

# TOWN OF YUCCA VALLEY PLANNING COMMISSION MEETING



The Mission of the Town of Yucca Valley is to  
provide a government that is responsive to its citizens  
to ensure a safe and secure environment  
while maintaining the highest quality of life.

**PLANNING COMMISSION: 6:00 PM**  
**TUESDAY, SEPTEMBER 9, 2025**  
Yucca Valley Community Center - Yucca Room  
57090 Twentynine Palms Highway  
Yucca Valley, CA 92284

**<https://zoom.us/j/91856006155?pwd=uFnYatzRpx65Z5baZiqypEdboXajhA.1>**

**Meeting ID: 918 5600 6155**

**Passcode: 841586**

Use the above link to virtually access the meeting. You will automatically be muted upon entry. During the meeting, participants will be prompted to “raise hand” or inform the meeting moderator when wishing to make a public comment. Comment time is limited to 3 minutes or as instructed by the Mayor/Chair. If any technical difficulties occur resulting in lack of connectivity or virtual streaming, the in-person meeting will continue to proceed.

\* \* \* \*

## **Planning Commission**

James Henderson, Commissioner,  
Gerard Noonan, Commissioner,  
J Clint Stoker, Commissioner,  
Mathew Thomas, Vice Chair,  
Alejandro, Vasconcelos, Chair

\* \* \* \*

## **TOWN ADMINISTRATIVE OFFICE:**

**760-369-7207**

**Public Comments: [townclerk@yucca-valley.org](mailto:townclerk@yucca-valley.org)**  
**[www.yucca-valley.org](http://www.yucca-valley.org)**

**AGENDA**  
**MEETING OF THE PLANNING COMMISSION**  
**TUESDAY, SEPTEMBER 9, 2025, 6:00 PM**

The Town of Yucca Valley complies with the Americans with Disabilities Act of 1990. If you require special assistance to attend or participate in this meeting, please call the Town Clerk's Office at (760) 369-7209 at least 48 hours prior to the meeting

The meeting agenda packet is available for public view in the Town Hall lobby and on the Town's website at [www.yucca-valley.org](http://www.yucca-valley.org) prior to the meeting. For more information on an agenda item or the agenda process, please contact the Town Clerk's office at (760) 369-7209 ext. 226.

If you wish to comment on any agenda item or on any subject not on the agenda during public comments, please fill out a request to speak card and give to the Town Clerk/Commission Secretary. Comment time is limited to 3 minutes.

Where appropriate or deemed necessary, action may be taken on any item listed in the agenda.

**OPENING CEREMONIES:**

**Call to Order**

**Roll Call**

James Henderson, Gerard Noonan, J Clint Stoker, Mathew Thomas, Alejandro Vasconcelos

**Pledge of Allegiance**

**Approval of Agenda**

**Consent Agenda**

All items listed on the consent agenda are routine matters or formal documents covering previous Planning Commission instruction. Items are enacted by one motion and a second without separate discussion unless a member of the Planning Commission or Town Staff requests dialog on a specific item at the beginning of the meeting. Requests for public comment on the consent agenda items should be filed with the Commission Secretary.

1. Planning Commission - Regular Meeting - Aug 26, 2025, 6:00 PM

**Recommendation:**

**Approve the meeting minutes of August 26, 2025, as presented.**

2. Native Plant Permit (NPP) 084-25 @ 7616 Barberry Avenue

**Recommendation:**

**That the Planning Commission receives and files the attached Desert Native Plant Specialist Report for proposed residential construction and approves the Native Plant Permit (NPP 084-25) exemption, finding that, based on the evidence presented in the submittals, the proposed project is not disturbing any regulated desert native plants, and is therefore exempt from Town of Yucca Valley Development Code section 9.07.130 Native Landscape Documentation Package.**

3. Native Plant Permit (NPP) 085-25 @ 7425 Borrego Trail



**Recommendation:**

That the Planning Commission receives and files the attached Desert Native Plant Specialist Report for proposed residential construction and approves the Native Plant Permit (NPP 085-25) exemption, finding that, based on the evidence presented in the submittals, the proposed project is not disturbing any regulated desert native plants, and is therefore exempt from Town of Yucca Valley Development Code section 9.07.130 Native Landscape Documentation Package.

4. Native Plant Permit (NPP) 105-25 @ 7384 Dumosa Avenue

**Recommendation:**

That the Planning Commission receives and files the attached Desert Native Plant Specialist Report for a proposed sewer connection and approves the Native Plant Permit (NPP 105-25) exemption, finding that, based on the evidence presented in the submittals, the proposed project is not disturbing any regulated desert native plants, and is therefore exempt from Town of Yucca Valley Development Code section 9.07.130 Native Landscape Documentation Package.

5. Native Plant Permit (NPP) 107-25 @ 57930 Twentynine Palms Highway

**Recommendation:**

That the Planning Commission receives and files the attached Applicant Report for a proposed plumbing repair and approves the Native Plant Permit (NPP 107-25) exemption, finding that, based on the evidence presented in the submittals, the proposed project is not disturbing any regulated desert native plants, and is therefore exempt from Town of Yucca Valley Development Code section 9.09.050 Native Landscape Documentation Package.

6. Native Plant Permit (NPP) 108-25 @ 57494 Bandera Road

**Recommendation:**

That the Planning Commission receives and files the attached Applicant Report for a proposed septic replacement and approves the Native Plant Permit (NPP 108-25) exemption, finding that, based on the evidence presented in the submittals, the proposed project is not disturbing any regulated desert native plants, and is therefore exempt from Town of Yucca Valley Development Code section 9.07.130 Native Landscape Documentation Package.

**Department Reports**

7. Land Development Update

**Recommendation:**

That the Planning Commission receives and files the report.

**Future Agenda Items**

**Public Comments**

The Planning Commission takes this time to consider your comments on items of concern which are not on the agenda. When you are called to speak, please state your name and community of residence. Please limit your comments to 3 minutes or less. Inappropriate

behavior which disrupts, disturbs, or otherwise impedes the orderly conduct of the meeting will result in forfeiture of your public comment privileges. The Planning Commission is prohibited by State law from taking action on discussion items not on the printed agenda.

### **Staff Reports and Comments**

### **Commissioner Reports and Comments**

### **Announcements**

Upcoming Meeting Schedule: The next regular meeting of the Yucca Valley Planning Commission will be held on Tuesday, September 23, 2025, at 6:00 PM in the Yucca Valley Community Center Yucca Room.

### **Adjournment**

**Town of Yucca Valley**  
**Planning Commission Meeting Minutes**  
**August 26, 2025**

**Call to Order**

Chair Vasconcelos called the meeting to order at 6:00 PM.

**Roll Call**

Present: James Henderson, Gerard Noonan, Clint Stoker, and Alejandro Vasconcelos

Absent: Mathew Thomas

**Pledge of Allegiance**

Led by Chair Vasconcelos.

**Approval of Agenda**

**Motion:** Approve the meeting agenda as prepared.

**Result:** (Yes 4, No 0, Abstained 0)

**Mover:** Commissioner Gerard Noonan

**Second:** Commissioner Clint Stoker

**Ayes:** James Henderson, Gerard Noonan, Clint Stoker, Alejandro Vasconcelos

**Consent Agenda**

**Motion:**

All items listed on the consent agenda are routine matters or formal documents covering previous Planning Commission instruction. Items are enacted by one motion and a second without separate discussion unless a member of the Planning Commission or Town Staff requests dialog on a specific item at the beginning of the meeting. Requests for public comment on the consent agenda items should be filed with the Commission Secretary.

Items 1, 2, and 4 are approved.

**Result:** (Yes 4, No 0, Abstained 0)

**Mover:** Commissioner Gerard Noonan

**Second:** Commissioner James Henderson

**Ayes:** James Henderson, Gerard Noonan, Clint Stoker, Alejandro Vasconcelos

Item 3 is approved.

**Result:** (Yes 4, No 0, Abstained 1)

**Mover:** Commissioner Clint Stoker

**Seconder:** Commissioner Gerard Noonan  
**Ayes:** Gerard Noonan, Clint Stoker, Alejandro Vasconcelos  
**Abstain:** James Henderson

1. **Native Plant Permit (NPP) 068-25 @ 56255 Gold Nugget Road**
2. **Native Plant Permit (NPP) 100-25 @ 6178 Buena Suerte Road**
3. **Native Plant Permit (NPP) 101-25 @ 55578 Free Gold Drive**
4. **Native Plant Permit (NPP) 104-25 @ 57885 Sierra Vista Drive**

#### **Public Hearings**

**Motion:** That the Planning Commission directs staff to prepare a Public Hearing Notice for Environmental Assessment, EA 02-24, and Conditional Use Permit, CUP 01-24 Tumbleweed Sanctuary, for the Planning Commission meeting of September 23, 2025.

**Result:** (Yes 4, No 0, Abstained 0)  
**Mover:** Clint Stoker  
**Seconder:** James Henderson  
**Ayes:** James Henderson, Gerard Noonan, Clint Stoker, Alejandro Vasconcelos

5. **Environmental Assessment, EA 02-24; Conditional Use Permit, CUP 01-24, Tumbleweed Sanctuary. A request to establish a Class IV Residential Special Event Facility at a non-residential structure. The project site is located at 57889 Pueblo Trail and is also identified as APN: 0588-021-21, 0588-021-28, 0588-021-29.**

Assistant Planner Willoughby stated thank you, Chair and Commissioners. The recommendation is that the Planning Commission direct staff to prepare a public hearing notice for environmental assessment 02-24 and conditional use permit 01-24, Tumbleweed Sanctuary, for the Planning Commission meeting of September 23, 2025. Commission has had no prior review of this application. For some background, some additional time is required for the applicant to provide an updated product description and staff to provide an updated public hearing notice for the proposed project. Staff can answer any questions following the public hearing.

Chair Vasconcelos stated thank you and opened the public hearing. Is there anyone in

the public that wishes to speak on this matter?

Commissioner Stoker stated go ahead and state your name and your community of residence, please.

George Garcia, public speaker, stated hi, my name's George Garcia. I live in that area, actually. My neighbor was the one that was kind of concerned what was going on there. I just moved into the neighborhood, and I was just curious what is being proposed there? I mean, what are they going to build or what are they planning to do there? Is it going to affect the value of my house when I try to sell it in a few years, or? Just a few questions on my part anyway.

[inaudible] Yeah, I don't know how to address this issue.

Commissioner Stoker stated well, we're setting up right now for a public hearing, sir, so some of your questions maybe might be answered at the public hearing, which looks like we're going to make a recommendation for it to be on September 23rd. So I think a lot of those questions, as far as the scope of the project, will be answered then because we don't have any of that information either.

George Garcia, public speaker, stated well, I mean, I'm for the building, you know what I mean, to make the community bigger or whatever, being a licensed contractor myself, I mean.

Commissioner Stoker stated thank you. Yeah. We appreciate that. And I'm sure staff can talk to you a little bit more about the project since you just moved in, and you'll have a chance to speak some more at the public hearing.

George Garcia, public speaker, stated okay. Like I said, my biggest concern was just about the value if I want to sell my house. Is it going to affect down the road to sell my house? Am I going to have a problem with that, or? That's my biggest concern. I mean, other than that, I'm up for it.

Chair Vasconcelos stated all right. Thank you, sir.

George Garcia, public speaker, stated thank you.

Associate Planner Jerome stated one quick note for the public. On the Yucca Valley Land Development page, there is a project page for this project that has plans. They're updating the project description, but you could see all of their plans up to this date to see what they're planning to do.

George Garcia, public speaker, stated thank you.

Chair Vasconcelos asked is there anyone else in the public who wishes to make a comment on this? Is there anyone online? Okay, we'll close public comment and bring it back to commissioners' comments. Commissioner Noonan?

Commissioner Noonan stated yeah. I mean, I would say exactly what we need to do, which is to direct staff to prepare a public hearing notice for the environmental assessment.

Chair Vasconcelos asked Commissioner Henderson?

Commissioner Henderson stated yeah, I would agree with that. Also, on my Commission email, I received a video from a resident in the area. I just want to see, did staff receive that as well?

Associate Planner Jerome stated, I believe we were cc'd on the same email or similar email.

Commissioner Henderson stated okay. And I mean, for public comments at the public hearing, are the public members allowed to show videos as well?

Deputy Town Manager Stueckle stated that's a question that recently came up at a Town Council meeting where there was a citizen's request to use the Town's audio-visual system for their own presentation, and the response that came-- the legal response that came back was no, that is not allowed. If they have their own equipment and they can stand up here and they want to show something, that's their choice, but not through the use of the Town's equipment.

Commissioner Henderson stated, thank you. Nothing further.

Chair Vasconcelos asked Commissioner Stoker?

Commissioner Stoker stated, I think this is fairly straightforward that we're setting up our next meeting, so I don't have any other comments.

Chair Vasconcelos stated all right. I'm the same. I think this is perfect to move forward with scheduling a public hearing for this particular application. So can we get a motion for that?

## **Department Reports**

### **6. Land Development Update Report**

#### **Motion:**

That the Planning Commission receives and files the report.

**Result:** (Yes 4, No 0, Abstained 0)

**Mover:** Commissioner James Henderson

**Second:** Commissioner Clint Stoker

**Ayes:** James Henderson, Gerard Noonan, Clint Stoker, Alejandro Vasconcelos

Associate Planner Jerome stated good evening. Most of the land development projects are substantially similar to the last time we talked, so I don't have any updated photos for this one. But some minor updates. Circle K gas station has submitted their street vacation and subdivision application to go with their Conditional Use Permit. That's for the northwest corner of Avalon and the highway, Highway 62. Walmart continues to make their way through the CEQA process. Sun Mesa Mini Storage also continues to make their way through the CEQA process, as well as several town projects. So, we're very busy with CEQA lately, but no major updates other than that.

Assistant Planner Willoughby stated just one thing to add on top of what Jared said. Recently, within the past week, we got a new application for a site plan review for C&S Cafe for an addition to their restaurant, so that will be up on the website shortly to review any details. Whether you're in the public or on the commission, you can see those details on the project, and staff will be reviewing that.

Chair Vasconcelos stated, thank you. Is there anyone in the public that would like to make a comment on this item? Anyone online? Close public comment? Do we have anyone on staff? Does anyone here have any comments regarding the land of development update report.

Commissioner Noonan stated no.

Chair Vasconcelos asked no? Can we get a motion to receive and file?

### **Future Agenda Items**

Associate Planner Jerome stated, we expect Joshua Springs, the [inaudible] special event request, and Tumbleweed to all be coming, I would say, within the next month or so, for future agenda

Assistant Planner Willoughby stated one additional item. We do have one mural application, which is making its way through the process. Staff anticipates that will either come back to you at the first or second meeting of September.

Chair Vasconcelos stated anyone have any comments? No?

### **Public Comments**

Chair Vasconcelos stated let's move on to public comments. The Planning Commission takes this time to consider your comments on items of concern which are not on the agenda. When you are called to speak, please state your name and community of residence. Please limit your comments to three minutes or less. Inappropriate behavior which disrupts, disturbs, or otherwise impedes the orderly conduct of the meeting will result in forfeiture of your public comment privileges. The Planning Commission is prohibited by state law from taking actions or discussing items not on the printed agenda. With that, is there anyone in the public that wishes to make any public comment? Anyone online? Close public comments? Moving on to staff reports and comments.

### **Staff Reports and Comments**

Associate Planner Jerome stated no additional comments from us.

Chair Vasconcelos stated thank you.

### **Commissioner Reports and Comments**

Chair Vasconcelos stated let's go with Commissioner Stoker.

Commissioner Stoker stated nothing more to report. Thank you for a tidy meeting.

Chair Vasconcelos asked Commissioner Henderson?

Commissioner Henderson stated, just a question for Alex. I think I drove by the parking lot/park in Old Town, across from the Old Las Palmas. It's looking absolutely fantastic. Is that project completely done now?

Public Works Director Qishta stated yes. It's completely done. The only thing that we are doing to it is the striping. When they did stripe that parking lot, it should be double-striped, but it's one, so we're going to be redoing it. It's going to be happening maybe the end of this month--the end of September. I'm sorry.

Commissioner Henderson stated okay. And then I recall that there was going to be a phase two as well, potentially?

Public Works Director Qishta stated there is a phase two to the project, but it's concept, not designed yet.

Commissioner Henderson stated okay. But it's future planned out, potentially?



Public Works Director Qishta stated potentially.

Commissioner Henderson stated all right.

Public Works Director Qishta stated pending funding, of course.

Commissioner Henderson stated it looks fantastic.

Public Works Director Qishta stated thank you. Appreciate it.

Commissioner Henderson stated thank you. That's a great meeting, fast meeting. Thank you.

Chair Vasconcelos asked Commissioner Noonan?

Commissioner Noonan stated yeah. Thank you, staff, for an efficient and knowledgeable meeting. See you in the next one. The only comment I had is just a follow-up on regarding the outdoor displays being enforced by the different businesses in town. I think there was supposed to be some sort of update. I was just wondering if you guys had figured that out yet.

Chair Vasconcelos stated The only comment I had is just a follow-up on regarding the outdoor displays being enforced by the different businesses in town. I think there was supposed to be some sort of update. I was just wondering if you guys had figured that out yet.

Assistant Planner Willoughby stated so, staff did a survey along Highway 62 and 247 with code enforcement to identify displays. We followed up to those property owners a couple of weeks back with letters, both informing them on the policy and providing them with the application, and giving them a timeframe to bring that in. We've received some responses from at least one business that

Chair Vasconcelos stated great. Thank you. Yeah. I just wanted to reiterate what my other fellow Commissioner said, thank you for this meeting. Thank you for keeping it nice and tidy. And look forward to those future agenda items coming in.

### **Announcements**

Chair Vasconcelos stated upcoming meeting scheduled for next regular meeting of the Yucca Valley Planning Commission will be held on Tuesday, September 9th, 2025, at 6:00 PM in the Yucca Valley Community Center Room.

### **Adjournment**

Chair Vasconcelos adjourned the regular meeting to closed session at 06:15 PM.



Item: 2.

**Town of Yucca Valley  
Planning Commission Staff Report**



**To:** Planning Commission

**From:** Evan Willoughby, Assistant Planner

**Date:** August 28, 2025

**Meeting Date:** September 9, 2025

**Subject:** Native Plant Permit (NPP) 084-25 @ 7616 Barberry Avenue

**Recommendation:**

**That the Planning Commission receives and files the attached Desert Native Plant Specialist Report for proposed residential construction and approves the Native Plant Permit (NPP 084-25) exemption, finding that, based on the evidence presented in the submittals, the proposed project is not disturbing any regulated desert native plants, and is therefore exempt from Town of Yucca Valley Development Code section 9.07.130 Native Landscape Documentation Package.**

**Prior Review:**

There has been no prior review.

**Discussion:**

Applicant: David Higginson  
Address: 7616 Barberry Avenue  
APN: 0587-151-08  
Zoning: Residential, Single-Family (R-S-2)  
Parcel Size: 0.45 acres

**Native Plant Permit Application and Desert Native Plant Specialist Report**

Application has been filed with the Town for proposed residential construction. As part of that process, a native plant permit application and desert native plant specialist report have been submitted to the Town.

Chapter 9.07 Residential and Hillside Reserve Districts, Section 9.07.130 (B)(1)(a):

*It is prohibited for any individual or entity to remove, transplant, damage, disturb, or destroy any part of any regulated desert native plant, except its fruit, from any privately or publicly owned piece of land in the Town of Yucca Valley, without first obtaining a regulated desert native plant permit from the town, unless said activity is exempt from the requirement to first obtain a regulated desert native plant permit.*

The Town's 2084 Permit from the State Fish and Game Commission expired on May 9, 2022. The 2084 permit established rules such as the ten (10') foot distance from a Western Joshua Tree (WJT) for ground disturbing activity, as well as created the ability for the Town to issue take permits to remove and transplant the WJT, etc. The 2084 Permit authorization expired, and those rules and standards no longer exist for the Town.

Current procedures for all ground disturbing, ministerial building permits are listed in the attached documents. In addition to the standard Native Plant Permit application submittal, all ground disturbing, ministerial building permit applications must comply with the provisions of the attached handout. All ground disturbing project activities must be accounted for in the determination of avoidance of the WJT.

Ground disturbing, ministerial building permit applications require a Report by a Desert Native Plant Specialist, Pre-Site Inspection prior to permitted construction activity, and re-certification of Report by a Desert Native Plant Specialist that the permitted ground disturbing activity was completed in conformance with the approved site plan and did not impact the Western Joshua Trees, prior to final inspection.

Building permit applications for sewer connections are exempt from pre-site inspection and pre-site inspection fees.

Nothing in this Western Joshua Tree Policy and Information Handout exempts building permit applicants from following State or Federal law.

The Town modeled these standards after other agencies, such as San Bernardino County and the Town of Apple Valley, who have not been challenged by State Fish and Wildlife in the implementation of these standards and procedures, and therefore the required protection of the WJT.

The plot plan and desert native plant specialist letter are attached to this staff report.

The Development Code section cited above is ministerial.

- Staff-level decision; forwarded to Planning Commission at this time;
- Little or no personal/subjective judgment;
- Use of fixed standards or objective measurements;
- No public notice required by the Development Code.

The Development Code does not provide for discretion of this permit application.

The application is consistent with the standards established by the Code and therefore must be approved by the Town.

**Alternatives**

Staff recommend no alternative actions. The application is consistent with the Town's adopted standards.

**Fiscal Impact:**

N/A

**Attachments**

1. NPP 084-25 @ 7616 Barberry Ave - David Hugginson - Application
2. Western Joshua Tree Policy & Information Handout - Updated 6.11.2024
3. Section 9.07.130 Native Landscape Documentation Package



# Native Plant Permit Application

|               |            |
|---------------|------------|
| Date Received | 6/16/25    |
| Case          | NPP 084-25 |
| By            | Em         |
| Paid          | \$85.00    |

## General Information

APPLICANT DAVID HIGGINSON Phone 9094990058  
Mailing Address 34247 YUCAIPA BLVD "D" Email dhigginson@higginson  
architects.com  
City YUCAIPA State CA Zip 92399  
PROPERTY OWNER PPAFF INVESTMENTS Phone 951906-9713  
Mailing Address 154A W. FOOTHILL BLVD #516 Email bofadedzz@yahoo.com  
City UPLAND State CA  
Zip 91786 Address/Location of Plants 7616 BARBERRY AVE  
Desert Native Plant Specialist MARINNA WAGNER

## Project Information

| TYPE OF PLANT      | # OF PLANTS<br>BEING<br>DESTROYED | # BEING RELOCATED |          | # BEING<br>PROTECTED<br>IN PLACE | # BEING<br>TRIMMED | HEIGHT | DIAMETER | MITIGATION FEE<br>FOR RELOCATE<br>OR REMOVAL |
|--------------------|-----------------------------------|-------------------|----------|----------------------------------|--------------------|--------|----------|----------------------------------------------|
|                    |                                   | ON-SITE           | OFF-SITE |                                  |                    |        |          |                                              |
| MOJAVE YUCCA       | 0                                 |                   |          |                                  |                    |        |          |                                              |
| OUR LORDS CANDLE   | 0                                 |                   |          |                                  |                    |        |          |                                              |
| CALIFORNIA JUNIPER | 0                                 |                   |          |                                  |                    |        |          |                                              |
| PINON PINE         | 0                                 |                   |          |                                  |                    |        |          |                                              |
| PARRY'S NOLINA     | 0                                 |                   |          |                                  |                    |        |          |                                              |

Reason for relocation or removal \_\_\_\_\_

Property owner signature Shawn Paff Date 6-16-25

## Staff Use Only

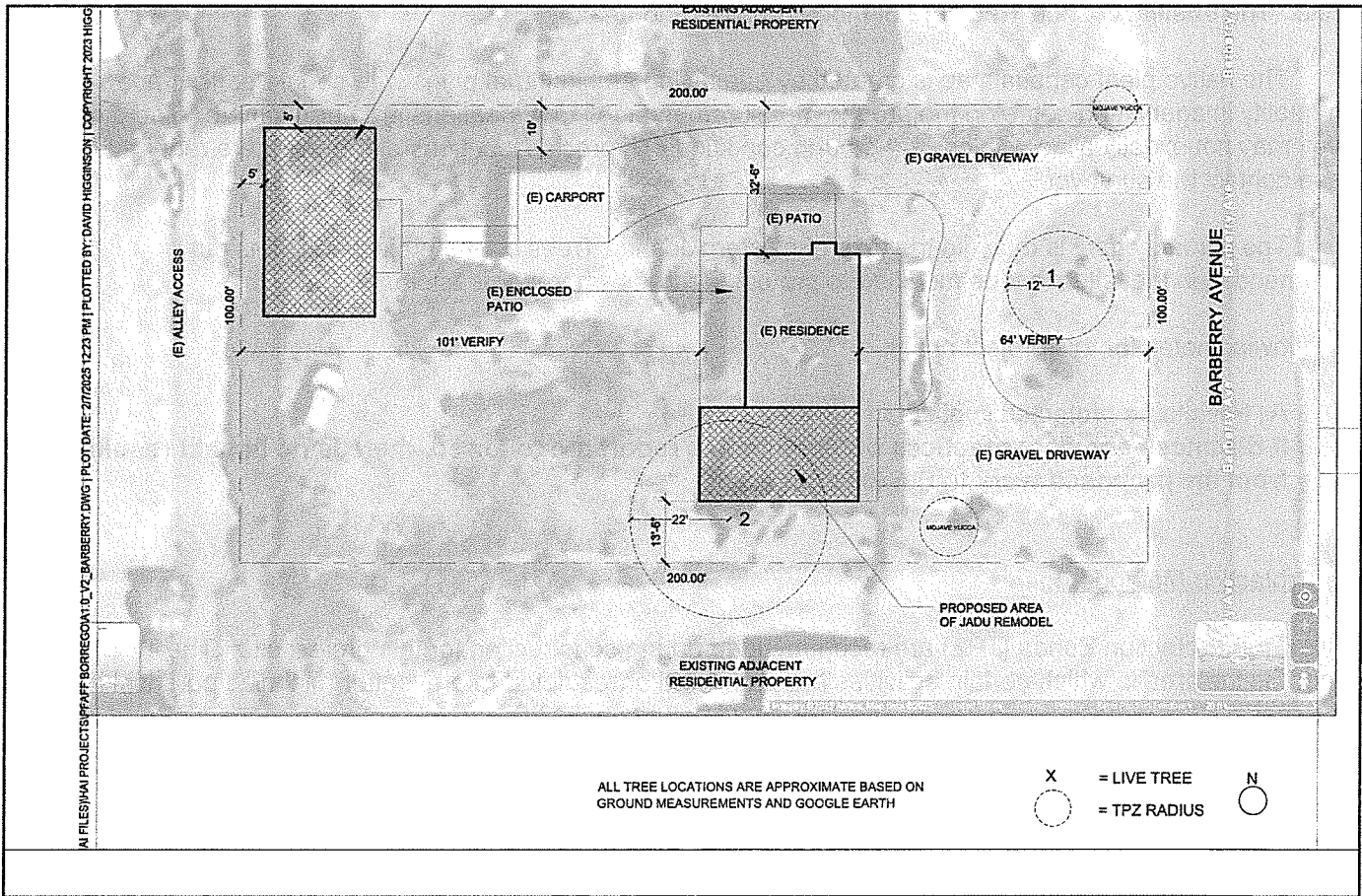
Issuance Date: \_\_\_\_\_ Issued By: \_\_\_\_\_

Approved as shown on plot plan \_\_\_\_\_ photos \_\_\_\_\_ Total Fees: \_\_\_\_\_

Denied \_\_\_\_\_ Reason for Denial \_\_\_\_\_

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# JOSHUA TREE CENSUS SITE MAP WITH PHOTOGRAPHIC CENSUS





## Introduction & Summary

This report is for 7616 Barberry Ave, Yucca Valley, California. A field census and native plant inventory was performed on March 18, 2025 of the selected Joshua Trees (*Yucca brevifolia* ssp. *brevifolia*), a candidate species under the California Endangered Species Act (CESA), effective October 9, 2020. This census and recommendations are intended for compliance with the County of San Bernardino Information Bulletin IB-0016 and are based on the census instructions provided by the California Department of Fish and Wildlife (CDFW) to the extent practicable.

