

Palm Desert's Path to Incorporation

They had tried and failed three times before since 1963. Palm Desert residents were passionate about their desire for local control over land development and building standards, but incorporation as a city had eluded them until November 1973.

At least one of those failed attempts was due a technicality in meeting the qualifications to get on the ballot. The most recent attempt, in 1970, had made it to the ballot but was a far broader plan that included Rancho Mirage. Those residents answered with a resounding no vote, and it was time to draw new lines on the map.

So what was different in 1973? And why is the story of Palm Desert's incorporation seldom told, a footnote to the earlier history and lore of the Henderson brothers and their associates who were among the first to buy and develop land in Palm Desert?

The Hendersons are, of course, integral to the history of Palm Desert. Clifford Henderson, the developer, formed the Palm Desert Corporation with his partners, buying up 1600 acres of land upon which the first neighborhoods were built. Randall Henderson, the naturalist, was the editor of *The Desert Magazine*, and brought the area to Cliff's attention when he moved his publishing operation to Palm Desert from El Centro.

In those early days, the great middle section of the Coachella Valley was largely rural and agricultural, bookended by the cities of Palm Springs and Indio. Riverside County's zoning and ordinances would have been the only law of the land, with the only semblance of local control coming from the County's East Area Planning Council. If further restrictions needed to be put in place than were required by rural zoning, they were usually handled as deed restrictions on individual properties.

The area that Clifford Henderson developed became known as the Palm Desert Homeowners Association (PDPOA). They implemented an annual assessment on their residents, and in return they maintained 400 trees planted in the area and provided a community patrol. From 1946 onward, one of their major roles of the PDPOA was to enforce deed restrictions. The deed restrictions took precedence over any ordinances adopted by a governmental authority. In the absence of a local government, the PDPOA also assumed other roles including monitoring county planning, scrutinizing building and development plans, and working with other organizations for the general benefit and betterment of the region.

The 1970s were boom years for Palm Desert. From 1950 to 1972 Palm Desert grew by 377% or an average of 17% a year. Commercial and residential projects were being proposed and delivered to Riverside County in rapid succession. Residents who envisioned Palm Desert as a resort-like village and tourist mecca fought furiously against various features of proposed projects for multi-family dwellings, multi-story buildings, and modular homes. Incorporation proponents argued that under local jurisdiction, most of these issues could have been avoided.

The tipping point was the controversial McKeon Construction Company condominium development on the west side of Highway 74. The PDPOA objected to the project based on its density, building height, lack of amenities, and parking spaces per unit. They presented their concerns at a Riverside County Board of Supervisors meeting, winning some concessions while other issues were left undecided. A conditional use permit was granted by the County.

McKeon opponents asked the Chamber of Commerce board to weigh in on the issue. The Chamber directors opted to form a Planning and Development Committee to examine all proposed construction projects in the community and advise the Chamber directors on whether to support or oppose each project.

A watchdog group calling itself the Concerned Citizens of Palm Desert formed next, ostensibly to represent residents of the community who were not property owners or whose properties were not under the jurisdiction of the PDPOA deed restrictions. In reality, they were functioning as a de facto planning commission. They opposed many projects at the county level based on issues related to building height, density, and green space, and in 1972 had filed suit against the county on four separate matters.

It wasn't long though before the actions of the Concerned Citizens were being called out as inconsistent or even "erratic" by developers. In one case, J&M Properties, a developer with an approved county permit for a mobile home park came back to the East Area Planning Council with a revised plan calling for a reduction of 31 mobile home spaces and an addition of five acres of green space. Concerned Citizens objected, claiming they hadn't had time to study the proposal. Rather than go through a new, lengthy hearing process, the developers opted to proceed with the less desirable plan.

The Palm Desert Board of Realtors and Concerned Citizens were often at odds, as well, despite both professing to be on the side of controlled development. In a letter sent to Riverside County officials, the realtors objected to the Concerned Citizens' claim that they represented a majority of residents and characterized them as a "group of people acting on emotional reactions."

It was clear that the attempts at local planning control were falling short of the mark, and were too reliant on a process rooted in objections and lawsuits. The time was right in 1973 to move forward with another incorporation attempt. To do so, a proposal had to be presented to the Local Agency Formation Commission (LAFCO). If approved the next step would be to get permission of the County Board of Supervisors to circulate a petition for the signatures of property owners in support of incorporation. To get on the ballot, proponents would have to get the support of at least 25 percent of the property owners in the proposed area, whose land holdings represented at least 25 percent of the of the assessed valuation of the area.

To that end, the Palm Desert Property Owners Association, Concerned Citizens, and Chamber of Commerce joined forces with the newly created Palm Desert Incorporation Committee. That committee started with a few dozen volunteer members. One of their first tasks in February 1973 was to send out a petition mailing to 5000 property owners to qualify for the ballot.

"We need incorporation now to plan and protect our future. The existing system of government for our growing area is simply no longer adequate, and local control of key services is a solution for this situation," said committee chair Robert Hubbard.

