

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

APRIL 7, 2009

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

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

Chair Goodpaster led the Pledge of Allegiance.

APPROVAL OF AGENDA:

Mr. McKoy moved that the Agenda be approved, which motion was seconded by Ms. Sturges and passed unanimously by voice vote.

PUBLIC COMMENTS: None

PUBLIC HEARINGS:

1. TRACT MAP TM 17985 – ENVIRONMENTAL ASSESSMENT EA 14-07

A request to subdivide a 20± acre parcel in two phases into 20 lots, and construct associated improvements, in the Rural Living, 1 acre minimum lot size land use designation located on the northeast corner of Palomar Ave. and Juarez Dr. and identified as APN 588-062-26.

With reference to the complete printed staff report provided in the meeting packets and preserved in the project and meeting files, Contract Planner Nicole Criste presented the project discussion to the meeting. The Town will require ½ width improvements to Palomar, Juarez and Del Monte. Individual retention basins are proposed on each lot. Generally centralized retention is provided with Tract Maps. COA have been included from the Town Engineer relating to the size and requirements for the individual basins.

The project will take access from Juarez via 2 cul-de-sacs. A COA prohibits access on Palomar. The phases roughly correspond to ½ the property on either side of an existing drainage easement. Del Monte will be developed with the second phase which is the eastern half of the property. The grading plan includes retention basins within the drainage easement. The project is conditioned to relocate those 2 basins to an area outside of the drainage easement.

An Alquist Priolo earthquake study zone exists on the NE corner of the property. The design of lot #20 has been modified so that no structure is within the boundary established by the geotechnical engineer.

There are a number of native plants on the site and the management plan indicates that there will be 126 Joshua Trees, 237 Mojave Yuccas and 61 CA Junipers transplanted on site. Grading will disturb the majority of the site. There are a large number of cacti on the site which are not protected plants but can be valuable additions to the landscaping. A COA is included requiring that as many of the cacti as possible be transplanted on site. An environmental assessment was prepared under CEQA and a mitigated negative declaration is proposed. The project is consistent with the Development Code and General Plan. Home plans will be reviewed with the applications for building permits. Staff recommends approval of the project.

The applicant requests that COA #20 be amended to read: The applicant shall submit, in conjunction with the rough grading plan submittal, an erosion and sediment control plan for review and approval by the Town. This plan shall clearly show how vehicular traffic will be kept off of the future finished pad areas prior to issuance of building permits.

The applicant requests that COA #24 be amended to read: Construct curb and gutter and sidewalk 20 feet from centerline on Juarez Drive and Del Monte Avenue per Town of Yucca Valley Standard Drawing 200 and 220. An additional 10 feet of pavement shall be constructed on the south side of Juarez Drive and the east side of Del Monte Avenue. If right of way cannot be obtained from adjacent property owners then the applicant may accommodate the additional 10 feet on site. Improvements shall be installed at the northerly terminus of the pavement on Del Monte Avenue to protect the pavement, and existing dirt road, from damage from stormwater erosion. Construction of Juarez shall be complete prior to the issuance of the first certificate of occupancy in Phase 1. Construction of Del Monte shall be complete prior to the issuance of the first certificate of occupancy in Phase 2.

COA #24 pertains particularly to the south side of Juarez Dr. and the east side of Del Monte. Right-of-way does not currently exist for the additional 10 feet and the applicant may not be able to secure it from the adjacent property owner. The applicant believes the additional 10 feet can be accommodated on site within the project boundary. The roads would be shifted slightly to be more on the project site to accommodate 2 way traffic. The Town engineer is comfortable with both amendments. Staff requests both COA be amended as stated if the Commission approves the project.

Ms. Rowe stated she is aware that the Native Plant ordinance is under review and questioned the requirement in COA #8 to preserve or transplant cacti which are not covered by the current ordinance. Ms. Criste replied there are a number of both beavertail and hedgehog cacti on the property and they are valuable landscape assets. Staff feels that their preservation is appropriate because landscaping will have to be added to the frontage of the project.

Mr. Lombardo questioned the grading plan and asked if some area of the project would be left undisturbed. Ms. Criste replied the lines on the grading plan do not designate undisturbed areas but rather refer to where cut and fill will be required. The indication from the project engineer is that the majority of the land will be disturbed to create the pads, basins and driveways.