This project site is rural residential with a proposed new construction ADU building and a garage conversion ADU. The garage conversion is an interior remodel and there are no plans for any exterior excavation. Inventory includes the entire property and other Native Plants protected by the Town of Yucca Valley's Native Plant Ordinance. Soil conditions appear mostly urban compacted sand and decomposed granite. The existing Joshua Trees are of moderate size and healthy.

The native plant census map is created by overlaying architectural plans with google earth maps, high quality imagery, and some on the ground measurements. All tree locations are approximate. The digital survey may not exactly align with current ground conditions. If precise locations of the trees are required please contact the surveyor.

The primarily goal is to avoid the take of western Joshua Trees on the project site. It is our recommendation that site work be modified to protect the trees wherever feasible.

The following notes for this project apply:

1. All trees to be protected in place.
2. **If distances and best practices outlined in this report are followed, there is no impact resulting from the proposed work to the existing trees.**

## Tree Protection Methods

Tree Protection Zones (TPZ) are recommended during construction for this project site. The TPZ is defined as the area in which certain activities are prohibited or restricted to prevent or minimize potential injury to the root system of designated trees. The TPZ should encompass the overall root zone of the tree and where the roots could potentially reach based on the size of the tree. The TPZ is the overall tree system and will include all pups within approximately 3 meters of the main trunk.

Diameter Breast Height (DBH) is typically measured at measured at 4.5 ft (1.37 meters) above ground with diameter tape. The DBH calculation for multi-stemmed tree is used even though the pups may often come up separately from the ground. *Yucca brevifolia* ssp. *brevifolia* can pup vigorously and all we include all pupping stems in the TPZ because it is very likely the root system is connected and separating them is not recommended. The largest stem (likely the main) is added to the sum of half the diameter of each of the remaining stems that are located within 3.3 ft (1 meter) of the main trunk. Pups less than 3.3 ft (1 m) are not considered for DBH calculations as they are too small.

TPZ for standard trees is an area equivalent to a circle with a radius that is 12 times the DBH (1" = 1 ft) and this can be used for Class Size A & B Trees. Heritage / Mature trees can be equivalent to up to 15 times the DBH (1" = 1.25 ft) and that is used for all Class Size C trees and some Class Size B trees with many pups or an old dead stem. "For Trees with DBH less than 10 in (25.4 cm) a minimum of 5 ft (1.5 m) radius TPZ should be considered" (Matheny, Simley, Gilpin, and Hauer 2023, 18)

In addition to the TPZ, a Critical Root Zone (CRZ) is defined as the area around the tree where the roots are considered critical to the structural stability or health of the tree. We use 3 times the DBH measurement (all in inches or centimeters) and no excavation is allowed in this zone where the main lateral roots come off of the tree. The TPZ will always encompass the CRZ.

Since the Western Joshua Tree is a *Yucca* species, a monocot, it does not produce annual tree rings like other trees, and is widely and shallowly rooted, radius delineations based on the width of the dripline and height of the tree are also considered. The dripline of the tree is protected for both the stability of the tree as well as the *Yucca* moth pollinator. The root ball, confined typically to the CRZ, is immediately below the tree where the dense concentration of fibrous roots occurs, and must be protected under all circumstances to avoid lethal impact.

The Desert Native Plant Act states that "No grade alterations shall bury any portion of a regulated tree or plant or significantly undercut the root system within the dripline" (per 88.01.050 San Bernardino County). No excavation is allowed within the dripline or critical root zone. As a mitigation measure, we recommend that all trees within 40 ft of work must have a clear and marked TPZ radius measured from the center of the tree.

### Best Practices

It is our recommendation that the full TPZ should be protected with clear markers, flags, tape, cones, and some form of fencing. Chain link can be a great solution as it does not require any posts near the trees. A more affordable option could be the orange safety fence on stakes or even caution tape. Whatever is used must be of a quality that will not blow over regularly in the wind and should be clearly visible to all workers.

If a Joshua Tree root with a diameter of 1.5" is encountered during trenching or grading, it is recommended that the work shift slightly over or go around the root. Avoidance of cutting large roots is highly recommended. For this reason, we recommend that the arborist be present during any significant grading near the CRZ or the dripline and often at the TPZ depending on the severity of excavation.

Contractors are required to be cautious around the TPZ and are never to store tools or materials under, in, or against the trees. All concrete, plaster, or other fine particle clean out and tool washing areas are never to be located near the TPZ or a place that could run off into a TPZ. To avoid unnecessary compaction resulting from vehicles and heavy equipment, boards or steel plates can be utilized to distribute the load if access or work needs to occur near the drip line or TPZ of the tree. Under no circumstance is it acceptable that the root flare of the trees is buried with soil or any material during or following grading work, this portion of the tree should always remain exposed.

These areas and notes must be defined and agreed upon in advance and in writing between the Client and the General Contractor. It is either the Client or the General Contractor's responsibility, depending on the situation, to communicate these notes to all their workers and subcontractors. We recommend that there be a worker education class to ensure that workers understand all notes and best practices when working around Western Joshua Trees. Training evidence and other requirements are to be evaluated by the County Planning for acceptability.

### 4.2 Fuel Modifications for Western Joshua Trees

We do not recommend grading or digging up vegetation within the TPZ for both dead and alive trees. It is possible to the depth of 6" (4-6" is the topsoil layer) to scrape, hula hoe, or clear vegetation without significantly disturbing roots of the tree, but any further depth could be damaging. We do not recommend

digging within the drip line of the tree and especially against the root flare of the tree. We recommend leaving as much mature shrub and succulent vegetation on site as possible per code as nurse plants are crucial to the survival of WJT seedlings, without nurse plants it may be unlikely that WJT seedlings will survive. Removing existing vegetation will increase dust, erosion, and invasive annual vegetation across the site, which can add to the fire fuel load in the future. In addition, visitors to this region come in part for the vegetation and it's cultural value.

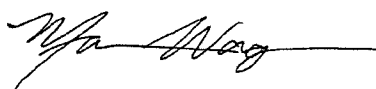
## 5.0 References

IB-0016. (n.d.). <https://www.sbcounty.gov/Uploads/LUS/BandS/Handouts/IB-0016.pdf>

Matheny, N. P., Smiley, E. T., Gilpin, R., & Hauer, R. J. (2023). Managing trees during site development and construction. International Society of Arboriculture.

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CONDUCTED BY: MARINNA WAGNER  
WE-13354A  
ISA CERTIFIED ARBORIST  
3/26/25





SPECIES: *Yucca schidigera* (North)

STATUS (TRANSPLANT, DESTROY, PROTECT): Protect

HEIGHT: 2.3 m

WIDTH 1: 2.6 m (8.5 ft)

WIDTH 2: 2.9 m (9.5 ft)

RECOMMENDED DISTANCE FROM WORK: This tree should be protected in place. A Tree Protection Zone (TPZ) radius of 5 ft from the center of the tree to the edge of the grading or trenching construction zone is recommended and impact to tree is avoided. Plant is adapted to the existing driveway.





SPECIES: *Yucca brevifolia* ssp. *brevifolia*

TREE SYSTEM: 1

TREE NUMBERS: 1a - 1r

STATUS (TRANSPLANT, DESTROY, PROTECT): Protect

RECOMMENDED DISTANCE FROM WORK: These trees should be protected in place. A Tree Protection Zone (TPZ) radius of 12 ft from the center of the tree to the edge of the grading or trenching construction zone is recommended and impact to tree is avoided. Work is more than 50 ft away from the tree and there is no impact. Tree is near an existing road condition and has adapted to this condition.





SPECIES: *Yucca brevifolia* ssp. *brevifolia*

TREE SYSTEM: 1

TREE NUMBERS: 1a - 1r





SPECIES: *Yucca brevifolia* ssp. *brevifolia*

TREE SYSTEM: 2

TREE NUMBERS: 2

STATUS (TRANSPLANT, DESTROY, PROTECT): Protect

RECOMMENDED DISTANCE FROM WORK: This tree should be protected in place. A Tree Protection Zone (TPZ) radius of 22 ft from the center of the tree to the edge of the grading or trenching construction zone is recommended and impact to tree is avoided. The ADU garage conversion is an interior remodel only and there is no planned excavation near this tree. There will be no impact from an interior remodel.





SPECIES: *Yucca schidigera* (South)

STATUS (TRANSPLANT, DESTROY, PROTECT): Protect

HEIGHT: 3 m

WIDTH 1: 3.4 m (11 ft)

WIDTH 2: 3.8 m (12.5 ft)

RECOMMENDED DISTANCE FROM WORK: This tree should be protected in place. A Tree Protection Zone (TPZ) radius of 6.5 ft from the center of the tree to the edge of the grading or trenching construction zone is recommended and impact to tree is avoided. Plant is adapted to the existing driveway.

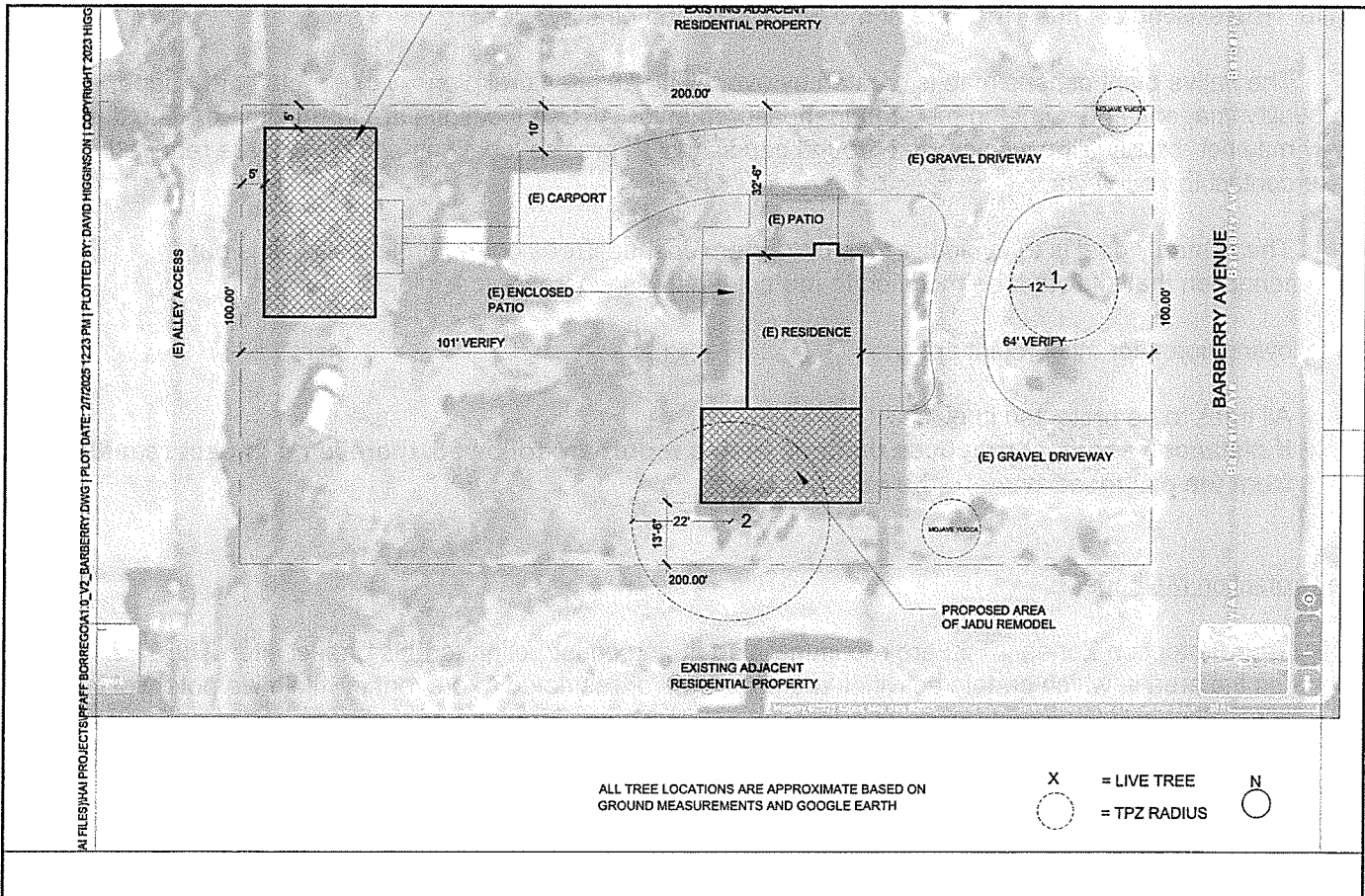




# DATA COLLECTION FOR WESTERN JOSHUA TREES

| CLASS SIZE<br>(A = < 1 M, B<br>= 1-5 M, C =<br>> 5 M) | HEIGHT 1<br>(M) (FOR<br>STANDARD<br>TREES) | LEAN<br>(DIRECTION) | WIDTH 1 | WIDTH 2 | LIVE (L) /<br>DEAD (D) | MATURE<br>(branched?)<br>Yes (Y) or<br>No (N) | REPRODUCT<br>ION<br>(FLOWERIN<br>G,<br>FRUITING,<br>NONE) | DBH @<br>1.37 m<br>IN | DRIP LINE<br>RADIUS | DECAY OR<br>DAMAGE                         | FOLIAGE | LIVING CON<br>5 = 100%, 4 =<br>75%, 3 =<br>50%, 2 =<br>25%, 1 = 0% | ROOT FLARE<br>CONDITION | VIGOR<br>(LOW,<br>NORMAL,<br>HIGH) | CROWN<br>DENSITY<br>(SPARSE,<br>NORMAL,<br>DENSE) | TPZ   | NOTES                            |
|-------------------------------------------------------|--------------------------------------------|---------------------|---------|---------|------------------------|-----------------------------------------------|-----------------------------------------------------------|-----------------------|---------------------|--------------------------------------------|---------|--------------------------------------------------------------------|-------------------------|------------------------------------|---------------------------------------------------|-------|----------------------------------|
| B                                                     | 3.8 m                                      | SE                  | 1.5 m   | 1.2 m   | L                      | Y                                             | Flower 2024                                               | 6                     | 1 m                 | past weevil<br>damage                      | Good    | 5                                                                  | Ok                      | H                                  | N                                                 | 12 ft | 17 pups                          |
| A                                                     | 15 cm                                      | NA                  | 12 cm   | 20 cm   | L                      | N                                             | None                                                      | NA                    |                     | none                                       | Good    | 5                                                                  | Ok                      | N                                  | N                                                 |       | Likely connected to tree 1       |
| A                                                     | 15 cm                                      | NA                  | 15 cm   | 12 cm   | L                      | N                                             | None                                                      | NA                    |                     | none                                       | Good    | 5                                                                  | Ok                      | N                                  | N                                                 |       | Likely connected to tree 1       |
| A                                                     | 15 cm                                      | NA                  | 12 cm   | 10 cm   | L                      | N                                             | None                                                      | NA                    |                     | none                                       | Good    | 5                                                                  | Ok                      | N                                  | N                                                 |       | Likely connected to tree 1       |
| A                                                     | 23 cm                                      | NA                  | 30 cm   | 18 cm   | L                      | N                                             | None                                                      | NA                    |                     | none                                       | Good    | 5                                                                  | Ok                      | N                                  | N                                                 |       | Likely connected to tree 1       |
| A                                                     | 23 cm                                      | NA                  | 18 cm   | 20 cm   | L                      | N                                             | None                                                      | NA                    |                     | none                                       | Good    | 5                                                                  | Ok                      | N                                  | N                                                 |       | Likely connected to tree 1       |
| A                                                     | 25 cm                                      | NA                  | 28 cm   | 23 cm   | L                      | N                                             | None                                                      | NA                    |                     | none                                       | Good    | 5                                                                  | Ok                      | N                                  | N                                                 |       | Likely connected to tree 1       |
| A                                                     | 12 cm                                      | NA                  | 20 cm   | 12 cm   | L                      | N                                             | None                                                      | NA                    |                     | none                                       | Good    | 5                                                                  | Ok                      | N                                  | N                                                 |       | Likely connected to tree 1       |
| A                                                     | 15 cm                                      | NA                  | 18 cm   | 12 cm   | L                      | N                                             | None                                                      | NA                    |                     | none                                       | Good    | 5                                                                  | Ok                      | N                                  | N                                                 |       | Likely connected to tree 1       |
| A                                                     | 20 cm                                      | NA                  | 28 cm   | 25 cm   | L                      | N                                             | None                                                      | NA                    |                     | none                                       | Good    | 5                                                                  | Ok                      | N                                  | N                                                 |       | Likely connected to tree 1       |
| A                                                     | 18 cm                                      | NA                  | 18 cm   | 12 cm   | L                      | N                                             | None                                                      | NA                    |                     | none                                       | Good    | 5                                                                  | Ok                      | N                                  | N                                                 |       | Likely connected to tree 1       |
| A                                                     | 24 cm                                      | NA                  | 30 cm   | 35 cm   | L                      | N                                             | None                                                      | NA                    |                     | none                                       | Good    | 5                                                                  | Ok                      | N                                  | N                                                 |       | Likely connected to tree 1       |
| A                                                     | 23 cm                                      | NA                  | 18 cm   | 18 cm   | L                      | N                                             | None                                                      | NA                    |                     | none                                       | Good    | 5                                                                  | Ok                      | N                                  | N                                                 |       | Likely connected to tree 1       |
| A                                                     | 33 cm                                      | NA                  | 33 cm   | 33 cm   | L                      | N                                             | None                                                      | NA                    |                     | none                                       | Good    | 5                                                                  | Ok                      | N                                  | N                                                 |       | Likely connected to tree 1       |
| A                                                     | 28 cm                                      | NA                  | 30 cm   | 25 cm   | L                      | N                                             | None                                                      | NA                    |                     | none                                       | Good    | 5                                                                  | Ok                      | N                                  | N                                                 |       | Likely connected to tree 1       |
| A                                                     | 42 cm                                      | NA                  | 36 cm   | 35 cm   | L                      | N                                             | None                                                      | NA                    |                     | none                                       | Good    | 5                                                                  | Ok                      | N                                  | N                                                 |       | Likely connected to tree 1       |
| A                                                     | 15 cm                                      | NA                  | 20 cm   | 12 cm   | L                      | N                                             | None                                                      | NA                    |                     | none                                       | Good    | 5                                                                  | Ok                      | N                                  | N                                                 |       | Likely connected to tree 1       |
| A                                                     | 20 cm                                      | NA                  | 18 cm   | 18 cm   | L                      | N                                             | None                                                      | NA                    |                     | none                                       | Good    | 5                                                                  | Ok                      | N                                  | N                                                 |       | Likely connected to tree 1       |
| A                                                     | 18 cm                                      | NA                  | 12 cm   | 18 cm   | L                      | N                                             | None                                                      | NA                    |                     | none                                       | Good    | 5                                                                  | Ok                      | N                                  | N                                                 |       | Likely connected to tree 1       |
| C                                                     | 6.2 m                                      | S                   | 5.5 m   | 5 m     | L                      | Y                                             | Flowering                                                 | 18                    | 4 m                 | past weevil<br>damage, past<br>pruning cut | Good    | 5                                                                  | Ok                      | H                                  | N                                                 | 22 ft | avoid excavation near this tree. |

# JOSHUA TREE CENSUS SITE MAP WITH PHOTOGRAPHIC CENSUS



## Introduction & Summary

This report is for 7616 Barberry Ave, Yucca Valley, California. A field census and native plant inventory was performed on March 18, 2025 of the selected Joshua Trees (*Yucca brevifolia* ssp. *brevifolia*), a candidate species under the California Endangered Species Act (CESA), effective October 9, 2020. This census and recommendations are intended for compliance with the County of San Bernardino Information Bulletin IB-0016 and are based on the census instructions provided by the California Department of Fish and Wildlife (CDFW) to the extent practicable.

This project site is rural residential with a proposed new construction ADU building and a garage conversion ADU. The garage conversion is an interior remodel and there are no plans for any exterior excavation. Inventory includes the entire property and other Native Plants protected by the Town of Yucca Valley's Native Plant Ordinance. Soil conditions appear mostly urban compacted sand and decomposed granite. The existing Joshua Trees are of moderate size and healthy.

The native plant census map is created by overlaying architectural plans with google earth maps, high quality imagery, and some on the ground measurements. All tree locations are approximate. The digital survey may not exactly align with current ground conditions. If precise locations of the trees are required please contact the surveyor.

The primarily goal is to avoid the take of western Joshua Trees on the project site. It is our recommendation that site work be modified to protect the trees wherever feasible.

The following notes for this project apply:

1. All trees to be protected in place.
2. **If distances and best practices outlined in this report are followed, there is no impact resulting from the proposed work to the existing trees.**

## Tree Protection Methods

Tree Protection Zones (TPZ) are recommended during construction for this project site. The TPZ is defined as the area in which certain activities are prohibited or restricted to prevent or minimize potential injury to the root system of designated trees. The TPZ should encompass the overall root zone of the tree and where the roots could potentially reach based on the size of the tree. The TPZ is the overall tree system and will include all pups within approximately 3 meters of the main trunk.

Diameter Breast Height (DBH) is typically measured at measured at 4.5 ft (1.37 meters) above ground with diameter tape. The DBH calculation for multi-stemmed tree is used even though the pups may often come up separately from the ground. *Yucca brevifolia* ssp. *brevifolia* can pup vigorously and all we include all pupping stems in the TPZ because it is very likely the root system is connected and separating them is not recommended. The largest stem (likely the main) is added to the sum of half the diameter of each of the remaining stems that are located within 3.3 ft (1 meter) of the main trunk. Pups less than 3.3 ft (1 m) are not considered for DBH calculations as they are too small.

TPZ for standard trees is an area equivalent to a circle with a radius that is 12 times the DBH (1" = 1 ft) and this can be used for Class Size A & B Trees. Heritage / Mature trees can be equivalent to up to 15 times the DBH (1" = 1.25 ft) and that is used for all Class Size C trees and some Class Size B trees with many pups or an old dead stem. "For Trees with DBH less than 10 in (25.4 cm) a minimum of 5 ft (1.5 m) radius TPZ should be considered" (Matheny, Simley, Gilpin, and Hauer 2023, 18)

In addition to the TPZ, a Critical Root Zone (CRZ) is defined as the area around the tree where the roots are considered critical to the structural stability or health of the tree. We use 3 times the DBH measurement (all in inches or centimeters) and no excavation is allowed in this zone where the main lateral roots come off of the tree. The TPZ will always encompass the CRZ.

Since the Western Joshua Tree is a *Yucca* species, a monocot, it does not produce annual tree rings like other trees, and is widely and shallowly rooted, radius delineations based on the width of the dripline and height of the tree are also considered. The dripline of the tree is protected for both the stability of the tree as well as the *Yucca* moth pollinator. The root ball, confined typically to the CRZ, is immediately below the tree where the dense concentration of fibrous roots occurs, and must be protected under all circumstances to avoid lethal impact.

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### Best Practices

It is our recommendation that the full TPZ should be protected with clear markers, flags, tape, cones, and some form of fencing. Chain link can be a great solution as it does not require any posts near the trees. A more affordable option could be the orange safety fence on stakes or even caution tape. Whatever is used must be of a quality that will not blow over regularly in the wind and should be clearly visible to all workers.

If a Joshua Tree root with a diameter of 1.5" is encountered during trenching or grading, it is recommended that the work shift slightly over or go around the root. Avoidance of cutting large roots is highly recommended. For this reason, we recommend that the arborist be present during any significant grading near the CRZ or the dripline and often at the TPZ depending on the severity of excavation.

Contractors are required to be cautious around the TPZ and are never to store tools or materials under, in, or against the trees. All concrete, plaster, or other fine particle clean out and tool washing areas are never to be located near the TPZ or a place that could run off into a TPZ. To avoid unnecessary compaction resulting from vehicles and heavy equipment, boards or steel plates can be utilized to distribute the load if access or work needs to occur near the drip line or TPZ of the tree. Under no circumstance is it acceptable that the root flare of the trees is buried with soil or any material during or following grading work, this portion of the tree should always remain exposed.

These areas and notes must be defined and agreed upon in advance and in writing between the Client and the General Contractor. It is either the Client or the General Contractor's responsibility, depending on the situation, to communicate these notes to all their workers and subcontractors. We recommend that there be a worker education class to ensure that workers understand all notes and best practices when working around Western Joshua Trees. Training evidence and other requirements are to be evaluated by the County Planning for acceptability.

### 4.2 Fuel Modifications for Western Joshua Trees

We do not recommend grading or digging up vegetation within the TPZ for both dead and alive trees. It is possible to the depth of 6" (4-6" is the topsoil layer) to scrape, hula hoe, or clear vegetation without significantly disturbing roots of the tree, but any further depth could be damaging. We do not recommend



digging within the drip line of the tree and especially against the root flare of the tree. We recommend leaving as much mature shrub and succulent vegetation on site as possible per code as nurse plants are crucial to the survival of WJT seedlings, without nurse plants it may be unlikely that WJT seedlings will survive. Removing existing vegetation will increase dust, erosion, and invasive annual vegetation across the site, which can add to the fire fuel load in the future. In addition, visitors to this region come in part for the vegetation and its cultural value.

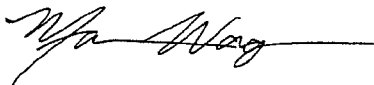
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CONDUCTED BY: MARINNA WAGNER  
WE-13354A  
ISA CERTIFIED ARBORIST  
3/26/25



SPECIES: *Yucca schidigera* (North)

STATUS (TRANSPLANT, DESTROY, PROTECT): Protect

HEIGHT: 2.3 m

WIDTH 1: 2.6 m (8.5 ft)

WIDTH 2: 2.9 m (9.5 ft)

RECOMMENDED DISTANCE FROM WORK: This tree should be protected in place. A Tree Protection Zone (TPZ) radius of 5 ft from the center of the tree to the edge of the grading or trenching construction zone is recommended and impact to tree is avoided. Plant is adapted to the existing driveway.





SPECIES: *Yucca brevifolia* ssp. *brevifolia*

TREE SYSTEM: 1

TREE NUMBERS: 1a - 1r

STATUS (TRANSPLANT, DESTROY, PROTECT): Protect

RECOMMENDED DISTANCE FROM WORK: These trees should be protected in place. A Tree Protection Zone (TPZ) radius of 12 ft from the center of the tree to the edge of the grading or trenching construction zone is recommended and impact to tree is avoided. Work is more than 50 ft away from the tree and there is no impact. Tree is near an existing road condition and has adapted to this condition.





SPECIES: *Yucca brevifolia* ssp. *brevifolia*  
TREE SYSTEM: 1  
TREE NUMBERS: 1a - 1r





SPECIES: *Yucca brevifolia* ssp. *brevifolia*  
TREE SYSTEM: 2  
TREE NUMBERS: 2

STATUS (TRANSPLANT, DESTROY, PROTECT): Protect

RECOMMENDED DISTANCE FROM WORK: This tree should be protected in place. A Tree Protection Zone (TPZ) radius of 22 ft from the center of the tree to the edge of the grading or trenching construction zone is recommended and impact to tree is avoided. The ADU garage conversion is an interior remodel only and there is no planned excavation near this tree. There will be no impact from an interior remodel.





