

**TOWN OF YUCCA VALLEY
PLANNING COMMISSION MEETING MINUTES
June 24, 2014**

Chair Humphreville called the regular meeting of the Yucca Valley Planning Commission to order at 6:00p.m.

Commissioners present were Bridenstine, Drozd, Lavender, Whitten and Chair Humphreville.

The Pledge of Allegiance was led by Chair Humphreville.

Commissioner Whitten moved to approve the agenda. Commissioner Bridenstine seconded, and the motion passed unanimously.

PUBLIC COMMENTS

Dennis Pask, Yucca Valley, thanked the Planning Commission for approving the Fallosi Home Occupation Permit application at their previous meeting. He said that he believes that home businesses will be an important issue in the future.

CLOSE PUBLIC COMMENTS

PUBLIC HEARINGS

**1. DEVELOPMENT CODE AMENDMENT, DCA 02-14
HOME OCCUPATION REGULATIONS
CEQA EXEMPTION, SECTION 15061**

Deputy Town Manager Stueckle provided the staff report. He provided a brief overview of the previous discussion on this issue and the proposed changes that the staff was presenting for the Commission's consideration. The proposed changes included adding additional activities to the prohibited list, including the sale of firearms in all residential zoning districts other than RL and R-HR, sales of ammunition and massage parlors. They also included establishing four classes of home occupations. Class I occupations would involve the activities which are exempt from permitting. Class II occupations would require a Home Occupation Permit and would be limited to RS, RL and R-HR zones but would not require a Planning Commission hearing. Class III occupations would require a Home Occupation Permit, would be limited to the RL or R-HR zones and would require a Planning Commission hearing. Class IV occupations would require a Conditional Use Permit to be issued by the Planning Commission.

After the presentation of the staff report Chair Humphreville opened the floor to public comments.

PUBLIC COMMENTS

- Janice Pask, Yucca Valley, spoke in support of the proposed inclusion of Conditional Use Permits to the regulations. She also said that she wasn't clear whether or not the use of accessory structures would be allowed.
- David Fallosi, Yucca Valley, said that he would like to see permits issued for a longer time period. He said that the permitting process can be very involved. He also asked if the proposed changes could be applied to business owners who already have permits.
- Curt Duffy, Yucca Valley, said that he was unclear about the higher standards required by the Conditional Use Permit. He also spoke against residential gun sales.

With no further individuals wishing to speak, Chair Humphreville closed public comments.

CLOSE PUBLIC COMMENTS

Following the public comments staff provided some additional information to address questions raised during public comments. Staff provided a brief explanation of the Conditional Use Permit process, and that its intent to provide flexibility to the code. Staff also stated that the use of accessory structures would be allowed by the proposed regulations.

Commissioner Drozd said that he is still in favor of regulations that are graduated based on parcel size, and he doesn't think the Commission should differentiate on anything but lot size and traffic generation. Very small parcels should not have any type of traffic generating business. He agreed with staff that the Conditional Use Permit created needed flexibility in the code, and clarified with staff that Conditional Use Permits could be appealed to the Town Council.

Commissioner Bridenstine said that she also likes the tiered structure. She said she felt that a three year time period for permits is appropriate. She asked staff about grandfathering in the currently active Home Occupation Permits. Staff said that grandfathering would require adding specific language to the regulations, and that there are currently five active permits, one of which would not conform to the proposed new regulations. Commissioner Bridenstine also suggested that the language in section E, Development Standards, be modified to include "from the exterior" with regards to changes in décor and appearance.

Chair Humphreville asked if it the Commission could retroactively apply the new regulations to the recently granted Home Occupation Permits. Staff said that the Commission could add language to extend the permits to three years, but also suggested that the Commission consider the specifics of the individual Home Occupation Permits before making a final decision on grandfathering.

Commissioner Whitten said he would like to remove the prohibited occupations from the ordinance, and would like to see a table similar to what appears in the ordinance addressing permitted uses in commercial zones. He also wanted the inclusion of the phrase "Home Based Businesses." He said that the Conditional Use Permit process gives the Commission the opportunity and flexibility to apply additional conditions to protect the public while helping businesses. Commissioner Whitten suggested replacing the language in the Development Standards addressing alteration of structures with a requirement to maintain architectural

compatibility. He said that he would like to see the recently renewed permits have their time extended to three years.

