

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

**APRIL 21, 2009**

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

Commissioners present: Chair Shannon Goodpaster, Commissioners Robert Lombardo, Dawn Rowe and Margo Sturges

Mr. McKoy was excused due to family matters.

Chairman Goodpaster led the Pledge of Allegiance.

**APPROVAL OF AGENDA:**

Ms. Rowe moved that the Agenda be approved, which motion was seconded by Mr. Lombardo and passed unanimously by voice vote of the Commissioners present.

**PUBLIC COMMENTS: None**

**PUBLIC HEARINGS: None**

**DISCUSSION ITEMS:**

**1. PLANT PROTECTION & MANAGEMENT ORDINANCE  
CONTINUED DISCUSSION & DIRECTION TO STAFF**

A request that the Planning Commission continue the discussion regarding the protection and management of local native plants and provide direction to staff for the drafting of revisions, if any, to the existing ordinance.

Mr. Goodpaster stated that this is a continuation of a discussion of long duration over several meetings. We need to provide direction to staff this evening. He asked the Commissioners to stay on point and provide that direction so an ordinance can be formulated for the Town.

With reference to the complete printed staff report provided in the meeting packets copies of which are preserved in the project and meeting files, Associate Planner Robert Kirschmann presented the project discussion to the meeting utilizing a PowerPoint presentation, printed copies of which are also preserved in the meeting and project files.

Mr. Kirschmann stated this item has been under review for quite some time. A joint Town Council – Planning Commission was held on October 2, 2008. Many items contained in the staff report for that meeting were discussed and consensus was reached. He recapped those items as:

## **IN REGARDS TO COMMERCIAL AND INDUSTRIAL**

- 1) Should a Regulated Native Plant Survey, prepared by a Native Plant Expert, be required? *Consensus was Yes for survey, but No expert required.*
- 2) Should all Regulated Native Plants that were determined to be likely to survive transplanting procedures, be required to be transplanted either on-site or off-site? *Consensus was not "all". Try to save major plants (Joshua Trees & Yuccas) and as many as possible of the others.*
- 3) Native plant experts have indicated that transplanting more than once significantly decreases the survival rates of many regulated native plants. Based upon this testimony, should the ordinance require transplanting a second time, back into the development project in order to retain community character as a part of the landscaping plan, or should transplanting be limited to a single relocation, and therefore occur, off-site? *Consensus was plants should be put back into landscaping and can be transplanted offsite.*
- 4) Should the Ordinance require supervision and monitoring of the transplanting process by a native plant expert? *Consensus was No.*
- 5) *Should the Ordinance require an annual report on health (survival rate) of transplanted regulated plants; and, for what period of time? Consensus was one annual report at the end of the first year should be required commercial projects but not residential. The report should only be for plants transplanted within Town boundaries.*
- 6) Should the Ordinance require a maintenance program by a Native Plant Expert; and, for what period of time? *Consensus was for one annual report at the end of first year for commercial projects, but not residential. Only for plants transplanted within Town boundaries*
- 7) Should the Ordinance require that the Regulated Native Plant Survey/Permit Application be reviewed by the Planning Commission as a segment of the project approval process? *Consensus was No*
- 8) When transplanting off-site is proposed, should the Ordinance require transplanting within the Town only? Or should the Ordinance allow both in and out of Town transplanting, with first priority given to Town property owners? *Consensus was to not limit transplanting to within Town boundaries, but to not allow plants to be transplanted to the low desert where they will not survive.*
- 9) When there are Regulated Native Plants on-site that cannot (based upon Native Plant Expert Survey) be transplanted or will not be likely to survive the transplant process, should the design of the project protect those plants in place? *Consensus was that this cannot be accomplished on commercial development.*

## **IN REGARDS TO MULTI-FAMILY DEVELOPMENT PROJECTS:**

*Consensus was the same discussions for commercial apply to Multi-Family because these lots are developed from property line to property line.*

