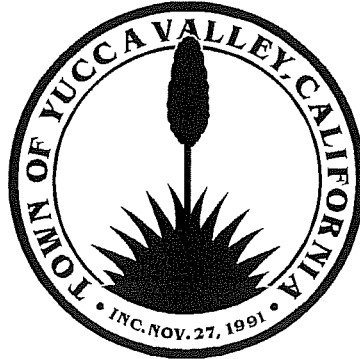


**TOWN OF YUCCA VALLEY
TOWN COUNCIL MEETING**



*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.*

**TOWN COUNCIL: 6:00 p.m.
TUESDAY, SEPTEMBER 17, 2013
YUCCA VALLEY COMMUNITY CENTER
YUCCA ROOM
57090 - 29 PALMS HIGHWAY
YUCCA VALLEY, CALIFORNIA 92284**

* * * *

TOWN COUNCIL
Merl Abel, Mayor
Robert Lombardo, Mayor Pro Tem Member
George Huntington, Council Member
Robert Leone, Council Member
Dawn Rowe, Council Member

* * * *

**TOWN ADMINISTRATIVE OFFICE:
760-369-7207
www.yucca-valley.org**

**AGENDA
MEETING OF THE
TOWN OF YUCCA VALLEY COUNCIL
TUESDAY SEPTEMBER 17, 2013
6:00 P.M.**

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.

An agenda packet for the meeting is available for public view in the Town Hall lobby and on the Town's website, www.yucca-valley.org, prior to the Council meeting. Any materials submitted to the Agency after distribution of the agenda packet will be available for public review in the Town Clerk's Office during normal business hours and will be available for review at the Town Council meeting. Such documents are also available on the Town's website subject to staff's ability to post the documents before 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 subject on the agenda, or any subject not on the agenda during public comments, please fill out a card and give it to the Town Clerk. The Mayor/Chair will recognize you at the appropriate time. 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: Council Members Huntington, Leone, Lombardo, Rowe, and Mayor Abel.

PLEDGE OF ALLEGIANCE

INVOCATION

REPORT OF CLOSED SESSION

PRESENTATIONS

1. General Plan Advisory Committee Recognition

AGENCY REPORTS

Hi Desert Water District

2. Water and Wastewater Update

APPROVAL OF AGENDA

Action: Move_____2nd_____Vote_____

CONSENT AGENDA

3. Waive further reading of all ordinances (if any in the agenda) and read by title only.

Recommendation: Waive further reading of all ordinances and read by title only.

- 1-2 4. Monthly Fire Department Statistical Reports for August 2013

Recommendation: Receive and file the monthly statistical Fire Department Reports for August 2013

- 3-5 5. AB1234 Reporting Requirements

Recommendation: Receive and file the AB1234 Reporting Requirement Schedule for the month of August 2013

- 6-72 6. Tract Map 17328; Initiating Reversion to Acreage

Recommendation: Direct staff to initiate the reversion to acreage process for Tract Map 17328

- 73-93 7. Professional Services Agreement- Museum Registrar

Recommendation:

- A. Approve a professional services agreement between the Town and Vanessa Cantu for a not to exceed amount of \$20,000 for Museum Registrar and related services.
- B. Waive the requirements of Section 5.1 & 5.2 of the Town's standard professional services agreement, and authorize the Deputy Town Manager and Town Attorney to execute the agreement and make any additional non-substantive changes as needed.
- C. Approve an offsetting budget amendment in the amount of \$13,000 by recognizing \$13,000 in Museum Donations Revenue, and appropriating \$13,000 in Professional Services Expenditures.

- 94-111 8. 2012-13 Purchase Order Encumbrances & Project Carry forwards

Recommendation: Adopt the Resolution approving the 2012-13 Purchase Order Encumbrances and Project Carry forwards as identified

- 112-113 9. 2013-14 Youth Commission Appointments and Introductions

Recommendation: Appoint the applicants recommended by the Parks, Recreation and Cultural Commission to the 2013-14 Youth Commission, and authorize the Parks, Recreation and Cultural Commission to review future applications and make subsequent appointments on behalf of the Council.

All items listed on the consent calendar are considered to be routine matters or are considered formal documents covering previous Town Council instruction. The items listed on the consent calendar may be enacted by one motion and a second. There will be no separate discussion of the consent calendar items unless a member of the Town Council or Town Staff requests discussion on specific consent calendar items at the beginning of the meeting. Public requests to comment on consent calendar items should be filed with the Town Clerk/Deputy Town Clerk before the consent calendar is called.

Recommendation: Adopt Consent Agenda (items 3-9)

Action: Move _____ 2nd _____ Vote _____

PUBLIC HEARING

- 114-216 10. Development Code Amendment, DCA-06-13; Draft Development Code Article 4; Permit Procedures

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF YUCCA VALLEY, CALIFORNIA, AMENDING TITLE 9, YUCCA VALLEY DEVELOPMENT CODE, BY ADOPTING ARTICLE 4, CHAPTERS 9.60 THROUGH 9.77, PERMIT PROCEDURES AND REPEALING SECTIONS 83.010105 THRU 83.0103.15, SECTIONS 83.010325 THRU 83.010335, SECTION 83.010505, SECTIONS 83.020105 THRU 83.020210, SECTIONS 83.030805 THRU 83.030855, SECTIONS 83.030145 THRU 83.030175, SECTIONS 83.030205 THRU 83.030230, SECTIONS 83.030310 THRU 83.030325, SECTION 83.030405, SECTION 83.030505, SECTION 83.030605 SECTIONS 83.030705 THRU 83.030765, SECTIONS 83.030905 THRU 83.030955 OF DIVISION 3 OF TITLE 8 FROM THE YUCCA VALLEY DEVELOPMENT CODE AND SECTIONS 41.151 THRU 41.1569 FROM CHAPTER 15, DIVISION 1 TITLE 4 OF THE YUCCA VALLEY MUNICIPAL CODE.

Recommendation:

- A. Finds that the project is exempt from CEQA in accordance with Section 15061 (b)(3) of the California Environmental Quality Act. The proposed amendment to revise the Town’s Permitting Procedures regulations has no potential to impact the environment. The proposed amendment does not alter the existing requirements that specific development projects must comply with the provisions of the California Environmental Quality Act. Development Code Amendment, DCA 06-03 meets the exemption criteria which states “that if an activity is covered by the general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment and where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA”.
- B. Introduces the Ordinance, and repeals Sections 83.010105 thru 83.0103.15, Sections 83.010325 thru 83.010335, Section 83.010505, Sections 83.020105 thru 83.020210, Sections 83.030805 thru 83.030855, Sections 83.030145 thru 83.030175, Sections 83.030205 thru 83.030230, Sections 83.030310 thru 83.030325, Section 83.030405, Section 83.030505, Section 83.030605 Sections 83.030705 thru 83.030765, Sections 83.030905 thru 83.030955 of Division 3 of Title 8 from the Yucca Valley Development Code and Sections 41.151 thru 41.1569 from Chapter 15, Division 1 Title 4 of the Yucca Valley Municipal Code.

DEPARTMENT REPORTS

- 217-225 11. Paradise Park Playground Equipment Improvement – Town Project No. 8947; Resolution No. 13-; Notice Inviting Bids

Recommendation: Adopt the Resolution, approve the Plans and Specifications, and authorize the Town Clerk to advertise and receive bids.

- 226-228 12. Questar Southern Trails Pipeline; Oil Conversion Project

Recommendation: Receive the report and provide direction as deemed necessary

FUTURE AGENDA ITEMS

PUBLIC COMMENTS

In order to assist in the orderly and timely conduct of the meeting, the Council takes this time to consider your comments on items of concern which are on the Closed Session or not on the agenda. When you are called to speak, please state your name and community of residence. Notify the Mayor if you wish to be on or off the camera. Please limit your comments to three (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 Town Council is prohibited by State law from taking action or discussing items not included on the printed agenda.

STAFF REPORTS AND COMMENTS

MAYOR AND COUNCIL MEMBER REPORTS AND COMMENTS

13. Council Member Leone
14. Council Member Rowe
15. Council Member Huntington
16. Mayor Pro Tem Lombardo
17. Mayor Abel

ANNOUNCEMENTS

Time, date and place for the next Town Council meeting.

6:00 p.m., Tuesday, October 1, 2013, Yucca Valley Community Center Yucca Room

ADJOURNMENT

Yucca Valley Town Council

Meeting Procedures

The Ralph M. Brown Act is the state law which guarantees the public's right to attend and participate in meetings of local legislative bodies. These rules have been adopted by the Town of Yucca Valley Town Council in accordance with the Brown Act, Government Code 54950 et seq., and shall apply at all meetings of the Yucca Valley Town Council, Commissions and Committees.

Agendas - All agendas are posted at Town Hall, 57090 Twentynine Palms Highway, Yucca Valley, at least 72 hours in advance of the meeting. Staff reports related to agenda items may be reviewed at the Town Hall offices located at 57090 Twentynine Palms Highway, Yucca Valley.

Agenda Actions - Items listed on both the "Consent Calendar" and "Items for Discussion" contain suggested actions. The Town Council will generally consider items in the order listed on the agenda. However, items may be considered in any order. Under certain circumstances new agenda items can be added and action taken by two-thirds vote of the Town Council.

Closed Session Agenda Items - Consideration of closed session items, *excludes* members of the public. These items include issues related to personnel, pending litigation, labor negotiations and real estate negotiations. Prior to each closed session, the Mayor will announce the subject matter of the closed session. If final action is taken in closed session, the Mayor shall report the action to the public at the conclusion of the closed session.

Public Testimony on any Item - Members of the public are afforded an opportunity to speak on any listed item. Individuals wishing to address the Town Council should complete a "Request to Speak" form, provided at the rear of the meeting room, and present it to the Town Clerk prior to the Council's consideration of the item. A "Request to Speak" form must be completed for *each* item when an individual wishes to speak. When recognized by the Mayor, speakers should be prepared to step forward and announce their name and address for the record. In the interest of facilitating the business of the Council, speakers are limited to up to three (3) minutes on each item. Additionally, a twelve (12) minute limitation is established for the total amount of time any one individual may address the Council at any one meeting. The Mayor or a majority of the Council may establish a different time limit as appropriate, and parties to agenda items shall not be subject to the time limitations.

The Consent Calendar is considered a single item, thus the three (3) minute rule applies. Consent Calendar items can be pulled at Council member request and will be brought up individually at the specified time in the agenda allowing further public comment on those items.

Agenda Times - The Council is concerned that discussion takes place in a timely and efficient manner. Agendas may be prepared with estimated times for categorical areas and certain topics to be discussed. These times may vary according to the length of presentation and amount of resulting discussion on agenda items.

Public Comment - At the end of the agenda, an opportunity is also provided for members of the public to speak on any subject with Council's authority. *Matters raised under "Public Comment" may not be acted upon at that meeting. The time limits established in Rule #4 still apply.*

Disruptive Conduct - If any meeting of the Council is willfully disrupted by a person or by a group of persons so as to render the orderly conduct of the meeting impossible, the Mayor may recess the meeting or order the person, group or groups of person willfully disrupting the meeting to leave the meeting or to be removed from the meeting. Disruptive conduct includes addressing the Council without first being recognized, not addressing the subject before the Council, repetitiously addressing the same subject, failing to relinquish the podium when requested to do so, or otherwise preventing the Council from conducting its meeting in an orderly manner. *Please be aware that a NO SMOKING policy has been established for all Town of Yucca Valley meetings. Your cooperation is appreciated!*

ACRONYM LIST

ADA	Americans with Disabilities Act
CAFR	Comprehensive Annual Financial Report
CALTRANS	California Department of Transportation
CEQA	California Environmental Quality Act
CCA	Community Center Authority
CDBG	Community Development Block Grant
CHP	California Highway Patrol
CIP	Capital Improvement Program
CMAQ	Congestion Mitigation and Air Quality
CMP	Congestion Management Program
CNG	Compressed Natural Gas
COP	Certificates of Participation
CPI	Consumer Price Index
ED	Economic Development
EIR	Environmental Impact Report (pursuant to CEQA)
GAAP	Generally Accepted Accounting Procedures
GASB	Governmental Accounting Standards Board
IIEP	Inland Empire Economic Partnership
IIPP	Injury and Illness Prevention Plan
IRC	Internal Revenue Code
LAIF	Local Agency Investment Fund
LLEBG	Local Law Enforcement Block Grant
LTF	Local Transportation Fund
MBTA	Morongo Basin Transit Authority
MBYSA	Morongo Basin Youth Soccer Association
MDAQMD	Mojave Desert Air Quality Management District
MOU	Memorandum of Understanding
MUSD	Morongo Unified School District
PARSAC	Public Agency Risk Sharing Authority of California
PERS	California Public Employees Retirement System
PPA	Prior Period Adjustment
PVEA	Petroleum Violation Escrow Account
RDA	Redevelopment Agency
RSA	Regional Statistical Area
RTP	Regional Transportation Plan
SANBAG	San Bernardino Associated Governments
SCAG	Southern California Association of Governments
STIP	State Transportation Improvement Program
STP	Surface Transportation Program
TEA-21	Transportation Enhancement Act for the 21 st Century
TOT	Transient Occupancy Tax

COUNCIL COMMITTEE MEETING TIMES

<u>COMMITTEE</u>	<u>REPRESENTATIVE</u>	<u>TIMES</u>	<u>LOCATION</u>
SANBAG	HUNTINGTON ROWE (ALT)	9:30am 1st Wed	San Bernardino
MEASURE I	HUNTINGTON ROWE (ALT)	9:00 a.m. 3rd Fri.	Apple Valley
DESERT SOLID WASTE JPA	HUNTINGTON LOMBARDO (ALT)	10:00am 2nd Thurs Feb, May, Aug, Nov	Victorville
SOLID WASTE ADVISORY TASK FORCE	HUNTINGTON	2 times per year	Victorville
LEAGUE OF CALIFORNIA CITIES DESERT/MOUNTAIN DIVISION	LOMBARDO ROWE (ALT)	10:00am. 4th Fri quarterly	Various Locations
MORONGO BASIN TRANSIT AUTHORITY	ABEL HUNTINGTON ROWE (ALT)	5:00 pm 4th Thurs	Joshua Tree
MOJAVE AIR QUALITY DISTRICT	ABEL ROWE (ALT)	10:00am 4th Mon	Victorville
LEAGUE OF CALIFORNIA CITIES LEGISLATIVE DELEGATE	MAYOR		
LEGISLATIVE TEAM	HUNTINGTON ROWE	Proposed for Council Member to work with Town Manager meeting with legislators when necessary.	
FLOOD CONTROL ZONE 6	MAYOR		
CITY/COUNTY ANIMAL SERVICES JPA	HUNTINGTON LOMBARDO	12:00 p.m. last Thurs.	Yucca Valley
SPORTS COUNCIL	HUNTINGTON	March, June, Sept., Oct.	Yucca Valley

AD HOC COMMITTEES

SENIOR HOUSING

HUNTINGTON
ROWE

SEWER FINANCING

ROWE
LEONE

COUNCIL RULES & PROCEDURES

MORONGO UNIFIED SCHOOL DISTRICT

ROWE

AUDIT

BREHM PARK

ABEL
LOMBARDO

COUNTY BUDGET COMMITTEE

ROWE
HUNTINGTON



SAN BERNARDINO COUNTY FIRE DEPARTMENT SERVING YUCCA VALLEY

August 2013 Summary

ADMINISTRATIVE MONTHLY REPORT

The County Fire Department responded to a total of 410 requests for assistance within our town boundaries. Division wide responses for the South Desert were 660 incidents.

EMERGENCY RESPONSES

ESTIMATED FIRE LOSS (In dollars)

Total Loss	\$	2,000	Value	\$	2,000
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RESPONSES OTHER THAN FIRES

Fires	7
Rupture / Explosion	3
EMS / Rescue	320
Hazardous Condition	4
Service Calls	30
Good Intent Calls	38
False Call	7
Other	1

ALARMS – ALL TYPES

Yucca Valley Response Area
2013 Year-to-Date

TOTAL NON-FIRE RESPONSE	2994
TOTAL FIRE RESPONSES.....	67
TOTAL ALARMS	3061

Significant Events:

- Conducted several public education events with schools locally
- Fire Prevention Week starts in October along with the Great Shakeout Preparedness Drill: remember to register to participate at <http://www.shakeout.org/california/>



SAN BERNARDINO COUNTY FIRE DEPARTMENT SERVING YUCCA VALLEY

National Disaster Preparedness

If Disaster Strikes

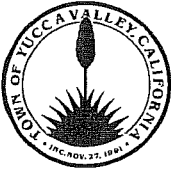
- Remain calm; put your plan into action.
- Prepare for aftershocks.
- Check for injuries. Give first aid & call for help if anyone is seriously injured.
- Turn on your radio for further instructions. If advised to evacuate, do so. Leave a message on the door telling family members where you can be reached.
- Leave the road clear for emergency vehicles.
- Do not use your vehicle unless it is an absolute emergency.
- Check for damage in your home.
- Check for fires in your home.
- If you smell gas, turn off the main gas valve, open the windows and get out quickly.
- Shut off damaged utilities.

Remember to:

- Secure your pets.
- Call your family contact.
- Check on your neighbors, especially the elderly and disabled.
- Make sure you have an adequate supply of water. One gallon per person/day!

Develop a neighborhood earthquake plan so your neighborhood can be self sufficient after an earthquake.

For more information about preparedness, please visit our website at
http://www.sbcounty.gov/Uploads/SBCFire/content/fire_marshal/fire_prevention/pub_ed%20brochures.051208/Earthquake%20%20Disaster%20Prep%20Hudd%20Approved.pdf



TOWN COUNCIL STAFF REPORT

To: Honorable Mayor & Town Council
From: Curtis Yakimow, Director of Administrative Services
Sharon Cisneros, Senior Accountant
Date: September 5, 2013
For Council Meeting: September 17, 2013
Subject: AB1234 Reporting Requirements

Prior Council Review: Current reimbursement policy for Council members and Redevelopment Agency members reviewed and approved by Council August 2006.

Recommendation: Receive and file the AB1234 Reporting Requirement Schedule for the month of August 2013.

Order of Procedure:

- Request Staff Report
- Request Public Comment
- Council Discussion / Questions of Staff
- Motion/Second
- Discussion on Motion
- Call the Question (Roll Call Vote, Consent Agenda)

Discussion: AB1234 requires members of a legislative body to report on "meetings" attended at public expense at the next meeting of the legislative body. "Meetings" for purpose of this section are tied to the Brown Act meaning of the term: *any congregation of a majority of the members of a legislative body at the same time and place to hear, discuss, or deliberate upon any item that is within the subject matter jurisdiction of the legislative body or the local agency to which it pertains.* Qualifying expenses include reimbursement to the member related to meals, lodging, and travel.

An example of when a report is required is when a Town Council member represents his or her agency on a joint powers agency board and the Town pays for the official's expenses in serving in that representative capacity. Additionally, in the spirit of AB1234, the Yucca Valley Town Council also reports all travel related to conference and training attended at public expense.

Reviewed By:

SLS
Town Manager Town Attorney Admin Services Finance

Department Report Ordinance Action Resolution Action Public Hearing
 Consent Minute Action Receive and File Study Session

Although the AB1234 report can be either written or oral, this report must be made at the next meeting of the legislative body that paid for its member to attend the meeting.

Alternatives: None.

Fiscal impact: There is no anticipated financial impact associated with the recommended approval of AB1234 reporting requirements.

Attachments: AB1234 Reporting Requirement Schedule

Town of Yucca Valley

Councilmember AB1234 Meetings Schedule Month of August 2013

Date of Travel	Organization	Description	Location
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Mayor Abel

No Reportable Meetings

Mayor Pro Tem Lombardo

No Reportable Meetings

Councilmember Huntington

No Reportable Meetings

Councilmember Rowe

No Reportable Meetings

Councilmember Robert Leone

No Reportable Meetings

TOWN COUNCIL STAFF REPORT

To: Honorable Mayor & Town Council
From: Shane R. Stueckle, Deputy Town Manager
Date: September 12, 2013
For Council Meeting: September 17, 2013

Subject: Tract Map 17328
Initiating Reversion to Acreage

Prior Council Review: There has been no prior review of this matter.

Recommendation: That the Town Council directs staff to initiate the reversion to acreage process for Tract Map 17328.

Executive Summary: Prior to recording a final map, all conditions of approval must be satisfied. If the conditions of approval are not satisfied, the sub divider must enter into an improvement agreement. The agreement specifies the requirements upon the sub divider and when the public improvements will be completed. There is no right to a final map until the agreement is entered into (South Cent. Coast Reg'l Comm'n v Charles A Pratt Const. Co., 128 Cal. App. 3d 80 1982).

The new owners of Tract Map 17328 have not entered into an assumption agreement. There is no existing subdivision improvement agreement with the current property owner, and there are no performance sureties posted by the current property owner.

Order of Procedure:

- Request Staff Report
- Request Public Comment
- Council Discussion/Questions of Staff
- Motion/Second
- Discussion on Motion
- Call the Question (Roll Call Vote, Consent Agenda)

Discussion: Final Tract Map 17328 was approved by the Town Council on January 25, 2007. Tract Map 17328 covers approximately 9.32 acres, and the final map resulted in the creation of 17 single family residential lots. The property was foreclosed, and the bank sold the property to a new owner. The new owner has not responded to the Town's request to satisfy the minimum Code requirements for entering into a subdivision improvement agreement and the associated posting of performance sureties.

Reviewed By:



Town Manager

Town Attorney

Mgmt Services



Dept Head

Department Report
 Consent

Ordinance Action
 Minute Action

Resolution Action
 Receive and File

Public Hearing
 Study Session

As the Council is aware, standard requirements for final tract maps include entering into a subdivision improvement agreement and the posting of performance sureties prior to the recordation of the final map. The agreement and sureties ensure the public agencies ability to construct the public improvements if default occurs. There is no right to a final map until the agreement is entered into (South Cent. Coast Reg'l Comm'n v Charles A Pratt Const Co., 128 Cal. App. 3d 80 1982).

The subdivision has been sold, and the new owner(s) has not responded to the Town's request to satisfy the minimum requirements necessary for the subdivision.

The initiation of this process will include formal notice to the property owner with the intent to bring resolution without the necessity for reversion to acreage. The current property owner is Mirage Front Properties, LLC out of Rancho Mirage, California.

Alternatives: Staff recommends no alternative actions.

Fiscal impact: There are no fiscal impacts created by the recommended action. If the Town must prepare the reversion to acreage map, approximately \$10,000 will be expended and would become a lien against the property.

Attachments: Final Map 17328
Subdivision Improvement Agreement/Amendments
Town Council Staff Report of January 25, 2007
Planning Commission Staff Report of May 3, 2005

TOWN COUNCIL STAFF REPORT

To: Honorable Mayor & Town Council
From: Shane R. Stueckle, Deputy Town Manager
Date: January 15, 2007
For Council Meeting: January 25, 2007

Subject: Approval of Final Map of TM 17328
Assessor Parcel No. 588-311-09
Located on the south side of Yucca Trail, between approximately Balsa and Emerson
17 single Family Residential Lots

Prior Council Review: None, however earlier on December 14, 2006 Town Council passed Resolutions initiating proceedings to form Landscape and Lighting Maintenance District No. 1, Annexation No. 2, Zone 3 and Street and Drainage Maintenance District No. 1, Annexation No. 2, Zone 3 for TM 17328; and Resolution certifying the ballot results and confirming the Assessments approved by the voters within Landscape and Lighting Maintenance District No. 1, Annexation No. 2, Zone 3 and Street and Drainage Maintenance District No. 1, Annexation No. 2, Zone 3 for TM 17328 is scheduled on this agenda.

Recommendation: That the Town Council:

- 1. Approve the Final Map of TM 17328, Subdivision Improvement Agreement, Performance Bond and Payment Bond.
2. Authorize the Town Manager to sign the Subdivision Improvement Agreement.
3. Direct staff to forward the map to the San Bernardino County Recorder for recordation.

Executive Summary: The tentative subdivision map TM 17328 was approved subject to several conditions including the requirement that the applicant provide for future maintenance of streets, parkway, landscaping, lighting, drainage facilities and other public infrastructure. The applicant has satisfied those conditions which are required to be satisfied prior to recordation of the final map.

Order of Procedure:

- Request Staff Report
Request Public Comment
Council Discussion/Questions of Staff

Table with 4 columns: Reviewed By, Town Manager, Town Attorney, Mgmt Services, Dept Head

Form with checkboxes for Department Report, Ordinance Action, Resolution Action, Public Hearing, Consent, Minute Action, Receive and File, Study Session

Motion/Second
Discussion on Motion
Roll Call Vote (As Part of Consent Agenda)

Discussion: The final map of TM 17328 is comprised of 17 residential lots. The tentative map was approved subject to several conditions of approval. The conditions required to be satisfied prior to final map approval have been satisfied (formation of assessment districts appears on this agenda).

Alternatives: No alternative action is recommended.

Fiscal impact: None: All costs are paid through application fees by the applicant.

Attachments: Subdivision Improvement Agreement
Performance and Payment Bonds
Copy of map

Z:\2007\11 25 07 Town Council Meeting\11 25 07 TM 17328-Staff Report-Approval of Final Map.DOC

Planning Commission: May 3, 2005
TOWN OF YUCCA VALLEY
COMMUNITY DEVELOPMENT/PUBLIC WORKS DEPARTMENT
CURRENT PLANNING DIVISION
STAFF REPORT

Case: TENTATIVE TRACT MAP 17328
ENVIRONMENTAL ASSESSMENT 03-05

Request: A REQUEST TO SUBDIVIDE 9.32 ACRES INTO 17 SINGLE FAMILY LOTS OF 18,105 SQUARE FEET OR MORE IN SIZE, AS WELL AS LOTS FOR STREETS AND A RETENTION BASIN, IN THE R-S-2 LAND USE DISTRICT. ASSESSOR'S PARCEL NO. 588-311-09

Applicant: WIL-MARK, GP
PO BOX 10389
PALM DESERT, CA 92255

Representative:
WARNER ENGINEERING
7245 JOSHUA LANE
YUCCA VALLEY, CA 92284

Property Owner:
WIL-MARK, GP
PO BOX 10389
PALM DESERT, CA 92255

Location: THE SOUTHWESTERN CORNER OF YUCCA TRAIL AND EMERSON AVENUE

Existing Land Use: VACANT UNDEVELOPED LAND

Surrounding Land Use:

NORTH:	EXISTING SINGLE FAMILY HOMES – ACROSS YUCCA TRAIL
SOUTH:	EXISTING SINGLE FAMILY HOMES
WEST:	EXISTING SINGLE FAMILY HOMES
EAST:	EXISTING SINGLE FAMILY HOMES – ACROSS EMERSON

Surrounding General Plan Land Use Designations:

NORTH:	RS-2, RESIDENTIAL SINGLE FAMILY, 2 UNITS PER ACRE
SOUTH:	RS-2, RESIDENTIAL SINGLE FAMILY, 2 UNITS PER ACRE
WEST:	RS-2, RESIDENTIAL SINGLE FAMILY, 2 UNITS PER ACRE
EAST:	RS-2, RESIDENTIAL SINGLE FAMILY, 2 UNITS PER ACRE

Existing General Land Use Designations: RS-2, RESIDENTIAL SINGLE FAMILY, 2 UNITS PER ACRE

Existing Zoning Designations: RS-2, RESIDENTIAL SINGLE FAMILY, 2 UNITS PER ACRE

Division Approvals:
Engineering _____ Building & Safety _____ Public Works _____

Tentative Tract Map 17328
EA-03-05
Wil-Mark GP
May 3, 2005 Planning Commission Meeting

Surrounding Zoning Designations:

NORTH:	RS-2, RESIDENTIAL SINGLE FAMILY, 2 UNITS PER ACRE
SOUTH:	RS-2, RESIDENTIAL SINGLE FAMILY, 2 UNITS PER ACRE
WEST:	RS-2, RESIDENTIAL SINGLE FAMILY, 2 UNITS PER ACRE
EAST:	RS-2, RESIDENTIAL SINGLE FAMILY, 2 UNITS PER ACRE

Public Notification:

PURSUANT TO SECTION 83.010330, LEGAL NOTICE IS REQUIRED TO BE GIVEN TO ALL PROPERTY OWNERS WITHIN A THREE (300) HUNDRED FOOT RADIUS OF THE EXTERIOR BOUNDARIES OF THE SUBJECT SITE. AS REQUIRED, THIS PROJECT NOTICE WAS MAILED TO ALL PROPERTY OWNERS WITHIN A 300 FOOT RADIUS OF THE PROJECT SITE AND PUBLISHED ON APRIL 22, 2005. PROPERTY OWNERS WITHIN 300 FEET WERE NOTIFIED. THERE HAS BEEN NO RESPONSE TO THE PUBLIC NOTICE FROM THE PROPERTY OWNERS AT THE WRITING OF THIS STAFF REPORT.

RECOMMENDATIONS:

ENVIRONMENTAL ASSESSMENT 03-05: That the Planning Commission APPROVE a Mitigated Negative Declaration for Environmental Assessment, EA-03-05.

TENTATIVE TRACT MAP 17328: That the Planning Commission APPROVE, Tentative Tract Map 17328, based on the findings contained within the staff report and the Conditions of Approval.

Appeal Information:

Actions by the Planning Commission, including any finding that a negative declaration be adopted, may be appealed to the Town Council within 10 calendar days. Appeal filing and processing information may be obtained from the Planning Section of the Community Development Department.

I. GENERAL INFORMATION

PROJECT DESCRIPTION: The applicant proposes the subdivision of a 9.32 acre parcel into 17 single family lots of over 18,000 square feet, as well as a lot a retention basin. The streets are proposed to be public streets.

LOCATION: The project site is located at the southwest corner of Yucca Trail and Emerson Avenue. The site is bisected by Balsa Avenue

PROJECT SYNOPSIS:

PROJECT AREA
FLOOD ZONE

ALQUIST PRIOLO ZONE
OFF-SITE IMPROVEMENTS REQ.

RIGHT-OF-WAY DEDICATION REQ.
AIRPORT INFLUENCE AREA

SITE COVERAGE

9.32 acres
Zone D – Areas in which flood hazards are undetermined.
Yes, Eureka Peak Fault
Yes, street improvements to Yucca Trail, Balsa Ave., Emerson Ave., and Arcadia Trail
Yes, Emerson Ave. and Balsa Avenue
Yes. Deed Notice required

II. PROJECT ANALYSIS

GENERAL PLAN CONSIDERATION: The project site is designated Residential Single Family, 2 units per acre, and is surrounded on all sides by this same designation. The proposed subdivision will result in this density, with lots of at least 18,000 square feet.

Based on the proposed density, the proposed subdivision is consistent with the land use designation density assigned in the General Plan Land Use Element as well as meeting the goals and policies of the General Plan Housing Element.

ENVIRONMENTAL CONSIDERATIONS: The proposed project was reviewed under the requirements of the California Environmental Quality Act (CEQA), and an Initial Study was prepared. The Study found that although there will be potentially significant impacts related to

air quality, noise and geology associated with development of the site, mitigation measures included in the study will reduce these impacts to less than significant levels. A Mitigated Negative Declaration is proposed.

ADJACENT LAND USES: The project site is in an area which is largely developed with single family homes on half-acre lots.

SITE CHARACTERISTICS: The project site slopes from the south to the north, with elevations in the southern end of the property at 3,360 feet above mean sea level, and 3,334 at Yucca Trail.

FEMA designates the site in the Zone D whereby the flood hazards are undetermined. The proposed tract map will be required to retain the incremental increase in runoff on-site (please see discussion below).

There are a number of Joshua Trees on the property. The site will be graded with cut and fill; however, in reviewing the pad elevations indicated on the map the grade differentials are fairly minimal which may leave some opportunity to protect trees in place; however, those being disturbed as a result of this project shall be incorporated into the landscape setbacks along the street frontages and within the common areas. Only those trees that are considered too large to be relocated, dead or diseased would be removed. Any viable trees that cannot be accommodated within the landscape setback will be approved for adoption. Prior to any disturbance to the site, a Native Plant Expert shall label the trees to identify those that are to remain, those to be relocated on-site, those available for adoption, and those to be destroyed. Following the issuance of a grading permit, a 30 days adoption period shall commence before land disturbance in accordance with the grading plan may commence.

ACCESS: Primary access to the subdivision will be Yucca Trail, a 100 foot wide arterial street. As such, the proposed lots will front on either Balsa Avenue or Emerson Avenue. No lots are proposed fronting on Yucca Trail or Arcadia Trail.

BUILDING ELEVATIONS: The applicant has not submitted architectural concepts for the homes to be located on this site. The application before the Commission is for the Tentative Tract Map only.

OFF-SITE IMPROVEMENTS: Paving, curb, gutter and sidewalk will be required on Yucca Trail to Arterial-4 Lanes Divided, Standard #104 (80'/100') with sidewalk, concrete curb, and gutter and striped Class II Bike Path in lieu of on-street parking along the entire property frontage. Balsa Avenue has been designed to align to the existing portions of Balsa both north and south of the property. In accordance with Town's approved Trails and Bike Lane Master Plan Map, a bike lane is required along this segment of Yucca Trail. The applicant shall be responsible for the installation of the bike lane on the south side of Yucca Trail in accordance with Town standards or for the payment of an in-lieu fee.

Yucca Trail is shown on the Circulation Element as a 100 foot wide divided arterial street. Due to the width of Yucca Trail, no direct access is being allowed to minimize the number of driveway openings onto the street.

As indicated above, Yucca Trail is a four lane divided roadway. The street standard requires the installation of a raised median island. A Condition of Approval has been included that requires a traffic study be prepared addressing the median and lane configuration requirements along Yucca Trail from Emerson to the west of Balsa and the Balsa transition north and south of Yucca Trail. If it is determined that the median island is not warranted at this time, a payment of an in-lieu fee will be required.

DISCUSSION: The proposed Tentative Tract Map (TTM) will result in a total of 17 lots on the 9.32 acre site. The lots are all proposed to be at least 18,000 square feet, in conformance with the requirements of the Development Code. The applicant has included a Composite Development Plan which illustrate a requirement for a 50 foot front setback, in order to be consistent with the existing homes in the neighborhood. This will apply to all lots except Lot #17, which is

significantly constrained by the occurrence of the Eureka Peak fault (see discussion below). For this lot, the required front setback will be 25 feet. A 25 foot building setback is consistent with the RS development standards.

The site is located within an Alquist-Priolo Earthquake Fault Zone. As required, the applicant completed the required faulting study, which identified the presence of the Eureka Peak fault on the southwestern corner of the site. As required, the applicant has submitted a Composite Development Plan, which clearly delineates the area where no structures can be built for human habitation. The limitation affects lots 15, 16 and 17, and significantly constrains lot 17. Since the lots are 18,000 square feet, however, staff believes that a home meeting the minimum requirements of the Development Code can still be built on lot 17. The Composite Plan indicates this area to be a "No Build Area".

The subject site is located within a Zone D as shown on the Flood Insurance Rate Map (FIRM) which is a zone whereby the flood hazards are undetermined. Therefore, in accordance with the Town's Floodplain Management Ordinance Section 8.04.052, prior to final map approval, the subdivision plans shall identify the special flood hazard area and the elevation of the base flood and are to provide the elevations of the proposed structures and pads.

The applicant is required to retain the incremental increase in runoff on-site in a 10 year storm. As a result, the applicant has designed a retention basin at the southern end of the site, which will capture the off-site flows and cause them to percolate in that location. The capacity of the basin will be sized to accommodate an amount of storm water equivalent to the incremental increase in storm flows resulting from buildout of the project site, so that the flows which leave the site are equal to or less than those currently exiting the site under non-developed conditions. This design will be reviewed and approved by the Town prior to the issuance of grading permits. The cost associated with maintenance of the retention basin will be the responsibility of the homeowners. A condition of approval is included which requires the formation of a maintenance district will assure that sufficient funds are available for that purpose (Condition #16).

The pad elevations proposed for the site will result in a differential of 1 to 5 feet from one pad to the next, with the highest pads occurring at the south end of the site, and the lowest

occurring at Yucca Trail. The pad differential will not be very noticeable because of the size of the lots proposed. Site grading will be reviewed and approved by the Town prior to issuance of grading permits. A condition of approval has been included which encourages that the pads be individually graded, and that mass grading be avoided if possible.

The proposed project is to be located adjacent to a major Town roadway. As such, long term noise levels are expected to be elevated, particularly for the side and rear yards of those lots located adjacent to Yucca Trail. The Initial Study includes a requirement that a 6 foot wall be constructed on the Yucca Trail frontage of Lots 6, 12 and 13, in order to mitigate long term noise impacts. This wall shall be decorative block. The applicant shall be required to landscape the parkway along Yucca Trail. A landscape and irrigation plan shall be reviewed and approved by the Town and the High Desert Water District.

The subject site is located within the Yucca Valley Redevelopment Project Area Number One as adopted in 1993, and as such is subject to the redevelopment inclusionary rules. For non-agency development housing, 15% of all new construction must be affordable to low and moderate income households, 40% of which must be affordable to very low income households. A Condition of Approval has been included to this affect.

With the implementation of the attached conditions of approval, the proposed project is consistent with the General Plan and Development Code, and will not pose a hazard to public health and safety. The findings for approval can be made.

FINDINGS:

Tentative Tract Map

1. The proposed subdivision is consistent with the General Plan insofar as the project will result in a density of no more than 2 units per acre.
2. The site is physically suitable for the type and proposed density of development.
3. The design of the subdivision or the proposed improvements are not likely to cause substantial environmental damage or substantially or avoidably injure fish or wildlife or their habitat, and an Initial Study was prepared, and a Mitigated Negative Declaration proposed for the project site.

4. The design of the subdivision or type of improvements are not likely to cause serious public health problems.
5. The design of the subdivision or type of improvements will not conflict with easements acquired by the public at large for access through or use of property within the proposed subdivision.
6. The design of the subdivision provides to the extent feasible, passive or natural heating and cooling opportunities.

CONDITIONS OF APPROVAL
Tentative Tract Map 17328

I. GENERAL CONDITIONS

1. This approval is for Tentative Tract Map Number 17328 to allow the division of approximately 9.32 acres into 17 lots, as well as lots for streets and a retention basin. A Composite Plan also accompanies this map. The project is located at the southwest corner of Yucca Trail and Emerson Avenue. The property is identified as Assessor Parcel Number 588-311-09.
2. The applicant/owner shall agree to defend at his sole expense any action brought against the Town, its agents, officers, or employees, because of the issuance of such approval, or in the alternative, to relinquish such approval, in compliance with the Town of Yucca Valley Development Code. The applicant shall reimburse the Town, its agents, officers, or employees for any court costs, and attorney's fees which the Town, its agents, officers or employees may be required by a court to pay as a result of such action. The Town may, at its sole discretion, participate at its own expense in the defense of any such action but such participation shall not relieve applicant of his obligations under this condition.
3. This Tentative Tract Map shall become null and void if a Final Map is not approved within three (3) years of the Town of Yucca Valley date of approval. Extensions of time may be granted by the Planning Commission and/or Town Council, in conformance with the Subdivision Map Act and the Town of Yucca Valley Subdivision regulations. The applicant is responsible for the initiation of an extension request.

Approval Date: May 3, 2005
Expiration Date: May 3, 2008
4. The applicant/owner shall ascertain and comply with requirements of all State, County, Town and local agencies as are applicable to the project area. These include, but are not limited to, Environmental Health Services, Transportation/Flood Control, San Bernardino Fire, Building and Safety, State Fire Marshal, Caltrans, High Desert Water District, Airport Land Use Commission, California Regional Water Quality Control Board, the Federal Emergency Management Agency, MDAQMD-Mojave Desert Air Quality Management District, Community Development, Engineering, and all other Town Departments.
5. All conditions are continuing conditions. Failure of the applicant to comply with any or all of said conditions at any time shall result in the revocation of the approval on the property.

6. Prior to final map approval or permit issuance, the applicant shall dedicate 5 acres per 1,000 residents or pay park land in-lieu fees as adopted by the Town.
7. After final plan check by the Town, original mylars (4 mil) shall be submitted to the Town for signature by the Town Engineer. All original mylars submitted for Town Engineer's signature must contain the design engineer's wet signature and stamp and all other required signatures.
8. A plan identifying all protected plants under the California Food and Agriculture Code as well as a Joshua Tree Relocation Plan with any area proposed to be disturbed in accordance with the Town's Native Plant Protection Ordinance shall be submitted for approval prior to issuance of grading permits for the project. A minimum 60 day adoption period before land disturbance in accordance with the grading plan may commence.
9. The applicant shall comply with the requirements of the San Bernardino Fire Dept.
10. Prior to Issuance of Grading Permit and/or site improvements, the following conditions shall be completed to the satisfaction of the Town:
 - a. The grading and improvement plan shall comply with the findings and conclusions found in the Fault Hazard Evaluation prepared by Landmark, dated October 15, 2004. Specific recommendations from a geotechnical and geological analysis shall be prepared and incorporated into the grading plan design.
 - b. The subject property is within or adjacent to a Flood Hazard Area Zone D as shown on Flood Insurance Rate Map Panel 8860. Flood Zone D is defined as areas where flood hazards are undetermined.
 - c. Control runoff on-site for a 10-year storm based on the permeability rates identified in the Development Code. Based on final design, permeability greater than 2 inches/hour shall be retained on site; or, permeability less than or equal to 2 inches/hour shall be detained or spread out over non-erodable vegetated surfaces. The on-site retention basin is within or located near the Eureka Peak Fault, final design shall address potential discharge of retained storm water and debris resulting from a seismic event.
11. Prior to recordation of Final Map, the following conditions shall be completed to the satisfaction of the Town. (If at the time of Final Map approval by the Town, the public improvements have not been completed and accepted by the Town, an agreement in accordance with the Subdivision Map Act (SMA) § 66462 and an Improvement Security

in accordance with § 66499 shall be executed. The form and content of said agreement and security shall be to the satisfaction of the Town Attorney):

- a. Dedicate rights of way and improve Yucca Trail to Arterial-4 Lanes Divided, Standard #104 (80'/100') with sidewalk, concrete curb, and gutter and striped Class II Bike Path in lieu of on-street parking. Construct half street improvements adjacent to the property. Relinquish vehicular ingress/egress and dedicate to the Town restricted access rights to all frontage along Yucca Trail. Prepare a traffic study addressing the median and lane configuration requirements along Yucca Trail from Emerson to the west of Balsa and the Balsa transition north and south of Yucca Trail.
 - b. Dedicate rights of way and improve Arcadia Trail and Emerson Avenue to Local Street Standard #101 (40'/60') with concrete sidewalk, curb, and gutter. Construct half street improvements.
 - c. Dedicate rights of way and improve Balsa Avenue to Local Street Standard #101 (40'/60') with concrete sidewalk, curb, and gutter. Design and improve a transition southerly of Yucca Trail to align with the ultimate location of Balsa Avenue to the north. Balsa Avenue northerly of Yucca Trail is designated as a Major Collector (4 Lanes) Standard #104 (60'/80'). Design and improve a transition to Balsa Avenue southerly of the project limits and Arcadia Trail. Construct full street improvements.
12. The project is within the Airport Influence Area. Record by separate instrument a Deed Notice.
 13. Prior to the recordation of a final map for the project or any portion thereof, the applicant shall form a maintenance district(s) to provide for maintenance of streets, lighting and landscaping, drainage facilities, or other infrastructure improvements as required by the Town of Yucca Valley.
 14. Mass grading of the site is discouraged. Individual grading of pad areas is recommended to the greatest extent practical.
 15. The project is in a redevelopment area, and therefore will provide fifteen (15%) percent of all new construction as affordable to low and moderate income households, forty (40%) percent of which must be affordable to very low income households or an in-lieu fee.
 16. The applicant shall be required to improve the parkway along Yucca Trail with landscaping and irrigation. Prior to the issuance of a permit the applicant/owner shall

provide three (3) copies of a landscape and irrigation plan showing the size, type and location of all plant and irrigation systems accompanied by the review fee. Present desert native species on site shall be reincorporated into landscaping plan Said irrigation system shall incorporate a permanent automatic irrigation system, and all landscaping and irrigation systems shall be maintained in good condition at all times. All ground within proposed landscape planter areas shall be provided with approved ground cover. This shall include but not be limited to drought-tolerant plant materials or colored desert rock the Landscape Plan shall be approved by the Town and the Hi-Desert Water District prior to issuance of any permits.

17. The block wall constructed along Yucca Trail shall be decorative block and shall be approved by the Town.
18. Prior to final map approval, the map shall comply with Town's Floodplain Management Ordinance Section 8.04.052.

STANDARD CONDITIONS OF APPROVAL

19. Prior to any work being performed in the public right of way, fees shall be paid and an encroachment permit shall be obtained from the Engineering Department or the State of California Department of Transportation. The applicant shall apply for an encroachment permit from the Town for utility trenching, utility connection or any other encroachment onto public right-of-way. The applicant shall be responsible for the associated costs and arrangements with each public utility.
20. Prior to the issuance of building permits, unless other timing is indicated, the applicant shall complete all street improvement plans, in conformance with all applicable Town ordinances and standards, submit and obtain approval, post securities and execute agreements. Prior to occupancy, all public improvements shall be installed in accordance with all applicable Town ordinances.
21. The applicant shall accept and properly dispose of all offsite drainage flowing onto or through the site.
22. If possible all drainage shall be conveyed onto public property. No cross lot drainage shall be permitted without an approved private drainage easement.
23. Applicant shall protect all downstream properties from damages caused by alteration of the drainage patterns, i.e., concentrations or diversion of flow. Protection shall be provided by constructing adequate drainage facilities including enlarging existing facilities and/or by securing a drainage easement. A maintenance mechanism shall be in place for any private drainage facilities constructed on-site or off-site. Any grading or

drainage onto private off site or adjacent property shall require a written permission to grade and/or a permission to drain letter from the affected landowner. The project shall detain the incremental increase in runoff generated by the improvements.

