The tract will look no better or worse than the first Copper Hills. Have a little faith in them.

James LoCurto of Yucca Valley has owned numerous homes in Yucca Valley, the last 2 built by Mr. Shack who lives in the development. He believes in his product, hires local, purchases local and his crew keeps the areas clean. He is aware of the tortoises and plants, tries to keep them in place, and undergrounds utilities. Let him keep building.

David North of Yucca Valley is a friend of the applicant and has worked for him. This is the 3<sup>rd</sup> time this project has been to the Commission and it isn't fair that it keeps being tabled. You just approved the Barr Lumber project, do the same thing for Mr. Shack.

You should trust Bill Warner. He's been here for 31 years and has never made a mistake. The biggest thing is the economy. Mr. Shack started the last tract in a bad economy and within a year this Town picked up and grew faster than ever. Mr. Shack helped push that.

Derrick Mills of Yucca Valley lives in Copper Hills and has no drainage problems. The streets are never full of dirt. They have fresh pavement, curbs and gutters. He is for the project.

William Shack III of Yucca Valley stated he lives in Copper Hills and is very proud of the development. They are service oriented or they would not have been successful. Stop wasting time, approve the project and get these people back to work.

Mark Vikdal of Yucca Valley stated he agrees with the project. He has been a part of the previous Copper Hills projects, history speaks for itself and they were done right. They have successful engineering. In the big rain storms the water goes down the gutters as engineered. He works for Barr Lumber and they were not allowed to take a truck onto the project sites if the trucks were leaking oil or any liquid. Economics are important and Mr. Shack keeps the money in Town, both through payroll and taxes. He urges approval.

Vickie Bridenstine of Yucca Valley stated she works for Nolte Associates and has 24 years of experience with projects that include mass grading and the grading of slopes. As long as the slopes are graded and maintained correctly they can solve drainage problems. A lot of the drainage problems in Town are because we don't mass grade and contour the land so the water drains to the street. We allow it to go across lot lines which cause the problems. Mass grading allows the homes to be placed above street level so the water goes to the street and not the neighbors. In projects like this the lot line is placed at the top of the slope so it is wholly owned by the home at the bottom of the slope. It is in the owner's best interest to maintain the slope. No water will flow over the slopes. The only water on the slopes is rain. As long as the slopes are landscaped and maintained properly erosion is negligible.

Vince Laubeck of Yucca Valley stated a huge amount of erosion comes out of the current Copper Hills and lands on Golden Bee making it almost impossible to drive. That's why they don't have any problems in the development.

Charla Shamhart of Yucca Valley spoke on behalf of the Desert Environmental response Team. She has concerns that the intent of the General Plan is and has been under attack for some time. Suggestions that the General Plan be overturned in favor of development have been too welcomed by the Town. A precedent has been set allowing intensive development in many areas. She would like to see it thinned out. The developers expect that treatment now and that it will continue. How many amendments to the General Plan can we sustain and still be a rural community? We must have growth, but she asks that it be sane. Stop acquiescing to every proposal to overturn the General Plan and increase density. Those who came here to defend the integrity of this desert community came because they care not because we were being paid. They want to see the quality of life here now protected. Please, no clear cutting.

Tom O'Key of Joshua Tree stated he owns 50 acres in Joshua Tree he plans to develop. We don't have to build little houses that do a short term roof top economic gain but don't

address what this neighborhood is about. An Act of Congress created the homestead parcels here. It was a group of people who thought we should have the right to enjoy the desert. He would like to see us really be serious about this gem that we have here. We don't have to tear down the forests. Build something that means something.

Robert Schoenlieber of Yucca Valley disapproves of the change of zoning. He is legally blind and asked George Hoagland to read into the record a letter, copies of which are preserved in the meeting and project files, in opposition to the project. Mr. Hoagland read the letter.

