

**TOWN OF YUCCA VALLEY
TOWN COUNCIL MEETING MINUTES
May 8, 2008**

Mayor Leone called the meeting of the Town of Yucca Valley Council to order at 6:00 p.m.

Council/Board Members Present: Herbel, Luckino, Mayes, Neeb and Mayor/Chair Leone.

Staff Present: Town Manager Takata, Deputy Town Manager Stueckle, Administrative Services Director Yakimow, Community Services Director Schooler, Public Works Director da Rosa, Capt. Miller, and Town Clerk Anderson

PLEDGE OF ALLEGIANCE

Led by Council Member Herbel

INVOCATION

Led by Mike Kelliher, Joshua Springs Calvary Chapel

PRESENTATIONS, INTRODUCTIONS, RECOGNITIONS

A. Proclamation recognizing Candice Fritz, Reach out Morongo Basin.

Mayor Leone read and presented a Proclamation to Candice who is leaving Reach Out Morongo Basin.

AGENCY REPORTS

Hi Desert Water District – Joseph Glowitz

1. Monthly Wastewater Update.

Joseph Glowitz gave the monthly Wastewater update for April 2008 and advised of the draft scope of work.

Council Member Herbel commented regarding the location of the proposed site close to the border of Joshua Tree and questioned if there have been any studies to make sure the water goes into Yucca Valley's aquifer rather than to Joshua Tree. Mr. Glowitz explained regarding the ground water recharge plans.

Council Member Luckino questioned if Council can put the groundbreaking for March of 2010 and grand opening for May or 2012 on their schedules. Mr. Glowitz advised the schedule will probably change frequently and noted that the pre-application process will

probably put it back on schedule for January.

APPROVAL OF AGENDA

Council Member Luckino moved to approve the agenda. Council Member Mayes seconded. Motion carried 5-0 on a voice vote.

CONSENT AGENDA

- 2. **Approve**, Regular Town Council Meeting Minutes of April 24, 2008 as presented.
- 3. **Waive**, further reading of all ordinances (if any in the agenda) and read by title only.
- 5. **Adopt**, Resolution No. 08-15 recognizing the Green Valley Initiative and endorsing support as a Green Valley Jurisdiction.

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF YUCCA VALLEY, CALIFORNIA, RECOGNIZING THE GREEN VALLEY INITIATIVE AND SUPPORTING PARTICIPATION AS A GREEN VALLEY JURISDICTION

- 6. **Receive and file**, Treasurer's Report for 3rd quarter FY 2007/08 and direct staff to transmit the investment report to the California Debt and Investment Advisory Commission (CDIAC).
- 7. **Receive and file**, AB 1234 Reporting Requirement Schedule for the month of April 2008
- 8. **Adopt**, Resolution No. 08-16, calling on the municipal bond agencies to end discriminatory rating of municipal bonds.

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF YUCCA VALLEY, CALIFORNIA SUPPORTING REFORM OF THE BOND RATING SYSTEM

- 9. **Authorize**, the Town Manager and Deputy Town Manager to execute the first amendment to the contract with Value Management Strategies to extend the contract period from December 31, 2007 to October 31, 2008, SR 62 Realignment/Old Town Specific Plan, Value Analysis Study Report.
- 10. **Award**, a contract for construction services to D. Webb, Inc. in the amount of \$73,196 (base bid of \$71,246 + additive alternate bid of \$1,950); establish a \$7,400 contingency and \$4,500 administrative costs and authorize the Town Manager, Town Attorney, and the Mayor to sign all necessary documents; and authorize the Town Manager to expend the contingency if necessary to complete the project, Library Improvements Construction, Town of Yucca Valley Library, CDH Project No. 123-28111, Case No. 2302, Town Project No. 8913

- 11. Approve**, the Town’s participation in a Line of Credit offered by PFF Bank and Trust, and adopt Resolution No. 08-17 updating the Town’s authorized signatories concerning all accounts at PFF Bank and Trust and the Resolution updating the Town’s authorized signatories at the Local Agency Investment Fund (LAIF)

RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF YUCCA VALLEY,
COUNTY OF SAN BERNARDINO, STATE OF CALIFORNIA, AUTHORIZING
DEPOSIT AND WITHDRAWAL IN THE STATE LOCAL AGENCY FUND

- 12. Appoint**, Rogers, Anderson, Malody & Scott, LLP, to be the Town’s Independent Auditor, and direct staff to negotiate a contract for services with the firm for a three year period beginning with the fiscal year 2007-08.
- 13. Ratify**, Warrant Registers in the amount of \$473,364.05 for checks dated April 18, 2008 through April 25, 2008.

