

**TOWN OF YUCCA VALLEY  
TOWN COUNCIL MEETING MINUTES  
MARCH 8, 2007**

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

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

Staff Present: Town Manager Takata, Deputy Town Manager Stueckle, Community Services Director Schooler, Administrative Services Director Yakimow, Community Development Director Best, Public Works Director Glowitz, Capt. Williams, and Town Clerk Anderson

**PLEDGE OF ALLEGIANCE**

Led by Council Member Luckino

**INVOCATION**

Led by Jerel Hagerman, Joshua Springs Calvary Chapel

**PRESENTATIONS, RECOGNITIONS, INTRODUCTIONS**

**1. Proclamation Recognizing Bobby Smith.**

Mayor Neeb presented a plaque to Carol Smith honoring Bobby for his contributions to the Town of Yucca Valley

**AGENCY REPORTS**

**Fire Department**

**3. Monthly Fire Department Report for February, 2007**

Battalion Chief Norton gave the monthly statistical Fire Department Report for February 2007 and General Fire Safety and protection tips. It is important to change batteries in smoke detectors.

**APPROVAL OF AGENDA**

Town Manager Takata advised that there is a need to pull Item 6 from the Consent Agenda.

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

CONSENT AGENDA

- 3. **Approve**, Minutes of Regular Town Council Meeting of February 22, 2007 as presented.
- 4. **Waive**, further reading of all ordinances (if any in the agenda) and read by title only.
- 5. **Receive and file**, AB 1234 Reporting Requirement Schedule for the Month of January 2007
- 7. **Ratify**, Warrant Registers in the amount of \$400,204.13 for expenses dated February 16, 2007 through February 23, 2007.

Council Member Mayes moved to adopt Consent Agenda Items 3, 4, 5, & 7. Council Member Luckino seconded. Motion carried 5-0 on a roll call vote.

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

PUBLIC HEARING

- 8. **Planned Development 01-06, Tentative Tract Map 17476, Environmental Assessment 02-06, Resolutions.**  
*A request by Silvatex, Inc. for approval of a Planned Development to establish the development standards for a 58.23 acre site, and Tentative Tract Map to allow the subdivision of 58.23 acres into 43 single family lots, as well as lots for parks, open space, sewer treatment and private streets The site is located on the north side of Paxton Road, approximately 250 feet east of Imperial Drive.*

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF YUCCA VALLEY, CALIFORNIA, APPROVING A MITIGATED NEGATIVE DECLARATION FOR ENVIRONMENTAL ASSESSMENT 02-06

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF YUCCA VALLEY, CALIFORNIA, APPROVING PLANNED DEVELOPMENT 01-06 FOR ASSESSOR PARCEL NUMBERS 601-021-40 AND 43

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF YUCCA VALLEY, CALIFORNIA, APPROVING TENTATIVE TRACT MAP 17467 (ASSESSOR PARCEL NUMBERS 601-021-04 AND 601-021-43)

Contract Planner Criste advised that the Planned Development Permit sets the development parameters for a 58.23 acre site designated Rural Living, 1 acre and 2.5 acre minimum lot size. The PD includes development standards for the size and configuration

of lots, the amenities to be provided, including parks and recreation, trails and open space. The project also proposes an on-site sanitary sewer plant and private streets behind gates. The tract map implements the standards of the PD, and subdivides the site into 34 single family residential lots, as well as lots for parks, open space, streets, flood control facilities, and the sewer plant. The homes will range from 1,700 to 3,300 sf. The tract map, as conditioned, is consistent with the Planned Development, the Subdivision Map Act and the Town's Development Code, and the Planning Commission recommends approval. It was noted that staff has distributed a memo requesting the addition of two conditions relating to issues with the package wastewater treatment plant, as follows: "25. Prior to map recordation, the applicant shall provide evidence of water and sewer infrastructure design approval by the High Desert Water District, and shall enter into an agreement with the High Desert Water District for maintenance of the on-site sewer treatment package plant, and waterline and water main maintenance. 25a. In the event an agreement between the applicant and the High Desert Water District for maintenance of the on-site wastewater treatment package plant is not attainable within a reasonable period of time, a maintenance and monitoring program shall be submitted to and approved by the Town, prior to issuance of ANY permit(s). 25b. The applicant shall record a non-opposition agreement for the formation of and participation in any future Wastewater Treatment District."