SPECIES: *Yucca schidigera* (South)

STATUS (TRANSPLANT, DESTROY, PROTECT): Protect

HEIGHT: 3 m

WIDTH 1: 3.4 m (11 ft)

WIDTH 2: 3.8 m (12.5 ft)

RECOMMENDED DISTANCE FROM WORK: This tree should be protected in place. A Tree Protection Zone (TPZ) radius of 6.5 ft from the center of the tree to the edge of the grading or trenching construction zone is recommended and impact to tree is avoided. Plant is adapted to the existing driveway.



# DATA COLLECTION FOR WESTERN JOSHUA TREES

| CLASS SIZE<br>(A = < 1 M, B<br>= 1-5 M, C =<br>> 5 M) | HEIGHT 1<br>(M) (FOR<br>STANDARD<br>TREES) | LEAN<br>(DIRECTION) | WIDTH 1 | WIDTH 2 | LIVE (L) /<br>DEAD (D) | MATURE<br>(branched?)<br>Yes (Y) or<br>No (N) | REPRODUCT<br>ION<br>(FLOWERIN<br>G,<br>FRUITING,<br>NONE) | DBH @<br>1.37 m<br>IN | DRIP LINE<br>RADIUS | DECAY OR<br>DAMAGE                         | FOLIAGE | LIVING CON<br>5 = 100%, 4 =<br>75%, 3 =<br>50%, 2 =<br>25%, 1 = 0% | ROOT FLARE<br>CONDITION | VIGOR<br>(LOW,<br>NORMAL,<br>HIGH) | CROWN<br>DENSITY<br>(SPARSE,<br>NORMAL,<br>DENSE) | TPZ   | NOTES                            |
|-------------------------------------------------------|--------------------------------------------|---------------------|---------|---------|------------------------|-----------------------------------------------|-----------------------------------------------------------|-----------------------|---------------------|--------------------------------------------|---------|--------------------------------------------------------------------|-------------------------|------------------------------------|---------------------------------------------------|-------|----------------------------------|
| B                                                     | 3.8 m                                      | SE                  | 1.5 m   | 1.2 m   | L                      | Y                                             | Flower 2024                                               | 6                     | 1 m                 | past weevil<br>damage                      | Good    | 5                                                                  | Ok                      | H                                  | N                                                 | 12 ft | 17 pups                          |
| A                                                     | 15 cm                                      | NA                  | 12 cm   | 20 cm   | L                      | N                                             | None                                                      | NA                    |                     | none                                       | Good    | 5                                                                  | Ok                      | N                                  | N                                                 |       | Likely connected to tree 1       |
| A                                                     | 15 cm                                      | NA                  | 15 cm   | 12 cm   | L                      | N                                             | None                                                      | NA                    |                     | none                                       | Good    | 5                                                                  | Ok                      | N                                  | N                                                 |       | Likely connected to tree 1       |
| A                                                     | 15 cm                                      | NA                  | 12 cm   | 10 cm   | L                      | N                                             | None                                                      | NA                    |                     | none                                       | Good    | 5                                                                  | Ok                      | N                                  | N                                                 |       | Likely connected to tree 1       |
| A                                                     | 23 cm                                      | NA                  | 30 cm   | 18 cm   | L                      | N                                             | None                                                      | NA                    |                     | none                                       | Good    | 5                                                                  | Ok                      | N                                  | N                                                 |       | Likely connected to tree 1       |
| A                                                     | 23 cm                                      | NA                  | 18 cm   | 20 cm   | L                      | N                                             | None                                                      | NA                    |                     | none                                       | Good    | 5                                                                  | Ok                      | N                                  | N                                                 |       | Likely connected to tree 1       |
| A                                                     | 25 cm                                      | NA                  | 28 cm   | 23 cm   | L                      | N                                             | None                                                      | NA                    |                     | none                                       | Good    | 5                                                                  | Ok                      | N                                  | N                                                 |       | Likely connected to tree 1       |
| A                                                     | 12 cm                                      | NA                  | 20 cm   | 12 cm   | L                      | N                                             | None                                                      | NA                    |                     | none                                       | Good    | 5                                                                  | Ok                      | N                                  | N                                                 |       | Likely connected to tree 1       |
| A                                                     | 15 cm                                      | NA                  | 18 cm   | 12 cm   | L                      | N                                             | None                                                      | NA                    |                     | none                                       | Good    | 5                                                                  | Ok                      | N                                  | N                                                 |       | Likely connected to tree 1       |
| A                                                     | 20 cm                                      | NA                  | 28 cm   | 25 cm   | L                      | N                                             | None                                                      | NA                    |                     | none                                       | Good    | 5                                                                  | Ok                      | N                                  | N                                                 |       | Likely connected to tree 1       |
| A                                                     | 18 cm                                      | NA                  | 18 cm   | 12 cm   | L                      | N                                             | None                                                      | NA                    |                     | none                                       | Good    | 5                                                                  | Ok                      | N                                  | N                                                 |       | Likely connected to tree 1       |
| A                                                     | 24 cm                                      | NA                  | 30 cm   | 35 cm   | L                      | N                                             | None                                                      | NA                    |                     | none                                       | Good    | 5                                                                  | Ok                      | N                                  | N                                                 |       | Likely connected to tree 1       |
| A                                                     | 23 cm                                      | NA                  | 18 cm   | 18 cm   | L                      | N                                             | None                                                      | NA                    |                     | none                                       | Good    | 5                                                                  | Ok                      | N                                  | N                                                 |       | Likely connected to tree 1       |
| A                                                     | 33 cm                                      | NA                  | 33 cm   | 33 cm   | L                      | N                                             | None                                                      | NA                    |                     | none                                       | Good    | 5                                                                  | Ok                      | N                                  | N                                                 |       | Likely connected to tree 1       |
| A                                                     | 28 cm                                      | NA                  | 30 cm   | 25 cm   | L                      | N                                             | None                                                      | NA                    |                     | none                                       | Good    | 5                                                                  | Ok                      | N                                  | N                                                 |       | Likely connected to tree 1       |
| A                                                     | 42 cm                                      | NA                  | 36 cm   | 35 cm   | L                      | N                                             | None                                                      | NA                    |                     | none                                       | Good    | 5                                                                  | Ok                      | N                                  | N                                                 |       | Likely connected to tree 1       |
| A                                                     | 15 cm                                      | NA                  | 20 cm   | 12 cm   | L                      | N                                             | None                                                      | NA                    |                     | none                                       | Good    | 5                                                                  | Ok                      | N                                  | N                                                 |       | Likely connected to tree 1       |
| A                                                     | 20 cm                                      | NA                  | 18 cm   | 18 cm   | L                      | N                                             | None                                                      | NA                    |                     | none                                       | Good    | 5                                                                  | Ok                      | N                                  | N                                                 |       | Likely connected to tree 1       |
| A                                                     | 18 cm                                      | NA                  | 12 cm   | 18 cm   | L                      | N                                             | None                                                      | NA                    |                     | none                                       | Good    | 5                                                                  | Ok                      | N                                  | N                                                 |       | Likely connected to tree 1       |
| C                                                     | 6.2 m                                      | S                   | 5.5 m   | 5 m     | L                      | Y                                             | Flowering                                                 | 18                    | 4 m                 | past weevil<br>damage, past<br>pruning cut | Good    | 5                                                                  | Ok                      | H                                  | N                                                 | 22 ft | avoid excavation near this tree. |





# ***Western Joshua Tree Policy & Information Handout***

## **1.0 PURPOSE**

The purpose of this Information Handout is to clarify the requirements related to work conducted in proximity to the western Joshua tree (*Yucca brevifolia*).

## **2.0 BACKGROUND**

On September 22, 2020, the California Fish and Game Commission accepted for consideration a petition to list the western Joshua tree as a threatened or endangered species in the state of California. The western Joshua tree is now considered a candidate for listing. While the candidacy is under review by the state, the western Joshua tree will be protected as if it were a threatened or endangered species under the California Endangered Species Act (CESA). Under CESA, it is illegal to import, export, "take", possess, purchase, sell, or attempt to do any of those actions to species that are designated as threatened, endangered, or candidates for listing, unless authorized by permit by the California Department of Fish and Wildlife. With respect to the western Joshua tree, removal of a tree, or any part thereof, or impacts the seedbank surrounding one or more trees may result in "take" of the species which is prohibited by State law unless otherwise authorized. During this time, the Town of Yucca Valley cannot issue a permit to take (by removal, transplant, trimming or impacting any part of) any western Joshua tree.

## **3.0 DETERMINATION OF AVOIDANCE**

Upon application for a ground disturbing permit, a determination of avoidance of the Western Joshua Tree will be required prior to proceeding with the project.

All ground disturbing, ministerial permit applications require a Report by a Desert Native Plant Specialist and re- certification of Report by a Desert Native Plant Specialist that the permitted ground disturbing activity was completed in conformance with the approved site plan and did not impact the Western Joshua Trees, prior to final inspection, unless there are no Western Joshua Trees within 75' of proposed ground disturbance as documented by the project applicant.

The responsible representative of the project must attend an in-office meeting with Town staff and confirm receipt and understanding of all State laws and Town regulations pertaining to the ground disturbing project activity. Meeting to be scheduled concurrent with permit issuance.

#### **4.0 PRE-SITE INSPECTION PROCESS**

A pre-site inspection may be performed by Planning and Building & Safety staff prior to commencement of permitted construction activity.

#### **5.0 REPORT BY A DESERT NATIVE PLANT SPECIALIST**

An applicant shall submit a report, prepared by a Desert Native Plant Specialist, unless exempt, to document avoidance of western Joshua tree take by the project. The report must contain the findings and avoidance recommendations of the Desert Native Plant Specialist, as well as a signature and all pertinent license/qualifications information.

##### **5.1 REPORT BY APPLICANT IF EXEMPT**

An applicant shall submit documentation, including printed photographs taken from each corner of ground disturbing area facing the center of the proposed project, and a signed statement that there are no Western Joshua Trees within 75' of proposed ground disturbance.

##### **5.2 REQUIRED FINDINGS FOR DESERT NATIVE PLANT SPECIALIST**

Clear Avoidance: Desert Native Plant Specialist determined that no western Joshua trees will be affected by the proposed grading/construction. For the Desert Native Plant Specialist to make this determination, there must be a forty (40) foot clearance between the area of disturbance and the trunk of any western Joshua tree.

Expert Determination of Avoidance: Desert Native Plant Specialist found that the proposed grading/construction is within forty (40) feet of a western Joshua tree, a determination from a Desert Native Plant Specialist shall be required to attest to and confirm avoidance of the western Joshua tree. The specialist's report may specify protective measures to ensure that the proposed grading/construction will avoid any impact constituting a take of any western Joshua tree.

State Permit Required for Take: If the Desert Native Plant Specialist determines that the proposed grading/construction would require a western Joshua tree take as defined above in 2.0, the project may be redesigned to avoid impact to the tree, or the applicant must obtain an Incidental Take Permit from the California Department of Fish and Wildlife before the project can proceed.

#### **6.0 DEFINITION OF DESERT NATIVE PLANT SPECIALIST**

A Desert Native Plant Specialist includes the following:

- a) A certified arborist;
- b) An individual with a four-year college degree in ecology or fish and wildlife related biological science and at least two years of professional experience with relocation or restoration native California desert vegetation; or

- c) An individual with at least five years professional experience with relocation or restoration of native California desert vegetation. Examples: Full-time professional nursery or landscape professional experience with native California desert plants, including western Joshua trees.

## **7.0 QUESTIONS AND COMMENTS**

All inquiries about the protected status and take permits should be directed to the California Department of Fish and Wildlife: [AskRegion6@wildlife.ca.gov](mailto:AskRegion6@wildlife.ca.gov)



## 9.07.130: NATIVE LANDSCAPE DOCUMENTATION PACKAGE:

A. General Provisions: This section identifies the standards and requirements for native landscaping on residential developments.

Regulated desert native plants for all residential projects, include the following:

### REGULATED DESERT NATIVE PLANTS

| Botanical Name        | Common Name        |
|-----------------------|--------------------|
| Yucca schidigera      | Mojave yucca       |
| Nolina parryi         | Parry's nolina     |
| Juniperus californica | California juniper |
| Yucca whipplei        | Our Lord's candle  |
| Pinus monophylla      | Pinon pine         |

Pursuant to section 80117 of the state Food And Agricultural Code, the clearing or removal of native plants from a canal, lateral ditch, survey line, building site, or road or other right of way by the landowner or his agent, if the native plants are not to be transported from the land or offered for sale, are not subject to state regulations. For plants regulated by the state to be transplanted off site, the town shall issue permits for their relocation in accordance with this chapter.

### B. Scope:

1. Provisions: The provisions of this section shall apply to all land within the town of Yucca Valley.

a. It is prohibited for any individual or entity to remove, transplant, damage, disturb, or destroy any part of any regulated desert native plant, except its fruit, from any privately or publicly owned piece of land in the town of Yucca Valley, without first obtaining a regulated desert native plant permit from the town, unless said activity is exempt from the requirement to first obtain a regulated desert native plant permit.

b. It is prohibited for any individual or entity to remove or damage all or part of any regulated desert native plant on another property without first obtaining written permission from the landowner and an approved regulated desert native plant permit. It is unlawful for any person to falsify any document offered as evidence of permission to enter upon the property of another to remove all or parts of a regulated desert native plant, whether it is alive or dead.

c. It is prohibited for any individual or entity, unless exempted by this section, to destroy, dig up, mutilate or to possess any regulated desert native plant, including the living parts of such, unless the regulated desert native plant was disturbed under a regulated desert native plant permit. Any individual or entity shall exhibit the regulated desert native plant permit upon request for inspection by any duly authorized entity as described in this section.

d. The commercial harvesting of regulated desert native plants is prohibited.

2. Exceptions: The following are exempt from the provisions of this section:

a. The removal and transplanting on and off site of regulated desert native plants on and from lands owned by the United States government or any federal agency, the state of California, the county of San Bernardino, the town of Yucca Valley, and all special districts.

b. The removal and transplanting on and off site of regulated desert native plants required by other codes, ordinances or laws of the town of Yucca Valley, county of San Bernardino, the state of California or the United States government or any federal agency.

c. The removal and transplanting on and off site of regulated desert native plants which are an immediate threat to the public health, safety or welfare, as determined by the planning division.

d. Removal as part of a bona fide agricultural activity as determined by the town that is:

- (1) Served by a water distribution system adequate for the proper operation of such activity; and/or
- (2) Conducted under a land conservation contract; and/or
- (3) An existing agricultural activity; and/or

(4) A proposed bona fide agricultural activity if the planning division is given thirty (30) days' written notice of the removal describing the location of the land and the nature of the proposed activity. The planning division shall notify the landowner in writing prior to the lapse of the thirty (30) day period if, in the opinion of the planning division the activity is not a bona fide agricultural activity or else the activity shall be deemed bona fide.

e. Destruction or removal of a regulated desert native plant that has died from natural causes or that has been destroyed by fire or other natural disasters.

f. Any regulated desert native plant that is within the building footprint and within twenty feet (20') of the building footprint of an existing structure and for new infill residential development, as determined by the planning division.

g. When removal is required by any public utility subject to jurisdiction of the public utilities commission or any other constituted public agency, including franchised cable TV, to establish or maintain safe operation of facilities under their jurisdiction.

3. Permit Required: A native plant permit shall be required for the removal and transplanting on and off site of any regulated desert native plants identified in this section.

a. A regulated native plant permit application shall be submitted to and approved by the town prior to the removal and transplanting on and off site of any regulated desert native plant.

b. The regulated native plant permit application shall include the following information:

(1) The botanical and common name of the regulated desert native plant.

(2) A native plant survey showing the precise location of each regulated desert native plant.

(3) The trunk or stem diameter of each regulated desert native plant.

(4) The height of each regulated desert native plant.

(5) The health or condition of the regulated desert native plant, including the identification of those regulated desert native plants that are not likely to survive transplanting procedures.

(6) The proposed placement or disposition of the regulated desert native plant, i.e., transplant on site, adopt off site, remove, etc.

(7) Additional information that may be required based upon the individual application.

C. Single-Family Residential Infill, Existing Single-Family Residences And Multi-Family Residential Three Units Or Less:

1. A regulated desert native plant permit application shall be submitted to the planning division at the time of filing a building or grading permit application for development of infill residential lots unless exempt.

2. A regulated desert plant permit application shall be submitted to the planning division for removal or relocation on or off site when the property owner is proposing improvements to the property including swimming pools, swing sets, horse arenas, other animal keeping activities, basketball courts, tennis courts, recreational or other vehicle parking, driveways and access, play areas, accessory structures, and other uses typical to single- family residences.

3. The regulated desert native plant application documentation shall contain the following information:

a. Printed photographs depicting the proposed native plant that is to be removed or transplanted. The photographs must clearly show the location, size of the subject plant, and its surroundings. At minimum, the surrounding area photographs shall include two (2) different views of the subject plant.

b. A plot plan is required in order to show location of regulated desert native plants proposed to be removed, transplanted, or retained in its native location. The plot plan shall clearly demonstrate that the property meets the standards in table 1 of this section.

4. Written permission from the property owner(s) authorizing the proposed removal or relocation of regulated desert native plants from the property.

5. The property owner may attempt to retain as many regulated desert native plants in their native location as possible. The property owner may also attempt to transplant or relocate as many regulated desert native plants as possible on site. The property shall comply with the minimum standards specified in table 1 of this section.

6. Those regulated desert native plants identified in the permit application to not remain on site following development, and which are not incorporated into a project's landscaping plan, may be available for adoption at the property owner's discretion.

7. The following chart establishes the minimum undisturbed area that shall be provided:

TABLE 1

| Lot Size          | Required Undisturbed Area                            |
|-------------------|------------------------------------------------------|
| Up to 2.49 acres  | No mandate, incentives only                          |
| 2.5 to 4.99 acres | A minimum of 5% of the lot shall remain undisturbed  |
| 5+ acres          | A minimum of 10% of the lot shall remain undisturbed |

8. Single-family residential infill development in the rural living residential land use district, which exceed the minimum required undisturbed area from table 1 of this section by a minimum of ten percent (10%), shall be allowed up to a ten percent (10%) deviation of all development code standards listed in table 2 of this section and approved in conjunction with the project. The deviations include the following:

TABLE 2

| Typical Standards                      |           | Deviations Permitted                                       |
|----------------------------------------|-----------|------------------------------------------------------------|
| Lot size                               | Varies    | Up to a 10% reduction in lot size based on property zoning |
| Typical Standards                      |           | Deviations Permitted                                       |
| Lot size                               | Varies    | Up to a 10% reduction in lot size based on property zoning |
| Front setback                          | 25'       | 22.5'                                                      |
| Side/rear setbacks                     | 15'       | 13.5'                                                      |
| Arterial/collector street side setback | 25'       | 22.5'                                                      |
| Local street side setback              | 25'       | 22.5'                                                      |
| Lot dimensions                         | 150'/150' | 135'/135'                                                  |
| Lot coverage                           | 20%       | 22%                                                        |

9. Single-family residential infill development in the single- family residential land use district which voluntarily retains ten percent (10%) undisturbed area shall be allowed up to a ten percent (10%) deviation of all development code standards listed in table 3 of this section and approved in conjunction with the project. The deviations include the following:

TABLE 3

| Typical Standards                      |          | Deviations Permitted                                       |
|----------------------------------------|----------|------------------------------------------------------------|
| Lot size                               | Varies   | Up to a 10% reduction in lot size based on property zoning |
| Typical Standards                      |          | Deviations Permitted                                       |
| Lot size                               | Varies   | Up to a 10% reduction in lot size based on property zoning |
| Front setback                          | 25'      | 22.5'                                                      |
| Side/rear setbacks                     | 5'/10'   | 4.5'/9'                                                    |
| Arterial/collector street side setback | 25'      | 22.5'                                                      |
| Local street side setback              | 15'      | 13.5'                                                      |
| Lot dimensions                         | 60'/100' | 54'/90'                                                    |
| Lot coverage                           | 40%      | 44%                                                        |

10. Single-family residential infill development in the residential-hillside reserve land use district which exceeds the minimum required undisturbed area from table 1 of this section by a minimum of ten percent (10%) and provide documentation that the applicant has attended educational training on native plants shall be allowed up to a ten percent (10%) deviation of all development code standards listed in table 4 of this section and approved in conjunction with the project. The deviations include the following:

TABLE 4

| Typical Standards                      |        | Deviations Permitted                                                 |
|----------------------------------------|--------|----------------------------------------------------------------------|
| Lot size                               | Varies | Up to a 10% reduction in lot size based on minimum lot size required |
| Front setback                          | 75'    | 67.5'                                                                |
| Side/rear setbacks                     | 75'    | 67.5'                                                                |
| Arterial/collector street side setback | 75'    | 67.5'                                                                |
| Local street side setback              | 75'    | 67.5'                                                                |

D. Regulated Desert Native Plant Removal Procedures For All New Residential Subdivisions And Multi-Family Four Units Or More: Single-family residential subdivisions and multi-family four (4) units or more, shall be allowed to transplant on and off site and to remove all regulated desert native plants from their native locations within the property boundaries, pursuant to the following development standards and requirements:

1. Application Submission: A regulated desert native plant permit application shall be submitted to the planning division at the time of filing land use applications for development of residential subdivision projects. Land use applications for residential subdivision projects may include, but are not limited to, planned developments, specific plans, parcel and tract



map applications, grading permit applications, building permit applications, and any other applications necessary for town authorization of land disturbing or development activity. The planning commission shall review and approve all native plant applications for residential subdivisions.

2. Application Information: The regulated desert native plant application documentation shall contain the following information:
  - a. The botanical and common name of the regulated desert native plant.
  - b. The precise location of each regulated desert native plant.
  - c. The trunk or stem diameter of each regulated desert native plant.
  - d. The height of each regulated desert native plant.
  - e. The health or condition of the regulated desert native plant, including the identification of those regulated desert native plants that are not likely to survive transplanting procedures.
  - f. The proposed placement or disposition of the regulated desert native plant, i.e., transplant on site, adopt off site, remove, etc. The plans for the regulated desert native plant survey shall be no smaller than twenty four inches by thirty six inches (24" x 36") unless otherwise approved by the planning division.
3. Transplanting Off Site And On Site: All regulated desert native plants identified in the regulated desert native plant survey as likely to survive transplanting shall be made available for adoption or shall be transplanted on site as part of the project's landscaping plan. All native plant permit applications shall illustrate maximum utilization of regulated desert native plants in the project's landscaping plan. It is strongly encouraged that all *Yucca brevifolia* (Joshua trees) identified for adoption and transplantation be relocated through the use of an adequately sized tree spade.
4. Adoption: Those regulated desert native plants identified in the regulated desert native plant survey as likely to survive transplanting procedures, and which are not incorporated into a project's landscaping plan, shall be available for adoption pursuant to this section to the general public for an adoption period of thirty (30) days, or until all available plants have been adopted, whichever is sooner, prior to any other ground disturbing activity on the project site. A thirty (30) day noticing and signage period is required which noticing period may begin prior to issuance of the regulated desert native plant permit.
5. Removal: Those regulated desert native plants not incorporated into a project's landscaping plan and not adopted during the thirty (30) day adoption period are allowed to be removed.
6. Table 5: The following additional standards shall apply to all new residential subdivisions:

TABLE 5

| Proposed Lot Size | Required Undisturbed Area                                     |
|-------------------|---------------------------------------------------------------|
| Up to 2.49 acres  | None required, incentives only                                |
| 2.5 to 4.99 acres | A minimum of 5% of the project site shall remain undisturbed  |
| 5+ acres          | A minimum of 10% of the project site shall remain undisturbed |

7. Table 6: New residential subdivisions in the rural living land use districts, which exceed the minimum required undisturbed area from table 5 of this section by a minimum of ten percent (10%), and provide documentation that the applicant has attended educational training on native plants shall be allowed up to a ten percent (10%) deviation of all development code standards listed in table 6 of this section and approved in conjunction with the project. The deviations include the following:

TABLE 6

| Typical Standards                      |           | Deviations Permitted                                       |
|----------------------------------------|-----------|------------------------------------------------------------|
| Lot size                               | Varies    | Up to a 10% reduction in lot size based on property zoning |
| Typical Standards                      |           | Deviations Permitted                                       |
| Lot size                               | Varies    | Up to a 10% reduction in lot size based on property zoning |
| Front setback                          | 25'       | 22.5'                                                      |
| Side/rear setbacks                     | 15'       | 13.5'                                                      |
| Arterial/collector street side setback | 50'       | 45'                                                        |
| Local street side setback              | 25'       | 22.5'                                                      |
| Lot dimensions                         | 150'/150' | 135'/135'                                                  |
| Lot coverage                           | 20%       | 22%                                                        |

8. Table 7: New residential subdivisions in the single-family residential land use districts which exceed the minimum required undisturbed area from table 5 of this section by a minimum of ten percent (10%) shall be allowed up to a ten percent (10%) deviation of all development code standards including:

TABLE 7

| Typical Standards                      |          | Deviations Permitted                                       |
|----------------------------------------|----------|------------------------------------------------------------|
| Lot size                               | Varies   | Up to a 10% reduction in lot size based on property zoning |
| Typical Standards                      |          | Deviations Permitted                                       |
| Lot size                               | Varies   | Up to a 10% reduction in lot size based on property zoning |
| Front setback                          | 25'      | 22.5'                                                      |
| Side/rear setbacks                     | 5'/10'   | 4.5'/9'                                                    |
| Arterial/collector street side setback | 25'      | 22.5'                                                      |
| Local street side setback              | 15'      | 13.5'                                                      |
| Lot dimensions                         | 60'/100' | 54'/90'                                                    |
| Lot coverage                           | 40%      | 44%                                                        |

9. Table 8: New residential subdivisions in the residential- hillside reserve land use district, which exceed the minimum required undisturbed area from table 5 of this section by a minimum of ten percent (10%), and provide documentation that the applicant has attended educational training on native plants shall be allowed up to a ten percent (10%) deviation of all development code standards listed in table 8 of this section and approved in conjunction with the project. The deviations include the following:

TABLE 8

| Typical Standards                      |        | Deviations Permitted                                                 |
|----------------------------------------|--------|----------------------------------------------------------------------|
| Lot size                               | Varies | Up to a 10% reduction in lot size based on minimum lot size required |
| Front setback                          | 75'    | 67.5'                                                                |
| Side/rear setbacks                     | 75'    | 67.5'                                                                |
| Arterial/collector street side setback | 75'    | 67.5'                                                                |
| Local street side setback              | 75'    | 67.5'                                                                |

TABLE 9

| Typical Standards For Multi-Family Projects |                             | Deviations Permitted                                          |
|---------------------------------------------|-----------------------------|---------------------------------------------------------------|
|                                             | Residential Multi-Family RM | Residential Multi-Family RM                                   |
| Typical Standards For Multi-Family Projects |                             | Deviations Permitted                                          |
|                                             | Residential Multi-Family RM | Residential Multi-Family RM                                   |
| Front setback                               | 25'                         | 22.5'                                                         |
| Side/rear setback                           | 10'/10' (per story)         | 9'/9' (per story)                                             |
| Arterial/collector street side setback      | 35'                         | 31.5'                                                         |
| Local street side setback                   | 25'                         | 22.5'                                                         |
| Lot coverage                                | 60%                         | 66%                                                           |
| Parking                                     | Varies                      | 10% reduction of total parking not to include handicap stalls |

Item: 3.