Chair Humphreville said that he thought it was a mistake to differentiate between firearms sales and other types of retail sales. He also doesn't think it is right to deny a permit to the currently permitted firearm business, which has been in business approximately four years without complaints, simply because it is on a half-acre lot. He also said, that while he agreed with restricting businesses on multi-family lots, he doesn't think that they should regulate the type of legal businesses allowed otherwise. He also said that he thinks the period of three is appropriate. He also said he would like the Commission to discuss the percentage of storage allowed and how it was tiered with the size of the properties. He also said that he likes the way staff had divided home occupations into classes.

There was Commission consensus that they would like to see a table of home occupations.

Chair Humphreville said that he thought it would be reasonable to allow individuals on half-acre lots to have some outside storage, provided it was properly screened from view. Commissioner Bridenstine and Commissioner Whitten agreed, provided that the storage was properly screened. Commissioner Whitten suggested that the requirement be that it is screened fully from public view, not just the street.

Commissioner Whitten said that he would like the regulations to say rental or leased property, instead of just rental property.

Commissioner Lavender said that he thinks firearms should be prohibited in residential areas. He would be willing to accept firearms on the larger parcels, but only reluctantly. Chair Humphreville commented, that an individual is allowed to own a large number of guns on a half-acre lot. Commissioner Whitten said that he doesn't have a problem with gun sales in general, but he thinks should be kept to the RL and R-HR zones. Commissioner Drozd said that he wasn't differentiating between gun sales and other kinds of sales, and he doesn't think that those kind of sales based businesses are appropriate on very small lots, and if the standard for gun sales is RL it should be RL for all sales. Chair Humphreville said the Commissioner Drozd made a good point that some tracts may have lots too small for any kind of traffic generating activities. Commissioner Bridenstine said that she didn't think it was the Planning Commission's job to address gun control, and that they should look at it from a land use perspective. She said that the currently permitted firearm business would be allowed as a Class II occupation if not for the firearm issue. Chair Humphreville and Commissioner Drozd agreed that any business that meets the requirements should be allowed.

There was Commission consensus that they would like to see some kind of language for applying the extended time period for renewal to some or all of the currently active permits.

The Planning Commission directed staff to take the direction given and return with further revisions.

2. DEVELOPMENT CODE AMENDMENT, DCA 01-14

**ARTICLE 2, ZONING DISTRICTS AND DEVELOPMENT STANDARD
CEQA EXEMPTION, SECTION 15061**

Deputy Town Manager Stueckle provided the staff report. He provided an overview of what regulations are encompassed in Article 2, and an overview of the history of the issue. Staff suggested that the Commission address the sections of the ordinance governing accessory structures and native plants. Staff provided an overview of the current standards for accessory structures, and suggested some issues for the Commission to consider and discuss.

Chair Humphreville opened the floor to public comments.

PUBLIC COMMENTS

- David Fallosi, Yucca Valley, spoke in favor of more lenient regulations and asked the Commission to consider what is reasonable.

With no further individuals wishing to speak, Chair Humphreville closed public comments.

CLOSE PUBLIC COMMENTS

Commissioner Drozd stated, that given that some five acre lot could be allowed up to twenty three horses, it would make sense to build either one very large barn or multiple smaller ones, in addition to other structures such as a detached garage or workshop. He suggested an option that would allow the staff to approve additional structures if they were for different purposes.

Commissioner Bridenstine said that there needed to be further definition of accessory structures. Greenhouses and patio covers can require building permits, and if you defined them as accessory structures you could create too many restrictions. She did agree that horse barns are an issue. Those structure can need to be quite large in order to provide adequate protection for the animals. She suggested considering the purpose of the structure. She also said that she thought the limit for the exemption on size should be lowered from ten acres to two and a half, and that it was reasonable to have multiple structures on a parcel two and a half acres or larger, provided all the structures fit and obey the setbacks.

Chair Humphreville said that the square footage allowed for a detached garage is often too small, when based on the square footage of the primary residence. He suggested a standard based on a percentage of coverage inside of the setback might be a good option, particularly for the smaller lot sizes. He also said that the requirements for architectural compatibility should be lenient, and suggested requiring matching colors. He didn't want to outlaw metal motorhome garages.