In July, Riverside County authorized the ballot measure and set the election for November after receiving no complaints and no one speaking against it. Opponents were indeed few, but one group of residents did organize as the "Committee for Unincorporation." Their primary objection was a fear of any new taxes that might be incurred by Palm Desert residents to pay for city government. LAFCO had already answered that concern when they provided numbers to both the county and incorporation proponents

that indicated that the likely revenue to the city (in the form of pass-through taxes collected by the state) should be sufficient for Palm Desert to meet its expenses and have a surplus.

Meanwhile, the Incorporation Committee moved into high gear, creating an advertising budget, appointing precinct captains, and organizing candidate forums. They pushed a big “get out the vote” effort, holding voter registration events which netted 600 new registered voters.

Concurrently, City Council candidates were being sought out and persuaded to run for office under the belief that a strong and large slate of candidates would help get voters to the polls. Eventually 20 candidates qualified for the ballot. Not surprisingly all were in favor of incorporating and all believed in the necessity of local government control in the face of what they characterized as “explosive” growth.

Speaking at a candidate forum, Jean Benson, later elected to the City Council, advocated for a building moratorium if incorporation succeeded.

“I think our town graciously should take a big deep breath and hopefully a short one. As I have stated, I would propose and support that we have a building moratorium until such time as a master plan can be developed. We must have local control and clean up some of the areas whose residents heretofore have not had the privileges or a local sounding board.” Mrs. Benson said.

Henry Clark, a retired chemical company executive drew loud applause when he spoke.

“The problem is extensive growth here. I have a lot of respect for Al McCandless and the other supervisors, but we need a local group responsive to the needs of local citizens who are near enough so that they can attend meetings. Only through a local council can we be sure all the local people are heard,” he said.

The election was set for Tuesday, November 6, 1973. Turnout was strong on election day. Incorporation proponents and council candidates gathered at the Santa Fe Savings and Loan to listen to the radio for news and wait for the results to be called in from Indio, where ballots were counted.

When the votes were tallied it was a landslide victory for incorporation. Of the city’s 4,713 voters, 2,513 approved it, and 683 voted against it, roughly a four to one ratio.

The top vote getters for City Council were Henry “Hank” Clark, (1585 votes), Noel Brush (1549), Chuck Aston (1459), James McPherson (1361), and Jean Benson (976).

The bubbles in the champagne didn’t get a chance to go flat before the Incorporation Committee pressed packets of information into the hands of the newly elected representatives. Using resources gathered by Philip Boyd, the first mayor of Palm Springs, and retired Superior Court Judge Andrew Eyman, the prepared information contained all the necessary first steps to be taken by the new city council in the first few weeks. They had also compiled the names of potential city managers, city attorney, building inspectors, and other key positions.

Hank Clark later reflected on those interim weeks after the election prior to their first City Council meeting.

“Of course, we had no city manager, and we had no organization at all,” Clark said. “So we were meeting in my home. Daily making the necessary decisions. How to finance the city, interviewing candidates for

city manager, hired the first secretary of the city, Mary Painter, even as soon as the election was final, even though we had no money to pay her. But we did need the services of a secretary, obviously.”

The elected councilmembers could get on with the business of governing on Monday, November 26, 1973. At the precise moment when all incorporation papers were filed by the Riverside County Recorder, the City of Palm Desert was a reality and its first council meeting got underway with the swearing in of the new council. Riverside County Clerk Donald Sullivan officiated at the meeting until the council elected its first mayor. As expected, top vote getter Hank Clark was unanimously elected to head the city and Noel Brush was elected Mayor Pro Tempore. The first meeting of the City Council as an official body took place at the Palm Desert Community Church before an assembly of more than 300 people.

The new mayor stumbled a bit when he took over the meeting, but the nervousness faded as they worked through the agenda items. He later explained, “We had planned to go through only a couple of items on the agenda before recessing for refreshments, but the ladies didn't have the cookies ready.”

So the council hurriedly passed a number of urgency ordinances, many required by state law and designed to give the new city the interim authority required for its operation. The council unanimously voted to have the City Council itself serve as the Planning Commission until such time as a citizen committee could be appointed. A hotel room tax was authorized. Several County officials were named to continue to serve Palm Desert, including the Sheriff and Fire Chief. And a resolution was passed prohibiting fortune telling in the city.

In staff appointments, Eugene Asmus from Vista was named interim City Manager and City Clerk for a period of 90 days. David “Dave” Erwin was named City Attorney, a role he would fill for 42 years.

As it turns out, winning the incorporation vote was just the first hurdle. There were several challenges to overcome as a fledgling council. As Mayor Clark remembered it, emotions were still running high.

“Obviously many people felt that once we were incorporated, they'd have an instant city, that everything would be running full bore from the day we were sworn in. So there was a lot of education (needed) for the people in the town. People on the north side thought that they were the forgotten side of the town. The developers felt that we were tightening the restrictions to an unbearable degree. The real estate people felt that we were making it difficult for them to find property to sell that could be built on, houses to sell, condominiums, (because of) all our restrictions.”

As Councilmember Benson recalled, it was a learning experience for the council, too. “It was just overwhelming to see all the things you had to do—everything the county was doing for us all came down to the city then,” she said.