**Town of Yucca Valley  
Planning Commission Staff Report**



**To:** Planning Commission

**From:** Evan Willoughby, Assistant Planner

**Date:** August 28, 2025

**Meeting Date:** September 9, 2025

**Subject:** Native Plant Permit (NPP) 085-25 @ 7425 Borrego Trail

**Recommendation:**

**That the Planning Commission receives and files the attached Desert Native Plant Specialist Report for proposed residential construction and approves the Native Plant Permit (NPP 085-25) exemption, finding that, based on the evidence presented in the submittals, the proposed project is not disturbing any regulated desert native plants, and is therefore exempt from Town of Yucca Valley Development Code section 9.07.130 Native Landscape Documentation Package.**

**Prior Review:**

There has been no prior review.

**Discussion:**

Applicant: David Higginson  
Address: 7425 Borrego Trail  
APN: 0587-064-12  
Zoning: Residential, Single-Family (R-S-5)  
Parcel Size: 0.18 acres

**Native Plant Permit Application and Desert Native Plant Specialist Report**

Application has been filed with the Town for proposed residential construction. As part of that process, a native plant permit application and desert native plant specialist report have been submitted to the Town.

Chapter 9.07 Residential and Hillside Reserve Districts, Section 9.07.130 (B)(1)(a):

*It is prohibited for any individual or entity to remove, transplant, damage, disturb, or destroy any part of any regulated desert native plant, except its fruit, from any privately or publicly owned piece of land in the Town of Yucca Valley, without first obtaining a regulated desert native plant permit from the town, unless said activity is exempt from the requirement to first obtain a regulated desert native plant permit.*



The Town's 2084 Permit from the State Fish and Game Commission expired on May 9, 2022. The 2084 permit established rules such as the ten (10') foot distance from a Western Joshua Tree (WJT) for ground disturbing activity, as well as created the ability for the Town to issue take permits to remove and transplant the WJT, etc. The 2084 Permit authorization expired, and those rules and standards no longer exist for the Town.

Current procedures for all ground disturbing, ministerial building permits are listed in the attached documents. In addition to the standard Native Plant Permit application submittal, all ground disturbing, ministerial building permit applications must comply with the provisions of the attached handout. All ground disturbing project activities must be accounted for in the determination of avoidance of the WJT.

Ground disturbing, ministerial building permit applications require a Report by a Desert Native Plant Specialist, Pre-Site Inspection prior to permitted construction activity, and re-certification of Report by a Desert Native Plant Specialist that the permitted ground disturbing activity was completed in conformance with the approved site plan and did not impact the Western Joshua Trees, prior to final inspection.

Building permit applications for sewer connections are exempt from pre-site inspection and pre-site inspection fees.

Nothing in this Western Joshua Tree Policy and Information Handout exempts building permit applicants from following State or Federal law.

The Town modeled these standards after other agencies, such as San Bernardino County and the Town of Apple Valley, who have not been challenged by State Fish and Wildlife in the implementation of these standards and procedures, and therefore the required protection of the WJT.

The plot plan and desert native plant specialist letter are attached to this staff report.

The Development Code section cited above is ministerial.

- Staff-level decision; forwarded to Planning Commission at this time;
- Little or no personal/subjective judgment;
- Use of fixed standards or objective measurements;
- No public notice required by the Development Code.

The Development Code does not provide for discretion of this permit application.

The application is consistent with the standards established by the Code and therefore must be approved by the Town.

**Alternatives**

Staff recommend no alternative actions. The application is consistent with the Town's adopted standards.

**Fiscal Impact:**

N/A

**Attachments**

1. NPP 085-25 @ 7425 Borrego Trail - David Hugginson - Application
2. Western Joshua Tree Policy & Information Handout - Updated 6.11.2024
3. Section 9.07.130 Native Landscape Documentation Package



# Native Plant Permit Application

|               |            |
|---------------|------------|
| Date Received | 6/16/25    |
| Case          | NPP 085-25 |
| By            | Even       |
| Paid          | \$85.00    |

## General Information

APPLICANT DAVID HIGGINSON Phone 909 499 0058  
Mailing Address 34247 YUCAIPA BLVD "D" Email dhigginson@higginson  
architects.com  
City YUCAIPA State CA Zip 92399  
PROPERTY OWNER PRAFF INVESTMENTS Phone 951-906-9713  
Mailing Address 154A W. FOOTHILL BLVD #516 Email befade22@yahoo.com  
City UPLAND State CA  
Zip 91786 Address/Location of Plants 7425 BORREZO TRAIL  
Desert Native Plant Specialist MARINNA WAGNER

## Project Information

| TYPE OF PLANT      | # OF PLANTS<br>BEING<br>DESTROYED | # BEING RELOCATED |          | # BEING<br>PROTECTED<br>IN PLACE | # BEING<br>TRIMMED | HEIGHT | DIAMETER | MITIGATION FEE<br>FOR RELOCATE<br>OR REMOVAL |
|--------------------|-----------------------------------|-------------------|----------|----------------------------------|--------------------|--------|----------|----------------------------------------------|
|                    |                                   | ON-SITE           | OFF-SITE |                                  |                    |        |          |                                              |
| MOJAVE YUCCA       | 0                                 |                   |          |                                  |                    |        |          |                                              |
| OUR LORDS CANDLE   | 0                                 |                   |          |                                  |                    |        |          |                                              |
| CALIFORNIA JUNIPER | 0                                 |                   |          |                                  |                    |        |          |                                              |
| PINON PINE         | 0                                 |                   |          |                                  |                    |        |          |                                              |
| PARRY'S NOLINA     | 0                                 |                   |          |                                  |                    |        |          |                                              |

Reason for relocation or removal \_\_\_\_\_

Property owner signature Shawn Pruff Date 6-16-25

## Staff Use Only

Issuance Date: \_\_\_\_\_ Issued By: \_\_\_\_\_

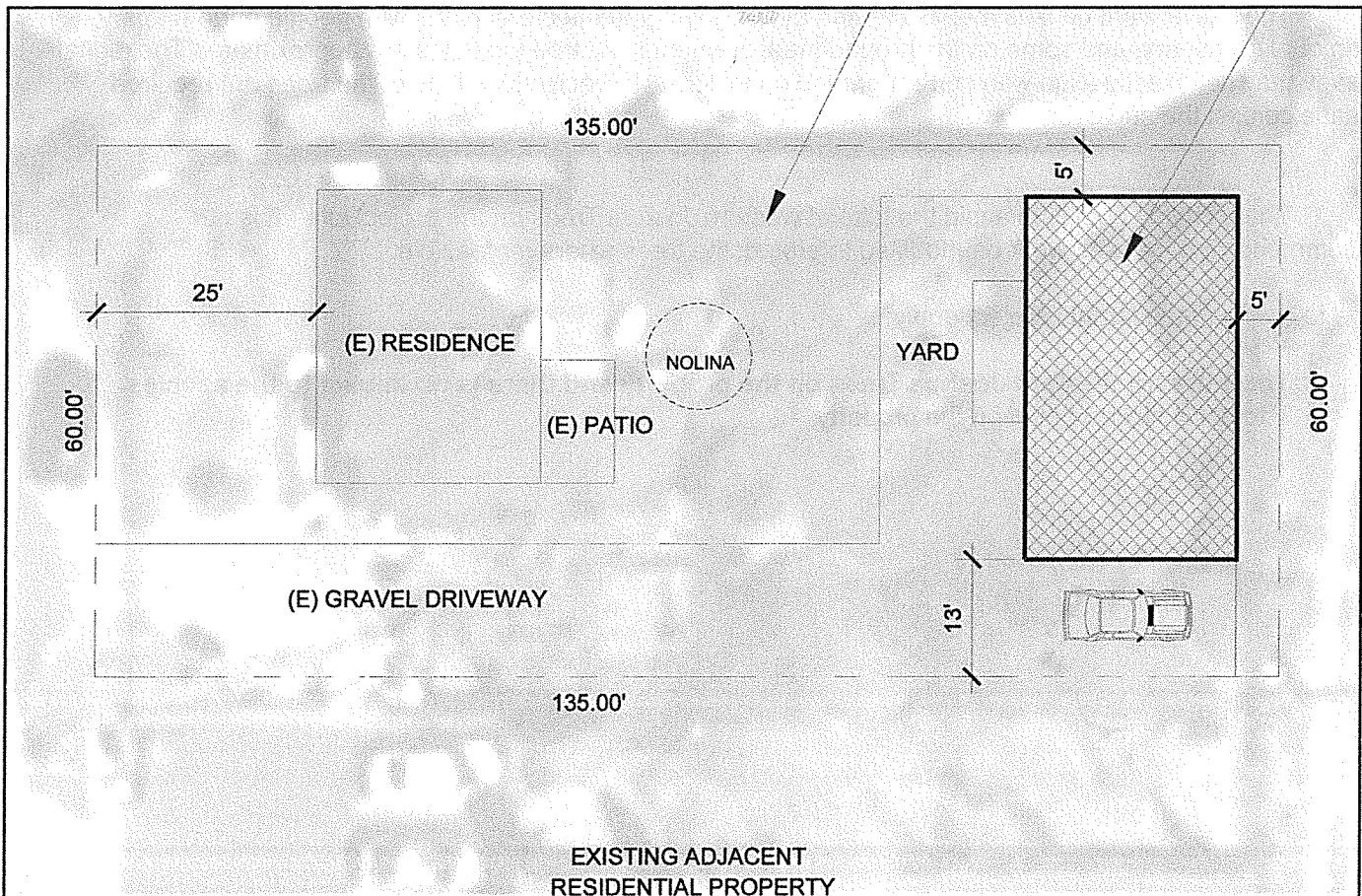
Approved as shown on plot plan \_\_\_\_\_ photos \_\_\_\_\_ Total Fees: \_\_\_\_\_

Denied \_\_\_\_\_ Reason for Denial \_\_\_\_\_

1. The first step in the process of identifying a problem is to recognize that a problem exists. This is often done by comparing current performance with a desired state or goal. Once a problem is identified, the next step is to define the problem more clearly. This involves determining the scope of the problem, the resources available, and the constraints that may be affecting the problem. The third step is to analyze the problem. This involves identifying the causes of the problem and the factors that are contributing to it. The fourth step is to develop a solution. This involves brainstorming ideas and evaluating them to determine which one is the most feasible and effective. The fifth step is to implement the solution. This involves putting the solution into action and monitoring its progress. The sixth step is to evaluate the results. This involves comparing the actual results with the desired results and determining if the problem has been solved. If not, the process may need to be repeated.



**JOSHUA TREE CENSUS  
SITE MAP WITH PHOTOGRAPHIC CENSUS**



## Introduction & Summary

This report is for 7425 Borrego Trail, Yucca Valley, California. A field census and native plant inventory was performed on March 19, 2025 of the selected Joshua Trees (*Yucca brevifolia* ssp. *brevifolia*), a candidate species under the California Endangered Species Act (CESA), effective October 9, 2020. This census and recommendations are intended for compliance with the County of San Bernardino Information Bulletin IB-0016 and are based on the census instructions provided by the California Department of Fish and Wildlife (CDFW) to the extent practicable.

This project site is rural residential with a proposed new construction ADU building. Inventory includes the entire property and other Native Plants protected by the Town of Yucca Valley's Native Plant Ordinance. Soil conditions appear mostly urban compacted sand and decomposed granite.

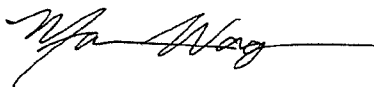
The native plant census map is created by overlaying architectural plans with google earth maps, high quality imagery, and some on the ground measurements. All tree locations are approximate. The digital survey may not exactly align with current ground conditions. If precise locations of the trees are required please contact the surveyor.

The primarily goal is to avoid the take of western Joshua Trees on the project site. It is our recommendation that site work be modified to protect the trees wherever feasible.

The following notes for this project apply:

1. **There are no Western Joshua Trees on the property and there is no impact to the species.**
2. There is 1 *Nolina parryi* on the property.

CONDUCTED BY: MARINNA WAGNER  
WE-13354A  
ISA CERTIFIED ARBORIST  
3/25/25



SPECIES: *Nolina parryi*  
TREE SYSTEM: 1

**RECOMMENDED DISTANCE FROM WORK:** This multi-headed *Nolina parryi* is very healthy and currently in bloom. There are 3 pruned stumps to the east of the plant that were cut a long time ago and since have healed. The native plant is approximately 37 ft from proposed work and can be easily protected in place and worked around. There is to be no excavation within the drip line of the plant.





VIEW 1: Backyard Facing Northwest





VIEW 2: Backyard Facing Southeast





VIEW 3: Facing Southwest





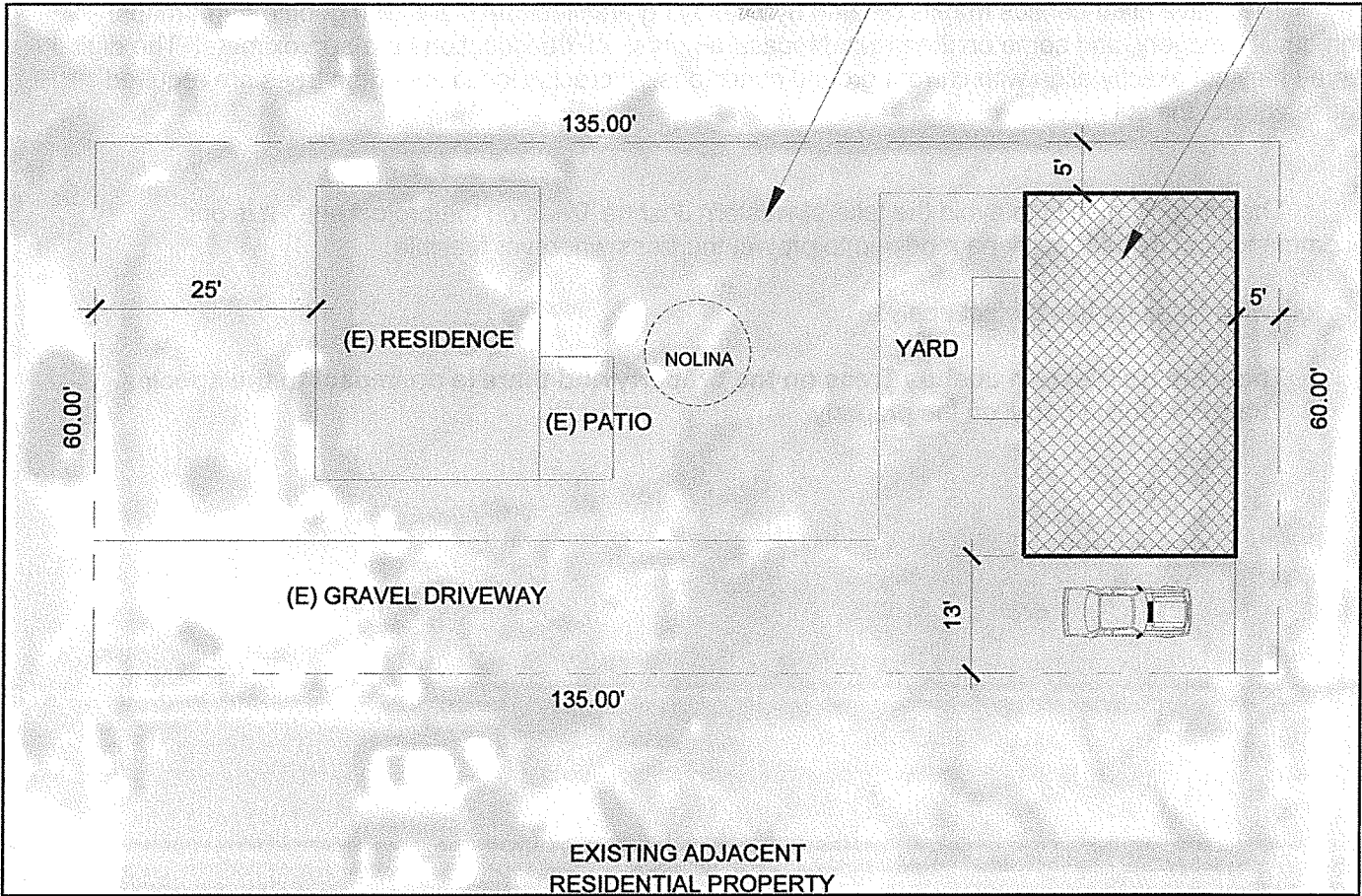
VIEW 4: Front Yard Facing Southeast







**JOSHUA TREE CENSUS**  
**SITE MAP WITH PHOTOGRAPHIC CENSUS**



## Introduction & Summary

This report is for 7425 Borrego Trail, Yucca Valley, California. A field census and native plant inventory was performed on March 19, 2025 of the selected Joshua Trees (*Yucca brevifolia* ssp. *brevifolia*), a candidate species under the California Endangered Species Act (CESA), effective October 9, 2020. This census and recommendations are intended for compliance with the County of San Bernardino Information Bulletin IB-0016 and are based on the census instructions provided by the California Department of Fish and Wildlife (CDFW) to the extent practicable.

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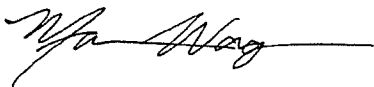
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CONDUCTED BY: MARINNA WAGNER  
WE-13354A  
ISA CERTIFIED ARBORIST  
3/25/25



SPECIES: *Nolina parryi*  
TREE SYSTEM: 1

**RECOMMENDED DISTANCE FROM WORK:** This multi-headed *Nolina parryi* is very healthy and currently in bloom. There are 3 pruned stumps to the east of the plant that were cut a long time ago and since have healed. The native plant is approximately 37 ft from proposed work and can be easily protected in place and worked around. There is to be no excavation within the drip line of the plant.





VIEW 1: Backyard Facing Northwest





VIEW 2: Backyard Facing Southeast





VIEW 3: Facing Southwest





VIEW 4: Front Yard Facing Southeast







# ***Western Joshua Tree Policy & Information Handout***

## **1.0 PURPOSE**

The purpose of this Information Handout is to clarify the requirements related to work conducted in proximity to the western Joshua tree (*Yucca brevifolia*).

## **2.0 BACKGROUND**

On September 22, 2020, the California Fish and Game Commission accepted for consideration a petition to list the western Joshua tree as a threatened or endangered species in the state of California. The western Joshua tree is now considered a candidate for listing. While the candidacy is under review by the state, the western Joshua tree will be protected as if it were a threatened or endangered species under the California Endangered Species Act (CESA). Under CESA, it is illegal to import, export, "take", possess, purchase, sell, or attempt to do any of those actions to species that are designated as threatened, endangered, or candidates for listing, unless authorized by permit by the California Department of Fish and Wildlife. With respect to the western Joshua tree, removal of a tree, or any part thereof, or impacts the seedbank surrounding one or more trees may result in "take" of the species which is prohibited by State law unless otherwise authorized. During this time, the Town of Yucca Valley cannot issue a permit to take (by removal, transplant, trimming or impacting any part of) any western Joshua tree.

## **3.0 DETERMINATION OF AVOIDANCE**

Upon application for a ground disturbing permit, a determination of avoidance of the Western Joshua Tree will be required prior to proceeding with the project.

All ground disturbing, ministerial permit applications require a Report by a Desert Native Plant Specialist and re- certification of Report by a Desert Native Plant Specialist that the permitted ground disturbing activity was completed in conformance with the approved site plan and did not impact the Western Joshua Trees, prior to final inspection, unless there are no Western Joshua Trees within 75' of proposed ground disturbance as documented by the project applicant.

The responsible representative of the project must attend an in-office meeting with Town staff and confirm receipt and understanding of all State laws and Town regulations pertaining to the ground disturbing project activity. Meeting to be scheduled concurrent with permit issuance.



#### **4.0 PRE-SITE INSPECTION PROCESS**

A pre-site inspection may be performed by Planning and Building & Safety staff prior to commencement of permitted construction activity.

#### **5.0 REPORT BY A DESERT NATIVE PLANT SPECIALIST**

An applicant shall submit a report, prepared by a Desert Native Plant Specialist, unless exempt, to document avoidance of western Joshua tree take by the project. The report must contain the findings and avoidance recommendations of the Desert Native Plant Specialist, as well as a signature and all pertinent license/qualifications information.

##### **5.1 REPORT BY APPLICANT IF EXEMPT**

An applicant shall submit documentation, including printed photographs taken from each corner of ground disturbing area facing the center of the proposed project, and a signed statement that there are no Western Joshua Trees within 75' of proposed ground disturbance.

##### **5.2 REQUIRED FINDINGS FOR DESERT NATIVE PLANT SPECIALIST**

Clear Avoidance: Desert Native Plant Specialist determined that no western Joshua trees will be affected by the proposed grading/construction. For the Desert Native Plant Specialist to make this determination, there must be a forty (40) foot clearance between the area of disturbance and the trunk of any western Joshua tree.

Expert Determination of Avoidance: Desert Native Plant Specialist found that the proposed grading/construction is within forty (40) feet of a western Joshua tree, a determination from a Desert Native Plant Specialist shall be required to attest to and confirm avoidance of the western Joshua tree. The specialist's report may specify protective measures to ensure that the proposed grading/construction will avoid any impact constituting a take of any western Joshua tree.

State Permit Required for Take: If the Desert Native Plant Specialist determines that the proposed grading/construction would require a western Joshua tree take as defined above in 2.0, the project may be redesigned to avoid impact to the tree, or the applicant must obtain an Incidental Take Permit from the California Department of Fish and Wildlife before the project can proceed.

#### **6.0 DEFINITION OF DESERT NATIVE PLANT SPECIALIST**

A Desert Native Plant Specialist includes the following:

- a) A certified arborist;
- b) An individual with a four-year college degree in ecology or fish and wildlife related biological science and at least two years of professional experience with relocation or restoration native California desert vegetation; or

- c) An individual with at least five years professional experience with relocation or restoration of native California desert vegetation. Examples: Full-time professional nursery or landscape professional experience with native California desert plants, including western Joshua trees.

## **7.0 QUESTIONS AND COMMENTS**

All inquiries about the protected status and take permits should be directed to the California Department of Fish and Wildlife: [AskRegion6@wildlife.ca.gov](mailto:AskRegion6@wildlife.ca.gov)

## 9.07.130: NATIVE LANDSCAPE DOCUMENTATION PACKAGE:

A. General Provisions: This section identifies the standards and requirements for native landscaping on residential developments.

Regulated desert native plants for all residential projects, include the following:

### REGULATED DESERT NATIVE PLANTS

| Botanical Name        | Common Name        |
|-----------------------|--------------------|
| Yucca schidigera      | Mojave yucca       |
| Nolina parryi         | Parry's nolina     |
| Juniperus californica | California juniper |
| Yucca whipplei        | Our Lord's candle  |
| Pinus monophylla      | Pinon pine         |

Pursuant to section 80117 of the state Food And Agricultural Code, the clearing or removal of native plants from a canal, lateral ditch, survey line, building site, or road or other right of way by the landowner or his agent, if the native plants are not to be transported from the land or offered for sale, are not subject to state regulations. For plants regulated by the state to be transplanted off site, the town shall issue permits for their relocation in accordance with this chapter.

### B. Scope:

1. Provisions: The provisions of this section shall apply to all land within the town of Yucca Valley.

a. It is prohibited for any individual or entity to remove, transplant, damage, disturb, or destroy any part of any regulated desert native plant, except its fruit, from any privately or publicly owned piece of land in the town of Yucca Valley, without first obtaining a regulated desert native plant permit from the town, unless said activity is exempt from the requirement to first obtain a regulated desert native plant permit.

b. It is prohibited for any individual or entity to remove or damage all or part of any regulated desert native plant on another property without first obtaining written permission from the landowner and an approved regulated desert native plant permit. It is unlawful for any person to falsify any document offered as evidence of permission to enter upon the property of another to remove all or parts of a regulated desert native plant, whether it is alive or dead.

c. It is prohibited for any individual or entity, unless exempted by this section, to destroy, dig up, mutilate or to possess any regulated desert native plant, including the living parts of such, unless the regulated desert native plant was disturbed under a regulated desert native plant permit. Any individual or entity shall exhibit the regulated desert native plant permit upon request for inspection by any duly authorized entity as described in this section.

d. The commercial harvesting of regulated desert native plants is prohibited.

2. Exceptions: The following are exempt from the provisions of this section:

a. The removal and transplanting on and off site of regulated desert native plants on and from lands owned by the United States government or any federal agency, the state of California, the county of San Bernardino, the town of Yucca Valley, and all special districts.

b. The removal and transplanting on and off site of regulated desert native plants required by other codes, ordinances or laws of the town of Yucca Valley, county of San Bernardino, the state of California or the United States government or any federal agency.

c. The removal and transplanting on and off site of regulated desert native plants which are an immediate threat to the public health, safety or welfare, as determined by the planning division.

d. Removal as part of a bona fide agricultural activity as determined by the town that is:

- (1) Served by a water distribution system adequate for the proper operation of such activity; and/or
- (2) Conducted under a land conservation contract; and/or
- (3) An existing agricultural activity; and/or

(4) A proposed bona fide agricultural activity if the planning division is given thirty (30) days' written notice of the removal describing the location of the land and the nature of the proposed activity. The planning division shall notify the landowner in writing prior to the lapse of the thirty (30) day period if, in the opinion of the planning division the activity is not a bona fide agricultural activity or else the activity shall be deemed bona fide.

e. Destruction or removal of a regulated desert native plant that has died from natural causes or that has been destroyed by fire or other natural disasters.

f. Any regulated desert native plant that is within the building footprint and within twenty feet (20') of the building footprint of an existing structure and for new infill residential development, as determined by the planning division.



g. When removal is required by any public utility subject to jurisdiction of the public utilities commission or any other constituted public agency, including franchised cable TV, to establish or maintain safe operation of facilities under their jurisdiction.

3. Permit Required: A native plant permit shall be required for the removal and transplanting on and off site of any regulated desert native plants identified in this section.

a. A regulated native plant permit application shall be submitted to and approved by the town prior to the removal and transplanting on and off site of any regulated desert native plant.

b. The regulated native plant permit application shall include the following information:

(1) The botanical and common name of the regulated desert native plant.

(2) A native plant survey showing the precise location of each regulated desert native plant.

(3) The trunk or stem diameter of each regulated desert native plant.

(4) The height of each regulated desert native plant.

(5) The health or condition of the regulated desert native plant, including the identification of those regulated desert native plants that are not likely to survive transplanting procedures.

(6) The proposed placement or disposition of the regulated desert native plant, i.e., transplant on site, adopt off site, remove, etc.

(7) Additional information that may be required based upon the individual application.

C. Single-Family Residential Infill, Existing Single-Family Residences And Multi-Family Residential Three Units Or Less:

1. A regulated desert native plant permit application shall be submitted to the planning division at the time of filing a building or grading permit application for development of infill residential lots unless exempt.

2. A regulated desert plant permit application shall be submitted to the planning division for removal or relocation on or off site when the property owner is proposing improvements to the property including swimming pools, swing sets, horse arenas, other animal keeping activities, basketball courts, tennis courts, recreational or other vehicle parking, driveways and access, play areas, accessory structures, and other uses typical to single- family residences.

3. The regulated desert native plant application documentation shall contain the following information:

a. Printed photographs depicting the proposed native plant that is to be removed or transplanted. The photographs must clearly show the location, size of the subject plant, and its surroundings. At minimum, the surrounding area photographs shall include two (2) different views of the subject plant.

b. A plot plan is required in order to show location of regulated desert native plants proposed to be removed, transplanted, or retained in its native location. The plot plan shall clearly demonstrate that the property meets the standards in table 1 of this section.