Commissioner Whitten suggested eliminating the limit on the number of structures. He also thought the term structure needed further definition. He also said that he thought color was sufficient for architectural compatibility. He thinks that screening from the public right away is important. He doesn't think the Commission should address the purpose of a structure. He also agreed with Chair Humphreville's suggestion of a standard based upon percentage of lot coverage.

He said he would like to see staff's recommendation on what would be reasonable to fit the community.

Commissioner Lavender asked for clarification on regulations regarding second unit, and asked if someone would be able make a second unit available to rent. Staff said that there was a State mandate requiring municipalities to have a second dwelling unit ordinance in order to allow someone that opportunity.

Deputy Town Manager Stueckle said that staff would look into the definition of structure and habitable versus not habitable structures. He also suggested establishing guidelines rather than precise standards. Staff will do some additional research and return the information to the Commission.

Chair Humphreville asked for the staff report on the Native Plant regulations.

Deputy Town Manager Stueckle provided the staff report. He provided an overview the native plant regulations, specifically as they apply to residential zones, and provided some suggestions of issues the Commission might want to discuss.

PUBLIC COMMENT

None

CLOSE PUBLIC COMMENT

Chair Humphreville said that he was on the Commission when they last drafted the native plant regulations, and that he felt that it was a good compromise.

Commissioner Drozd asked if the yucca was protected by State or Federal regulations. Staff said that it was not, and that the Desert Native Plant Act was primarily intended to address the theft of plants from their native habitat. The Desert Native Plant Act states that development on property is exempt unless they are transplanting native plants off site. Commissioner Drozd said that he would be in favor of removing the yucca from the list of protected plants for infill and smaller lot sizes. He also said that requiring five percent undisturbed on a two and a half acre lot seemed like a token number. Chair Humphreville said that the five percent was based on the setback and had been included to incentivize maintaining some native plants. Commissioner Drozd also suggested including some kind of provision for when Joshua trees fall across drive or other access.

Commissioner Bridenstine said that the plant survey required for new development is costly, and suggested not requiring it be submitted until the applicant applies for their grading permit.

Commissioner Whitten said that he liked the ordinance as it was. He also agreed with Commissioner Drozd that there should be some flexibility for fallen Joshua trees.

Commissioner Lavender said that during construction projects he used to see a lot of damage caused to Joshua trees.

Chair Humphreville agreed with Commissioner Bridenstine about not requiring a detailed native plant survey until later on the process.

Chair Humphreville also suggested adding some sort of provision to allow someone with a five acre parcel to use the whole property for things like equestrian use. Staff said they would look into what kind of additional language would be necessary.

CONSENT AGENDA

Chair Humphreville opened the floor to public comments.

PUBLIC COMMENT

None

CLOSE PUBLIC COMMENT

MOTION

Commissioner Whitten moved that the Planning Commission approve the submitted minutes of the meetings held on June 10, 2014. Commissioner Drozd seconded. The motion passed unanimously.

COMMISSIONER REPORTS AND REQUEST:

Commissioner Drozd thanked the press, staff and audience for attending

Commissioner Lavender apologized for his recent lack of preparation due to his illness.

Commissioner Whitten thanked staff, and thanked the public and press for attending.

Commissioner Bridenstine thanked staff. She said that drafting the regulations is an onerous process and it is difficult to come up with something which pleases everyone. She thanked the public for coming out and caring.

Chair Humphreville said it was good to see the public come out to participate. He thanked staff and said he hopes to see the development code completed.

ANNOUNCEMENTS:

The next regular meeting of the Planning Commission is scheduled for July 8 at 6:00pm.

ADJOURNMENT

There being no further business, the meeting adjourned at 8:05.

Respectfully submitted,

Allison Brucker

Secretary

Approved by the Planning Commission on _____, 2014.

DRAFT

**TOWN OF YUCCA VALLEY
PLANNING COMMISSION MEETING MINUTES
July 8, 2014**

Chair Humphreville called the regular meeting of the Yucca Valley Planning Commission to order at 6:00p.m.

Commissioners present were Bridenstine, Drozd, Whitten and Chair Humphreville.

The Pledge of Allegiance was led by Chair Humphreville.