**Chris Unanwoke**, Applicant's Representative, advised that they agree with what has been presented by the staff. However, they do have an issue with Condition No. 72 requiring that all the common area amenities be constructed prior to the issuance of the first certificate of occupancy for the first house on the project site, and would like that changed to "prior to finalization of the project", noting that it all depends on the market conditions and funds from the sales of the houses may be necessary to complete the rest of the project. Also, with reference to discussions regarding the 28 acres they are going to donate, they have the option to donate to the Town or the conservancy, and if they donated it to the Town they request that the trail head be eliminated. He noted that the residents will have enough area in their back yards for hiking so they won't need the trail. The condition of the site would make it difficult to arrange for anyone to hike since it is steep.

Community Development Director Best advised that, in discussions with Mr. Unanwoke concerning the open space and reduction in quimby fees, staff will still have to do some calculations and have some internal discussions. It was noted that open space does qualify as part of the requirements.

Mayor Neeb opened the Public Hearing

**Mike Edrington**, Yucca Valley, spoke in favor of the project, noting that whether there is a trail head or just open space, the mountain top will be preserved.

**Richard Greer**, Yucca Valley, advised he is interested in finding more about the access points for the fire department only and what that means, noting he would like something

like that at his home.

There being no one else wishing to speak, Mayor Neeb closed the Public Hearing

Council Member Luckino questioned what the applicant is looking for in reference to condition no. 72. Mr. Unanwoke advised they propose to grade out retention basins, and when they are doing the third phase and capping the streets, they propose to finish the landscaping and create the landscape maintenance district for the Town. They do not know how many phases they will need until they know how the market will react. They do propose that the parks and recreation areas will be developed but requested that they not be asked to construct them at this time.

Contract Planner Criste recommended, if the Council wishes to grant some relief to the applicant, that at minimum, the two parks in the center of the project be available right away, noting that residents should have amenities, no matter how many there are. Council may wish to grant that the park with the trail head be constructed halfway through the project. With reference to the proposed trail head, she requested that that parcel be preserved as a park parcel not related to residential construction.

Council Member Mayes questioned why it would be a bad idea to wait to the end to construct the parks. Contract Planner Criste stated that residents within the project during construction should have the amenities available. As soon there is a certificate of occupancy there is a need for recreational facilities. Council Member Mayes questioned if the applicant has a problem with the additional conditions read by staff. Mr. Unanwoke stated they did not, but recommended that wording be included stating that if they are unable to reach an agreement with the High Desert Water District, they should be able to contract with an outside agency to take over maintenance, so that the homeowners association doesn't have to maintain the facility. Contract Planner Criste recommended that the phrase "within a reasonable time period" be eliminated and add, "if agreement is not reached with the High Desert Water District, then a professional management firm, certified in California, be engaged to maintain the facility" to the end of condition 25a.

Council Member Herbel expressed concern regarding the package treatment plant and having it maintained properly. She questioned if a Sewer Maintenance District should be created to monitor package treatment plants. She also questioned how many Tentative Parcel Maps the Town has approved with the need for such a plant. Deputy Town Manager Stueckle advised there have been 7 maps, composed of 369 residential lots. One subdivision containing 17 lots was exempted by the Board. Council Member Herbel questioned who is in charge of maintenance and monitoring. Deputy Town Manager Stueckle advised that maintenance is left to the developers or home owners associations. There is, at minimum, an annual permitting process which waste dischargers must go through with the regional board.

Mayor Neeb stated if staff is saying there is annual review by the State Water Board, it sounds like they are being monitored and that there are standards that have to be met.

Deputy Town Manager Stueckle commented that anyone that has above 5,000 gallons does have an annual process to go through with the regional board, and staff is assuming that package plants are under those same regulations. There have been discussions at the water district where they are evaluating the preferred type of package treatment plants, but the last we heard, the District is not interested in overseeing the multiple package treatment plants in the community. These issues that are concerns may be good topics for the upcoming 2+2 meeting. Mayor Neeb commented he heard the applicant say they would hire a state approved company who has expertise in this area, not just someone who decides to take up the occupation out of the blue. He questioned if the project would be stopped later down the line if we came to the point where the situation wasn't satisfactory. Deputy Town Manager Stueckle advised that the Town does not have jurisdiction over the levels of materials being discharged by the system, but it is the Water Control Board. The Council may want to ask the applicant if he has a more detailed business plan in terms of what functions the company would provide. Mr. Unanwoke advised the plant they are proposing requires less electricity and has less mechanical parts than others they have researched. Contract Planner Criste advised that the first part of Condition 25 requires that the entire system be approved by the Water District for water and sewer prior to the project being built. There are multiple conditions requiring approval by the regional board, the High Desert Water District and the Town. When the applicant gets to the point of construction there will have been multiple reviews and approvals from many different agencies.