George Hoagland of Yucca Valley stated when the Town established the General Plan, with justifiable reasons, the parcel in question was zoned RL5. Those reasons are as valid, if not more so, than they were in 1995. Mr. Shack had to be well aware of the RL5 zoning when he acquired the property. He took a chance on getting a zone change. He most certainly should have had a contingency plan with the RL5 zoning. He recommends that the Planning Commission act within the dictates of the General Plan and let the RL5 zoning stand. Any change in the General Plan in this case would be a disservice to Yucca Valley.

Charles McHenry of Yucca Valley does not think this should be rezoned to RS2. There are a lot of old growth Joshua Trees in the area and a mega wash running through it. He lives in Juniper Terrace which is zoned RS2. Prior to 2002 they did not have a lot of flooding in that area. As a result of the construction of 25 homes, his house started having flood problems in 2003 from erosion due to houses built above him. The more you clear the more water you get and the faster it flows. Water does run downhill from Copper Hills. Home Owners Associations collect fees when the homes are sold. If the homes don't sell the Association doesn't have money to maintain anything.

Bill Souder of Yucca Valley stated his concern is that most of the discussion has looked at the details of the project and not the big picture which is the zoning and General Plan. The first goal of the General Plan is preservation of the predominately rural, low density and high quality residential character of the Town. To amend the Plan, the CA Government Code requires verification that the zone change is consistent with the objective, policies, general plan uses and programs of the city's General Plan. This project does not meet that. The recent survey done for the Park & Recreation Master Plan asked what brought people to Yucca Valley. The top answer was 28% small town atmosphere; 21% climate, and then open space, no traffic, limited growth and preservation of open space. All of those are consistent with the General Plan. The RL5 zoning was reasonable. Changing it to a higher density based on surrounding area densities is a very bad precedent. Every property owner could use that same argument for higher density. Earlier staff reports stated the change was not consistent with the General Plan. Now, all of a sudden, it is consistent. This is a huge increase in density that does not make sense. He would like to see the project denied.

Diana Shay-Diehl of Yucca Valley stated she feels compelled to share here thoughts and she is not being paid to speak. She has been here for 24 years and is a rooted citizen with a vested interest in our community. She worked for incorporation for the Town with the premise and promise that local government would help protect our rural atmosphere which meant retaining open spaces, our night sky, the natural environment and keeping the area from high density blight that's affecting surrounding communities in the region. She is disappointed to see that more and more rezoning for such

development is being approved with little regard for water usage and the lack of sewers and a treatment plant, especially in areas near the National Park. She asks that serious consideration be given before allowing more higher density development before we become another community with no defining features other than block wall development, a sea of roof-tops and strip malls. We need longer term employment, not more housing development.

Bill Boyce of Yucca Valley stated he is opposed not because he wants to see men out of work or a lesser economy for the Town but because he lives in the area and the project is a wash. The water goes down into Golden Bee then to the east of Joshua Dr. where it is carving a canyon that wasn't there before. Putting more roof-tops, more cement and more driveways which diminish absorption will make the run-off worse. The people down stream are opposed to this project.

Pat Flanagan of Twentynine Palms representing the Mojave Desert Land Trust stated their mission is to protect the Mojave Desert ecosystem and cultural and scenic resources. They are working with other agencies to identify and protect buffer lands and linkages. They recently acquired Nolina Peak, the southern boundary of which and Covington Flats burned in 2006. Covington Flats is an increasingly active fire corridor, experiencing 5 fires since 1995 totaling 21,000 acres that threatens communities to the north. In 2007 the CA Dept of Forestry & Fire Protection mapped fire severity hazard zones for local responsibility areas. Yucca Valley is in a wildland urban interface local responsibility area with significant fire threat from nearby, sparsely settled Federal lands with high fuel loads and rugged terrains. Copper Hills is in a moderately severe zone immediately adjacent to the very high zone at the toe of Long Canyon and the foothills. The updated hazard severity zone maps of 2007 support the wildland urban interface Codes adopted by the CA Building Commission which will become effective for local responsibility areas on July 1, 2008. The codes contain standards for materials and construction methods, for wildfire exposure and vegetation clearance required. The density of the proposed development creates hazards and should comply with the new codes and provide escape routes in the event of a wildland fire.