24. All work within special flood hazard zones shall comply with the Development Code and the latest provisions of FEMA.
25. Prior to issuance of a grading permit, if any for this project, the applicant shall obtain, if required, a Notice of Intent from the Regional Water Quality Control Board (RWQCB) and comply with RWQCB (Colorado River Basin) requirements.
26. All grading activities shall minimize dust through compliance with AQMD Rule 403 which requires watering during earth moving operations.
27. Permission from property owners shall be required for any work located on adjacent properties.
28. The applicant shall install all required water and sewer systems necessary to serve the project.
29. All existing street and property monuments within or abutting this project site shall be preserved consistent with AB 1414. If during construction of onsite or offsite improvements monuments are damaged or destroyed, the applicant/developer shall retain a qualified licensed land surveyor or civil engineer to reset those monuments per Town Standards and file the necessary information with the County Recorder's office as required by law (AB 1414).
30. If the High Desert Water District has approved mandatory dry sewerage for the project site prior to the recordation of the final map, the applicant shall be required to install such a system within the property boundary.
31. Temporary power shall be established during construction.
32. All required public improvements shall be bonded in accordance with Town Development Code unless constructed and approved prior to approval and recordation on the Final Map.\
33. The septic system shall be maintained so as not to create a public nuisance and shall be serviced by a DEHS permitted pumper. Soil testing for the subsurface disposal system shall meet the requirements of the Department of Environmental Health Services. Applicant shall submit a minimum of three (3) copies of percolation reports for the project site and an appropriate fee to DEHS for review and approval, a copy of the cover

sheet with an approval stamp to Building and Safety Division at the time of building permit application, and two (2) copies of the approved percolation report to the Building and Safety Division at the time of construction plan check.

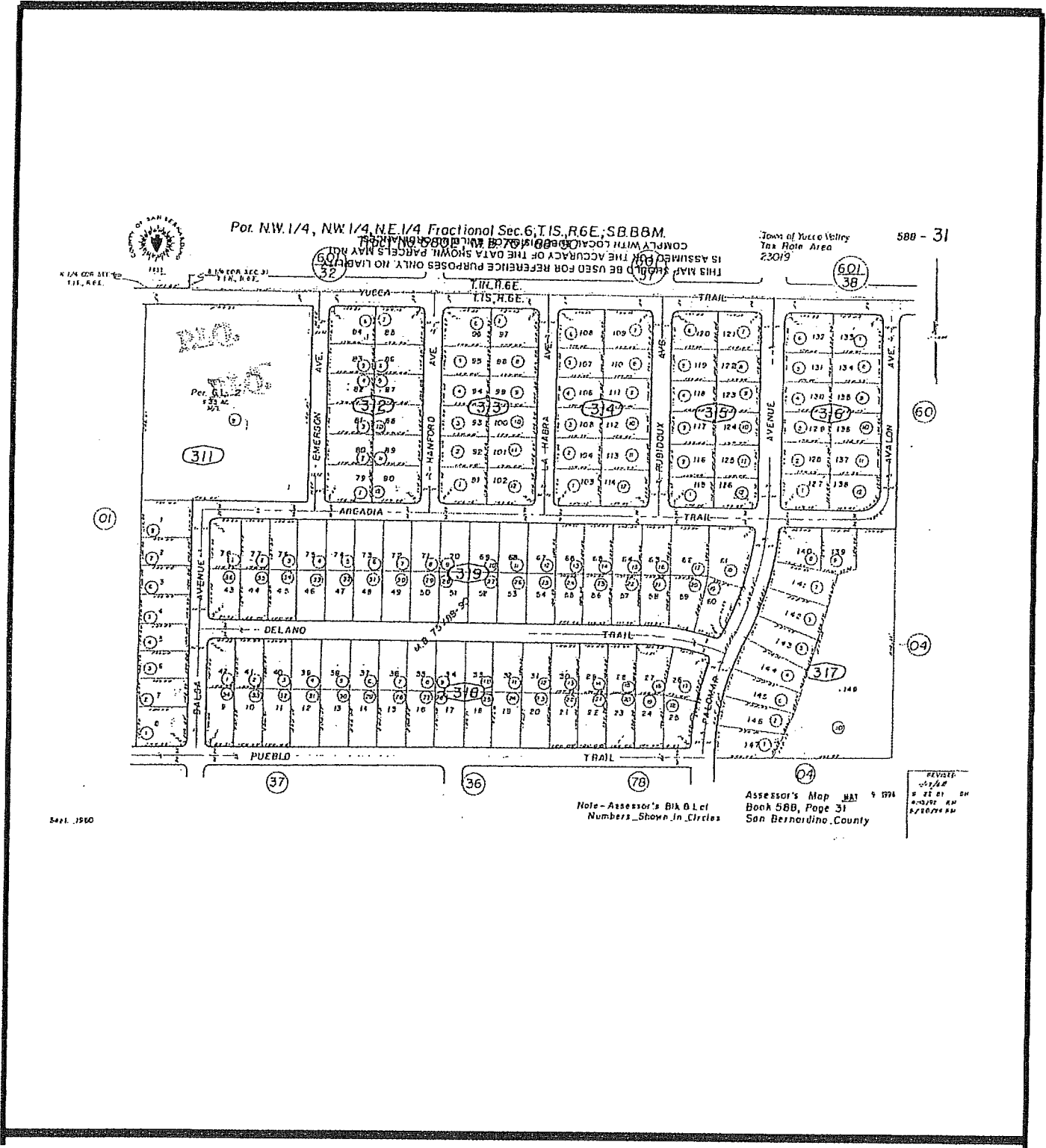
34. Utility undergrounding shall be required for all new Service and Distribution lines that provide direct service to the property being developed, existing Service and Distribution lines that are located within the boundaries being developed, existing Service and Distribution lines between the street frontage property line and the centerline of the adjacent streets of the property being developed, existing Service and Distribution lines located along or within 10 feet of the lot lines of the property being developed, or existing Service and Distribution lines being relocated as a result of a project.
35. All refuse shall be removed from the premises in conformance with Yucca Valley Town Code 33.083.
36. All exterior lighting shall comply with the Outdoor Lighting Ordinance and shall be illustrated on all construction plans.
37. In accordance with the Town Master Trail and Bike Route Map Yucca Trail improvements shall include a bicycle lane.
38. All mitigation measures included in Environmental Assessment 03-05 are hereby included in these conditions of approval by this reference.
39. At the time of permit issuance the applicant shall be responsible for the payment of fees associated with electronic file storage of documents.
40. The applicant shall pay Developer Impact Fees in place at the time of issuance of building permits.

I HEREBY CERTIFY THAT THE APPROVED CONDITIONS OF APPROVAL WILL BE SATISFIED PRIOR TO OR AT THE TIMEFRAMES SPECIFIED AS SHOWN ABOVE. I UNDERSTAND THAT FAILURE TO SATISFY ANY ONE OF THESE CONDITIONS WILL PROHIBIT THE ISSUANCE OF ANY PERMIT OR ANY FINAL MAP APPROVAL.

Applicant's Signature _____ Date _____

TOWN OF YUCCA VALLEY

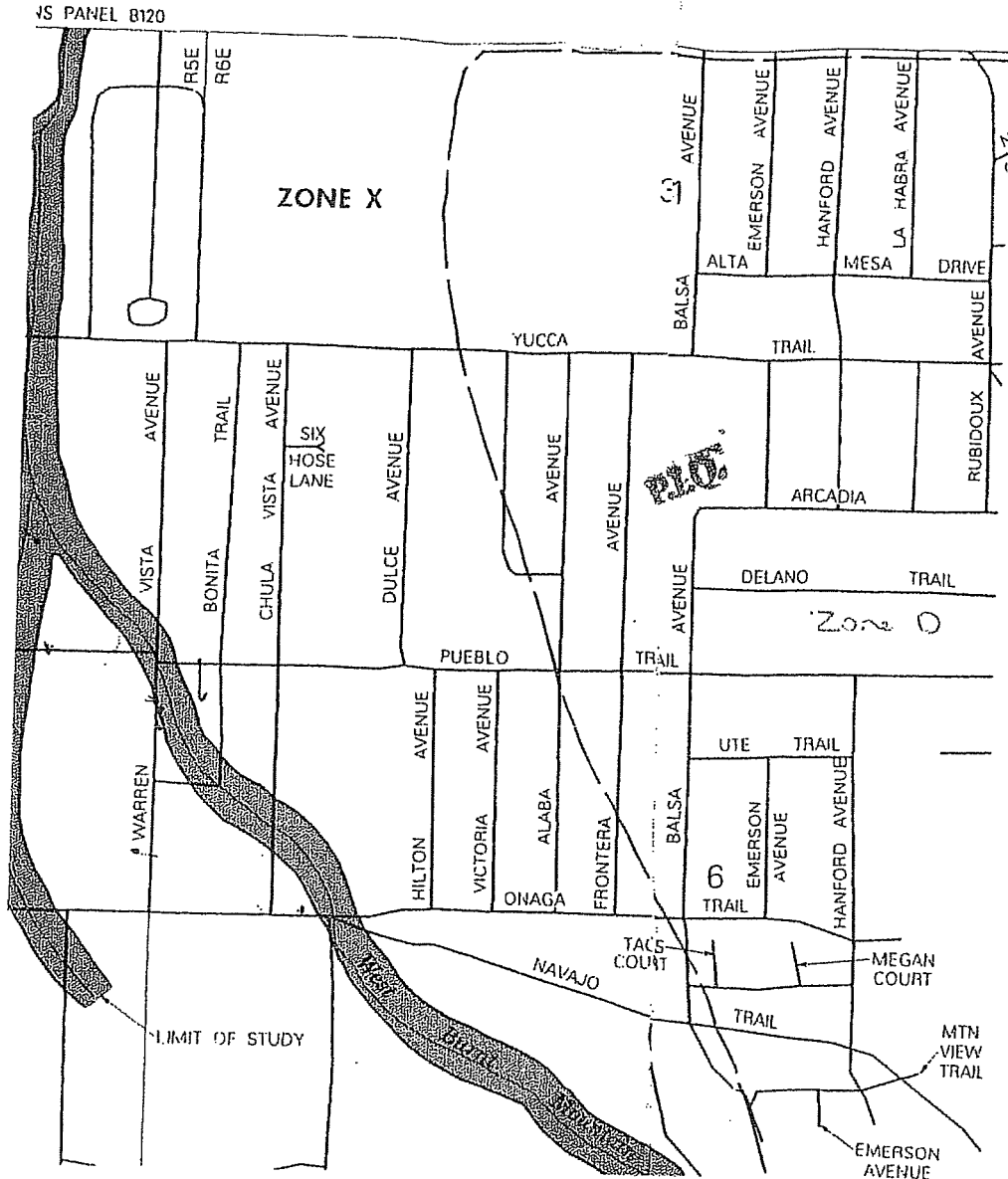
PROJECT NO.: TM17328



ASSESSOR'S PARCEL MAP

TOWN OF YUCCA VALLEY

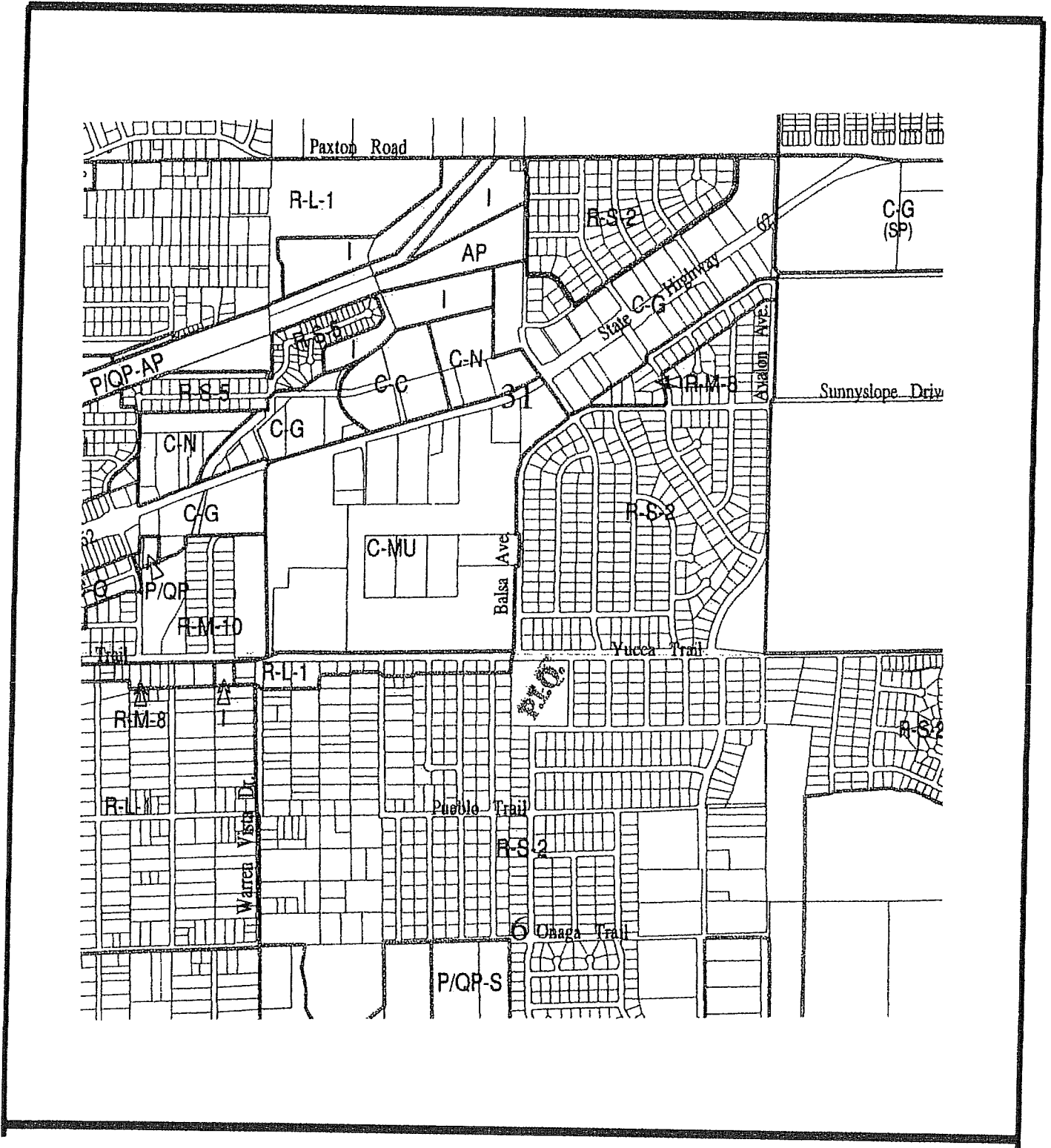
PROJECT NO.: TM17328



FLOOD ZONE MAP

TOWN OF YUCCA VALLEY

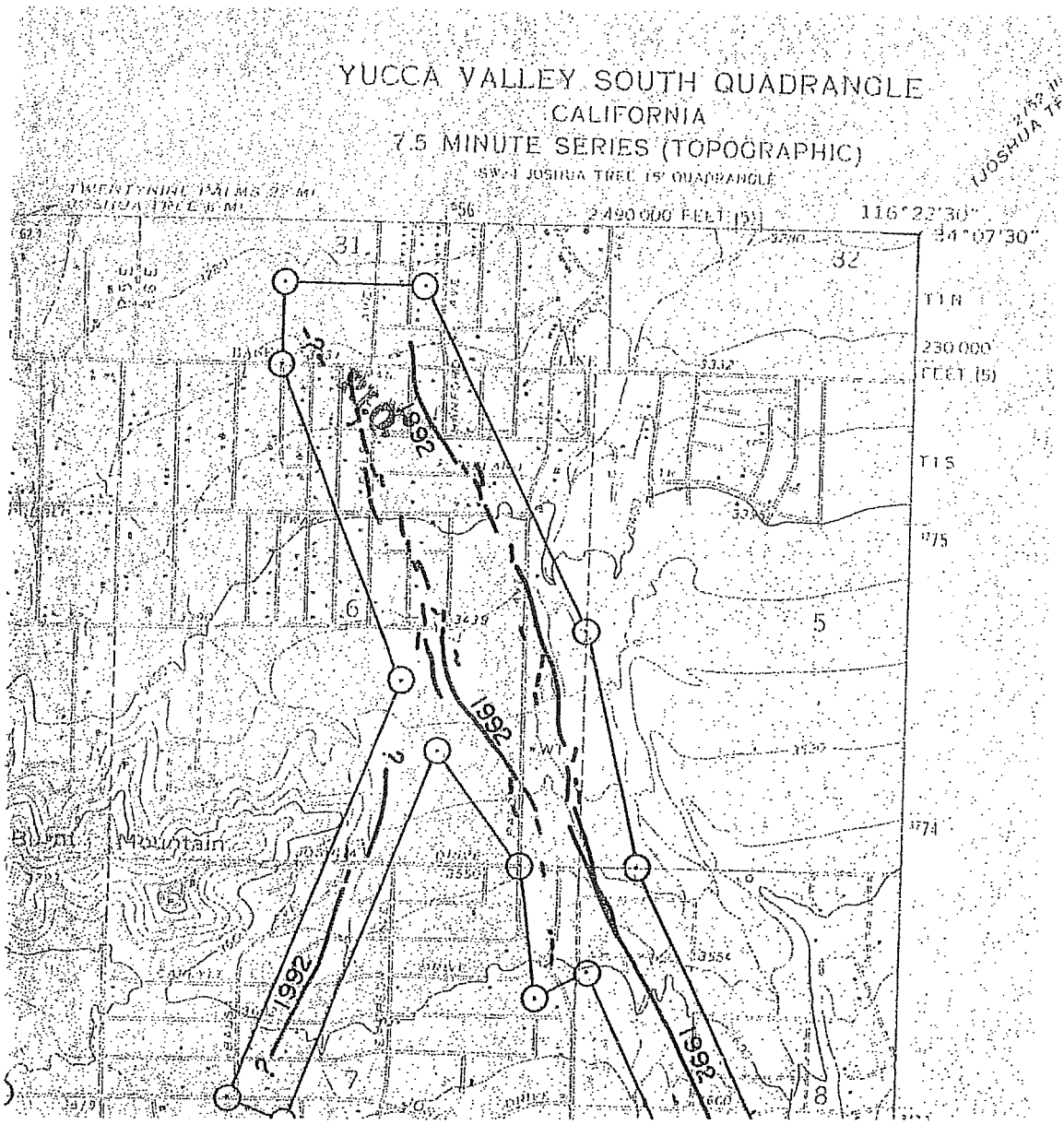
PROJECT NO.: TM17328



ZONING AND GENERAL PLAN LAND USE MAP

TOWN OF YUCCA VALLEY

PROJECT NO.: TM17328



SEISMIC MAP

COUNTY FIRE DEPARTMENT



COUNTY OF SAN BERNARDINO
ECONOMIC DEVELOPMENT
AND PUBLIC SERVICES GROUP

OFFICE OF THE FIRE MARSHAL
COMMUNITY SAFETY DIVISION
520 South "E" Street • San Bernardino, CA 92415-0179
909) 386-8400 • Fax (909) 386-8460

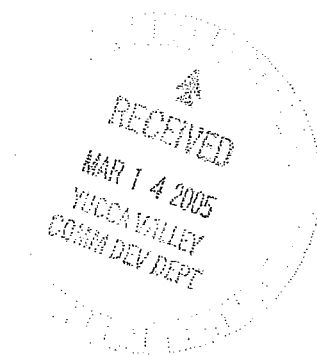
PETER R. HILLS
Fire Chief
County Fire Warden

EXPIRATION: MARCH 2006

MARCH 14, 2005

WIL-MARK, GP
P.O. BOX 10389
PALM DESERT, CA 92255

FILE: TM YVY05/12166
LOCATION: YUCCA TRAIL – YUCCA VALLEY
PROJECT TYPE: SUBDIVISION
SQUARE FOOTAGE: BASED ON 3600
APN: 588-311-09
PLANNER: CAROL MILLER



Dear Applicant:

With respect to the conditions of approval regarding the above referenced project, the San Bernardino County Fire Department requires the following fire protection measures to be provided in accordance with applicable local ordinances, codes, and/or recognized fire protection standards.

The following information of this document sets forth the *FIRE CONDITIONS* and *GUIDELINES* which are applied to this project.

Approved Approved w/conditions Not Approved

FIRE CONDITIONS:

Jurisdiction. The above referenced project is under the jurisdiction of the San Bernardino County Fire Department herein ("Fire Department"). Prior to any construction occurring on any parcel, the applicant shall contact the Fire Department for verification of current fire protection requirements. All new construction shall comply with the current Uniform Fire Code requirements and all applicable statutes, codes, ordinances and standards of the Fire Department. [F-1]

Water System. Prior to any land disturbance, the water systems shall be designed to meet the required fire flow for this development and shall be approved by the Fire Department. The required fire flow shall be determined by using Appendix IIIA of the Uniform Fire Code. Standard 903.1 [F-5]

The Fire Flow for this project shall be:

1250 GPM for a 2 Hour duration at 20 psi residual operating pressure.

Fire Flow based on BASED ON 3600 sq.ft. Structure.

Fire Fee. The required fire fees (currently \$620.00) shall be paid to the San Bernardino County Fire Department/Community Safety Division (909) 386-8465. This fee is in addition to fire fees that are paid to the City of YUCCA VALLEY. [F-40]

Access. The development and each phase thereof shall have a minimum of 2 points of vehicular access. These are for fire/emergency equipment access and for evacuation routes. Standard 902.2.1 [F-41]

Combustible Protection. Prior to combustibles, being placed on the project site an approved paved road with curb and gutter and fire hydrants with an acceptable fire flow shall be installed. The topcoat of asphalt does not have to be installed until final inspection and occupancy. [F-44]

Water System Residential. A water system approved by the Fire Department is required. The system shall be operational, prior to any combustibles being stored on the site. Detached single family residential developments may increase the spacing between hydrants to be no more than six hundred (600) feet and no more than three hundred (300) feet (as measured along vehicular travel-ways) from the driveway on the address side of the proposed single family structure. Standard 901.4 [F-54b]

Water System Certification. The applicant shall provide the Fire Department with a letter from the serving water company, certifying that the required water improvements have been made or that the existing fire hydrants and water system will meet distance and fire flow requirements. Fire flow water supply shall be in place prior to placing combustible materials on the job-site. [F-57]

Street Sign. This project is required to have an approved street sign (temporary or permanent). The street sign shall be installed on the nearest street corner to the project. Installation of the temporary sign shall be prior any combustible material being placed on the construction site. Prior to final inspection and occupancy of the first structure, the permanent street sign shall be installed. Standard 901.4.4 [F72]

Hydrant Marking. Blue reflective pavement markers indicating fire hydrant locations shall be installed as specified by the Fire Department. In areas where snow removal occurs or non-paved roads exist, the blue reflective hydrant marker shall be posted on an approved post along the side of the road, no more than three (3) feet from the hydrant and at least six (6) feet high above the adjacent road. Standard 901.4.3. [F80]

TM YVY05/12166

MARCH 14, 2005

Page 3

Residential Addressing. The street address shall be installed on the building with numbers that are a minimum of four (4) inches in height and with a one half ($\frac{1}{2}$) inch stroke. The address shall be visible from the street. During the hours of darkness, the numbers shall be **internally and electrically illuminated** with a low voltage power source. Numbers shall contrast with their background and be legible from the street. Where the building is fifty (50) feet or more from the roadway, additional contrasting four (4) inch numbers shall be displayed at the property access entrances. Standard 901.4.4 [F81]

Spark Arrestor. An approved spark arrestor is required. Every chimney that is used in conjunction with any fireplace or any heating appliance in which solid or liquid fuel are used, shall have an approved spark arrestor visible from the ground that is maintained in conformance with the Uniform Fire Code. [F87]

Sincerely,



DOUG CRAWFORD, Fire Prevention Supervisor
San Bernardino County Fire Department
Community Safety Division

DC:js

ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED:

The environmental factors checked below would be potentially affected by this project, involving at least one impact that is a "Potentially Significant Impact" as indicated by the checklist on the following pages.

<input type="checkbox"/>	Aesthetics	<input type="checkbox"/>	Agriculture Resources	<input checked="" type="checkbox"/>	Air Quality
<input type="checkbox"/>	Biological Resources	<input type="checkbox"/>	Cultural Resources	<input checked="" type="checkbox"/>	Geology /Soils
<input type="checkbox"/>	Hazards & Hazardous Materials	<input type="checkbox"/>	Hydrology / Water Quality	<input type="checkbox"/>	Land Use / Planning
<input type="checkbox"/>	Mineral Resources	<input checked="" type="checkbox"/>	Noise	<input type="checkbox"/>	Population / Housing
<input type="checkbox"/>	Public Services	<input type="checkbox"/>	Recreation	<input type="checkbox"/>	Transportation/Traffic
<input type="checkbox"/>	Utilities / Service Systems	<input type="checkbox"/>	Mandatory Findings of Significance		

DETERMINATION: (To be completed by the Lead Agency)

On the basis of this initial evaluation:

<input type="checkbox"/>	I find that the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.
<input checked="" type="checkbox"/>	I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A MITIGATED NEGATIVE DECLARATION will be prepared.
<input type="checkbox"/>	I find that the proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.
<input type="checkbox"/>	I find that the proposed project MAY have a "potentially significant impact" or "potentially significant unless mitigated" impact on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.
<input type="checkbox"/>	I find that although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.

Carol Miller
Signature

4-1-05
Date

TENTATIVE TRACT AND PARCEL MAP APPLICATION

FEES: Payable to the Town at the time of application submittal:

Tentative Tract Map:
Tentative Parcel Map:
Revision:
Refile:
Extension of Time:

Date Received	12/16/04
Map #	JM 17325
Fee \$	\$3830 + 925
EA #	-03-05

(Print Legibly)

Applicant WIL-MARK, G.P. Phone 760/272-4691
Address PO Box 10389 City Palm Desert State CA Zip 92255
Contact Person/Rep Warner Engineering Phone 760/365-7638
Address 7245 Joshua Lane City Yucca Valley State CA Zip 92284
Property Owner WIL-MARK, G.P. Phone Same
Address Same as above City _____ State _____ Zip _____

Property Owners Signature See below Date _____
Assessor Parcel Number(s) 588-311-09
Existing Land Use R-S-2
Project Size 9.32 acres Number of Lots Proposed 17 lots
Land Use Designation R-S-2

Applicant's Signature [Signature] Date 12/10/04



The Town of
Yucca Valley

COMMUNITY DEVELOPMENT DEPARTMENT P.33
58928 Business Center Drive · Yucca Valley, California 92284
FAX : 760) 228-0084

Animal Control
(760) 228-1771
Building and Safety
(760) 365-0090
Code Compliance
(760) 228-1771
Engineering
(760) 365-6575
Planning
(760) 360-6575
Public Works

ENVIRONMENTAL APPLICATION

Date Received	<u>12/13/04</u>
EA -	<u>03-05</u>
Related Cases	<u>TM 17328</u>

Pursuant to the California Environmental Quality Act (CEQA), the project applicant is to complete this application for review by the Town. Formal processing of the project application will not begin until this Environmental Application is accepted as complete.

<u>Tentative Tract No. 17328</u>	
Project title/name	
WIL-MARK, G.P.	William H. Warner/Warner Engineering
Applicant name	Contact person
PO Box 10389, Palm Desert CA 92255	7245 Joshua Ln, Yucca Valley CA
Address	Address 92284
(760) 272-4691	(760) 365-7638
Telephone	Telephone
Southwest Corner of Yucca Trail & Emerson Ave	588-311-09
Project location	Assessor's Parcel Number

Project description: Precisely describe the proposed project for which approval is being sought and the applications being submitted. Use additional sheets and attach to application if necessary.

Subdivide 9.32 acre site into seventeen (17) single-family residential lots

ENVIRONMENTAL SETTING

1. Property boundaries, dimensions and area (also attach an 8½" x 11" site plan): _____
Site is approximately 9.3 acres bounded by Yucca Trail to the north,
Emerson Avenue to the east and Arcadia Trail to the south

2. Existing Land Use Designation: _____ R-S-2 _____

3. Existing General Plan designation: _____ Residential _____

4. Precisely describe the existing use and condition of the site: _____
Existing use: Vacant
Condition: Undisturbed with native desert vegetation

5. Zoning and General Plan Designations of adjacent parcels
North R-S-2 South R-S-2 East R-S-2 West R-S-2

7. Precisely describe existing uses adjacent to the site: _____
North - Existing Residences West - Existing Residences
South - Existing Residences East - Existing Residences

8. Describe the plant cover found on the site, including the number and type of all trees:
Plant cover is explained in the report prepared by Circle Mountain
Biological Consultants which is provided with the application.

Note: Explain any "yes" or "maybe" responses in attachments. If the information and responses are insufficient or not complete, the application may be determined incomplete and returned to the applicant.

Yes Maybe No

- 9. Is the Site on fill or slopes of 10% or more or in a canyon? (A geological and/or soils investigation report is required with this application.)

- 10. Has the site been surveyed for historical, paleontological or archaeological resources? (If yes, a copy of the survey report is to accompany this application.)

- 11. Is the site within a resource area as identified on the archaeological and historical resource General Plan map?

- 12. Does the site contain any unique natural, ecological, or scenic resources?

- 13. Do any drainage swales or channels border or cross the site?

- 14. Has a traffic study been prepared? (If yes, a copy of the study is to accompany this application.)

- 15. Is the site in a flood plain? (See appropriate Federal Insurance Rate Map)

PROJECT DESCRIPTION

Complete the items below as they pertain to your project. Attach a copy of any plans submitted as part of the project application and any other supplemental information that will assist in the review of the proposed project pursuant to CEQA.

I. Commercial, Industrial, or Institutional Projects:

A. Specific type of use proposed: N/A

B. Gross square footage by each type of use: N/A

C. Gross square footage and number of floors of each building: N/A

D. Estimate of employment by shift: N/A

E. Planned outdoor activities: N/A

2. Percentage of project site covered by:

N/A % Paving, N/A % Building, N/A % Landscaping, N/A % Parking

3. Maximum height of structures N/A ft. _____ in.

4. Amount and type of off street parking proposed: N/A

5. How will drainage be accommodated? N/A

6. Off-site construction (public or private) required to support this project: N/A

7. Preliminary grading plans estimate N/A cubic yards of cut and N/A cubic yards of fill

8. Description of project phasing if applicable: N/A

9. Permits or public agency approvals required for this project: N/A

10. Is this project part of a larger project previously reviewed by the Town? If yes, identify the review process and associated project title(s) NO

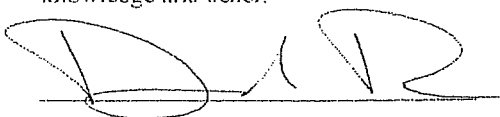
11. During construction, will the project: (Explain any "yes" or "maybe" responses in attachments.)

Yes Maybe No

- A. Emit dust, ash, smoke, fumes or odors?
- B. Alter existing drainage patterns?
- C. Create a substantial demand for energy or water?
- D. Discharge water of poor quality?
- E. Increase noise levels on site or for adjoining areas?
- F. Generate abnormally large amounts of solid waste or litter?
- G. Use, produce, store, or dispose of potentially hazardous materials such as toxic or radioactive substances, flammable or explosives?
- H. Require unusually high demands for such services as police, fire, sewer, schools, water, public recreation, etc.
- I. Displace any residential occupants?

Certification

I hereby certify that the information furnished above, and in the attached exhibits, is true and correct to the best of my knowledge and belief.


Signature

12/13/04
Date

SECOND AMENDMENT TO THE SUBDIVISION IMPROVEMENT
AGREEMENT BETWEEN THE TOWN OF YUCCA VALLEY AND YUCCA
VALLEY ESTATES EXTENDING THE TIME FOR COMPLETION OF THE
IMPROVEMENTS TWENTY -FOUR MONTHS THROUGH NOVEMBER 22,
2012

The Subdivision Improvement Agreement dated November 22, 2006 first amended on November 14, 2008 to extend the time for completion of improvements through November 22, 2010 is hereby amended in the following respects only:

Section 6. Timing of Performance: is amended to read in its entirety as follows:


"Section 6. Timing of Performance

Subdivider agrees to perform and complete all improvements within seventy-two (72) months from the date of this Agreement and through November 22, 2012. It is further agreed by and between the Subdivider and the Town that in the event it is deemed necessary by the Town to extend the time of completion of the Improvements, said extension may be granted by the Town, and shall in no way affect the validity of this Agreement or release of the surety(ies) on any bond attached hereto or the financial institution guaranteeing the same. Subdivider further agrees to maintain and provide proof of the extensions of the security described in Sections 4(a), 4(b), and 4(c) above in full force and effect during the term of this Agreement including any extensions of time as may be granted."

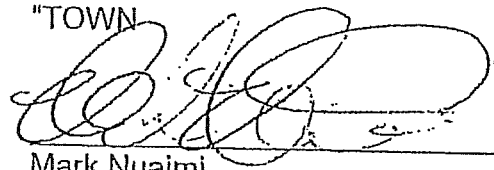
Except as amended, all of the terms and conditions of the original Agreement are incorporated as though fully set forth herein.

Dated: December 21, 2010

Approved as to Form:


Lona N. Laymon
Town Attorney
Aleshire & Wynder

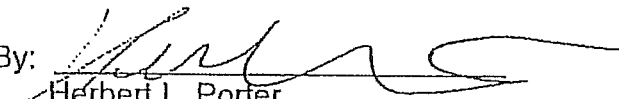
"TOWN


Mark Nuaimi
Town Manager

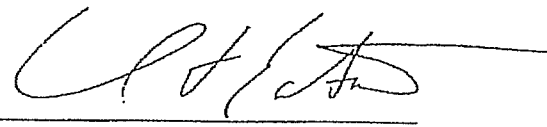
"SUBDIVIDER"

Yucca Valley Estates, LLC, a California Limited Liability Company

By: Pacific Equity Properties, LLC, a Delaware Limited Liability Company

By: 
Herbert L. Porter
President

By: CF Properties, LLC, a California Limited Liability Company

By: 
Edward F. Eaton
Managing Member

CALIFORNIA ALL-PURPOSE ACKNOWLEDGEMENT

STATE OF CALIFORNIA)

COUNTY OF ORANGE)

On 2/9/2011 before me, MIKE SOLIMAN Notary Public,
personally appeared Herbert Porter and Edward Eaton, who
proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are
subscribed to the within instrument and acknowledged to me that he/she/they executed the
same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the
instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the
instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the
foregoing paragraph is true and correct.

WITNESS my hand and official seal.



A handwritten signature in black ink, appearing to read "Mike Soliman".

(SEAL)

Notary Public in and for said State

OPTIONAL INFORMATION

Title or Type of Document: _____

Date of Document: _____

FIRST AMENDMENT TO THE SUBDIVISION IMPROVEMENT AGREEMENT
BETWEEN THE TOWN OF YUCCA VALLEY AND YUCCA VALLEY ESTATES
EXTENDING THE TIME OF COMPLETION OF THE IMPROVEMENTS TO
FORTY-EIGHT MONTHS FROM THE DATE OF THE AGREEMENT

The Subdivision Improvement Agreement dated November 22, 2006 is hereby amended in the following respects only:

Section 6. Timing of Performance: is amended to read in its entirety as follows:

“Section 6. Timing of Performance

Subdivider agrees to perform and complete all improvements within forty-eight (48) months from the date of this Agreement and through November 22, 2010. It is further agreed by and between the Subdivider and the Town that in the event it is deemed necessary by the Town to extend the time of completion of the Improvements, said extension may be granted by the Town, and shall in no way affect the validity of this Agreement or release of the surety(ies) on any bond attached hereto or the financial institution guaranteeing the same. Subdivider further agrees to maintain and provide proof of extensions of the security described in Sections 4(a), 4(b), and 4(c) above in full force and effect during the term of this Agreement including any extensions of time as may be granted.”

Except as amended, all of the terms and conditions of the original Agreement are incorporated as though fully set forth herein.

Dated: November 14, 2008

Approved as to Form:

Naomi Silvergleid
Town Attorney


“TOWN”

Andrew J. Takata
Town Manager

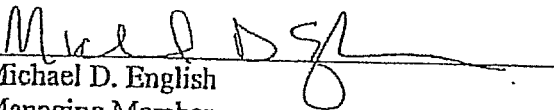
"SUBDIVIDER"

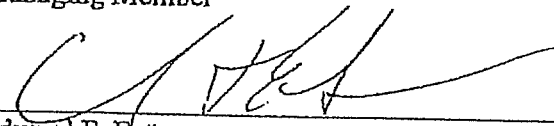
Yucca Valley Estates, LLC, a California Limited Liability Company

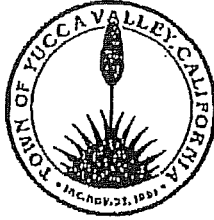
By: Pacific Equity Properties, LLC, a Delaware Limited Liability Company

By: 
Herbert L. Porter
President

By: CF Properties, LLC, a California Limited Liability Company

By: 
Michael D. English
Managing Member

By: 
Edward F. Baton
Managing Member



Town of Yucca Valley
Community Development/Public Works Department
58928 Business Center Drive, Yucca Valley, California 92284
Phone: 760-369-1265 ext 307 Fax: 760-228-0084

SUBDIVISION IMPROVEMENT AGREEMENT

This Subdivision Improvement Agreement ("Agreement") between the Town of Yucca Valley, a municipal corporation ("Town") and Yucca Valley Estates LLC, a limited liability company ("Subdivider"), is effective the 22nd day of November, 2006. Town and Subdivider hereby acknowledge the following:

1. The Town of Yucca Valley Planning Commission, on May 4, 2005, granted conditional approval to a certain tentative subdivision as laid out and delineated on Tract Map No. 17328 ("Map"). Subdivider seeks approval and recordation of Final Map, which consists of 17 residential lots and Lot A designated as a retention basin and areas devoted to the development of Yucca Trail, Balsa Avenue, Arcadia Trail, Emerson Avenue; and
2. Subdivider, pursuant to the Conditions of Final Approval of the Map ("Conditions"), must complete various improvements ("Improvements"), as described in Section 2 below, and post certain security for the completion thereof; and
3. This Agreement is executed pursuant to California Government Code 66410, et seq. and applicable ordinances of the Town in order to provide further for the manner in which Improvements shall be constructed and completed.

NOW, THEREFORE, and in consideration of the approval of the Map, and in order to ensure satisfactory performance by Subdivider of Subdivider's obligations under the Conditions, the Subdivision Map Act, and applicable ordinances of the Town, the parties hereto, for themselves, their successors, and assigns, hereby agree as follows:

The Development Agreement between Subdivider and Town, if applicable, the Conditions (attached hereto as Exhibit "A") and all plans as listed in Section 2 below are incorporated herein by reference.

Section 2. Construction of Improvements

- (a) Subdivider shall construct to the approval of the Town, and as provided for in the Conditions, the Improvements as shown on the following described Plans ("Plans"):

► The Street Improvement Plan designed by Warner Engineering and approved and signed by the Town Engineer and filed with the Town of Yucca Valley Community Development/Public Works Department.

Description of Improvements:

- (1) Dedicate rights of way and improve Yucca Trail to Arterial-4 Lanes Divided, Standard #104 (80'/100') with sidewalk, concrete curb, and gutter and striped Class II Bike Path in lieu of on-street parking. Construct half street improvements adjacent to the property. Street improvement plans shall identify median island and lane configuration along Yucca Trail within project boundary and the Balsa transition north and south of Yucca Trail, as well as the Balsa transition south of Arcadia. Relinquish vehicular ingress/egress and dedicate to the Town restricted access rights to all frontage along Yucca Trail.
- (2) Dedicate rights of way and improve Arcadia Trail and Emerson Avenue to Local Street Standard #101 (40'/60') with concrete sidewalk, curb, and gutter. Construct half street improvements.
- (3) Dedicate rights of way and improve Balsa Avenue to Local Street Standard #101 (40'/60') with concrete sidewalk, curb, and gutter. Design and improve a transition southerly of Yucca Trail to align with the ultimate location of Balsa Avenue to the north. Balsa Avenue northerly of Yucca Trail is designated as a Major Collector (4 Lanes) Standard #104 (60'/80'). Design and improve a transition to Balsa Avenue southerly of the project limits and Arcadia Trail. Construct full street improvements.
- (4) A plan identifying all protected plants under the California Food and Agriculture Code as well as a Joshua Tree Relocation Plan with any area proposed to be disturbed in accordance with the Town's Native Plant Protection Ordinance shall be submitted for approval prior to issuance of grading permits for the project. A minimum 60 day adoption period before land disturbance in accordance with the grading plan may commence.

► The Irrigation & Landscaping Plans approved by and on file in the Town of Yucca Valley, Community Development/Public Works Department.

Description of Improvements: A landscaping and irrigation plan for the perimeter and common open space, the landscape easement area adjacent to public streets, the parkway area adjacent to Yucca Trail and other irrigation and landscape areas shown on the approved plan.

► The Grading Plans designed by Warner Engineering and approved and signed by the Town Engineer and filed with the Town of Yucca Valley Community Development/Public Works Department.

Description of Improvements: An Engineered Grading Plan for the project site including but not limited to:

- a. The grading and improvement plan shall comply with the findings and conclusions found in the Geologic Report (LP05162) prepared by Landmark Consultants, Inc., dated September 21, 2005. Specific recommendations from the geotechnical and geological analysis shall be prepared and incorporated into the grading plan design.
- b. The subject property is within or adjacent to a Flood Hazard Area Zone D as shown on Flood Insurance Rate Map Panel 8860. Flood Zone D is defined as areas where flood hazards are undetermined.
- c. Control runoff on-site for a 10-year storm based on the permeability rates identified in the Development Code. Based on final design, permeability greater than 2 inches/hour shall be retained on site; or, permeability less than or equal to 2 inches/hour shall be detained or spread out over non-erodable vegetated surfaces. The on-site retention basin is within or located near the Eureka Peak Fault, final design shall address potential discharge of retained storm water and debris resulting from a seismic event.

(b) Survey Monumentation

- (1) Subdivider shall place survey monumentation as described on the Map.
- (2) Subdivider shall replace or repair all survey monumentation that is destroyed or damaged as a result of Subdivider's activities. Any such repair or replacement shall be to the satisfaction and subject to the approval of the Town.

Section 3. Modification of Plans

Subdivider agrees that if during the construction of the Improvements it is determined by the Town that revisions to the Plans are necessary in the interest of the public, Subdivider will undertake such design and construction changes required by the Town. Said changes, if any shall be confined to the premises owned by Subdivider.

Section 4. Security

- (a) Faithful Performance – Pursuant to California Government Code 66499 and the Town's Development Code, Section 83.041125 Subdivider shall, concurrently with the execution hereof, furnish a surety bond or cash deposit in an amount equal to one hundred percent (100%) of the estimated construction cost of the Improvements as security guaranteeing the faithful performance of the Improvements and this Agreement.

The estimated construction cost approved by the Town is Four Hundred Sixty Six Thousand Three Hundred Thirty Four Dollars (\$466,334.00).

The Performance Bond amount is Four Hundred Sixty Six Thousand Three Hundred Thirty Four Dollars (\$466,334.00). A copy of said bond is attached hereto as Exhibit B.

- (b) Labor & Materials (Payment) Bond – Pursuant to California Government Code 66499 and the Town's Development Code, Section 83.041125 Subdivider shall, concurrently with the execution hereof, furnish a surety bond or cash deposit in an amount equal to fifty percent (50%) of the estimated construction cost of the Improvements as security guaranteeing the payment of all persons performing labor and furnishing materials in connection with this Agreement.

The Labor & Materials (Payment) Bond amount is Two Hundred Thirty Three Thousand One Hundred Sixty Seven Dollars (\$233,167.00). A copy of said bond is attached hereto as Exhibit C.

- (c) Guarantee / Warranty Bond – Pursuant to Government Code 66499 and the Town's Development Code, Section 83.041125 Town shall withhold from the bond or cash deposit One Hundred Sixteen Thousand Five Hundred Eighty Three Dollars and Fifty Cents (\$116,583.50), an amount equal to twenty five percent (25%) of the estimated construction cost of the Improvements, for the guarantee and warranty of the work for a period of one year

following the completion and acceptance thereof against any defective work or labor performed, or defective materials furnished by the Subdivider in connection with this Agreement.

- (d) Pursuant to Government Code 66499.9, any liability upon the security given for faithful performance of any act or agreement shall be limited to;
- (1) The performance of the work covered by the Agreement or the performance of the required act.
 - (2) The performance of any changes or alterations in such work provided that all changes or alterations do not exceed ten percent (10%) of the original estimated cost of the Improvement.
 - (3) The guarantee and warranty of the work for a period of one year following completion and acceptance thereof against any defective work or labor done or defective materials furnished in the performance of the Agreement or the performance of the act.
 - (4) Costs and reasonable expenses and fees, including reasonable attorneys' fees.
- (e) The surety on each bond and the form thereof shall be satisfactory to the Town. The surety shall be furnished by a surety company authorized to write the same in the State of California and that is approved and accepted by the Town.

Section 5. Inspections

At least fifteen (15) calendar days prior to the commencement of any work hereunder Subdivider shall notify the Town in writing of the fixed start date of construction so that the Town shall be able to provide inspection services. Subdivider shall at all times maintain proper facilities and provide safe access to all parts of the work site(s) for Town inspections, including any workshops or plants where work related to the Improvements is being conducted.