Council Member Luckino questioned if the streets will be maintained by the Town or the home owners association. Deputy Town Manager Stueckle advised the roads will be private and will be maintained through an assessment district administered by the Town.

Council Member Leone questioned if the curbs will be required to be a certain height to direct water on the street. Contract Planner Criste stated the project is conditioned for curb gutter and sidewalks and there is a drainage plan that will take some of the water through the streets, and some through drainage pipes under the streets. Deputy Town Manager Stueckle added that it is common for street systems to carry storm flow in our region.

Council Member Luckino commended the applicant for looking at our community and doing market research, to recognize what our community wants. He advised he supports the language for a state approved company for the maintenance and operation of the package plant, noting he thinks that private industry can do better job.

Council Member Herbel commented she does not know whose responsibility it is to manage the package plants; however, it is the responsibility of the Town Council and the Water District to make sure that we do not further pollute our ground water. Advised she would like to look at the possibility of creating a maintenance district to make sure that our ground water doesn't get polluted. The Town needs to look at a safety net for the community. She questioned if there will be cut and fill slopes on the project, and if the slopes will be safeguarded from erosion with plantings and irrigation. Contract Planner

Criste advised there will be some cut and fill slopes and all standards will be met as part of the plan check process. Council Member Herbel questioned how much grass will be in the project. Contract Planner Criste advised there is a small area in front of the gate area; however, in order to pass through the Water District review process, the applicant will have to show water calculations so it will be self limiting. Council Member Herbel expressed concern that the Town’s lighting ordinance has loopholes for architectural lighting and needs to be tightened up. She requested that it be sent to the Planning Commission for review. Mr. Unanwoke advised that they have given the lighting consideration, and will be putting recessed lighting in the garage areas that will be totally enclosed and will shine down. He noted they researched the Town prior to coming here to find out the issues the Town is sensitive to.

Council Member Mayes moved to approve Environmental Assessment 02-06, Adopt Resolution No. 07-09, approving a Mitigated Negative Declaration and direct the Planning Department to file a Notice of Determination for a Mitigated Negative Declaration with the County Clerk; Adopt Resolution No. 07-10, approving Planned Development 01-06, based on the findings and conditions of approval as amended; and Adopt Resolution No. 07-11, approving Tentative Tract Map 17476, based on the findings and conditions of approval as amended. Council Member Luckino seconded.

Council Member Mayes clarified that the amendment is being made to added condition 25a, adding “if an agreement is not reached with the High Desert Water District, a professional state certified maintenance firm shall be retained. Council Member Mayes requested clarification of the request to amend Condition No. 72 and the elimination of the trail head. Deputy Town Manager Stueckle advised that staff feels comfortable with recommending that the two center parks be completed prior to the first Certificate of Occupancy being issued. Contract Planner Criste questioned if the Council supports the Applicant’s request to eliminate the trail head and if so does Council also support staff’s recommendation that that lot remain open space. Mr. Unanwoke recommended that that lot be dedicated to the Town. Council Members agreed to the request and staff’s recommendation.

Motion carried 5-0 on a roll call vote.

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

Council Members agreed to send the Lighting Ordinance to the Planning Commission for review.

**DEPARTMENT REPORTS**

- 9. Council Request, Filming Commission Meetings. (Continued from the February 22,**

**2007 Meeting)**

Town Clerk Anderson reported that this item was tabled at the last meeting in order for all Council Members to be present to give their input. It was noted that there would be someone available to film the Planning Commission Meetings, but there may be scheduling conflicts for the other commission meetings. In addition, there is limited space on Cable Channel 6 except for evenings after 10:00 p.m. and Sunday from 11:00 a.m. to 1:00 p.m.