**IN REGARDS TO SINGLE FAMILY RESIDENTIAL (lot size 7,200 square feet to ½ acre):**

For lot sizes within this category, what constitutes the basis for plant removal? (Grading, SFR home construction, detached structures including garages, second units, swimming pools, playground areas, dog runs, large animal keeping, driveways, RV storage, multiple vehicle parking, etc.) *Consensus was it is almost impossible to require native plants be kept on lots this small, but it could be encouraged where possible.*

Mr. Kirschmann stated the discussion at the Joint meeting ended with this category. Staff requests that the Commissioners begin the discussion tonight with **In-Fill Development: Lot Sizes ½ Acre (1.25 acres? 2 acres?) to 20 acres +** and the same 9 questions. We need to compare and contrast the existing and draft Plant Protection & Management Ordinances, both of which are included with the staff report. Neither achieves the goals established above. Based upon current Town Council and Planning Commission direction, the Design and Development Standards to be included in Section 89.0130 of the Draft Ordinance will require modification.

Deputy Town Manager Shane Stueckle commented the purpose of the discussion this evening is not to focus on the lists of protected plants. Those will be discussed at a later meeting. The focus tonight is requested to be on the questions for the remaining development alternatives.

Mr. Kirschmann stated the goal of the revisions is to create an ordinance that is easily understood by any reader with clearly defined standards and clearly defined outcomes and expectations. Staff recommends that Public Comments be accepted followed by the Commission discussion of the individual questions for the categories of development.

Mr. Goodpaster requested technical questions of staff by the Commissioners, if any.

Mr. Lombardo asked if the questions tonight pertained to residential development or residential in-fill.

Mr. Kirschmann replied Single Family Residential (“SFR”) in-fill lots of 7,200 square feet to ½ acre were previously discussed. Tonight the discussion will focus on SFR in-fill ½ + acre; developments with lots of 7,200 sf to ½ acre; and then the larger lots, both in-fill and developments.

Mr. Goodpaster opened the discussion to public comment.

Tim Humphrville of Yucca Valley asked why the list contains plants that are not covered by the original ordinance. He suggested Commissioner Sturges consider recusing herself because of publicly stated opinions about development in Town. He turned in a petition at the last hearing on Native Plants signed by over 100 residents of Yucca Valley who are very concerned about more regulations being instituted. Most builders and developers will do their best to save all native plants possible. Use of property, drainage, parking, signage, Fire code and various other issues make it tough to design projects. Drainage is especially difficult with tract homes & developments. Planning already makes inspections on all sites and native plant permits are issued now to make sure that the plants that can be saved are

transplanted. He believes the people of Yucca Valley made it clear in the last election that economic development, growth and wastewater are much more pressing issues than special interests ideals for native plants. We should just enforce what we have. We need to protect what we can but we also need economic development.

Pat Flannigan of Twentynine Palms stated she is with the Mojave Desert Land Trust and she spent a good portion of today at a presentation on the recently completed wildlife linkages design for the Morongo Basin; the purpose for which is to connect Joshua Tree National Park, the Marine base and the San Bernardino mountains for wildlife and their food supply which includes native plants. The plants that the animals require need to be as robustly in place as possible. Our economy is an economy of tourism and we could destroy that. She asked the Commissioners to be aware of the importance of native plants to the ecosystem.

Larry Callanden of Yucca Valley stated the report for tonight is 10 pages and 2 of them are enforcement. Why do we need so much enforcement and penalties under Sec. 89.0345. It seems like overkill. It's already difficult to do any building here. Why not just say we would like to protect these plants and cut out some of the penalties. This is another permit on top of the school permit, building permit and the \$5,000 planning permit. What is the timeline for this to go into the Yucca Mesa area if the annexation is successful?