Council Member Luckino requested to pull Item 4.

Council Member Mayes moved to adopt Consent Agenda Items 2, 3, and 5-13. Council Member Luckino seconded. Motion carried 5-0 on a roll call vote.

AYES: Council Member Herbel, Luckino, Mayes, Neeb and Mayor Leone.
NOES: None
ABSTAIN: None
ABSENT: None

4. Council Member Travel Request

Council Member Luckino questioned if the standards from AB 32 have come down from Sacramento yet. Town Manager Takata advised that they have not. Council Member Luckino questioned if AB 32 has been identified as a priority in the Town’s strategic plan. Town Manager Takata advised that the Council hasn’t done its final prioritization of the Strategic plan. Council Member Luckino advised this issue is all about policy and that he applauds Council Member Herbel’s passion trying to limit the green house gas effect and global warming by addressing AB 32, but the Town does not financially support Council Member’s individual passions.

Council Member Herbel advised that she wanted to go to this workshop because when she was in Sacramento at the League Conference she talked to Attorney General Brown about AB 32 and its implementation, noting it is a bill that has been signed into law by the Governor. She was invited to go by the Attorney General. The Town is going to have to be productive in the mitigation of green house gas and has to look at being part of the solution.

Council Member Neeb advised he was present when Council Member Herbel got the invitation and questioned if this is a one time expense. Town Manager Takata advised that it is.

Council Member Mayes commented that there is a general Council travel budget that is adopted by Council, and all of us together decide how it is going to be spent. The reality is that there are different policy ideas with different educational needs that go with those ideas. He questioned if there is a way to allocate a certain amount of money for each individual Council Member. Town Manager Takata advised Council’s present policy is to bring individual requests to the Council. Council Member Mayes agreed that there should be a policy for things that are out of ordinary but questioned if there is another way of doing it.

Council Member Mayes moved to approve the request of Council Member Herbel to attend the “CEQA and Climate Change: Partnering with Local Agencies to Combat Global Warming” workshop in Los Angeles on May 15th. Council Member Neeb seconded. Motion carried 4-1 on a roll call vote.

- AYES:** Council Member Herbel, Mayes, Neeb and Mayor Leone.
- NOES:** Council Member Luckino
- ABSTAIN:** None
- ABSENT:** None

PUBLIC HEARING

14. General Plan Amendment 01-06, Rezone 01-06, Planned Development 01-07, Tentative Tract Map 17862, Environmental Assessment 05-06, Ordinance, Resolution.

General Plan Amendment and Rezone 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 RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF YUCCA VALLEY, CALIFORNIA, ADOPTING GENERAL PLAN AMENDMENT GPA-01-06 AMENDING THE LAND USE MAP FROM RURAL LIVING 5 ACRE MINIMUM (RL-5) TO RESIDENTIAL SINGLE FAMILY 2 UNITS PER ACRE (RS-2)

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF YUCCA VALLEY, CALIFORNIA, AMENDING THE ZONING MAP FOR LANDS LOCATED AT THE SOUTHEAST CORNER OF GOLDEN BEE AND SAGE AVENUE, AND IS