4. Written permission from the property owner(s) authorizing the proposed removal or relocation of regulated desert native plants from the property.

5. The property owner may attempt to retain as many regulated desert native plants in their native location as possible. The property owner may also attempt to transplant or relocate as many regulated desert native plants as possible on site. The property shall comply with the minimum standards specified in table 1 of this section.

6. Those regulated desert native plants identified in the permit application to not remain on site following development, and which are not incorporated into a project's landscaping plan, may be available for adoption at the property owner's discretion.

7. The following chart establishes the minimum undisturbed area that shall be provided:

TABLE 1

| Lot Size          | Required Undisturbed Area                            |
|-------------------|------------------------------------------------------|
| Up to 2.49 acres  | No mandate, incentives only                          |
| 2.5 to 4.99 acres | A minimum of 5% of the lot shall remain undisturbed  |
| 5+ acres          | A minimum of 10% of the lot shall remain undisturbed |

8. Single-family residential infill development in the rural living residential land use district, which exceed the minimum required undisturbed area from table 1 of this section by a minimum of ten percent (10%), shall be allowed up to a ten percent (10%) deviation of all development code standards listed in table 2 of this section and approved in conjunction with the project. The deviations include the following:

TABLE 2

| Typical Standards                      |           | Deviations Permitted                                       |
|----------------------------------------|-----------|------------------------------------------------------------|
| Lot size                               | Varies    | Up to a 10% reduction in lot size based on property zoning |
| Typical Standards                      |           | Deviations Permitted                                       |
| Lot size                               | Varies    | Up to a 10% reduction in lot size based on property zoning |
| Front setback                          | 25'       | 22.5'                                                      |
| Side/rear setbacks                     | 15'       | 13.5'                                                      |
| Arterial/collector street side setback | 25'       | 22.5'                                                      |
| Local street side setback              | 25'       | 22.5'                                                      |
| Lot dimensions                         | 150'/150' | 135'/135'                                                  |
| Lot coverage                           | 20%       | 22%                                                        |

9. Single-family residential infill development in the single- family residential land use district which voluntarily retains ten percent (10%) undisturbed area shall be allowed up to a ten percent (10%) deviation of all development code standards listed in table 3 of this section and approved in conjunction with the project. The deviations include the following:

TABLE 3

| Typical Standards                      |          | Deviations Permitted                                       |
|----------------------------------------|----------|------------------------------------------------------------|
| Lot size                               | Varies   | Up to a 10% reduction in lot size based on property zoning |
| Typical Standards                      |          | Deviations Permitted                                       |
| Lot size                               | Varies   | Up to a 10% reduction in lot size based on property zoning |
| Front setback                          | 25'      | 22.5'                                                      |
| Side/rear setbacks                     | 5'/10'   | 4.5'/9'                                                    |
| Arterial/collector street side setback | 25'      | 22.5'                                                      |
| Local street side setback              | 15'      | 13.5'                                                      |
| Lot dimensions                         | 60'/100' | 54'/90'                                                    |
| Lot coverage                           | 40%      | 44%                                                        |

10. Single-family residential infill development in the residential-hillside reserve land use district which exceeds the minimum required undisturbed area from table 1 of this section by a minimum of ten percent (10%) and provide documentation that the applicant has attended educational training on native plants shall be allowed up to a ten percent (10%) deviation of all development code standards listed in table 4 of this section and approved in conjunction with the project. The deviations include the following:

TABLE 4

| Typical Standards                      |        | Deviations Permitted                                                 |
|----------------------------------------|--------|----------------------------------------------------------------------|
| Lot size                               | Varies | Up to a 10% reduction in lot size based on minimum lot size required |
| Front setback                          | 75'    | 67.5'                                                                |
| Side/rear setbacks                     | 75'    | 67.5'                                                                |
| Arterial/collector street side setback | 75'    | 67.5'                                                                |
| Local street side setback              | 75'    | 67.5'                                                                |

D. Regulated Desert Native Plant Removal Procedures For All New Residential Subdivisions And Multi-Family Four Units Or More: Single-family residential subdivisions and multi-family four (4) units or more, shall be allowed to transplant on and off site and to remove all regulated desert native plants from their native locations within the property boundaries, pursuant to the following development standards and requirements:

1. Application Submission: A regulated desert native plant permit application shall be submitted to the planning division at the time of filing land use applications for development of residential subdivision projects. Land use applications for residential subdivision projects may include, but are not limited to, planned developments, specific plans, parcel and tract

map applications, grading permit applications, building permit applications, and any other applications necessary for town authorization of land disturbing or development activity. The planning commission shall review and approve all native plant applications for residential subdivisions.

2. Application Information: The regulated desert native plant application documentation shall contain the following information:
  - a. The botanical and common name of the regulated desert native plant.
  - b. The precise location of each regulated desert native plant.
  - c. The trunk or stem diameter of each regulated desert native plant.
  - d. The height of each regulated desert native plant.
  - e. The health or condition of the regulated desert native plant, including the identification of those regulated desert native plants that are not likely to survive transplanting procedures.
  - f. The proposed placement or disposition of the regulated desert native plant, i.e., transplant on site, adopt off site, remove, etc. The plans for the regulated desert native plant survey shall be no smaller than twenty four inches by thirty six inches (24" x 36") unless otherwise approved by the planning division.
3. Transplanting Off Site And On Site: All regulated desert native plants identified in the regulated desert native plant survey as likely to survive transplanting shall be made available for adoption or shall be transplanted on site as part of the project's landscaping plan. All native plant permit applications shall illustrate maximum utilization of regulated desert native plants in the project's landscaping plan. It is strongly encouraged that all *Yucca brevifolia* (Joshua trees) identified for adoption and transplantation be relocated through the use of an adequately sized tree spade.
4. Adoption: Those regulated desert native plants identified in the regulated desert native plant survey as likely to survive transplanting procedures, and which are not incorporated into a project's landscaping plan, shall be available for adoption pursuant to this section to the general public for an adoption period of thirty (30) days, or until all available plants have been adopted, whichever is sooner, prior to any other ground disturbing activity on the project site. A thirty (30) day noticing and signage period is required which noticing period may begin prior to issuance of the regulated desert native plant permit.
5. Removal: Those regulated desert native plants not incorporated into a project's landscaping plan and not adopted during the thirty (30) day adoption period are allowed to be removed.
6. Table 5: The following additional standards shall apply to all new residential subdivisions:

TABLE 5

| Proposed Lot Size | Required Undisturbed Area                                     |
|-------------------|---------------------------------------------------------------|
| Up to 2.49 acres  | None required, incentives only                                |
| 2.5 to 4.99 acres | A minimum of 5% of the project site shall remain undisturbed  |
| 5+ acres          | A minimum of 10% of the project site shall remain undisturbed |

7. Table 6: New residential subdivisions in the rural living land use districts, which exceed the minimum required undisturbed area from table 5 of this section by a minimum of ten percent (10%), and provide documentation that the applicant has attended educational training on native plants shall be allowed up to a ten percent (10%) deviation of all development code standards listed in table 6 of this section and approved in conjunction with the project. The deviations include the following:

TABLE 6

| Typical Standards                      |           | Deviations Permitted                                       |
|----------------------------------------|-----------|------------------------------------------------------------|
| Lot size                               | Varies    | Up to a 10% reduction in lot size based on property zoning |
| Typical Standards                      |           | Deviations Permitted                                       |
| Lot size                               | Varies    | Up to a 10% reduction in lot size based on property zoning |
| Front setback                          | 25'       | 22.5'                                                      |
| Side/rear setbacks                     | 15'       | 13.5'                                                      |
| Arterial/collector street side setback | 50'       | 45'                                                        |
| Local street side setback              | 25'       | 22.5'                                                      |
| Lot dimensions                         | 150'/150' | 135'/135'                                                  |
| Lot coverage                           | 20%       | 22%                                                        |



8. Table 7: New residential subdivisions in the single-family residential land use districts which exceed the minimum required undisturbed area from table 5 of this section by a minimum of ten percent (10%) shall be allowed up to a ten percent (10%) deviation of all development code standards including:

TABLE 7

| Typical Standards                      |          | Deviations Permitted                                       |
|----------------------------------------|----------|------------------------------------------------------------|
| Lot size                               | Varies   | Up to a 10% reduction in lot size based on property zoning |
| Typical Standards                      |          | Deviations Permitted                                       |
| Lot size                               | Varies   | Up to a 10% reduction in lot size based on property zoning |
| Front setback                          | 25'      | 22.5'                                                      |
| Side/rear setbacks                     | 5'/10'   | 4.5'/9'                                                    |
| Arterial/collector street side setback | 25'      | 22.5'                                                      |
| Local street side setback              | 15'      | 13.5'                                                      |
| Lot dimensions                         | 60'/100' | 54'/90'                                                    |
| Lot coverage                           | 40%      | 44%                                                        |

9. Table 8: New residential subdivisions in the residential- hillside reserve land use district, which exceed the minimum required undisturbed area from table 5 of this section by a minimum of ten percent (10%), and provide documentation that the applicant has attended educational training on native plants shall be allowed up to a ten percent (10%) deviation of all development code standards listed in table 8 of this section and approved in conjunction with the project. The deviations include the following:

TABLE 8

| Typical Standards                      |        | Deviations Permitted                                                 |
|----------------------------------------|--------|----------------------------------------------------------------------|
| Lot size                               | Varies | Up to a 10% reduction in lot size based on minimum lot size required |
| Front setback                          | 75'    | 67.5'                                                                |
| Side/rear setbacks                     | 75'    | 67.5'                                                                |
| Arterial/collector street side setback | 75'    | 67.5'                                                                |
| Local street side setback              | 75'    | 67.5'                                                                |

TABLE 9

| Typical Standards For Multi-Family Projects |                             | Deviations Permitted                                          |
|---------------------------------------------|-----------------------------|---------------------------------------------------------------|
|                                             | Residential Multi-Family RM | Residential Multi-Family RM                                   |
| Typical Standards For Multi-Family Projects |                             | Deviations Permitted                                          |
|                                             | Residential Multi-Family RM | Residential Multi-Family RM                                   |
| Front setback                               | 25'                         | 22.5'                                                         |
| Side/rear setback                           | 10'/10' (per story)         | 9'/9' (per story)                                             |
| Arterial/collector street side setback      | 35'                         | 31.5'                                                         |
| Local street side setback                   | 25'                         | 22.5'                                                         |
| Lot coverage                                | 60%                         | 66%                                                           |
| Parking                                     | Varies                      | 10% reduction of total parking not to include handicap stalls |

Item: 4.

**Town of Yucca Valley  
Planning Commission Staff Report**



**To:** Planning Commission

**From:** Evan Willoughby, Assistant Planner

**Date:** August 28, 2025

**Meeting Date:** September 9, 2025

**Subject:** Native Plant Permit (NPP) 105-25 @ 7384 Dumosa Avenue

**Recommendation:**

**That the Planning Commission receives and files the attached Desert Native Plant Specialist Report for a proposed sewer connection and approves the Native Plant Permit (NPP 105-25) exemption, finding that, based on the evidence presented in the submittals, the proposed project is not disturbing any regulated desert native plants, and is therefore exempt from Town of Yucca Valley Development Code section 9.07.130 Native Landscape Documentation Package.**

**Prior Review:**

There has been no prior review.

**Discussion:**

Applicant: William Sellers Plumbing  
Address: 7384 Dumosa Avenue  
APN: 0587-111-11  
Zoning: Residential, Single-Family (R-S-2)  
Parcel Size: 0.44 acres

**Native Plant Permit Application and Desert Native Plant Specialist Report**

Application has been filed with the Town for a proposed sewer connection. As part of that process, a native plant permit application and desert native plant specialist report have been submitted to the Town.

Chapter 9.07 Residential and Hillside Reserve Districts, Section 9.07.130 (B)(1)(a):

*It is prohibited for any individual or entity to remove, transplant, damage, disturb, or destroy any part of any regulated desert native plant, except its fruit, from any privately or publicly owned piece of land in the Town of Yucca Valley, without first obtaining a regulated desert native plant permit from the town, unless said activity is exempt from the requirement to first obtain a regulated desert native plant permit.*

The Town's 2084 Permit from the State Fish and Game Commission expired on May 9, 2022. The 2084 permit established rules such as the ten (10') foot distance from a Western Joshua Tree (WJT) for ground disturbing activity, as well as created the ability for the Town to issue take permits to remove and transplant the WJT, etc. The 2084 Permit authorization expired, and those rules and standards no longer exist for the Town.

Current procedures for all ground disturbing, ministerial building permits are listed in the attached documents. In addition to the standard Native Plant Permit application submittal, all ground disturbing, ministerial building permit applications must comply with the provisions of the attached handout. All ground disturbing project activities must be accounted for in the determination of avoidance of the WJT.

Ground disturbing, ministerial building permit applications require a Report by a Desert Native Plant Specialist, Pre-Site Inspection prior to permitted construction activity, and re-certification of Report by a Desert Native Plant Specialist that the permitted ground disturbing activity was completed in conformance with the approved site plan and did not impact the Western Joshua Trees, prior to final inspection.

Building permit applications for sewer connections are exempt from pre-site inspection and pre-site inspection fees.

Nothing in this Western Joshua Tree Policy and Information Handout exempts building permit applicants from following State or Federal law.

The Town modeled these standards after other agencies, such as San Bernardino County and the Town of Apple Valley, who have not been challenged by State Fish and Wildlife in the implementation of these standards and procedures, and therefore the required protection of the WJT.

The plot plan and desert native plant specialist letter are attached to this staff report.

The Development Code section cited above is ministerial.

- Staff-level decision; forwarded to Planning Commission at this time;
- Little or no personal/subjective judgment;
- Use of fixed standards or objective measurements;
- No public notice required by the Development Code.

The Development Code does not provide for discretion of this permit application.

The application is consistent with the standards established by the Code and therefore must be approved by the Town.



**Alternatives**

Staff recommend no alternative actions. The application is consistent with the Town's adopted standards.

**Fiscal Impact:**

N/A

**Attachments**

1. NPP 105-25 @ 7384 Dumosa Ave - William Sellers Plumbing - Application
2. Western Joshua Tree Policy & Information Handout - Updated 6.11.2024
3. Section 9.07.130 Native Landscape Documentation Package



# Native Plant Permit Application

Date Received 8/21/25  
Case NPP 105-25  
By Tuna

\$85.00

## General Information

**APPLICANT** William Sellers Plumbing Phone 760-228-2180  
Mailing Address 7359 Apache Trl Email wsplumbing760@gmail.com  
City Yucca Valley State CA Zip 92284  
**PROPERTY OWNER** Nick Foschetti Phone \_\_\_\_\_  
Mailing Address 7384 DUMOSA AVE Email affordable.rentals@hotmail.com  
City Yucca Valley State CA Zip 92284  
**Address/Location of Plants** 7384 DUMOSA AVE  
**Desert Native Plant Specialist** Mike Murphy - ArborPro - # WE-4587A

## Project Information

| TYPE OF PLANT      | # OF PLANTS<br>BEING<br>DESTROYED | # BEING RELOCATED |          | # BEING<br>PROTECTED<br>IN PLACE | # BEING<br>TRIMMED | HEIGHT | DIAMETER | MITIGATION FEE<br>FOR RELOCATE<br>OR REMOVAL |
|--------------------|-----------------------------------|-------------------|----------|----------------------------------|--------------------|--------|----------|----------------------------------------------|
|                    |                                   | ON-SITE           | OFF-SITE |                                  |                    |        |          |                                              |
| MOJAVE YUCCA       | 0                                 |                   |          |                                  |                    |        |          |                                              |
| JOSHUA TREE        | *****                             | *****             | *****    |                                  | *****              |        |          | *****                                        |
| OUR LORDS CANDLE   | 0                                 |                   |          |                                  |                    |        |          |                                              |
| CALIFORNIA JUNIPER | 0                                 |                   |          |                                  |                    |        |          |                                              |
| PINON PINE         | 0                                 |                   |          |                                  |                    |        |          |                                              |
| PARRY'S NOLINA     | 0                                 |                   |          |                                  |                    |        |          |                                              |

**\*\*PLEASE COMPLETE A WESTERN JOSHUA TREE APPLICATION.**

Reason for relocation or removal \_\_\_\_\_

Property owner signature Nick Foschetti Date 8/18/25

## Staff Use Only

Issuance Date: \_\_\_\_\_ Issued By: \_\_\_\_\_

Approved as shown on plot plan \_\_\_\_\_ photos \_\_\_\_\_ Total Fees: \_\_\_\_\_

Denied \_\_\_\_\_ Reason for Denial \_\_\_\_\_

PLOT PLAN

NAME Nick Foschetti

PROJECT ADDRESS 7384 DUMOSA AVE

ASSESSOR PARCEL NO. 058711111

IF YOUR LOT IS NOT RECTANGULAR, PLEASE DRAW CORRECT DIMENSIONS AND SHAPE

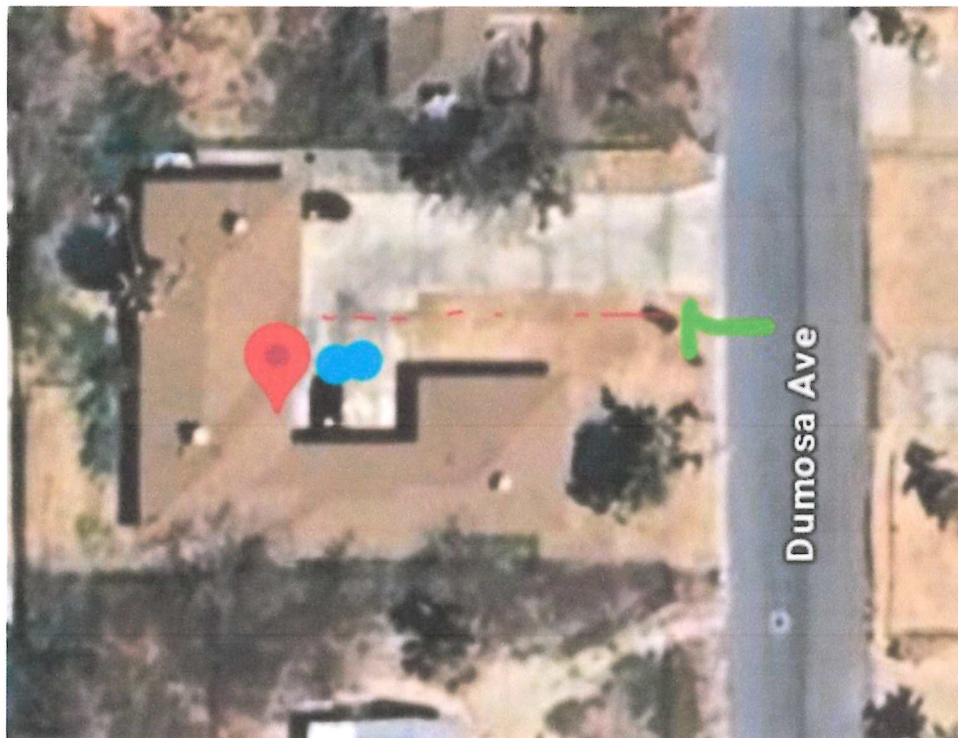
REAR PROPERTY LINE



FRONT PROPERTY LINE  
STREET

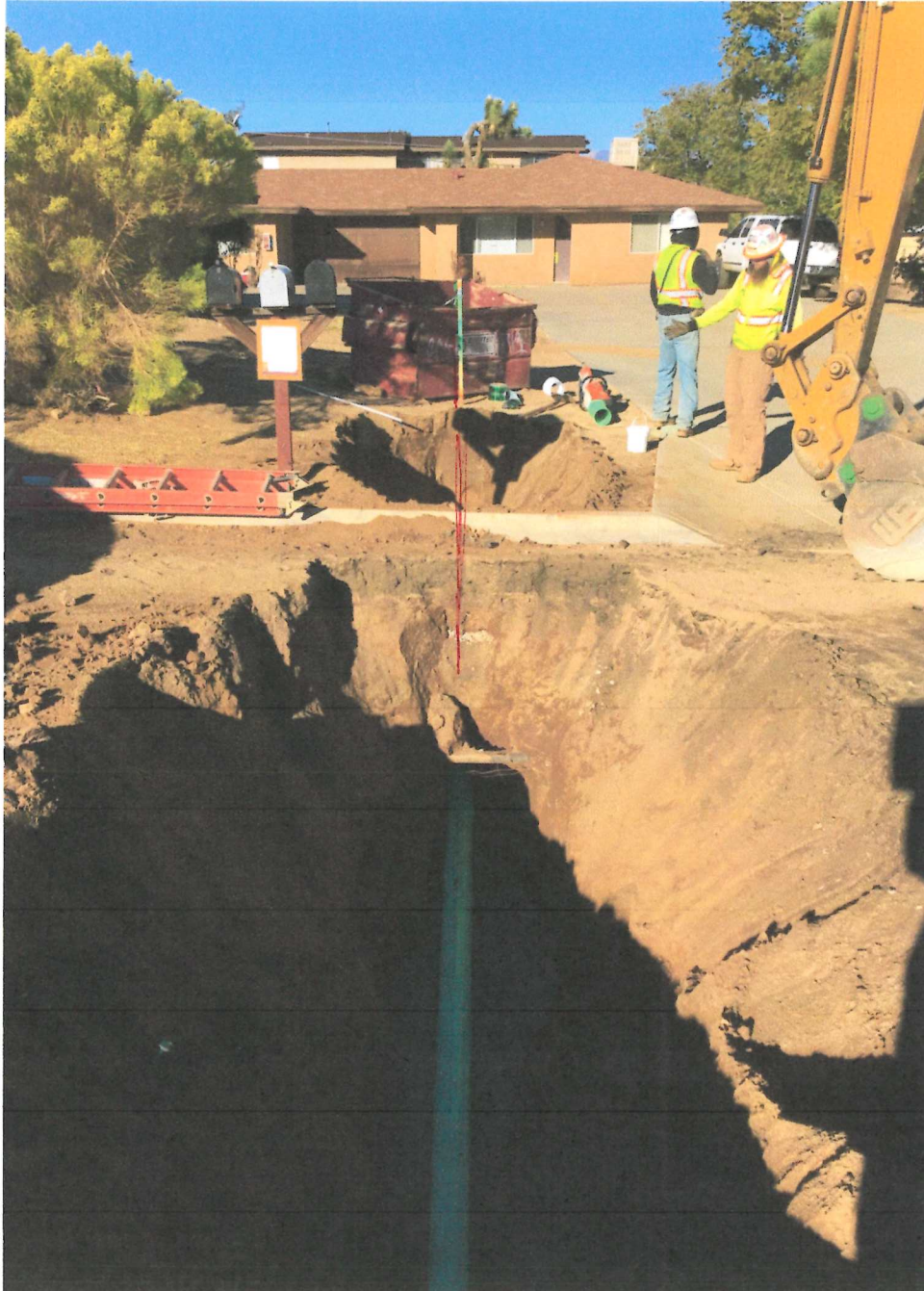


7384 Dumosa



Trenching along  
south side  
drive way

7384 Dumosa



August 6, 2025

William Seller's Plumbing  
7384 Dumosa Avenue  
Yucca Valley, Ca 92284  
[Wsplumbing760@gmail.com](mailto:Wsplumbing760@gmail.com)

RE: Joshua tree location inspection

To whom it may concern:

Following are the Joshua tree inspection findings for  
7384 Dumosa Avenue, Yucca Valley, Ca:

- 1) The Joshua tree is approximately 22' south of the proposed sewer line and connection.
- 2) The Joshua tree is approximately 33' south of the proposed sewer line and connection.
- 3) The Joshua tree is approximately 35' south of the proposed sewer line and connection.
- 4) The Joshua tree is approximately 35' south of the proposed sewer line and connection.
- 5) The Joshua tree is approximately 22' south of the proposed sewer line and connection.
- 6) The Joshua tree is approximately 23' south of the proposed sewer line and connection.
- 7) The Joshua tree is approximately 25' south of the proposed sewer line and connection.
- 8) The Joshua tree is approximately 27' south of the proposed sewer line and connection.
- 9) The Joshua tree is approximately 25' south of the proposed sewer line and connection.
- 10) The Joshua tree is approximately 24' south of the proposed sewer line and connection.
- 11) The Joshua tree is approximately 23' south of the proposed sewer line and connection.
- 12) The Joshua tree is approximately 44' south of the proposed sewer line and connection.
- 13) The Joshua tree is approximately 44' south of the proposed sewer line and connection.
- 14) The Joshua tree is approximately 32' north of the proposed sewer line and connection.
- 15) The Joshua tree is approximately 33' north of the proposed sewer line and connection.

It is my opinion that the proposed construction will pose no threat to the health of any Joshua trees. However, I do recommend a 4' circle, with orange fencing, be placed around all Joshua trees within 40' of any proposed construction, to protect the Joshua trees and the rootzone.

Sincerely,

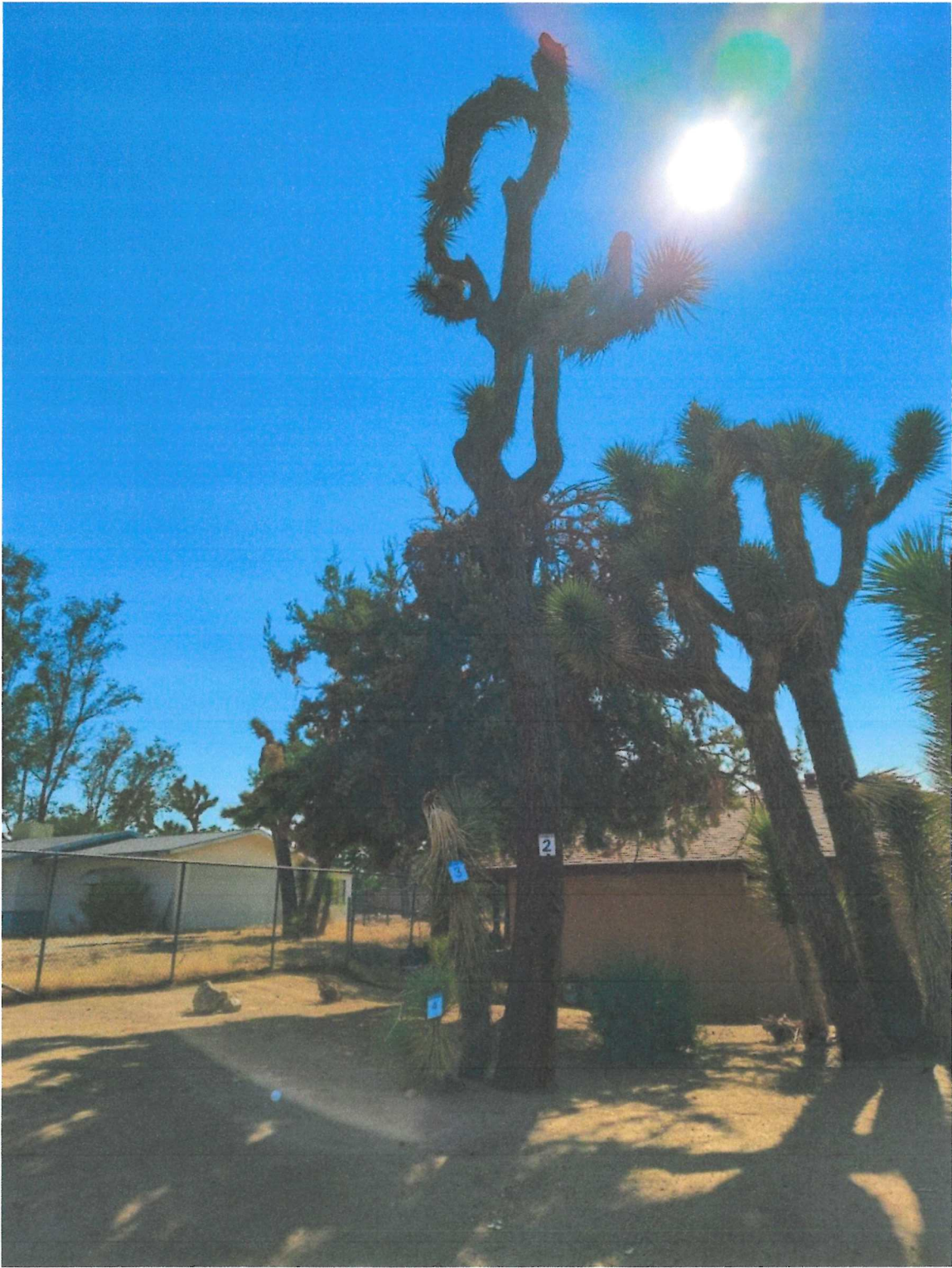


Michael Murphy  
C-27 Contractors License # 799469  
Certified Arborist # WE-4587A











































# ***Western Joshua Tree Policy & Information Handout***

## **1.0 PURPOSE**

The purpose of this Information Handout is to clarify the requirements related to work conducted in proximity to the western Joshua tree (*Yucca brevifolia*).