**Harry Bowkly**, Yucca Valley, commented regarding the importance of filming the Planning Commission meetings.

**Richard Greer**, Yucca Valley, commented regarding the need to film Planning Commission meetings.

Council Member Herbel advised that she contacted several municipalities in San Bernardino and found that several of them film and televise their Planning Commission meetings. It is important for the community to know what is going on with land use issues, also the Parks, Recreation and Cultural Commission is updating the Parks Master Plan, and it would be good to film those meetings.

Council Member Luckino questioned if the meetings could be recorded digitally and put on the webpage.

Council Member Mayes questioned if Pro Video has determined if they can digitize the meeting. Mr. Stephenson stated that when it becomes necessary he can probably do that. Council Member Mayes commented he does not have a problem with it, but does have a concern with people using the film for their own political gain. He added he does support the concept of having a live stream on the website, and if the Planning Commission is filmed the Parks, Recreation and Cultural Commission should also be filmed, and it is appropriate to film the Traffic Commission. He stated he does not feel they should remain on the site any longer than 6 months, noting that in reality the written minutes are the legal record of the meetings.

Mayor Neeb stated that it doesn't seem like there are good times to show the videos on Channel 6 at this point, adding he is not against streaming if the meetings can be put on the website, but just to film them without a good television time slot is not good at this time.

Council Member Luckino commented that he thinks the important topic is communication, not just filming of Planning Commission meetings, but better communication on a proactive basis with the Community.

Council Member Leone agreed with filming the Planning Commission meetings.

## YUCCA VALLEY TOWN COUNCIL MINUTES

March 8, 2007

Town Manager Takata commented that consensus is that the Council would like to see something on television or the webpage, and staff will come back after we find a way to get the information on the webpage. We have a consensus that the Council wants to get the Planning Commission meetings out to the public, and staff needs to look at our web page to see what we actually can do.

Council Member Mayes requested that that staff also bring back information regarding records retention of the videos. Council Member Luckino advised he would also like to talk about pro active information.

### PUBLIC COMMENT

**Sabrina Peukert**, Yucca Valley, commented regarding sewer systems, and the need for jobs and services for children.

**Sarann Graham**, Yucca Valley, commented she is glad that the Council has given staff some direction to review the lighting ordinance, and advised of the need to look at new technology.

**Margo Sturges**, Yucca Valley, suggested creating an e-mail newsletter to send to citizens, and include agendas.

### STAFF REPORTS AND COMMENTS

Town Manager Takata advised the City/County Conference will be March 22-23. Announced that Home Depot has begun pulling permits.

Deputy Town Manager Stueckle thanked staff members for getting the full agendas on the web site. Thanked Chris Unanwoke for representing the Applicant for the project Council heard this evening, noting he did an excellent job replying to staff's concerns when the project was proposed.

### MAYOR AND COUNCIL MEMBER REPORTS AND COMMENTS

#### 10. Mayor Pro Tem Leone

Commented that daylight savings time begins this weekend.

Advised of the need to slow down driving through Town and courtesy to fellow drivers.

#### 11. Council Member Luckino

Commented regarding the proclamation for Bobby Smith.

#### 12. Council Member Mayes

Commented that Bobby Smith will be missed.

Commented regarding the Hi Desert Star article regarding the Town's finances, noting that they are good, but the Town does have pressing issues and there are going to have to be difficult decisions made.

**13. Council Member Herbel**

Echoed comments regarding Bobby Smith.

Advised of a call from a constituent about trash and their concern that people are not tying up the bags when they put them in the trash cans.

Reported regarding attendance at the International Dark Sky Association 19<sup>th</sup> Annual General Meeting and classes regarding energy savings, sustainability and urban planning. She noted that Tucson has 1,000,000,000 residents and they still have night skies. She will be attempting to organize an informative presentation.

**14. Mayor Neeb**

Advised that the Kite Festival is scheduled for Saturday from 1:00 p.m. to 5:00 p.m. and there is a possibility that Benjamin Franklin will be there.

**ANNOUNCEMENTS**

Next Town Council Meeting, Thursday, April 12, 2007, 6:00 p.m.

**ADJOURNMENT**

There being no further business, the meeting was adjourned at 7:40 p.m.

Respectfully submitted,

Jamie Anderson,  
Town Clerk