IDENTIFIED AS ASSESSOR PARCEL NUMBERS 585-071-16, 17, 25 & 26, FROM RURAL LIVING 5 ACRE MINIMUM TO RS 2

Contract Planner Nicole Criste reported the applications submitted include a General Plan Amendment (GPA) and rezone request for 63.4 acres, to change the land use designation from its current Rural Living, 5 acre minimum to Residential Single Family 2 units per acre. In conjunction with the GPA and Rezone, a Planned Development permit and a Tentative Tract Map have been submitted. The Planned Development establishes development standards for the project, particularly as they apply to variations from the Development Code. The project site is bordered on the north and south by vacant desert lands and is adjacent to single family development on the east and west. Surrounding land use designations vary. The project proposes 109 lots and the Tentative Tract Map and Planned Development are required because the applicant would be varying from the Town's development standards for the RS 2 land use designation. An application was submitted in February of 2007 requesting a General Plan Amendment and Rezone to RL 2.5 and proposing approximately 12,000 lots. The applicant modified his request to a Residential Single Family, two units per acre, RS 2 and the issue was last considered by the Planning Commission in March. The Applicant has revised the application to include 109 lots as well as open space and a park, and allowing some lots as small as 9,000 square feet. The change would allow up to 127 units on the parcel. General Plan Amendments and rezoning can not be conditioned and tied to specific properties. Staff recommended that the RS 2 did seem to be an appropriate stepping down of density, and the Planning Commission supported the GPA and rezone, felt that the RS 2 designation was appropriate for the site and recommended the item be forwarded to the Council this evening. The Planned Development and Tract Map underwent revision because of concern for the grade differential between lots. The Commission expressed concern about the grade differential between particular lots in the south end of property. Significant concern to the Commission was how the project relates to surrounding development, particularly on west side of Sage which is consistently at ½ acre lots. The Commission ultimately recommended approval of the GPA and rezone but denial of the Planned Development and tract map based on the findings in the staff report. Staff has also provided alternatives if the Council wishes to consider them including denial of the GPA since none of the project can proceed without approval of the amendment.

Mayor Leone opened the Public Hearing

Bill Warner, Applicant's Representative, Nolte Associates, stated that the surrounding property to the west zoned RS 2 and to the southwest is RL 5 which is appropriate for the steep terrain. They do feel the zone change recommendation the Planning Commission made is appropriate and does facilitate proceeding with the project as proposed. At issue is the merit of the Planned Development Permit. The average of slope is a 6% grade differential and the gradient between the lots along Sage Avenue would be consistent with the gradient of the lots on the west side of Sage. The Planned Development was included in the application tonight at the request of the Commission, and is an alternative

which enables the development to be sensitive to the site and to contain the amenities including a park, and 3 miles of trails. He noted the average lot size is just under 15,000 square feet with the median lot size being just under 12,000 square feet. The project has nearly 42% open space and the entire development meets the Town's Development Code except as justified by the findings relating to the Planned Development. The only deviation would be a reduction from 18,000 s.f. lots. Commented that Page 76 of the agenda packet mentions that "the applicant proposes a modified cross section for Sage Avenue, which is inconsistent with the Planned Development cross section shown on the landscape plan", noting that the Applicant can not see inconsistencies. The last line on that page calls for a reduced lot size to 9,000 s.f. The text is correct that the Planned Development does provide for lots as small as 9,000 but that is inconsistent with the site plan with a minimum of a 10,000 s.f. They would expect to adhere to the site plan document. Regarding the point staff made about difference in lot sizes between the existing development on the west side of Sage Avenue and the proposed development, the PD has 11 lots proposed along the distance of Sage Avenue where there are 9 lots existing on the West side. With regard to the concern stated about the soils and the steep slopes, it was noted that 2-1 or 3-1 slopes will be constructed and only the Town approves the slopes that are designed by an engineer. It is proposed that the higher slopes would be maintained by the Home Owners Association. As for the concept of mass grading, it was noted that whether there were 18,000 s.f. lots or 15,000 s.f. lots, mass grading would be required in order to meet the codes. The lots are designed to drain to the streets and the streets designed to convey the water. It was noted that approximately 49 areas of the site were destroyed in a fire in the 1970's. A major feature of the site is the maintenance of the Long Canyon Channel in a natural condition and there would be walls on the side abutting the project and a majority would be below grade. There is a trail proposed up the Long Canyon Wash. At this time there is a lot of motorcycle traffic on the site and a lot of trash in the area. The area would be gated to keep out the motorcycles but allow pedestrian traffic. There will also be a meandering bike path with enhanced landscaping along Sage, and they want to place a nice wall along Sage. There are also onsite parks and amenities maintained by the Home Owners Association and access will be by public roads, covered by an assessment district. They are requesting no deviation from the Development Code, Building Code or Grading Code, except for some assistance with the lot sizes to accommodate the plan. There will be a sewer system that would be designed to go into the Hi Desert Water District sewer when it is constructed, and the package treatment plant would be maintained by the Home Owners Association and the Long Canyon Channel will remain accessible to critters and people. The Applicant feels the project is compatible with the land use, zoning and recommended mitigated negative declaration. He requested that the Council approve the zone change, General Plan Amendment, Planned Development and approve the Tentative Tract Map.