## **2.0 BACKGROUND**

On September 22, 2020, the California Fish and Game Commission accepted for consideration a petition to list the western Joshua tree as a threatened or endangered species in the state of California. The western Joshua tree is now considered a candidate for listing. While the candidacy is under review by the state, the western Joshua tree will be protected as if it were a threatened or endangered species under the California Endangered Species Act (CESA). Under CESA, it is illegal to import, export, "take", possess, purchase, sell, or attempt to do any of those actions to species that are designated as threatened, endangered, or candidates for listing, unless authorized by permit by the California Department of Fish and Wildlife. With respect to the western Joshua tree, removal of a tree, or any part thereof, or impacts the seedbank surrounding one or more trees may result in "take" of the species which is prohibited by State law unless otherwise authorized. During this time, the Town of Yucca Valley cannot issue a permit to take (by removal, transplant, trimming or impacting any part of) any western Joshua tree.

## **3.0 DETERMINATION OF AVOIDANCE**

Upon application for a ground disturbing permit, a determination of avoidance of the Western Joshua Tree will be required prior to proceeding with the project.

All ground disturbing, ministerial permit applications require a Report by a Desert Native Plant Specialist and re- certification of Report by a Desert Native Plant Specialist that the permitted ground disturbing activity was completed in conformance with the approved site plan and did not impact the Western Joshua Trees, prior to final inspection, unless there are no Western Joshua Trees within 75' of proposed ground disturbance as documented by the project applicant.

The responsible representative of the project must attend an in-office meeting with Town staff and confirm receipt and understanding of all State laws and Town regulations pertaining to the ground disturbing project activity. Meeting to be scheduled concurrent with permit issuance.

#### **4.0 PRE-SITE INSPECTION PROCESS**

A pre-site inspection may be performed by Planning and Building & Safety staff prior to commencement of permitted construction activity.

#### **5.0 REPORT BY A DESERT NATIVE PLANT SPECIALIST**

An applicant shall submit a report, prepared by a Desert Native Plant Specialist, unless exempt, to document avoidance of western Joshua tree take by the project. The report must contain the findings and avoidance recommendations of the Desert Native Plant Specialist, as well as a signature and all pertinent license/qualifications information.

##### **5.1 REPORT BY APPLICANT IF EXEMPT**

An applicant shall submit documentation, including printed photographs taken from each corner of ground disturbing area facing the center of the proposed project, and a signed statement that there are no Western Joshua Trees within 75' of proposed ground disturbance.

##### **5.2 REQUIRED FINDINGS FOR DESERT NATIVE PLANT SPECIALIST**

Clear Avoidance: Desert Native Plant Specialist determined that no western Joshua trees will be affected by the proposed grading/construction. For the Desert Native Plant Specialist to make this determination, there must be a forty (40) foot clearance between the area of disturbance and the trunk of any western Joshua tree.

Expert Determination of Avoidance: Desert Native Plant Specialist found that the proposed grading/construction is within forty (40) feet of a western Joshua tree, a determination from a Desert Native Plant Specialist shall be required to attest to and confirm avoidance of the western Joshua tree. The specialist's report may specify protective measures to ensure that the proposed grading/construction will avoid any impact constituting a take of any western Joshua tree.

State Permit Required for Take: If the Desert Native Plant Specialist determines that the proposed grading/construction would require a western Joshua tree take as defined above in 2.0, the project may be redesigned to avoid impact to the tree, or the applicant must obtain an Incidental Take Permit from the California Department of Fish and Wildlife before the project can proceed.

#### **6.0 DEFINITION OF DESERT NATIVE PLANT SPECIALIST**

A Desert Native Plant Specialist includes the following:

- a) A certified arborist;
- b) An individual with a four-year college degree in ecology or fish and wildlife related biological science and at least two years of professional experience with relocation or restoration native California desert vegetation; or



- c) An individual with at least five years professional experience with relocation or restoration of native California desert vegetation. Examples: Full-time professional nursery or landscape professional experience with native California desert plants, including western Joshua trees.

## **7.0 QUESTIONS AND COMMENTS**

All inquiries about the protected status and take permits should be directed to the California Department of Fish and Wildlife: [AskRegion6@wildlife.ca.gov](mailto:AskRegion6@wildlife.ca.gov)

## 9.07.130: NATIVE LANDSCAPE DOCUMENTATION PACKAGE:

A. General Provisions: This section identifies the standards and requirements for native landscaping on residential developments.

Regulated desert native plants for all residential projects, include the following:

### REGULATED DESERT NATIVE PLANTS

| Botanical Name        | Common Name        |
|-----------------------|--------------------|
| Yucca schidigera      | Mojave yucca       |
| Nolina parryi         | Parry's nolina     |
| Juniperus californica | California juniper |
| Yucca whipplei        | Our Lord's candle  |
| Pinus monophylla      | Pinon pine         |

Pursuant to section 80117 of the state Food And Agricultural Code, the clearing or removal of native plants from a canal, lateral ditch, survey line, building site, or road or other right of way by the landowner or his agent, if the native plants are not to be transported from the land or offered for sale, are not subject to state regulations. For plants regulated by the state to be transplanted off site, the town shall issue permits for their relocation in accordance with this chapter.

### B. Scope:

1. Provisions: The provisions of this section shall apply to all land within the town of Yucca Valley.

a. It is prohibited for any individual or entity to remove, transplant, damage, disturb, or destroy any part of any regulated desert native plant, except its fruit, from any privately or publicly owned piece of land in the town of Yucca Valley, without first obtaining a regulated desert native plant permit from the town, unless said activity is exempt from the requirement to first obtain a regulated desert native plant permit.

b. It is prohibited for any individual or entity to remove or damage all or part of any regulated desert native plant on another property without first obtaining written permission from the landowner and an approved regulated desert native plant permit. It is unlawful for any person to falsify any document offered as evidence of permission to enter upon the property of another to remove all or parts of a regulated desert native plant, whether it is alive or dead.

c. It is prohibited for any individual or entity, unless exempted by this section, to destroy, dig up, mutilate or to possess any regulated desert native plant, including the living parts of such, unless the regulated desert native plant was disturbed under a regulated desert native plant permit. Any individual or entity shall exhibit the regulated desert native plant permit upon request for inspection by any duly authorized entity as described in this section.

d. The commercial harvesting of regulated desert native plants is prohibited.

2. Exceptions: The following are exempt from the provisions of this section:

a. The removal and transplanting on and off site of regulated desert native plants on and from lands owned by the United States government or any federal agency, the state of California, the county of San Bernardino, the town of Yucca Valley, and all special districts.

b. The removal and transplanting on and off site of regulated desert native plants required by other codes, ordinances or laws of the town of Yucca Valley, county of San Bernardino, the state of California or the United States government or any federal agency.

c. The removal and transplanting on and off site of regulated desert native plants which are an immediate threat to the public health, safety or welfare, as determined by the planning division.

d. Removal as part of a bona fide agricultural activity as determined by the town that is:

- (1) Served by a water distribution system adequate for the proper operation of such activity; and/or
- (2) Conducted under a land conservation contract; and/or
- (3) An existing agricultural activity; and/or

(4) A proposed bona fide agricultural activity if the planning division is given thirty (30) days' written notice of the removal describing the location of the land and the nature of the proposed activity. The planning division shall notify the landowner in writing prior to the lapse of the thirty (30) day period if, in the opinion of the planning division the activity is not a bona fide agricultural activity or else the activity shall be deemed bona fide.

e. Destruction or removal of a regulated desert native plant that has died from natural causes or that has been destroyed by fire or other natural disasters.

f. Any regulated desert native plant that is within the building footprint and within twenty feet (20') of the building footprint of an existing structure and for new infill residential development, as determined by the planning division.

g. When removal is required by any public utility subject to jurisdiction of the public utilities commission or any other constituted public agency, including franchised cable TV, to establish or maintain safe operation of facilities under their jurisdiction.

3. Permit Required: A native plant permit shall be required for the removal and transplanting on and off site of any regulated desert native plants identified in this section.

a. A regulated native plant permit application shall be submitted to and approved by the town prior to the removal and transplanting on and off site of any regulated desert native plant.

b. The regulated native plant permit application shall include the following information:

(1) The botanical and common name of the regulated desert native plant.

(2) A native plant survey showing the precise location of each regulated desert native plant.

(3) The trunk or stem diameter of each regulated desert native plant.

(4) The height of each regulated desert native plant.

(5) The health or condition of the regulated desert native plant, including the identification of those regulated desert native plants that are not likely to survive transplanting procedures.

(6) The proposed placement or disposition of the regulated desert native plant, i.e., transplant on site, adopt off site, remove, etc.

(7) Additional information that may be required based upon the individual application.

C. Single-Family Residential Infill, Existing Single-Family Residences And Multi-Family Residential Three Units Or Less:

1. A regulated desert native plant permit application shall be submitted to the planning division at the time of filing a building or grading permit application for development of infill residential lots unless exempt.

2. A regulated desert plant permit application shall be submitted to the planning division for removal or relocation on or off site when the property owner is proposing improvements to the property including swimming pools, swing sets, horse arenas, other animal keeping activities, basketball courts, tennis courts, recreational or other vehicle parking, driveways and access, play areas, accessory structures, and other uses typical to single- family residences.

3. The regulated desert native plant application documentation shall contain the following information:

a. Printed photographs depicting the proposed native plant that is to be removed or transplanted. The photographs must clearly show the location, size of the subject plant, and its surroundings. At minimum, the surrounding area photographs shall include two (2) different views of the subject plant.

b. A plot plan is required in order to show location of regulated desert native plants proposed to be removed, transplanted, or retained in its native location. The plot plan shall clearly demonstrate that the property meets the standards in table 1 of this section.

4. Written permission from the property owner(s) authorizing the proposed removal or relocation of regulated desert native plants from the property.

5. The property owner may attempt to retain as many regulated desert native plants in their native location as possible. The property owner may also attempt to transplant or relocate as many regulated desert native plants as possible on site. The property shall comply with the minimum standards specified in table 1 of this section.

6. Those regulated desert native plants identified in the permit application to not remain on site following development, and which are not incorporated into a project's landscaping plan, may be available for adoption at the property owner's discretion.

7. The following chart establishes the minimum undisturbed area that shall be provided:

TABLE 1

| Lot Size          | Required Undisturbed Area                            |
|-------------------|------------------------------------------------------|
| Up to 2.49 acres  | No mandate, incentives only                          |
| 2.5 to 4.99 acres | A minimum of 5% of the lot shall remain undisturbed  |
| 5+ acres          | A minimum of 10% of the lot shall remain undisturbed |

8. Single-family residential infill development in the rural living residential land use district, which exceed the minimum required undisturbed area from table 1 of this section by a minimum of ten percent (10%), shall be allowed up to a ten percent (10%) deviation of all development code standards listed in table 2 of this section and approved in conjunction with the project. The deviations include the following:

TABLE 2



| Typical Standards                      |           | Deviations Permitted                                       |
|----------------------------------------|-----------|------------------------------------------------------------|
| Lot size                               | Varies    | Up to a 10% reduction in lot size based on property zoning |
| Typical Standards                      |           | Deviations Permitted                                       |
| Lot size                               | Varies    | Up to a 10% reduction in lot size based on property zoning |
| Front setback                          | 25'       | 22.5'                                                      |
| Side/rear setbacks                     | 15'       | 13.5'                                                      |
| Arterial/collector street side setback | 25'       | 22.5'                                                      |
| Local street side setback              | 25'       | 22.5'                                                      |
| Lot dimensions                         | 150'/150' | 135'/135'                                                  |
| Lot coverage                           | 20%       | 22%                                                        |

9. Single-family residential infill development in the single- family residential land use district which voluntarily retains ten percent (10%) undisturbed area shall be allowed up to a ten percent (10%) deviation of all development code standards listed in table 3 of this section and approved in conjunction with the project. The deviations include the following:

TABLE 3

| Typical Standards                      |          | Deviations Permitted                                       |
|----------------------------------------|----------|------------------------------------------------------------|
| Lot size                               | Varies   | Up to a 10% reduction in lot size based on property zoning |
| Typical Standards                      |          | Deviations Permitted                                       |
| Lot size                               | Varies   | Up to a 10% reduction in lot size based on property zoning |
| Front setback                          | 25'      | 22.5'                                                      |
| Side/rear setbacks                     | 5'/10'   | 4.5'/9'                                                    |
| Arterial/collector street side setback | 25'      | 22.5'                                                      |
| Local street side setback              | 15'      | 13.5'                                                      |
| Lot dimensions                         | 60'/100' | 54'/90'                                                    |
| Lot coverage                           | 40%      | 44%                                                        |

10. Single-family residential infill development in the residential-hillside reserve land use district which exceeds the minimum required undisturbed area from table 1 of this section by a minimum of ten percent (10%) and provide documentation that the applicant has attended educational training on native plants shall be allowed up to a ten percent (10%) deviation of all development code standards listed in table 4 of this section and approved in conjunction with the project. The deviations include the following:

TABLE 4

| Typical Standards                      |        | Deviations Permitted                                                 |
|----------------------------------------|--------|----------------------------------------------------------------------|
| Lot size                               | Varies | Up to a 10% reduction in lot size based on minimum lot size required |
| Front setback                          | 75'    | 67.5'                                                                |
| Side/rear setbacks                     | 75'    | 67.5'                                                                |
| Arterial/collector street side setback | 75'    | 67.5'                                                                |
| Local street side setback              | 75'    | 67.5'                                                                |

D. Regulated Desert Native Plant Removal Procedures For All New Residential Subdivisions And Multi-Family Four Units Or More: Single-family residential subdivisions and multi-family four (4) units or more, shall be allowed to transplant on and off site and to remove all regulated desert native plants from their native locations within the property boundaries, pursuant to the following development standards and requirements:

1. Application Submission: A regulated desert native plant permit application shall be submitted to the planning division at the time of filing land use applications for development of residential subdivision projects. Land use applications for residential subdivision projects may include, but are not limited to, planned developments, specific plans, parcel and tract

map applications, grading permit applications, building permit applications, and any other applications necessary for town authorization of land disturbing or development activity. The planning commission shall review and approve all native plant applications for residential subdivisions.

2. Application Information: The regulated desert native plant application documentation shall contain the following information:
  - a. The botanical and common name of the regulated desert native plant.
  - b. The precise location of each regulated desert native plant.
  - c. The trunk or stem diameter of each regulated desert native plant.
  - d. The height of each regulated desert native plant.
  - e. The health or condition of the regulated desert native plant, including the identification of those regulated desert native plants that are not likely to survive transplanting procedures.
  - f. The proposed placement or disposition of the regulated desert native plant, i.e., transplant on site, adopt off site, remove, etc. The plans for the regulated desert native plant survey shall be no smaller than twenty four inches by thirty six inches (24" x 36") unless otherwise approved by the planning division.

3. Transplanting Off Site And On Site: All regulated desert native plants identified in the regulated desert native plant survey as likely to survive transplanting shall be made available for adoption or shall be transplanted on site as part of the project's landscaping plan. All native plant permit applications shall illustrate maximum utilization of regulated desert native plants in the project's landscaping plan. It is strongly encouraged that all *Yucca brevifolia* (Joshua trees) identified for adoption and transplantation be relocated through the use of an adequately sized tree spade.

4. Adoption: Those regulated desert native plants identified in the regulated desert native plant survey as likely to survive transplanting procedures, and which are not incorporated into a project's landscaping plan, shall be available for adoption pursuant to this section to the general public for an adoption period of thirty (30) days, or until all available plants have been adopted, whichever is sooner, prior to any other ground disturbing activity on the project site. A thirty (30) day noticing and signage period is required which noticing period may begin prior to issuance of the regulated desert native plant permit.

5. Removal: Those regulated desert native plants not incorporated into a project's landscaping plan and not adopted during the thirty (30) day adoption period are allowed to be removed.

6. Table 5: The following additional standards shall apply to all new residential subdivisions:

TABLE 5

| Proposed Lot Size | Required Undisturbed Area                                     |
|-------------------|---------------------------------------------------------------|
| Up to 2.49 acres  | None required, incentives only                                |
| 2.5 to 4.99 acres | A minimum of 5% of the project site shall remain undisturbed  |
| 5+ acres          | A minimum of 10% of the project site shall remain undisturbed |

7. Table 6: New residential subdivisions in the rural living land use districts, which exceed the minimum required undisturbed area from table 5 of this section by a minimum of ten percent (10%), and provide documentation that the applicant has attended educational training on native plants shall be allowed up to a ten percent (10%) deviation of all development code standards listed in table 6 of this section and approved in conjunction with the project. The deviations include the following:

TABLE 6

| Typical Standards                      |           | Deviations Permitted                                       |
|----------------------------------------|-----------|------------------------------------------------------------|
| Lot size                               | Varies    | Up to a 10% reduction in lot size based on property zoning |
| Typical Standards                      |           | Deviations Permitted                                       |
| Lot size                               | Varies    | Up to a 10% reduction in lot size based on property zoning |
| Front setback                          | 25'       | 22.5'                                                      |
| Side/rear setbacks                     | 15'       | 13.5'                                                      |
| Arterial/collector street side setback | 50'       | 45'                                                        |
| Local street side setback              | 25'       | 22.5'                                                      |
| Lot dimensions                         | 150'/150' | 135'/135'                                                  |
| Lot coverage                           | 20%       | 22%                                                        |

8. Table 7: New residential subdivisions in the single-family residential land use districts which exceed the minimum required undisturbed area from table 5 of this section by a minimum of ten percent (10%) shall be allowed up to a ten percent (10%) deviation of all development code standards including:

TABLE 7

| Typical Standards                      |          | Deviations Permitted                                       |
|----------------------------------------|----------|------------------------------------------------------------|
| Lot size                               | Varies   | Up to a 10% reduction in lot size based on property zoning |
| Typical Standards                      |          | Deviations Permitted                                       |
| Lot size                               | Varies   | Up to a 10% reduction in lot size based on property zoning |
| Front setback                          | 25'      | 22.5'                                                      |
| Side/rear setbacks                     | 5'/10'   | 4.5'/9'                                                    |
| Arterial/collector street side setback | 25'      | 22.5'                                                      |
| Local street side setback              | 15'      | 13.5'                                                      |
| Lot dimensions                         | 60'/100' | 54'/90'                                                    |
| Lot coverage                           | 40%      | 44%                                                        |

9. Table 8: New residential subdivisions in the residential- hillside reserve land use district, which exceed the minimum required undisturbed area from table 5 of this section by a minimum of ten percent (10%), and provide documentation that the applicant has attended educational training on native plants shall be allowed up to a ten percent (10%) deviation of all development code standards listed in table 8 of this section and approved in conjunction with the project. The deviations include the following:

TABLE 8

| Typical Standards                      |        | Deviations Permitted                                                 |
|----------------------------------------|--------|----------------------------------------------------------------------|
| Lot size                               | Varies | Up to a 10% reduction in lot size based on minimum lot size required |
| Front setback                          | 75'    | 67.5'                                                                |
| Side/rear setbacks                     | 75'    | 67.5'                                                                |
| Arterial/collector street side setback | 75'    | 67.5'                                                                |
| Local street side setback              | 75'    | 67.5'                                                                |

TABLE 9

| Typical Standards For Multi-Family Projects |                             | Deviations Permitted                                          |
|---------------------------------------------|-----------------------------|---------------------------------------------------------------|
|                                             | Residential Multi-Family RM | Residential Multi-Family RM                                   |
| Typical Standards For Multi-Family Projects |                             | Deviations Permitted                                          |
|                                             | Residential Multi-Family RM | Residential Multi-Family RM                                   |
| Front setback                               | 25'                         | 22.5'                                                         |
| Side/rear setback                           | 10'/10' (per story)         | 9'/9' (per story)                                             |
| Arterial/collector street side setback      | 35'                         | 31.5'                                                         |
| Local street side setback                   | 25'                         | 22.5'                                                         |
| Lot coverage                                | 60%                         | 66%                                                           |
| Parking                                     | Varies                      | 10% reduction of total parking not to include handicap stalls |



Item: 5.

**Town of Yucca Valley  
Planning Commission Staff Report**



**To:** Planning Commission

**From:** Evan Willoughby, Assistant Planner

**Date:** August 28, 2025

**Meeting Date:** September 9, 2025

**Subject:** Native Plant Permit (NPP) 107-25 @ 57930 Twentynine Palms Highway

**Recommendation:**

**That the Planning Commission receives and files the attached Applicant Report for a proposed plumbing repair and approves the Native Plant Permit (NPP 107-25) exemption, finding that, based on the evidence presented in the submittals, the proposed project is not disturbing any regulated desert native plants, and is therefore exempt from Town of Yucca Valley Development Code section 9.09.050 Native Landscape Documentation Package.**

**Prior Review:**

There has been no prior review.

**Discussion:**

Applicant: Essential Home Builders  
Address: 57930 Twentynine Palms Highway  
APN: 0587-111-11  
Zoning: Community Commercial (C-C)  
Parcel Size: 0.71 acres

**Native Plant Permit Application and Applicant Report**

Application has been filed with the Town for a plumbing repair. As part of that process, a native plant permit application and desert native plant specialist report have been submitted to the Town.

**Chapter 9.09 Commercial Districts, Section 9.09.050 (B):**

*A native landscaping documentation package shall be submitted to the division at the time of filing land use applications for development of commercial projects. Land use applications for commercial projects may include, but are not limited to, specific plans, conditional use permit, site plan and development review applications, land use compliance applications, parcel and tract map applications, grading permit applications, building permit applications, and any other applications necessary for town authorization of land disturbing or development activity.*

The Town's 2084 Permit from the State Fish and Game Commission expired on May 9, 2022. The 2084 permit established rules such as the ten (10') foot distance from a Western Joshua Tree (WJT) for ground disturbing activity, as well as created the ability for the Town to issue take permits to remove and transplant the WJT, etc. The 2084 Permit authorization expired, and those rules and standards no longer exist for the Town.

Current procedures for all ground disturbing, ministerial building permits are listed in the attached documents. In addition to the standard Native Plant Permit application submittal, all ground disturbing, ministerial building permit applications must comply with the provisions of the attached handout. All ground disturbing project activities must be accounted for in the determination of avoidance of the WJT.

Ground disturbing, ministerial building permit applications require a Report by a Desert Native Plant Specialist, Pre-Site Inspection prior to permitted construction activity, and re-certification of Report by a Desert Native Plant Specialist that the permitted ground disturbing activity was completed in conformance with the approved site plan and did not impact the Western Joshua Trees, prior to final inspection.

Building permit applications for sewer connections are exempt from pre-site inspection and pre-site inspection fees.

Nothing in this Western Joshua Tree Policy and Information Handout exempts building permit applicants from following State or Federal law.

The Town modeled these standards after other agencies, such as San Bernardino County and the Town of Apple Valley, who have not been challenged by State Fish and Wildlife in the implementation of these standards and procedures, and therefore the required protection of the WJT.

The plot plan and applicant report are attached to this staff report.

The Development Code section cited above is ministerial.

- Staff-level decision; forwarded to Planning Commission at this time;
- Little or no personal/subjective judgment;
- Use of fixed standards or objective measurements;
- No public notice required by the Development Code.

The Development Code does not provide for discretion of this permit application.

The application is consistent with the standards established by the Code and therefore must be approved by the Town.

**Alternatives**

Staff recommend no alternative actions. The application is consistent with the Town's adopted standards.