Ms. Sturges stated she walked the property and contacted the plant surveyor. She noticed the same conflict that Mr. Lombardo questioned. The chart of plants on the survey is a very useful tool. Unfortunately all of the Junipers that are not saved in place

will be destroyed. Quite a few of them are located in the drainage easement and will remain, however. She questioned controlling access from Palomar onto lots 1, 2 & 3. Ms. Criste replied no driveway cuts will be allowed so vehicles would have to mount the curb and drive across the sidewalk.

Ms. Sturges questioned the ability of lot #20 to accommodate the additional 10 feet along Del Monte since the earthquake fault crosses that lot. Ms. Criste replied the house has to be built on the west side of the lot and the earthquake hazard zone is along the eastern boundary. This is probably more distance on that lot to accommodate the right-of-way than the others.

Ms. Sturges questioned why no plants are to be adopted out. Ms. Criste suggested she ask the applicant representative.

Ms. Sturges questioned COA #32. Deputy Town Manager Shane Stueckle replied it is the mechanism which requires all current and future property owners to maintain the individual retention basins. If the maintenance of the basins ceases and the basins fill with debris or become a landscape garden area or other, then some form of enforcement action by the Town would have to take place to ensure that the basin will retain the necessary volumes of water.

Mr. McKoy asked if the requirement of COA #38 for the NPDES applies only during construction. Ms. Criste replied that in this case there are likely to be multiple instances when NPDES applies. Since NPDES standards apply to lots of one acre or larger most of these individual lots will also have requirements. There will be varying times when NPDES standards must be adhered to.

Mr. Goodpaster asked what determines the setbacks for individual lots. Ms. Criste replied the Development Code contains setback standards for each of the zones.

Mr. Goodpaster asked if the drainage easement that crosses this property contributes to the problems for houses to the north of the project.

Ms. Criste replied that drainage is like earthquake faults, they cross many properties. This drainage easement begins south of this property and continues north of the site. The slope of this property is to the northeast. According to the hydrology report, the applicant proposes to allow flows through the site at a level slightly less than current conditions.

Mr. Goodpaster opened the public hearing,

Applicant representative Bill Warner of Nolte Associates in Yucca Valley stated the proposal is to have individual retention basins on each lot. The drainage study was reviewed by the Town Engineer. He provided copies of one page from the drainage study to the Commissioners, copies of which are retained in the meeting and project files, stating the wavy blue line which goes through the project site is the wash. It accepts drainage from an upstream tributary area of about 20 acres developing a run-off of almost 200 cubic feet per second in a 100 year, 24 hour storm. The intent is to leave that flow in its natural course. The flows get almost as wide as the drainage easement shown on the Tentative Map but are not much deeper, on average, than a foot. In some places the flow may be almost two feet deep. Whatever effects that flow has down

stream would continue. The burden placed on developments is to not change the character of that flow which includes the course, speed and amount of water.

The retention basins will not pick up water from upstream of that wash. They are designed to accept the amount of water that exceeds the incremental increase of runoff from roof areas, paving, roads and other hard surfaces. According to the calculations in the San Bernardino County hydrology manual, the total volume of incremental increase and runoff is about .33 of an acre foot. 1,000 square feet of retention per lot will retain .46 of an acre foot or 33% more than is required. Individual retention basins are required by the Town on scattered in-fill development and have been used for several years.

Regarding grading, they don't expect that the entire site will be mass graded but by the time the construction activity and equipment are finished most of the ground cover will have been disturbed. There is no desire to disturb more ground or to move any more trees than is necessary. They don't anticipate having any trees to adopt out. It costs more to adopt them out than to transplant on site. These are large lots and there should be plenty of room to move the viable trees. Also, there has been some recent success in the relocating of Junipers with proper maintenance.

COA #8 has been reviewed with the applicant and he agrees with it. The key words are for the transplantation of the cacti "to the greatest extent possible." Not all of them will be worthy of transplantation. The revisions recommended by staff for COA #24 & #20 were requested by the applicant and they ask the Commission to adopt them with any action taken on the project.

Mr. McKoy questioned the depth of the retention basins. Mr. Warner replied they like to keep them not much over 2 feet, 3 at the most, because larger than that they accommodate water deeper than is safe. They want a larger surface area on the bottom of the basins so that they deplete the water more quickly. They should be drained in not more than a couple of days, if possible.

Mr. McKoy asked if that could be a problem for small children on the property. Mr. Warner replied the side slopes are usually specified to be 4 or 5 to 1 but sensible safety precautions must be taken in your yard. A notice to the homeowners regarding the maintenance of the basins has been discussed with Ms. Sturges.