William Shack, Applicant, advised he has been a business man here for 32 years, and this is his 3rd development venture. He advised he does not understand the process because he started over two years ago to come up with what would be workable on the

site. The Planned Development is the result of 3 different meetings with the Planning Commission, and it was the Commission's request for the Planned Development not theirs. The actual density is 1.76 houses per acre. All plans are consistent with all the zoning codes, and all regulations as they relate to slopes. The objections from the Planning Commission have little to do with legal aspects, and involves personal preferences. He noted they reduced the number of houses in order to reduce the slopes. At the 3rd meeting he came back with the Planned Development requiring 31% open space and they came back with 41%. He noted he thought they were there after two years of working on the plan; then it came down the Planning Commission not liking the slopes, which will be in conformity with code. He has attempted to give the Town what it has asked for in all meetings, all at considerable expense. All of his subcontractors are people who live, work and vote in Yucca Valley, and they use all local businesses. Additionally the other Copper Hills Home projects have been successful and have a less than 3% vacancy. People want and desire the development.

Bill Souder, Yucca Valley, spoke in opposition to the project because of the zoning change request.

Vincent Shack, Yucca Valley, spoke in favor of the project to give people choices.

Devon Carson, Twentynine Palms, spoke in favor of the project, due to the amount of work it would generate for local contractors.

George Hoagland, Yucca Valley, spoke in opposition due to the rezoning, and disruption to the plant and wildlife from grading.

Bill Boyce, Yucca Valley, spoke in opposition to the project.

David North, Yucca Valley, spoke in favor of the project and in favor of economic growth in the Town.

Cherlyn, Joshua Tree, spoke in opposition to the zone change.

David Flick, Joshua Tree, spoke in opposition to the project due to the increased zoning.

Jim Locurto, Yucca Valley, spoke in favor of the project due to the choices it provides people.

Robert Schoenliebre, Yucca Valley, spoke in opposition to the project, due to zoning, proposed sewer plant, and flood control run off.

Robert. Sturges, Yucca Valley, spoke in opposition to the project due to the potential flood control problems.

Bill Warner, Nolte Engineering, made himself available to answer questions.

Council Member Luckino asked questions regarding open space. Mr. Warner advised the plan has 3 categories of open space totaling 42%, including a park, a corner parcel that will have the sewage treatment facility and the rear yards are also considered open space. Council Member Luckino questioned if the difference in grade of the lots is as it looks, noting it looks like a flooding hole. Mr. Warner advised that the upper lots would drain to the street not to the lower lots. No water from the top flows to the lower lots, because there are interceptor swales at the top. He noted that the total area of lots probably is in the neighborhood of 12,000 to 15,000 s. f. Council Member Luckino questioned how many homes could be built if there was a straight tract rather than a planned development. Mr. Warner advised there is an estimate of 70 to 80 lots, but there will be the same total disturbed area on the site. It would come to the serious question of feasibility of the project because the infrastructure costs would be same. Costs per lot sky rockets. Council Member Luckino questioned if there would be other amenities outside of the infrastructure within a straight tract. Mr. Warner advised there would only be a Home Owners Association for the sewage plant. Council Member Luckino questioned how many parks are proposed. Contract Planner Criste advised there is one park, access to the wash and open space with the switchback train in the hilly portion, and an onsite waste treatment facility with a portion of open space. Council Member Luckino questioned if the parks would be lost if the Planning Commission recommended that a project of 70 to 80 lots could be accomplished. Mr. Warner advised the parks and trails would not be there. Council Member Luckino questioned if the Home Owners Association would maintain all the slopes within the development. Mr. Warner explained that the three higher slopes are different than the slopes that might be in the yards of the individual lots, and it has been discussed to have the Home Owners Association maintain those three slopes for irrigation and erosion control because it is a community expense rather than that of individual property owners.