**Fiscal Impact:**

N/A

**Attachments**

1. NPP 107-25 @ 57930 Twentynine Palms Highway - Essential Home Builders - Application
2. Western Joshua Tree Policy & Information Handout - Updated 6.11.2024
3. Section 9.07.130 Native Landscape Documentation Package





# Native Plant Permit Application

Date Received 8/20/25  
Case NPP 107-25  
By Ernesto  
Paid \$85.00

## General Information

APPLICANT ESSENTIAL HOME BUILDERS Phone 760-403-2648  
Mailing Address PO Box 401093 Email ERNESTO@ESSENTIALHOMESVCS.COM  
City HESPERIA, CA 92340 State CA Zip 92340  
PROPERTY OWNER DESERT SALT STORE 3306 Phone 760 245 5504  
Mailing Address 15401 ANACAPA RD STE 2 Email \_\_\_\_\_  
City VICTORVILLE State CA  
Zip 92315 Address/Location of Plants 57930 29 Palms Hwy  
Desert Native Plant Specialist \_\_\_\_\_

## Project Information

| TYPE OF PLANT      | # OF PLANTS<br>BEING<br>DESTROYED | # BEING RELOCATED |          | # BEING<br>PROTECTED<br>IN PLACE | # BEING<br>TRIMMED | HEIGHT | DIAMETER | MITIGATION FEE<br>FOR RELOCATE<br>OR REMOVAL |
|--------------------|-----------------------------------|-------------------|----------|----------------------------------|--------------------|--------|----------|----------------------------------------------|
|                    |                                   | ON-SITE           | OFF-SITE |                                  |                    |        |          |                                              |
| MOJAVE YUCCA       | <u>0</u>                          |                   |          |                                  |                    |        |          |                                              |
| OUR LORDS CANDLE   | <u>0</u>                          |                   |          |                                  |                    |        |          |                                              |
| CALIFORNIA JUNIPER | <u>0</u>                          |                   |          |                                  |                    |        |          |                                              |
| PINON PINE         | <u>0</u>                          |                   |          |                                  |                    |        |          |                                              |
| PARRY'S NOLINA     | <u>0</u>                          |                   |          |                                  |                    |        |          |                                              |

Reason for relocation or removal N/A

Property owner signature \_\_\_\_\_ Date \_\_\_\_\_

### Staff Use Only

Issuance Date: \_\_\_\_\_ Issued By: \_\_\_\_\_

Approved as shown on plot plan \_\_\_\_\_ photos \_\_\_\_\_ Total Fees: \_\_\_\_\_

Denied \_\_\_\_\_ Reason for Denial \_\_\_\_\_

PLOT PLAN

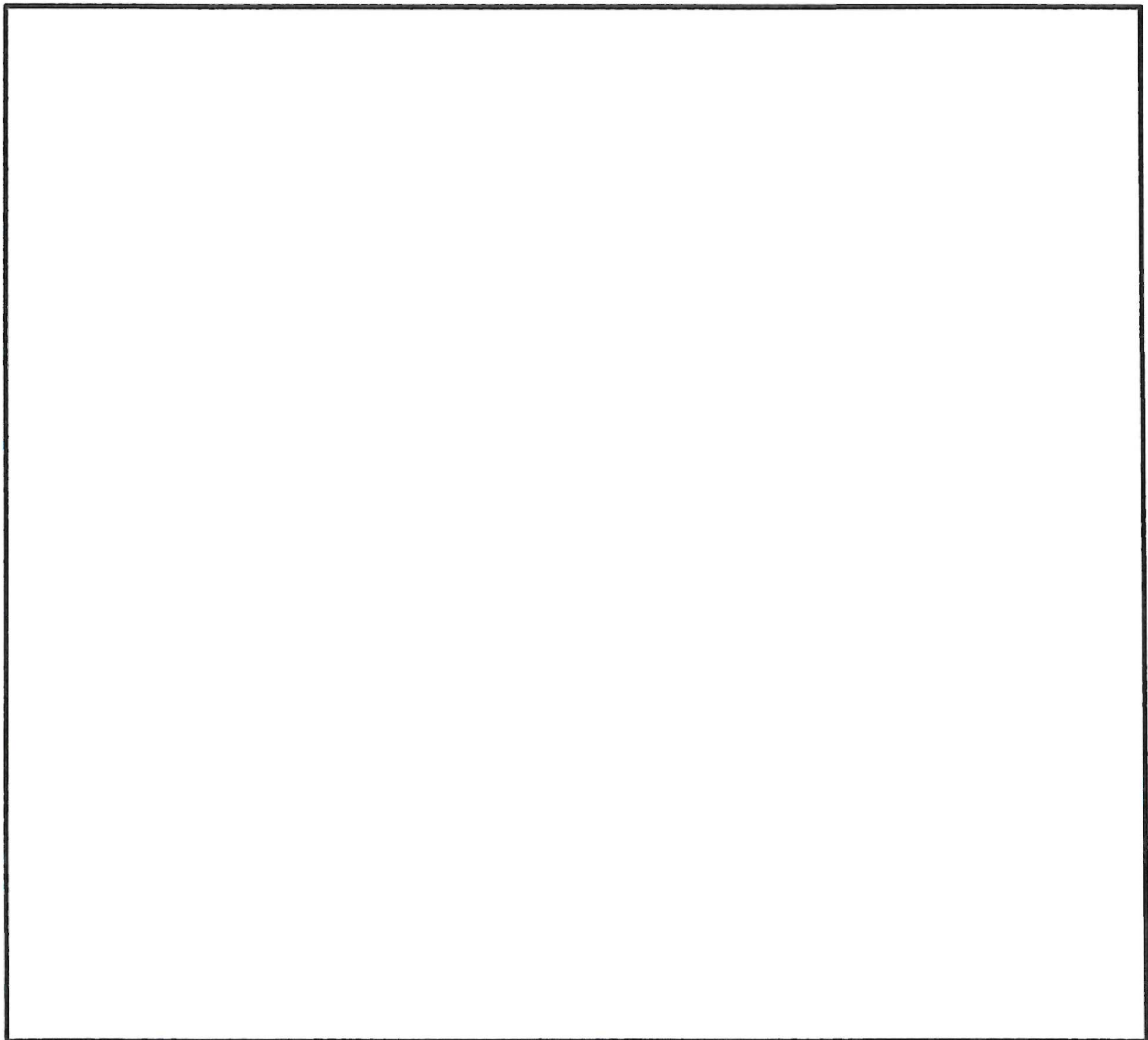
NAME DESERT JACK / JACK IN THE BOX STORE 3306

PROJECT ADDRESS 57930 29 PALMS HWY

ASSESSOR PARCEL NO. \_\_\_\_\_

IF YOUR LOT IS NOT RECTANGULAR, PLEASE DRAW CORRECT DIMENSIONS AND SHAPE

REAR PROPERTY LINE



FRONT PROPERTY LINE  
STREET

CLOSEST SODASHUATREE  
82' FROM WORK AREA











































# ***Western Joshua Tree Policy & Information Handout***

## **1.0 PURPOSE**

The purpose of this Information Handout is to clarify the requirements related to work conducted in proximity to the western Joshua tree (*Yucca brevifolia*).

## **2.0 BACKGROUND**

On September 22, 2020, the California Fish and Game Commission accepted for consideration a petition to list the western Joshua tree as a threatened or endangered species in the state of California. The western Joshua tree is now considered a candidate for listing. While the candidacy is under review by the state, the western Joshua tree will be protected as if it were a threatened or endangered species under the California Endangered Species Act (CESA). Under CESA, it is illegal to import, export, "take", possess, purchase, sell, or attempt to do any of those actions to species that are designated as threatened, endangered, or candidates for listing, unless authorized by permit by the California Department of Fish and Wildlife. With respect to the western Joshua tree, removal of a tree, or any part thereof, or impacts the seedbank surrounding one or more trees may result in "take" of the species which is prohibited by State law unless otherwise authorized. During this time, the Town of Yucca Valley cannot issue a permit to take (by removal, transplant, trimming or impacting any part of) any western Joshua tree.

## **3.0 DETERMINATION OF AVOIDANCE**

Upon application for a ground disturbing permit, a determination of avoidance of the Western Joshua Tree will be required prior to proceeding with the project.

All ground disturbing, ministerial permit applications require a Report by a Desert Native Plant Specialist and re- certification of Report by a Desert Native Plant Specialist that the permitted ground disturbing activity was completed in conformance with the approved site plan and did not impact the Western Joshua Trees, prior to final inspection, unless there are no Western Joshua Trees within 75' of proposed ground disturbance as documented by the project applicant.

The responsible representative of the project must attend an in-office meeting with Town staff and confirm receipt and understanding of all State laws and Town regulations pertaining to the ground disturbing project activity. Meeting to be scheduled concurrent with permit issuance.



#### **4.0 PRE-SITE INSPECTION PROCESS**

A pre-site inspection may be performed by Planning and Building & Safety staff prior to commencement of permitted construction activity.

#### **5.0 REPORT BY A DESERT NATIVE PLANT SPECIALIST**

An applicant shall submit a report, prepared by a Desert Native Plant Specialist, unless exempt, to document avoidance of western Joshua tree take by the project. The report must contain the findings and avoidance recommendations of the Desert Native Plant Specialist, as well as a signature and all pertinent license/qualifications information.

##### **5.1 REPORT BY APPLICANT IF EXEMPT**

An applicant shall submit documentation, including printed photographs taken from each corner of ground disturbing area facing the center of the proposed project, and a signed statement that there are no Western Joshua Trees within 75' of proposed ground disturbance.

##### **5.2 REQUIRED FINDINGS FOR DESERT NATIVE PLANT SPECIALIST**

Clear Avoidance: Desert Native Plant Specialist determined that no western Joshua trees will be affected by the proposed grading/construction. For the Desert Native Plant Specialist to make this determination, there must be a forty (40) foot clearance between the area of disturbance and the trunk of any western Joshua tree.

Expert Determination of Avoidance: Desert Native Plant Specialist found that the proposed grading/construction is within forty (40) feet of a western Joshua tree, a determination from a Desert Native Plant Specialist shall be required to attest to and confirm avoidance of the western Joshua tree. The specialist's report may specify protective measures to ensure that the proposed grading/construction will avoid any impact constituting a take of any western Joshua tree.

State Permit Required for Take: If the Desert Native Plant Specialist determines that the proposed grading/construction would require a western Joshua tree take as defined above in 2.0, the project may be redesigned to avoid impact to the tree, or the applicant must obtain an Incidental Take Permit from the California Department of Fish and Wildlife before the project can proceed.

#### **6.0 DEFINITION OF DESERT NATIVE PLANT SPECIALIST**

A Desert Native Plant Specialist includes the following:

- a) A certified arborist;
- b) An individual with a four-year college degree in ecology or fish and wildlife related biological science and at least two years of professional experience with relocation or restoration native California desert vegetation; or

- c) An individual with at least five years professional experience with relocation or restoration of native California desert vegetation. Examples: Full-time professional nursery or landscape professional experience with native California desert plants, including western Joshua trees.

## **7.0 QUESTIONS AND COMMENTS**

All inquiries about the protected status and take permits should be directed to the California Department of Fish and Wildlife: [AskRegion6@wildlife.ca.gov](mailto:AskRegion6@wildlife.ca.gov)



## 9.07.130: NATIVE LANDSCAPE DOCUMENTATION PACKAGE:

A. General Provisions: This section identifies the standards and requirements for native landscaping on residential developments.

Regulated desert native plants for all residential projects, include the following:

### REGULATED DESERT NATIVE PLANTS

| Botanical Name        | Common Name        |
|-----------------------|--------------------|
| Yucca schidigera      | Mojave yucca       |
| Nolina parryi         | Parry's nolina     |
| Juniperus californica | California juniper |
| Yucca whipplei        | Our Lord's candle  |
| Pinus monophylla      | Pinon pine         |

Pursuant to section 80117 of the state Food And Agricultural Code, the clearing or removal of native plants from a canal, lateral ditch, survey line, building site, or road or other right of way by the landowner or his agent, if the native plants are not to be transported from the land or offered for sale, are not subject to state regulations. For plants regulated by the state to be transplanted off site, the town shall issue permits for their relocation in accordance with this chapter.

### B. Scope:

1. Provisions: The provisions of this section shall apply to all land within the town of Yucca Valley.

a. It is prohibited for any individual or entity to remove, transplant, damage, disturb, or destroy any part of any regulated desert native plant, except its fruit, from any privately or publicly owned piece of land in the town of Yucca Valley, without first obtaining a regulated desert native plant permit from the town, unless said activity is exempt from the requirement to first obtain a regulated desert native plant permit.

b. It is prohibited for any individual or entity to remove or damage all or part of any regulated desert native plant on another property without first obtaining written permission from the landowner and an approved regulated desert native plant permit. It is unlawful for any person to falsify any document offered as evidence of permission to enter upon the property of another to remove all or parts of a regulated desert native plant, whether it is alive or dead.

c. It is prohibited for any individual or entity, unless exempted by this section, to destroy, dig up, mutilate or to possess any regulated desert native plant, including the living parts of such, unless the regulated desert native plant was disturbed under a regulated desert native plant permit. Any individual or entity shall exhibit the regulated desert native plant permit upon request for inspection by any duly authorized entity as described in this section.

d. The commercial harvesting of regulated desert native plants is prohibited.

2. Exceptions: The following are exempt from the provisions of this section:

a. The removal and transplanting on and off site of regulated desert native plants on and from lands owned by the United States government or any federal agency, the state of California, the county of San Bernardino, the town of Yucca Valley, and all special districts.

b. The removal and transplanting on and off site of regulated desert native plants required by other codes, ordinances or laws of the town of Yucca Valley, county of San Bernardino, the state of California or the United States government or any federal agency.

c. The removal and transplanting on and off site of regulated desert native plants which are an immediate threat to the public health, safety or welfare, as determined by the planning division.

d. Removal as part of a bona fide agricultural activity as determined by the town that is:

- (1) Served by a water distribution system adequate for the proper operation of such activity; and/or
- (2) Conducted under a land conservation contract; and/or
- (3) An existing agricultural activity; and/or

(4) A proposed bona fide agricultural activity if the planning division is given thirty (30) days' written notice of the removal describing the location of the land and the nature of the proposed activity. The planning division shall notify the landowner in writing prior to the lapse of the thirty (30) day period if, in the opinion of the planning division the activity is not a bona fide agricultural activity or else the activity shall be deemed bona fide.

e. Destruction or removal of a regulated desert native plant that has died from natural causes or that has been destroyed by fire or other natural disasters.

f. Any regulated desert native plant that is within the building footprint and within twenty feet (20') of the building footprint of an existing structure and for new infill residential development, as determined by the planning division.

g. When removal is required by any public utility subject to jurisdiction of the public utilities commission or any other constituted public agency, including franchised cable TV, to establish or maintain safe operation of facilities under their jurisdiction.

3. Permit Required: A native plant permit shall be required for the removal and transplanting on and off site of any regulated desert native plants identified in this section.

a. A regulated native plant permit application shall be submitted to and approved by the town prior to the removal and transplanting on and off site of any regulated desert native plant.

b. The regulated native plant permit application shall include the following information:

(1) The botanical and common name of the regulated desert native plant.

(2) A native plant survey showing the precise location of each regulated desert native plant.

(3) The trunk or stem diameter of each regulated desert native plant.

(4) The height of each regulated desert native plant.

(5) The health or condition of the regulated desert native plant, including the identification of those regulated desert native plants that are not likely to survive transplanting procedures.

(6) The proposed placement or disposition of the regulated desert native plant, i.e., transplant on site, adopt off site, remove, etc.

(7) Additional information that may be required based upon the individual application.

C. Single-Family Residential Infill, Existing Single-Family Residences And Multi-Family Residential Three Units Or Less:

1. A regulated desert native plant permit application shall be submitted to the planning division at the time of filing a building or grading permit application for development of infill residential lots unless exempt.

2. A regulated desert plant permit application shall be submitted to the planning division for removal or relocation on or off site when the property owner is proposing improvements to the property including swimming pools, swing sets, horse arenas, other animal keeping activities, basketball courts, tennis courts, recreational or other vehicle parking, driveways and access, play areas, accessory structures, and other uses typical to single- family residences.

3. The regulated desert native plant application documentation shall contain the following information:

a. Printed photographs depicting the proposed native plant that is to be removed or transplanted. The photographs must clearly show the location, size of the subject plant, and its surroundings. At minimum, the surrounding area photographs shall include two (2) different views of the subject plant.

b. A plot plan is required in order to show location of regulated desert native plants proposed to be removed, transplanted, or retained in its native location. The plot plan shall clearly demonstrate that the property meets the standards in table 1 of this section.

4. Written permission from the property owner(s) authorizing the proposed removal or relocation of regulated desert native plants from the property.

5. The property owner may attempt to retain as many regulated desert native plants in their native location as possible. The property owner may also attempt to transplant or relocate as many regulated desert native plants as possible on site. The property shall comply with the minimum standards specified in table 1 of this section.

6. Those regulated desert native plants identified in the permit application to not remain on site following development, and which are not incorporated into a project's landscaping plan, may be available for adoption at the property owner's discretion.

7. The following chart establishes the minimum undisturbed area that shall be provided:

TABLE 1

| Lot Size          | Required Undisturbed Area                            |
|-------------------|------------------------------------------------------|
| Up to 2.49 acres  | No mandate, incentives only                          |
| 2.5 to 4.99 acres | A minimum of 5% of the lot shall remain undisturbed  |
| 5+ acres          | A minimum of 10% of the lot shall remain undisturbed |

8. Single-family residential infill development in the rural living residential land use district, which exceed the minimum required undisturbed area from table 1 of this section by a minimum of ten percent (10%), shall be allowed up to a ten percent (10%) deviation of all development code standards listed in table 2 of this section and approved in conjunction with the project. The deviations include the following:

TABLE 2



| Typical Standards                      |           | Deviations Permitted                                       |
|----------------------------------------|-----------|------------------------------------------------------------|
| Lot size                               | Varies    | Up to a 10% reduction in lot size based on property zoning |
| Typical Standards                      |           | Deviations Permitted                                       |
| Lot size                               | Varies    | Up to a 10% reduction in lot size based on property zoning |
| Front setback                          | 25'       | 22.5'                                                      |
| Side/rear setbacks                     | 15'       | 13.5'                                                      |
| Arterial/collector street side setback | 25'       | 22.5'                                                      |
| Local street side setback              | 25'       | 22.5'                                                      |
| Lot dimensions                         | 150'/150' | 135'/135'                                                  |
| Lot coverage                           | 20%       | 22%                                                        |

9. Single-family residential infill development in the single- family residential land use district which voluntarily retains ten percent (10%) undisturbed area shall be allowed up to a ten percent (10%) deviation of all development code standards listed in table 3 of this section and approved in conjunction with the project. The deviations include the following:

TABLE 3

| Typical Standards                      |          | Deviations Permitted                                       |
|----------------------------------------|----------|------------------------------------------------------------|
| Lot size                               | Varies   | Up to a 10% reduction in lot size based on property zoning |
| Typical Standards                      |          | Deviations Permitted                                       |
| Lot size                               | Varies   | Up to a 10% reduction in lot size based on property zoning |
| Front setback                          | 25'      | 22.5'                                                      |
| Side/rear setbacks                     | 5'/10'   | 4.5'/9'                                                    |
| Arterial/collector street side setback | 25'      | 22.5'                                                      |
| Local street side setback              | 15'      | 13.5'                                                      |
| Lot dimensions                         | 60'/100' | 54'/90'                                                    |
| Lot coverage                           | 40%      | 44%                                                        |

10. Single-family residential infill development in the residential-hillside reserve land use district which exceeds the minimum required undisturbed area from table 1 of this section by a minimum of ten percent (10%) and provide documentation that the applicant has attended educational training on native plants shall be allowed up to a ten percent (10%) deviation of all development code standards listed in table 4 of this section and approved in conjunction with the project. The deviations include the following:

TABLE 4

| Typical Standards                      |        | Deviations Permitted                                                 |
|----------------------------------------|--------|----------------------------------------------------------------------|
| Lot size                               | Varies | Up to a 10% reduction in lot size based on minimum lot size required |
| Front setback                          | 75'    | 67.5'                                                                |
| Side/rear setbacks                     | 75'    | 67.5'                                                                |
| Arterial/collector street side setback | 75'    | 67.5'                                                                |
| Local street side setback              | 75'    | 67.5'                                                                |

D. Regulated Desert Native Plant Removal Procedures For All New Residential Subdivisions And Multi-Family Four Units Or More: Single-family residential subdivisions and multi-family four (4) units or more, shall be allowed to transplant on and off site and to remove all regulated desert native plants from their native locations within the property boundaries, pursuant to the following development standards and requirements:

1. Application Submission: A regulated desert native plant permit application shall be submitted to the planning division at the time of filing land use applications for development of residential subdivision projects. Land use applications for residential subdivision projects may include, but are not limited to, planned developments, specific plans, parcel and tract

map applications, grading permit applications, building permit applications, and any other applications necessary for town authorization of land disturbing or development activity. The planning commission shall review and approve all native plant applications for residential subdivisions.

2. Application Information: The regulated desert native plant application documentation shall contain the following information:
  - a. The botanical and common name of the regulated desert native plant.
  - b. The precise location of each regulated desert native plant.
  - c. The trunk or stem diameter of each regulated desert native plant.
  - d. The height of each regulated desert native plant.
  - e. The health or condition of the regulated desert native plant, including the identification of those regulated desert native plants that are not likely to survive transplanting procedures.
  - f. The proposed placement or disposition of the regulated desert native plant, i.e., transplant on site, adopt off site, remove, etc. The plans for the regulated desert native plant survey shall be no smaller than twenty four inches by thirty six inches (24" x 36") unless otherwise approved by the planning division.

3. Transplanting Off Site And On Site: All regulated desert native plants identified in the regulated desert native plant survey as likely to survive transplanting shall be made available for adoption or shall be transplanted on site as part of the project's landscaping plan. All native plant permit applications shall illustrate maximum utilization of regulated desert native plants in the project's landscaping plan. It is strongly encouraged that all *Yucca brevifolia* (Joshua trees) identified for adoption and transplantation be relocated through the use of an adequately sized tree spade.

4. Adoption: Those regulated desert native plants identified in the regulated desert native plant survey as likely to survive transplanting procedures, and which are not incorporated into a project's landscaping plan, shall be available for adoption pursuant to this section to the general public for an adoption period of thirty (30) days, or until all available plants have been adopted, whichever is sooner, prior to any other ground disturbing activity on the project site. A thirty (30) day noticing and signage period is required which noticing period may begin prior to issuance of the regulated desert native plant permit.

5. Removal: Those regulated desert native plants not incorporated into a project's landscaping plan and not adopted during the thirty (30) day adoption period are allowed to be removed.

6. Table 5: The following additional standards shall apply to all new residential subdivisions:

TABLE 5

| Proposed Lot Size | Required Undisturbed Area                                     |
|-------------------|---------------------------------------------------------------|
| Up to 2.49 acres  | None required, incentives only                                |
| 2.5 to 4.99 acres | A minimum of 5% of the project site shall remain undisturbed  |
| 5+ acres          | A minimum of 10% of the project site shall remain undisturbed |

7. Table 6: New residential subdivisions in the rural living land use districts, which exceed the minimum required undisturbed area from table 5 of this section by a minimum of ten percent (10%), and provide documentation that the applicant has attended educational training on native plants shall be allowed up to a ten percent (10%) deviation of all development code standards listed in table 6 of this section and approved in conjunction with the project. The deviations include the following:

TABLE 6

| Typical Standards                      |           | Deviations Permitted                                       |
|----------------------------------------|-----------|------------------------------------------------------------|
| Lot size                               | Varies    | Up to a 10% reduction in lot size based on property zoning |
| Typical Standards                      |           | Deviations Permitted                                       |
| Lot size                               | Varies    | Up to a 10% reduction in lot size based on property zoning |
| Front setback                          | 25'       | 22.5'                                                      |
| Side/rear setbacks                     | 15'       | 13.5'                                                      |
| Arterial/collector street side setback | 50'       | 45'                                                        |
| Local street side setback              | 25'       | 22.5'                                                      |
| Lot dimensions                         | 150'/150' | 135'/135'                                                  |
| Lot coverage                           | 20%       | 22%                                                        |



8. Table 7: New residential subdivisions in the single-family residential land use districts which exceed the minimum required undisturbed area from table 5 of this section by a minimum of ten percent (10%) shall be allowed up to a ten percent (10%) deviation of all development code standards including:

TABLE 7

| Typical Standards                      |          | Deviations Permitted                                       |
|----------------------------------------|----------|------------------------------------------------------------|
| Lot size                               | Varies   | Up to a 10% reduction in lot size based on property zoning |
| Typical Standards                      |          | Deviations Permitted                                       |
| Lot size                               | Varies   | Up to a 10% reduction in lot size based on property zoning |
| Front setback                          | 25'      | 22.5'                                                      |
| Side/rear setbacks                     | 5'/10'   | 4.5'/9'                                                    |
| Arterial/collector street side setback | 25'      | 22.5'                                                      |
| Local street side setback              | 15'      | 13.5'                                                      |
| Lot dimensions                         | 60'/100' | 54'/90'                                                    |
| Lot coverage                           | 40%      | 44%                                                        |

9. Table 8: New residential subdivisions in the residential- hillside reserve land use district, which exceed the minimum required undisturbed area from table 5 of this section by a minimum of ten percent (10%), and provide documentation that the applicant has attended educational training on native plants shall be allowed up to a ten percent (10%) deviation of all development code standards listed in table 8 of this section and approved in conjunction with the project. The deviations include the following:

TABLE 8

| Typical Standards                      |        | Deviations Permitted                                                 |
|----------------------------------------|--------|----------------------------------------------------------------------|
| Lot size                               | Varies | Up to a 10% reduction in lot size based on minimum lot size required |
| Front setback                          | 75'    | 67.5'                                                                |
| Side/rear setbacks                     | 75'    | 67.5'                                                                |
| Arterial/collector street side setback | 75'    | 67.5'                                                                |
| Local street side setback              | 75'    | 67.5'                                                                |

TABLE 9

| Typical Standards For Multi-Family Projects |                             | Deviations Permitted                                          |
|---------------------------------------------|-----------------------------|---------------------------------------------------------------|
|                                             | Residential Multi-Family RM | Residential Multi-Family RM                                   |
| Typical Standards For Multi-Family Projects |                             | Deviations Permitted                                          |
|                                             | Residential Multi-Family RM | Residential Multi-Family RM                                   |
| Front setback                               | 25'                         | 22.5'                                                         |
| Side/rear setback                           | 10'/10' (per story)         | 9'/9' (per story)                                             |
| Arterial/collector street side setback      | 35'                         | 31.5'                                                         |
| Local street side setback                   | 25'                         | 22.5'                                                         |
| Lot coverage                                | 60%                         | 66%                                                           |
| Parking                                     | Varies                      | 10% reduction of total parking not to include handicap stalls |

Item: 6.

**Town of Yucca Valley  
Planning Commission Staff Report**



**To:** Planning Commission

**From:** Evan Willoughby, Assistant Planner

**Date:** August 28, 2025

**Meeting Date:** September 9, 2025

**Subject:** Native Plant Permit (NPP) 108-25 @ 57494 Bandera Road

**Recommendation:**

**That the Planning Commission receives and files the attached Applicant Report for a proposed septic replacement and approves the Native Plant Permit (NPP 108-25) exemption, finding that, based on the evidence presented in the submittals, the proposed project is not disturbing any regulated desert native plants, and is therefore exempt from Town of Yucca Valley Development Code section 9.07.130 Native Landscape Documentation Package.**

**Prior Review:**

There has been no prior review.

**Discussion:**

Applicant: Action Pumping  
Address: 57494 Bandera Road  
APN: 0596-474-02  
Zoning: Residential, Rural Living (R-L-2.5)  
Parcel Size: 1.51 acres

Native Plant Permit Application and Applicant Specialist Report

Application has been filed with the Town for a proposed septic replacement. As part of that process, a native plant permit application and desert native plant specialist report have been submitted to the Town.

Chapter 9.07 Residential and Hillside Reserve Districts, Section 9.07.130 (B)(1)(a):

*It is prohibited for any individual or entity to remove, transplant, damage, disturb, or destroy any part of any regulated desert native plant, except its fruit, from any privately or publicly owned piece of land in the Town of Yucca Valley, without first obtaining a regulated desert native plant permit from the town, unless said activity is exempt from the requirement to first obtain a regulated desert native plant permit.*



The Town's 2084 Permit from the State Fish and Game Commission expired on May 9, 2022. The 2084 permit established rules such as the ten (10') foot distance from a Western Joshua Tree (WJT) for ground disturbing activity, as well as created the ability for the Town to issue take permits to remove and transplant the WJT, etc. The 2084 Permit authorization expired, and those rules and standards no longer exist for the Town.

Current procedures for all ground disturbing, ministerial building permits are listed in the attached documents. In addition to the standard Native Plant Permit application submittal, all ground disturbing, ministerial building permit applications must comply with the provisions of the attached handout. All ground disturbing project activities must be accounted for in the determination of avoidance of the WJT.

Ground disturbing, ministerial building permit applications require a Report by a Desert Native Plant Specialist, Pre-Site Inspection prior to permitted construction activity, and re-certification of Report by a Desert Native Plant Specialist that the permitted ground disturbing activity was completed in conformance with the approved site plan and did not impact the Western Joshua Trees, prior to final inspection.

Building permit applications for sewer connections are exempt from pre-site inspection and pre-site inspection fees.

Nothing in this Western Joshua Tree Policy and Information Handout exempts building permit applicants from following State or Federal law.

The Town modeled these standards after other agencies, such as San Bernardino County and the Town of Apple Valley, who have not been challenged by State Fish and Wildlife in the implementation of these standards and procedures, and therefore the required protection of the WJT.

The plot plan and applicant report are attached to this staff report.

The Development Code section cited above is ministerial.

- Staff-level decision; forwarded to Planning Commission at this time;
- Little or no personal/subjective judgment;
- Use of fixed standards or objective measurements;
- No public notice required by the Development Code.

The Development Code does not provide for discretion of this permit application.

The application is consistent with the standards established by the Code and therefore must be approved by the Town.