Commissioner Whitten moved to approve the agenda. Commissioner Bridenstine seconded, and the motion passed unanimously.

PUBLIC COMMENTS

None

CLOSE PUBLIC COMMENTS

PUBLIC HEARINGS

**1. STREET VACATION, SV-01-14
CEQA EXEMPTION, SECTION 15301, Class 1**

Staff requested that this item be continued to the next meeting due to an inaccuracy in the staff report. Staff had received a revision to the legal description of the property in question subsequent to the drafting of the staff report.

PUBLIC COMMENTS

None

CLOSE PUBLIC COMMENTS

MOTION

Chair Humphreville moved that the Planning Commission continue this item to the August 12, 2014 Planning Commission meeting. Commissioner Whitten seconded, and the motion passed unanimously.

**2. DEVELOPMENT CODE AMENDMENT, DCA 04-14
ARTICLE 1, AUTHORITY AND APPLICABILITY
CEQA EXEMPTION, SECTION 15061(b)(3)**

Deputy Town Manager Stueckle provided the staff report. He provided an overview of the purpose and scope of Article 1 in the development code, and provided an overview of recommended language being presented to the Commission. Staff also stated that they had been review this article with the Town's attorney's office, and there had been some discussion of moving some provision located in Article 5 to Article 1 or Article 4 for both legal reason and to improve clarity. Staff also recommended that the Planning Commission retain the article until such a time as the full code was completed before forwarding it to the Town Council.

Chair Humphreville opened the floor to public comments.

PUBLIC COMMENTS

- Susan, Simmons, Yucca Valley, wished to speak about the native plant ordinance. She was informed that the native plant ordinance was part of item number five on the agenda, and agreed to hold her comment until that time.

With no further individuals wishing to speak, Chair Humphreville closed public comments.

CLOSE PUBLIC COMMENTS

Commissioner Whitten asked if the rules regarding continuation of structure under Section 9.03.050, Nonconforming Structures, would still apply with a change of ownership. Staff said that they would, and that a change ownership does not affect non-conformance status. Commissioner Whitten also asked how non conformity was addressed in cases where there is a change of use. Staff said that in a case where someone applies for a change in use or expansion of use, non-conformance is an issue that the Commission can address. Commissioner Whitten also suggested using replacement value rather than reasonable value. Staff said that they would look into this language and review it with the attorney.

Chair Humphreville asked if the Town had a lot of non-conforming commercial lots. Staff said no, but it is something the Town will run into on a case by case basis, with setback issues being the most likely non-conforming element.

Commissioner Drozd asked if there were any non-conforming mobile home parks. Staff said that there were none. Chair Humphreville asked if the 20 year rule for mobile home parks would still apply if there were changes to the code. Staff said that it would probably need to go to the Commission and Council given the relocation issues and other complexities involved.

Commissioner Bridenstine suggested using traditional rounding in all case rather than rounding down in some cases. She also said that she thought that some of the non-conforming issues associated with setbacks would be alleviated by the new general plan. Chair Humphreville asked if changing all rounding to traditional round would be something that would need to be run through the attorney's office. Staff said it wouldn't need to go to the attorney, but explained that it was more common to round down to the nearest whole number when addressing issues such as density

is so that you are not exceeding the base general plan designation. Commissioners Bridenstine and Humphreville said that they agreed that it made sense to round down for density.

MOTION

Chair Humphreville moved that the Planning Commission finds the project except from CEQA in accordance with Section 15061(b)(3) of the California Environmental Quality Act, and that the Planning Commission recommends that the Town Council adopt the Ordinance and repeals Development Code Sections 81.0101-81.0195, Section 81.0305 and Sections 84.0801-84.0830 of Title 8, but retains Article 1 until such a time and the entire Development Code is complete before forwarding it to Town Council. The motion was seconded by Commissioner Whitten and passed unanimously.

**3. DEVELOPMENT CODE AMENDMENT, DCA 03-14
ARTICLE 5, ADMINISTRATION
CEQA EXEMPTION, SECTION 15061**

Deputy Town Manager Stueckle provided the staff report. He provided an overview of the purpose and scope of Article 5 in the development code, and provided an over view of recommended language being presented to the Commission. Staff also recommended that the Planning Commission retain the article until such a time as the full code was completed before forwarding it to the Town Council.