Tasya Herskovits of Pioneertown stated the tract to the east is very different in elevation and does not have the same slope issues which are why the walls are proposed to be so high. It will be more visible from the rest of Yucca Valley and have more issues of flooding and erosion. It was zoned RL5 in the first place because of the topography. We should not grant the request every time a developer asks to change the zoning. She understands it is frustrating to come before the Commission multiple times but this is an extremely different area than others typically developed. As we get closer to the Park further away from the center of Town we will be dealing with more of these issues. The actual land cannot handle it.

Sue Tsuda of Yucca Valley stated attempts at incorporation of Yucca Valley failed several times because people did not want a city. They wanted a rural area which is why we are a Town. A commitment was made to the community then to try to retain the rural setting. When the citizens committee, the Town Council and the Planning Commission were considering the General Plan the areas in question got a lot of attention. It was decided not to change to a high density to provide a buffer for the Park and the neighborhood to the west. The reason for that is the site has a distinct native character and is not currently disturbed, other than by trespassers. It does not lend itself to mass grading. Mass grading does sometimes fail. In a desert area with soil like ours

where plants are not readily re-established to hold the soil it is quite likely to fail. If you approve the project you must acknowledge that you are changing the character of Yucca Valley.

The following people requested in writing that their position in favor of the project be recorded: John Mahany, Brian Rush, Dan Arthofer, Ron DeMaio, and Rob Simmons.

The following people requested in writing that their position in opposition to the project be recorded: Debbie O'Key, Valeree Woodard, Marilyn DeBord, James DeBord, Loren & Laura Wilson, and Rose Scott.

Mr. Warner replied to the comments stating that the erosion flow onto Golden Bee is the planned crossing of Long Canyon Wash. Long Canyon Wash will stay in the natural state above Golden Bee and the crossing will continue to function but culverts will be built by the developer under Golden Bee. A large detention basin was built on Joshua Dr. into which current flows from the existing Copper Hills empty. Some of the flows from this development will also go there.

The General Plan defines RS2 as a rural designation. There are no open spaces in Juniper Terrace but it is also RS2. This project has open spaces. All of the impacts from this project are adequately addressed by the mitigation measures. Home Owner Associations assume responsibility when 51% of the lots are sold. Until then the developer is responsible for the site. The county zoned the property RS 10M which allowed lots as small as 10,000 s.f. or 4 per acre. The Town changed the zoning to a lesser density. The current RL5 designation is an anomaly.

A package sewage treatment is proposed and some of the water can be reused. Fire is always a concern and the project will comply with the Fire Codes. The hill on the south will be developed at a very low density.

Mr. Willman questioned the power pole in the middle of Sage Ave. Mr. Warner replied that is a good point. The island aligns with the curb on the south and is not in the travel-way. They still have to work out traffic issues like this.

Mr. Willman stated a lot of the storm water drainage from the existing Copper Hills does not appear to go into the basin. Percolation will be diminished with the new project and it has to go somewhere. He is concerned with the elevations on the cul-de-sac and a 37 foot slope. He asked if the benches on the slope are concrete. Mr. Warner stated benches are usually dirt but concrete is used where required based upon the slope and velocities. The water goes to the street in either pipes or concrete lined ditches. That decision will be made when they are engineered. Regarding storm flows, the project is designed to retain its run-off plus 10% and there will be no increase. They would be willing to accept a COA stating some of the water will get to the basin.

Mr. McKoy closed the public hearing.

Ms. Criste stated staff's concern regarding the slopes is not for views of the project from other parts of the Town as much as it is for the atmosphere within the project and the internal quality of life.

Mr. Huntington stated he does not remember any General Plan Amendments since incorporation that have increased land use density. Ms. Criste replied there have only been 1 or 2 for small parcel maps. Mr. Stueckle stated the numbers in totality are minimal. Staff has a table showing the changes made by all amendments which staff will bring to the next meeting.

Mr. Willman stated he strongly believes we have to consider developments as they get close to Joshua Tree National Park and thin out the density as it gets close to the park.