Robin Kobaly of the Summertree Institute in Morongo Valley stated if we don't have a requirement for a Native Plant Expert to be present during transplanting then it's probably not even worth doing. 90% of the plants will die if it isn't done correctly. Our native plants are a passionate issue. The Town of Yucca was recently one of the sponsors for a workshop on planting and preserving native plants put on by the Summertree Institute. All of the workshops are very well attended and there is great enthusiasm for protecting the plants. The Water District also sponsors the workshops. She asked that education about local native plants be incorporated into the ordinance. A brochure could be produced that would incorporate the provisions of the ordinance and the benefits to the homeowner of retaining native plants, even on small lots. They can help the Town with that education.

David Fick of Joshua Tree stated he is representing the Morongo Basin Conservation Association. He stated \$25,000 was spent on a consultant for the ordinance and asked where the consultant is. Regarding the complaint about too much enforcement he stated many developers read between the lines and exercise the subjective liberty to have lack of enforcement. The reason the ordinance is being revisited is to give it more teeth to save the plants. He would like a real dialogue. Letters have been presented with some current developments by experts that were a little too creative in stating that they had a 95% and a 98% success rate in transplanting Joshua Trees. That is a complete fallacy. Copper Hills alluded to transplanting 100% and no Joshua Trees can be seen there or at transplant sites. With digital cameras and GPS systems we can get better surveys. The plant that is on the Town seal is not on the list of protected plants which would be ironic.

Jennifer Thatcher of Yucca Valley stated she loves native plants and has been to Robin Kobaly's workshops. If the Town had more example gardens like at the Water District so people could see how good desert landscaping can look we would get a lot further. We could make it fun and have something like the "Home of the Month." She is a realtor and when she tells people to please save the plants they don't know how to save them or what to plant. We need to make this more of a fun thing.

Richard Schrode of Yucca Valley stated he has watched what has happened with attempts to transplant native plants since incorporation and it has been sad. He got so discouraged with the ordinance and what it allowed people to do with the plants that he gave up. If you talk to expert biologists informally they will tell you that no matter how you do it Joshua Trees have a 90% failure rate. Look at the failed dead transplants at Home Depot and Phelps. Developers are allowed to take the trees out, bag them and leave them on the back end until they find someone who wants them. That's a complete death sentence. The Town has a list of people who want trees but it is old and not maintained. If we're not going to keep our native plants then we should say that and not have a façade that were doing this great thing. You have to talk to experts who have no economic interest in the project. We should make it very clear that we want to save as many as possible. The way we're doing it isn't working and hasn't worked. Someday we won't have any Joshua Trees.

Joyce Metcalf of Yucca Valley stated there are several developments in Town that have incorporated native plants and the landscaping is beautiful. There are other developments where the land has been completely scraped, homes have been left unfinished and the top soil and plants have been destroyed. She asked the Commissioners to visit both kinds of developments like Storey Park and Mesquite 55 for a comparison before the final ordinance is adopted.

Mr. Goodpaster closed the discussion to the public.

Mr. Kirschmann suggested each question be addressed for the categories.

Ms. Rowe asked if the purpose of the last joint meeting was for the Council to provide direction to the Commission. Mr. Kirschmann replied yes. Ms. Rowe asked if the existing ordinance is going to be revised. Mr. Kirschmann replied based on the information provided there will be some revisions required. Ms. Rowe stated all the input tonight was very helpful. She likes incentives and stated no one is really for clear cutting. She struggles with personal property rights and more regulation is difficult for her. If we already have an ordinance with enforcement that works she is struggling with why revisions are being made. The examples given in the staff report for ½ acre and larger are huge changes in terms of more regulation, especially if transplantation doesn't work.

Mr. Stueckle suggested the Commission could start with more of a broad based philosophical discussion which may provide the direction staff is looking for this evening.

Ms. Rowe stated she spoke with a developer today about ½ lots and larger. She asked him how he handled it with in-fill. He said staff makes suggestions about moving driveways and other things to avoid native plants all the time. He said it has always been very easy to work with staff in accommodating the existing native plants. He said they try to leave the plants in place but some must be removed because of grading regulations and other building restrictions. She doesn't understand why we are tweaking on ordinance that seems to work well already.