Chair Humphreville opened the floor to public comments.

PUBLIC COMMENT

None

CLOSE PUBLIC COMMENT

Commissioner Drozd asked for clarification on the Authority to Inspect included in Chapter 9.82. He asked if there was a requirement for the owner to be on the premises for the inspection. He felt that someone should have to be home to inspect something. Staff said that this is generally referring to inspections done during the construction process as part of general procedures, but later in that section it does state that the Town would have to obtain an inspection warrant in any situation in which they were unable to receive permission and access from the owner.

Commissioner Whitten asked about how hazardous waste, such as asbestos, in older buildings was addressed by the code. Staff said that those regulations are typically not part of the development code.

Based upon some issues being discussed with the attorney’s office, Staff recommended that the Commission continue this item to the August 12th meeting

MOTION

Commissioner Whitten moved that the Planning Commission continue this item to the August 12, 2014 Planning Commission meeting. Chair Humphreville seconded, and the motion passed unanimously.

**4. DEVELOPMENT CODE AMENDMENT, DCA 02-14
HOME OCCUPATION REGULATIONS
CEQA EXEMPTION, SECTION 15061(b)(3)**

Deputy Town Manager Stueckle provided the staff report. Staff was returning the draft of the Home Occupation Permit regulations with revision based upon direction given by the Planning Commission, and he provided an overview of the included changes. He also provided a summary of the history of this item.

PUBLIC COMMENTS

- Charles McHenry, Yucca Valley, said that he appreciates the effort put forth by the Planning Commission to listen to the public. He spoke in support of the recommended language.

END PUBLIC COMMENTS

Commissioner Whitten said that he thinks that the inclusion of the table of commercial uses make it clearer. He said that he would agree to allowing firearm sales in the RS zone provided that the lots were at a minimum of one acre. He would prefer that it be limited to the RL or greater zones, but felt that the one acre minimum would be a good compromise. He also asked about equestrian facilities, particularly boarding, and said that he didn't feel that those should be prohibited. Staff said that equestrian facilities are not prohibited, but require a livestock permits, not a Home Occupation Permit. Staff suggested revising the table to show that it was a use allowed with a livestock permit.

Chair Humphreville asked if the Conditional Use Permit process could be used to allow prohibited uses. Staff said that a Conditional Use Permit could not allow a prohibited use. Allowing a prohibited use would require a development code amendment.

Staff asked for clarification that the table needed to be changed regarding the equestrian issue. Staff said that historically commercial animal keeping has required a large animal permit through that ordinance. Staff will need to review this issue as it applies to zoning density standards and the large animal overlay district map. Staff suggested amending the table to list a Special Use Permit, and staff will confirm that livestock permits were listed under Special Use Permits.

Commissioner Whitten said that he didn't think that catering services should be allowed in the RM zones, and was unsure about allowing it in the RS zones. He also said that barber or beauty shops, fortune tellers, and dance or music studios should not be allowed in the RM zones. He also asked how home schooling would be addressed by the category for schools listed on the table. Staff said that this category was not intended to address home schooling.

Staff requested that the Commission discuss the issue of catering and bakeries. Staff stated that there were new County Health department regulations allowing commercial kitchens as part of residential operations. Staff will bring those regulations to the next meeting. Staff recommends that the Commission included a footnote for the Council to look specifically at the commercial kitchen question. Commissioner Whitten said that his objection was particularly to allowing it in RM.

Commissioner Drozd asked for clarification of the language listing "utility grade/primary use" under solar energy and wind energy system. Staff said that the language was intended to reflect commercial solar or wind power generation, which is prohibited in the Town. Staff suggested adding the term commercial to the definition in the table. Commissioner Drozd said that traffic generation should be the deciding factor, not type of sales. He also said that regulations shouldn't allow any traffic to go to really small lots.

Chair Humphreville suggested not allowing any traffic generating occupation which would require a Home Occupation Permit in RM zones or 18,000 sq. ft. or below. Commissioner Drozd, and Commissioner Bridenstine agreed.

Commissioner Bridenstine said that she didn't think the small family child day care should be exempt, and that large family child day care shouldn't be allowed in the RM zones. She also doesn't think that any business with clients visiting the residence should be allowed in RM zones. She also said that maintenance and repair (minor) might be allowable in the RL and RH zones, provided it was the repair of smaller items which could be worked on inside a garage. She also said that a welding and machining might be allowable in the RL and RH zones provided it was done inside.