Ms. Sturges commented an adoption period for native plants is required in COA #19. She asked if percolation tests are preformed for the retention basins. Mr. Warner replied two types of perc tests are preformed. One is designed specifically for the septic systems and then a shallower test is done for the basins. Based on the tests, the basins are designed to be large enough to settle out in an appropriate amount of time. In cases where percolation isn't as good, underground rock or other substances will be used to store the water underground until it dissipates to prevent odor and vector problems.

Mr. Lombardo asked if the project will install dry sewer lines to be connected to the eventual sewer system and questioned the need for a package treatment plant. Mr. Warner replied the project is well outside Phase 2 of the sewer system and it will probably be quite some years before sewers will be installed in that area. The homes will probably be built on a scattered basis over several years. Approval of the septic

systems will have to be obtained from the CA Regional Water Quality Control Board. The Board could require a treatment plant at that time.

Clay Donnell requested in writing that his opposition to the project be registered.

Sigrid McAllister of Yucca Valley stated she lives on Palomar across the street from the project. She is concerned about the additional nitrates polluting the groundwater from the proposed septic tanks. Dust is also a problem. So many new houses have been added to the neighborhood that she is constantly being disturbed by motorcycles and barking dogs. With 20 homes across the street there will be even more dogs. Traffic is already bad on Palomar. She would agree to an individual house but not 20.

Ester Shaw of Yucca Valley stated their house is just north of the property. Drainage has been a constant problem for them and is getting worse. The wash that comes off Palomar Ave. is creating a huge gulch along the street and cars constantly hydroplane into the gulch. The Town put huge pieces of concrete in it which is helping but the dirt keeps washing away. More homes up there are going to create more runoff. That is a steep hill and they have a raging river in front of their house during rain storms. They have had to replace their driveway seven times. 20 homes are too many. Why not 1 home per 5 acres? She is afraid of the runoff and that the retention areas have not been adequately planned.

Mr. Warner stated they are aware of the nitrate issue and that the CA Regional Water Quality Control Board is looking carefully at projects and requiring appropriate treatment. The dust problem is addressed in COA #42 which requires ground stabilization during construction and hydro-seeding where exposed ground is subject to erosion. None of the water from this project will end up in the location mentioned by the speaker. The flows from the wash that bisects the project proceed northeast and do not enter the problem area. There will not be more runoff as a result of this development. They are not seeking a General Plan Amendment. The project is proposed to the density allowed in the General Plan for this location.

Mr. Goodpaster closed the public hearing.

Ms. Criste commented that four mitigation measures relating to dust control are being required:

1. No more than 5 acres will be graded in any one day.
2. A dust control plan is required that will reduce dust emissions by 40% on a daily basis.
3. No grading is to occur during wind events of 25 mph or more.
4. Any area not actively being constructed upon for a period of 30 days is required to be stabilized either chemically or with native plant hydro-seeding.

Ms. Sturges stated that she met Mr. & Mrs. Shaw while she was walking the property and they explained the situation Mrs. Shaw addressed this evening. The Google map of the area shows that the particular wash going through the project is not the one causing the problems on Palomar. Because of the natural drainage to the northeast from the property she is confident this will not add to the Palomar situation. A lot of attention has been paid to the drainage situation and it will be a wonderful project. She would like to see the native plants be transplanted on site.

Mr. Lombardo stated the concerns about the drainage have been addressed. The drainage to the north on Palomar will not be impacted by this project. He is pleased the retention basins will be holding 33% more than is required. That will mitigate runoff of the developed area. It is a well conceived plan.

Mr. Goodpaster commented additional houses do not always create more runoff. Properly graded projects and properly graded and designed retention basins help hold in more water after the houses are built than before. He believes this design concept will work well. It is zoned RL-1 and the project fits the zoning.

Ms. Rowe moved that the Planning Commission approve Environmental Assessment 14-07 and Tentative Tract Map 17985, based on the Conditions, as amended below, and the findings in this staff report.

COA # 20 be amended to read: The applicant shall submit, in conjunction with the rough grading plan submittal, an erosion and sediment control plan for review and approval by the Town. This plan shall clearly show how vehicular traffic will be kept off of the future finished pad areas prior to issuance of building permits.