Mr. Stueckle replied the Town Council originally requested that the Ordinance be revised. Two perspectives were being voiced; one that the Ordinance needed more standards and restrictions, and to preserve more of the native plants in their native locations, and the other perspective was that there was too much regulation and some of them should be eliminated. Both wanted change, but with different outcomes, so this process was begun.

Mr. Lombardo stated philosophically we want more native plants to remain in the Town and the best way to achieve that is through an incentive system. His biggest concern is for new tracts with small lots where everything has to be graded. Each lot should have to have a set number of native plants. He proposes 3 to 5 plants on smaller lots and some larger appropriate number of plants for larger lots. If they choose to clear the area there should be a fee, collected by the Town, used to support a park or green space where those plants can be transplanted. You get a credit, of perhaps \$50 or \$500 per plant, depending on what the fee is, for every plant you keep. If you keep 10 plants you pay no fee, if you don't keep any plants you pay the whole fee. Make it so the fee makes you think about keeping the plants.

Ms. Sturges stated the Town is at a crossroads with the opposing views and we have to work harder to work together. She understands the concerns of the developers and those on the other side. We need to meet in the middle. We have a General Plan which is the vision for the Town. The Development Code implements the vision. The Plant Ordinance is a section of the Development Code and it needs to be modernized. The other alternative is to revise the entire General Plan and Development Code which will cost a million dollars, which we can't afford. The Town of Yucca Valley has a trademark or brand, and that is our native plants. It would be nice to make preserving the plants fun. She would like to see incentives other than fines to encourage builders to go around a large Joshua Tree or Yucca. The Town has a handout about the Joshua Tree transplant relocation procedures. If we work together we can preserve the plants. We have more Joshua Trees here than in Joshua Tree. Are we going to ask the developers to save 50% of the plants? The reason we are addressing the plant ordinance is to have a meeting of minds so everyone knows what is expected. A recent project that came before the Commission provided a native plant map and a 33 page report prepared by a native plant expert that itemized all the plants and their locations on the project. Driveways and retention basins were located around the plants. We need to find a way that won't cost the builders a lot of money to save the plants. Mayor Luckino has requested that we find incentives so lets work together to do that.

Mr. Goodpaster commented fines are not incentives, especially with in-fill development. We are addressing lot sizes from ½ acre up to 20 acres each. In-fill development, one lot at a time, is completely different from tract development. There are severe limitations on how the site can be developed which include retention basins, underground utilities, driveways, etc. You can ask the builder to retain as many plants as he can but they have to be able to transplant because you cannot footprint grade small in-fill lots. With newer subdivisions you have to grade for streets, curbs, gutters, retention basins and sometimes waste water treatment plants. It is impossible to do all of that without grading the whole project site; reintroducing those plants back onto the project or adopting them out. He is for incentives. It is important to retain as many of the plants as we can. When this process began we were having issues with certain builders clearing the project with no regard for native plants. The community as a whole is stating that is probably not going to be acceptable any longer. We have to save as many as possible without burdening the developers to the point where projects cannot be developed economically.

Mr. Goodpaster requested discussion of the questions posed by staff. Mr. Goodpaster stated ½ acre lots should be included in the determinations made at the joint meeting. If a separate sub-section is going to be created for In-Fill it should start with 1 acre parcels.

**In-Fill Development:**

**Lot Sizes ½ Acre (1.25 acres? 2 acres?) to 20 acres +:**

**For lot sizes within this category, what constitutes the basis for plant removal? (Grading, SFR home construction, detached structures including garages, second units, swimming pools, playground areas, dog runs, large animal keeping, driveways, RV storage, multiple vehicle parking, etc.)**

- 1. Should a Regulated Native Plant Survey, prepared by a Native Plant Expert, be required?**

Consensus of the Commission was no. Ms. Sturges later changed her vote to yes.