Commissioner Bridenstine also said she didn't think that the Commission ever came to a consensus on the allowance of 25% or 250ft for RS zone and the 35% or 500ft for RL for the operation of the home business. Chair Humphreville thought that the commission had come to a consensus that anything inside a home would be allowed as long as it was not changing the residential nature of the outside appearance. Staff was not sure if there had been consensus. Chair Humphreville also suggested that RS zones should be allowed 10% of outside storage as long as it was screened.

Staff said that the language in the body of the regulations prohibited Class II and Class III occupations, which are those which require Home Occupation Permits, in the RM zones. Staff will have to clean up the table. Staff will also look into the state planning laws to see if it is required to allow small daycare in the RM zones, and they will also look into the regulations regarding residential commercial kitchens. Staff asked the Commission if they felt that fortune telling should be allowed in RS. There was Commission consensus that it should be allowed in RS.

There was a discussion over allowing maintenance and repair of small engines or appliances in the RL and RH zones provided that it is performed within a garage or other structure. There was Commission consensus that allowing this kind of occupation in RL and RH would be appropriate.

Commissioner Whitten suggested phrasing it as general maintenance and repair to include all types of minor maintenance and repair.

There was Commission discussion of the standards to apply to firearms sales. Commissioner Whitten said that he would like to see a one acre minimum. Commissioner Bridenstine said that she thought that the RS zoning is typically half acre lots or 18,000 sq. ft. and that it should be allowed in those zones. Commissioners Drozd and Humphreville agreed. Commissioner Whitten asked if there was any one acre RS. Staff said that while there may be some parcels in RS zones one acre in sizes there were no zones that required one acre parcels in RS. Chair Humphreville said that he doesn't want to see a currently active business, which has had no complaints, closed down. He suggested setting the limit for any HOP that generates traffic to lots 18,000 sq. ft. or greater, but also suggested grandfathering in the current retail business located on a lot smaller than 18,000 sq. ft. until it was no longer active. Commissioner Whitten said that he would prefer firearms limited to RL or RH. Commissioners Humphreville, Drozd and Bridenstine agreed that all Home Occupation Permits which would generate traffic, including firearm sales, should be limited to RS lots 18,000 sq. ft. or greater.

There was Commission consensus that no changes needed to be made to the hours of operation as presented.

There was Commission consensus that 10% of lot area would be allowed for screened outside storage in RS zones, and would not require coming before the Commission.

There was Commission consensus that the period of approval should be 3 years.

There was Commission consensus to remove the limit on the percentage of the residence which can be used as part of the home occupation provided that it doesn't change the residential character of the outside.

Commissioner Bridenstine asked for confirmation that use of accessory structures would be allowed under the current draft on the regulations. Staff confirmed that they would be allowed.

MOTION

Chair Humphreville moved that the Planning Commission continue this item to the August 12, 2014 Planning Commission meeting. Commissioner Whitten seconded, and the motion passed unanimously.

RECESS

Chair Humphreville called for a recess at 7:31 and the meeting reconvened at 7:39.

5. DEVELOPMENT CODE AMENDMENT, DCA 01-14 ARTICLE 2, ZONING DISTRICTS AND DEVELOPMENT STANDARDS CEQA EXEMPTION, SECTION 15061(b)(3)

Deputy Town Manager Stueckle provided the staff report. He provided an overview of the purpose and scope of Article 2 in the development code, and provided an overview of recommended language being presented to the Commission. He also provided a summary of the history and past discussion held by the Planning Commission relating to the native plant ordinance. Staff recommended that the Planning Commission review Article 2, take public comment, and provide direction to staff.

PUBLIC COMMENTS

- Susan Simmons, Yucca Valley, spoke against the proposed changes to the ordinance. She also said that she would like to see junipers and pinyon pines added to the list of protected plants.
- Curt Duffy, Yucca Valley, spoke against the removal of plants from the protected plant list. He said that he thought pinyon pines and junipers should be included.
- Bonnie Brady, Yucca Valley, spoke against making the native plant ordinance more lenient.