Section 6. Timing of Performance

Subdivider agrees to perform and complete all improvements within twenty-four (24) months from the date of this Agreement. It is further agreed by and between the Subdivider and the Town that in the event it is deemed necessary by the Town to extend the time of completion of the Improvements, said extension may be

granted by the Town, and shall in no way affect the validity of this Agreement or release of the surety(ies) on any bond attached hereto or the financial institution guaranteeing the same. Subdivider further agrees to maintain the security described in Sections 4(a), 4(b), and 4(c) above in full force and effect during the terms of this Agreement including any extensions of time as may be granted.

Section 7. Work Performance

- (a) Subdivider shall construct, at Subdivider's own expense, all of the Improvements in a good and workmanlike manner, and furnish all required materials incident thereto in accordance with the Plans and to the satisfaction of the Town, including any changes required by the Town, which in the Town's opinion are necessary to complete the Improvements.
- (b) All work shall be conducted and completed in accordance with the Plans and federal; state, county and Town codes, laws, ordinances, and regulations. For any Improvements partially completed prior to this Agreement, Subdivider agrees to complete the Improvements in accordance with this Agreement.
- (c) Neither Subdivider, nor any of Subdivider's agents, or contractors in connection with Subdivider's obligations under this Agreement are, or shall be considered to be, agents of Town.

Section 8. Indemnity

- (a) Subdivider hereby agrees to save harmless and indemnify the Town, its elective and appointive boards, officials, officers, agents, independent contractors, employees and volunteers, including without limitation Town's defense costs (including reasonable attorney's fees), from and against any and all suits, actions, or claims, of any character whatever, brought for, or on account of any injuries or damages sustained by any person or property resulting or arising, or alleged to have resulted or arisen, from Subdivider or Subdivider's contractors, subcontractors, agents, or employees activities, omissions or operations pursuant to this Agreement. Should Town be named in any suit, or should any claim be brought against it by suit or otherwise, whether the same be groundless or not, arising out of this Agreement, or its performance, Subdivider will defend Town, (at Town's request and with counsel satisfactory to Town) and will indemnify Town for any judgment rendered against it or any sums paid out in settlement or otherwise.

- (b) Subdivider shall defend, indemnify, and hold harmless the Town and its elective and appointive boards, officials, officers, agents, independent contractors, employees and volunteers from any claim, action, or proceeding to review, set aside, void, or annul an approval of the Town concerning the Map and acts made in respect thereof, provided any such action is brought within the time period provided for in California Government Code 66499.87.
- (c) Town shall promptly notify the Subdivider of any claim, action, or proceeding, and cooperate fully in the defense of any claim, action or proceeding.
- (d) It is expressly understood and agreed that the foregoing provisions will survive termination of this Agreement.

Section 9. Permits and Requisite Fees

- (a) Before proceeding with any work hereunder, Subdivider shall, at Subdivider's expense, obtain all necessary permits and licenses for the construction of the Improvements, give all necessary notices, and pay all fees and taxes required by law.
- (b) Subdivider agrees to procure, at its expense, any necessary permits for Improvements outside the Town's jurisdiction.

Section 10. On-Site Supervision

Subdivider shall designate an on-site supervisor, satisfactory to the Town, who shall be on the work site(s) at all times during the construction of the Improvements, and who has the authority to act on behalf of the Subdivider when communicating with Town staff.

Section 11. Law to Govern: Venue

The law of the State of California shall govern this Agreement. In the event of litigation between the parties, the action must be filed in the San Bernardino County Superior Court, Joshua Tree District.

Section 12. Compliance with Law

Subdivider shall comply with all applicable laws, ordinances, codes, and regulations of the federal, state, and local governments.

Section 13. Waiver

Waiver by Town or Subdivider of any breach of any of the provisions of the Agreement shall not constitute a waiver of any other provision, nor a waiver of any subsequent breach or violation of the same or any other provision of this Agreement. Acceptance by Town of any work by Subdivider shall not be a waiver of any of the provisions of this Agreement.

Section 14. Notices

- (a) All notices to Town shall be sent to the following address:

Shane R. Stueckle
Deputy Town Manager
Town of Yucca Valley
58928 Business Center Drive
Yucca Valley, CA 92284

- (b) All notices to Subdivider shall be sent to the following address:

Mr. Herbert L. Porter
President
Pacific Equity Properties LLC
503 Avenida Ladera
Newport Beach, CA 92660

- (c) All notices herein required shall be in writing and shall be personally delivered or sent by certified mail, return receipt requested, postage prepaid.
- (d) If one party provides written notice to the other party of a change of address, all further notices to such party shall be addressed and transmitted to the new address.
- (e) Any notice so given shall be deemed effective on the date of actual delivery.

Section 15. Noncompliance

If Town determines that Subdivider is in violation of any federal, state, county or Town laws, ordinances, rules, regulations, and requirements, and/or the terms and provisions of this Agreement, it may issue a cease and desist order, stop work order, or other action the Town deems necessary.

Section 16. Notice of Breach and/or Default

The City may serve written notice upon Subdivider and surety of breach of this Agreement or of any portion thereof, and default of Subdivider for any of the following circumstances:

- (a) Subdivider refuses or fails to complete the Improvements as required in Section 6 above.
- (b) Subdivider should be adjudged bankrupt.
- (c) Subdivider should make a general assignment for the benefit of Subdivider's creditors.
- (d) A receiver should be appointed in the event of Subdivider's insolvency.
- (e) Subdivider or any of Subdivider's contractors, subcontractors, agents, or employees should materially violate any of the provisions of this Agreement and not cure the violation within a reasonable time.

Section 17. Performance by Surety or Town

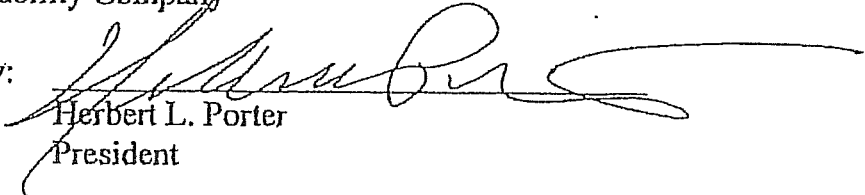
- (a) In the event of a material breach and/or default by Subdivider, Subdivider's surety shall have the duty to take over and complete the Improvements.
- (b) If the surety, within a reasonable time after receiving notice of Subdivider's default does not provide Town written notice to take over the performance of this Agreement or if the surety does not commence performance thereof within the time specified in such notice to Town, Town may take over the construction of the Improvements and prosecute the same to completion by contract or by any method Town may deem advisable, on behalf and at the expense of Subdivider and Subdivider's surety shall be liable to Town for any excess cost or damages incurred by Town thereby. In such event, Town, without liability for so doing, may take possession of and utilize, to complete the Improvements, such materials, appliances, and other property

"SUBDIVIDER"

Yucca Valley Estates, LLC, a California Limited Liability Company

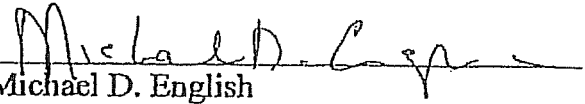
By: Pacific Equity Properties, LLC, a Delaware Limited Liability Company

By:



Herbert L. Porter
President

By: CF Properties, LLC, a California Limited Liability Company

By:


Michael D. English
Managing Member

By:


Edward F. Eaton
Managing Member

CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

State of California

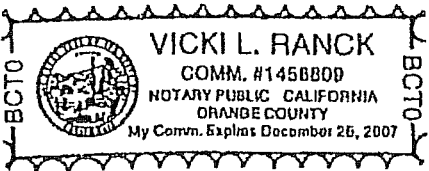
County of Orange } ss.

On January 8, 2007 before me, Vicki L. Ranck Notary Public

personally appeared Herbert L. Porter, Michael D. English & Edward F. Eaton

personally known to me

proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.



WITNESS my hand and official seal.

Vicki L. Ranck
Signature of Notary Public

Place Notary Seal Above

OPTIONAL

Though the information below is not required by law, it may prove valuable to persons relying on the document and could prevent fraudulent removal and reattachment of this form to another document.

Description of Attached Document
Title or Type of Document: Subdivision Improvement Agreement

Document Date: 1/8/07 Number of Pages: 11

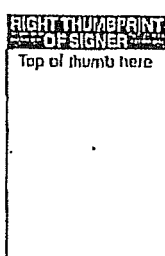
Signer(s) Other Than Named Above: yes

Capacity(ies) Claimed by Signer(s)

Signer's Name: _____
 Individual
 Corporate Officer — Title(s): _____
 Partner — Limited General
 Attorney In Fact
 Trustee
 Guardian or Conservator
 Other: _____
 Signer Is Representing: _____



Signer's Name: _____
 Individual
 Corporate Officer — Title(s): _____
 Partner — Limited General
 Attorney In Fact
 Trustee
 Guardian or Conservator
 Other: _____
 Signer Is Representing: _____

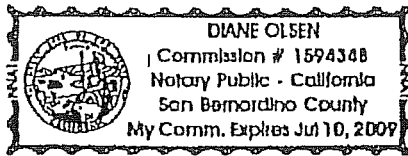


CALIFORNIA ALL-PURPOSE ACKNOWLEDGEMENT

State of California }
County of San Bernardino } SS.

On February 15, 2007, before me, Diane Olsen, Notary Public, personally appeared Shane R Stueckle,

personally know to me to be the person whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his authorized capacity, and that by his signature on the instrument the person, or entity upon behalf of which the person acted, executed the instrument.



Place Notary Seal Above

WITNESS my hand and official seal.

Signature of Notary Public

OPTIONAL

Though the information below is not required by law, it may prove valuable to persons relying on the document and could prevent fraudulent removal and reattachment of this form to another document.

Description of Attached Document

Title or Type of Document Subdivision Improvement Agreement

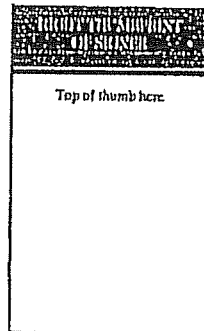
Document Date: 02/15/07 Number of Pages: 1 (one)

Signer(s) Other Than Named Above: _____

Capacity(ies) Claimed by Signer

Signer's Name: Shane R Stueckle

- Individual
- Corporate Officer - Title(s): _____
- Partner - Limited General
- Attorney in Fact
- Trustee
- Guardian or Conservator
- Other: Deputy Town Manager



Signer is Representing: Town of Yucca Valley

FINAL CONDITIONS OF APPROVAL
Tentative Tract Map 17328

I. GENERAL CONDITIONS

1. This approval is for Tentative Tract Map Number 17328 to allow the division of approximately 9.32 acres into 17 lots, as well as lots for streets and a retention basin. A Composite Plan also accompanies this map. The project is located at the southwest corner of Yucca Trail and Emerson Avenue. The property is identified as Assessor Parcel Number 588-311-09.
2. The applicant/owner shall agree to defend at his sole expense any action brought against the Town, its agents, officers, or employees, because of the issuance of such approval, or in the alternative, to relinquish such approval, in compliance with the Town of Yucca Valley Development Code. The applicant shall reimburse the Town, its agents, officers, or employees for any court costs, and attorney's fees which the Town, its agents, officers or employees may be required by a court to pay as a result of such action. The Town may, at its sole discretion, participate at its own expense in the defense of any such action but such participation shall not relieve applicant of his obligations under this condition.
3. This Tentative Tract Map shall become null and void if a Final Map is not approved within three (3) years of the Town of Yucca Valley date of approval. Extensions of time may be granted by the Planning Commission and/or Town Council, in conformance with the Subdivision Map Act and the Town of Yucca Valley Subdivision regulations. The applicant is responsible for the initiation of an extension request.

Approval Date: May 3, 2005

Expiration Date: May 3, 2008

4. The applicant/owner shall ascertain and comply with requirements of all State, County, Town and local agencies as are applicable to the project area. These include, but are not limited to, Environmental Health Services, Transportation/Flood Control, San Bernardino Fire, Building and Safety, State Fire Marshal, Caltrans, High Desert Water District, Airport Land Use Commission, California Regional Water Quality Control Board, the Federal Emergency Management Agency, MDAQMD-Mojave Desert Air Quality Management District, Community Development, Engineering, and all other Town Departments.

5. All conditions are continuing conditions. Failure of the applicant to comply with any or all of said conditions at any time shall result in the revocation of the approval on the property.
6. Prior to final map approval or permit issuance, the applicant shall dedicate 5 acres per 1,000 residents or pay park land in-lieu fees as adopted by the Town.
7. After final plan check by the Town, original mylars (4 mil) shall be submitted to the Town for signature by the Town Engineer. All original mylars submitted for Town Engineer's signature must contain the design engineer's wet signature and stamp and all other required signatures.
8. A plan identifying all protected plants under the California Food and Agriculture Code as well as a Joshua Tree Relocation Plan with any area proposed to be disturbed in accordance with the Town's Native Plant Protection Ordinance shall be submitted for approval prior to issuance of grading permits for the project. A minimum 60 day adoption period before land disturbance in accordance with the grading plan may commence.
9. The applicant shall comply with the requirements of the San Bernardino Fire Dept.
10. Prior to Issuance of Grading Permit and/or site improvements, the following conditions shall be completed to the satisfaction of the Town:
 - a. The grading and improvement plan shall comply with the findings and conclusions found in the Fault Hazard Evaluation prepared by Landmark, dated October 15, 2004. Specific recommendations from a geotechnical and geological analysis shall be prepared and incorporated into the grading plan design.
 - b. The subject property is within or adjacent to a Flood Hazard Area Zone D as shown on Flood Insurance Rate Map Panel 8860. Flood Zone D is defined as areas where flood hazards are undetermined.
 - c. Control runoff on-site for a 10-year storm based on the permeability rates identified in the Development Code. Based on final design, permeability greater than 2 inches/hour shall be retained on site; or, permeability less than or equal to 2 inches/hour shall be detained or spread out over non-erodable vegetated surfaces. The on-site retention basin is within or located near the Eureka Peak Fault, final design shall address potential discharge of retained storm water and debris resulting from a seismic event.

11. Prior to recordation of Final Map, the following conditions shall be completed to the satisfaction of the Town. (If at the time of Final Map approval by the Town, the public improvements have not been completed and accepted by the Town, an agreement in accordance with the Subdivision Map Act (SMA) § 66462 and an Improvement Security in accordance with § 66499 shall be executed. The form and content of said agreement and security shall be to the satisfaction of the Town Attorney):
 - a. Dedicate rights of way and improve Yucca Trail to Arterial-4 Lanes Divided, Standard #104 (80'/100') with sidewalk, concrete curb, and gutter and striped Class II Bike Path in lieu of on-street parking. Construct half street improvements adjacent to the property. Street improvement plans shall identify median island and lane configuration along Yucca Trail within project boundary and the Balsa transition north and south of Yucca Trail, as well as the Balsa transition south of Arcadia. Relinquish vehicular ingress/egress and dedicate to the Town restricted access rights to all frontage along Yucca Trail.
 - b. Dedicate rights of way and improve Arcadia Trail and Emerson Avenue to Local Street Standard #101 (40'/60') with concrete sidewalk, curb, and gutter. Construct half street improvements.
 - c. Dedicate rights of way and improve Balsa Avenue to Local Street Standard #101 (40'/60') with concrete sidewalk, curb, and gutter. Design and improve a transition southerly of Yucca Trail to align with the ultimate location of Balsa Avenue to the north. Balsa Avenue northerly of Yucca Trail is designated as a Major Collector (4 Lanes) Standard #104 (60'/80'). Design and improve a transition to Balsa Avenue southerly of the project limits and Arcadia Trail. Construct full street improvements.
12. The project is within the Airport Influence Area. Record by separate instrument a Deed Notice.
13. Prior to the recordation of a final map for the project or any portion thereof, the applicant shall form a maintenance district(s) to provide for maintenance of streets, lighting and landscaping, drainage facilities, or other infrastructure improvements as required by the Town of Yucca Valley.
14. Mass grading of the site is discouraged. Individual grading of pad areas is recommended to the greatest extent practical.
15. The applicant shall be required to improve the parkway along Yucca Trail with landscaping and irrigation. Prior to the issuance of a permit the applicant/owner shall provide three (3) copies of a landscape and irrigation plan showing the size,

type and location of all plant and irrigation systems accompanied by the review fee. Present desert native species on site shall be reincorporated into landscaping plan. Said irrigation system shall incorporate a permanent automatic irrigation system, and all landscaping and irrigation systems shall be maintained in good condition at all times. All ground within proposed landscape planter areas shall be provided with approved ground cover. This shall include but not be limited to drought-tolerant plant materials or colored desert rock. The Landscape Plan shall be approved by the Town and the Hi-Desert Water District prior to issuance of any permits.

16. The block wall constructed along Yucca Trail shall be decorative block and shall be approved by the Town.
17. Prior to final map approval, the map shall comply with Town's Floodplain Management Ordinance Section 8.04.052.

STANDARD CONDITIONS OF APPROVAL

18. Prior to any work being performed in the public right of way, fees shall be paid and an encroachment permit shall be obtained from the Engineering Department or the State of California Department of Transportation. The applicant shall apply for an encroachment permit from the Town for utility trenching, utility connection or any other encroachment onto public right-of-way. The applicant shall be responsible for the associated costs and arrangements with each public utility.
19. Prior to the issuance of building permits, unless other timing is indicated, the applicant shall complete all street improvement plans, in conformance with all applicable Town ordinances and standards, submit and obtain approval, post securities and execute agreements. Prior to occupancy, all public improvements shall be installed in accordance with all applicable Town ordinances.
20. The applicant shall accept and properly dispose of all offsite drainage flowing onto or through the site.
21. If possible all drainage shall be conveyed onto public property. No cross lot drainage shall be permitted without an approved private drainage easement.
22. Applicant shall protect all downstream properties from damages caused by alteration of the drainage patterns, i.e., concentrations or diversion of flow. Protection shall be provided by constructing adequate drainage facilities including enlarging existing facilities and/or by securing a drainage easement. A maintenance mechanism shall be in place for any private drainage facilities constructed on-site or off-site. Any grading or drainage onto private off site or adjacent property shall require a written permission to grade and/or a permission

- to drain letter from the affected landowner. The project shall detain the incremental increase in runoff generated by the improvements.
23. All work within special flood hazard zones shall comply with the Development Code and the latest provisions of FEMA.
 24. Prior to issuance of a grading permit, if any for this project, the applicant shall obtain, if required, a Notice of Intent from the Regional Water Quality Control Board (RWQCB) and comply with RWQCB (Colorado River Basin) requirements.
 25. All grading activities shall minimize dust through compliance with AQMD Rule 403 which requires watering during earth moving operations.
 26. Permission from property owners shall be required for any work located on adjacent properties.
 27. The applicant shall install all required water and sewer systems necessary to serve the project.
 28. All existing street and property monuments within or abutting this project site shall be preserved consistent with AB 1414. If during construction of onsite or offsite improvements monuments are damaged or destroyed, the applicant/developer shall retain a qualified licensed land surveyor or civil engineer to reset those monuments per Town Standards and file the necessary information with the County Recorder's office as required by law (AB 1414).
 29. If the High Desert Water District has approved mandatory dry sewerage for the project site prior to the recordation of the final map, the applicant shall be required to install such a system within the property boundary.
 30. Temporary power shall be established during home construction.
 31. All required public improvements shall be bonded in accordance with Town Development Code unless constructed and approved prior to approval and recordation on the Final Map.
 32. The septic system shall be maintained so as not to create a public nuisance and shall be serviced by a DEHS permitted pumper. Soil testing for the subsurface disposal system shall meet the requirements of the Department of Environmental Health Services. Applicant shall submit a minimum of three (3) copies of percolation reports for the project site and an appropriate fee to DEHS for review and approval, a copy of the cover sheet with an approval stamp to Building and Safety Division at the time of building permit application, and two (2) copies of

the approved percolation report to the Building and Safety Division at the time of construction plan check.

33. Utility undergrounding shall be required for all new Service and Distribution lines that provide direct service to the property being developed, existing Service and Distribution lines that are located within the boundaries being developed, existing Service and Distribution lines between the street frontage property line and the centerline of the adjacent streets of the property being developed, existing Service and Distribution lines located along or within 10 feet of the lot lines of the property being developed, or existing Service and Distribution lines being relocated as a result of a project.
34. All refuse shall be removed from the premises in conformance with Yucca Valley Town Code 33.083.
35. All exterior lighting shall comply with the Outdoor Lighting Ordinance and shall be illustrated on all construction plans.
36. In accordance with the Town Master Trail and Bike Route Map Yucca Trail improvements shall include a bicycle lane.
37. All mitigation measures included in Environmental Assessment 03-05 are hereby included in these conditions of approval by this reference.
38. At the time of permit issuance the applicant shall be responsible for the payment of fees associated with electronic file storage of documents.
39. The applicant shall pay Developer Impact Fees in place at the time of issuance of building permits.
40. A minimum 5 foot wide landscape easement or dedication, outside the public right of way, to create a minimum 9 foot landscape parkway for Yucca Trail along lots 6, 12 and 13 shall be provided with any fencing installed at or beyond the easement line. This shall be reflected on the final map and composite development plan.

TOWN OF YUCCA VALLEY
FAITHFUL PERFORMANCE BOND

Bond Number: 732342P
Premium: \$5,596.00
Two year bond term

WHEREAS, the TOWN OF YUCCA VALLEY, State of California, and Yucca Valley Estates, LLC, hereinafter referred to as "Principal", have entered into or are about to enter into an agreement whereby Principal agrees to install and complete certain designated public improvements as set forth in said agreement dated 11/22, 2006, and identified as Agreement for Construction Tract Map No. 17328 which is hereby referred to and made a part hereof; and

WHEREAS, said Principal is required under the terms of said agreement to furnish a bond for the faithful performance of said agreement and to guarantee the work for a period of one year;

NOW, THEREFORE, we, the Principal and Developers Surety and Indemnity Company whose principal place of business is Irvine, California, a corporation organized and doing business under and by virtue of the laws of the State of California, and duly licensed by the State of California for the purpose of making, guaranteeing or becoming sole surety upon bonds or undertakings required or authorized by the laws of the State of California, as Surety, are held and firmly bound unto the Town of Yucca Valley in the penal sum of \$466,334.00 lawful money of the United States, for the payment of which sum well and truly to be made, we bind ourselves, our heirs, successors, executors, and administrators, jointly and severally, firmly by these presents.

The condition of this obligation is such that if the above bounded principal, his, their, its heirs, executors, administrators, successors, or assigns, shall in all things stand to or abide by, and well and truly keep and perform the covenants, conditions, and provisions in the said agreement and any alteration thereof made as therein provided, on his or their part, to be kept and performed at the time in the manner therein specified, and in all respects according to their true intent and meaning, and shall indemnify and save harmless the Town of Yucca Valley, its officers, agents, and employees as therein stipulated, then this obligation shall become null and void; otherwise it shall be and remain in full force and effect.

The Surety and Principal further agree that in the event the work and improvements are not completed within the time allowed by said agreement or any extensions thereof as may be granted the Town of Yucca Valley, they shall be jointly and severally liable to the Town of Yucca Valley for any and all costs incurred by the Town in completing the required improvements, including any administrative expenses and attorney's fees incurred in obtaining completion of required improvements or any such

TOWN OF YUCCA VALLEY
FAITHFUL PERFORMANCE BOND

fees and expenses incurred in processing any action for damages or for any other remedies by law.

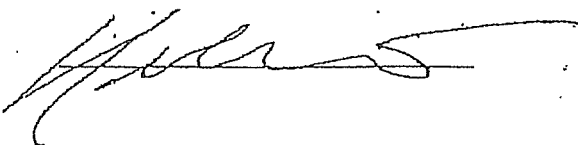
As part of the obligation secured hereby and in addition to the face amount specified therefore, there shall be included costs and reasonable expenses and fees, including reasonable attorneys' fees, incurred by the Town of Yucca Valley in successfully enforcing such obligation, all to be taxed as costs and included in any judgment rendered.

The Surety and Principal further agree that 100 percent () of the face amount of this bond will remain in effect and continue after completion and acceptance of the work and improvements by the Town of Yucca Valley for one year from the date of acceptance to guarantee said improvements against any defective work or labor done, or defective materials furnished, in performance of the contract with the Town of Yucca Valley.


The Surety hereby stipulates and agrees that no change, extension of time, alteration or addition to the terms of the agreement or to the work to be performed thereunder or the specifications accompanying the same shall in any way affect its obligations on this bond, and it does hereby waive notice of any such change, extension of time, alteration or addition to the terms of the agreement or to the work or to the specifications. Surety further stipulates and agrees that the provisions of Section 2845 of the Civil Code are not a condition precedent to Surety's obligations hereunder and are hereby waived by Surety.

IN WITNESS WHEREOF, said Principal and said Surety have caused this performance bond to be duly executed this 8th day of January, 2007.

Principal:
Yucca Valley Estates, LLC



Surety:
Developers Surety and Indemnity Company


Gerry Lewis Attorney-In-Fact

CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

State of California

County of Orange } ss.

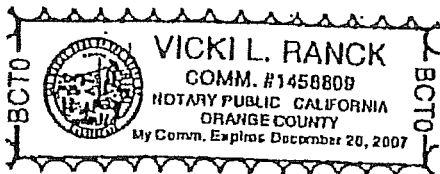
On 1/24/2007, before me, Vicki L. Ranck, Notary Public

personally appeared Herbert L. Porter

Name and Title of Officer (e.g., Jane Doe, Notary Public)
Name(s) of Signer(s)

personally known to me

proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.



WITNESS my hand and official seal.

Vicki L. Ranck
 Signature of Notary Public

Place Notary Seal Above

OPTIONAL

Though the information below is not required by law, it may prove valuable to persons relying on the document and could prevent fraudulent removal and reattachment of this form to another document.

Description of Attached Document

Title or Type of Document: Faithful Performance Bond

Document Date: 1/8/07

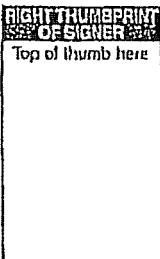
Number of Pages: _____

Signer(s) Other Than Named Above: _____

Capacity(ies) Claimed by Signer(s)

Signer's Name: _____

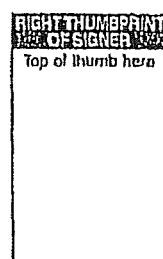
- Individual
- Corporate Officer — Title(s): _____
- Partner — Limited General
- Attorney In Fact
- Trustee
- Guardian or Conservator
- Other: _____



Signer Is Representing: _____

Signer's Name: _____

- Individual
- Corporate Officer — Title(s): _____
- Partner — Limited General
- Attorney In Fact
- Trustee
- Guardian or Conservator
- Other: _____



Signer Is Representing: _____

**POWER OF ATTORNEY FOR
DEVELOPERS SURETY AND INDEMNITY COMPANY
INDEMNITY COMPANY OF CALIFORNIA
P.O. BOX 19725, IRVINE, CA 92623 (949) 263-3300**

KNOW ALL MEN BY THESE PRESENTS, that except as expressly limited, DEVELOPERS SURETY AND INDEMNITY COMPANY and INDEMNITY COMPANY OF CALIFORNIA, do each, hereby make, constitute and appoint:

Gerry Lewis, Charles P. Swan, jointly or severally

as their true and lawful Attorney(s)-in-Fact, to make, execute, deliver and acknowledge, for and on behalf of said corporations, as sureties, bonds, undertakings and contracts of suretyship giving and granting unto said Attorney(s)-in-Fact full power and authority to do and to perform every act necessary, requisite or proper to be done in connection therewith as each of said corporations could do, but reserving to each of said corporations full power of substitution and revocation, and all of the acts of said Attorney(s)-in-Fact, pursuant to these presents, are hereby ratified and confirmed.

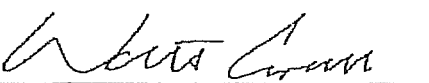
This Power of Attorney is granted and is signed by facsimile under and by authority of the following resolutions adopted by the respective Board of Directors of DEVELOPERS SURETY AND INDEMNITY COMPANY and INDEMNITY COMPANY OF CALIFORNIA, effective as of November 1, 2000:

RESOLVED, that the Chairman of the Board, the President and any Vice President of the corporation be, and that each of them hereby is, authorized to execute Powers of Attorney, qualifying the attorney(s) named in the Powers of Attorney to execute, on behalf of the corporations, bonds, undertakings and contracts of suretyship; and that the Secretary or any Assistant Secretary of the corporations be, and each of them hereby is, authorized to attest the execution of any such Power of Attorney;

RESOLVED, FURTHER, that the signatures of such officers may be affixed to any such Power of Attorney or to any certificate relating therein by facsimile, and any such Power of Attorney or certificate bearing such facsimile signatures shall be valid and binding upon the corporation when so affixed and in the future with respect to any bond, undertaking or contract of suretyship to which it is attached.

IN WITNESS WHEREOF, DEVELOPERS SURETY AND INDEMNITY COMPANY and INDEMNITY COMPANY OF CALIFORNIA have severally caused these presents to be signed by their respective Executive Vice President and attested by their respective Secretary this 1st day of December, 2005.

By: 
David H. Rhodes, Executive Vice-President

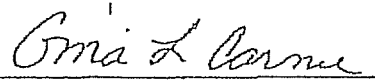
By: 
Walter A. Crowell, Secretary



STATE OF CALIFORNIA]
COUNTY OF ORANGE]

On December 1, 2005 before me, Gina L. Garner, Notary Public (here insert name and title of the officer), personally appeared David H. Rhodes and Walter A. Crowell, personally known to me (or proved to me on the basis of satisfactory evidence) to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal.

Signature 

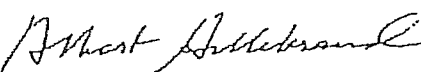
(SEAL)



CERTIFICATE

The undersigned, as Assistant Secretary, of DEVELOPERS SURETY AND INDEMNITY COMPANY and INDEMNITY COMPANY OF CALIFORNIA, does hereby certify that the foregoing Power of Attorney remains in full force and has not been revoked, and furthermore, that the provisions of the resolutions of the respective Boards of Directors of said corporations set forth in the Power of Attorney, are in force as of the date of this Certificate.

This Certificate is executed in the City of Irvine, California, the 8th day of January, 2007.

By: 
Albert Hillebrand, Assistant Secretary

CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

State of California

County of Los Angeles

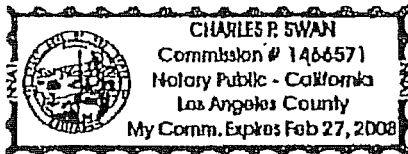
} ss.

On 01/08/07, before me, Charles P. Swan
Date Name and Title of Officer (e.g., "Jane Doe, Notary Public")

personally appeared Gerry Lewis
Name(s) of Signer(s)

personally known to me

proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.



WITNESS my hand and official seal.

Charles P. Swan

Signature of Notary Public

Place Notary Seal Above

OPTIONAL

Though the information below is not required by law, it may prove valuable to persons relying on the document and could prevent fraudulent removal and reattachment of this form to another document.

Description of Attached Document

Title or Type of Document: _____

Document Date: _____ Number of Pages: _____

Signer(s) Other Than Named Above: _____

Capacity(ies) Claimed by Signer(s)

Signer's Name: _____

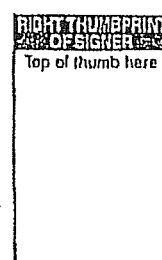
- Individual
- Corporate Officer — Title(s): _____
- Partner — Limited General
- Attorney in Fact
- Trustee
- Guardian or Conservator
- Other: _____



Signer is Representing: _____

Signer's Name: _____

- Individual
- Corporate Officer — Title(s): _____
- Partner — Limited General
- Attorney in Fact
- Trustee
- Guardian or Conservator
- Other: _____



Signer is Representing: _____

TOWN OF YUCCA VALLEY
LABOR AND MATERIAL BOND

Bond Number: 732342P
Premium: Included in the cost of performance
Two Year Bond Term

LABOR AND MATERIAL BOND

WHEREAS, the TOWN OF YUCCA VALLEY, State of California, and Yucca Valley Estates, LLC, hereafter referred to as "Principal", have entered into or are about to enter into an agreement whereby Principal agrees to install and complete certain designated public improvements as set forth in said agreement dated 11/22, 2006, and identified as Agreement for Construction of Tract Map No. 17328 which is hereby referred to and made a part hereof; and

WHEREAS, Under the terms of the agreement, the said Principal is required before entering upon the performance of the work, to file a good and sufficient payment bond with the Town of Yucca Valley to secure the claims to which reference is made in Title 15 (commencing with Section 3082) of Part 4 of Division 3 of the Civil Code of the State of California.

NOW, THEREFORE, the Principal and Developers Surety and Indemnity Company whose principal place of business is Irvine, California, and duly licensed by the State of California for the purpose of making, guaranteeing or becoming sole surety upon bonds or undertakings required or authorized by the laws of the State of California, as Surety, are held and firmly bound unto the Town of Yucca Valley and all contractors, subcontractors, laborers, material men and other persons employed in the performance of the aforesaid agreement and referred to in aforesaid Civil Code in the sum of \$233,167.00, for materials furnished or labor thereon of any kind, or for amounts due under the Unemployment Insurance Act with respect to this work or labor, that the surety will pay the same in an amount not exceeding the amount hereinabove set forth, and also in case suit is brought upon this bond, will pay, in addition to the face amount thereof, costs and reasonable expenses and fees, including reasonable attorney's fees, incurred the Town of Yucca Valley in successfully enforcing this obligation, to be awarded and fixed by the court, and to be taxed as costs and to be included in the judgment therein rendered.

It is hereby expressly stipulated and agreed that this bond shall inure to the benefit of any and all persons, companies, and corporations entitled to file claims under Title 15 (commencing with Sections 3082) of Part 4 of Division 3 of the Civil Code, so as to give a right of action to them or their assigns in any suit brought upon this bond.

Should the condition of this bond be fully performed, then this obligation shall become null and void, otherwise it shall be and remain in full force and effect.

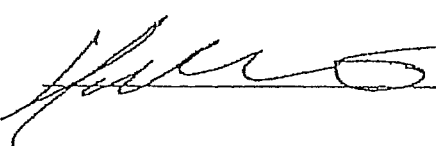
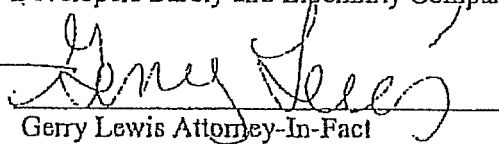
TOWN OF YUCCA VALLEY
LABOR AND MATERIAL BOND

The Surety hereby stipulates and agrees that no change, extension of time, alteration or addition to the terms of the agreement or the work to be performed there under or the specifications accompanying the same shall in any way affect its obligations on this bond, and it does hereby waive notice of any such change, alteration or addition to the terms of the agreement or to the work or to the specifications. Surety further stipulates and agrees that the provisions of Section 2845 of the Civil Code are not a condition precedent to Surety's obligations hereunder and are hereby waived by Surety.

IN WITNESS WHEREOF, said Principal and said Surety have caused this performance bond to be duly executed this 8th day of January, 2007.

Principal:
Yucca Valley Estates, LLC

Surety:
Developers Surety and Indemnity Company



Gerry Lewis Attorney-In-Fact

CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

State of California

County of Orange } ss.

On 1/24/07, before me, Vicki L. Ranck Notary Public
Name and Title of Officer (e.g., "John Doe, Notary Public")
 personally appeared Herbert L. Porter
Name(s) of Signer(s)

personally known to me

proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in (his/her/their) authorized capacity(ies), and that by (his/her/their) signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.



Place Notary Seal Above

WITNESS my hand and official seal.
Vicki L. Ranck
Signature of Notary Public

OPTIONAL

Though the information below is not required by law, it may prove valuable to persons relying on the document and could prevent fraudulent removal and reattachment of this form to another document.

Description of Attached Document
 Title or Type of Document: Labor & Material Bond

Document Date: 8 January 2007 Number of Pages: _____

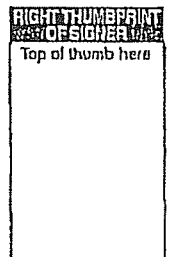
Signer(s) Other Than Named Above: _____

Capacity(ies) Claimed by Signer(s)

Signer's Name: _____

Individual
 Corporate Officer — Title(s): _____
 Partner — Limited General
 Attorney in Fact
 Trustee
 Guardian or Conservator
 Other: _____

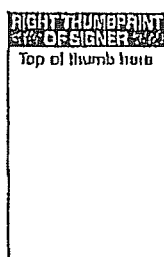
Signer Is Representing: _____



Signer's Name: _____

Individual
 Corporate Officer — Title(s): _____
 Partner — Limited General
 Attorney in Fact
 Trustee
 Guardian or Conservator
 Other: _____

Signer Is Representing: _____



**POWER OF ATTORNEY FOR
DEVELOPERS SURETY AND INDEMNITY COMPANY
INDEMNITY COMPANY OF CALIFORNIA
PO BOX 19723, IRVINE, CA 92623 (949) 263-3300**

KNOW ALL MEN BY THESE PRESENTS, that except as expressly limited, DEVELOPERS SURETY AND INDEMNITY COMPANY and INDEMNITY COMPANY OF CALIFORNIA, do each, hereby make, constitute and appoint:

Gerry Lewis, Charles P. Swan, jointly or severally

as their true and lawful Attorney(s)-in-Fact, to make, execute, deliver and acknowledge, for and on behalf of said corporations, as sureties, bonds, undertakings and contracts of suretyship giving and granting unto said Attorney(s)-in-Fact full power and authority to do and to perform every act necessary, requisite or proper to be done in connection therewith as each of said corporations could do, but reserving to each of said corporations full power of substitution and revocation, and all of the acts of said Attorney(s)-in-Fact, pursuant to these presents, are hereby ratified and confirmed.

This Power of Attorney is granted and is signed by facsimile under and by authority of the following resolutions adopted by the respective Board of Directors of DEVELOPERS SURETY AND INDEMNITY COMPANY and INDEMNITY COMPANY OF CALIFORNIA, effective as of November 1, 2000:

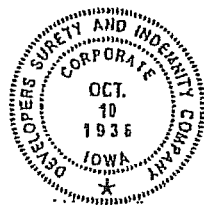
RESOLVED, that the Chairman of the Board, the President and any Vice President of the corporation be, and that each of them hereby is, authorized to execute Powers of Attorney, qualifying the attorney(s) named in the Powers of Attorney to execute, on behalf of the corporations, bonds, undertakings and contracts of suretyship; and that the Secretary or any Assistant Secretary of the corporations be, and each of them hereby is, authorized to attest the execution of any such Power of Attorney;

RESOLVED, FURTHER, that the signatures of such officers may be affixed to any such Power of Attorney or to any certificate relating thereto by facsimile, and any such Power of Attorney or certificate bearing such facsimile signatures shall be valid and binding upon the corporation when so affixed and in the future with respect to any bond, undertaking or contract of suretyship in which it is attached.

IN WITNESS WHEREOF, DEVELOPERS SURETY AND INDEMNITY COMPANY and INDEMNITY COMPANY OF CALIFORNIA have severally caused these presents to be signed by their respective Executive Vice President and attested by their respective Secretary this 1st day of December, 2005.

By: [Signature]
David H. Rhodes, Executive Vice-President

By: [Signature]
Walter A. Crowell, Secretary



STATE OF CALIFORNIA]
COUNTY OF ORANGE]

On December 1, 2005 before me, Gina L. Garner, Notary Public (here insert name and title of the officer), personally appeared David H. Rhodes and Walter A. Crowell, personally known to me (or proved to me on the basis of satisfactory evidence) to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal.

Signature [Signature]

(SEAL)



CERTIFICATE

The undersigned, as Assistant Secretary, of DEVELOPERS SURETY AND INDEMNITY COMPANY and INDEMNITY COMPANY OF CALIFORNIA, does hereby certify that the foregoing Power of Attorney remains in full force and has not been revoked, and furthermore, that the provisions of the resolutions of the respective Boards of Directors of said corporations set forth in the Power of Attorney, are in force as of the date of this Certificate.

This Certificate is executed in the City of Irvine, California, the 8th day of January, 2007.

By: [Signature]
Allen Hillebrand, Assistant Secretary

CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

State of California

County of Los Angeles

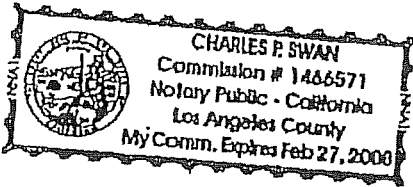
} ss.

On 01/08/07, before me, Charles P. Swan
Date Name and Title of Officer (e.g., "Jane Doe, Notary Public")

personally appeared Gerry Lewis
Name(s) of Signer(s)

personally known to me

proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.



WITNESS my hand and official seal.

Charles P. Swan
Signature of Notary Public

Place Notary Seal Above

OPTIONAL

Though the information below is not required by law, it may prove valuable to persons relying on the document and could prevent fraudulent removal and reattachment of this form to another document.

Description of Attached Document

Title or Type of Document: _____

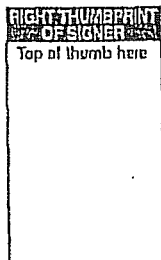
Document Date: _____ Number of Pages: _____

Signer(s) Other Than Named Above: _____

Capacity(ies) Claimed by Signer(s)

Signer's Name: _____

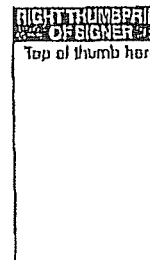
- Individual
- Corporate Officer — Title(s): _____
- Partner — Limited General
- Attorney In Fact
- Trustee
- Guardian or Conservator
- Other: _____



Signer Is Representing: _____

Signer's Name: _____

- Individual
- Corporate Officer — Title(s): _____
- Partner — Limited General
- Attorney In Fact
- Trustee
- Guardian or Conservator
- Other: _____



Signer Is Representing: _____

TOWN COUNCIL STAFF REPORT

To: Honorable Mayor & Town Council
From: Curtis Yakimow, Director of Administrative Services
Date: September 12, 2013
For Council Meeting: September 17, 2013

Subject: Professional Services Agreement – Museum Registrar

Prior Council/Commission Review: The Town's Parks, Recreation and Cultural Commission reviewed this proposal at their September 10, 2013 meeting and moved a recommendation to Council for approval.

Recommendation: That the Town Council:

1. Approve a professional services agreement between the Town and Vanessa Cantu for a not to exceed amount of \$20,000 for Museum Registrar and related services.
2. Waive the requirements of Section 5.1 & 5.2 of the Town's standard professional services agreement, and authorize the Deputy Town Manager and Town Attorney to execute the agreement and make any additional non-substantive changes as needed.
3. Approve an offsetting budget amendment in the amount of \$13,000 by recognizing \$13,000 in Museum Donations Revenue, and appropriating \$13,000 in Professional Services Expenditures.

Order of Procedure:

- Request Staff Report
- Request Public Comment
- Council Discussion / Questions of Staff
- Motion/Second
- Discussion on Motion
- Call the Question (Roll Call Vote, Consent Agenda)

Discussion: With the recent staffing changes affecting the Museum, the Town will have a need to address the specific activities of the Museum Registrar. These duties were previously coordinated by the Town's Museum Supervisor, and included the contribution of a key volunteer. Some of the typical duties of a Museum Registrar include the following:


1. Maintains records of accession, condition, and location of objects in museum collection, and oversees movement, packing, and shipping of objects to conform to insurance regulations: Observes unpacking of objects acquired by museum through gift, purchase, or loan to determine that damage or deterioration to objects has not occurred.

Reviewed By:




Town Manager

Town Attorney



Mgmt Services



Dept Head

Department Report

Ordinance Action

Resolution Action

Public Hearing

Consent

Minute Action

Receive and File

Study Session

2. Registers and assigns accession and catalog numbers to all objects in collection, according to established registration system.
3. Composes concise description of objects, and records descriptions on file cards and in collection catalogs.
4. Oversees handling, packing, movement, and inspection of all objects entering or leaving establishment, including traveling exhibits, and confers with other personnel to develop and initiate most practical methods of packing and shipping fragile or valuable objects.
5. Maintains records of storage, exhibit, and loan locations of all objects in collection for use of establishment personnel, insurance representatives, and other persons utilizing facilities.
6. Periodically reviews and evaluates registration and catalog system to maintain applicability, consistency, and operation.
7. Recommends changes in recordkeeping procedures to achieve maximum accessibility to and efficient retrieval of collection objects.

Professional Services Agreement Option

Over the past twelve months, Ms. Vanessa Cantu has volunteered her time with the Hi Desert Nature Museum to assist the former Museum supervisor in the Registrar activities. Recently, Ms. Cantu has concluded her educational activities and is no longer in a position to be able to volunteer her services. Ms. Cantu clearly has the qualifications and experience to assist the Museum in this effort and the proposed scope of work is flexible so as to address the most pressing areas of concern. Additionally, the proposed fee schedule can be accommodated by the current adopted budget and donations of the Museum for a not to exceed amount of \$20,000. Based on the proposed rate of pay, this would provide for approximately 570 hours of professional service. The proposed term of the contract would be through June 30, 2015. Attached for the Council's review is the proposed scope of work and resume of Ms. Cantu.

The funding for the agreement is structured to utilize the existing professional services allocation within the adopted FY 2013-14 budget, as well as existing donation funding that is currently held as a restricted use reserve for the Hi Desert Nature Museum. If approved as recommended, there will be no impact on FY 2013-14 reserves as a result of this agreement. Finally, the recommended waiver of sections 5.1 and 5.2 of the Town's standard professional services agreement regarding insurance requirements recognizes Ms. Cantu's previous work as a Town volunteer and the associated background review that has already been completed through the Town's volunteer application process.