Mayor Leone asked for an explanation of the comment that the “lot size has been increased on the map to a minimum of 10,081 square feet although the Planned Development document still allows lots as small as 9,000 s.f. Mr. Warner advised that the smallest lot is 10081 sf. The Planned Development Plan in the beginning did say, and does still say, 9,000 s.f., however there is no reason for it to say 9,000 s.f. and that is an easy change to make if so conditioned by the Council. Mayor Leone questioned the use of pipe rail fencing on the trail to allow only pedestrian access, noting that historically washes are used for equestrian trails. Mr. Warner advised there is no reason the trail couldn't have equestrian access noting the main goal of the fence is to curb mechanical use such as motorcycles.

Council Member Mayes questioned the Planning Commission's concern with the lot size and what it would take to get the size back up to the 18,000 s.f. Contract Planner Criste advised the concern was that the lot size at 10,000 or 11,000 s.f. would preclude the

ability of the lots to absorb the slope to a greater degree. Council Member Mayes questioned if the issue is then slope rather than lot size. Deputy Town Manager Stueckle read an excerpt from the Planning Commission minutes where Commissioner Huntington comments specifically on lot size. Council Member Mayes questioned the applicant's feelings on that issue. Mr. Warner advised the tool the Town has at hand is the Town's Development Code, noting the Planned Development mechanism deals with site constraints to come up with a decent pad area. The Plan proposes lots from 10,000 s.f. with a median lot size of 12,900, but the average is 14,800 s.f. It was noted that there is only one 10,000 s.f. lot. Smaller lots don't have to accommodate large slopes.

Council Member Herbel questioned where the water will drain from the streets. Mr. Warner displayed the path on the map, and noted that the Town has requested that the applicant put pipes under Golden Bee to take the water. Council Member Herbel questioned whose responsibility it will be if there is damage to Joshua Drive or people below the development. Mr. Warner advised that there are conditions of approval attached to the project, and one is that there will be no increase in run off from new development, and that there has to be sufficient onsite retention so the impacts of the project downstream are mitigated. Council Member Herbel questioned how Sage will be widened to its ultimate width above Golden Bee. Mr. Warner explained that the conditions of approval require the applicant to obtain any additional right of way as required to meet the conditions, noting they will also have to deal with the geology of the area. Council Member Herbel stated that Commissioner Huntington and the National Park both stated that there is only about 35 acres that are buildable. Mr. Warner stated that is probably about right, which is the reason for the planned development mechanism. Council Member Herbel commented regarding the difference between the lots west of Sage above Golden Bee and those of the planned development and regarding grading of the development to the west of Sage, noting there are other methodologies besides mass grading. Mr. Warner advised that he does not disagree with that noting there are other ways that are driven by the development. The standards today and the Town's code require lots to drain to the street, and when lots are small they have to end up doing more mass grading to achieve that drainage.

Council Member Luckino commented regarding the existing problems with drainage on Golden Bee, and what this project is going to do. Mr. Warner advised that is why the project has been conditioned to put pipes under Golden Bee which will improve that condition.

Mayor Leone commented regarding a previous presentation and meeting on the native plant ordinance and expressed concern about stripping a large parcel of land like this and removing the very far reaching root systems on the plants that are holding the soil in place. He suggested there should be specialists at the location and that maybe some of the plants don't need to be removed. Whatever plants are removed need to be relocated.

In rebuttal to comments made by some of the speakers, Mr. Warner commented that the

Development Code indicates that 2 residences per acre is classified as low density and the density proposed for this project is actually 1.7 units per acre. Regarding the comment made about wildlife habitat, he noted that Long Canyon Channel will remain untouched. Concern about nitrates will be dealt with by the required Sewage Treatment Plant and effluent will be used for onsite irrigation. He noted that children have to have a future and have to houses to live in.