- 2. Should all Regulated Native Plants that were determined to be likely to survive transplanting procedures be required to be transplanted, either on-site or off-site, including those within the proposed SFR pad and within 20' of that pad?**

Mr. Lombardo replied No, not "all". Ms. Rowe replied no since we are not requiring a plant expert and therefore the survival rate would be low but she endorses education about native plants for the developers and homeowners. Mr. Goodpaster requested clarification of how the process works now. Mr. Kirschmann stated the developer submits a plan showing the location of protected plants identified to be disturbed (relocated, trimmed, destroyed, etc.). The current ordinance allows removal and/or destruction of the plants within the proposed footprint of the structure, within 20 feet of the structure and the driveway and within the footprint of other improvements like retaining walls, retention basins, etc. Mr. Goodpaster requested and received confirmation that it is not just left up to the developer. Ms. Sturges stated an effort should be made to transplant all healthy plants so her answer is yes. Mr. Goodpaster stated yes, any plant that can be transplanted should be transplanted and we need an adoption policy. After the adoption period the plants can be destroyed.

- 3. Native plant experts have indicated that transplanting more than once significantly decreases the survival rates of many regulated native plants. Based upon this testimony, should the ordinance require transplanting a second time, back into the development project in order to retain community character as a part of the landscaping plan, or should transplanting be limited to a single relocation and be off-site?**

Consensus of the Commission is plants should be transplanted only once.

- 4. Should the Ordinance require supervision and monitoring of the transplanting process by a native plant expert?**

Ms. Rowe said no. Mr. Lombardo asked how many experts we have in Town. Mr. Kirschmann replied one. Mr. Lombardo stated we cannot require an expert when we only have one. Ms. Sturges stated supervision of the process should be required by an expert. Mr. Goodpaster said no.

**5. Should the Ordinance require an annual report on health (survival rate) of transplanted regulated plants; and for what period of time?**

Mr. Lombardo stated we should monitor the plants for one year. He would like to know what really does get transplanted and what is successful. We need more information about the plants and the only way to get it is to study them. Then we can make more intelligent decisions in the future and perhaps revise this again. He wants to see the plants transplanted and survive with a plant expert involved at some level but the expert cannot be the only one deciding if a project can be approved. Requiring a report is the only way to gather the information. Ms. Rowe stated monitoring the transplants is a great idea as is consulting an expert who has no economic interest in the transplanting process to find out if a year is sufficient. Ms. Sturges asked who would pay for the reports. Staff replied the builder/developer. Ms. Rower stated that should be a Town function and she changed her answer to no. If the botanist says the monitoring period should run for 10 years are we going to require an in-lieu fee? Each species will have a different monitoring time period. We cannot hold the developer responsible for a long term for the purpose of our research. Ms. Sturges stated it is important to have an annual report but not at the expense of the developer but how is the Town to pay for it. Ms. Rowe suggested a partnership with a non-profit might work. Mr. Lombardo questioned how detailed the report would be. Staff was unsure at this time. Mr. Goodpaster stated it is important to remember we are talking about a single family residence. We could be talking about an owner/builder. Annual reports or 5 year reports are too much to ask. It's more important to have an incentive. He stated his answer is no.

**6. Should the Ordinance require a maintenance program by a Native Plant Expert; and for what period of time?**

Ms. Sturges stated this question goes hand in hand with #5. If we're not going to have an annual report then why do we need a maintenance program? Mr. Goodpaster stated we need to develop an education program for developers and for individual owners who move here from non-desert communities who wouldn't know a Yucca from a pine tree. Consensus was no.

**7. Should the Ordinance require that the Regulated Native Plant Survey/Permit Application be reviewed and approved by the Planning Commission?**

Consensus of the Commission was no with Ms. Sturges voting yes.