Alternatives: None recommended.

Fiscal impact: The proposed agreement is accommodated by the FY 2013-14 adopted budget as amended in the recommendation.

Attachments: Proposed Scope of Work
Resume
Sample Professional Services Agreement

SCOPE OF PROJECTED SERVICES

Provided by: Vanessa Cantu, M.A.; Registrar/ Collections Manager

Provided to: Hi-Desert Nature Museum, Town of Yucca Valley

Term: October 1, 2013 – June 30, 2015

.....
Service Rate: \$35.00 per hour; Not to Exceed \$20,000

Scope of Service: Contractor will assume the role and distinctive responsibilities of museum Registrar, and carry out specific projects in order to rehabilitate museum information systems and establish intellectual control the museum’s collections, subject to the financial and operational limitations of the Town.

Special Projects to be carried out by Contractor:

1. *Collections Management Policy*

Projected Schedule for Completion: 80 hours

- Review previous Collection Management Policies previously written by Hi-Desert Nature Museum staff and modify and/or revise existing policies to reflect the current state of the museum and the scope of its collections
- Compile modified/revised and newly developed material, and provide a written “Collections Management Policy” for the years of 2013-2014 for review by museum administrators
- Revise and edit (upon request from museum administrators) to finalize

2. *Inventory Collections*

Projected Schedule for Completion: 2,087 hours

- Conduct a “wall-to-wall” inventory of permanent, temporary custody and long-term loan collections located in museum’s collections room, and exhibit and storage areas
- Keep notes, lists, and provide written report upon completion for museum records

3. *Filing systems*

Projected Schedule for Completion: 174 hours

- Survey collections files and implement cohesive filing systems for paper and digital records

4. *Loans*

Projected Schedule for Completion: 522 hours

- Review museum loan files and address/resolve old loans
- Negotiate new or extended loans and make sure proper documentation is in place

5. *Cataloging*

Projected Schedule for Completion: 3,131 hours

- Catalog object, archive, and photograph collections
- Review existing catalog records in Past Perfect, museum software and modify if needed to reflect current state (condition and location) of items
- Create accession and catalog records for items that have not been cataloged. Includes: assigning catalog numbers, tagging items, entering data (object name, location, description, and any other relevant and available information) into Past Perfect, and properly storing items in archival storage

*Additional Services may be added by parties by mutual agreement in writing.

Work Product to be delivered by Contractor:

Aside from products listed above (i.e., Collections Management Policy, and inventory notes, lists and final report) the Contractor will be willing to provide monthly oral or written project status reports to museum administrators. However, scheduled reporting must be predetermined, in writing at onset of services.

Expected Expenses

1. Collections storage materials for housing of objects; amount to be determined

Vanessa Briones Cantú

Objective

To obtain a rich and rewarding employment opportunity that allows me to attain hands-on experience that coincides with my education and interests.

Profile

Motivated professional with a Master of Arts in Museum Studies, and Bachelor's in Anthropology. Extremely responsible, organized and detail oriented. Innovative and quick-witted when appropriate. Flexible and versatile – able to maintain a sense of humor under pressure. Poised and competent with demonstrated ability to easily transcend cultural differences.

Skills Summary

- ◆ Microsoft Office Programs
- ◆ Prepare Reports
- ◆ Write Correspondence
- ◆ General Office Skills
- ◆ Computer Savvy
- ◆ Customer Service
- ◆ Collections and Programming Research
- ◆ Type 50 wpm
- ◆ Speak, Read, Write Intermediate Spanish
- ◆ Operate Office Equipment

Professional Experience

HI-DESERT NATURE MUSEUM-- YUCCA VALLEY, CA VOLUNTEER REGISTRAR, 10/2012 TO PRESENT

- ◆ Process incoming gifts and loans
 - Research to properly identify object and assess its validity
 - Draw up necessary paperwork to legally obtain the object or collection under the museum's custody
 - Accession objects, and assign accession and object numbers
- ◆ Catalog objects or collections
 - Create and maintain object profiles in the museum database software, Past Perfect
 - Upload photographs of objects
 - Properly describe objects using fixed vocabulary and lexicon
 - Scan photographs into database
- ◆ Perform inventories
- ◆ Conduct object examinations and prepare Condition Reports
- ◆ Determine proper storage materials and environmental specifications for each object
- ◆ Maintain and monitor collections storage environments

POINT REYES NATIONAL SEASHORE ASSOCIATION--Point Reyes Station, CA Archives Technician, 10/2011 to 09/2012

- ◆ Appraise, process and catalog collections
 - Sort, organize and arrange archival media (i.e., documents, drawings, photographs, etc.)
 - Create and enter data into a searchable Excel spreadsheet
 - Create a collections record and update NPS Archives module, ICMS
- ◆ Apply preservation principles to collections

- Determine preservation needs of objects and secure/store them in proper environments
- ◆ Maintain and monitor collections storage environments
- ◆ Research history of collections
- ◆ Write a Finding Aid report explaining the history, scope and arrangement of each collection
- ◆ Fulfill Archive research requests
 - Respond to and maintain correspondence with researchers
 - Retrieve information and present it to researchers

Professional Experience continued...

**MARIN MUSEUM OF THE AMERICAN INDIAN--Novato, CA
Registration Intern, 2/2012 to 08/2012**

- ◆ Process incoming gifts and loans
 - Research to properly identify object and assess its validity
 - Draw up necessary paperwork to legally obtain the object or collection under the museum's custody
 - Accession objects, and assign accession and object numbers
- ◆ Catalog objects or collections
 - Create and maintain object profiles in the museum database software, Past Perfect
 - Upload photographs of objects
 - Properly describe objects using fixed vocabulary and lexicon
- ◆ Perform inventories
- ◆ Conduct object examinations and prepare Condition Reports
- ◆ Determine proper storage materials and environmental specifications for each object
- ◆ Maintain and monitor collections storage environments
- ◆ Fulfill object inquiries for the public
- ◆ Assist in exhibit development and fabrication

**NATIONAL PARK SERVICE, POINT REYES NATIONAL SEASHORE --Point Reyes Station, CA
Archives Technician, 03/2011 to 09/2011**

- ◆ Appraise, process and catalog collections
 - Sort, organize and arrange archival media (i.e., documents, drawings, photographs, etc.)
 - Create and enter data into a searchable Excel spreadsheet
 - Create a collections record and update NPS Archives module, ICMS
- ◆ Apply preservation principles to collections
 - Determine preservation needs of objects and secure/store them in proper environments
- ◆ Maintain and monitor collections storage environments
- ◆ Research history of collections
- ◆ Write a Finding Aid report explaining the history, scope and arrangement of each collection
- ◆ Fulfill Archive research requests
 - Respond to and maintain correspondence with researchers
 - Retrieve information and present it to researchers

MICHAELS STORES, INC. --Palm Springs, CA; Pinole, CA

Vanessa Briones Cantú

Certified Framing/Sales Associate, 11/2009 to 02/2011

- ◆ Certified Framer
 - Preservation and Archival Specialist
 - Suggest design and preservation options
 - Fulfill framing orders- assemble framing materials
- ◆ Customer service
 - Answer framing/store related inquiries
- ◆ Stock merchandise

Professional Experience continued...

MORONGO UNIFIED SCHOOL DISTRICT—Twentynine Palms, CA Substitute Teacher, 09/2008 to 06/2010

- ◆ Supervise all grade levels, Kindergarten through 12th grade
- ◆ Follow and create daily academic lesson plans
- ◆ Maintain class control and discipline

Education

JOHN F. KENNEDY UNIVERSITY – PLEASANT HILL/BERKELEY, CA Master's Degree in Museum Studies- Collections Management, 2013

UNIVERSITY OF NEVADA, LAS VEGAS – LAS VEGAS, NV Bachelor's Degree in Anthropology, 2008

TOWN OF YUCCA VALLEY

CONTRACT SERVICES AGREEMENT FOR

[SHORT FORM]

THIS CONTRACT SERVICES AGREEMENT (herein "Agreement") is made and entered into this _____ day of _____, 20__, by and between the TOWN OF YUCCA VALLEY, a California municipal corporation herein ("Town") and _____ (herein "Contractor").

NOW, THEREFORE, the parties hereto agree as follows:

1. SERVICES OF CONTRACTOR

1.1 Scope of Services. In compliance with all of the terms and conditions of this Agreement, the Contractor shall perform the work or services set forth in the "Scope of Services" attached hereto as Exhibit "A" and incorporated herein by reference. Contractor warrants that it has the experience and ability to perform all work and services required hereunder and that it shall diligently perform such work and services in a professional and satisfactory manner.

1.2 Compliance With Law. All work and services rendered hereunder shall be provide in accordance with all ordinances, resolutions, statutes, rules, and regulations of the Town and any Federal, State or local governmental agency of competent jurisdiction.

1.3 Licenses, Permits, Fees and Assessments. Contractor shall obtain at its sole cost and expense such licenses, permits, and approvals as may be required by law for the performance of the services required by the Agreement.

1.4 Warranty. The Contractor shall adopt reasonable methods during the life of the Agreement to furnish continuous protection to the work, and the equipment, materials, papers, documents, plans, studies and/or other components thereof to prevent losses or damages, and shall be responsible for all such damages, to persons or property, until acceptance of the work by Town, except such losses or damages as may be caused by Town's own negligence. Contractor warrants all work under the Agreement to be of good quality and free from any defective or faulty material and workmanship. Contractor agrees that for a period of one year (or the period of time specified elsewhere in the Agreement or in any guarantee or warranty provided by any manufacturer or supplier of equipment or materials incorporated into the work, whichever is later) after the date of final acceptance, Contractor shall within ten (10) days after being notified in writing by the Town of any defect in the work or nonconformance of the work to the Agreement, commence and prosecute with due diligence all work necessary to fulfill the terms of the warranty at his sole cost and expense. The 1-year warranty may be waived in

Exhibit "A" if the services hereunder do not include construction of any improvements or the supplying of equipment or materials.

2. COMPENSATION

2.1 Contract Sum. For the services rendered pursuant to this Agreement, Contractor shall be compensated in accordance with the "Schedule of Compensation" attached hereto as Exhibit "B" and incorporated herein by this reference, but not exceeding the maximum contract amount of _____ Dollars (\$ _____) ("Contract Sum").

2.2 Invoices. Each month Contractor shall furnish to Town an original invoice for all work performed and expenses incurred during the preceding month in a form approved by Town's Director of Finance. The invoice shall detail charges for all necessary and actual expenses by the following categories: labor (by sub-category), travel, materials, equipment, supplies, and sub-contractor contracts. Sub-contractor charges shall also be detailed by such categories.

Town shall independently review each invoice submitted by the Contractor to determine whether the work performed and expenses incurred are in compliance with the provisions of this Agreement. Except as to any charges for work performed or expenses incurred by Contractor which are disputed by Town. Town will use its best efforts to cause Contractor to be paid within forty-five (45) days of receipt of Contractor's correct and undisputed invoice. In the event any charges or expenses are disputed by Town, the original invoice shall be returned by Town to Contractor for correction and resubmission.

2.3 Additional Services. Town shall have the right at any time during the performance of the services, without invalidating this Agreement, to order extra work beyond that specified in the Scope of Services or make changes by altering, adding to or deducting from said work. No such extra work may be undertaken unless a written order is first given by the Contract Officer to the Contractor, incorporating therein any adjustment in (i) the Contract Sum, and/or (ii) the time to perform this Agreement, which said adjustments are subject to the written approval of the Contractor. Any increase in compensation of up to ten percent (10%) of the Contract Sum, but not exceeding a totally contract amount of \$25,000 or in the time to perform of up to one hundred eighty (180) days may be approved by the Contract Officer. Any greater increases, taken either separately or cumulatively must be approved by the Town.

2.4 Prevailing Wages. Contractor is aware of the requirements of California Labor Code Section 1720, et seq., and 1770, et seq., as well as California Code of Regulations, Title 8, Section 1600, et seq., ("Prevailing Wage Laws"), which require the payment of prevailing wage rates and the performance of other requirements on "Public Works" and "Maintenance" projects. If the Services are being performed as part of an applicable "Public Works" or "Maintenance" project, as defined by the Prevailing Wage Laws, and if the total compensation is \$1,000 or more, Contractor agrees to fully comply with such Prevailing Wage Laws. Contractor shall determine the applicable prevailing rates and make copies of the prevailing rates of per diem wages for each craft, classification or type of worker needed to execute the Services available to interested parties upon request, and shall post copies at the

Contractor's principal place of business and at the project site. Contractor shall defend, indemnify and hold the Town, its elected officials, officers, employees and agents free and harmless from any claim or liability arising out of any failure or alleged failure to comply with the Prevailing Wage Laws. The provisions of this Section may be waived in Exhibit A if inapplicable to the services provided hereunder.

3. PERFORMANCE SCHEDULE

3.1 Time of Essence. Time is of the essence in the performance of this Agreement.

3.2 Schedule of Performance. Contractor shall commence the services pursuant to this Agreement upon receipt of a written notice to proceed and shall perform all services within the time period(s) established in the "Schedule of Performance" attached hereto as Exhibit "C" and incorporated herein by this reference. When requested by the Contractor, extensions to the time period(s) specified in the Schedule of Performance may be approved in writing by the Contract Officer but not exceeding one hundred eighty (180) days cumulatively.

3.3 Force Majeure. The time period(s) specified in the Schedule of Performance for performance of the services rendered pursuant to this Agreement shall be extended because of any delays due to unforeseeable causes beyond the control and without the fault or negligence of the Contractor, including, but not restricted to, acts of God or of the public enemy, unusually severe weather, fires, earthquakes, floods, epidemics, quarantine restrictions, riots, strikes, freight embargoes, wars, litigation, and/or acts of any governmental agency, including the Agency, if the Contractor shall within ten (10) days of the commencement of such delay notify the Contract Officer in writing of the causes of the delay. The Contract Officer shall ascertain the facts and the extent of delay, and extend the time for performing the services for the period of the enforced delay when and if in the judgment of the Contract Officer such delay is justified. The Contract Officer's determination shall be final and conclusive upon the parties to this Agreement. In no event shall Contractor be entitled to recover damages against the Town for any delay in the performance of this Agreement, however caused, Contractor's sole remedy being extension of the Agreement pursuant to this Section.

3.4 Inspection and Final Acceptance. Town may inspect and accept or reject any of Contractor's work under this Agreement, either during performance or when completed. Town shall reject or finally accept Contractor's work within forth five (45) days after submitted to Town. Town shall accept work by a timely written acceptance, otherwise work shall be deemed to have been rejected. Town's acceptance shall be conclusive as to such work except with respect to latent defects, fraud and such gross mistakes as amount to fraud. Acceptance of any work by Town shall not constitute a waiver of any of the provisions of this Agreement including, but not limited to, Article 5, pertaining to indemnification and insurance, respectively.

3.5 Term. Unless earlier terminated in accordance with Article 7 of this Agreement, this Agreement shall continue in full force and effect until completion of the services but not exceeding one (1) years from the date hereof, except as otherwise provided in the Schedule of Performance (Exhibit "C").

4. COORDINATION OF WORK

4.1 Representative of Contractor. _____ is hereby designated as being the representative of Contractor authorized to act in its behalf with respect to the work and services specified herein and make all decisions in connection therewith. All personnel of Contractor and any authorized agents shall be under the exclusive direction of the representative of Contractor. Contractor shall make every reasonable effort to maintain the stability and continuity of Contractor's staff and subcontractors, and shall keep Town informed of any changes.

4.2 Contract Officer. _____ is hereby designated as being the representative the Town authorized to act in its behalf with respect to the work and services specified herein and make all decisions in connection therewith ("Contract Officer"). The Town Manager of Town shall have the right to designate another Contract Officer by providing written notice to Contractor.

4.3 Prohibition Against Subcontracting or Assignment. Contractor shall not contract with any entity to perform in whole or in part the work or services required hereunder without the express written approval of the Town. Neither this Agreement nor any interest herein may be assigned or transferred, voluntarily or by operation of law, without the prior written approval of Town. Any such prohibited assignment or transfer shall be void.

4.4 Independent Contractor. Neither the Town nor any of its employees shall have any control over the manner, mode or means by which Contractor, its agents or employees, perform the services required herein, except as otherwise set forth. Contractor shall perform all services required herein as an independent contractor of Town with only such obligations as are consistent with that role. Contractor shall not at any time or in any manner represent that it or any of its agents or employees are agents or employees of Town, or that it is a member of a joint enterprise with Town.

5. INSURANCE AND INDEMNIFICATION

5.1 Insurance Coverages. The Contractor shall procure and maintain, at its sole cost and expense, in a form and content satisfactory to Town, during the entire term of this Agreement including any extension thereof, the following policies of insurance which shall cover all elected and appointed officers, employees and agents of Town:

(a) Comprehensive General Liability Insurance (Occurrence Form CG0001 or equivalent). A policy of comprehensive general liability insurance written on a per occurrence basis for bodily injury, personal injury and property damage. The policy of insurance shall be in an amount not less than \$1,000,000.00 per occurrence or if a general aggregate limit is used, either the general aggregate limit shall apply separately to this contract/location, or the general aggregate limit shall be twice the occurrence limit.

(b) Worker's Compensation Insurance. A policy of worker's compensation insurance in such amount as will fully comply with the laws of the State of California and which shall indemnify, insure and provide legal defense for both the Contractor and the Town against any loss, claim or damage arising from any injuries or occupational diseases occurring to any

worker employed by or any persons retained by the Contractor in the course of carrying out the work or services contemplated in this Agreement.

(c) Automotive Insurance (Form CA 0001 (Ed 1/87) including “any auto” and endorsement CA 0025 or equivalent). A policy of comprehensive automobile liability insurance written on a per occurrence for bodily injury and property damage in an amount not less than either (i) bodily injury liability limits of \$100,000 per person and \$300,000 per occurrence and property damage liability limits of \$150,000 per occurrence or (ii) combined single limit liability of \$1,000,000. Said policy shall include coverage for owned, non-owned, leased and hired cars.

All of the above policies of insurance shall be primary insurance and shall name the Town, its elected and appointed officers, employees and agents as additional insureds and any insurance maintained by Town or its officers, employees or agents shall apply in excess of, and not contribute with Contractor’s insurance. The insurer is deemed hereof to waive all rights of subrogation and contribution it may have against the Town, its officers, employees and agents and their respective insurers. All of said policies of insurance shall provide that said insurance may not be amended or cancelled by the insurer or any party hereto without providing thirty (30) days prior written notice by certified mail return receipt requested to the Town. In the event any of said policies of insurance are cancelled, the Contractor shall, prior to the cancellation date, submit new evidence of insurance in conformance with this Section 5.1 to the Contract Officer. No work or services under this Agreement shall commence until the Contractor has provided the Town with Certificates of Insurance or appropriate insurance binders evidencing the above insurance coverages and said Certificates of Insurance or binders are approved by the Town

The insurance required by this Agreement shall be satisfactory only if issued by companies qualified to do business in California, rated “A” or better in the most recent edition of Best Rating Guide, The Key Rating Guide or in the Federal Register, and only if they are of a financial category Class VII or better, unless such requirements are waived by the Town’s Risk Manager or other designee of the Town due to unique circumstances.

5.2 Indemnification. To the full extent provided by law, Contractor agrees to indemnify, defend and hold harmless the Town, its officers, employees and agents against, any and all actions, suits, claims, damages to persons or property, losses, costs, penalties, obligations, errors, omissions or liabilities, including paying any legal costs, attorneys fees, or paying any judgment (herein “claims or liabilities”) that may be asserted or claimed by any person, firm or entity arising out of or in connection with the negligent performance of the work or services of Contractor, its officers, agents, employees, agents, subcontractors, or invitees, provided for herein (“indemnors”), or arising from Contractor’s indemnors’ negligent performance of or failure to perform any term, provision, covenant, or condition of this Agreement, except claims or liabilities to the extent caused by the negligence or willful misconduct of the Town indemnitees.

5.3 General Insurance Requirements. All of the above policies of insurance shall be primary insurance and shall name the Town, its elected and appointed officers, employees and agents as additional insureds and any insurance maintained by Town or its officers, employees or agents shall apply in excess of, and not contribute with Contractor’s insurance. The insurer is deemed hereof to waive all rights of subrogation and contribution it

may have against the Town, its officers, employees and agents and their respective insurers. All of said policies of insurance shall provide that said insurance may not be amended or cancelled by the insurer or any party hereto without providing thirty (30) days prior written notice by certified mail return receipt requested to the Town. In the event any of said policies of insurance are cancelled, the Contractor shall, prior to the cancellation date, submit new evidence of insurance in conformance with Section 5.1 to the Contract Officer. No work or services under this Agreement shall commence until the Contractor has provided the Town with Certificates of Insurance or appropriate insurance binders evidencing the above insurance coverages and said Certificates of Insurance or binders are approved by the Town. Town reserves the right to inspect complete, certified copies of all required insurance policies at any time. Any failure to comply with the reporting or other provisions of the policies including breaches or warranties shall not affect coverage provided to Town.

6. RECORDS, REPORTS, AND RELEASE OF INFORMATION

6.1 Records. Contractor shall keep, and require subcontractors to keep, such ledgers books of accounts, invoices, vouchers, canceled checks, reports, studies or other documents relating to the disbursements charged to Town and services performed hereunder (the "books and records"), as shall be necessary to perform the services required by this Agreement and enable the Contract Officer to evaluate the performance of such services and shall keep such records for a period of three years following completion of the services hereunder. The Contract Officer shall have full and free access to such books and records at all times during normal business hours of Town, including the right to inspect, copy, audit and make records and transcripts from such records.

6.2 Reports. Contractor shall periodically prepare and submit to the Contract Officer such reports concerning the performance of the services required by this Agreement or as the Contract Officer shall require.

7. ENFORCEMENT OF AGREEMENT AND TERMINATION

7.1 California Law. This Agreement shall be interpreted, construed and governed both as to validity and to performance of the parties in accordance with the laws of the State of California. Legal actions concerning any dispute, claim or matter arising out of or in relation to this Agreement shall be instituted in the Superior Court of the County of San Bernardino, State of California.

7.2 Disputes; Default. In the event that Contractor is in default under the terms of this Agreement, the Town shall not have any obligation or duty to continue compensating Contractor for any work performed after the date of default. Instead, the Town may give notice to Contractor of the default and the reasons for the default. The notice shall include the timeframe in which Contractor may cure the default. This timeframe is presumptively thirty (30) days, but may be extended, if circumstances warrant. During the period of time that Contractor is in default, the Town shall hold all invoices and shall, when the default is cured, proceed with payment on the invoices. If Contractor does not cure the default, the Town may take necessary steps to terminate this Agreement under this Article.

7.3 Legal Action. In addition to any other rights or remedies, either party may take legal action, in law or in equity, to cure, correct or remedy any default, to recover damages for any default, to compel specific performance of this Agreement, to obtain declaratory or injunctive relief, or to obtain any other remedy consistent with the purposes of this Agreement. Except with respect to rights and remedies expressly declared to be exclusive in this Agreement, the rights and remedies of the parties are cumulative and the exercise by either party of one or more of such rights or remedies shall not preclude the exercise by it, at the same or different times, of any other rights or remedies for the same default or any other default by the other party.

7.4 Termination Prior to Expiration of Term. This Section shall govern any termination of this Contract except as specifically provided in the following Section for termination for cause. The Town reserves the right to terminate this Contract at any time, with or without cause, upon thirty (30) days' written notice to Contractor, except that where termination is due to the fault of the Contractor, the period of notice may be such shorter time as may be determined by the Contract Officer. In addition, the Contractor reserves the right to terminate this Contract at any time, with or without cause, upon sixty (60) days' written notice to Agency, except that where termination is due to the fault of the Agency, the period of notice may be such shorter time as the Contractor may determine. Upon receipt of any notice of termination, Contractor shall immediately cease all services hereunder except such as may be specifically approved by the Contract Officer. Except where the Contractor has initiated termination, the Contractor shall be entitled to compensation for all services rendered prior to the effective date of the notice of termination and for any services authorized by the Contract Officer thereafter in accordance with the Schedule of Compensation or such as may be approved by the Contract Officer. In the event the Contractor has initiated termination, the Contractor shall be entitled to compensation only for the reasonable value of the work product actually produced hereunder, but not exceeding the compensation provided therefore in the Schedule of Compensation Exhibit B. In the event of termination without cause pursuant to this Section, the terminating party need not provide the non-terminating party with the opportunity to cure pursuant to Section 7.2.

7.5 Termination for Default of Contractor. If termination is due to the failure of the Contractor to fulfill its obligations under this Agreement, Town may, after compliance with the provisions of Section 7.2, take over the work and prosecute the same to completion by contract or otherwise, and the Contractor shall be liable to the extent that the total cost for completion of the services required hereunder exceeds the compensation herein stipulated (provided that the Town shall use reasonable efforts to mitigate such damages), and Town may withhold any payments to the Contractor for the purpose of set-off or partial payment of the amounts owed the Town as previously stated.

8. MISCELLANEOUS

8.1 Covenant Against Discrimination. Contractor covenants that, by and for itself, its heirs, executors, assigns and all persons claiming under or through them, that there shall be no discrimination against or segregation of, any person or group of persons on account of race, color creed, religion, sex, marital status, national origin, or ancestry in the performance of this Agreement. Contractor shall take affirmative action to ensure that applicants are employed

and that employees are treated during employment without regard to their race, color creed, religion, sex, marital status, national origin, or ancestry.

8.2 Non-liability of Town Officers and Employees. No officer or employee of the Town shall be personally liable to the Contractor, or any successor in interest, in the event of any default or breach by the Town or for any amount, which may become due to the Contractor or to its successor, or for breach of any obligation of the terms of this Agreement.

8.3 Notice. Any notice, demand, request, document, consent, approval, or communication either party desires or is required to give to the other party or any other shall be in writing and either served personally or sent by prepaid, first-class mail, in the case of the Town, to the Town Manager and to the attention of the Contract Officer, at Town of Yucca Valley Town Hall, 57090 Twentynine Palms Highway, Yucca Valley, CA 92284 and in the case of the Contractor, to the person at the address designated on the execution page of this Agreement.

8.4 Integration; Amendment. It is understood that there are no oral agreements between the parties hereto affecting this Agreement and this Agreement supersedes and cancels any and all previous negotiations, arrangements, agreements and understandings, if any, between the parties, and none shall be used to interpret this Agreement. This Agreement may be amended at any time by the mutual consent of the parties by an instrument in writing.

8.5 Severability. In the event that part of this Agreement shall be declared invalid or unenforceable by a valid judgment or decree of a court of competent jurisdiction, such invalidity or unenforceability shall not affect any of the remaining portions of this Agreement which are hereby declared as severable and shall be interpreted to carry out the intent of the parties hereunder unless the invalid provision is so material that its invalidity deprives either party of the basic benefit of their bargain or renders this Agreement meaningless.

8.6 Waiver. No delay or omission in the exercise of any right or remedy by non-defaulting party on any default shall impair such right or remedy or be construed as a waiver. A party's consent to or approval of any act by the other party requiring the party's consent or approval shall not be deemed to waive or render unnecessary the other party's consent to or approval of any subsequent act. Any waiver by either party of any default must be in writing and shall not be a waiver of any other default concerning the same or any other provision of this Agreement.

8.7 Attorneys' Fees. If either party to this Agreement is required to initiate or defend or made a party to any action or proceeding in any way connected with this Agreement, the prevailing party in such action or proceeding, in addition to any other relief which any be granted, whether legal or equitable, shall be entitled to reasonable attorney's fees, whether or not the matter proceeds to judgment.

8.8 Corporate Authority. The persons executing this Agreement on behalf of the parties hereto warrant that (i) such party is duly organized and existing, (ii) they are duly authorized to execute and deliver this Agreement on behalf of said party, (iii) by so executing this Agreement, such party is formally bound to the provisions of this Agreement, and (iv) the

entering into this Agreement does not violate any provision of any other Agreement to which said party is bound.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement on the date and year first-above written.

TOWN:

TOWN OF YUCCA VALLEY, a municipal corporation

Town Manager

ATTEST:

Town Clerk

APPROVED AS TO FORM:
ALESHIRE & WYNDER, LLP

Lona N. Laymon, Town Attorney

CONTRACTOR:

By: _____
Name:
Title:

By: _____
Name:
Title:

Address: _____

Two signatures are required if a corporation

NOTE: CONTRACTOR'S SIGNATURES SHALL BE DULY NOTARIZED, AND APPROPRIATE ATTESTATIONS SHALL BE INCLUDED AS MAY BE REQUIRED BY THE BYLAWS, ARTICLES OF INCORPORATION, OR OTHER RULES OR REGULATIONS APPLICABLE TO CONTRACTOR'S BUSINESS ENTITY.

[END OF SIGNATURES]

CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

STATE OF CALIFORNIA

COUNTY OF _____

On _____, ____ before me, _____, personally appeared _____, proved to me on the basis of satisfactory evidence to be the person(s) whose names(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capaTown(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature: _____

OPTIONAL

Though the data below is not required by law, it may prove valuable to persons relying on the document and could prevent fraudulent reattachment of this form

CAPATOWN CLAIMED BY SIGNER

DESCRIPTION OF ATTACHED DOCUMENT

- INDIVIDUAL
- CORPORATE OFFICER
- _____
- TITLE(S)
- PARTNER(S) LIMITED
- GENERAL
- ATTORNEY-IN-FACT
- TRUSTEE(S)
- GUARDIAN/CONSERVATOR
- OTHER _____
- _____

TITLE OR TYPE OF DOCUMENT

NUMBER OF PAGES

DATE OF DOCUMENT

SIGNER IS REPRESENTING:
 (NAME OF PERSON(S) OR ENTITY(IES))

SIGNER(S) OTHER THAN NAMED ABOVE

CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

STATE OF CALIFORNIA

COUNTY OF _____

On _____, ____ before me, _____, personally appeared _____, proved to me on the basis of satisfactory evidence to be the person(s) whose names(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capaTown(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

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 - TRUSTEE(S)
 - GUARDIAN/CONSERVATOR
 - OTHER _____
- _____

DATE OF DOCUMENT

SIGNER IS REPRESENTING:
 (NAME OF PERSON(S) OR ENTITY(IES))

SIGNER(S) OTHER THAN NAMED ABOVE

EXHIBIT "A"
SCOPE OF SERVICES

- I. Contractor will perform the following Services:**
 - A.
 - B.
 - C.

- II. As part of the Services, Contractor will prepare and deliver the following tangible work products to the Town:**
 - A.
 - B.
 - C.

- III. In addition to the requirements of Section 6.2, during performance of the Services, Contractor will keep the Town appraised of the status of performance by delivering the following status reports:**
 - A.
 - B.
 - C.

- IV. All work product is subject to review and acceptance by the Town, and must be revised by the Contractor without additional charge to the Town until found satisfactory and accepted by Town.**

- V. Contractor will utilize the following personnel to accomplish the Services:**
 - A.
 - B.
 - C.

- VI. The following provisions of the Agreement are revised as shown below.**
 - A.
 - B.
 - C.

EXHIBIT "B"
COMPENSATION

I. Contractor shall perform the following tasks:

	RATE	TIME	SUB-BUDGET
A. Task A	_____	_____	_____
B. Task B	_____	_____	_____
C. Task C	_____	_____	_____
D. Task D	_____	_____	_____
E. Task E	_____	_____	_____

II. A retention of ten percent (10%) shall be held from each payment as a contract retention to be paid as a part of the final payment upon satisfactory completion of services.

III. Within the budgeted amounts for each Task, and with the approval of the Contract Officer, funds may be shifted from one Task subbudget to another so long as the Contract Sum is not exceeded per Section 2.1, unless Additional Services are approved per Section 2.3.

VI. The Town will compensate Contractor for the Services performed upon submission of a valid invoice. Each invoice is to include:

- A. Line items for all personnel describing the work performed, the number of hours worked, and the hourly rate.
- B. Line items for all materials and equipment properly charged to the Services.
- C. Line items for all other approved reimbursable expenses claimed, with supporting documentation.
- D. Line items for all approved subcontractor labor, supplies, equipment, materials, and travel properly charged to the Services.

V. The total compensation for the Services shall not exceed \$ _____, as provided in Section 2.1 of this Agreement.

VI. The Contractor's billing rates for all personnel are attached as Exhibit B-1.

EXHIBIT "C"
SCHEDULE OF PERFORMANCE

I. Contractor shall perform all services timely in accordance with the following schedule:

		<u>Days to Perform</u>	<u>Deadline Date</u>
A.	Task A	_____	_____
B.	Task B	_____	_____
C.	Task C	_____	_____
D.	Task D	_____	_____
E.	Task E	_____	_____

II. Contractor shall deliver the following tangible work products to the Town by the following dates.

- A.
- B.
- C.
- D.
- E.

III. The Contract Officer may approve extensions for performance of the services in accordance with Section 3.2.

Budget Amendments

There are two Special Revenue budget amendments included as part of this update:

1. Changes in the amount of \$50,000 represent amendments to Measure I Major Arterial Fund 522 and Traffic Safety Fund 507 to adjust for a year end reconciliation of the beginning balance.
2. The proposed resolution amends the FY 2013-14 adopted budget by creating the Low-Mod Housing Capital Projects Fund 630. This fund reflects the transfer of \$1,077,000 from the prior Yucca Valley Redevelopment Agency Low/Mod Housing Fund and is part of the prior RDA dissolution activity. This balance in the newly created fund represents the Low/Mod housing restricted bond funds previously held by the RDA. As part of the dissolution process, the Town assumed the housing functions of the prior RDA. Accordingly, the fund is now a Town Special Revenue Fund and is not part of the Successor Agency.

Alternatives: None.

Fiscal impact: Total requested general fund carryovers are \$35,476. The changes affect the year in which the expenditures are planned.

Attachments:

Resolution

Exhibit A – Encumbrance and Project Carryover listing

Exhibit B – Special Revenue Budgets with Revenue, transfer and expenditures carry forwards

RESOLUTION NO. 13-

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF YUCCA VALLEY, CALIFORNIA, AMENDING THE FISCAL YEAR 2013-14 ADOPTED BUDGET.

WHEREAS, the Town Council of the Town of Yucca Valley has adopted a budget for the Town's 2013-14 fiscal year; and

WHEREAS, amendments are required to reflect changes in appropriations from the original adopted budget.

NOW, THEREFORE, THE TOWN COUNCIL resolves as follows:

1. A total of \$35,476 is appropriated as reflected in Exhibit "A" to cover amounts encumbered during the 2012-13 fiscal year within the Town's General Fund (001) as identified.
2. Amend the Fiscal Year 2013-14 Special Revenue Fund budgets as identified in Exhibit B.

APPROVED AND ADOPTED THIS 17th day of September 2013.

MAYOR

ATTEST:

TOWN CLERK

Exhibit "A"

Town of Yucca Valley
Fiscal Year 2012-13
Proposed Carryforward Listing

Encumbrance Detail

<u>Vendor/Project</u>	<u>Description of Services</u>	<u>Amount</u>	<u>Account</u>
General Fund 001			
Hogle-Ireland	Development Code Update	\$35,476	001 50 50 8100 8012 000
Subtotal General Fund		<u>35,476</u>	
Total proposed carry forward funds		<u><u>\$35,476</u></u>	

Exhibit B

Town of Yucca Valley
FY 2013-14 Amended Budget for Carryforwards

	Amended Budget 2012-13	Actual 2012-13	Adopted 2013-14	Amended 2013-14
350 - Development Impact Fees				
RECEIPTS				
Single Family Residential	\$ 85,640	\$ -	\$ 75,000	\$ 75,000
Multi-Family Residential	-	-	250,000	250,000
Commercial	886,000	47,095	50,000	990,000
Office	-	-	-	-
Interest	-	1,224	-	-
TOTAL RECEIPTS	971,640	48,319	375,000	1,315,000
EXPENDITURES				
Operating Supplies				
Indirect Cost	1,000	966	2,500	2,500
TOTAL EXPENDITURES	1,000	966	2,500	2,500
CAPITAL OUTLAY				
Work in Progress	-	-	-	-
TOTAL CAPITAL OUTLAY	-	-	-	-
OPERATING TRANSFERS IN (OUT)				
Transfer OUT - Fund 001	-	-	(231,626)	(231,626)
Transfer IN - Fund 531	205,000	205,000	-	-
Transfer IN - Fund 551	-	-	231,626	231,626
Transfer IN - Fund 632	-	-	-	-
Transfer OUT - Fund 632	-	-	-	-
Transfer OUT - Fund 800-Animal Shelter	(90,000)	(90,000)	-	-
TOTAL OPERATING TRANSFERS IN(OUT)	115,000	115,000	-	-
INCREASE (DECREASE) IN FUND BALANCE	1,085,640	162,353	372,500	1,312,500
BEGINNING FUND BALANCE	\$ 166,076	\$ 166,076	\$ 409,076	\$ 328,428
ENDING FUND BALANCE	\$ 1,251,716	\$ 328,428	\$ 781,576	\$ 1,640,928

**Town of Yucca Valley
FY 2013-14 Amended Budget for Carryforwards**

	Amended Budget 2012-13	Actual 2012-13	Adopted 2013-14	Amended 2013-14
504 - CLEEPS Hi-Tech				
RECEIPTS				
Interest	\$ 75	\$ 10	\$ -	\$ -
TOTAL RECEIPTS	75	10	-	-
EXPENDITURES				
Indirect Cost	-	-	-	-
TOTAL EXPENDITURES	-	-	-	-
CAPITAL OUTLAY				
Work in Progress	4,500	106	-	4,245
TOTAL CAPITAL OUTLAY	4,500	106	-	4,245
OPERATING TRANSFERS IN (OUT)				
Transfer IN - Fund 507	-	-	-	-
TOTAL OPERATING TRANSFERS IN (OUT)	-	-	-	-
INCREASE (DECREASE) IN FUND BALANCE				
	(4,425)	(96)	-	(4,245)
BEGINNING FUND BALANCE	4,341	4,341	-	\$ 4,245
ENDING FUND BALANCE	\$ (84)	\$ 4,245	\$ -	\$ -

Work in Progress Detail

Project	Account	Amended Budget 2012-13	Actual 2012-13	Adopted 2013-14	Amended 2013-14
Special Activities	14 25-05 7820 00	4,500	106	-	4,245
		4,500	106	-	4,245

**Town of Yucca Valley
FY 2013-14 Amended Budget for Carryforwards**

	Amended Budget 2012-13	Actual 2012-13	Adopted 2013-14	Amended 2013-14
507 - Traffic Safety				
RECEIPTS				
Traffic Fine Revenue	\$ 50,000	\$ 45,243	\$ 50,000	50,000
Interest	200	597	200	200
TOTAL RECEIPTS	50,200	45,840	50,200	50,200
EXPENDITURES				
Indirect Cost	2,000	1,500	1,500	1,500
TOTAL EXPENDITURES	2,000	1,500	1,500	1,500
CAPITAL OUTLAY				
Work in Progress	229,828	118,621	-	-
TOTAL CAPITAL OUTLAY	229,828	118,621	-	-
OPERATING TRANSFERS IN (OUT)				
Transfer IN - Fund 522	-	-	-	(50,000)
Transfer OUT - Fund 515	-	-	-	-
Transfer OUT - Fund 524	-	-	-	-
Transfer OUT - Fund 527	-	-	-	-
TOTAL OPERATING TRANSFERS IN (OUT)	-	-	-	(50,000)
INCREASE (DECREASE) IN FUND BALANCE				
	(181,628)	(74,281)	48,700	(1,300)
BEGINNING FUND BALANCE	301,156	301,156	120,328	226,875
ENDING FUND BALANCE	\$ 119,528	\$ 226,875	\$ 169,028	225,575

Work in Progress Detail

Project	Account	Amended Budget 2012-13	Actual 2012-13	Adopted 2013-14	Amended 2013-14
Special Activities	17 25-05 7820 00	-	-	-	-
Palm:SR62 - Onaga	17 55-59 8310 84	48,000	48,000	-	-
Pueblo:Inca-Church	17 55-59 8310 84	21,828	-	-	-
Townwide Striping/Slurry Seal	7 55-59 8310 83	125,000	49,901	-	-
Infrastructure Maint	7 55-59 8310 84	35,000	20,720	-	-
		229,828	118,621	-	-

**Town of Yucca Valley
FY 2013-14 Amended Budget for Carryforwards**

	Amended Budget 2012-13	Actual 2012-13	Adopted 2013-14	Amended 2013-14
508 - Asset Seizure				
RECEIPTS				
Program Revenue	\$ -	\$ -	\$ -	\$ -
Interest		20	30	30
TOTAL RECEIPTS	-	20	30	30
EXPENDITURES				
Special Activities	1,500	-	-	-
TOTAL EXPENDITURES	1,500	-	-	-
CAPITAL OUTLAY				
Work in Progress	2,500	-	1,500	2,000
TOTAL CAPITAL OUTLAY	2,500	-	1,500	2,000
OPERATING TRANSFERS IN (OUT)				
	-	-	-	-
TOTAL OPERATING TRANSFERS IN (OUT)	-	-	-	-
INCREASE (DECREASE) IN FUND BALANCE				
	(4,000)	20	(1,470)	(1,970)
BEGINNING FUND BALANCE	8,349	8,349	5,879	8,369
ENDING FUND BALANCE	\$ 4,349	\$ 8,369	\$ 4,409	\$ 6,399

Work in Progress Detail

Project	Account	Amended Budget 2012-13	Actual 2012-13	Adopted 2013-14	Amended 2013-14
Special Projects - Equipment		2,500	-	1,500	2,000
		2,500	-	1,500	2,000

**Town of Yucca Valley
FY 2013-14 Amended Budget for Carryforwards**

		Amended Budget 2012-13	Actual 2012-13	Adopted 2013-14	Amended 2013-14
513 - AB2928 TCRP - Construction					
RECEIPTS					
Bond Funds From SA	513 55-59 4702 8327-630	\$ 200,000	\$ -	\$ 300,000	\$ 300,000
Plans Reimbursement			300	-	-
State Reimbursement		114,704	26,564	88,140	88,140
TOTAL RECEIPTS		314,704	26,864	388,140	388,140
EXPENDITURES					
Indirect Cost		103,708	-	107,298	110,583
TOTAL EXPENDITURES		103,708	-	107,298	110,583
CAPITAL OUTLAY					
Work in Progress		2,787,570	78,561	2,682,451	2,764,582
TOTAL CAPITAL OUTLAY		2,787,570	78,561	2,682,451	2,764,582
OPERATING TRANSFERS IN (OUT)					
Transfer IN - Fund 534		777,600	-	777,600	777,600
Transfer IN - Fund 520		90,000	-	90,000	90,000
Transfer IN - Fund 522		517,600	-	517,600	517,600
Transfer IN - Fund 524		170,000	-	170,000	170,000
Transfer IN - Fund 522		138,000	-	-	90,000
Transfer IN - Fund 526		899,500	-	899,500	899,500
TOTAL OPERATING TRANSFERS IN (OUT)		2,592,700	-	2,454,700	2,544,700
INCREASE (DECREASE) IN FUND BALANCE					
		16,126	(51,697)	53,091	57,675
BEGINNING FUND BALANCE					
		25,888	25,888	(6,585)	(25,809)
ENDING FUND BALANCE					
		\$ 42,014	\$ (25,809)	\$ 46,506	\$ 31,866

Work in Progress Detail

Project	Account	Amended Budget 2012-13	Actual 2012-13	Adopted 2013-14	Amended 2013-14
SR62/TCRP Phase 1	513 55-59 8310 8327-100	-	-	-	-
SR62/TCRP Phase 2-PC&E	513 55-59 8310 8327-200	114,704	25,405	62,585	89,299
SR62/TCRP Phase 3-ROW	513 55-59 8310 8327-300	-	48,573	7,000	7,000
Cnstr Phase 4 - Non Reimb	513 55-59 8310 8327-400	80,166	4,583	75,166	123,583
Cnstr Phase 4 - SLPP 534	513 55-59 8310 8327-402	777,600	-	777,600	777,600
Cnstr Phase 4 - Mea I Reg 520	513 55-59 8310 8327-403	90,000	-	90,000	90,000
Cnstr Phase 4 - Mea I Arterial 522	513 55-59 8310 8327-404	517,600	-	517,600	517,600
Cnstr Phase 4 - Mea I Unrestricted 524	513 55-59 8310 8327-405	170,000	-	170,000	170,000
Cnstr Phase 4 - Mea I Arterial 522	513 55-59 8310 8327-406	138,000	-	83,000	90,000
Cnstr Phase 4 - HSIP 526	513 55-59 8310 8327-407	899,500	-	899,500	899,500
SR62/TCRP Phase 4	513 55-59 8310 8327-400	-	-	-	-
		2,787,570	78,561	2,682,451	2,764,582