There being no one else wishing to speak, Mayor Leone closed the public hearing.

Council Member Neeb questioned if the amount of park property indicated in the plan fits in with the guidelines of the Parks Master Plan. Contract Planner Criste advised that the Parks, Recreation and Cultural Commission did review the project and included a recommended condition into the Conditions of Approval for both the onsite park and payment of Quimby Fees. It was noted that the proposed park is 1.3 acres and the Town's requirement of 5 acres per thousand would actually require a park of .88 of an acre. Council Member Neeb questioned the level of improvements required for a park. Contract Planner Criste advised the project includes a proposal for a play field, picnic benches and several amenities.

Council Member Luckino questioned the request for Quimby Fees in addition to the park. Contract Planner Criste explained that it was felt the general public would have limited accessibility to the park because it is in the interior of the tract. Council Member Luckino questioned if the Park is open to the public. Planner Criste advised it is and that there will be a maintenance district for all the public facilities. Council Member Luckino questioned if the Planned Development meets all the requirements. Planner Criste stated that it does for content and the standards provided. Council Member Luckino commended the Planning Commission, noting he thinks they are doing their job by trying to get the best for our community. He noted that this Planned Development would provide a park, while a straight Tract would not. The negative is looking at the slope. He noted that the Town's professional staff has reservations, and he would like to see more information relating to the drainage so that the staff can be in agreement with the drainage suggested on the project. He questioned if the zoning change is consistent with, and conforming to, the surrounding properties. Planner Criste advised it would be equivalent with lands to the south and west, more intensive than lands to the southwest, and less intense than lands to the southeast. Council Member Luckino questioned if the use of gray water is incorporated into the project for use on the public facilities. Planner Criste advised that all the homes will be connected to a wastewater treatment plant but the project is not conditioned to have tertiary water for irrigation.

Council Member Neeb commented regarding the number of times the Council is asked to change zoning on a property noting it is his hope that the Town can get to the point that the General Plan shows what the Town can live with without needing amendments. He noted that properties are becoming much harder to develop, and maybe the General Plan needs to be redone so that developers know what they have and what the guidelines are.

Council Member Herbel commented that the recommendation from the Planning Commission is to deny the Planned Development and Tentative Tract Map and advised she would like to make a motion to do that and then go on to whether or not the property should be rezoned. Planner Criste explained that the actions must be taken in the order listed and explained the reasons why.

Council Member Herbel moved to approve Environmental Assessment 05-06, and direct the Planning Department to file a Notice of Determination for a Mitigated Negative Declaration with the County Clerk. Council Member Mayes seconded.

Council Member Mayes questioned if there has to be 5 separate motions. Planner Criste requested that recommendation No. 1 can be acted on separately and that Recommendation 2 and 3 can be acted on together and so on. Motion carried 5-0 on a roll call vote.

AYES: Council Member Herbel, Luckino, Mayes, Neeb and Mayor Leone.
NOES: None
ABSTAIN: None
ABSENT: None

Council Member Luckino moved to approve the General Plan Amendment 01-06, based on the findings contained in the staff report and adopt Resolution No. 08-17; and approve Rezone 01-06, based on the findings contained in the staff report and introduce the Ordinance. Council Member Mayes seconded.

Town Clerk Anderson read the title of the ordinance.

Council Member Herbel expressed concern that the property was zoned RL 5 when the applicant purchased it and he knew what the zoning was. She noted that Yucca Valley is a rural community and wants to continue to keep that character. On Page 79 of the staff report Item 4 states that the proposed land use district change will not have a substantial adverse effect on surrounding property, in so far that the character of the area will be similar to that of the lots to the west; however, she stated it is not going to be similar, it is going to be mass graded. She read sections of the General Plan regarding the requirement for proposals for development to be consistent with the General Plan, and advised there is a petition with 49 signatures from people who live in the Alta Loma project to the West who are very concerned about their quality of life, and the Council also needs to be concerned about their quality of life and the Town's rural character and wanting to preserve that. If the property is rezoned RL 1 it would be more desirable, but should stay RL 5. In addition mass grading compacts soil and it can not absorb the water, then you get rills down the slopes, then gullies, and erosion and sediment down stream, so that people's homes and property values are affected. She stated that it is appropriate that the Town grows, but needs to grow in a way that is true to our General

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Plan and the people who have come to the community to live in our rural community.. It is not about development but about the way we develop.