“Trying to keep the community involved in the decisions we made and satisfy all the people — everybody wanted something different,” Benson continued. “People who had lived here since Cliff (Henderson) had started Palm Desert in 1947 were all set in their ways, (saying) 'It's going to be this way or no way.' Changing things, putting ordinances in, and code enforcement—probably some of the hardest things we had to deal with.”

The City Council's primary objective was to craft Palm Desert's first General Plan, a foundational document intended to shape future planning and development. In December 1973 the Council appointed a 15-member Citizens’ Advisory Committee that was tasked with tackling the long-range

issues facing the City. At their first meeting, the appointed members set up sub-committees to examine the present zoning in the community and to evaluate proposals from 14 different planning consulting firms under consideration to be hired to work on the General Plan.

In March 1974, the City Council officially hired its consultant and at the same time established a 90-day moratorium on all commercial developments and on residential developments more than an acre in size. According to Council members, the intent of the moratorium was to give the consultants time to make a study of the commercial area. Additionally, city staff were reported to be bogged down on planning matters and needed to use that time to develop the General Plan. To that end, the Citizens' Advisory Committee scheduled eight public meetings in the next month alone to solicit feedback from residents on the type of town they envisioned.

One new commercial proposal that was already underway at the time of the moratorium involved building a Kmart at the northwest corner of Highway 111 and Monterey Avenue, where Town Center Mall would be built a few years later. The debate over Kmart became Palm Desert's first big civic dispute when the councilmembers, acting as the Planning Commission, denied Kmart a permit.

"That was a great big piece of empty land and Kmart wanted to build there and we did not want a Kmart on that corner," Councilmember Benson said. "I was fighting not to let it be there."

Benson further explained that some of the city's residents were impatient to get more houses and more retail, and in the haste to build, "They didn't care what it looked like. Luckily, all of us were of the same mind from the very beginning — it was going to be the best or it wasn't going to happen here."

In the face of the Planning Commission denial of the Kmart permit, the Board of Directors of the Palm Desert Chamber of Commerce adopted a policy statement calling for residents to give the City Council a chance. It read, in part:

"Palm Desert incorporated to place decision making control concerning the development and growth of the city in the hands of locally elected councilmen. The council should be given the opportunity to do the job in an atmosphere of cooperation. The needs and wishes of all segments of the community must be carefully considered by the Council without any undue pressure from any source."

The statement continued by commending the City Council for their appointment of the Citizens' Advisory Committee and for recruiting a qualified planning consultant. It decried the "impulsive reactions" of a few citizens, saying it was creating "disunity in the community."

One somewhat less contentious obstacle for Palm Desert to deal with was the lack of a City Hall. As a new city, the council didn't want to prioritize an expensive, new building when there were other pressing needs. The former Sandpiper sales office at the corner of El Paseo and Highway 74 was offered for a rent of a dollar a year.

It was, by all accounts, completely inadequate for the needs of a growing staff. As Mayor Clark later said, "We couldn't live in a two-room office, obviously, where the city manager and I would share the same desk. If one of us sat down, the other one had to stand up."

The issue was rectified when by the middle of 1974, the City had secured the rental of offices on Prickly Pear Lane for use as Palm Desert City Hall.

A five-member Planning Commission was named in July 1974, and assumed their duties in September. The General Plan was revealed in October of that year, and it envisioned substantial growth in Palm Desert's sphere of influence north of the current city limits at the Whitewater Wash. The plan covered 82 square miles, 72 of which at the time were still open desert or mountain slopes. It was approved by the Council in January 1975.

Mayor Clark explained the reasoning for creating a General Plan that covered Palm Desert's sphere of influence, and not just the area within the city limits.

"That tells a developer, a buyer of property, just what he can do with the property before he buys it, so he doesn't find the restrictions were greater or less than he anticipated. His investment is protected and the town is protected by the kind of building that goes in. That's the basic reason for a general plan, to look into the future and say what this area will look like ten, fifteen, fifty years from now."

The General Plan represented the combined efforts of the 15 member Citizens' Advisory Committee, Planning Commission, and City Council, as well as hundreds of citizens contributing their opinions at 42 open meetings. There was also communication with 70 organizations, agencies, and groups soliciting input. Consulting services cost the new city approximately \$35,000. Professional staff input covered a span of 11 months.

Nevertheless, opponents came out against the plan, decrying its lack of protections on the same core issues of concern—density and building heights—and forced a referendum on the matter. A vote was held in July 1975, and the General Plan was supported by 65 percent of the electorate. While a resounding success for the City, the opposition won certain concessions in the process and had many of their issues addressed in the General Plan.

Mayor Clark recognized the fight over the General Plan as the turning point in the early history of Palm Desert.

"And from that time on, there was a general acceptance by practically everybody in town, overwhelming acceptance of the fact they could come to the council, explain their positions, and the council would act in whatever they felt was the best, to give the best results for the town, and people would accept it. They might be unhappy, but they would recognize that there's two sides to every question. From that time on, the people had accepted the council, were beginning to be proud of the way the city was being run."