Town of Yucca Valley
FY 2013-14 Amended Budget for Carryforwards

	Amended Budget 2012-13	Actual 2012-13	Adopted 2013-14	Amended 2013-14
522 - Measure I - Major Arterial				
RECEIPTS				
Revenue SANBAG	\$ -	\$ -	\$ -	\$ -
Interest	500	2,749	500	500
TOTAL RECEIPTS	500	2,749	500	500
EXPENDITURES				
Indirect Cost Recovery	13,000	-	3,800	3,431
TOTAL EXPENDITURES	13,000	-	3,800	3,431
CAPITAL OUTLAY				
Work in Progress	354,200	296,901	76,000	68,616
TOTAL CAPITAL OUTLAY	354,200	296,901	76,000	68,616
OPERATING TRANSFERS IN (OUT)				
Transfer OUT - Fund 513	(517,600)	-	(517,600)	(517,600)
Transfer OUT - Fund 527	(588,120)	-	(613,120)	(613,120)
Transfer OUT - Fund 513	(138,000)	-	-	(90,000)
Transfer IN - Fund 507	-	-	-	50,000
Transfer IN - Fund 516	-	-	-	-
Transfer IN - Fund 528	138,000	138,780	-	-
Transfer IN - Fund 526	184,900	184,900	-	-
TOTAL OPERATING TRANSFERS IN (OUT)	(920,820)	323,680	(1,130,720)	(1,170,720)
INCREASE (DECREASE) IN FUND BALANCE	(1,287,520)	29,528	(1,210,020)	(1,242,267)
BEGINNING FUND BALANCE	1,386,553	1,268,701	1,284,520	1,298,229
ENDING FUND BALANCE	\$ 99,033	\$ 1,298,229	\$ 74,500	\$ 55,962

522 - Measure I - Major Arterial

Work in Progress Detail

Project	Account	Amended Budget 2012-13	Actual 2012-13	Adopted 2013-14	Amended 2013-14
SR62/SR247 Median	522 55-59 8310 8325	272,000	283,085	-	-
Town Wide Slurry Seal	522 55-59 8310 8340	-	-	-	-
Congestion Management Plan	522 55-59 8310 8507	-	-	-	-
SR 62: Palm - Airway	522 55-59 8310 8527	6,200	6,432	-	-
SR 62: Cholla - Trojan	522 55-59 8310 8528	-	-	-	-
Skyline Ranch Rd-SR247	522 55-59 8310 8542	-	-	-	-
Dumosa Traffic Signal Design	522 55-59 8310 8456	76,000	7,384	76,000	68,616
		354,200	296,901	76,000	68,616

**Town of Yucca Valley
FY 2013-14 Amended Budget for Carryforwards**

		Amended Budget 2012-13	Actual 2012-13	Adopted 2013-14	Amended 2013-14
527 - Public Lands Fed Grant					
RECEIPTS					
PLHD Grant		\$ -	\$ -	\$ -	\$ -
Bond Funds From SA	527 55-59 4702 8661-630	250,000	-	250,000	250,000
Measure I Exchange		-	-	-	-
SLPP Funding		-	-	-	-
SAFETEA -LEU -Federal		-	-	-	-
TOTAL RECEIPTS		250,000	-	250,000	250,000
EXPENDITURES					
Indirect Costs		-	-	-	-
TOTAL EXPENDITURES		-	-	-	-
CAPITAL OUTLAY					
Work in Progress		3,031,293	63,041	2,968,900	2,989,447
TOTAL CAPITAL OUTLAY		3,031,293	63,041	2,968,900	2,989,447
OPERATING TRANSFERS IN (OUT)					
Transfer IN - Fund 535	527 55-59 4999 8661-401	1,440,000	-	1,440,000	1,440,000
Transfer IN - Fund 534	527 55-59 4999 8661-402	723,120	-	723,120	723,120
Transfer IN - Fund 520	527 55-59 4999 8661-403	135,000	-	135,000	135,000
Transfer IN - Fund 522	527 55-59 4999 8661-404	588,120	-	613,120	613,120
TOTAL OPERATING TRANSFERS IN (OUT)		2,886,240	-	2,911,240	2,911,240
INCREASE (DECREASE) IN FUND BALANCE		104,947	(63,041)	192,340	171,793
BEGINNING FUND BALANCE		(92,839)	(92,839)	(180,232)	(155,880)
ENDING FUND BALANCE		\$ 12,108	\$ (155,880)	\$ 12,108	\$ 15,913

Work in Progress Detail

Project	Account	Amended Budget 2012-13	Actual 2012-13	Adopted 2013-14	Amended 2013-14
PLHD PAVED Phase 1	527 55-59 8310 8661 100	-	-	-	-
PLHD PS&E Phase 2	527 55-59 8310 8661 101	-	-	-	-
PLHD ROW Phase 3	527 55-59 8310 8661 102	37,500	33,695	25,000	25,000
Measure I Exchange Phase 1	527 55-59 8310 8661 200	-	-	-	-
Measure I Exchange Phase 2	527 55-59 8310 8661 200	-	-	-	-
Cnstr Phase 4 - Non Contract	527 55-59 8310 8661 400	107,553	29,346	57,660	78,207
Cnstr Phase 4 - SAFETEA	527 55-59 8310 8661 401	1,440,000	-	1,440,000	1,440,000
Cnstr Phase 4 - SLPP	527 55-59 8310 8661 402	723,120	-	723,120	723,120
Cnstr Phase 4 - Mea I Reg	527 55-59 8310 8661 403	135,000	-	135,000	135,000
Cnstr Phase 4 - Mea I Arterial	527 55-59 8310 8661 404	588,120	-	588,120	588,120
		3,031,293	63,041	2,968,900	2,989,447

**Town of Yucca Valley
FY 2013-14 Amended Budget for Carryforwards**

	Amended Budget 2012-13	Actual 2012-13	Adopted 2013-14	Amended 2013-14
529 - Safe Routes to School - Infrastructure				
RECEIPTS				
Grant Revenue	\$ 399,800	\$ -	\$ 399,800	\$ 399,800
TOTAL RECEIPTS	399,800	-	399,800	399,800
EXPENDITURES				
Indirect Cost	20,000	-	18,338	18,338
TOTAL EXPENDITURES	20,000	-	18,338	18,338
CAPITAL OUTLAY				
Work in Progress	422,000	31,420	407,500	390,580
TOTAL CAPITAL OUTLAY	422,000	31,420	407,500	390,580
OPERATING TRANSFERS IN (OUT)				
Transfer IN - Fund 516 match to grant revenue	50,000	-	50,000	50,000
Transfer OUT	-	-	-	-
TOTAL OPERATING TRANSFERS IN (OUT)	50,000	-	50,000	50,000
INCREASE (DECREASE) IN FUND BALANCE	7,800	(31,420)	23,962	40,883
BEGINNING FUND BALANCE	-	-	7,278	(31,420)
ENDING FUND BALANCE	\$ 7,800	\$ (31,420)	\$ 31,240	\$ 9,463

Work in Progress Detail

Project	Account	Amended Budget 2012-13	Actual 2012-13	Adopted 2013-14	Amended 2013-14
Safe Routes Infrastructure	529 00-00 8310 8320 000	422,000	31,420	407,500	390,580
sidewalks- sage highschool to highway		422,000	31,420	407,500	390,580

**Town of Yucca Valley
FY 2013-14 Amended Budget for Carryforwards**

	Amended Budget 2012-13	Actual 2012-13	Adopted 2013-14	Amended 2013-14
530 - Safe Routes to School				
RECEIPTS				
Grant Revenue	\$ 99,000	\$ -	\$ 93,972	\$ 98,972
TOTAL RECEIPTS	99,000	-	93,972	98,972
EXPENDITURES				
Indirect Cost	-	-	-	-
TOTAL EXPENDITURES	-	-	-	-
CAPITAL OUTLAY				
Work in Progress	98,972	4,420	93,972	94,524
TOTAL CAPITAL OUTLAY	98,972	4,420	93,972	94,524
OPERATING TRANSFERS IN (OUT)				
Transfer IN	-	-	-	-
Transfer OUT	-	-	-	-
TOTAL OPERATING TRANSFERS IN (OUT)	-	-	-	-
INCREASE (DECREASE) IN FUND BALANCE	28	(4,420)	-	4,448
BEGINNING FUND BALANCE	(28)	(28)	-	(4,448)
ENDING FUND BALANCE	\$ -	\$ (4,448)	\$ -	\$ -

Work in Progress Detail

Project	Account	Amended Budget 2012-13	Actual 2012-13	Adopted 2013-14	Amended 2013-14
Safe Routes non-infrastructure	530 00-00 8310 8517	98,972	4,420	93,972	94,524
		98,972	4,420	93,972	94,524

**Town of Yucca Valley
FY 2013-14 Amended Budget for Carryforwards**

		Amended Budget 2012-13	Actual 2012-13	Adopted 2013-14	Amended 2013-14
560 - CDBG					
RECEIPTS					
County Reimbursement	Federal FHWA	\$ 401,667	\$ 1,189	\$ 443,310	\$ 443,310
Contingency Funding		-	-	90,500	90,500
Third District Funds		15,000	-	15,000	15,000
TOTAL RECEIPTS		416,667	1,189	548,810	548,810
EXPENDITURES					
Indirect Cost		-	-	-	-
TOTAL EXPENDITURES		-	-	-	-
CAPITAL OUTLAY					
Work in Progress		356,017	14,736	436,915	456,433
TOTAL CAPITAL OUTLAY		356,017	14,736	436,915	456,433
OPERATING TRANSFERS IN (OUT)					
Transfer OUT (001)		-	-	-	-
TOTAL OPERATING TRANSFERS IN (OUT)		-	-	-	-
INCREASE (DECREASE) IN FUND BALANCE					
		60,650	(13,547)	111,895	92,377
BEGINNING FUND BALANCE					
		(78,830)	(78,830)	(111,744)	(92,377)
ENDING FUND BALANCE					
		\$ (18,180)	\$ (92,377)	\$ 151	\$ -

Work in Progress Detail

Project	Account	Amended Budget 2012-13	Actual 2012-13	Adopted 2013-14	Amended 2013-14
MB Adult Health-Reroof Patio	560 00-00 8310 8954	-	-	-	-
TYV-ADA Doors- CC	560 00-00 8310 8955	-	-	-	-
TYV-Lighted Tennis Jacob's Pai	560 00-00 8310 8956	-	-	-	-
B & G Club - Teen Center HOM	560 00-00 8310 8960	-	1,189	-	-
Com Ctr Playground Impv	560 00-00 8310 8961	356,017	13,547	206,719	226,237
Paradise Playground	560 00-00 8310 8947	-	-	115,196	115,196
Contingency	560 00-00 8310 9999	-	-	-	-
Code Enforcement	560 00-00 8210 8888	-	-	115,000	115,000
		356,017	14,736	436,915	456,433

**Town of Yucca Valley
FY 2013-14 Amended Budget for Carryforwards**

	Amended Budget 2012-13	Actual 2012-13	Adopted 2013-14	Amended 2013-14
630 - Bond Funded L/M Housing Capital				
RECEIPTS				
Gain on RDA Dissolution	\$ -	\$ 1,077,000	\$ -	\$ -
Interest	-	422	-	-
TOTAL RECEIPTS	-	1,077,422	-	-
EXPENDITURES				
Operating Expenditures	-	-	-	-
Professional Services	-	-	-	-
Debt Service - Housing Bonds	-	-	-	-
TOTAL EXPENDITURES	-	-	-	-
CAPITAL OUTLAY				
Work in Progress	-	-	-	250,000
TOTAL CAPITAL OUTLAY	-	-	-	250,000
OPERATING TRANSFERS IN (OUT)				
Transfer OUT - Fund	-	-	-	-
Transfer OUT - Fund	-	-	-	-
Transfer IN - Fund	-	-	-	-
TOTAL OPERATING TRANSFERS IN (OUT)	-	-	-	-
INCREASE (DECREASE) IN FUND BALANCE	-	1,077,422	-	(250,000)
BEGINNING FUND BALANCE	-	-	-	1,077,422
ENDING FUND BALANCE	\$ -	\$ 1,077,422	\$ -	\$ 827,422

Work in Progress Detail

Project	Account	Amended Budget 2012-13	Actual 2012-13	Adopted 2013-14	Amended 2013-14
Qualified L/M Housing Project		-	-	-	250,000
		-	-	-	-
		-	-	-	250,000

**Town of Yucca Valley
FY 2013-14 Amended Budget for Carryforwards**

	Amended Budget 2012-13	Actual 2012-13	Adopted 2013-14	Amended 2013-14
800 Capital Projects Reserve				
RECEIPTS				
Capital Projects Reimb 800 00-00 8310 8048 805	\$ -	\$ -	\$ -	\$ -
Cap Proj Reimb-YVHS Lift 800 00-00 8310 8048 821	-	6,033	-	-
Cap Project Reimb	-	-	-	-
TOTAL RECEIPTS	-	6,033	-	-
EXPENDITURES				
Indirect Cost	-	-	-	-
Operating Supplies	-	-	-	-
TOTAL EXPENDITURES	-	-	-	-
CAPITAL OUTLAY				
Work in Progress	369,464	259,787	151,000	224,621
TOTAL CAPITAL OUTLAY	369,464	259,787	151,000	224,621
OPERATING TRANSFERS IN (OUT)				
Transfer OUT - Fund 001 001.40.45-Animal Shelter	-	-	(133,750)	(133,750)
Transfer IN - Fund 001	-	-	170,000	170,000
Transfer IN- Fund 540	-	9,592	-	-
Transfer IN - Fund 350	90,000	90,000	-	-
TOTAL OPERATING TRANSFERS IN(OUT)	90,000	99,592	36,250	36,250
INCREASE (DECREASE) IN FUND BALANCE	(279,464)	(154,162)	(114,750)	(188,371)
Unassigned Cap Reserve Fund	627,295	500,294	715,363	400,704
Animal Shelter Reserve	362,500	462,500	-	407,928
BEGINNING FUND BALANCE	989,795	962,794	715,363	808,632
ENDING FUND BALANCE	\$ 710,331	\$ 808,632	\$ 600,613	\$ 620,261

Town of Yucca Valley
FY 2013-14 Amended Budget for Carryforwards

		Amended Budget 2012-13	Actual 2012-13	Adopted 2013-14	Amended 2013-14
Work in Progress Detail					
Project	Account				
Brehm Sports Park	800 00-00 8310 3089-000	-	-	-	-
EECBG Town Share	800 00-00 8310 5421-000	-	-	-	-
General Plan Update	800 00-00 8310 8041-000	-	-	-	-
Kennel Project	800 00-00 8310 8045-000	91,234	54,572	-	36,662
Kennel Project-DIF Portion	800 00-00 8310 8045-350	90,000	68,671	-	21,329
		181,234	123,243	-	57,991
Cap Maint Program - Project Detail					
Community Ctr - Re-plumb	800 00-00 8310 8048 802	83,630	78,614	-	-
Town-wide Re-Key Prog Ph 1	800 00-00 8310 8048 803	20,000	18,267	25,000	26,733
Machris Park-Repl HVAC Sys	800 00-00 8310 8048 804	-	-	-	-
Town Bldgs-Night Sky Compl	800 00-00 8310 8048 805	-	-	-	-
Town-wide Sec Cam Install	800 00-00 8310 8048 806	-	-	-	-
Sen Center- Rep Light Diff	800 00-00 8310 8048 807	-	-	-	-
Senior Center Patio	800 00-00 8310 8048 808	-	-	-	-
Paradise Park Improvements	800 00-00 8310 8048 809	-	-	25,000	25,000
Cap Projects- Contingency	800 00-00 8310 8048 810	20,000	15,114	75,000	75,000
Mower Shed Re-roof	800 00-00 8310 8048 801	-	-	-	-
Park Picnic Tables	800 00-00 8310 8048 814	15,000	-	15,000	15,000
Town-wide Infrastructure Plan	800 00-00 8310 8048 815	-	-	-	-
Community Ctr Sound System	800 00-00 8310 8048 816	-	-	-	-
Roof Re-coat Projects	800 00-00 8310 8048 818	8,600	8,600	-	-
Community Ctr Ball Fields	800 00-00 8310 8048 819	17,000	3,103	-	13,897
YVHS Pool Motor Replc	800 00-00 8310 8048 820	11,000	-	11,000	11,000
YVHS Lift	800 00-00 8310 8048 821	6,000	6,000	-	-
		181,230	129,698	151,000	166,630
Church/Joshua/Onaga	800 55-59 8310 8348	7,000	6,846	-	-
Avalon/Barron/62	800 55-59 8310 8359	-	-	-	-
David/Indio/E/End	800 55-59 8310 8360	-	-	-	-
Linda Lee/62OHN-End	800 55-59 8310 8364	-	-	-	-
Richards/SR62/Barron	800 55-59 8310 8366	-	-	-	-
Ronald/SR62/Barron	800 55-59 8310 8367	-	-	-	-
Palo Alto/Paxton	800 55 59 8310 8368 001	-	-	-	-
Palo Alto/Redondo	800 55 59 8310 8368 002	-	-	-	-
SR62 OHN/EI Dorado	800 55-59 8310 8370	-	-	-	-
Onaga/Kickapoo	800 55-59 8310 8414	-	-	-	-
Natoma/Del Monte	800 55-59 8310 8415	-	-	-	-
Pinon/Ridge	800 55-59 8310 8416	-	-	-	-
Street Proj Contingency	800 55-59 8310 9999	-	-	-	-
		7,000	6,846	-	-

TOWN COUNCIL STAFF REPORT

To: Honorable Mayor & Town Council
From: Curtis Yakimow, Director of Administrative Services
 Sue Earnest, Recreation Supervisor
Date: September 13, 2013
For Council Meeting: September 17, 2013

Subject: 2013-14 Youth Commission Appointments and Introductions

Prior Council Review: Annual

Recommendation: Move to appoint the applicants recommended by the Parks, Recreation and Cultural Commission to the 2013-14 Youth Commission, and authorize the Parks, Recreation & Cultural Commission to review future applications and make subsequent appointments on behalf of the Council.


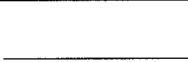
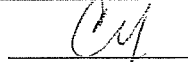

Summary: The Town Council has established the Youth Commission to be appointed annually to communicate with local government in matters pertaining to the youth of the community. The Council has appointed the Parks, Recreation and Cultural Commission (PRCC) to oversee the activities of the Youth Commission.

Order of Procedure:

- Request Staff Report
- Request Public Comment
- Council Discussion / Questions of Staff
- Motion/Second
- Discussion on Motion
- Call the Question

Discussion: The Yucca Valley Youth Commission was established in 1995. The commission consists of young people in grades 7 through 12 who attend school in Yucca Valley. The role of the Youth Commission is to serve in an advisory capacity and to make recommendations on matters pertaining to the youth of the community.

The Council took action in April 2010 to limit the number of Youth Commission appointments to 20 members, and directed staff to work with the Parks, Recreation and Cultural Commission to revise the application process. The selection process was amended in order to ensure a positive experience for as many interested youth as is reasonable, to seek a balanced representation of schools and grade levels, and to ensure a fair opportunity for each applicant to be appointed.

Reviewed By:    
 Town Manager Town Attorney Mgmt Services Dept Head

<input type="checkbox"/> Department Report	<input type="checkbox"/> Ordinance Action	<input type="checkbox"/> Resolution Action	<input type="checkbox"/> Public Hearing
<input checked="" type="checkbox"/> Consent	<input checked="" type="checkbox"/> Minute Action	<input type="checkbox"/> Receive and File	<input type="checkbox"/> Study Session

As the Council-appointed overseers of the Youth Commission activities, the Parks, Recreation and Cultural Commission (PRCC) is charged with reviewing the Youth Commission applicant information and making a recommendation to the Town Council for appointment.

To date, staff has received 13 applications from candidates seeking appointment to the 2013-14 Youth Commission:

Name	Grade	School
Aaron Ahmadi	9	Yucca Valley High School
Hannah Bogue	12	Joshua Springs Christian School
Tommy Bracamonte	11	Yucca Valley High School
London Caldwell	12	Yucca Valley High School
Tyler Geeson	9	Yucca Valley High School
Francisco Gonzalez	10	Yucca Valley High School
Miranda Green	9	Yucca Valley High School
Rachel Green	11	Yucca Valley High School
Harmony Hayes	9	Yucca Valley High School
Shawn Idnani	12	Joshua Springs Christian School
Nathan Lafferty	10	Yucca Valley High School
Kaylin Moffitt	9	Yucca Valley High School
Blake Rowe	9	Yucca Valley High School

The PRCC review of the applications and supplementary materials took place at the September 10th Commission meeting. Following this review and interviews with the applicants present, the PRCC voted to recommend the appointment of the applicants listed above. Additionally, the Commission requested staff to take the necessary actions to encourage additional student participation that would represent the 7th and 8th grade age group. Any such applicants will be brought back to the PRCC for subsequent appointment.

The new Youth Commission will meet regularly from October 2013 through May 2014, and will be coordinated by Sue Earnest, Recreation Supervisor.

Attachments: None

TOWN COUNCIL REPORT

To: Honorable Mayor & Town Council
From: Shane Stueckle, Deputy Town Manager
Date: September 12, 2013
For Council Meeting: September 17, 2013

Subject: Development Code Amendment, DCA-06-13
Draft Development Code Article 4
Permit Procedures

Prior Council Review: There has been no prior Town Council review of this item.

Recommendation: As recommended by the Planning Commission, that the Town Council:

- A. Finds that the project is exempt from CEQA in accordance with Section 15061 (b)(3) of the California Environmental Quality Act. The proposed amendment to revise the Town's Permitting Procedures regulations has no potential to impact the environment. The proposed amendment does not alter the existing requirements that specific development projects must comply with the provisions of the California Environmental Quality Act. Development Code Amendment, DCA 06-03 meets the exemption criteria which states "that if an activity is covered by the general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment and where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA".
B. Introduces the Ordinance, and repeals Sections 83.010105 thru 83.0103.15, Sections 83.010325 thru 83.010335, Section 83.010505, Sections 83.020105 thru 83.020210, Sections 83.030805 thru 83.030855, Sections 83.030145 thru 83.030175, Sections 83.030205 thru 83.030230, Sections 83.030310 thru 83.030325, Section 83.030405, Section 83.030505, Section 83.030605 Sections 83.030705 thru 83.030765, Sections 83.030905 thru 83.030955 of Division 3 of Title 8 from the Yucca Valley Development Code and Sections 41.151 thru 41.1569 from Chapter 15, Division 1 Title 4 of the Yucca Valley Municipal Code.

Handwritten signatures and lines for approval.

Department Report [] Ordinance Action [X] Resolution Action [] Public Hearing [X]
Consent [] Minute Action [] Receive and File [] Study Session []

Executive Summary: As part of the Development Code Update project, the Planning Commission reviewed Article 4 at its meetings of April 9, 2013 and August 13, 2013.

Article 4 establishes procedures for processing applications including, but not limited to, General Plan Amendments, Development Code Amendments, Conditional Use Permits, Site Plan Reviews, and all other land use permits issued by the Town.

Order of Procedure:

- Request Staff Report
- Open the Public Hearing,
- Request Public Comment
- Close the Public Hearing
- Council Discussion/Questions of Staff
- Motion/Second
- Discussion on Motion
- Call the Question (Voice Vote)

Discussion: Article 4, Permit Procedures, establishes the review authority and permit processing procedures for the land use permits established in the Yucca Valley Development Code.

Eighteen Chapters are established within Article 4, and those Chapters are structured in the following manner:

Chapter 9.60	Permit Procedures	General Provisions
Chapter 9.61	Application Processing Procedures	
Chapter 9.62	Amendments to Development Code and Zone Changes	
Chapter 9.63	Conditional Use Permit	
Chapter 9.64	Development Agreements	
Chapter 9.65	General Plan Amendments	
Chapter 9.66	Land Use Compliance Review	
Chapter 9.67	Planned Development Permits	
Chapter 9.68	Site Plan and Design Review	
Chapter 9.69	Special Use Permits	
Chapter 9.70	Specific Plans	
Chapter 9.71	Temporary Special Events Permits	
Chapter 9.72	Temporary Use Permits	
Chapter 9.73	Variance Review	
Chapter 9.74	Reasonable Accommodation	
Chapter 9.75	Home Occupation Permits	
Chapter 9.76	Sign Permits	
Chapter 9.77	Native Plants	

Chapters for Home Occupation Permits, Sign Permits and Native Plant Permits will be returned to the Planning Commission following the Commission’s review of those regulations and standards in their entirety.

Chapter 9.60: Permit Procedures-General Provisions

Chapter 9.60 establishes the types of review procedures, including public hearings, staff review with notice, and staff review without notice. This Chapter also, as identified in Table 4.1, establishes the review authority for land use and zoning decisions.

TABLE 4.1 REVIEW AUTHORITY				
Type of Entitlement or Decision	Applicable Code Section	Director (1) (2)	Planning Commission⁽³⁾	Town Council (4)
Amendments to Development Code or Zone Change	Ch. 9.62	Recommend(5)	Recommend	Approve
Land use Compliance Review	Ch. 9.66	Decision	Appeal	Appeal
Conditional Use Permits	Ch. 9.63	Recommend	Decision	Appeal
Development Agreements and Amendments	Ch. 9.64	Recommend	Recommend	Decision
General Plan Amendments	Ch. 9.65	Recommend	Recommend	Decision
Home Occupation Permits	Ch.9.75	Decision	Appeal	-
Interpretations	Section 9.02.010	Decision	Appeal	Appeal
Planned Development Permits	Ch. 9.67	Recommend	Recommend	Decision
Minor Revisions to Approved Actions	Varies	Decision	Appeal	Appeal
Site Plan and Design Review	Ch. 9.68	Recommend	Decision	Appeal
Special Use Permits	Ch. 9.69	Decision	Appeal	Appeal
Specific Plans and Amendments	Ch. 9.70	Recommend	Recommend	Decision
Surface Mining & Reclamation	Ch. 9.64.160 & 9.63	Recommend	Decision	Appeal
Temporary Special Event Permits	Ch. 9.71	Decision	Appeal	Appeal
Temporary Use Permits	Ch. 9.72	Decision	Appeal	Appeal
Variances	Ch. 9.73	Recommend	Decision	Appeal
Native Plant Permits	Chapter 9.77	Decision	Appeal	Appeal
Sign Permits	Chapter 9.76	Decision	Appeal	Appeal

Reasonable Accommodations	Chapter 9.74	Decision	Appeal	Appeal
<p>Table 4.1 Notes:</p> <p>(1) The Director may defer action and refer any permit or approval application to the Commission for final determination.</p> <p>(2) All decisions of the Director are appealable to Commission, and then to the Council, in compliance with Chapter 9.81 (Appeals), except for those decisions addressed in Note (3).</p> <p>(3) The Commission may refer consideration of an appeal to the Council, except for those decisions involving only a Variance, determination as to the completeness of an application, the determination to approve or deny a Home Occupation Permit, an Accessory Wind Energy Permit, a Subdivision Sign Location Plan, or the requirement for preparation of an Environmental Impact Report (EIR). In these instances the Commission’s decision shall be the final and conclusive decision. The Council will not accept nor consider an appeal of these Commission decisions.</p> <p>(4) All decisions of the Council are final.</p> <p>(5) “Recommend” means that the review authority makes a recommendation to a higher review authority; “Appeal” means that the review authority may consider and decide upon appeals to the decision of an earlier review authority, in compliance with Chapter 9.81(Appeals).</p> <p>(6) Concurrent processing. Multiple applications for the same project shall be processed concurrently, and shall be reviewed, and approved or disapproved by the highest review authority designated by this Development Code for any of the required applications (e.g., a project with applications for both a Zoning Map amendment and a Conditional Use Permit shall have both applications decided by the Council, instead of the Commission acting on the Conditional Use Permit as otherwise provided by Table 4.1 [Review Authority]).</p>				

Chapter 9.61: Application Processing Procedures

Chapter 9.61 establishes requirements for complete applications, application abandonment, processes and procedures for the Development Review Committee (DRC), environmental review, public hearing noticing requirements, and standards for formal communication with the applicant during the review and decision processes.

Chapter 9.62: Amendments to Development Code and Zone Changes

Chapter 9.62 establishes processes and review authority for review and action upon Development Code and Zone Changes. This includes who may initiate a request, as well as includes both map as well as text changes. Public hearings are required before both the Planning Commission and Town Council for Development Code amendments and Zone Changes.

Chapter 9.63: Conditional Use Permit

Chapter 6.63 establishes processes and review authority for Conditional Use Permits, as well as required findings and extensions of time. It should be noted that this Chapter establishes the process as well for Surface Mining and Reclamation Permits, which shall be processed through a Conditional Use Permit application.

TABLE 4.3
CONDITIONAL USE PERMIT
LEVEL OF REVIEW

APPLICABILITY	LEVEL OF REVIEW	NOTICE REQUIREMENTS
New structures, including accessory structures and uses;	Commission	Public Hearing
Expansion of an existing structure in conformance with Table 4.2;	Director	None
Expansion of an existing structure which exceeds the thresholds in Table 4.2;	Commission	Public Hearing
Conversion of an existing structure (i.e. change in use);	Commission	Public Hearing
Construction or conversion of a structure(s) to allow a mixed-use development.	Commission	Public Hearing

The Commission is the review authority for Conditional Use Permits. The Director is the review authority for projects that meet the criteria of Table 4.2, which are processed as Land Use Compliance Review applications.

TABLE 4.2
CONDITIONAL USE PERMIT
EXPANSION THRESHOLDS

SQUARE FOOTAGE OF EXISTING BUILDING	MAXIMUM SQUARE FOOTAGE	MAXIMUM PERCENTAGE
up to 5,000	1250 sq ft	50%
5,001 – 10,000	2000 sq ft	50%
10,001 +	2500 sq ft	50%

Chapter 9.64: Development Agreements

Chapter 9.64 establishes the processes and standard for entering into Development Agreements. Development agreements are commonly used for larger projects and provide assurances to the applicant/developer as well as to the local agency. Public hearings for development agreements are held by both the Planning Commission and Town Council, and they are subject to annual review.

Chapter 9.65: General Plan Amendments

General Plan amendment processes are very straight forward. Public hearings must be held by both the Planning Commission and Town Council. Each General Plan Element may be amended four times annually, and amendments shall be processed concurrently.

Chapter 9.66: Land Use Compliance Review

Land Use Compliance review provides a mechanism for staff level review and approval of minor expansions to those uses which require Conditional Use Permit or Site Plan Review, in accordance with Table 4.4.

TABLE 4.4
LAND USE COMPLIANCE
EXPANSION THRESHOLDS

SQUARE FOOTAGE OF EXISTING BUILDING	MAXIMUM SQUARE FOOTAGE	MAXIMUM PERCENTAGE
up to 5,000	1250 sq ft	50%
5,001 – 10,000	2000 sq ft	50%
10,001 +	2500 sq ft	50%

Proposed total expansions through Land Use Compliance Review applications shall not exceed the maximum square footage threshold or exceed the maximum percentage threshold identified in table 4.4.

These expansions may be approved without the requirements for off-street improvements, on-site retention, assessment district formation, utility undergrounding and additional landscaping.

One proposed change to the existing Land Use Compliance Review standards is the following.

A maximum of two (2) LUCR applications may be approved for a site. Should additional expansions be necessary, the project shall reviewed through a Site Plan and Design Review or Conditional Use Permit as required by this Code

The Town’s current regulations do not include this standard. This standard is recommended so that individual projects do not continually expand their projects without appropriate review and development requirements.

Chapter 9.67: Planned Developments

Planned development permits provide flexibility in project design and may be used for obtaining project amenities that may not otherwise be available. These may include active or passive open space, enhanced infrastructure (flood control as one example), and preservation of hillsides, ridgelines, biological resources including habitat and wildlife corridors. The Planning Commission and Town Council review Planned Developments through the public hearing process. If the subdivision of land is proposed, the subdivision shall be processed concurrently with the Planned Development.

Chapter 9.68: Site Plan and Design Review

Site Plan and Design review is the continuation of the Town’s Site Plan Review procedures and standards. These are most commonly used for commercial development. The Planning Commission is the review authority and a public hearing is **not** required.

TABLE 4.6
SITE PLAN AND DESIGN REVIEW
LEVEL OF REVIEW

APPLICABILITY	LEVEL OF REVIEW	NOTICE REQUIREMENTS
New structures, including accessory structures and uses;	Commission	None
Expansion of an existing structure in conformance with Table 4.5;	Director	None
Expansion of an existing structure which exceeds the standards as established in Table 4;	Commission	None
Conversion of an existing structure (i.e. change in use);	Commission	None
Construction or conversion of a structure(s) to allow a mixed-use development.	Commission	None

Similar to Conditional Use Permit uses that desire to expand, minor expansions may be approved by the Director in accordance with the following guidelines.

**TABLE 4.5
SITE PLAN AND DESIGN REVIEW
EXPANSION THRESHOLDS**

SQUARE FOOTAGE OF EXISTING BUILDING	MAXIMUM SQUARE FOOTAGE	MAXIMUM PERCENTAGE
up to 5,000	1250 sq ft	50%
5,001 – 10,000	2000 sq ft	50%
10,001 +	2500 sq ft	50%

Chapter 9.69: Special Use Permits

Special Use Permits are for the purpose of reviewing bed and breakfast lodging, animal keeping of densities greater than provided by the Development Code, for the keeping of exotic animals, private and small kennels, recycling facilities, large family day cares, and emergency homeless shelters. These permits are acted upon by the Director with notice. This Chapter outlines the required findings and investigations and reports that are necessary.

Chapter 9.70: Specific Plans

This Chapter continues with the Town’s existing Specific Plan regulations. Specific plans, similar to Planned Developments, provide the opportunity for flexibility in development standards and site planning, while providing increased opportunity in community/neighborhood design. Specific plans must be reviewed through a public hearing and by both the Planning Commission and Town Council.

Chapter 9.71: Temporary Special Events

Temporary Special Events include church/tent revival meetings, circuses and carnivals, fairs, concerts, parades, exhibits, festivals, art shows, car shows, street fairs, farmers markets, and seasonal holiday sales including Christmas trees sales, pumpkin patches, etc. These permits are reviewed and acted upon by the Director.

Chapter 9.72: Temporary Use Permits

Temporary Use Permits include batch plants, off-site construction yards, temporary residential and non-residential quarters, temporary construction office quarters, temporary real estate model homes or sales offices, and temporary on your lot building model home

sales offices. As structured in the current Draft, these uses are approved by the Director. Staff is recommending that Batch Plants be reviewed and acted upon by the Planning Commission.

Chapter 9.73: Variance Review

Variances allow for deviation from set standards based upon specific findings prescribed by state law. The Planning Commission is the review authority for Variances, and the Planning Commission must hold a public hearing in the decision making process.

Chapter 9.74: Reasonable Accommodations:

The Planning Commission held a public hearing on May 7, 2013 and recommended the Town Council adopt the Reasonable Accommodations Ordinance. The Council has adopted the Ordinance. Chapter 9.78 places Reasonable Accommodations into the new Development Code, and no changes are proposed. A process to address development of housing for individuals with disabilities is mandated by state law. This Chapter provides the necessary process. Reasonable Accommodations are reviewed and acted upon by the Director.

The final three chapters, Signs, Home Occupation Permits, and Native Plants, will be brought forward following Planning Commission review of those complete ordinances, including development standards (Article 2 and Article 3).

Alternatives: The Town Council may elect to modify the Ordinance as deemed necessary.

Fiscal impact: This Ordinance is included in the Town's contract for the Development Code Update project. No additional costs are incurred beyond existing contract services.

Attachments: Article 4, Permit Processing
Planning Commission Minutes

ORDINANCE NO. .

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF YUCCA VALLEY, CALIFORNIA, AMENDING TITLE 9, YUCCA VALLEY DEVELOPMENT CODE, BY ADOPTING ARTICLE 4, CHAPTERS 9.60 THROUGH 9.77, PERMIT PROCEDURES AND REPEALING SECTIONS 83.010105 THRU 83.0103.15, SECTIONS 83.010325 THRU 83.010335, SECTION 83.010505, SECTIONS 83.020105 THRU 83.020210, SECTIONS 83.030805 THRU 83.030855, SECTIONS 83.030145 THRU 83.030175, SECTIONS 83.030205 THRU 83.030230, SECTIONS 83.030310 THRU 83.030325, SECTION 83.030405, SECTION 83.030505, SECTION 83.030605 SECTIONS 83.030705 THRU 83.030765, SECTIONS 83.030905 THRU 83.030955 OF DIVISION 3 OF TITLE 8 FROM THE YUCCA VALLEY DEVELOPMENT CODE AND SECTIONS 41.151 THRU 41.1569 FROM CHAPTER 15, DIVISION 1 TITLE 4 OF THE YUCCA VALLEY MUNICIPAL CODE.

The Yucca Valley Town Council ordains as follows.

Section 1:

Article 4:
Permit Procedures

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Chapter 9.60 Permit Procedures – General Provisions

Sections:

- 9.60.010 – Purpose
- 9.60.020 – Types of Procedures
- 9.60.030 – Review Authority for Land Use and Zoning Decisions
- 9.60.040 – Referral to Next Higher Review Authority

9.60.010 – Purpose

This Chapter establishes the procedures to process land use entitlements and development proposals in any land use zoning district.

9.60.020 – Types of Procedures

This Development Code utilizes the following three basic procedures to review all types of applications:

Public Hearing

Formal open forum for public review. Public hearing procedures are distinguished by a formal open forum for public review of a proposal. During the course of the public hearing, the applicable review authority invites public testimony for and against the land use proposal, reviews evidence and then renders its decision in compliance with Chapter 9.85, *Public Notices and Hearings*. A public hearing may be conducted before the Council, the Commission, or the Director.

Review evidence and state relative positions. Public hearing procedures shall be used to give all interested parties an opportunity to review the evidence and to state their relative positions in a common public forum before the applicable review authority.

Staff Review with Notice

Based upon specific findings or conditions. Staff review with notice procedures are distinguished by land use decisions that are based upon specific findings or conditions that limit the discretion of the applicable review authority.

Rendering of a decision with notice. Staff review with notice procedures shall provide written or published notice given to affected and interested parties followed by a decision by the applicable review

authority. The notice shall be designed to ensure that all interested parties are aware of the pending decision and are given a chance to comment before the review authority renders its decision.

Such notice will be given at least fifteen (15) days prior to the scheduled hearing date. If no response has been received by the Town five (5) days prior to the scheduled hearing date and the applicant has no objections to the conditions of approval, the Community Development Director may elect not to hold a formal hearing.

Staff Review without Notice

Decisions based upon adopted standards. Staff review without notice procedures are distinguished by land use decisions made by the applicable review authority based upon standards that have been adopted by the Town as law or as policy.

Rendering of a decision without notice. Staff review without notice procedures shall be used when sufficient standards have been adopted by the Commission or the Council to allow the applicable review authority to render a decision without giving notice to surrounding property owners and other parties.

9.60.030 – Review Authority for Land Use and Zoning Decisions

Table 4.1 (Review Authority) identifies the Town official or authority responsible for reviewing and making initial decisions on each type of application or land use entitlement required by this Development Code, the nature of the initial decision (i.e. decision or recommend), and the nature of the response of the subsequent review authority.

TABLE 4.1 REVIEW AUTHORITY				
Type of Entitlement or Decision	Applicable Code Section	Director (1) (2)	Planning Commission⁽³⁾	Town Council (4)
Amendments to Development Code or Zone Change	Ch. 9.62	Recommend(5)	Recommend	Approve
Land use Compliance Review	Ch. 9.66	Decision	Appeal	Appeal
Conditional Use Permits	Ch. 9.63	Recommend	Decision	Appeal
Development Agreements and Amendments	Ch. 9.64	Recommend	Recommend	Decision
General Plan Amendments	Ch. 9.66	Recommend	Recommend	Decision
Home Occupation Permits	Ch. 9.08.050	Decision	Appeal	-
Interpretations	Section 9.02.010	Decision	Appeal	Appeal
Planned Development Permits	Ch. 9.67	Recommend	Recommend	Decision
Minor Revisions to Approved Actions	Varies	Decision	Appeal	Appeal
Native Plant Permits	Ch. 9.77	Decision	Appeal	Appeal
Sign Permits	Ch. 9.76	Decision	Appeal	Appeal
Site Plan and Design Review	Ch. 9.68	Recommend	Decision	Appeal
Special Use Permits	Ch. 9.69	Decision	Appeal	Appeal
Specific Plans and Amendments	Ch. 9.70	Recommend	Recommend	Decision

Temporary Special Event Permits	Ch. 9.71	Decision	Appeal	Appeal
Temporary Use Permits	Ch. 9.72	Decision	Appeal	Appeal
Variances	Ch. 9.73	Recommend	Decision	Appeal

Table 4.1 Notes:

- (1) The Director may defer action and refer any permit or approval application to the Commission for final determination.
- (2) All decisions of the Director are appealable to Commission, and then to the Council, in compliance with Chapter 9.81, *Appeals*, except for those decisions addressed in Note (3).
- (3) The Commission may refer consideration of an appeal to the Council, except for those decisions involving only a Variance, determination as to the completeness of an application, the determination to approve or deny a Home Occupation Permit, an Accessory Wind Energy Permit, a Subdivision Sign Location Plan, or the requirement for preparation of an Environmental Impact Report (EIR). In these instances the Commission's decision shall be the final and conclusive decision. The Council will not accept nor consider an appeal of these Commission decisions.
- (4) All decisions of the Council are final.
- (5) "Recommend" means that the review authority makes a recommendation to a higher review authority; "Appeal" means that the review authority may consider and decide upon appeals to the decision of an earlier review authority, in compliance with Chapter 9.8, *Appeals*.
- (6) Concurrent processing. Multiple applications for the same project shall be processed concurrently, and shall be reviewed, and approved or disapproved by the highest review authority designated by this Development Code for any of the required applications (e.g., a project with applications for both a Zoning Map amendment and a Conditional Use Permit shall have both applications decided by the Council, instead of the Commission acting on the Conditional Use Permit as otherwise provided by Table 4.1 [Review Authority]).

9.60.040 – Referral to Next Higher Review Authority.

A Review Authority may refer any application to the next succeeding Review Authority, based upon the following criteria.

1. Impact upon public services and facilities greater than typical for the type of project proposed;
2. Impact upon surrounding properties greater than typical for the type of project proposed;
3. Floor or site square footage greater than typically found in the type of project;
4. Intensity of use greater than typically found in the type of projects;
5. Operating characteristics not typical of the type of project proposed;
6. Other factors including but not limited to public opposition to development of the project;
7. The need for Town interpretation of the General Plan and/or Development Code as related to the project.

Chapter 9.61 Application Processing Procedures

Sections:

- 9.61.010 – Purpose
- 9.61.020 – Applications for Land Use Decisions
- 9.61.030 – Development Review Committee
- 9.61.040 – Environmental Review
- 9.61.050 – Multiple Permit Applications
- 9.61.060 – Pre-Application Review
- 9.61.070 – Notice of Pending land Use Decisions
- 9.61.080 – Conditions of Approval
- 9.61.090 – Post-Decision Notice

9.61.010 – Purpose

This Chapter establishes the application requirements and noticing provisions necessary to process development proposals in any land use zoning district.

9.61.020 – Applications for Land Use Decisions

- A. **Complete Application Required.** Any application for a permit or entitlement pursuant to this Code must be accepted as complete for processing in order to initiate the official review process. All required materials, information and fees as required by the Director shall be provided by the applicant before the application is deemed complete for processing.
- B. **Determination of Completeness.** The Director shall determine in writing the completeness of the application and transmit this determination to the applicant within the time limits and in a form and content to be consistent with the types of project applications established by applicable state law and Town regulations.
- C. **Time Period for Determining Completeness.** The statutory time period of thirty (30) days established by state law for determining completeness shall begin the day the application is made and date stamped. Formal processing of any application pursuant to this Code shall commence upon the date the application is accepted as complete, as provided in the state law regarding review and approval of development projects.
- D. **Abandonment of Application**
 - 1. An application for permits or approvals issued in compliance with the Development Code shall be deemed to have been abandoned when information and/or fees have been requested to complete the application and this information and/or fees have not been received by the Planning Division within ninety (90) calendar days.

2. The Director shall notify the applicant by mail of the abandonment. The applicant may provide a written explanation of the delay, stating the date by which the further application material and, when required, further fees will be submitted. If the Director finds that special circumstances exist and that unusual hardship to the applicant would result from deeming the application abandoned, the Director may appropriately extend the period during which the required material must be submitted. If the required material has not been submitted by the new date, and if the Director has not further extended the allowable period for submitting it, the application shall be deemed abandoned without further notification. A notice of abandonment shall thereafter be mailed to the applicant and a copy placed in the applicant's file.

- E. Additional Information.** Notwithstanding any procedures established in this section for determination of completeness, the Director may request the applicant to submit additional information in the course of processing the application if such information could not be anticipated as part of the original application. Such a request to clarify, amplify, correct or otherwise supplement submitted information shall not invalidate the original determination that the application was complete at the time the determination was originally made. The Director may request any additional information needed to prepare adequate environmental documentation in compliance with the California Environmental Quality Act (CEQA) and applicable guidelines.
- F. New Application Following Denial.** Following the denial of an application for any land use or policy application, no application for the same or substantially the same use or project as determined by the Director shall be filed within one year from the effective date of the denial. This provision shall not apply in the case of an application that is denied without prejudice or where otherwise permitted to be filed by a vote of at least 2/3 of the approving authority.

9.61.030 – Development Review Committee

- A. Evaluation of proposals by the Development Review Committee (DRC).** Development review procedures include evaluation of proposals at a scheduled meeting of the DRC.
- B. Consideration of design and proposed conditions.** The DRC meeting allows informal discussions between the applicant, Town staff, and others regarding the design and proposed conditions for a given proposal.

9.61.040 – Environmental Review

- A. Applications subject to CEQA.** All land use applications that are subject to the California Environmental Quality Act (CEQA) shall be reviewed by the Department in compliance with the Town's environmental review guidelines.
- B. Environmental findings required.** Before taking an action to approve a land use application that is subject to CEQA, the Town shall make one or more environmental findings. The environmental finding(s) is required in addition to the findings specified in this Development Code for each application type.

9.61.050 – Multiple Permit Applications

When more than one land use decision is required for a single project, all applications shall be filed concurrently.