Council Member Mayes specifically talking about recommendation No. 2 in regard to the General Plan Amendment, as a general rule he does think that the Council doesn't want to rezone property with a greater density, noting that a few months ago a project was denied that met all the rules, but the zoning was incorrect in the area. He noted that a zoning of RL 5 is likely incorrect for this area. If it was at one point and time zoned RS 4 but when it came to the General Plan it was rezoned to RL 5 that was a taking of land use for the property. This property shouldn't have been RL 5, it should be RL 1 or RS 2.

Council Member Luckino commented when the Town incorporated it inherited a lot of zoning from the County and in time has tried to correct some of those zoning errors. The General Plan is a fluid document allowing the Town to look at projects on their individual merits. He noted that the term "quality of life" is subjective, and it would be very difficult to get a consensus on rural or quality of life.

Council Member Herbel commented regarding the General Plan Amendment noting there are only 35 buildable acres. RS 2 at 35 acres would be 70 lots, but this is a General Plan Amendment and would allow 127 on the gross acreage. In addition the Town is not requiring a minimum lot size of 18,000 s.f. which would fit in with the development to the west, which are all 17,000 s.f. plus. This project is looking at lots that may be only 10,000 s.f. and does not fit in with our rural character. The Town needs to require a minimum lot size of 18,000 s.f. Planner Criste advised that the Council is acting on the General Plan Amendment and rezone, which would require 18,000 s.f.

Motion carried 4-0 on a roll call vote.

AYES: Council Member Luckino, Mayes, Neeb and Mayor Leone.

NOES: Council Member Herbel

ABSTAIN: None

ABSENT: None

Council Member Neeb commented regarding Commissioner Huntington's comments at the Planning Commission meeting, noting only 18 parcels out of the 109 meet the 18,000 s.f. standard. As a result the project is not compatible with one to the west. He stated he hates to see the Town drop below the 18,000 s.f. standard, and does not think that is what the people who wrote the General Plan were looking for.

Council Member Luckino commented that the Town needs parks and places to walk, ride their horses and recreate with their children. This development is going to provide that. In every negotiation there is compromise, and they are going to get something and so is the Town. As far as smaller lots, many elderly people don't like to take care of large lots

and the smaller lots appeal to them. He requested that the issue of the slopes come back with proof that they will or will not hold up.

Council Member Neeb commented that in the end the Council has to come back to staff, who looks at the issues in light of any liability attached to some of these things.

Council Member Herbel stated that by rezoning the property to RS 2 the Town has not taken into consideration the concerns of the National Park Superintendent into or the people in the Alta Loma project. The Planned Development and Tentative Tract Map need to be denied as the Planning Commission recommends.

Council Member Luckino moved to bring the item back to the meeting of June 12th. Planner Criste questioned if the intent is just to get information on the slope issue, noting that the level of detail required from the applicant's perspective would be similar to final engineering. Motion died for lack of a second.

Mayor Leone commented that the builder, who has been in Town for 32 years, has put a lot of effort into making the project work, but the problem he has is completely stripping the land. He noted he has reservations about the Planned Development because of the topography of the land and the possible liabilities.

Council Member Mayes agreed with Council Member Neeb noting this is a good project, but it just came up short. He moved to approve the Planning Commission recommendation and deny Planned Development Permit 01-07, based on the findings in the staff report; and deny Tentative Tract Map 17862, based on the findings in the staff report. Council Member Herbel seconded.

Mr. Warner requested that the item be continued rather than denied so that the Applicant can consider the Council's concerns and amend the plan rather than having to start over again. Council Member Mayes rescinded the motion.