**8. Should the Ordinance establish a maximum area that may be developed, therefore requiring that specific segments of the parcel remain in their natural condition (establish a maximum development envelope for the property)?**

Mr. Lombardo stated this would be a limit on property rights but he also wants to see native plants on properties. This would be too much regulation. Where would we draw the line on how much has to be left untouched? Ms. Sturges stated she cannot imagine an untouched area on a 10 acre parcel. She questioned the regulations currently in place. Mr. Kirschmann replied you can remove all the native plants within 20 feet of the structure footprint. This also applies to detached structures including pools, garages, storage structures, etc. and in the footprint of driveways and turn-outs. Mr. Stueckle commented another example would be equestrian uses with corrals and training areas. Mr. Goodpaster

stated property rights are as important as native plants. Owners should be able to have pools or corrals if they want.

Consensus of the Commission was no. Ms. Sturges passed.

**New Subdivisions, Lot Sizes 7,200 square feet to ½ Acre (1.25 Acres? 2 Acres?):**

**Both the Council and Commission have had recent discussions on Regulated Native Plant issues for 18,000 square foot lot (net) subdivisions. With new subdivisions, Town discretion should be retained within the Ordinance in order to achieve preservation, conservation, and community character. Consideration should be given to parkway treatments, both interior and exterior to the subdivision, treatments between the proposed subdivision and existing neighborhoods, as well as to the resulting character of the new lots and homes. Staff will present single family subdivision plans to assist in visualization of development practices and the associated policy questions**

**1. Should a Regulated Native Plant Survey, prepared by a Native Plant Expert, be required?**

Mr. Lombardo stated this is the area of his largest problem. Because of the requirements for curbs, gutters, streets, drainage and other improvements, the developers say they have to clear everything. The problem is the lots are too small to do anything else. A minimum number of plants should be saved or a fee should be paid. You get credit back for every plant you save. They have to be creative to make that work so hopefully they would create bigger lots. We can't stop that density if the area is zoned for it. He would say no to a native plant expert. Ms. Rowe stated it is almost impossible to get equipment in to prepare for all the improvements and not grade the entire site. She would like to see an incentive program to put plants back into the landscaping. No expert should be required. Ms. Sturges stated education is key. Parkways could be the answer for development. An expert should be required. Mr. Goodpaster stated a survey should be done but experts disagree on which plants can be transplanted. We have seen excellent plant surveys prepared but we should not require and expert.

**2. Should all Regulated Native Plants that were determined to be likely to survive transplanting procedures, be required to be transplanted, either on-site or off-site.**

Mr. Lombardo stated he has a problem with the word "all". The majority should be transplanted if practicable. He would say transplanted onsite, off site or adopted. An effort should be made to save as many as possible. Ms. Rowe and Ms. Sturges agreed. Mr. Goodpaster agreed "all" would be unrealistic but the adoption period should be extended to make all plants available.

**3. Native plant experts have indicated that transplanting more than once significantly decreases the survival rates of many regulated native plants. Based upon this testimony, should the ordinance require transplanting a second time, back into the development project in order to retain community character as a part of the landscaping plan, or should transplanting be limited to a single relocation and be off-site?**

Mr. Lombardo likes the idea of putting the plants into a median or parkway area as a buffer. They should be transplanted only once. Ms. Rowe and Sturges agreed. Mr. Goodpaster commented it would be very difficult and limiting to one transplant is too restrictive so his answer is no.

**4. Should the Ordinance require supervision and monitoring of the transplanting process by a native plant expert?**

Ms. Rowe replied no. Mr. Lombardo and Mr. Goodpaster replied monitoring should be necessary but not by an expert. Ms. Sturges replied yes.

**5. Should the Ordinance require an annual report on health (survival rate) of transplanted regulated plants; and for what period of time?**

Ms. Sturges asked how we can track survival rates if we don't have an annual report. We need the report. Ms. Rowe stated the Town should pay for the annual reports, not the developers. Ms. Sturges agreed. Mr. Lombardo stated he would like to see a partnership between conservation groups and developers to monitor the plants and develop maintenance programs. The Town does not have the funds to do this. We need to gather the information so yes to the annual report to collect the data. Mr. Goodpaster stated #5 & #6 are tied together. When developers bring projects forward they usually include maintenance programs along with an annual report. The reports almost have to be limited to plants transplanted on site.