9.61.060 – Pre-Application Review

When the complexity of a land use application warrants, the Director may require that the applicant submit materials and attend necessary conferences or hearings to conduct a preliminary review of a development proposal before the acceptance of the application.

9.61.070 – Notice of Pending Land Use Decisions

- A. Public hearing or staff review with notice procedures.** Upon receipt of a request for a land use decision that utilizes the public hearing or staff review with notice procedures, the applicable review authority shall give notice specifying the time and place for the decision at least 10 calendar days before the date of the scheduled land use approval/denial by the following applicable methods:
1. Notice shall be published once in a newspaper of general circulation in the respective community of the proposal for the following land use decisions using the public hearing procedure:
 - a. Amendments to the text of the General Plan or a Specific Plan.
 - b. Development Code amendments.
 - c. General Plan map amendments.
 - d. Subdivisions, where a tentative and final map are required.
 - e. Conditional Use Permit and amendments
 - f. Specific Plan and amendments
 - g. Planned Development and amendments
 - h. Variance
 2. Notice shall be given by first class mail to any person who has filed a written request for a specific application.
 3. Notice shall be given by first class mail or delivery to all surrounding property owners within 300 feet of the exterior boundaries of the subject site for land use decisions using the public hearing or staff review with notice procedures.
 4. Notice shall also be given, as required by Government Code Section 66451.3, in the case of a conversion of residential real property to a community apartment project, condominium project, or stock cooperative.

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5. Notice may be given in any other manner as is deemed necessary or desirable by the Director.
- B. **One-eighth page optional notice.** A one-eighth page legal display advertisement in a newspaper of general circulation may be substituted for individual property owner notice whenever the individual notice would require notification of more than 1,000 property owners.
 - C. **Ownership and addresses of properties.** Ownership and addresses of contiguous and surrounding properties shall be determined from the latest equalized tax assessment role or from other records of the County Assessor or County Tax Collector, whichever contains more recent information.
 - D. **Continued hearings.** During the public hearing, items that are continued by the review authority to a specific date shall not be re-noticed unless specifically requested by the review authority.

9.61.080 – Conditions of Approval

In approving an application for a land use decision, the review authority may establish reasonable conditions to its approval that are found to be necessary to protect the public health, safety, and general welfare that are consistent with the General Plan and this Development Code

9.61.090 – Post-Decision Notice

- A. **Provision of notice.** Within 10 calendar days of a final decision on an application for a permit or other approval required by this Development Code, the Town shall provide notice of its final action to the applicant and to any person(s) who specifically requested notice of the Town's final action and has provided a self-addressed stamped envelope.
- B. **Contents of notice.** The notice shall contain the final decision by the review authority.

Chapter 9.62 Amendments to Development Code and Zone Changes

Sections:

- 9.62.010 – Purpose
- 9.62.020 – Initiation
- 9.62.030 – Public Hearing and Notice
- 9.62.040 – Commission Action
- 9.62.050 – Council Action
- 9.62.060 – Required Findings

9.62.010 – Purpose

The provisions of this Development Code, including the official Zoning Map, may be amended to reflect changing development needs of the Town over time, to maintain consistency with the General Plan, and as determined by the Council to be in the best interest of the Town for the public health, safety and welfare of the community.

9.62.020 – Initiation

- A. **Procedure.** A Development Code amendment may be initiated by an amendment application by one (1) or more property owners affected by the proposed amendment or by the Council.
1. If the Council initiates a change or addition to the Development Code, it may direct staff to process the amendment.
 2. If the Commission wishes to initiate an amendment, it shall be referred to the Council for concurrence to initiate an amendment. The Council may then direct staff to process the amendment.
 3. If the Director wishes to initiate an amendment, it shall be referred to the Commission for review and referral to Council
- B. **Fees.** Application for an amendment to the provisions of this Development Code made by one (1) or more property owners affected by the proposed amendment shall be accompanied by a fee established by resolution of the Council and shall include submittal requirements as prescribed by the Director.

9.62.030 – Public Hearing and Notice

Upon receipt in proper form of a Development Code amendment application, or upon receiving direction from the Council, and following a Department review and recommendation, public hearings shall be set as hereinafter provided before the Commission and Council.

9.62.040 – Commission Action

- A. **Public Hearing Required.** The Commission shall hold a public hearing after giving notice as required by Chapter 9.85, *Public Hearings and Notice*.
- B. **Commission Recommendation.** The Commission shall make a written recommendation whether to approve, approve in modified form, or deny the proposed amendment.

9.62.050 – Council Action

- A. **Council Options.** Upon receipt of the Commission’s recommendation, the Council may approve, approve with modifications, or disapprove the proposed amendment based upon the findings contained in Section 9.62.060, *Required Findings*.
- B. **Amendment to be made by Ordinance.** Amendments to this Development Code shall be made by ordinance.
- C. **Public Hearing by Council.** Upon receipt of a Commission recommendation, the Council shall hold a public hearing and notices shall be mailed as set forth in Chapter 9.85, *Public Hearings and Notice*. Notices shall also be given to the applicant, the Commission and, if applicable, the appellant. The Director shall submit a report and meeting minutes of the Commission’s recommendation to the Council setting forth the reasons for action taken by the Commission.
- D. **Council Modifications to Proposed Amendment.** Any significant modification of an amendment to the zoning provisions of this Code made by the Council (i.e.: changes involving density, intensity, or standards), which (modification) was not previously considered by the Commission during its hearing, shall be referred to the Commission for report and recommendation. The Commission is not required to hold a hearing on such modification, and their failure to respond to a Council referral within forty-five (45) days shall constitute their (the Commission’s) recommendation for approval.

9.62.060 – Required Findings

An amendment to this Development Code may be adopted only if the following findings are made:

- A. The proposed amendment is consistent with the General Plan; and
- B. The proposed amendment will not be detrimental to the public health, safety or welfare of the Town or its residents.

Chapter 9.63 Conditional Use Permit

Sections:

- 9.63.010 – Purpose and General Plan Consistency
- 9.63.020 – Applicability
- 9.63.030 – Authority
- 9.63.040 – Application Submittal Requirements
- 9.63.050 – Application Fee
- 9.63.060 – Investigation and Report
- 9.63.070 – Action by Review Authority
- 9.63.080 – Required Findings
- 9.63.090 – Minor Modifications of Previously Approved Conditional Use Permit
- 9.63.100 – Lapse of Permits/Permit Expiration
- 9.63.110 – Extension of Time
- 9.63.120 – CUP Amendment
- 9.63.130 – CUP Revocation
- 9.63.140 – Development of Property Before Final Decision
- 9.63.150 – Alteration to Nonconforming Use
- 9.6344.160 – Surface Mining and Reclamation

9.63.010 – Purpose and General Plan Consistency

The Conditional Use Permit Review procedure allows the Town to evaluate proposed development and determine its consistency with the General Plan, the Development Code and applicable Town ordinances. The Conditional Use Permit Review procedure is intended to protect and enhance the visual appeal, environment, economic stability and property values of the Town's residential, commercial, and industrial areas through the application of the provisions of this Code and the General Plan. Review of such uses is necessary and specific conditions of approval may be necessary to ensure that the uses are developed, operated, and located properly with respect to their effects on surrounding properties and so that any and all potentially adverse impacts are mitigated, and to ensure the general health, safety and welfare of the community through implementation of the General Plan through this Chapter.

9.63.020 – Applicability

- A. All new construction which is listed in the use classification charts for the underlying land use districts that require a Conditional Use Permit Review.
- B. Expansions which exceed the thresholds of Table 4.2 and are permitted subject to a Conditional Use Permit Review as specified in the use classification charts for the underlying land use district shall require a Conditional Use Permit.

TABLE 4.2
CONDITIONAL USE PERMIT
EXPANSION THRESHOLDS

SQUARE FOOTAGE OF EXISTING BUILDING	MAXIMUM SQUARE FOOTAGE	MAXIMUM PERCENTAGE
up to 5,000	1250 sq ft	50%
5,001 – 10,000	2000 sq ft	50%
10,001 +	2500 sq ft	50%

C. Change in use of an existing structure

D. Projects which fall within the thresholds of the Conditional Use Permit shall comply with the General Plan, the Development Code and applicable Town Ordinances and regulations, including but not limited to:

1. Half-width (½) street Improvements (curb, gutter, sidewalk, street lights, and pavement) on all streets fronting the project, except as defined by the parameters of the Council policies regarding Street Reconstruction
2. Onsite water retention of incremental increase
3. Dedication of easements for drainage facilities, streets, trails, aviation easements as required by this code and any adopted plans
4. Improvements to drainage facilities except as defined by the parameters of the Council policies regarding drainage facilities
5. Assessment Districts formation (including Landscape and Lighting, Street and Drainage, Community Facility District, and Public Safety)
6. Utility Undergrounding, pursuant to adopted standards
7. Landscaping and Landscaping Plan regulations (greater than 500 square feet of landscape area requires approval by Hi Desert Water District)
8. Commercial Design Guidelines
9. Outdoor Lighting regulations
10. Parking and screening requirements
11. Sign regulations
12. All other Development Code regulations
13. California Environmental Quality Act (CEQA) and any required mitigation measures

E. Expansions which fall within the thresholds specified in Table 4.2 shall be processed as a Land Use Compliance Review, pursuant to Chapter 9.66.

9.63.030 – Authority

A. Level of Review:

TABLE 4.3
CONDITIONAL USE PERMIT
LEVEL OF REVIEW

APPLICABILITY	LEVEL OF REVIEW	NOTICE REQUIREMENTS
New structures, including accessory structures and uses;	Commission	Public Hearing
Expansion of an existing structure in conformance with Table 4.2;	Director	None
Expansion of an existing structure which exceeds the thresholds in Table 4.2;	Commission	Public Hearing
Conversion of an existing structure (i.e. change in use);	Commission	Public Hearing
Construction or conversion of a structure(s) to allow a mixed-use development.	Commission	Public Hearing

Where the review for a Conditional Use Permit is not specified, the Director shall determine the appropriate review authority.

B Referral to Next Higher Review Authority. ; The Commission may refer an application for a Conditional Use Permit to the Council based upon the following criteria:

1. Impact upon public services and facilities greater than typical for the type of project proposed;
2. Impact upon surrounding properties greater than typical for the type of project proposed;
3. Floor or site square footage greater than typically found in the type of project;
4. Intensity of use greater than typically found in the type of projects;
5. Operating characteristics not typical of the type of project proposed.
6. Other factors including but not limited to public opposition to development of the project.
7. The need for Council interpretation of the General Plan and/or Development Code as related to the project.

C. General Authority. The Commission is authorized to approve, approve with conditions, or deny applications for Conditional Use Permits in compliance with the procedures established in this

Section. In approving an application for a Conditional Use Permit, the Commission may impose conditions to ensure compliance with this Code. Conditions may include, but shall not be limited to:

1. Requirements for special structure setbacks;
2. Open spaces;
3. Buffers;
4. Fences;
5. Walls and screening;
6. Requirements for the installation and maintenance of landscaping and erosion control measures;
7. Control of street improvements, other public infrastructure and related dedications;
8. Control of vehicular ingress and egress;
9. Control of traffic circulation;
10. Control of signs;
11. Control of hours of operation;
12. Control of potential nuisances;
13. Establishing standards for maintenance of buildings and grounds;
14. Establishing development schedules and development standards;
15. Control of periodic review;
16. Control of architectural and/or building design;
17. Any other conditions as may be deemed necessary to ensure the compatibility with surrounding uses, to preserve the public health, safety and welfare, and to enable the Commission to make the findings required by Section 9.63.080, *Required Findings*.

D. Performance Guarantee. In order to ensure implementation of conditions attached to a Conditional Use Permit, the applicant may be required to furnish a surety in a form of an instrument of credit, money or surety bond in the amount fixed by the authority granting or modifying the Conditional Use Permit.

E. Providing Required Improvements. Whenever a Conditional Use Permit is approved or modified subject to the condition that specified public improvements shall be installed by the applicant to meet Town standards and be accepted by the Town, the applicant may be required to

execute an agreement approved by the Town to make such improvements prior to the time/construction events specified in the Conditional Use Permit.

- F. **Conditions Declared Void.** Whenever any final judgment of a court of competent jurisdiction declares one or more of the conditions of a Conditional Use Permit to be unconstitutional or invalid, such decision shall not affect the validity of the approval as a whole, or any portion thereof other than the section so declared
- G. **Violation of Condition.** Whenever a Conditional Use Permit is approved or modified by the Commission subject to a condition(s), non-compliance with such condition(s) shall constitute a violation of this Code. Conditions which are not observed or which are violated may be enforced as provided in Chapter 9.82, *Enforcement and Violations* or said Conditional Use Permit may be revoked or modified under Chapter 9.83, *Permit Amendments* and 9.84, *Permit Revocations*.

9.63.040 – Application Submittal Requirements

Applications for Conditional Use Permits shall be filed on a form prescribed by the Planning Division and shall contain such information and reports as may be required by the application submittal package or by other applicable ordinances or by the Town in order for the Commission to make the required findings.

9.63.050 – Application Fee

The application shall be accompanied by a fee established by resolution of the Council to cover the cost of handling and processing the application as prescribed in this Chapter.

9.63.060 – Investigation and Report

The Director shall cause an analysis of each application for a Conditional Use Permit to be made. The level of detail of the analysis shall be appropriate to the type of project proposed and the needs of the Commission. The analysis shall examine the application's consistency with the content, intent and purpose of the General Plan, the Development Code, and any other applicable Town standards or policies. To insure effective implementation of General Plan policies and the provisions of this Code, applications may be reviewed by the Development Review Committee prior to consideration by the Commission. As a result of the analysis, the Director shall cause a report to be completed which shall include a listing of proposed conditions necessary to guarantee the public health, safety and welfare, should the proposed project be approved.

9.63.070 – Action by Review Authority

Commission Action. Pursuant to Section 9.63.030, *Authority*, the Commission shall review each application for a Conditional Use Permit. The applicant shall be provided with a copy of the Director's report regarding the application prior to the Commission's consideration. The Commission shall approve, deny, or conditionally approve applications for a Conditional Use Permit. Decisions by the Commission shall be final unless appealed as provided in Chapter 9.81, *Appeals*.

9.63.080 – Required Findings

Before approving a Conditional Use Permit, the Town and/or Commission shall find that the circumstances established below apply:

- A. That the location, size, design, density and intensity of the proposed development is consistent with the General Plan, the purpose of the land use district in which the site is located, and the development policies and standards of the Town;
- B. That the location, size, design and architectural design features of the proposed structures and improvements are compatible with the site's natural landform, surrounding sites, structures and streetscapes;
- C. That the proposed development produces compatible transitions in the scale, bulk, coverage, density and character of the development between adjacent land uses;
- D. That the building site and architectural design is accomplished in an energy efficient manner;
- E. That the materials, textures and details of the proposed construction, to the extent feasible, are compatible and consistent with the adjacent and neighboring structures;
- F. That the development proposal does not unnecessarily block views from other buildings or from public ways, or visually dominate its surroundings with respect to mass and scale to an extent unnecessary and inappropriate to the use;
- G. That the amount, location, and design of open space and landscaping conforms to the requirements of the Development Code, enhances the visual appeal and is compatible with the design and functions of the structure(s), site and surrounding area;
- H. That quality in architectural design is maintained in order to enhance the visual desert environment of the Town and to protect the economic value of existing structures;
- I. That there are existing public facilities, services, and utilities available at the appropriate levels and/or that new or expanded facilities, services and utilities shall be required to be installed at the appropriate time to serve the project as they are needed;
- J. That access to the site and circulation on and off-site is required to be safe and convenient for pedestrians, bicyclists, equestrians and motorists;
- K. That traffic generated from the proposed project has been sufficiently addressed and mitigated and will not adversely impact the capacity and physical character of surrounding streets;
- L. That traffic improvements and/or mitigation measures have been applied or required in a manner adequate to maintain a Level of Service C or better on arterial roads, where applicable, and are consistent with the Circulation Element of the Town General Plan;
- M. That there will not be significant harmful effects upon environmental quality and natural resources including endangered, threatened, rare species, their habitat, including but not limited to plants, fish, insects, animals, birds or reptiles;

- N. That there are no other relevant or anticipated negative impacts of the proposed use that cannot be mitigated and reduced to a level of non-significance in conformance with CEQA, the California Environmental Quality Act;
- O. That the impacts which could result from the proposed development, and the proposed location, size, design and operating characteristics of the proposed development, and the conditions under which it would be operated or maintained will not be considered to be detrimental to the public health, safety and welfare of the community or be materially injurious to properties and/or improvements within the immediate vicinity or be contrary to the General Plan; and
- P. That the proposed development will comply with each of the applicable provisions of the Development Code and applicable Town policies, except approved variances.

9.63.090 – Minor Modifications of Previously Approved Conditional Use Permit

An approved Conditional Use Permit may be modified upon the request of the property owner, or by the Town. Minor Modifications may be approved by the Director if it is determined that the changes would not affect the findings prescribed in Section 9.63.080, *Required Findings*, and that the subject of the proposed changes were not items of public controversy during the review and approval of the original permit; including modifications to phasing schedules for the project.

9.63.100 – Lapse of Permits/Permit Expiration

- A. **Expiration.** A Conditional Use Permit approval shall expire three (3) years from the date the permit is approved unless it is otherwise conditioned or unless prior to the expiration of the three (3) years the following have occurred:
 - 1. A building permit is issued and substantial construction is diligently pursued towards completion of the project which was the subject of the Conditional Use Permit application. After construction is commenced, if work is discontinued for a period of two (2) years, the Conditional Use Permit shall require review and reauthorization by the Commission; or
 - 2. A certificate of occupancy is issued for the structure which was the subject of the Conditional Use Permit application.
- B. **Phased Projects.** Projects may be built in phases if so approved by the Commission or Director pursuant to Section 9.63.090, *Minor Modifications of Previously Approved CUP*.

9.63.110 – Extension of Time

The Commission may grant a time extension not to exceed three (3) years. Applications shall be made on a form to be provided by the Planning Division. Prior to the granting of an extension, the Planning Division shall review the previously approved project to ensure it is consistent with all current provisions of the General Plan, Development Code and other Town Ordinances and that the findings for approval of a Conditional Use Permit in compliance with Section 9.63.080, *Required Findings*, can be made. Based upon this review, additional Conditions of Approval may be imposed upon the project by the review authority when the Extension of Time is approved.

The Commission may grant additional extensions of time provided that the project is consistent with the General Plan, Development Code, Master Plans and Specific Plans.

9.63.120 – CUP Amendment

Refer to Article 5, Chapter 9.83 Permit Amendments.

9.63.130 – CUP Revocation

Refer to Article 5, Chapter 9.84 Permit Revocations.

9.63.140 – Development of Property Before Final Decision

A building permit shall not be issued for, and no person shall commence to use, any structure until that structure and its accompanying development has received a Conditional Use Permit in compliance with the provisions of this Chapter. In addition, no other permits shall be issued for any use or structure requiring a Conditional Use Permit unless and until the Conditional Use Permit has been approved.

9.63.150 – Alteration to Nonconforming Use

A. Procedure:	Administrative Review
Reviewing Authority:	Director

The Director shall review and act upon requests to alter nonconforming uses.

B. An existing nonconforming use may be altered to accommodate a new structure or accessory use, except where it is an existing nonconforming use of land with no structure thereon.

C. Findings. Before any modification in a nonconforming use may be granted, it shall be found that all of the following conditions shall exist in reference to the alteration being considered:

1. The remaining normal life of the existing nonconforming use shall be determined pursuant to provisions specified in this Code prior to consideration of the proposed alteration if in a residential district.
2. The proposed alteration shall not prolong the normal life of the existing nonconforming use.

3. The alteration of the existing nonconforming use shall not be detrimental to nor prevent the attainment of objectives, policies, general land use and programs specified in the Town General Plan.
4. The granting of permission to alter the nonconforming use shall not be substantially detrimental to the public health, safety or welfare, or injurious to the property or improvements in the vicinity and district in which the use is located.
5. The alteration shall not change the primary use of the land nor increase the intensity of that use.
6. The existing nonconforming use shall comply with all other existing regulations.
7. Any alteration required by governmental or court action shall be exempt from these conditions.

9.63.160 – Surface Mining and Reclamation

State law requires a public hearing review for the Surface Mining and Reclamation process. The Mining and Land Reclamation Plan Application combine a Conditional Use Permit and Reclamation Plan into one application.

Chapter 9.64 Development Agreements

Sections:

- 9.64.010 – Purpose, Authority and Findings
- 9.64.020 – Qualifications of Applicant
- 9.64.030 – Application Submittal Requirements
- 9.64.040 – Application Fee
- 9.64.050 – Investigation and Report
- 9.64.060 – Action by Review Authorities
- 9.64.070 – Amendment or Cancellation of Development Agreements
- 9.64.080 – Recordation
- 9.64.090 – Periodic Review
- 9.64.100 – Modification, Termination or Suspension

9.64.010 – Purpose, Authority and Findings

This Chapter establishes procedures and requirements for consideration of development agreements. The purpose of this Chapter is to recognize that major, multi-phased development projects may require the developer to commit a substantial investment in “up front” costs and that some assurances that changing regulations will not adversely affect the entitlements of the project may be necessary to justify the “up front” costs. The purpose of this Chapter is also to recognize that the Town has an interest in assuring that large scale, long-term projects are implemented as approved. Development agreements may provide the mechanism to provide needed stability for such projects. These provisions are adopted under the authority of Title 7, Division 1, Chapter 4, Article 2.5 of the California Government Code (commencing at Section 65864). The findings and purposes as set forth in California Government Code Section 65865.

- A. **Assurances to the applicant.** A development agreement is intended to provide assurance to the applicant that an approved project may proceed subject to the policies, regulations, rules, and conditions of approval applicable to the project at the time of approval, regardless of any changes to town policies, regulations, and rules after project approval.
- B. **Assurances to the Town.** In return, the Town is provided assurance that the project would further important town goals and policies which have been officially recognized by the Council, and provide the Town with significant, tangible benefits beyond those that may be required by the Town through normal project conditions of approval.

9.64.020 – Qualifications of Applicant

Only a qualified applicant may file an application to enter into a development agreement, as determined at the sole discretion of the town. A qualified applicant is a person who has legal or equitable interest in the real property which is the subject of the development agreement. An applicant shall submit written proof of interest in the real property or of the authority of any agent to act for the applicant.

9.64.030 – Application Submittal Requirements

Applications for Development Agreements shall be filed on a form prescribed by the Planning Division and shall contain such information and reports as may be required by the Town in order to render a decision consistent with the purpose and findings required by this Chapter.

9.64.040 – Application Fee

The application shall be accompanied by a fee established by resolution of the Council to cover the cost of handling and processing the application as prescribed in this Chapter.

9.64.050 – Investigation and Report

The Director shall cause an analysis of each application for a Development Agreement to be made. The level of detail of the analysis shall be appropriate to the type of project proposed and the needs of the Commission and Council. The analysis shall examine the application's consistency with the content, intent and purpose of the General Plan, the Development Code, and any other applicable standards or policies. To insure effective implementation of General Plan policies and the provisions of this Code, applications may be reviewed by the Development Review Committee prior to consideration by the Commission. As a result of the analysis, the Director shall cause a report to be completed including findings regarding the public health, safety and welfare.

9.64.060 – Action by Review Authorities

- A. **Notice of Hearing.** A public hearing for an application for a development agreement shall be held by the Commission and the Council. The Notice of Intention to consider a development agreement by the Commission and Council is governed by California Government Code Sections 65090 and 65091 and shall be consistent with Chapter 9.85, *Public Notices and Hearings*.
- B. **Recommendation by Commission.** The Commission shall make its recommendation in writing to the Council. The recommendation shall include the Commission's determination of whether the development agreement proposed is:
 - 1. Consistent with the objectives, policies, land uses and programs specified in the General Plan and any applicable specific plan;
 - 2. Compatible with the uses authorized in, and the regulations prescribed for, the land use district in which the real property is located; and
 - 3. Beneficial to the public health, safety, and welfare.
- C. **Decision of the Council**
 - 1. The Council may approve, modify, or deny the recommendation of the Commission. It may, but need not, refer matters not previously considered by the Commission back to the Commission for report and recommendation. The Commission may, but need not, hold a

public hearing on matters referred back to it by the council. Failure of the Commission to respond to a Council referral within forty-five (45) days shall constitute their (the Commission's) recommendation for approval.

2. The Council may not approve the development agreement unless it finds that the provisions of the agreement are: (1) consistent with the General Plan or any applicable specific plan; (2) compatible with the uses authorized in, and the regulations prescribed for the land use district in which the real property is located; and (3) in conformity with good land use planning; and (4) not detrimental to the health, safety and welfare.
3. Consideration for and action upon development agreements shall be consistent with and in accordance with applicable State law.

D. Approval of Development Agreements. If the Council approves a development agreement, it shall do so by the adoption of an ordinance. Such approval is a legislative act and such ordinance is subject to referendum.

9.64.070 – Amendment or Cancellation of Development Agreements

- A. Either party (or successors in interest thereof) may initiate an amendment to, or cancellation in whole or in part of, a previously executed development agreement.
- B. The procedure for initiating and adopting an amendment to, or a cancellation in whole or in part of, the development agreement is the same as the procedure for entering into the original agreement.
- C. A development agreement, after notice and public hearing, may be amended or canceled in whole or in part by mutual consent of the parties to the development agreement or their successors in interest.
- D. Amendment of a development agreement is a legislative act and must be approved by ordinance, which ordinance is subject to referendum.

9.64.080 – Recordation

- A. The applicant shall present to the Director the written consent to the development agreement of all parties having record ownership interest in the real property which is the subject of the development agreement, prior to the approval of the agreement by the Council.
- B. No later than ten (10) days after the Council approves the development agreement, the Town Clerk shall record with the County Recorder a copy of the development agreement which shall describe the land subject thereto.
- C. If the parties to the agreement (or their successors in interest) amend or cancel the agreement as provided in California Government Code Section 65868, or if the Council terminates, or modifies the agreement as provided in Government Code Section 65865.1, the Town Clerk shall record the appropriate document with the County Recorder in the manner prescribed by State law.

9.64.090 – Periodic Review

- A. The Town shall review the development agreement every twelve (12) months from the date the agreement is entered into through a public hearing by the Commission and Council.
- B. The Director shall initiate the review proceeding by giving notice as provided by Chapter 9.85, *Public Notices and Hearings*, that the Town intends to undertake a periodic review of the development agreement and shall prepare a staff report and recommendation.
- C. The Director shall determine whether the property owner has demonstrated good faith compliance with the terms and conditions of the development agreement.
- D. If the Director finds and determines on the basis of substantial evidence that the property owner has complied in good faith with all terms and conditions of the agreement during the period of review, the review for that period is concluded.
- E. If the Director finds and determines on the basis of substantial evidence that the property owner has not complied in good faith with any one or more of the terms or conditions of the development agreement during the period under review:
 - 1. The Town may initiate proceedings to modify or terminate the agreement or undertake other enforcement action as deemed appropriate;
- F. Such periodic review will end when all the terms and conditions have been completed as found and determine necessary by the Commission and Council after public hearings.

9.64.100 – Modification, Termination or Suspension

- A. A development agreement or portions thereof may be modified or terminated upon a finding of noncompliance under subsection 9.64.100, *Modification, Termination and Suspension*. In the event that State or Federal laws enacted after a development agreement has been entered into, prevent or preclude compliance with one or more provisions of the development agreement, such provisions of the agreements shall be modified or suspended as deemed necessary by the Council, on a recommendation by the Commission, to enforce compliance by the property owner with such subsequently enacted State or Federal laws or regulations. If such proceedings are initiated, notice shall be given as prescribed by this Code and applicable State law.
- B. At the time and place set for the public hearing on modification, suspension or termination of the development agreement, the property owner and the public shall be given an opportunity to be heard. The finding of noncompliance under subsection 9.64.060(C), *Decision of the Town Council*, shall be deemed final and not subject to reconsideration at this hearing. The issue at this hearing shall be whether termination, suspension or modification is warranted, and if so, in what respects. The Council may impose those conditions to the action it takes as it deems to be in the best interest of the Town.

Chapter 9.65 General Plan Amendments

Sections:

- 9.65.010 – Purpose
- 9.65.020 – Initiation
- 9.65.030 – Notification Procedures
- 9.65.040 – Commission Action
- 9.65.050 – Council Action
- 9.65.060 – Required Findings.
- 9.65.070 – Amendment Frequency.
- 9.65.080 – Consistency Zoning

9.65.010 – Purpose

The text, diagrams, or maps of the General Plan may be amended to reflect changing physical and development needs of the Town over time, as determined by the Council to be in the best interest of the Town for the health, safety and welfare of the community.

9.65.020 – Initiation

- A. **Procedure.** A General Plan Amendment may be initiated by filing an amendment application by one (1) or more property owners, affected by the proposed amendment or the Council.

If the Council initiates a change or addition to the General Plan, it may direct staff to process the amendment.

If the Commission wishes to initiate an amendment, it shall be referred to the Council for concurrence to initiate the amendment. The Council may then direct staff to process the amendment.

If the Director wishes to initiate an amendment, it shall be referred to the Commission for review and referral to Council.

Fees. Application for a General Plan Amendment made by one (1) or more property owners affected by the proposed amendment shall be accompanied by a fee established by resolution of the Council and shall include submittal requirements as prescribed by the Director.

9.65.030 – Notification Procedures

A. Public Hearing Notice.

Upon receipt in proper form of a General Plan Amendment application, or upon receiving direction from the Council, and following a Department review and recommendation, public hearings shall be set as hereinafter provided before the Commission and Council.

B. Other Agency Notice.

Pursuant to Government Code Section 65352, at least forty-five (45) days prior to Council action on a proposed amendment, the Planning Division shall notify the planning agency of every city which abuts the Town, the County, the Local Agency Formation Commission (LAFCO), and area-wide planning agency or federal agency whose operations may be significantly affected by the proposed action, each governmental body, commission, or council/board, including those of any school, public water system, or special districts, whose jurisdiction lies wholly or partially within the Town whose functions include recommending, preparing plans for, or constructing major public works projects, and any California Native American tribe that is on the contact list maintained by the Native American Heritage Commission with traditional lands located within the Town.

9.65.040 – Commission Action

A. Public Hearing Required. The Commission shall hold a public hearing after giving notice as required by Chapter 9.85, *Public Hearings and Notice*.

B. Commission Recommendation. The Commission shall make a written recommendation whether to approve, approve in modified from, or deny the proposed amendment. A recommendation for approval shall be made by an affirmative vote of not less than a majority of the total membership of the Commission.

9.65.050 – Council Action

A. Council Options. Upon receipt of the Commission's recommendation, the Council may approve, approve with modifications, or disapprove the proposed amendment based upon the findings contained in Section 9.65.060, *Required Findings*.

B. Amendment to be made by Resolution. Amendments to General Plan shall be made by resolution. A General Plan Amendment shall be effective upon passage of the Council's Resolution.

C. Public Hearing by Council. Upon receipt of a Commission recommendation, the Council shall hold a public hearing and notices shall be mailed as set forth in Chapter 9.85, *Public Hearings and Notice*. Notice shall also be given to the applicant, any property owners affected by the proposed amendment and, if applicable, the appellant. The Planning Division shall submit a report and meeting minutes of the Commission's recommendation to the Council setting forth the reasons for action taken by the Commission.

D. Council Modifications to Proposed Amendment. Any significant modification of an amendment which (modification) was not previously considered by the Commission during its hearing shall be referred to the Commission for report and recommendation. The Commission is not required to hold a hearing on such modification, and their failure to respond to Council referral within forty-five (45) days shall constitute their (the Commission's) recommendation for approval.

9.65.060 – Required Findings.

The Council shall make the following findings in adopting an amendment to the General Plan:

- A. The proposed General Plan Amendment is consistent with the goals, policies and standards of the all elements of the General Plan and will further those goals, policies and standards;
- B. The General Plan as amended will comprise an integrated, internally consistent and compatible statement of policies for the Town; and
- C. The General Plan amendment furthers the public interest and promotes the general welfare of the Town by providing for logical pattern of land uses and clarifying various land use policies for the Town.

9.65.070 – Amendment Frequency.

Each mandatory element of the General Plan shall not be amended more than four (4) times in a calendar year. Each of the four allowed amendments may encompass a variety of different changes to the element, however they must be processed and reviewed concurrently.

9.65.080 – Consistency Zoning

When a General Plan amendment affects the land use designation of specific properties, those properties are required to be concurrently rezoned to a zoning district(s) as necessary to maintain consistency with the General Plan.

Chapter 9.66 Land Use Compliance Review

Sections:

- 9.66.010 – Applicability
- 9.66.020 – Minor Modification of Previously Approved Land Use Compliance Review
- 9.66.030 – Lapse of Permits/Permit Expiration
- 9.66.040 – Extension of Time
- 9.66.050 – Amendment
- 9.66.060 – Revocation
- 9.66.070 – Fees

9.66.010 – Applicability

- A. A Land Use Compliance review is required for proposed expansions of existing developed properties pursuant to Table 4.4:

TABLE 4.4
LAND USE COMPLIANCE
EXPANSION THRESHOLDS

SQUARE FOOTAGE OF EXISTING BUILDING	MAXIMUM SQUARE FOOTAGE	MAXIMUM PERCENTAGE
up to 5,000	1250 sq ft	50%
5,001 – 10,000	2000 sq ft	50%
10,001 +	2500 sq ft	50%

Proposed total expansions through Land Use Compliance Review applications shall not exceed the maximum square footage threshold or exceed the maximum percentage threshold identified in table 4.4.

- B. Expansions which exceed the thresholds specified in Table 4.4 shall follow the procedures in Chapter 9.63 *Conditional Use Permit Review Criteria* or Chapter 9.68 *Site Plan and Design Review Permit* as required by the specific Land Use District in which the property is located.
- C. Projects are reviewed and acted upon by the Director and notice is not required.
- D. Projects which fall within the thresholds of the Land Use Compliance Review shall comply with the following:
1. Commercial Design Guidelines
 2. Outdoor Lighting regulations
 3. Parking and screening requirements

4. Sign regulations
 5. Dedication of easements for drainage facilities, streets, trails, avigation easements as required by this code and any adopted plans.
 6. All other applicable Development Code regulations
- E. Projects which fall within the thresholds of the Land Use Compliance Review shall not be required the following:
1. Half-width (½) street Improvements (curb, gutter, sidewalk, street lights, pavement) on all streets fronting the project
 2. Onsite water retention of incremental increase
 3. Improvements to drainage facilities, except as defined by the parameters of the Council policies regarding drainage facilities
 4. Assessment Districts formation (including Landscape and Lighting, Street and Drainage and Public Safety)
 5. Utility Undergrounding, pursuant to adopted standards
 6. Additional Landscaping

9.66.020 – Minor Modification of Previously Approved Land Use Compliance Review

An approved Land Use Compliance Review may be modified upon the request of the property owner, or by the Town. Minor Modifications may be approved by the Director if it is determined that the changes would not affect the findings prescribed in Section 9.83.050, *Required Findings*, and that the subject of the proposed changes were not items of public controversy during the review and approval of the original permit; including modification of the phasing schedule for the project.

9.66.030 – Lapse of Permits/Permit Expiration

- A. **Expiration.** Land Use Compliance Review approval shall expire three (3) years from the date the permit is approved unless it is otherwise conditioned or unless prior to the expiration of the three (3) years the following have occurred:
1. A building permit is issued and substantial construction is diligently pursued towards completion of the project which was the subject of the Land Use Compliance Review application. In addition, if after construction is commenced, work is discontinued for a period of two (2) years, then the Land Use Compliance Review shall become null and void; or
 2. A certificate of occupancy is issued for the structure which was the subject of the Land Use Compliance Review.

B. Phased Projects. Projects may be built in phases if so approved by the Director or as modified by the Director

1. After a Land Use Compliance Review has been approved and the expansion project is constructed and has received a Certificate of Occupancy by the Building and Safety Division, a subsequent Land Use Compliance Review shall not be approved by the Town for a period of three (3) years. Should an additional expansion be necessary during the three (3) years following final inspection the applicant or project owner shall present to the Commission those circumstances, facts and issues for special consideration of additional construction within that 3 year time period. If not so approved by the Planning Commission the project will require a Conditional Use Permit or Site Plan and Design Review, consistent with the use classification charts for the appropriate land use district.

A maximum of two (2) LUCR applications may be approved for a site. Should additional expansions be necessary, the project shall reviewed through a Site Plan and Design Review or Conditional Use Permit as required by this Code.

9.66.040 – Extension of Time

The Director may grant a time extension not to exceed three (3) years. Applications shall be made on a form to be provided by the Planning Division. Prior to the granting of an extension, the Director shall review the previously approved project to ensure it is consistent with all current provisions of the General Plan, Development Code and other Town Ordinances. Based upon this review, additional Conditions of Approval may be imposed upon the project by the review authority when the Extension of Time is approved.

The Director may grant additional extensions of time provided that the project is consistent with the General Plan, Development Code, Master Plans and Specific Plans.

9.66.050 – Amendment

Refer to Article 5, Chapter 9.83 Permit Amendments.

9.66.060 – Revocation

Refer to Article 5, Chapter 9.84 Permit Revocations.

9.66.070 – Fees

The application shall be accompanied by a fee established by resolution of the Council to cover the cost of handling and processing the application as prescribed in this Chapter

Chapter 9.67 Planned Development Permits

Sections:

- 9.67.010 – Purpose
- 9.67.020 – Planned Development Permits
- 9.67.030 – Required Findings
- 9.67.040 – Concurrent Subdivision Applications
- 9.67.050 – Development Plans
- 9.67.060 – Amendment
- 9.67.070 – Revocation
- 9.67.080 – Fees

9.67.010 – Purpose

The Planned Development process is intended to facilitate development of properties where greater flexibility in design is desired to provide a more efficient use of land than would be possible through strict application of land use district regulations. This process is also intended to serve as an alternative site planning process that encourages the more creative and imaginative planning, consistent with the density and intensity of uses allowed by the General Plan, within the framework of a single cohesive development plan .

9.67.020 – Planned Development Permits

The Commission shall review and the Council shall act upon all initial applications for preliminary development plans and significant revisions to previously approved preliminary development plans for Planned Developments. However, a recommendation for denial by the Commission shall terminate any application for a Planned Development, unless it is appealed in accordance with the provisions of this Title. The Commission shall review and act upon all applications for final development plans for Planned Developments. The Development Review Committee shall review all applications for preliminary or final development plans prior to their review by the Commission or Council.

9.67.030 – Required Findings

Prior to approving a request for a Planned Development, the reviewing authority shall find that all of the following are true:

- A. The proposed development is consistent with the General Plan and any applicable plan.
- B. The physical characteristics of the site have been adequately assessed and that the site for the proposed development is adequate in size and shape to accommodate said use and all yards, open spaces, setbacks, walls and fences, parking areas, loading areas, landscaping and other features.

- C. The site for the proposed development has adequate access, meaning that the site design and development plan conditions consider the limitations of existing streets and highways and provide improvement to accommodate the anticipated requirements of the proposed development.
- D. Adequate public services and facilities exist, or will be provided in accordance with the conditions of development plan approval, to serve the proposed development and that the approval of the proposed development will not result in a reduction of such public services to properties in the vicinity to be a detriment to the public health, safety and welfare.
- E. The proposed development, as conditioned, will not have a substantial adverse effect on surrounding property or the permitted use thereof, and will be compatible with the existing and planned land use character of the surrounding area.
- F. The improvements required per the conditions of development plan approval, and the manner of development adequately address all natural and manmade hazards associated with the proposed development and the project site including, but not limited to, flood, seismic, fire and slope hazards.
- G. The proposed development carries out the intent of the Planned Development provisions by providing a more efficient use of the land and an excellence of design greater than that which would be achieved through the application of conventional development standards.

9.67.040 – Concurrent Subdivision Applications

Applications for a Planned Development shall not constitute an application for subdivision. If a subdivision of land is proposed in conjunction with a Planned Development project, separate application, review and findings shall be made in accordance with the provisions of this Code.

In the event a tentative subdivision map application is concurrently filed with a Planned Development application, expiration of an approved or conditionally approved Planned Development site plan shall terminate all proceedings of any associated land use application. No final subdivision map or parcel map of all or any portion of the real property included within such a Planned Development site plan shall be filed for record without first processing a new Planned Development site plan.

9.67.050 – Development Plans

A detailed site plan or development plan shall be submitted with all Planned Development proposals. All such development plans shall contain sufficient detail to depict the manner in which the proposed development complies with the provisions of this article and that of Division 8 of this Title.

Planned Development requests for mixed use projects or projects with more than five hundred (500) dwelling units may be submitted in two stages. The first stage shall be referred to as a Preliminary Development Plan and the second stage shall be referred to as a Final Development Plan. Preliminary Development Plans and Final Development Plans are defined as follows:

- A. **Preliminary Development Plan.** A preliminary Development Plan (PDP) functions as a development suitability analysis and a comprehensive plan of the proposed developments. The PDP:

1. Identifies and quantifies the constraints and opportunities for development as follows:
 - a. The physical characteristics of the site,
 - b. Available public services and facilities,
 - c. The capacity of the existing circulation system, and
 - d. The existing and planned land use of adjacent properties
2. Establishes a list of specific limits, parameters and planning objectives to guide development based on the identified development constraints and opportunities.
3. Describes one or more potential development schemes derived from the limits, parameters and planning objectives controlling the development. Each proposed development scheme shall describe:
 - a. Proposed land uses and approximate distribution of such land uses,
 - b. Proposed density of residential uses,
 - c. Estimated population,
 - d. Estimated service demands,
 - e. The anticipated impact on the existing circulation system,
 - f. The anticipated impact on the adjacent properties,
 - g. The relationship of the plan to the various elements of the General Plan, and
 - h. The anticipated types of uses.
4. Sets forth in the form of a written text, maps and/or diagrams, a detailed plan of development based upon the application of the established limits, parameters and planning objectives controlling development. Said plan shall describe in detail the following:
 - a. Proposed land uses and building types, the functional arrangement of such uses and building types and relationship to size, site grading, circulation, lighting, paving, parking, screening, setbacks, recreation and open space areas, and adjacent properties,
 - b. How the established limits, parameters and planning objectives have been adhered to,
 - c. The level of public services and facilities required by the proposed development and the program for providing, operating and maintaining such services and facilities,
 - d. Access and circulation requirements,

- e. Known man-made and natural hazards and methods for mitigation of such hazards,
- f. Significant natural features and areas to be retained for common open space, and provisions for the preservation, conservation, utilization and maintenance of such areas, and
- g. How the plan conforms to the objectives of the General Plan and the Planned Development provisions of this Code.

B. Final Development Plan. The Final Development Plan is a detailed site plan which sets forth the location and dimensions of all uses and structures in sufficient detail to permit recordation and preparation of construction drawings.

The Final Development Plan shall comply with all approved Preliminary Development Plans. If no such Preliminary Development Plan has been approved, the Final Development Plan shall also meet the requirements for Preliminary Development Plans for the project site.

C. Application Procedures for Phased Development:

- 1. An applicant may file the Preliminary with the Final Development Plan, with the consent of the Director.
- 2. An application for a Preliminary Development Plan shall encompass all the land included within the Planned Development. A Final Development Plan may be for a portion of the land included within the Planned Development or a phase thereof, provided that:
 - a. Each phase shall function as a complete and separate development from the remaining phases, and
 - b. Any densities proposed or open space areas provided within the subject phase shall not result from a transfer of density from adjoining phases.

D. Pre-application Conference. Prior to the formal submission of a Planned Development application, the applicant shall meet with the Development Review Committee in order to acquaint the applicant with the procedural requirements of the Planned Development provisions of this Code and to discuss the general acceptability of the plan and its compatibility with applicable policies, issues and development regulations. The pre-application conference shall be required for mixed use, phased development plans only.

E. Conformance of Plans. Each Final Development Plan shall substantially conform to the Preliminary Development Plan.

9.67.060 – Amendment

Refer to Article 5, Chapter 9.83 Permit Amendments.

9.67.070 – Revocation

Refer to Article 5, Chapter 9.84 Permit Revocations.

9.67.080 – Fees

The application shall be accompanied by a fee established by resolution of the Council to cover the cost of handling and processing the application as prescribed in this Chapter

Chapter 9.68 Site Plan and Design Review

Sections:

- 9.68.010 – Purpose and General Plan consistency
- 9.68.020 – Applicability
- 9.68.030 – Authority
- 9.68.040 – Application Submittal Requirements
- 9.68.050 – Application Fee
- 9.68.060 – Investigation and Report
- 9.68.070 – Action by review Authority
- 9.68.080 – Required Findings
- 9.68.090 – Minor Modification of Previously Approved Site Plan and Design Review
- 9.68.100 – Lapse of Permits/Permit Expiration
- 9.68.110 – Extension of Time
- 9.68.120 – Amendment
- 9.68.130 – Revocation
- 9.68.140 – Development of Property Before Final Decision

9.68.010 – Purpose and General Plan consistency

The Site Plan and Design Review procedure allows the Town to evaluate proposed development and determine its consistency with the General Plan, the Development Code and applicable Town ordinances. The Site Plan and Design Review procedure is intended to protect and enhance the visual appeal, environment, economic stability and property values of the Town's residential, commercial, and industrial areas through the application of the provisions of this Code and the General Plan. Review of such uses is necessary and specific conditions of approval may be necessary to ensure that the uses are developed, operated, and located properly with respect to their effects on surrounding properties and so that any and all potentially adverse impacts are mitigated, and to ensure the general health, safety and welfare of the community through implementation of the General Plan through this Chapter.