Council Member Herbel moved the Planning Commission recommendation. Motion died for lack of a second.

Council Member Luckino moved to continue the item to come back with revisions.

Deputy Town Manager Stueckle advised the Council has taken the first step by approving the General Plan Amendment and rezoning. There had been a motion and a second to deny the Planned Development and Tract Map, but the applicant has requested additional time to evaluate the Council's comments and requested additional time to make changes and come back to you. Planner Criste advised that, unless the applicant can give a date specific, the Council would have to table the issue. Unless the Council wants to take action as recommended, the appropriate motion would be to table the matter until the applicant has submitted revised materials to the Town. Deputy Town

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Manager Stueckle advised that Staff would have to re-advertise the public hearing, and does not anticipate that the item would be back to the Council before August. In addition, depending upon the degree of changes, if any of those changes were never considered by the Planning Commission, the item will have to, by law, return to the Commission.

Council Member Neeb moved to table the matter. Council Member Mayes seconded. Motion carried 4-1 on a roll call vote.

AYES: Council Member Luckino, Mayes, Neeb and Mayor Leone.
NOES: Council Member Herbel
ABSTAIN: None
ABSENT: None

FUTURE AGENDA ITEMS

None presented

PUBLIC COMMENT

Margo Sturges, Yucca Valley, asked questions regarding park dedication and responsibility in developments.

David Fick, Joshua Tree, advised of a pre-application for 520 homes adjacent to the golf course noting there are benefits and considerations for the Town to be aware of if it is considering buying the golf course.

STAFF REPORTS AND COMMENTS

Administrative Services Director Yakimow advised that he and Town Manager Takata were in San Francisco this morning closing the RDA Bond Issue, funds have been banked and will be included in the Redevelopment Agency Budget to be presented at the last meeting in June.

Town Manager Takata announced that Town Clerk Anderson has received the designation of Master Municipal Clerk. He expressed concern regarding Prop 172 funds, and noted that the Budget Analyst is now talking about taking VLF fees, which totals about \$1.4 million for the Town. Prop 1A did not cover those funds.

MAYOR AND COUNCIL MEMBER REPORTS AND COMMENTS

15. Council Member Mayes

None

16. Mayor Pro Tem Luckino

Expressed appreciation for the job Candice Fritz has done for the community.

17. Council Member Neeb

Commented regarding attendance at the SANBAG and SCAG meetings, and reported that \$62,000 will be distributed to the Morongo Basin Transit Authority by SANBAG.

18. Council Member Herbel

Thanked the public for coming out tonight and being part of the process. Encouraged the public to continue to be a part of the process.

19. Mayor Leone

Commented that the decisions made tonight are not easy ones.

CLOSED SESSION

20. CONFERENCE WITH LEGAL COUNCIL – EXISTING LITIGATION

Subsection (a) of Section 54956.9(a), Ronald Green and Sharon Green vs. County of San Bernardino, City of Yucca Valley, Case No. CIVMS 800111, Superior Court of California, County of San Bernardino.

21. Government Code Section 54956.8, Conference with Real Property Negotiators.

State law provides the opportunity for closed session for real property purchase negotiations, prior to placement of the matter on a regularly scheduled meeting agenda for formal action.

Property: APN 594-031-230; 55100 Martinez Trail
Blue Sky Golf LLC
Shane Stueckle, Real Property Negotiator
Real Property Negotiations

Property: APN 595-361-13, 14 & 15; 7028 Theater Road
Bobby D & Elizabeth R Carr//Town of Yucca Valley
Shane Stueckle, Real Property Negotiator
Real Property Negotiations

Mayor Leone adjourned the meeting to Closed Session at 9:36 p.m. and returned to open session at 9:40 p.m. with no reportable action taken. There were no members of the public present.

YUCCA VALLEY TOWN COUNCIL MINUTES

May 8, 2008

ANNOUNCEMENTS

Next Town Council Meeting, Thursday, May 22, 2008, 6:00 p.m.

ADJOURNMENT

There being no further business, Mayor Leone adjourned the meeting at 9:40 p.m.

Respectfully submitted,

Jamie Anderson,
Town Clerk