COA #24 be amended to read: Construct curb and gutter and sidewalk 20 feet from centerline on Juarez Drive and Del Monte Avenue per Town of Yucca Valley Standard Drawing 200 and 220. An additional 10 feet of pavement shall be constructed on the south side of Juarez Drive and the east side of Del Monte Avenue. If right of way cannot be obtained from adjacent property owners then the applicant may accommodate the additional 10 feet on site. Improvements shall be installed at the northerly terminus of the pavement on Del Monte Avenue to protect the pavement, and existing dirt road, from damage from stormwater erosion. Construction of Juarez shall be complete prior to the issuance of the first certificate of occupancy in Phase 1. Construction of Del Monte shall be complete prior to the issuance of the first certificate of occupancy in Phase 2.

The motion was seconded by Ms. Sturges and passed unanimously by voice vote.

2. WARREN VISTA RETAIL CENTER SIGN PROGRAM, SP 27-08 (for CONDITIONAL USE PERMIT 01-08)

A request to approve the sign program for Conditional Use Permit, 01-08 which was approved by the Commission on January 6, 2009.

With reference to the complete printed staff report, copies of which are preserved in the meeting and project files, Planning Technician Diane Olsen presented the projects discussion to the meeting as follows. The project is located at the SW corner of SR62 at Warren Vista Ave. and includes a Fresh & Easy, a Rite Aid, a pad for a free standing building and a retail center on the south of the site. There are 2 main free standing signs for the project which are a maximum of 12' high with a 4' clearance from the bottom of the sign to grade, as required by code. QF-1 is located on SR 62, near the corner of SR 62 and Warren Vista and is proposed to be 83.88 square feet, QF-2 is located along Warren Vista near the project entrance and will be 97.88 square feet. Section 87.07122(b)(2)(E) allows one monument sign for each freestanding pad, up to a

maximum of 25 square feet. Fresh and Easy, Rite Aid, and Pad A all propose 18 square foot monument signs.

A 25 square foot sign is proposed by Rite Aid above the entrance on the NE corner elevation. On the east and north elevations 68 square foot Rite Aid signs are proposed. 9 square foot "Drive-thru Pharmacy" signs are also proposed on these elevations which are exempt as directional signs. 4 directional signs are proposed on the drive-thru canopy. All are under 10 square feet and are exempt from permitting. 2 free-standing directional signs are also exempt.

The Fresh & Easy proposes 4 wall signs. The east & south elevation signs are proposed at 118.7 square feet. The west elevation sign is proposed at 35.1 square feet. The north elevation sign is proposed at 61.9 square feet. Based on the linear frontage of the elevations all of the signs meet the code.

Staff recommends that the Planning Commission approve the sign program.

Ms. Sturges questioned the final color determination. Ms. Olsen replied that is for the retail strip center and will be based on future tenants.

Mr. Goodpaster opened the public hearing.

Sheri Stahlheber of Quiel Brothers signs representing the applicant requested approval stating she would be happy to answer questions.

Mr. Goodpaster closed the public hearing.

Mr. Lombardo moved that the sign program be approved. The motion was seconded by Ms. Sturges and passed unanimously by voice vote.

DISCUSSION ITEMS: None

CONSENT AGENDA: MINUTES –

Mr. McKoy moved that the Planning Commission approve as submitted the minutes of the Regular Planning Commission Meeting held on March 17, 2009. The motion was seconded by Ms. Rowe and passed unanimously by voice vote.

STAFF REPORTS AND COMMENTS: None

FUTURE AGENDA ITEMS:

COMMISSIONER REPORTS AND REQUESTS:

Ms. Sturges commented there is a project to the south of the one approved this evening which was abandoned after earthquake trenching was performed leaving it scarred. Kids are using the trenches as bike tracks.

Mr. Lombardo asked if the Night Sky ordinance applied to homes with un-hooded lights. Mr. Stueckle replied Code Enforcement staff deals with lighting issues on an ongoing basis.

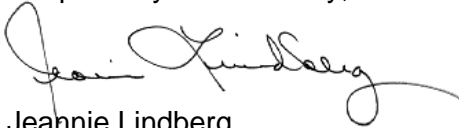
ANNOUNCEMENTS:

Mr. Goodpaster announced that the next regular meeting of the Yucca Valley Planning Commission will be held on Tuesday, April 21, 2009 at 7:00 pm.

ADJOURNMENT

The meeting adjourned at 8:00 pm.

Respectfully submitted by,

A handwritten signature in cursive script, appearing to read "Jeannie Lindberg". The signature is written in black ink and is positioned above the printed name and title.

Jeannie Lindberg
Administrative Assistant III