9.68.020 – Applicability

The provisions of this Article apply to:

- A. All new construction which is listed in the use classification charts for the underlying land use districts that require a Site Plan and Design Review.
- B. Expansions which exceed the thresholds of Table 4.5 and are permitted subject to a Site Plan and Design Review as specified in the use classification charts for the underlying land use district shall require a Site Plan and Design Review.

TABLE 4.5
SITE PLAN AND DESIGN REVIEW
EXPANSION THRESHOLDS

SQUARE FOOTAGE OF EXISTING BUILDING	MAXIMUM SQUARE FOOTAGE	MAXIMUM PERCENTAGE
up to 5,000	1250 sq ft	50%
5,001 – 10,000	2000 sq ft	50%
10,001 +	2500 sq ft	50%

C. Change in use of an existing building

D. Projects which fall within the thresholds of the Site Plan and Design Review shall comply with the General Plan, the Development Code and applicable Town Ordinances and regulations, including but not limited to:

1. Half-width (1/2) street Improvements (curb, gutter, sidewalk, street lights, and pavement) on all streets fronting the project except as defined by the parameters of the Council policies regarding Street Reconstruction.
2. Onsite water retention of the incremental increase
3. Dedication of easements for drainage facilities, streets, trails, avigation easements as required by this code and any adopted plans.
4. Improvements to drainage facilities except as defined by the parameters of the Council policies regarding drainage facilities.
5. Assessment Districts Formation (including Landscape and Lighting, Street and Drainage Community Facilities District and Public Safety)
6. Utility Undergrounding, pursuant to adopted standards
7. Landscaping and Landscaping Plan regulations (greater than 500 square feet of landscape area require approval by Hi Desert Water District)
8. Commercial Design Guidelines
9. Outdoor Lighting regulations
10. Parking and screening requirements
11. Sign regulations
12. All other Development Code regulations

E. Expansions which fall within the thresholds specified in Table 4.5 shall be processed as a Land Use Compliance Review, pursuant to Chapter 9.66.

9.68.030 – Authority

A. Level of Review:

TABLE 4.6
SITE PLAN AND DESIGN REVIEW
LEVEL OF REVIEW

APPLICABILITY	LEVEL OF REVIEW	NOTICE REQUIREMENTS
New structures, including accessory structures and uses;	Commission	None
Expansion of an existing structure in conformance with Table 4.5;	Director	None
Expansion of an existing structure which exceeds the standards as established in Table 4;	Commission	None
Conversion of an existing structure (i.e. change in use);	Commission	None
Construction or conversion of a structure(s) to allow a mixed-use development.	Commission	None

Where the review for Site Plan and Design Review Permits is not specified, the Director shall determine the appropriate review authority.

B. Referral to Next Higher Review Authority. . The Commission may refer an application for a Site Plan and Design Review Permit to the Council based upon the following criteria:

1. Impact upon public services and facilities greater than typical for the type of project proposed;
2. Impact upon surrounding properties greater than typical for the type of project proposed;
3. Floor or site square footage greater than typically found in the type of project;
4. Intensity of use greater than typically found in the type of projects;
5. Operating Characteristics not typical of the type of project proposed.
6. Other factors including but not limited to public opposition to development of the project.
7. The need for Commission and or Council interpretation of the General Plan and/or Development Code as related to the project.

C. General Authority. The Commission is authorized to approve, approve with conditions, or deny applications for Site Plan and Design Review Permits in compliance with the procedures established in this Section. In approving an application for a Site Plan and Design Review Permit, the Commission may impose conditions to ensure compliance with this Code. Conditions may include, but shall not be limited to:

1. Requirements for special structure setbacks;

2. Open spaces;
3. Buffers;
4. Fences;
5. Walls and screening;
6. Requirements for the installation and maintenance of landscaping and erosion control measures;
7. Control of street improvements, other public infrastructure and related dedications;
8. Control of vehicular ingress and egress;
9. Control of traffic circulation;
10. Control of signs;
11. Control of hours of operation;
12. Control of potential nuisances;
13. Establishing standards for maintenance of buildings and grounds;
14. Establishment of development schedules and development standards;
15. Control of periodic review;
16. Control of architectural and/or building design
17. Any other conditions as may be deemed necessary to ensure the compatibility with surrounding uses, to preserve the public health, safety and welfare, and to enable the Commission to make the findings required by Section 9.68.080, *Required Findings*.

D. Performance Guarantee. In order to ensure implementation of conditions attached to a Site Plan and Design Review, the applicant may be required to furnish a surety in a form of an instrument of credit, money or surety bond in the amount fixed by the authority granting or modifying the Site Plan and Design Review Permit.

E. Providing Required Improvements. Whenever a Site Plan and Design Review is approved or modified subject to the condition that specified public improvements shall be installed by the applicant to meet Town standards and be accepted by the Town, the applicant may be required to execute an agreement approved by the Town to make such improvements prior to the time/construction events specified in the Site Plan and Design Review Permit.

F. Conditions Declared Void. Whenever any final judgment of a court of competent jurisdiction declares one or more of the conditions of a Site Plan and Design Review to be unconstitutional or

invalid, such decision shall not affect the validity of the approval as a whole, or any portion thereof other than the section so declared.

- G. **Violation of Condition.** Whenever a Site Plan and Design Review Permit is approved or modified by the Commission subject to a condition(s), non-compliance with such conditions shall constitute a violation of this Code. Conditions which are not observed or which are violated may be enforced as provided in Chapter 9.82 or said Site Plan and Design Review Permit may be revoked or modified under Chapter 9.83, *Permit Amendments* and Chapter 9.84, *Permit Revocation*.

9.68.040 – Application Submittal Requirements

Applications for Site Plan and Design Review Permits shall be filed on a form prescribed by the Planning Division and shall contain such information and reports as may be required by the application submittal package or by other applicable ordinances or by the Town in order for the Commission to make the required findings.

9.68.050 – Application Fee

The application shall be accompanied by a fee established by resolution of the Council to cover the cost of handling and processing the application as prescribed in this Chapter.

9.68.060 – Investigation and Report

The Director shall cause an analysis of each application for a Site Plan and Design Review to be made. The level of detail of the analysis shall be appropriate to the type of project proposed and the needs of the Commission. The analysis shall examine the application's consistency with the content, intent and purpose of the General Plan, the Development Code, and any other applicable Town standards or policies. To insure effective implementation of General Plan policies and the provisions of this Code, applications may be reviewed by the Development Review Committee prior to consideration by the Commission. As a result of the analysis, the Director shall cause a report to be completed which shall include a listing of proposed conditions necessary to guarantee the public health, safety and welfare, should the proposed project be approved.

9.68.070 – Action by review Authority

Commission Action. Pursuant to Section 9.68.030, *Authority*, the Commission shall review each application for a Site Plan and Design Review. The applicant shall be provided with a copy of the Planning Division's report regarding the application prior to the Commission's consideration. The Commission shall approve, deny, or conditionally approve applications for Site Plan and Design Review. Decisions by the Commission shall be final unless appealed as provided in Chapter 9.81, *Appeals*.

9.68.080 – Required Findings

Before approving a Site Plan and Design Review Permit, the Commission shall find that the circumstances established below apply;

- A. That the location, size, design, density and intensity of the proposed development is consistent with the General Plan, the purpose of the land use district in which the site is located, and the development policies and standards of the Town;
- B. That the location, size, design and architectural design features of the proposed structures and improvements are compatible with the site's natural landform, surrounding sites, structures and streetscapes;
- C. That the proposed development produces compatible transitions in the scale, bulk, coverage, density and character of the development between adjacent land uses;
- D. That the building site and architectural design is accomplished in an energy efficient manner;
- E. That the materials, textures and details of the proposed construction, to the extent feasible, are compatible with the adjacent and neighboring structures.
- F. That the development proposal does not unnecessarily block views from other buildings or from public ways, or visually dominate its surroundings with respect to mass and scale to an extent unnecessary and inappropriate to the use;
- G. That the amount, location, and design of open space and landscaping conforms to the requirements of the Development Code, enhances the visual appeal and is compatible with the design and functions of the structure(s), site and surrounding area;
- H. That quality in architectural design is maintained in order to enhance the visual environment of the Town and to protect the economic value of existing structures;
- I. That there are existing public facilities, services, and utilities available at the appropriate levels and/or that new or expanded facilities, services and utilities shall be required to be installed at the appropriate time to serve the project as they are needed;
- J. That access to the site and circulation on and off-site is required to be safe and convenient for pedestrians, bicyclists, equestrians and motorists;
- K. That traffic generated from the proposed project has been sufficiently addressed and mitigated and will not adversely impact the capacity and physical character of surrounding streets;
- L. That traffic improvements and/or mitigation measures have been applied or required in a manner adequate to maintain a Level of Service C or better on arterial roads, where applicable, and are consistent with the Circulation Element of the Town General Plan;
- M. That there will not be significant harmful effects upon environmental quality and natural resources including endangered, threatened, rare species, their habitat, including but not limited to plants, fish, insects, animals, birds or reptiles;
- N. That there are no other relevant or anticipated negative impacts of the proposed use that cannot be mitigated and reduced to a level of non-significance in conformance with CEQA, the California Environmental Quality Act;

- O. That the impacts which could result from the proposed development, and the proposed location, size, design and operating characteristics of the proposed development, and the conditions under which it would be operated or maintained will not be detrimental to the public health, safety and welfare of the community or be materially injurious to properties or improvements in the vicinity or be contrary to the adopted General Plan;
- P. That the proposed development will comply with each of the applicable provisions of this code, and applicable Town policies; except approved variances.

9.68.090 – Minor Modification of Previously Approved Site Plan and Design Review

An approved Site Plan and Design Review Permit may be modified upon the request of the property owner, or by the Town. Minor Modifications may be approved by Director if it is determined that the changes would not affect the findings prescribed in Section 9.68.080, *Required Findings*, and that the subject of the proposed changes were not items of public controversy during the review and approval of the original permit; including modifications to phasing schedules for the project.

9.68.100 – Lapse of Permits/Permit Expiration

- A. **Expiration.** A Site Plan and Design Review Permit approval shall expire three (3) years from the date the permit is approved unless it is otherwise conditioned or unless prior to the expiration of the three (3) years the following have occurred:
 - 1. A building permit is issued and substantial construction is diligently pursued towards completion of the project which was the subject of the Site Plan and Design Review Permit application. After construction is commenced, if work is discontinued for a period of two (2) years, the Site Plan and Design Review Permit requires review and reauthorization by the Commission; or
 - 2. A certificate of occupancy is issued for the structure which was the subject of the Site Plan and Design Review Permit application.
- B. **Phased Projects.** Projects may be built in phases if so approved by the Commission or Director pursuant to Section 9.68.090 *Minor Modifications of Previously Approved Site Plan and Design Review*.

9.68.110 – Extension of Time

The Commission may grant extensions not to exceed three (3) years. Applications shall be made on a form to be provided by the Planning Division. Prior to the granting of an extension, the Planning Division shall review the previously approved project to ensure it is consistent with all current General Plan, Development Code and other Town Ordinances and that the findings for approval of a Site Plan and Design Review Permit in compliance with Section 9.68.080, *Required Findings*, can be made. Based upon this review, additional Conditions of Approval may be imposed upon the project by the review authority when the Extension of Time is approved.

- 2. The Commission may grant additional extensions of time provided that the project is consistent with the General Plan, Development Code, Master Plans and Specific Plans..

9.68.120 – Amendment

Refer to Article 5, Chapter 9.83 Permit Amendments.

9.68.130 – Revocation

Refer to Article 5, Chapter 9.84 Permit Revocations.

9.68.140 – Development of Property Before Final Decision

A building permit shall not be issued for, and no person shall commence to use, any structure until that structure and its accompanying development has received a Site Plan and Design Review in compliance with the provisions of this Chapter. In addition, no other permits shall be issued for any use or structure requiring a Site Plan and Design Review unless and until the Site Plan and Design Review has been approved.

Chapter 9.69 Special Use Permits

Sections:

- 9.69.010 – Purpose
- 9.69.020 – Applicability
- 9.69.030 – Procedures
- 9.69.040 – Application Submittal Requirements
- 9.69.050 – Application Fee
- 9.69.060 – Investigation and Report
- 9.69.070 – Required Findings
- 9.69.080 – Development of Property Before Final Decision

9.69.010 – Purpose

The Special Use Permit Review procedure allows the Town to evaluate proposed development and determine its consistency with the General Plan, the Development Code and applicable Town ordinances. The Special Use Permit Review procedure is intended to protect and enhance the visual appeal, environment, economic stability and property values of the Town's residential, commercial, and industrial areas through the application of the provisions of this Code and the General Plan. Review of such uses is necessary and specific conditions of approval may be necessary to ensure that the uses are developed, operated and located properly with respect to their effects on surrounding properties and so that any and all potentially adverse impacts are mitigated, and to ensure the general health, safety and welfare of the community through implementation of the General Plan through this Chapter. The Special Use Permit Review process is intended to preserve the Town of Yucca Valley's unique character and to implement the General Plan by creating a built environment that is consistent and compatible with the desert environment.

9.69.020 – Applicability

The provisions of the Chapter are applicable to:

- A. All uses which are listed in the Permitted Land Use and Permit Requirements Tables for the underlying land use districts that require a Special Use Permit Review, including, but not limited to:
 - 1. Bed and Breakfast Lodging
 - 2. Animal Keeping, Breeding/Raising of densities greater than those specified by Section 9.08.020.
 - 3. Exotic Animals
 - 4. Private Kennels/Small Animals

5. Recycling Facilities
6. Large Family Day Care
7. Emergency Homeless Shelters

9.69.030 – Procedures

- A. Director shall review and act upon requests for Special Use Permits subject to the findings and conditions for each use type as cited within the section of the Code that provides for said use.
- B. Procedure: Staff Review With Notice.
Reviewing Authority: Director
- C. When necessary, the Director may hold an advertised meeting to consider evidence and take testimony prior to acting upon an application for a Special Use Permit.
- D. In approving an application for a Special Use Permit, the Director may impose conditions to ensure compliance with this Code.
- E. Revocation of a Special Use Permit. Noncompliance with the conditions set forth in approving the permit shall be grounds for the reviewing authority to cancel and void any Special Use Permit. The reviewing authority shall give notice of such an action to the permittee. The permittee may appeal such a decision by filing an appeal as allowed and specified in Chapter 9.81, *Appeals*.

9.69.040 – Application Submittal Requirements

Applications for Special Use permits shall be filed on a form prescribed by the Planning Division and shall contain such information and reports as may be required by the application submittal package or by other applicable ordinances or by the Town in order for the Director to make the required findings.

9.69.050 – Application Fee

The application shall be accompanied by a fee established by resolution of the Council to cover the cost of handling and processing the application as prescribed in this Chapter.

9.69.060 – Investigation and Report

The Director shall cause an analysis of each application for a Special Use Permit to be made. The level of detail of the analysis shall be appropriate to the type of project proposed and the needs of the Planning Division. The analysis shall examine the application's consistency with the content, intent and purpose of the General Plan, the Development Code, and any other applicable Town standards or policies. As a result of the analysis, the Planning Division may include a listing of proposed conditions necessary to guarantee the public health, safety and welfare, should the proposed project be approved.

9.69.070 – Required Findings

Before approving a Special Use Permit, the Director shall find that the circumstances established below apply:

- A. That the location, size, design, density and intensity of the proposed use is consistent with the General Plan, the purpose of the land use district in which the site is located, and the development policies and standards of the Town;
- B. That the location, size, design and architectural design features of the proposed structures and improvements are compatible with the site's natural landform, surrounding sites, structures and streetscapes;
- C. That the development proposal does not unnecessarily block views from other buildings or from public ways, or visually dominate its surroundings with respect to mass and scale to an extent unnecessary and inappropriate to the use;
- D. That quality in architectural design is maintained in order to enhance the visual desert environment of the Town and to protect the economic value of existing structures;
- E. That there are existing public facilities, services, and utilities available at the appropriate levels and/or that new or expanded facilities, services and utilities shall be required to be installed at the appropriate time to serve the project as they are needed;
- F. That access to the site and circulation on and off-site is required to be safe and convenient for pedestrians, bicyclists, equestrians and motorists;
- G. That traffic generated from the proposed project has been sufficiently addressed and mitigated and will not adversely impact the capacity and physical character of surrounding streets;
- H. That there will not be significant harmful effects upon environmental quality and natural resources including endangered, threatened, rare species, their habitat, including but not limited to plants, fish, insects, animals, birds or reptiles;
- I. That there are no other relevant or anticipated negative impacts of the proposed use that cannot be mitigated and reduced to a level of non-significance in conformance with CEQA, the California Environmental Quality Act;
- J. That the impacts which could result from the proposed development, and the proposed location, size, design and operating characteristics of the proposed development, and the conditions under which it would be operated or maintained will not be considered to be detrimental to the public health, safety and welfare of the community or be materially injurious to properties and/or improvements within the immediate vicinity or be contrary to the General Plan; and
- K. That the proposed development will comply with each of the applicable provisions of the Development Code and applicable Town policies, except approved variances.

9.69.080 – Development of Property Before Final Decision

A building permit shall not be issued for, and no person shall commence to use, any structure until that structure and its accompanying development has received a Special Use Permit in compliance with the provisions of this Chapter. In addition, no other permits shall be issued for any use or structure requiring a Special Use Permit unless and until the Special Use Permit has been approved.

Chapter 9.70 Specific Plans

Sections:

- 9.70.010 – Purpose
- 9.70.020 – General Plan Consistency
- 9.70.030 – General Provisions for A Specific Plan District
- 9.70.040 – Application Procedure
- 9.70.050 – Required Findings
- 9.70.060 – Specific Plan Approval, Denial and Modifications
- 9.70.070 – Approval by Ordinance
- 9.70.080 – Dedication and Maintenance of Open Space
- 9.70.090 – Fees for Subsequent Development Approvals
- 9.70.100 – Specific Plan Consistency
- 9.70.110 – Environmental Exemption for Subsequent Development
- 9.70.120 – Specific Plan Amendment
- 9.70.130 – Specific Plan Revocation

9.70.010 – Purpose

The purpose of these Specific Plan provisions is:

- A. To establish procedures for adoption, maintenance and administration of Specific Plans as allowed in accordance with the provisions of Sections 65450, et seq., of the California Government Code and as may be required for the systematic execution of the General Plan;
- B. To provide a planning framework to guide future public and private developments and to promote flexibility while insuring economic viability and coherent community design;
- C. To encourage the planned development of discrete neighborhoods and to permit comprehensive site and infrastructure planning and building design;
- D. To encourage creative approaches to the use of land, through variation in the positioning of buildings and the appropriate mixing of land uses, activities and dwelling types;
- E. To promote and create public and private open space as an integral part of land development design;
- F. To reduce, through clustering and master planning, the amounts of public and private improvements normally required by developments;
- G. To maximize the choice in types of housing and living environments available to Town residents; and

- H. To allow for the non-sequential development of more remote areas in Yucca Valley provided community facilities, services, and infrastructure are supplied.

9.70.020 – General Plan Consistency

The General Plan provides for the adoption of Specific Plans in the Town where remoteness, environmental constraints or unique land use concerns require specific land use and/or design controls. All Specific Plans shall be consistent with the provisions of the adopted General Plan. Any proposed Specific Plan which is not consistent with the existing adopted General Plan designation may only be adopted concurrent with the adoption of the appropriate amendments to the General Plan necessary to maintain consistency.

9.70.030 – General Provisions for a Specific Plan District

The following provisions shall apply to the designation of a Specific Plan District. All other applicable provisions of the Town Development Code shall also apply. Where conflicts in regulations occur, the regulations specified in this Article shall supersede and apply.

- A. Upon approval of a Specific Plan, the Specific Plan zoning designation shall be applied to the Zoning District Map for the properties included in the Specific Plan.
- B. Specific Plan districts may provide innovative design and development standards that may vary from adopted Town standards and between Specific Plan Districts.
- C. Specific Plans may combine several land uses in the development plan as long as the uses are consistent with the Land Use designations and goals and policies of the General Plan. Mixed uses may include any combination of residential, commercial, industrial, open space, and agricultural uses, and may occur among or within buildings as long as the uses are not incompatible with each other and with existing and potential uses surrounding the Specific Plan zone. The Commercial Mixed Use General Plan Land Use designation allows for a mix of commercial, office, and high density residential uses. Other mixes of land uses may require appropriate amendments to the General Plan necessary to maintain consistency.
- D. Standards for building coverage, height, orientation, as well as light and air, sign placement and design, site planning, street furniture placement and design, setback requirements, open spaces, off-street parking, screening for Specific Plan uses, and other specified standards, shall be governed by the development standards set forth in the Specific Plan and other applicable codes and ordinances. Standards in an adopted Specific Plan may supersede the same or similar standards in other Town codes and ordinances. Where no standards are provided in a Specific Plan, adopted Town codes and standards shall apply.
- E. The Specific Plan shall contain criteria providing for any required public and/or private open space and performance standards for the improvement and maintenance of such open space.
- F. In accordance with Town ordinances, all electrical and telephone facilities, fire alarm conduits, street light wiring, cable television, and other wiring, conduits or facilities shall be placed underground. Underground electric and telephone facilities shall be installed in accordance with standard specifications of the serving utilities.

9.70.040 – Application Procedure

- A. General Requirements for a Specific Plan Proposal.** Property that is held in single or multiple ownership may be considered for a Specific Plan. The Town, property owner(s), or owner's representative, may initiate the Specific Plan.
- B. Pre-Submittal and Preparation of Specific Plans.** A pre-submittal application and a draft Specific Plan shall be submitted to the Planning Division before filing a formal Specific Plan application. A pre-application conference with the Planning Division is required prior to the filing of the formal Specific Plan application.
- C. Draft Specific Plan.** A draft Specific Plan application shall contain text and diagrams which include all of the elements outlined in State Government Code Sections 65451 and 65452. In addition, Specific Plans shall include an inventory of natural resources that are deemed to be significant to the project area and environmentally sensitive habitat areas, an analysis of existing infrastructure, and a proposal for detailed land uses, regulations, conditions, and programs as are necessary or convenient for the systematic implementation of the General Plan and its various elements as may be appropriate. The Town's Planning Division shall make available detailed guidelines for the preparation of Specific Plans. Specifically, a draft Specific Plan shall include the following information:
1. A survey of the property, showing existing features including trees, structures, fences and walls, streets, easements, utility lines, land uses, existing zoning, and existing ownership;
 2. An illustrative plan and conceptual site plan of the development of the entire Specific Plan area delineated on one or more maps showing:
 - a. Project land use, densities, existing and proposed streets, public use areas (schools, parks, fire stations, etc.), and open space and major landscape features;
 - b. General Plan Land Use and Zoning designations,
 - c. Where appropriate, a slope analysis, including the number of acres in each slope category.
 3. A general outline of the Specific Plan text describing the goals, objectives, and policies/concept; a tabulation of the land area to be devoted to various uses, including open space; a calculation of the overall density and the average densities per net residential acre of the various residential areas; and a summary of development standards for residential, commercial and/or industrial uses when those uses are proposed;
 4. The text shall include development standards to be implemented as performance standards for the Specific Plan, including:
 - a. A statement proposing the method of maintaining common open areas and facilities;
 - b. A description of the proposed grading program including a topographic map showing areas of major grading;

- c. Identification of proposed future ownership and maintenance of streets, driveways, sidewalks, pedestrian ways and open space areas;
 - d. A brief discussion of the project as it relates to each of the General Plan elements, including Land Use, Circulation, Housing, Open Space/Conservation, Noise, and Safety.
 - e. Proposed standards for height, open space, building intensity and public improvements.
 - f. A statement and detailed description for the method of financing for the installation of any public infrastructure.
5. After reviewing the draft Specific Plan, the Director shall furnish the applicant with written comments regarding the review conference(s), including appropriate recommendations to inform and assist the applicant prior to preparing the final Specific Plan.

D. Final Specific Plan. The final Specific Plan shall contain the information contained in the draft Specific Plan and other additional information as determined to be necessary by the Director, Commission, or Council. This additional information may include, but shall not be limited to, the following:

- 1. Copies of legal documents required for dedication or reservation of public or private open space, for the creation of homeowners' associations for open space maintenance, or for the creation of financing districts;
- 2. A fiscal impact analysis as may be required by the Director,
- 3. A market study discussing the viability of the proposed project as may be required by the Director.

9.70.050 – Required Findings

Before taking any action to approve a Specific Plan, the Planning Commission and Council shall find that the proposed Specific Plan conforms to the following criteria:

- A. The proposed Specific Plan meets all of the following content criteria:
 - 1. Specifies through text and/or diagrams, the distribution, location, and extent of the uses of land, including open space, within the area covered by the plan;
 - 2. Specifies through text and/or diagrams, the proposed distribution, location, and extent and intensity of major components of public and private transportation, sewage, water, drainage, solid waste disposal, energy, and other essential facilities proposed to be located within the area covered by the plan and needed to support the land uses described in the plan;

3. Specifies through text and/or diagrams, the standards and criteria by which development will proceed, and standards for the conservation, development, and utilization of natural resources, where applicable;
 4. Specifies a program of implementation measures including regulation, programs, public works projects, and financing measures necessary to carry out Findings (A)(1), (A)(2) and (A)(3) above;
 5. Includes a statement of the relationship of the Specific Plan to the General Plan, Development Code, and any other applicable plan or ordinance;
 6. Addresses any other subjects which are necessary for implementation of the General Plan.
- B. The location and design of the proposed development will be consistent with the goals and policies of the General Plan and with any other applicable plan or policies adopted by the Town and with any other applicable provisions of the Development Code.
 - C. The proposed location will allow the development to be well integrated with or adequately buffered from its surroundings, whichever may be appropriate.
 - D. All vehicular traffic generated by the development, either in phased increments or at full build-out, will be accommodated safely and without causing significantly increased congestion upon adjoining streets.
 - E. The final Specific Plan will identify a methodology to allow land uses to be adequately serviced by existing or proposed public facilities and services. In appropriate circumstances, and as provided elsewhere by this Development Code, the Town may require that suitable areas be reserved for uses such as schools, parks and pedestrian ways; public open spaces may be dedicated or reserved by private covenant for the common use of residents, establishments or operations in the development.
 - F. In accordance with the requirements of the *California Environmental Quality Act (CEQA)*, environmental impacts have been reduced to a level of non-significance; or in the case where such impacts remain, a statement of overriding considerations must be adopted to justify the merits of project implementation after certification of the Environmental Impact Report.
 - G. The proposed Specific Plan shall contribute to a balance of land uses so that local residents may work and shop in the community in which they live.
 - H. The proposed Specific Plan will not be detrimental to the public health, safety, or welfare of the Town.

9.70.060 – Specific Plan Approval, Denial and Modifications

- A. Upon receipt in proper form of a Specific Plan application, or direction of the Council, and following Planning Division review as provided for in this Chapter, public hearings shall be set before the Commission and Council.

- B. The Commission may recommend to the Council approval or denial of a proposed Specific Plan, or may recommend approval subject to specified modifications or conditions.
- C. The Council may approve, approve with modifications or conditions, or deny the final Specific Plan provided that, in overruling a Commission recommendation for denial, the Council shall make the findings listed in Section 9.70.050, *Required Findings*.
- D. Minor changes to an approved final Specific Plan may be made by the Director, provided that such changes are non-significant and consistent with all of the purposes and character of the approved final Specific Plan. Minor changes shall not include:
 1. Changes in the densities established in the approved final Specific Plan;
 2. Changes to the boundaries of the subject property, or any use as shown on the approved final Specific Plan;
 3. Substantial changes in the locations or amounts of land devoted to specific land uses.
- E. All modifications or amendments to an approved final Specific Plan, other than minor changes as provided for in Subsection 9.70.060(D) above, shall be processed as a Specific Plan amendment and shall be subject to all Specific Plan procedures.

9.70.070 – Approval by Ordinance

Approval of the final Specific Plan and the establishment of Specific Plan (SP) zoning shall be by ordinance. Approval of zoning to the SP district shall include, but not be limited to, the following stipulations:

- A. Unless otherwise specified in the final Specific Plan, the regulations provided in the Town Development Code shall apply. Approval of the Specific Plan shall not be interpreted as waiving compliance with other provisions of the Town Development Code, except in those instances where the Specific Plan expressly regulates a use.
- B. The approved final Specific Plan shall be filed in the office of the Town Clerk and in the office of the Director.
- C. No building within the boundaries of an approved Specific Plan shall be constructed, maintained or used other than for the purpose specified in the approved final Specific Plan.

9.70.080 – Dedication and Maintenance of Open Space

- A. The Commission and Council, based upon a recommendation from the Yucca Valley Parks, Recreation and Cultural Commission, may as a condition of approval, require that suitable areas for parks be dedicated or in-lieu fees be paid as determined for the entire Specific Plan area, and in compliance with applicable ordinances and requirements.
- B. The Commission and Council, based upon a recommendation from the Morongo Unified School District, may as a condition of approval, require that land for schools and other public uses be

reserved for public use, or be reserved for the owners and residents in the development by deed restrictions.

- C. Whenever group or common open space is provided, whether required or not, the Commission and Council shall, as a condition of approval, require that some provision be made for applicable perpetual maintenance of such open space.
- D. The form of any instrument used to assure open space maintenance shall be approved by the Town Attorney and Director as to form and content. Agreements and covenants running with the land shall include provisions for charges to be levied for carrying out the specified functions and administrative expenses of such perpetual maintenance. The Town may be party in interest in any such development for purposes of enforcing the provisions of this Chapter, including bringing of any enforcement actions deemed appropriate by the Town.
- E. To assure that open space is provided within Specific Plan areas, public and open space sites shall be dedicated in advance of development (prior to the issuance of building permits) whenever such dedication is so required, even in those cases when a subdivision map is not required. Other appropriate dedications for street, utility and flood control rights-of-way and for easements and other public purposes may also be required before the issuance of the first building permit, or when otherwise determined to be appropriate by the Council.

9.70.090 – Fees for Subsequent Development Approvals

- A. **Specific Plan Fees**
The application shall be accompanied by a fee established by resolution of the Council to cover the cost of handling and processing the application as prescribed in this Chapter
- B. **Fees for Subsequent Development Approvals**
When the Town prepares a Specific Plan for an area, the Council may establish a special fee upon applicants seeking approval of development projects which are located within said Specific Plan area. The fees shall be sufficient, in the aggregate, to recover the costs of preparation, adoption, and administration of the Specific Plan. The fees to each applicant shall be a prorated amount in accordance with the applicant's relative benefit derived from the plan.

9.70.100 – Specific Plan Consistency

No land use application may be approved, no public works projects may be approved, and no land use designation within an adopted Specific Plan may be amended unless it is consistent with the adopted Specific Plan.

9.70.110 – Environmental Exemption for Subsequent Development

If a Specific Plan is prepared and receives approval of a Program EIR, then all subsequent development within the boundaries of the Specific Plan are exempt from further environmental review, unless otherwise required by the California Environmental Quality Act.

9.70.120 – Specific Plan Amendment

Refer to Article 5, Chapter 9.83 Permit Amendments.

9.70.130 – Specific Plan Revocation

Refer to Article 5, Chapter 9.84 Permit Revocations.

Chapter 9.71 Temporary Special Event Permit

Sections:

- 9.71.010 – Purpose
- 9.71.020 – Applicability
- 9.71.030 – Permit Required
- 9.71.040 – Application Submittal Requirements
- 9.71.050 – Procedures
- 9.71.060 – Insurance Requirements
- 9.71.070 – Rules and Regulations
- 9.71.080 – Appeals
- 9.71.090 – Referral by the Director
- 9.71.100 – Permits/Licenses Nontransferable
- 9.71.110 – Posting
- 9.71.120 – Requests for Law Enforcement Services at Special Events
- 9.71.130 – Temporary Special Event Amendment
- 9.71.140 – Temporary Special Event Revocation

9.71.010 – Purpose

This Chapter provides development processes for temporary special events to ensure that basic health, safety, and community welfare standards are met, while approving suitable temporary special events with the minimum necessary conditions or limitations consistent with the temporary nature of the activity. A Temporary Special Event Permit allows short-term activities that might not meet the normal development or use standards of the applicable zoning district, but may be considered acceptable because of their temporary nature. These activities are regulated to avoid incompatibility between the proposed activity and surrounding areas.

9.71.020 – Applicability

The provisions of this Chapter are applicable to:

- B. All uses which are listed in the Permitted Land Use and Permit Requirements Tables for the underlying land use districts that require a Temporary Special Event Permit, including, but not limited to:
 - 1. Church, tent revival meetings
 - 2. Circus and carnivals
 - 3. Fairs, concerts, parades, exhibits, festivals, art shows, car shows, street fairs, or similar events

4. Farmers market
5. Season holiday sales facilities including Christmas Tree lots, pumpkin patch, etc.

9.71.030 – Permit Required

Except as otherwise provided by the Town of Yucca Valley or state law, no person or entity shall operate, maintain, conduct, advertise, or provide admission for any temporary special event within the Town of Yucca Valley without possessing an unexpired, unsuspended and unrevoked permit from the Planning Division for each such temporary special event.

- A. Procedure: Staff Review without Notice
B. Review Authority: Director

9.71.040 – Application Submittal Requirements

- A. Applications for Temporary Special Event Permits shall be filed on a form prescribed by the Director and shall contain such information and reports as may be required by the application submittal package or by other applicable ordinances or by the Town in order for the Director to make the required findings.
- B. The application processing fees shall be set from time to time by resolution of the Council. In addition, the applicant shall reimburse the Town for the actual cost of providing any necessary personnel, including but not limited to, police and fire personnel to the applicant for the purpose of assisting in the event.
- C. To ensure clean up and restoration of the site, an applicant may be required to post a deposit at the time the application is submitted. Upon the completion of the event and inspection of the site by the Town, the deposit may be returned to the application if the cleanup and restoration of the site has been determined by the Town to be sufficient.

9.71.050 – Procedures

- D. Upon the receipt of a completed application and all related fees, the following will occur:
 1. The processing of a complete Temporary Special Event Permit application will generally vary depending on the complexity. If such activities interfere with traffic or involves potential public safety hazards, an application may take more than ten working days to allow for inter-departmental or agency notification.
 2. Each application for a Temporary Special Event Permit shall be analyzed at staff level to assure that the application is consistent with this Chapter and any other applicable Town standards or policies. If such activities interfere with traffic or involve potential public safety hazards the application shall be forwarded to the appropriate agencies for comment.
 3. At the completion of the Planning Section's review, a permit may be issued by the Director including a listing of conditions necessary to assure the preservation of public health, safety and welfare.

9.71.060 – Insurance Requirements

- A. Before any permit is issued for a church tent revival meeting, circus, large concert, parade, carnival, fair, exhibit, festival, art show, car show, street fair, farmers, market or similar type of event, , the applicant shall provide the Town with evidence of a policy of liability insurance issued by an admitted insurer in an amount of not less than \$1,000,000. This policy shall meet all requirements of the Town of Yucca Valley, including listing the Town as additionally insured on the endorsement.
- B. The applicant shall enter into a hold harmless and indemnification agreement provided by the Town prior to the issuance of any permit.

9.71.070 – Rules and Regulations

- A. **Change of Date.** Upon the request of the applicant, the issuing authority shall have the power, upon a showing of good cause, to change the date for which the permit has been issued provided established limitations are complied with in respect to time and location.
- B. **Conditions of Approvals.** The conditions of approval shall be based upon the following criteria:
 - 1. The health, safety, and welfare of all persons;
 - 2. Avoidance of undue disruption of all vehicle and pedestrian circulation within the affected area;
 - 3. The safety of property within the Town;
 - 4. Compliance with all other applicable agency regulations;
 - 5. If an event is held within a parking area, the event shall not substantially alter the existing circulation pattern of the site or impact traffic movement with adjacent or surrounding public roadways.
 - 6. The event shall not obstruct any existing handicap accessible parking space. Sidewalks shall be maintained at a minimum width of 4 feet to provide for handicap access.
 - 7. Where an activity takes places within an unimproved (dirt) area, some form of dust control will need to be provided as approved by the Town.
 - 8. The event is limited to a duration that is no more than the maximum allowed duration (see Table 3-24), or as determined appropriate by the review authority.
 - 9. The site is physically adequate for the type, density, and intensity of use being proposed, including provision of services (e.g. sanitation and water), public access, and the absence of physical constraints.
 - 10. The design, location, size, and operating characteristics of the proposed use are compatible with the existing land uses on-site and in the vicinity of the subject property.

11. The temporary use or activity will be removed and the site restored as necessary to ensure that no changes to the site will limit the range of possible future land uses otherwise allowed by this Title.
12. Adequate temporary parking will be provided in order to accommodate the vehicle traffic generated by the temporary use or special event either on-site or at alternate locations acceptable to the review authority.
13. The applicant provides appropriate sanitary and medical facilities, security and safety measures, and solid waste collection and disposal to the satisfaction of the Director.
14. The use or event will comply with all applicable provision of local, State and Federal laws or regulations.
15. Regulation of nuisance factors such as, but not limited to, prevention of glare or direct illumination on adjacent properties, noise, vibration, smoke, dust, dirt, odors, gases and heat.
16. Temporary Signs. One temporary sign per street frontage is allowed as part of the Special Event Permit. For additional signage, see Section 9.36.100, *Temporary Signs* regarding temporary sign standards.
17. Special Event Monitoring and Security.
 - a. The Director or the Commission, as a condition of approval, may require monitoring of the special event by appropriate Town Departments and/or third parties. Such monitoring shall be at the expense of the applicant, with any associated payment required in full at least 15 days prior the first day of the subject event.
 - b. Facility use deposits will be considered on a case-by-case basis to evaluate potential damage to Town streets, parks, or other public property. The Town shall evaluate the potential for damage and may require a cash bond or other guarantee for removal of the temporary use, cleanup, repair and restoration of the activity site within seven days of the conclusion of the special event. Said guarantee shall be in an amount which is sufficient to cover the estimated costs of administration, steam cleaning, sidewalk repair, storm drain cleanout, and other associated cleanup or repair operations. All facility use deposits shall be at the expense of the applicant, with any associated payment required in full at least 15 days prior the first day of the subject event.
18. Consumption of Alcoholic Beverages at Special Events.
 - a. Verification of permits from the State Department of Alcoholic Beverage Control is required for the temporary service or sale of alcoholic beverages at a special event. Such verification shall be provided by the applicant at least 15 days prior the first day of the subject event.

b. All other requirements of the Town of Yucca Valley and the State Department of Alcoholic Beverage Control regarding the selling and consumption of alcohol must be met to the satisfaction of the Director.

19. Any other pertinent factors affecting the operation of the temporary special event, at the discretion of the Director, will be addressed to ensure the orderly and efficient operation of the proposed use or event, in compliance with the intent and purpose of this Chapter.

C. Additional Regulations. From time to time, the Director may recommend, as deemed necessary, rules and regulations to implement the provisions of this section. Such rules and regulations shall have the force of law and failure to comply shall be considered a violation of the provisions of this section. The rules and regulations to be adopted shall be implemented with the following intent:

1. Maintain the health and safety of persons and property within the Town.
2. Avoid undue disruption of persons and traffic within the affected areas of Town.

9.71.080 – Appeals

Any person aggrieved or affected by a decision of the Director in denying a Temporary Special Event Permit may appeal to the Commission in writing within ten days after notice of the decision is given.

Any person aggrieved or affected by a decision of the Commission in denying a Temporary Special Event Permit may appeal to the Council in writing within ten calendar days after notice of the decision is given. The decision of the Council shall be final.

9.71.090 – Referral by the Director

If in the judgment of the Director, a proposed temporary special event may have a substantial adverse impact on public health, safety or welfare, the Director may elect not to approve a Temporary Special Event Permit and may refer the application for disposition by the Commission at its next regularly scheduled meeting.

9.71.100 – Permits/Licenses Nontransferable

Any permit issued pursuant to this chapter is not transferable to any other person, organization or place.

9.71.110 – Posting

Every permit required by these regulations shall be conspicuously posted upon the premises of the temporary special event.

9.71.120 – Requests for Law Enforcement Services at Special Events

Any person or entity required to obtain a permit in accordance with the provisions of this chapter may request law enforcement services to preserve the peace at special events. Such application shall be made to the Sheriff's Department and shall be in writing, stating the name and address of the applicant, the

place where the special event is to be held, the estimated number of persons to be present and the purpose of the special event. Upon receipt of said application, the Sheriff's Department shall determine whether law enforcement services are necessary to preserve the peace, and if the Sheriff's Department so determines, and if the services will not reduce the normal and regular on-going service that the Town would otherwise provide, the Sheriff's Department shall contract with the applicant to provide the services at an amount to include all costs.

The Town may require as a Condition of Approval the Applicant to obtain law enforcement services at the event.

9.71.130 – Temporary Special Event Amendment

Refer to Article 5, Chapter 9.83 Permit Amendments.

9.71.140 – Temporary Special Event Revocation

Refer to Article 5, Chapter 9.84 Permit Revocations.

Chapter 9.72 Temporary Use Permits

Sections:

- 9.72.010 – Purpose
- 9.72.020 – Applicability
- 9.72.030 – Procedures
- 9.72.040 – Application
- 9.72.050 – Required Findings
- 9.72.060 – Conditions of Approval
- 9.72.070 – Use of Property Before Final Decision
- 9.72.080 – Temporary Use Amendment
- 9.72.090 – Temporary Use Revocation

9.72.010 – Purpose

This Chapter is intended to establish regulations and procedures for the review of temporary accessory uses and for temporary uses related to current and ongoing construction activities that are not otherwise permitted or regulated in this Development Code in order to minimize any adverse effects on surrounding properties and infrastructure or on the public health, safety and welfare.

9.72.020 – Applicability

The provisions of this Chapter are applicable to:

- C. All uses which are listed in the Permitted Land Use and Permit Requirements Tables for the underlying land use districts that require a Temporary Use Permit, including, but not limited to:
 - 1.. Construction Yards-Off Site
 - 2.. Temporary Residential Quarters
 - 3Temporary Non-Residential Quarters
 - 4. Temporary Construction Office Quarters
 - 5. Temporary Real Estate Model Home/Sales Office
 - 6. Temporary On your Lot Builder Model Home/Sales Office

9.72.030 – Procedures

A. The Director shall review and act upon all requests for Temporary Use Permits (TUP) or extensions thereof, subject to the findings and conditions specified for each use by the section of this Code that provides for said use.

B. The application shall be accompanied by a fee established by resolution of the Council to cover the cost of handling and processing the application as prescribed in this Chapter

C. Temporary Use Permits shall be first issued for a period of time not to exceed twelve (12) months. Extensions to such permits may be granted for additional periods of time, each of which shall not exceed twelve (12) months. A Temporary Use Permit that is extended shall comply with the provisions, procedures, findings and conditions specified by this Code.

1. A Temporary Use Permit shall not be extended by any reviewing authority for any period of time to exceed five (5) years after the date the Temporary Use Permit was first issued.
2. Director may approve such permits or extensions of such permits for shorter periods of time and/or subject to conditions, where required by this chapter or where it is determined reasonable and necessary to do so.
3. Prior to issuing a Temporary Use Permit extension or renewal for the last allowed period of time (normally between the fourth and fifth year), the permittee shall submit and obtain approval by the Director of a plan of action to either remove or replace the subject temporary use with a legally established use.
4. A temporary use structure which does not have a valid and current permit is hereby declared to be a public nuisance, subject to the enforcement provisions of this Code and other applicable laws.
5. A change of ownership or operator of a use or structure subject to a Temporary Use Permit or change of structure or modification of the structure or use allowed on a parcel subject to a Temporary Use Permit shall not affect the time periods established by this chapter to allow such temporary uses or structures.
6. When the last period of time allowed by this Chapter has lapsed, the Temporary Use Permit and any extensions thereof shall be considered void. A temporary use or structure that was allowed on a subject parcel previously by a Temporary Use Permit may not be reinstated by a new Temporary Use Permit for any time period beyond the final period of time that would have been allowed by the original Temporary Use Permit.

D. Procedure: Planning Division Review Without Notice
Reviewing Authority: Director

E. **Cancellation of a Temporary Use Permit.** Noncompliance with the conditions set forth in approving the permit shall be grounds for the reviewing authority to cancel and void any Temporary Use Permit. The reviewing authority shall give notice of such an action to the permittee. The permittee may appeal such a decision by filing an appeal as allowed and specified in this Chapter.

F. Performance Bond. The Director may require cash deposit or other surety to defray the costs of cleanup of a site in the event the applicant fails to leave the property in a presentable and satisfactory condition, or to guarantee removal and/or reconversion of any temporary use to a permanent use allowed in the zoning district in which it is located.

9.72.040 – Application

- A. Applications for Temporary Use Permits shall be filed on a form prescribed by the Director and shall contain such information and reports as may be required by the application submittal package or by other applicable ordinances or by the Town in order for the Director to make the required findings.

- B. To ensure clean up and restoration of the site, an applicant may be required to post a deposit at the time the application is submitted. Upon the completion of the event and inspection of the site by the Town, the deposit may be returned to the application if the cleanup and restoration of the site has been determined by the Town to be sufficient

9.72.050 – Required Findings

The Director may approve, modify or conditionally approve a Temporary Use Permit application only when the following findings can be made:

- A. The operation of the requested use at the location proposed and within the time period specified will not jeopardize, endanger or otherwise constitute a risk to the public health, safety or welfare;
- B. The proposed site is adequate in size and shape to accommodate the temporary use without material detriment to the use and enjoyment of other properties located adjacent to and in the vicinity of the site;
- C. The proposed site is adequately served by streets or highways having sufficient width and improvements to accommodate the kind and quantity of traffic that the temporary use will or could reasonably be expected to generate; and
- D. Adequate temporary parking to accommodate vehicular traffic to be generated by the use will be available either on-site or at alternate locations acceptable to the Director.