END PUBLIC COMMENTS

Staff briefly responded to the public comments. Staff noted that the last discussion about the native plant ordinance never moved past Town Council discussion. Staff also said that they were trying to find a balance between the differing desires of the community.

Chair Humphreville said that he has been on the Planning Commission for five years, and that there have been many discussions on how to draft the ordinance. He said that if the current draft of the ordinance had been in place at the time, the Copper Hills development wouldn't look like it does. The Story Park development looks as natural as it does because it was done with no mass grading, and new development of that type requires mass grading to deal with drainage issues, something which is a problem in Story Park. He also said that he feels that the ordinance strikes a balance between the concerns of both sides as it is drafted, but neither side is going to be totally happy.

Commissioner Drozd said that real conservation doesn't really include infill or individual residential lots. Conservation is more about land trusts or state parks. He agrees that the desert is slow to renew and that we have to be careful, but it is ridiculous to say what someone can do on a half-acre lot. He also pointed out that there were plants which were not even native to area on the list of protected native plant, and that while he agrees about the value of pinyon pine and junipers, it can be a slippery slope when you start adding too many plants to the list.

Chair Humphreville pointed out that there are additional incentives to leave open spaces in the draft ordinance. Staff said that the incentives, as well as other tools which can be used with developers, were created to increase native plant character. Staff also pointed out that some types of projects require controlled draining, and you can't retain native plants in our topography and develop in 18,000 sq. ft. lots while controlling drainage properly.

Commissioner Bridenstine said that she personally loves pinyon pines and junipers, and when she developed her last house, on a two and a half acre lot, she left as many of the native plants in place as possible, and only cleared enough space for the house and patio. However when there was a fire in 2005, and the lack of clear cutting endangered the house. She said she believes that the fire department recommends leaving at least 30 or 50 feet of clear space around structures. She also said that she doesn't have a problem adding junipers and pinyon pines to the list, but she doesn't think those plants can be transplanted. Those plants should not prohibit you from being able to build a house. She also said that she felt that the previous list of protected plants was excessive. She prefers incentives because we want people to want to preserve native plants more than we want to punish them for not preserving native plants. She wouldn't have a problem with adding junipers and pinyon pines as long as you didn't preclude development by doing so.

Commissioner Whitten spoke in support of the draft ordinance, and said that he thinks that the proposed native plant regulations are balanced. He said that he would be in support of adding pinyon pines and junipers to the list of protected plants if they can be transplanted.

Chair Humphreville said that the issue of transplanting junipers and pinyon pines had come up in a previous discussion, and that his recollection was that junipers couldn't be transplanted and that only very small pinyon pines could be transplanted. He also said that incentivizing clustered development in order to leave open space is desirable, but none of these things can take effect unless the Town is able to get a native plant ordinance in place. He said that, while it may not please everyone, it is a balanced ordinance.

Commissioner Whitten said that if the Town can get a native plant ordinance in town in will improve new developments, like the Sage Estates project.

MOTION

Chair Humphreville moved that the Planning Commission continue this item to the August 12, 2014 Planning Commission meeting. Commissioner Whitten seconded, and the motion passed unanimously.

CONSENT AGENDA

None

COMMISSIONER REPORTS AND REQUEST:

Staff provided an overview of the progress on current and upcoming projects. Staff also recommended that the Planning Commission cancel the second meeting of July.

Commissioner Drozd thanked everyone for being there, particularly the audience. It is great to see participation.

Commissioner Whitten thanked everyone who attended. He asked about releasing a press release about the speed limit change. He thanked the public for their community spirit.

Commissioner Bridenstine thanked staff, and thanked the public for participating.

Chair Humphreville said that the medians were badly in need of maintenance, and asked how staff was addressing the issue. Staff said that there have some structural changes in the parks and streets divisions which has effected staffing capabilities. Staff has been working on addressing this issue, both with staff efforts and contractors. Chair Humphreville thanked staff for their work.

ANNOUNCEMENTS:

The next regular meeting of the Planning Commission is scheduled for August 12, 2014 at 6:00pm.

ADJOURNMENT

There being no further business, the meeting adjourned at 8:41.

Respectfully submitted,

Allison Brucker
Secretary

Approved by the Planning Commission on _____, 2014.

DRAFT