## **Alternatives**

Staff recommend no alternative actions. The application is consistent with the Town's adopted standards.

**Fiscal Impact:**

N/A

**Attachments**

1. NPP 108-25 @ 57494 Bandera Ave - Action Pumping Inc. - Application
2. Western Joshua Tree Policy & Information Handout - Updated 6.11.2024
3. Section 9.07.130 Native Landscape Documentation Package





## Native Plant Permit Application

|               |            |
|---------------|------------|
| Date Received | 8-26-2025  |
| By            | VJ         |
| Case #        | NPP 108-25 |
|               | \$85.00    |

### General Information

APPLICANT Action Pumping Phone 760-365-0861  
Mailing Address P.O. Box 1654 Email Sales@ActionPumpingInc  
City Yucca Valley State CA Zip 92284  
PROPERTY OWNER Patti Smilovitz Phone —  
Mailing Address 57494 Bandera Email —  
City Yucca Valley State CA Zip 92284  
Address/Location of Plants 57494 Bandera Ave

### Project Information

| TYPE OF PLANT      | # OF PLANTS<br>BEING<br>DESTROYED | # BEING RELOCATED |          | # BEING<br>PROTECTED IN<br>PLACE | # BEING<br>TRIMMED | HEIGHT | DIAMETER |
|--------------------|-----------------------------------|-------------------|----------|----------------------------------|--------------------|--------|----------|
|                    |                                   | ON-SITE           | OFF-SITE |                                  |                    |        |          |
| MOJAVE YUCCA       |                                   |                   |          |                                  |                    |        |          |
| JOSHUA TREE        |                                   |                   |          |                                  |                    |        |          |
| OUR LORDS CANDLE   |                                   |                   |          |                                  |                    |        |          |
| CALIFORNIA JUNIPER |                                   |                   |          |                                  |                    |        |          |
| PINON PINE         |                                   |                   |          |                                  |                    |        |          |
| PARRY'S NOLINA     |                                   |                   |          |                                  |                    |        |          |

Reason for relocation or removal No Joshua Tree's

Property owner signature Patti Smilovitz Date 8-26-25

Staff Use Only

Issuance Date: \_\_\_\_\_ Issued By: \_\_\_\_\_

Approved as shown on plot plan \_\_\_\_\_ photos \_\_\_\_\_ Expiration \_\_\_\_\_

Denied \_\_\_\_\_ Reason for Denial \_\_\_\_\_

PLOT PLAN

NAME Patti Smolowitz

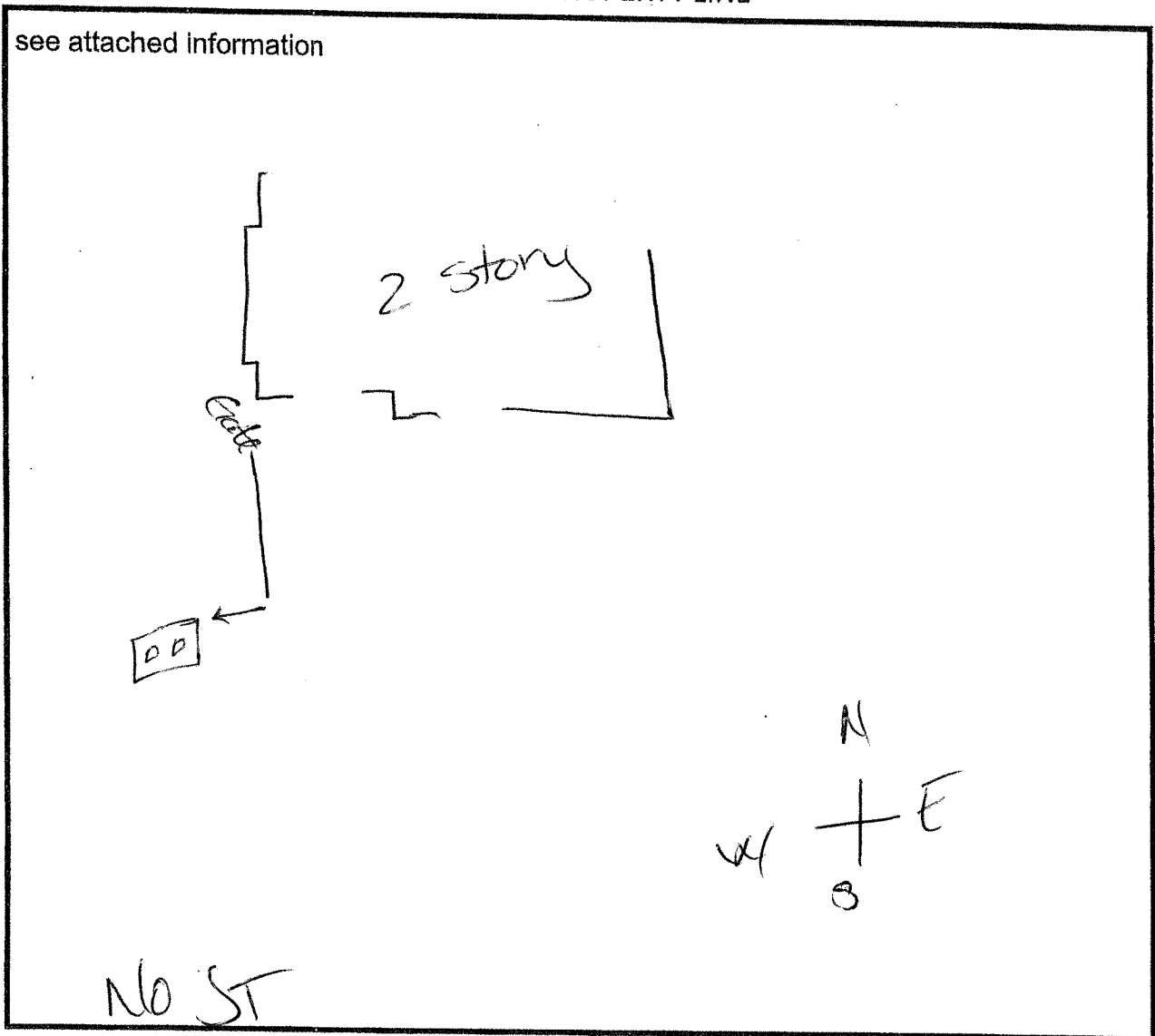
PROJECT ADDRESS 57494 Bandera Ave

ASSESSOR PARCEL NO. \_\_\_\_\_

IF YOUR LOT IS NOT RECTANGULAR, PLEASE DRAW CORRECT DIMENSIONS AND SHAPE

REAR PROPERTY LINE

see attached information



FRONT PROPERTY LINE  
STREET



57494 Bandera Rd

Google Maps

p



Imagery ©2025 Airbus, Maxar Technologies, Map data ©2025 50 ft



57494 Bandera Rd

Building



Directions



Save



Nearby



Send to  
phone



Share



57494 Bandera Rd, Yucca Valley, CA 92284



Attachments





Attachments





Attachments







# ***Western Joshua Tree Policy & Information Handout***

## **1.0 PURPOSE**

The purpose of this Information Handout is to clarify the requirements related to work conducted in proximity to the western Joshua tree (*Yucca brevifolia*).

## **2.0 BACKGROUND**

On September 22, 2020, the California Fish and Game Commission accepted for consideration a petition to list the western Joshua tree as a threatened or endangered species in the state of California. The western Joshua tree is now considered a candidate for listing. While the candidacy is under review by the state, the western Joshua tree will be protected as if it were a threatened or endangered species under the California Endangered Species Act (CESA). Under CESA, it is illegal to import, export, "take", possess, purchase, sell, or attempt to do any of those actions to species that are designated as threatened, endangered, or candidates for listing, unless authorized by permit by the California Department of Fish and Wildlife. With respect to the western Joshua tree, removal of a tree, or any part thereof, or impacts the seedbank surrounding one or more trees may result in "take" of the species which is prohibited by State law unless otherwise authorized. During this time, the Town of Yucca Valley cannot issue a permit to take (by removal, transplant, trimming or impacting any part of) any western Joshua tree.

## **3.0 DETERMINATION OF AVOIDANCE**

Upon application for a ground disturbing permit, a determination of avoidance of the Western Joshua Tree will be required prior to proceeding with the project.

All ground disturbing, ministerial permit applications require a Report by a Desert Native Plant Specialist and re- certification of Report by a Desert Native Plant Specialist that the permitted ground disturbing activity was completed in conformance with the approved site plan and did not impact the Western Joshua Trees, prior to final inspection, unless there are no Western Joshua Trees within 75' of proposed ground disturbance as documented by the project applicant.

The responsible representative of the project must attend an in-office meeting with Town staff and confirm receipt and understanding of all State laws and Town regulations pertaining to the ground disturbing project activity. Meeting to be scheduled concurrent with permit issuance.

#### **4.0 PRE-SITE INSPECTION PROCESS**

A pre-site inspection may be performed by Planning and Building & Safety staff prior to commencement of permitted construction activity.

#### **5.0 REPORT BY A DESERT NATIVE PLANT SPECIALIST**

An applicant shall submit a report, prepared by a Desert Native Plant Specialist, unless exempt, to document avoidance of western Joshua tree take by the project. The report must contain the findings and avoidance recommendations of the Desert Native Plant Specialist, as well as a signature and all pertinent license/qualifications information.

##### **5.1 REPORT BY APPLICANT IF EXEMPT**

An applicant shall submit documentation, including printed photographs taken from each corner of ground disturbing area facing the center of the proposed project, and a signed statement that there are no Western Joshua Trees within 75' of proposed ground disturbance.

##### **5.2 REQUIRED FINDINGS FOR DESERT NATIVE PLANT SPECIALIST**

Clear Avoidance: Desert Native Plant Specialist determined that no western Joshua trees will be affected by the proposed grading/construction. For the Desert Native Plant Specialist to make this determination, there must be a forty (40) foot clearance between the area of disturbance and the trunk of any western Joshua tree.

Expert Determination of Avoidance: Desert Native Plant Specialist found that the proposed grading/construction is within forty (40) feet of a western Joshua tree, a determination from a Desert Native Plant Specialist shall be required to attest to and confirm avoidance of the western Joshua tree. The specialist's report may specify protective measures to ensure that the proposed grading/construction will avoid any impact constituting a take of any western Joshua tree.

State Permit Required for Take: If the Desert Native Plant Specialist determines that the proposed grading/construction would require a western Joshua tree take as defined above in 2.0, the project may be redesigned to avoid impact to the tree, or the applicant must obtain an Incidental Take Permit from the California Department of Fish and Wildlife before the project can proceed.

#### **6.0 DEFINITION OF DESERT NATIVE PLANT SPECIALIST**

A Desert Native Plant Specialist includes the following:

- a) A certified arborist;
- b) An individual with a four-year college degree in ecology or fish and wildlife related biological science and at least two years of professional experience with relocation or restoration native California desert vegetation; or



- c) An individual with at least five years professional experience with relocation or restoration of native California desert vegetation. Examples: Full-time professional nursery or landscape professional experience with native California desert plants, including western Joshua trees.

## **7.0 QUESTIONS AND COMMENTS**

All inquiries about the protected status and take permits should be directed to the California Department of Fish and Wildlife: [AskRegion6@wildlife.ca.gov](mailto:AskRegion6@wildlife.ca.gov)

## 9.07.130: NATIVE LANDSCAPE DOCUMENTATION PACKAGE:

A. General Provisions: This section identifies the standards and requirements for native landscaping on residential developments.

Regulated desert native plants for all residential projects, include the following:

### REGULATED DESERT NATIVE PLANTS

| Botanical Name        | Common Name        |
|-----------------------|--------------------|
| Yucca schidigera      | Mojave yucca       |
| Nolina parryi         | Parry's nolina     |
| Juniperus californica | California juniper |
| Yucca whipplei        | Our Lord's candle  |
| Pinus monophylla      | Pinon pine         |

Pursuant to section 80117 of the state Food And Agricultural Code, the clearing or removal of native plants from a canal, lateral ditch, survey line, building site, or road or other right of way by the landowner or his agent, if the native plants are not to be transported from the land or offered for sale, are not subject to state regulations. For plants regulated by the state to be transplanted off site, the town shall issue permits for their relocation in accordance with this chapter.

### B. Scope:

1. Provisions: The provisions of this section shall apply to all land within the town of Yucca Valley.

a. It is prohibited for any individual or entity to remove, transplant, damage, disturb, or destroy any part of any regulated desert native plant, except its fruit, from any privately or publicly owned piece of land in the town of Yucca Valley, without first obtaining a regulated desert native plant permit from the town, unless said activity is exempt from the requirement to first obtain a regulated desert native plant permit.

b. It is prohibited for any individual or entity to remove or damage all or part of any regulated desert native plant on another property without first obtaining written permission from the landowner and an approved regulated desert native plant permit. It is unlawful for any person to falsify any document offered as evidence of permission to enter upon the property of another to remove all or parts of a regulated desert native plant, whether it is alive or dead.

c. It is prohibited for any individual or entity, unless exempted by this section, to destroy, dig up, mutilate or to possess any regulated desert native plant, including the living parts of such, unless the regulated desert native plant was disturbed under a regulated desert native plant permit. Any individual or entity shall exhibit the regulated desert native plant permit upon request for inspection by any duly authorized entity as described in this section.

d. The commercial harvesting of regulated desert native plants is prohibited.

2. Exceptions: The following are exempt from the provisions of this section:

a. The removal and transplanting on and off site of regulated desert native plants on and from lands owned by the United States government or any federal agency, the state of California, the county of San Bernardino, the town of Yucca Valley, and all special districts.

b. The removal and transplanting on and off site of regulated desert native plants required by other codes, ordinances or laws of the town of Yucca Valley, county of San Bernardino, the state of California or the United States government or any federal agency.

c. The removal and transplanting on and off site of regulated desert native plants which are an immediate threat to the public health, safety or welfare, as determined by the planning division.

d. Removal as part of a bona fide agricultural activity as determined by the town that is:

- (1) Served by a water distribution system adequate for the proper operation of such activity; and/or
- (2) Conducted under a land conservation contract; and/or
- (3) An existing agricultural activity; and/or

(4) A proposed bona fide agricultural activity if the planning division is given thirty (30) days' written notice of the removal describing the location of the land and the nature of the proposed activity. The planning division shall notify the landowner in writing prior to the lapse of the thirty (30) day period if, in the opinion of the planning division the activity is not a bona fide agricultural activity or else the activity shall be deemed bona fide.

e. Destruction or removal of a regulated desert native plant that has died from natural causes or that has been destroyed by fire or other natural disasters.

f. Any regulated desert native plant that is within the building footprint and within twenty feet (20') of the building footprint of an existing structure and for new infill residential development, as determined by the planning division.



g. When removal is required by any public utility subject to jurisdiction of the public utilities commission or any other constituted public agency, including franchised cable TV, to establish or maintain safe operation of facilities under their jurisdiction.

3. Permit Required: A native plant permit shall be required for the removal and transplanting on and off site of any regulated desert native plants identified in this section.

a. A regulated native plant permit application shall be submitted to and approved by the town prior to the removal and transplanting on and off site of any regulated desert native plant.

b. The regulated native plant permit application shall include the following information:

(1) The botanical and common name of the regulated desert native plant.

(2) A native plant survey showing the precise location of each regulated desert native plant.

(3) The trunk or stem diameter of each regulated desert native plant.

(4) The height of each regulated desert native plant.

(5) The health or condition of the regulated desert native plant, including the identification of those regulated desert native plants that are not likely to survive transplanting procedures.

(6) The proposed placement or disposition of the regulated desert native plant, i.e., transplant on site, adopt off site, remove, etc.

(7) Additional information that may be required based upon the individual application.

C. Single-Family Residential Infill, Existing Single-Family Residences And Multi-Family Residential Three Units Or Less:

1. A regulated desert native plant permit application shall be submitted to the planning division at the time of filing a building or grading permit application for development of infill residential lots unless exempt.

2. A regulated desert plant permit application shall be submitted to the planning division for removal or relocation on or off site when the property owner is proposing improvements to the property including swimming pools, swing sets, horse arenas, other animal keeping activities, basketball courts, tennis courts, recreational or other vehicle parking, driveways and access, play areas, accessory structures, and other uses typical to single- family residences.

3. The regulated desert native plant application documentation shall contain the following information:

a. Printed photographs depicting the proposed native plant that is to be removed or transplanted. The photographs must clearly show the location, size of the subject plant, and its surroundings. At minimum, the surrounding area photographs shall include two (2) different views of the subject plant.

b. A plot plan is required in order to show location of regulated desert native plants proposed to be removed, transplanted, or retained in its native location. The plot plan shall clearly demonstrate that the property meets the standards in table 1 of this section.

4. Written permission from the property owner(s) authorizing the proposed removal or relocation of regulated desert native plants from the property.

5. The property owner may attempt to retain as many regulated desert native plants in their native location as possible. The property owner may also attempt to transplant or relocate as many regulated desert native plants as possible on site. The property shall comply with the minimum standards specified in table 1 of this section.

6. Those regulated desert native plants identified in the permit application to not remain on site following development, and which are not incorporated into a project's landscaping plan, may be available for adoption at the property owner's discretion.

7. The following chart establishes the minimum undisturbed area that shall be provided:

TABLE 1

| Lot Size          | Required Undisturbed Area                            |
|-------------------|------------------------------------------------------|
| Up to 2.49 acres  | No mandate, incentives only                          |
| 2.5 to 4.99 acres | A minimum of 5% of the lot shall remain undisturbed  |
| 5+ acres          | A minimum of 10% of the lot shall remain undisturbed |

8. Single-family residential infill development in the rural living residential land use district, which exceed the minimum required undisturbed area from table 1 of this section by a minimum of ten percent (10%), shall be allowed up to a ten percent (10%) deviation of all development code standards listed in table 2 of this section and approved in conjunction with the project. The deviations include the following:

TABLE 2

| Typical Standards                      |           | Deviations Permitted                                       |
|----------------------------------------|-----------|------------------------------------------------------------|
| Lot size                               | Varies    | Up to a 10% reduction in lot size based on property zoning |
| Typical Standards                      |           | Deviations Permitted                                       |
| Lot size                               | Varies    | Up to a 10% reduction in lot size based on property zoning |
| Front setback                          | 25'       | 22.5'                                                      |
| Side/rear setbacks                     | 15'       | 13.5'                                                      |
| Arterial/collector street side setback | 25'       | 22.5'                                                      |
| Local street side setback              | 25'       | 22.5'                                                      |
| Lot dimensions                         | 150'/150' | 135'/135'                                                  |
| Lot coverage                           | 20%       | 22%                                                        |

9. Single-family residential infill development in the single- family residential land use district which voluntarily retains ten percent (10%) undisturbed area shall be allowed up to a ten percent (10%) deviation of all development code standards listed in table 3 of this section and approved in conjunction with the project. The deviations include the following:

TABLE 3

| Typical Standards                      |          | Deviations Permitted                                       |
|----------------------------------------|----------|------------------------------------------------------------|
| Lot size                               | Varies   | Up to a 10% reduction in lot size based on property zoning |
| Typical Standards                      |          | Deviations Permitted                                       |
| Lot size                               | Varies   | Up to a 10% reduction in lot size based on property zoning |
| Front setback                          | 25'      | 22.5'                                                      |
| Side/rear setbacks                     | 5'/10'   | 4.5'/9'                                                    |
| Arterial/collector street side setback | 25'      | 22.5'                                                      |
| Local street side setback              | 15'      | 13.5'                                                      |
| Lot dimensions                         | 60'/100' | 54'/90'                                                    |
| Lot coverage                           | 40%      | 44%                                                        |

10. Single-family residential infill development in the residential-hillside reserve land use district which exceeds the minimum required undisturbed area from table 1 of this section by a minimum of ten percent (10%) and provide documentation that the applicant has attended educational training on native plants shall be allowed up to a ten percent (10%) deviation of all development code standards listed in table 4 of this section and approved in conjunction with the project. The deviations include the following:

TABLE 4

| Typical Standards                      |        | Deviations Permitted                                                 |
|----------------------------------------|--------|----------------------------------------------------------------------|
| Lot size                               | Varies | Up to a 10% reduction in lot size based on minimum lot size required |
| Front setback                          | 75'    | 67.5'                                                                |
| Side/rear setbacks                     | 75'    | 67.5'                                                                |
| Arterial/collector street side setback | 75'    | 67.5'                                                                |
| Local street side setback              | 75'    | 67.5'                                                                |

D. Regulated Desert Native Plant Removal Procedures For All New Residential Subdivisions And Multi-Family Four Units Or More: Single-family residential subdivisions and multi-family four (4) units or more, shall be allowed to transplant on and off site and to remove all regulated desert native plants from their native locations within the property boundaries, pursuant to the following development standards and requirements:

1. Application Submission: A regulated desert native plant permit application shall be submitted to the planning division at the time of filing land use applications for development of residential subdivision projects. Land use applications for residential subdivision projects may include, but are not limited to, planned developments, specific plans, parcel and tract



map applications, grading permit applications, building permit applications, and any other applications necessary for town authorization of land disturbing or development activity. The planning commission shall review and approve all native plant applications for residential subdivisions.

2. Application Information: The regulated desert native plant application documentation shall contain the following information:
  - a. The botanical and common name of the regulated desert native plant.
  - b. The precise location of each regulated desert native plant.
  - c. The trunk or stem diameter of each regulated desert native plant.
  - d. The height of each regulated desert native plant.
  - e. The health or condition of the regulated desert native plant, including the identification of those regulated desert native plants that are not likely to survive transplanting procedures.
  - f. The proposed placement or disposition of the regulated desert native plant, i.e., transplant on site, adopt off site, remove, etc. The plans for the regulated desert native plant survey shall be no smaller than twenty four inches by thirty six inches (24" x 36") unless otherwise approved by the planning division.
3. Transplanting Off Site And On Site: All regulated desert native plants identified in the regulated desert native plant survey as likely to survive transplanting shall be made available for adoption or shall be transplanted on site as part of the project's landscaping plan. All native plant permit applications shall illustrate maximum utilization of regulated desert native plants in the project's landscaping plan. It is strongly encouraged that all *Yucca brevifolia* (Joshua trees) identified for adoption and transplantation be relocated through the use of an adequately sized tree spade.
4. Adoption: Those regulated desert native plants identified in the regulated desert native plant survey as likely to survive transplanting procedures, and which are not incorporated into a project's landscaping plan, shall be available for adoption pursuant to this section to the general public for an adoption period of thirty (30) days, or until all available plants have been adopted, whichever is sooner, prior to any other ground disturbing activity on the project site. A thirty (30) day noticing and signage period is required which noticing period may begin prior to issuance of the regulated desert native plant permit.
5. Removal: Those regulated desert native plants not incorporated into a project's landscaping plan and not adopted during the thirty (30) day adoption period are allowed to be removed.
6. Table 5: The following additional standards shall apply to all new residential subdivisions:

TABLE 5

| Proposed Lot Size | Required Undisturbed Area                                     |
|-------------------|---------------------------------------------------------------|
| Up to 2.49 acres  | None required, incentives only                                |
| 2.5 to 4.99 acres | A minimum of 5% of the project site shall remain undisturbed  |
| 5+ acres          | A minimum of 10% of the project site shall remain undisturbed |

7. Table 6: New residential subdivisions in the rural living land use districts, which exceed the minimum required undisturbed area from table 5 of this section by a minimum of ten percent (10%), and provide documentation that the applicant has attended educational training on native plants shall be allowed up to a ten percent (10%) deviation of all development code standards listed in table 6 of this section and approved in conjunction with the project. The deviations include the following:

TABLE 6

| Typical Standards                      |           | Deviations Permitted                                       |
|----------------------------------------|-----------|------------------------------------------------------------|
| Lot size                               | Varies    | Up to a 10% reduction in lot size based on property zoning |
| Typical Standards                      |           | Deviations Permitted                                       |
| Lot size                               | Varies    | Up to a 10% reduction in lot size based on property zoning |
| Front setback                          | 25'       | 22.5'                                                      |
| Side/rear setbacks                     | 15'       | 13.5'                                                      |
| Arterial/collector street side setback | 50'       | 45'                                                        |
| Local street side setback              | 25'       | 22.5'                                                      |
| Lot dimensions                         | 150'/150' | 135'/135'                                                  |
| Lot coverage                           | 20%       | 22%                                                        |

8. Table 7: New residential subdivisions in the single-family residential land use districts which exceed the minimum required undisturbed area from table 5 of this section by a minimum of ten percent (10%) shall be allowed up to a ten percent (10%) deviation of all development code standards including:

TABLE 7

| Typical Standards                      |          | Deviations Permitted                                       |
|----------------------------------------|----------|------------------------------------------------------------|
| Lot size                               | Varies   | Up to a 10% reduction in lot size based on property zoning |
| Typical Standards                      |          | Deviations Permitted                                       |
| Lot size                               | Varies   | Up to a 10% reduction in lot size based on property zoning |
| Front setback                          | 25'      | 22.5'                                                      |
| Side/rear setbacks                     | 5'/10'   | 4.5'/9'                                                    |
| Arterial/collector street side setback | 25'      | 22.5'                                                      |
| Local street side setback              | 15'      | 13.5'                                                      |
| Lot dimensions                         | 60'/100' | 54'/90'                                                    |
| Lot coverage                           | 40%      | 44%                                                        |

9. Table 8: New residential subdivisions in the residential- hillside reserve land use district, which exceed the minimum required undisturbed area from table 5 of this section by a minimum of ten percent (10%), and provide documentation that the applicant has attended educational training on native plants shall be allowed up to a ten percent (10%) deviation of all development code standards listed in table 8 of this section and approved in conjunction with the project. The deviations include the following:

TABLE 8

| Typical Standards                      |        | Deviations Permitted                                                 |
|----------------------------------------|--------|----------------------------------------------------------------------|
| Lot size                               | Varies | Up to a 10% reduction in lot size based on minimum lot size required |
| Front setback                          | 75'    | 67.5'                                                                |
| Side/rear setbacks                     | 75'    | 67.5'                                                                |
| Arterial/collector street side setback | 75'    | 67.5'                                                                |
| Local street side setback              | 75'    | 67.5'                                                                |

TABLE 9

| Typical Standards For Multi-Family Projects |                             | Deviations Permitted                                          |
|---------------------------------------------|-----------------------------|---------------------------------------------------------------|
|                                             | Residential Multi-Family RM | Residential Multi-Family RM                                   |
| Typical Standards For Multi-Family Projects |                             | Deviations Permitted                                          |
|                                             | Residential Multi-Family RM | Residential Multi-Family RM                                   |
| Front setback                               | 25'                         | 22.5'                                                         |
| Side/rear setback                           | 10'/10' (per story)         | 9'/9' (per story)                                             |
| Arterial/collector street side setback      | 35'                         | 31.5'                                                         |
| Local street side setback                   | 25'                         | 22.5'                                                         |
| Lot coverage                                | 60%                         | 66%                                                           |
| Parking                                     | Varies                      | 10% reduction of total parking not to include handicap stalls |



**Item: 7.**

**Town of Yucca Valley  
Planning Commission Staff Report**



**To:** Planning Commission

**From:** Jared Jerome, Associate Planner

**Date:** August 27, 2025

**Meeting Date:** September 9, 2025

**Subject:** Land Development Update

**Recommendation:**

That the Planning Commission receives and files the report.

**Prior Review:**

There has been no prior review of this item. The purpose of this report is to update the Planning Commission on private land development and capital project activity.

**Discussion:**

Town staff will provide the Planning Commission with an update on current private land development and capital projects and anticipated schedules.

**Alternatives**

None.

**Fiscal Impact:**

NA

**Attachments**

None