**6. Should the Ordinance require a maintenance program by Native Plant Expert; and for what period of time?**

Ms. Sturges commented we keep struggling with having an expert. She suggested we revise it to read a "native plant expert or designee". The designee could be a person or group trained by an expert. We need expertise. Mr. Lombardo asked if there is some level of expertise below an expert that could be utilized. Mr. Stueckle replied the importance of education and training and trying to get good information to as many people as possible and not relying on an expert, per se, was discussed at the joint Council/Commission meeting. Mr. Goodpaster stated an overriding theme at the joint meeting was that education is very important in helping developers get on board with transplanting and recognizing the importance of the plants. Ms. Rowe answered no to the question.

**7. Should the Ordinance require that the Regulated Native Plant Survey/Permit Application be reviewed and approved by the Planning Commission?**

Consensus of the Commission was yes.

**8. When transplanting off-site is proposed, should the Ordinance require transplanting within the Town only? Or should the Ordinance allow both in and out of Town transplanting, with first priority given to Town property owners?**

Mr. Lombardo replied transplanted somewhere with priority going to within the Town. Ms. Sturges stated the plants will not survive below a certain altitude. Her answer is yes but in Town only. Ms. Rowe replied they should be allowed to be transplanted to anywhere they will survive throughout the Morongo Basin. Mr. Goodpaster commented that is a key point.

If we limit it to only within the Town we eliminate areas that have been devastated by fires. To not even have the option of replanting those areas is too restrictive. First priority should go to Town property owners and then to other areas.

**9. When there are Regulated Native Plants on-site that cannot (based upon Native Plant Expert Survey) be transplanted or will likely not survive the transplant process, should the design of the project protect those plants in place?**

Ms. Sturges replied yes. Best efforts should be given to replant into parkways.

Ms. Rowe commented since she wasn't in favor of a native plant expert survey it would be hard to be in favor of changing the design of the project to incorporate those plants based on that survey so her answer is no. Also, if you have a 2 acre parcel and you want 4 ½ acre lots you can't have parkways or common areas. Because of the net acreage requirement you would only be allowed 3 parcels. That's a tremendous loss to the developer. It could work on the larger subdivisions where they can have gross acreage.

Mr. Lombardo commented there may be trees in the middle of the proposed structure footprint and this says you can't build there because of the tree. He would be opposed to that. If it's in the way of a drive and the drive can be moved that's a different issue. Those issues should be discussed with planning staff. Subdivisions are going to level pretty much everything anyway on lots of this size.

Mr. Goodpaster said no. Redesign of a project based on plants would be pretty difficult to put on the developer.

**New Subdivisions, Lot Sizes ½ Acre (1.25 acres? 2 acres?) to 20 acres +:**

**Both the Council and Commission have had recent discussions on Regulated Native Plant issues for 18,000 square foot lot (net) subdivisions. With new subdivisions, Town discretion should be retained within the Ordinance in order to achieve preservation, conservation, and community character. Consideration should be given to parkway treatments, both interior and exterior to the subdivision, treatments between the proposed subdivision and existing neighborhoods, as well as to the resulting character of the new lots and homes. Staff will present single family subdivision plans to assist in visualization of development practices and the associated policy questions**

**1. Should a Regulated Native Plant Survey, prepared by a Native Plant Expert, be required?**

Ms. Sturges replied yes. Mr. Lombardo requested and received confirmation that this is currently required. He stated the requirement should continue using an expert or his/her designee. Mr. Kirschmann commented the ordinance currently states "or others as approved by the Town". Mr. Lombardo stated he agrees with that. Ms. Rowe stated an expert should not be required. Mr. Goodpaster commented a plant survey is appropriate for new subdivisions but we should not require an expert.