Mr. Goodpaster stated this property is zoned incorrectly at RL5. RS2 is more appropriate. He agreed with Finding #7 in that the project does not carry out the intent of a planned development. This body does not make policy decisions or judgment calls. That's up to the Town Council. He supports the re-zoning to RS2 and the approval of the EA but he is not in favor of the Planned Development.

Mr. Huntington agreed and would follow staff recommendations. The Commission does not rule on economics but on land use. He has a hard time with the lot sizes in the Planned Development. Only 18 parcels out of 109 meet the 18,000 s.f. standard. He has a hard time with the sub-division being based on 64 acres when only 35 acres are still involved. The parcel has a lot of un-buildable area which is being counted for the lot split.

Mr. McKoy commented the developer has been flexible and tried to make it work but the end result doesn't.

Mr. Huntington moved that the Planning Commission recommend approval of Environmental Assessment 05-06 to the Town Council based upon the findings contained within the staff report. The motion was seconded by Mr. Lombardo and passed unanimously by voice vote.

Mr. Goodpaster moved that the Planning Commission recommend approval of General Plan Amendment 01-06 to the Town Council, from the current Rural Living, 5 acre minimum to Residential Single Family, 2 units per acre based upon the findings contained within the staff report. The motion was seconded by Mr. Huntington and passed by a 3-2 voice vote. Mr. Huntington, Goodpaster and McKoy voted yes. Mr. Willman and Lombardo voted no.

Mr. Goodpaster moved that the Planning Commission recommend approval of Rezone 01-06 to the Town Council, from the current Rural Living, 5 acre minimum to Residential Single Family, 2 units per acre based upon the findings contained within the staff report. The motion was seconded by Mr. Huntington and passed by a voice vote of 4-1. Mr. Willman voted no.

Mr. Willman moved that the Planning Commission recommend denial of the Planned Development 01-07 to the Town Council based on the findings contained within the staff report. The motion was seconded by Mr. Lombardo and passed unanimously by voice vote.

Mr. Lombardo moved that the Planning Commission recommend denial of Tentative Tract Map 17862 to the Town Council based on the findings contained within the staff

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

### **CONSENT AGENDA: Minutes**

Mr. Huntington moved to approve as submitted the Planning Commission minutes of the February 5, 2008 Planning Commission meeting. The motion was seconded by Mr. Goodpaster and passed unanimously by voice vote.

Mr. Huntington moved to approve as submitted the Planning Commission minutes of the February 19, 2008 Commission meeting. The motion was seconded by Mr. Goodpaster and passed by a voice vote of 3-0-0. Mr. Willman and Mr. McKoy abstained.

### **FUTURE AGENDA ITEMS:**

Ms. Criste discussed the following future agenda items.

March 18, 2008:

CUP 02-04 – Super Wal-Mart – 195,000 s.f. store – Avalon Ave at SR62

Hillside Grading Ordinance

Continuation of TM 17378 & 17379 –divide two 20 parcels into 64 SFR lots  
on Acoma between Golden Bee and Joshua Dr.

April 1, 2008:

SPR 02-08 – Yucca Plaza – 20,707 s.f. commercial – NW corner SR62 at Hanford

SPR 03-08 – Felix – 1,050 s.f. commercial – NE corner Geronimo at Pueblo

TM 18011 – Specialty Homes – divide 20 acres into 8 SFR lots – SE corner of Cholla at  
Joshua Dr.

### **COMMISSIONER REPORTS AND REQUESTS:**

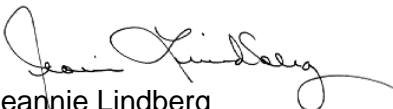
Commissioner Huntington announced he will not be able to attend the meeting on April 1, 2008

### **ANNOUNCEMENTS:**

Mr. McKoy announced the next regular meeting of the Yucca Valley Planning Commission will be held on Tuesday, March 18, 2008 at 7:00 p.m.

The meeting adjourned at 10:40 p.m.

Respectfully submitted by,



Jeannie Lindberg  
Administrative Assistant III