**2. Should all Regulated Native Plants that were determined to be likely to survive transplanting procedures, be required to be transplanted, either on-site or off-site.**

Ms. Sturges commented she is not comfortable with “all” plants.

Consensus of the Commission was no.

- 3. Native plant experts have indicated that transplanting more than once significantly decreases the survival rates of many regulated native plants. Based upon this testimony, should the ordinance require transplanting a second time back into the development project in order to retain community character as a part of the landscaping plan, or should transplanting be limited to a single relocation and be off-site?**

Mr. Lombardo replied only once into a parkway area or off site. Ms. Rowe and Ms. Sturges agreed. Mr. Goodpaster stated we need language encouraging a one time transplant but to limit it to once could cause the destruction of more plants.

- 4. Should the Ordinance require supervision and monitoring of the transplanting process by a native plant expert?**

Ms. Sturges voted yes, the other Commissioners voted no.

- 5. Should the Ordinance require an annual report on health (survival rate) of transplanted regulated plants; and for what period of time?**

Consensus of the Commission is yes, for one year.

- 6. Should the Ordinance require a maintenance program by Native Plant Expert; and for what period of time?**

Ms. Rowe voted no, the other Commissioners voted yes for one year but weren't sure about an expert.

- 7. Should the Ordinance require that the Regulated Native Plant Survey/Permit Application be reviewed and approved by the Planning Commission?**

Consensus of the Commission is yes.

- 8. Should the Ordinance establish a maximum area that may be developed, therefore requiring that specific segments of the parcel remain in their natural condition (establish a maximum development envelope for the property)?**

Consensus of the Commission is no, in recognition of property rights.

- 9. When there are Regulated Native Plants on-site that cannot (based upon Native Plant Expert Survey) be transplanted or will likely not survive the transplant process, should the design of the project protect those plants in place?**

Ms. Rowe commented, for the larger parcels, most people will be reasonable about positioning structures and staff can discuss it with them. She answered the question no. Mr. Lombardo agreed. Ms. Sturges asked how we are going to protect native plants on the

larger lots. Mr. Goodpaster commented these are design issues which come up during the planning process. The question is are we going to put a limitation in place in writing stating you have to design around native plants. The answer is no. Ms. Rowe asked staff for input. Mr. Kirschmann replied people come in who want to save all the plants and others don't want any plants on their property. Those people feel it's their property and they should be able to remove the plants. Mr. Stueckle commented with most of the large lot parcel maps, typically 2 ½ or 5 acres, preservation has been one of the key goals of the property owners. Removal of plants from those types of sites has been minimal. Mr. Lombardo commented to say something can't be built because the tree can't be moved is wrong. Ms. Sturges stated she would like to see the language changed to read encouraged rather than required. The other Commissioners agreed.

Staff thanked the Commissioners for the discussion.

#### **CONSENT AGENDA: MINUTES –**

Ms. Rowe moved that the Planning Commission approve as submitted the minutes of the Regular Planning Commission Meeting held on April 7, 2009. The motion was seconded by Mr. Lombardo and passed unanimously by voice vote of the Commissioners present.

#### **STAFF REPORTS AND COMMENTS: None**

#### **FUTURE AGENDA ITEMS: None**

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

Ms. Sturges stated she would like to preserve the language of the current Native Plant Protection Ord. Sec 89.0101 – Purpose in the new ordinance. Attention needs to be paid to the enforcement sections of the ordinance.

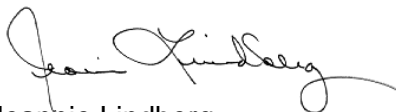
#### **ANNOUNCEMENTS:**

Mr. Goodpaster announced that the next regular meeting of the Yucca Valley Planning Commission will be held on Tuesday, May 5, 2009

#### **ADJOURNMENT**

The meeting adjourned at 8:45 pm.

Respectfully submitted by,



Jeannie Lindberg  
Administrative Assistant III