9.72.060 – Conditions of Approval

- A. **Authority.** In approving an application for a Temporary Use Permit, the Director may impose conditions deemed necessary to ensure that the permit will be in accordance with the findings required by Section 9.72.050 above. These conditions may involve any pertinent factors affecting the operation of such temporary event or use, and may include, but shall not be limited to:
 - 1. Provision for temporary parking facilities, including vehicular ingress and egress;

2. Regulation of nuisance factors such as, but not limited to, prevention of glare or direct illumination on adjacent properties, noise, vibration, smoke, dust, dirt, odors, gases and heat;
3. Regulation of temporary structures and facilities, including placement, height and size, location of equipment and open spaces, including buffer areas and other yards;
4. Provision for sanitary and medical facilities;
5. Provision for solid, hazardous and toxic waste collections and disposal;
6. Provision for security and safety measures;
7. Regulation of signs;
8. Submission of a performance bond or other surety device, satisfactory to the Director, to ensure that any temporary facilities or structures used will be removed from the site within a reasonable time and that the property will be restored to its former condition;
9. A requirement that the approval of the requested Temporary Use Permit is contingent upon compliance with applicable provisions of the Town Municipal Code; and
10. Any other conditions which will ensure the operation of the proposed temporary use in an orderly and efficient manner and in accordance with the intent and purpose of this Chapter.

9.72.070 – Use of Property Before Final Decision

Uses requiring a Temporary Use Permit shall not commence, and building permits shall not be issued for any structure accompanying such use until such use has received a Temporary Use Permit in compliance with the provisions of this Chapter. Permits shall not be issued unless and until the applicable use and/or structure has been approved and that approval has become final.

9.72.080 – Temporary Use Amendment

Refer to Article 5, Chapter 9.83 Permit Amendments.

9.72.090 – Temporary Use Revocation

Refer to Article 5, Chapter 9.84 Permit Revocations.

Chapter 9.73 Variance Review

Sections:

- 9.73.010 – Procedures
- 9.73.020 – Variance Amendment
- 9.73.030 – Variance Revocation

9.73.010 – Procedures

- A. Provisions for Variances (exceptions to standards) set forth in this code are established to insure that any property, because of special circumstances, such as size, shape, topography, location, or surroundings, shall be accorded privileges commonly enjoyed by the other properties in the same vicinity, pursuant to Government Code Section 65906.
- B. The application shall be accompanied by a fee established by resolution of the Council to cover the cost of handling and processing the application as prescribed in this Chapter
- C. Procedure: Public Hearing
Reviewing Authority: Commission
- D. A public hearing is required to consider evidence and take testimony prior to acting upon a request for variances and establish any necessary conditions of approval.
- E. Prior to approving a request for a variance, the reviewing authority shall find that the following are true:
 - 1. The granting of such variance will not be materially detrimental to other properties or land uses in the area and will not subsequently interfere with the present or future ability to use solar energy systems.
 - 2. There are exceptional or extraordinary circumstances or conditions applicable to the property or to an intended use that do not apply to other properties in the same district or vicinity.
 - 3. The strict application of the land use district deprives such property of privileges enjoyed by other properties in the vicinity or in the same land use district.
 - 4. The granting of the variance is compatible with the objectives, policies, general land uses and programs in the General Plan the Development Code and any applicable plan or other ordinance.

9.73.020 – Variance Amendment

Refer to Article 5, Chapter 9.83 Permit Amendments.

9.73.030 – Variance Revocation

Refer to Article 5, Chapter 9.84 Permit Revocations.

Chapter 9.74 Reasonable Accommodations

Sections:

- 9.74.010 – Purpose
- 9.74.020 – Applicability
- 9.74.030 – Review Authority
- 9.74.040 – Definitions
- 9.74.050 – Notice of Availability
- 9.74.060 – Application
- 9.74.070 – Decision
- 9.74.080 – Required Findings
- 9.74.090 – Expiration, Time Extension, Violation, Discontinuance
- 9.74.100 – Amendments
- 9.74.110 – Appeals

9.74.010 - Purpose

In accordance with federal and state fair housing laws, it is the purpose of this Chapter to provide reasonable accommodations in the Town's zoning and land use regulations, policies and procedures when needed to ensure equal access to housing and to facilitate the development of housing for individuals with disabilities.

9.74.020 - Applicability

Reasonable accommodation in the land use and zoning context means providing flexibility in the application of land use regulations, policies and procedures or waiving certain requirements for individuals with disabilities or developers of housing for people with disabilities, when necessary to eliminate barriers to housing opportunities.

9.74.030 - Review Authority

The Community Development Director (Director) is hereby designated to approve, conditionally approve, or deny all applications for a reasonable accommodation, except as prescribed under Section 83.030930 (C) Applications below.

9.74.040 - Definitions

- A. Disability. An individual with a disability is someone who has a physical or mental impairment that limits one or more major life activities; anyone who is regarded as having such impairment; or anyone with a record of such impairment.
- B. Reasonable Accommodation. Reasonable accommodation in the land use and zoning context means providing flexibility in the application of land use and zoning regulations, policies, practices and procedures, or waiving certain requirements to individuals with disabilities or developers of housing for people with disabilities when it is necessary to eliminate barriers to housing opportunities.

9.74.050 - Notice to the Public of Availability of Process

Notice of the availability of reasonable accommodation shall be prominently displayed in the public areas of the Community Development Dept., advising the public of the availability of the procedure for eligible individuals. Town employees shall direct individuals to the display whenever they are requested to do so or reasonably believe that individuals with disabilities or their representatives may be entitled to a reasonable accommodation.

9.74.060 - Application

- A. Applicant. A request for reasonable accommodation may be made by any person with a disability, their representative, or a developer or provider of housing for individuals with a disability. A reasonable accommodation may be approved only for the benefit of one or more individuals with a disability.
- B. Application. An application for a reasonable accommodation from a regulation, policy or procedure shall be made on a form provided by the Town. No fee shall be required for a request for reasonable accommodation, but if the project requires another discretionary permit, then the prescribed fee shall be paid for all other discretionary permits.
- C. Other Discretionary Permits. If the project for which the request for reasonable accommodation is made requires another discretionary permit or approval, then the applicant may file the request for reasonable accommodation together with the application for other discretionary permit or approval. The processing procedures of the discretionary permit shall govern the joint processing of both the reasonable accommodation and the discretionary permit.
- D. Required Submittals. An application for reasonable accommodation shall include the following:
 1. Request shall be made on a form provided by the Town and shall include the following information:
 - a. Name and address of the individual(s) requesting reasonable accommodation.
 - b. Name and address of the property owner.
 - c. Address of the property for which accommodation is requested
 2. Documentation that the applicant is:
 - a. An individual with a disability,
 - b. Applying on behalf of one or more individuals with a disability, or
 - c. A developer or provider of housing for one for more individuals with a disability.
 3. Identification of the specific exception or modification to the regulation, policy or procedure requested by the applicant.

4. Documentation that the specific exception or modification requested by the applicant is necessary to provide one or more individuals with a disability equal access to housing.
5. Any other information that the Director reasonably concludes is necessary to determine whether the findings required by Section 9.74.080 can be made so long as any request for information regarding the disability of the individuals benefitted complies with Fair Housing Law protections and the privacy rights of the individuals affected.

9.74.070 - Decision

- A. Requests for reasonable accommodation shall be reviewed by the Director using the criteria set for in Section 9.74.080 *Findings*.
- B. The Director shall issue a written decision on a request for reasonable accommodation within thirty (30) days of the date of the application and may either approve, conditionally approve or deny a request in accordance with the required findings
- C. If necessary to reach a determination on the request for reasonable accommodation, the Director may request further information from the applicant consistent with fair housing laws, specifying in detail the information that is required. In the event that a request for additional information is made, the thirty (30) day period to issue a decision is stayed until the applicant responds to the request.
- D. The Town may consider, but is not limited to the following factors in determining whether the requested accommodation is necessary to provide one or more individuals with a disability with equal access to housing:
 1. Whether the requested accommodation will affirmatively enhance the quality of life of one or more individuals with a disability.
 2. Whether the individual(s) with a disability will be denied equal access to the housing of their choice absent the accommodation.
 3. In the case of a residential care facility, whether the requested accommodation is necessary to make facilities of a similar nature or operation economically viable in light of particularities of the relevant market and market participants.
 4. In the case of a residential care facility, whether the existing supply of facilities of a similar nature and operation in the community is sufficient to provide individuals with a disability an equal opportunity to live in a residential setting.
- E. The Town may consider, but is not limited to, the following factors in determining whether the requested accommodation would require a fundamental alteration in the nature of the Town's zoning program.
 1. Whether the requested accommodation would fundamentally alter the character of the neighborhood.

2. Whether the accommodation would result in a substantial increase in traffic or insufficient parking.
 3. Whether granting the requested accommodation would substantially undermine any express purpose of the Town's General Plan or any applicable Specific Plan.
 4. In the case of a residential care facility, whether the requested accommodation would create an institutionalized environment due to the number of and distance between facilities that are similar in nature or operation.
- F. Rules While Decision is Pending. While a request for reasonable accommodation is pending, all laws and regulations otherwise applicable to the property that is the subject of the request shall remain in full force and effect.
- G. Effective Date. No reasonable accommodation shall become effective until the decision to grant such accommodation shall have become final by reason of the expiration of time to make an appeal. In the event an appeal is filed, the reasonable accommodation shall not become final unless and until a decision is made by the Planning Commission on such appeal.

9.74.080 – Required Findings

The written decision to approve, conditionally approve or deny a request for reasonable accommodation shall be based on the following findings, all of which are required for approval:

- A. The requested accommodation is requested by or on the behalf of one or more individuals with a disability protected under the Fair Housing Laws.
- B. The requested accommodation is necessary to provide one or more individuals with a disability an equal access to housing.
- C. The requested accommodation will not impose an undue financial or administrative burden on the Town.
- D. The requested accommodation will not result in fundamental alteration of the Towns zoning program.
- E. The requested accommodation will not, under the specific facts of the case, result in a direct threat to the health or safety of other individuals or substantial physical damage to the property of others.

In making these findings, the Director may approve alternative reasonable accommodations which provide an equivalent level of benefit to the applicant.

9.74.090 - Expiration, Time Extension, Violation, Discontinuance

- A. Expiration. Any reasonable accommodation approved in accordance with this Chapter shall expire within twenty-four (24) months from the effective date of approval or at an alternative time specified as a condition of approval unless:
 - 1. A building permit has been issued and construction has commenced,
 - 2. A certificate of occupancy has been issued,
 - 3. The use is established, or
 - 4. A time extension has been granted.

- B. Time Extension. The Director may approve a time extension for a reasonable extension for good cause for a period or periods not to exceed three years from the effective date of approval. An application for a time extension shall be made in writing to the Director no less than thirty (30) days or more than ninety (90) days prior to the expiration date. Notice of the Directors decision on a time extension shall be sent to the applicant. All written decisions shall give notice of the right to appeal and to request reasonable accommodation in the appeals process

- C. Violation of Terms. Any reasonable accommodation approved in accordance with this code may be revoked if any of the conditions or terms of such reasonable accommodation are violated or if any law or ordinance is violated in connection herewith.

- D. Discontinuance. A reasonable accommodation approval shall lapse if discontinued for a period of one hundred eighty (180) consecutive days. If the disabled person initially occupying a residence for whom a reasonable accommodation was made vacates the structure, the reasonable accommodation shall remain in effect only if the Director determines that:
 - 1. The modification is physically integrated into the residential structure and cannot easily be removed or altered to comply with the Code, and
 - 2. The accommodation is necessary to give another disabled individual an equal opportunity to occupy the dwelling

The Director may request the applicant or his or her successor-in-interest to the property to provide documentation that subsequent occupants are persons with disabilities. Failure to provide such documentation within ten (10) days of the date of a request by the Director shall constitute grounds for discontinuance by the Town of a previously approved reasonable accommodation.

9.74.100 - Amendments

A request for changes in conditions of approval of a reasonable accommodation, or a change to plans that would affect a condition of approval shall be treated as a new application. The Director may waive the requirement for a new application if the changes are minor, do not involve substantial alterations or addition to the plans or the conditions of approval, and are consistent with the intent of the original approval.

9.74.110 - Appeals

- A. Within thirty (30) days of the date of the Directors written decision, an applicant may appeal an adverse decision. Appeals shall be made in writing.
- B. If an individual needs assistance in filing an appeal on an adverse decision, the Town will provide assistance to ensure that the appeals process is accessible.
- C. All appeals shall contain a statement of the grounds for the appeal. Any information identified by the applicant as confidential shall be retained in a manner so as to respect the privacy rights of the applicant and shall not be made available for public inspection.
- D. Nothing in this procedure shall preclude an aggrieved individual from seeking any other state or federal remedy available.

Chapter 9.75 Home Occupation Permits

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Chapter 9.77 Native Plant Permits

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Section 2: Repeal of County Code as Adopted and Amended by the Town: The Town Council hereby repeals Sections 83.010105 thru 83.0103.15, Sections 83.010325 thru 83.010335, Section 83.010505, Sections 83.020105 thru 83.020210, Sections 83.030805 thru 83.030855, Sections 83.030145 thru 83.030175, Sections 83.030205 thru 83.030230, Sections 83.030310 thru 83.030325, Section 83.030405, Section 83.030505, Section 83.030605 Sections 83.030705 thru 83.030765, Sections 83.030905 thru 83.030955 of Division 3 of Title 8 from the Yucca Valley Development Code and Sections 41.151 thru 41.1569 from Chapter 15, Division 1 Title 4 of the Yucca Valley Municipal Code.

Section 3. Severability: If any provision of this Ordinance or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of this Ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this Ordinance are severable. The Town Council hereby declares that it would have adopted this Ordinance irrespective of the invalidity of any particular portion thereof.

Section 4. Certification; Publication: The Town Clerk shall certify to the adoption of this Ordinance and cause it, or a summary of it, to be published once within 15 days of adoption in a newspaper of general circulation printed and published within the Town of Yucca Valley, and shall post a certified copy of this Ordinance, including the vote for and against the same, in the Office of the Town Clerk in accordance with Government Code § 36933.

Section 5. Effective Date: This Ordinance shall become effective thirty (30) days from its adoption.

APPROVED AND ADOPTED this ____ day of September, 2013.

MAYOR

ATTEST:

TOWN CLERK

**TOWN OF YUCCA VALLEY
PLANNING COMMISSION MEETING MINUTES
April 9, 2013**

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

Commissioners Present: Bridenstine, Drozd, Whitten, and Chair Humphreville.

Pledge of Allegiance was led by Chair Humphreville

APPROVAL OF AGENDA

Commissioner Whitten moved to approve the agenda. Commissioner Bridenstine seconded. Motion carried 4-0.

PUBLIC COMMENTS

None

DEPARTMENT REPORT:

1. STREET VACATION, SV 01-13

A request to vacant approximately sixty feet (60') by one hundred feet (100') easement(s) on both the northwest and northeast corners of Dumosa Avenue @ SR 62
APN 595-371-41

Project Engineer Qishta gave the staff report contained in the written agenda.

Commissioner Whitten read the executive summary regarding the fact that the easement can only be vacated when it is supported by substantial evidence that it is no longer needed or vehicular traffic and the street is unnecessary for present or prospective public use. He noted that the street is clearly in use now. Deputy Town Manager Stueckle explained an easement for roadway and utility purposes was granted to the County in 1962 for SR 62 outer highway north, both east and west of Dumosa. In 1975 the County Board of Supervisors adopted a resolution approving the vacation of a portion of the easement granted in 1962. It is unknown why a portion of the original 1962 easement was not vacated in 1975, but is likely it was for potential intersection improvements for the area.

Commissioner Whitten questioned if the property line next to La Casita is town property. Deputy Town Manager Stueckle stated that property ownership is either the Town's or the partner in the senior housing partnership. He added the east side remains with the Town.

Commissioner Drozd commented that La Casita is very close to the property line.

Commissioner Bridenstine questioned if existing dedication for Dumosa is in place currently. Deputy Town Manager Stueckle advised that is correct.

Commissioner Whitten questioned if setbacks are being ignored. Deputy Town Manager Stueckle advised that setback standards apply to the property line. Commissioner Whitten questioned if a light has been looked at for Dumosa. Deputy Town Manager Stueckle advised that Caltrans has given approval of signalization at that intersection. Staff is hoping for \$479,000 for design of that signal. There are no costs to the Town requested at this time.

Commissioner Drozd questioned if realignment is anticipated to be at the same time as the signal or some different time. Deputy Town Manager Stueckle advised that road realigned and reconstruction will be done simultaneously with construction the project, which is scheduled to break ground in less than 60 days.

Commissioner Bridenstine moved to find that the street vacation, SV-01-13, is consistent with the General Plan and General Plan Circulation Element, and recommend to the Town Council to vacate an approximate 60' x 100' easement at the intersection of SR 62 and Dumosa Avenue, as identified on Exhibit A to this staff report, being a portion of APN 595-371-41, and forward that recommendation to the Town Council. Commissioner Drozd seconded. Motion carried 4-0

2. DRAFT DEVELOPMENT CODE

Deputy Town Manager Stueckle advised staff will be presenting each individual chapter and addressing Commission comments, questions, concerns, and requested changes. He noted this will be a continuous work in progress throughout the update.

Starting with Article 6, Subdivisions, Noel Owsley and Project Engineer Qishta went over the chapters and how the Subdivision Ordinance relates to the process and approval authority for Tentative Maps, Parcel Maps and Final Maps, Lot Line Adjustments, Lot Mergers and Certificates of Compliance, and Reversion to Acreage.

Noel Owsley, Engineer advised of the following regarding Section 9.95.040 – Site Preparation and grading for Subdivision Construction, on page 6-53.

(1.) Minimum Slopes, Noel Owsley, Engineer, advised that during the design of a tract or single family there are swales around the house to drain the water away from the house and out into the street. The steepness of the swale determines how high above the street the pad needs to be. Right now the requirement is 0.5% for paved drainage swales and 2% for unpaved, however he is recommended that the swale be 0.5% in all cases. If you go much more than that the side yards become very steep.

(2.) Pad Elevations. In all cases pad elevation should be above the street, the question is what the minimum should be. There are a lot of streets that carry water. Deputy Town Manager Stueckle added that in a community like Yucca Valley, with the topography and existing development patterns, we know there are going to be subdivisions with pads designed below street grade. Page 6-4 has Exceptions to the Subdivision Standards which gives the authority for the Town Engineer to review the exceptions. A concern we have as staff is we would like, in all cases, for the pad to be above the grade of the street, but where do we establish that. What minimums do we want to have as far as the pad being above the street. Engineer Owsley recommended that the last sentence of the pad elevation paragraph which reads “However, the Town Engineer may approve a waiver of these elevations for lots one acre or larger or with setbacks 50 feet or greater, where the pad elevation is protected from flooding or run-off from the public right-of-way by drainage improvements” be amended to removing “for lots one acre or larger or with setbacks 50 feet or greater”. Deputy Town Manager Stueckle stated staff wants flexibility to exist but the goal is to assure both on the Staff and Commission level that when maps come before you there is no issue of flooding for homes below street grade.

Engineer Owsley advised under a. under Section 9.91.100 E. 2. a. regarding expiration of vested rights is actually 24 months, not 12 as stated on page 6-17. Section 9.91.110 Tentative Map Expiration and Extensions, (A) Valid Timeframe, Engineer Owsley stated the Map Act currently allows that approved maps are good for 2 years and there can be 4 more 1 year extensions for a total of 6 years. Extensions have to be applied for every year after the 2nd year.

Chair Humphreville stated he had page 6-53 marked for the cross drainage. What it is going to come down to is mass grading whether or not we are going to allow to mass grade on the tracts. He cited Story Park as an example. Engineer Owsley stated by not having mass grading you more or less have to assume that the water is going to go where it goes today.

Commissioner Bridenstine stated she agrees with the ½% slope for various reasons, including the fact that 2% tends to erode you get a trough cut into the

soil, and you get the soil in the street, so ½% works really well here in the desert. Problem with Story Park is that when it was developed no one had idea we were going to have curbs and gutters in the first place. She noted that Story Park is a separate issue and this ordinance needs to pertain to new subdivisions and new construction. With reference to the proposed change to the last sentence under residential pad elevations relating to drainage improvements, a lot of people think that drainage improvements means storm drains. Adding the words “drainage improvements” restricts what staff is trying to un-restrict. Engineer Owsley clarified that the intent of “drainage improvements” is not storm drains, but swales. Commissioner Bridenstine questioned if the definitions will clarify that drainage improvements does not mean storm drains.

Chair Humphreville advised ½% works if we keep 4 or 5 inches pad elevation above the street. Chair Humphreville questioned if, when you say no cross drainage, they can have underground drainage from lot to lot if needed. Engineer Owsley stated that staff does not want to encourage cross lot drainage because it is difficult to ensure it is maintained, and if not how do we control that water. It is the smaller lots where there are potentially problems with maintenance that we are not encouraging cross lot drainage, but on the larger lots that are not mass graded, you can keep cross lot drainage and try to keep the flow as it originally was.

Commissioner Bridenstine advised what she would really like to see is what staff had in there before and said you were removing for lots 1 acre or larger, so that people understand that sheet flow is still allowed if there is room to revert back to the original drainage flow pattern. Engineer Owsley stated that larger lots take care of themselves, but how do you marry a code that has regulations for small and large lots.

Deputy Town Manager Stueckle commented that another issue is when you have subdivisions with homes below street grade, where a 100 year flow comes over the right of way. An example of unintended consequences is allowing 6’ garden walls without a permit. Many of those garden walls are built in the drainage easements. He advised that mass grading has been used in a couple of different contexts, and presented in a number of different policy areas. He questioned the typical definition of mass grading. Engineer Owsley advised there is no typical mass grading site, noting that typically smaller lots are mass graded. Deputy Town Manager Stueckle questioned how the Commission defines mass grading in their minds, and how do we define it in the code so that word is used properly and not as an unacceptable construction method.

Commissioner Bridenstine defined what she believe is a reconfiguration of

existing land form to where drainage patterns are altered and a substantial amount of clearing is done. The key is the fact that drainage patterns are altered. For example a pad that is above the street where it was below, or to flatten out a hill so that it is skewed in a specific direction.

Chair Humphreville stated it is a lot different in subdivisions than it is in single family residential areas. We don't want to take away someone's ability to take out brush if they buy acreage so that they can have equestrian uses. Engineer Owsley stated that is one thing that is not really covered in the subdivision section, it would be developed under a different section of code. Deputy Town Manager Stueckle advised that one of staff's goals in the update process is establishing expectations in the community about what these codes and general plan policies mean. Grading is a completely different issue from removal of vegetation and should not be at the policy level, regardless of which end of the spectrum a person stands on. The desired end result we want is to be able to communicate clearly to the community expectations of the outcome of the code and what they mean. Vegetation issues are addressed in article 3.

Chair Humphreville requested an example of acceptable cross drainage. Engineer Owsley stated it is something above ground such as a hardened swale in the easement on both lots.

Margo Sturges, Yucca Valley, commented regarding mass grading and the need to educate citizens.

Deputy Town Manager Stueckle advised that Commissioner Whitten turned in a marked up version of his prior code book but staff has not had time to go through it.

Chair Humphreville commenting with regard to page 6-54 E. 1. Underground utilities required "within or directly serving each subdivision shall be underground", noted he does not have a problem with undergrounding within the subdivision, but questioned the supply coming into subdivision. Deputy Town Manager Stueckle advised that the existing utility undergrounding ordinance requires that abutting utility lines that are providing direct service to the subdivision site, are required to be undergrounded, but staff will look into that issue. Chair Humphreville questioned Page 6-55 F, regarding what the standard is going to be for street lighting. Engineer Owsley advised that when staff looks at tracts in general, at this time street lights are only really required at intersections. On major arterials street lights are suppose every 100 feet, but at our level we are more concerned with the night sky ordinance and don't really require that many, but by leaving the wording this way keeps the option in there if needed. Deputy

Town Manager Stueckle advised the existing Public Works improvements standards adopted in 1995, are out of date and do need to be updated. The street lighting detail is far too intensive for a desert community and needs to be amended. He noted the typical practice today is one street light required at a main road and one at the end of a cul-de-sac.

Commissioner Drozd questioned if on page 6-54 B regarding fire hydrants would have the Water District involve. Engineer Owsley advised it is the Fire Department sets the location. Deputy Town Manager Stueckle added the location, spacing, and water flow requirements are set by San Bernardino County Fire Department. If the system is not adequate to deliver that flow, it is up to the developer to upgrade the water system to comply with fire requirements. Commissioner Drozd commented there is a section on simple lot mergers and questioned if there is something about a simple lot split. Deputy Town Manager Stueckle advised a parcel map is required for a lot split. Engineer Owsley advised that is per state law. Deputy Town Manager Stueckle added he does not believe that state law requires presentation of parcel maps to the Planning Commission, noting that some communities allow Director approval, however, in small communities like Yucca Valley the maps should come to the Commission.

Commissioner Whitten commented regarding the posting of notification on page 6-11 c. requiring notices to be posted not more than 300' apart along street frontages of subject property, and questioned if there is any language regarding having notices going to land locked lots. Engineer Owsley advised this section is not required for the Map Act. Commissioner Whitten questioned if there is any possibility of a subdivision having Community Center Service Areas. Deputy Town Manager Stueckle advised that, under the Planned Development and Specific Plan ordinances for gated communities, those opportunities exist within various portions of those ordinances. Commissioner Whitten questioned if geothermal exploration should be included in Preliminary Soils report language on page 6-63. Deputy Town Manager Stueckle advised that would not be in this part of the code, but would be added in another section.

Commissioner Drozd commented he couldn't find anywhere that splitting a parcel was required to have curb, gutter and sidewalk. Deputy Town Manager Stueckle pointed out the draft infrastructure table noting that, in low density areas, no curb gutter and sidewalks are included, but it will come back to the Commission

Chair Humphreville commented regarding expiration of vested rights listed on page 6-17 a. where it talks about an initial time period of 12 months with 1 year extensions, and questioned why that is 24 month extensions. Engineer Owsley

advised that is expressly in the Map Act.

Commissioner Bridenstine questioned if there is anything in the subdivision section regarding onsite retention of storm waters and how they are handled. Engineer Owsley advised that is covered under a different section.

Deputy Town Manager Stueckle reviewed Chapter 9.64, Conditional Use Permits as to how it is laid out and the information communicated to the community. The Commission makes findings of General Plan consistency on all Conditional Use Permits, with the requirements listed in C. He noted that no two projects are the same and there are always going to be nuances, so there may times when one or two of the items in section C are not applicable to a project's findings. Those things will be in the staff report, providing technical reasons why the items may not be required. We have tried to establish language so that an individual knows what they can expect when trying to develop a project. We also have standard conditions of approval for both CUP's and Site Plan Review Applications. Table 4.3 on page 4-15 lays out the review authority. It is typically staff's goal to bring forward a recommendation on all CUP's so the Commission is in a position to act, but after taking public testimony, the Commission may feel it is more appropriate for the Council to look at the item. With reference to Performance guarantees on page 4-16 D. it is not mandatory and has not been practice for CUP's to require posting of sureties, but there may be projects in the future where positing of performance bonds would be recommended for something like a large multi-phase project where infrastructure is put in in phases.

Commissioner Whitten questioned if there should be a paragraph added to Section 9.64.020 Applicability, regarding mixed use. Deputy Town Manager Stueckle advised that will be added there and where necessary throughout the code. With regard to the tables, Commissioner Whitten suggested that reference page numbers be added.

Commissioner Drozd expressed concern regarding the 10 day noticing requirements on page 4-8 stating that a lot of people come to meeting on an issue and say they were never notified. He wondered if it was feasible to use certified mail so staff knows they got the notice. Deputy Town Manager Stueckle advised of the standard process noting that the notices are mailed to property owners based on the most recent equalized assessment role by the County Assessor. The applicant is submitting and certifying that mailing labels are true, accurate and consistent with the most recent assessment role. State planning laws dictates noticing requirements by 1st class mail. In addition, all items are scanned and posted on the Town's webpage on the planning page, so that information is being made available to the community very early on. Commissioner Drozd questioned

whether Temporary Special Event permits are required for things such as political events in front of the office. Deputy Town Manager Stueckle advised that political assembly is not addressed within the code, noting individuals have a right to hold those events.

Chair Humphreville added that the property owner can address that if it becomes an issue for them.

Chair Humphreville commented regarding page 4-66 C. 1. Batch Plants, and questioned what the zoning is at the Superior Plant, and whether or not that business would still fit the area if the plant changes hands. Deputy Town Manager Stueckle advised the property is located in Old Town Industrial so staff needs to check permitted uses within the Old Town Specific Plan for that precise land use activity. Chair Humphreville advised he heard the plant is for sale and was wondering if the Town will tell the new owner that they can't do that activity there. Deputy Town Manager Stueckle advised that staff will have to research issue and will come back to the next meeting with the information. Chair Humphreville requested an explanation of the requirement on page 4-58 Section 9.740.80 C. Deputy Town Manager Stueckle advised when common open space is created as the result of a project within a specific plan, which could be in commercial, but is more frequently residential, the purpose is to insure that there is a requirement for a Home Owners Association to maintain that common area. Chair Humphreville stated he can understand the requirement for trash, but if it is open space he has a problem, and questioned what the requirements will be for something like a 5 acre open space area. Deputy Town Manager Stueckle stated there may be an agreement in the CCR's. Chair Humphreville questioned if there were any changes in the table on page 4-15 from the last revision. Deputy Town Manager Stueckle advised no there have been no changes. He noted that there is one change on the section regarding Land Use Compliance Review. The LUCR ordinance was silent in terms of how many expansions there could be, that change is on Page 4-33 B. Chair Humphreville questioned page 4-18 H "That quality in architectural design is maintained in order to enhance the visual desert environment..." Deputy Town Manager Stueckle advised there would be a review of the architecture to the guidelines, noting the Town provides a tremendous amount of flexibility today..

Deputy Town Manager Stueckle advised that the Town attorney is still reviewing Article 5 so staff will hold on those questions until she has completed her review. He added that staff will track changes and hope to date each change.

CONSENT AGENDA

3. MINUTES

A request that the Planning Commission approve as submitted the minutes of the meetings held on February 26, and March 26, 2013

Commissioner Whitten moved to approve the minutes as presented. Commissioner Drozd seconded. Motion carried 4-0.

STAFF REPORTS AND COMMENTS

Deputy Town Manager Stueckle advised that we have received a resignation from Commissioner Hildebrand and suggested the Commission reorganization remain on hold until the vacancy is filled. Upon discussion the consensus was to place reorganization on the next agenda.

Deputy Town Manager Stueckle stated that at the last meeting Commissioner Bridenstine indicated she would not be available for the meeting of May 28th and questioned if the Commission would have any availability any other date. Commissioner Bridenstine advised she will not be available from May 22nd through the 29th. Deputy Town Manager Stueckle recommended the May 28th Commission be canceled and rescheduled to June.

COMMISSIONER REPORTS AND REQUESTS

Commissioner Bridenstine:

None

Commissioner Drozd:

Thanked staff for doing a great job.

Thanked Commissioner Hildebrand for his service to the Commission.

Commissioner Whitten:

Echoed comments about Commissioner Hildebrand noting that anyone who puts themselves out into the public limelight, whether elected or as a volunteer should be commended.

Thanked staff for their hard work on the code noting it is getting better and better.

Thanked the citizen attending the meeting, as well as the media for sitting here bearing

through process.

Commented that as he drives around town he has noticed quite a bit of building material in driveways, and has seen a couple of lots being cleared. Wondered if there was any way, as commissioners, they could be informed about what is going on with building permits. Deputy Town Manager Stueckle advised there has been one new single family residential permit issued in the past 18 months on Apache. Staff has been told there will be an application coming in for a home on Balsa and Emerson, and we are expecting to see more activity on Senior Housing and the subdivision on Acoma Trail. He also noted that staff has started listing projects on the Town's website that have been submitted for plan check, but those are primarily in the commercial category.

Distributed a brochure from Twentynine Palms regarding landscaping requirements and what kinds of plants the Water District lists.

Commissioner Drozd:

Commented regarding the demonstration garden at Joshua Basin Water District.

Chairman Humphreville:

Thanked staff for all their hard work.

ANNOUNCEMENTS

The next regular meeting of the Yucca Valley Planning Commission is Tuesday, April 23, 2013 at 6:00 p.m. in the Yucca Valley Community Center.

ADJOURNMENT

There being no further business, the meeting was adjourned at 8:18 p.m.

Respectfully submitted,

Jamie Anderson, MMC
Town Clerk

TOWN COUNCIL STAFF REPORT

To: Honorable Mayor & Town Council
From: Shane Stueckle, Deputy Town Manager
Alex Qishta, Project Engineer
Date: September 10, 2013
For Council Meeting: September 17, 2013

Subject: Paradise Park Playground Equipment Improvement – Town Project No. 8947
Resolution No. 13-
Notice Inviting Bids

Prior Council Review: At the meeting of February 19, 2013, the Town Council directed staff proceed with replacement of playground equipment and associated recreational infrastructure at Paradise Park.

Recommendation: That the Town Council adopts the Resolution, approves the Plans and Specifications, and authorizes the Town Clerk to advertise and receive bids.

Executive Summary: Town Council authorization to advertise construction of capital projects is sought prior to staff proceeding with the advertising process. The bidding period for this project concludes on October 17, 2013. Bid recommendations will be made to the Town Council in November 2013, with the project construction commencing in approximately January 2014.

Order of Procedure:

- Request Staff Report
- Request Public Comment
- Council Discussion/Questions of Staff
- Motion/Second
- Discussion on Motion
- Call the Question (Roll Call Vote, Consent Agenda)

Discussion: The Paradise Park Playground Equipment Improvement project includes the replacement of the existing playground equipment, as well as replacing the existing sand with wood chips for ADA access.

The playground equipment is designed for both the 2 to 5 and 5 to 12 year old age groups.

Reviewed By:


Town Manager

Town Attorney

Mgmt Services


Dept Head

Department Report
 Consent

Ordinance Action
 Minute Action

Resolution Action
 Receive and File

Public Hearing
 Study Session

Project Plans & Specifications are on file in the Town Clerk's Office for review.

Alternatives: Staff recommends no alternative actions.

Fiscal impact: Approximately \$125,000 in CDBG funds has been allocated for Paradise Park Playground Equipment Improvements Project.

Attachments: Notice Inviting Bids
Resolution No. 13-

NOTICE INVITING SEALED BIDS OR PROPOSALS

Pursuant to a Resolution of the Town Council of the Town of Yucca Valley, directing this notice, NOTICE IS HEREBY GIVEN that the said Town of Yucca Valley will receive at the Office of the Town Clerk in the Town Hall of the Town of Yucca Valley, on or before the hour of 3:00 o'clock P.M. on the 17th day of **October, 2013**, sealed bids or proposals for a project that is federally funded with Community Development Block Grant (CDBG) funds for the Construction of:

**Project No. 8947, Paradise Park Playground Equipment Improvement
CDBG # 123-39102/3698**

in said Town. Bids will be opened and publicly read immediately thereafter.

Bids must be made on a form provided for the purpose, addressed to the Town of Yucca Valley marked: Bid for Construction of

**Project No. 8947, Paradise Park Playground Equipment Improvement
CDBG # 123-39102/3698**

COMMUNITY DEVELOPMENT BLOCK GRANT FUNDS:

Bidders are advised that this project is federally funded with Community Development Block Grant funds and all associated rules and regulations will apply to this contract. Read and understand the "Attachment D" section of the Contract Documents and Specifications regarding these rules and regulations. The requirements of the Davis-Bacon Act will apply to this project, and those requirements will be enforced. The prime contractor and subcontractors are required to pay their laborers and mechanics employed under this Contract, a wage not less than minimum wage classification as specified in both the Federal and State Wage Decision when the Contract amount for the Prime Contract exceeds \$2,000. **The higher of the two applicable wage classifications, either State Prevailing Wage or Davis-Bacon Act Federal Prevailing Wage, will be enforced for all work under this Contract.** The prime contractor is responsible for ensuring subcontractor compliance with Davis-Bacon and related Act Requirements. The Federal Labor Standards Provisions (HUD 4010) apply to this project."

A copy of the Davis-Bacon Federal Prevailing Wage, the date of which reflects the latest applicable modification at the time of this advertisement, is included in the Contract Documents & Specifications

Contractor(s) and subcontractor(s) are required to submit their weekly payrolls electronically via the internet utilizing software provided by LCPtracker Inc.

PREVAILING WAGE: Notice is hereby given that in accordance with the provisions of California Labor Code, Division 2, Part 7, Chapter 1, Articles 1 and 2, the Contractor is required to pay not less than the general prevailing rate of per diem wages for work of a similar character in the locality in which the public work is performed, and not less than the general prevailing rate of per diem wages for holiday and overtime work. In

that regard, the Director of the Department of Industrial Relations of the State of California is required to and has determined such general prevailing rates of per diem wages. Copies of such prevailing rates of per diem wages are on file in the office of the Town Clerk, 57090 29 Palms Highway, Yucca Valley, California, and are available to any interested party on request. The Town also shall cause a copy of such determinations to be posted at the job site.

Pursuant to Labor Code § 1775, the Contractor shall forfeit, as penalty to the Town, not more than fifty dollars (\$50.00) for each laborer, workman, or mechanic employed for each calendar day or portion thereof, if such laborer, workman, or mechanic is paid less than the general prevailing rate of wages hereinbefore stipulated for any work done under the attached contract, by him or by any subcontractor under him, in violation of the provisions of said Labor Code.

In accordance with the provisions of § 1777.5 of the Labor Code, as amended, and in accordance with the regulations of the California Apprenticeship Council, properly indentured apprentices may be employed in the prosecution of the work.

Attention is directed to the provisions in §§ 1777.5 and 1777.6 of the Labor Code concerning the employment of apprentices by the Contractor or any subcontractor under him.

SUBCONTRACTED WORK: The name and location of business of any subcontractor who will perform work exceeding 1/2 of 1% of the prime contractor's total bid or ten thousand dollars (\$10,000), whichever is greater, must be submitted with the bid. Any other information regarding the foregoing subcontractors that is required by Town to be submitted may be submitted with the bid, or may be submitted to Town up to 24 hours after the deadline established herein for receipt of bids. The additional information must be submitted by the bidder to the same address and in the same form applicable to the initial submission of bid.

INELIGIBLE SUBCONTRACTORS: The successful bidder shall be prohibited from performing work on this project with a subcontractor who is ineligible to perform work on the project pursuant to Section 1999.1 or 1777.7 of the Labor Code.

YOU MUST SUBMIT with your proposal cash, cashier's check, certified check, or bidder's bond, payable to the Town of Yucca Valley in an amount equal to at least ten percent (10%) of the bid as a guarantee that the bidder will enter into the contract if the same is awarded to him, and in the event of failure to enter into such contract said cash, cashier's check, certified check, or bond shall become the property of the Town of Yucca Valley. If the Town of Yucca Valley awards the contract to the next lowest bidder, the amount of the lowest bidder's security shall be applied to the difference between the low bid and second lowest bid, and the surplus, if any, shall be returned to the lowest bidder.

The Contractor shall be required to post a bond in the amount of 100% of the contract price and a labor and material bond equal to 50% of the contract price. No proposal will be considered from a Contractor who is not licensed as a Class "A" or "B"

contractor, at time of bid, or to whom a proposal form has not been issued by the Town of Yucca Valley.

The work is to be done in accordance with the plans and specifications on file in the Office of the Town Clerk. Copies of the plans and specifications will be furnished upon application to the Town and payment of **\$35.00** which sum is nonrefundable. Upon written request, copies of the plans and specifications will be mailed when said request is accompanied by payment stipulated above, together with a nonrefundable payment of **\$15.00** to cover mailing charges and overhead.

The Contractor may, upon the Contractor's request and the Contractor's sole cost and expense, substitute authorized securities in lieu of moneys withheld (performance retention).

The successful bidder will be required to enter into a contract satisfactory to the Town of Yucca Valley. The Town of Yucca Valley reserves the right to reject any and all bids, or to waive any irregularities in the bids.

By order of the Town Council this 17th day of September 2013.

By: _____
Town Clerk
Town of Yucca Valley

RESOLUTION NO. 13-

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF YUCCA VALLEY, CALIFORNIA APPROVING PLANS AND SPECIFICATIONS FOR THE CONSTRUCTION OF THE PARADISE PARK PLAYGROUND EQUIPMENT IMPROVEMENTS IN SAID TOWN AND AUTHORIZING AND DIRECTING THE TOWN CLERK TO ADVERTISE TO RECEIVE BIDS

WHEREAS, it is the intention of the Town of Yucca Valley to construct certain improvements in the Town; and

WHEREAS, the Town has prepared plans and specifications for the construction of certain improvements.

NOW, THEREFORE, THE TOWN COUNCIL OF THE TOWN OF YCCA VALLEY, CALIFORNIA RESOLVES AS FOLLOWS.

SECTION 1: That the plans and specifications presented to the Town Council are hereby approved as the plans and specifications for: **PARADISE PARK PLAYGROUND EQUIPMENT IMPROVEMENTS – PROJECT No. 8947, CDBG 123-39102/3698**

SECTION 2: That the Town Clerk is hereby authorized and directed to advertise as required by law for the receipt of sealed bids or proposals for doing of the work specified in the aforesaid plans and specifications, which said advertisement shall be in form and content as approved by the Town Attorney and a copy of this Resolution shall be contained in each specification package for the work.

"NOTICE INVITING SEALED BIDS OR PROPOSALS"

Pursuant to a Resolution of the Town Council of the Town of Yucca Valley, directing this notice, **NOTICE IS HEREBY GIVEN** that the said Town of Yucca Valley will receive at the Office of the Town Clerk in the Town Hall of the Town of Yucca Valley, on or before the hour of 3:00 P.M. **on the OCTOBER 17, 2013** sealed bids or proposals for the construction of:

PARADISE PARK PLAYGROUND EQUIPMENT IMPROVEMENTS – PROJECT No. 8947, CDBG 123-39102/3698

Bids will be opened and publicly read immediately thereafter.

Bids must be made on a form provided for the purpose, addressed to the Town of Yucca Valley marked: Bid for Construction of:

PARADISE PARK PLAYGROUND EQUIPMENT IMPROVEMENTS – PROJECT No. 8947, CDBG 123-39102/3698

COMMUNITY DEVELOPMENT BLOCK GRANT FUNDS:

Bidders are advised that this project is federally funded with Community Development Block Grant funds and all associated rules and regulations will apply to this contract. Read and understand the "Attachment D" section of the Contract Documents and Specifications regarding these rules and regulations. The requirements of the Davis-Bacon Act will apply to this project, and those requirements will be enforced. The prime contractor and subcontractors are required to pay their laborers and mechanics employed under this Contract, a wage not less than minimum wage classification as specified in both the Federal and State Wage Decision when the Contract amount for the Prime Contract exceeds \$2,000. **The higher of the two applicable wage classifications, either State Prevailing Wage or Davis-Bacon Act Federal Prevailing Wage, will be enforced for all work under this Contract.** The prime contractor is responsible for ensuring subcontractor compliance with Davis-Bacon and related Act Requirements. The Federal Labor Standards Provisions (HUD 4010) apply to this project."

A copy of the Davis-Bacon Federal Prevailing Wage, the date of which reflects the latest applicable modification at the time of this advertisement, is included in the Contract Documents & Specifications

PREVAILING WAGE: Notice is hereby given that in accordance with the provisions of California Labor Code, Division 2, Part 7, Chapter 1, Articles 1 and 2, the Contractor is required to pay not less than the general prevailing rate of per diem wages for work of a similar character in the locality in which the public work is performed, and not less than the general prevailing rate of per diem wages for holiday and overtime work. In that regard, the Director of the Department of Industrial Relations of the State of California is required to and has determined such general prevailing rates of per diem wages. Copies of such prevailing rates of per diem wages are on file in the office of the Town Clerk, 57090 29 Palms Highway, Yucca Valley, California, and are available to any interested party on request. The Town also shall cause a copy of such determinations to be posted at the job site.

Pursuant to Labor Code § 1775, the Contractor shall forfeit, as penalty to the Town, not more than fifty dollars (\$50.00) for each laborer, workman, or mechanic employed for each calendar day or portion thereof, if such laborer, workman, or mechanic is paid less than the general prevailing rate of wages hereinbefore stipulated for any work done under the contract, by him or by any subcontractor under him, in violation of the provisions of said Labor Code.

In accordance with the provisions of § 1777.5 of the Labor Code, as amended, and in accordance with the regulations of the California Apprenticeship Council, properly indentured apprentices may be employed in the prosecution of the work.

Attention is directed to the provisions in §§ 1777.5 and 1777.6 of the Labor Code concerning the employment of apprentices by the Contractor or any subcontractor under him.

§ 1777.5, as amended, requires the Contractor or subcontractor employing tradesmen in any apprenticeable occupation to apply to the joint apprenticeship committee nearest the site of the public works project and which administers the apprenticeship program in that trade for a certificate of approval. The certificate will also fix the ratio of apprentices to journeymen that will be used in the performance of the contract. The ratio of apprentices to journeymen in such cases shall not be less than one to five except:

- A. When employment in the area of coverage by the joint apprenticeship committee has exceeded an average of 15 percent in the 90 days prior to the request for certificate, or
- B. When the number of apprentices in training in the area exceeds a ratio of one to five, or
- C. When the trade can show that it is replacing at least 1/30 of its membership through apprenticeship training on an annual basis statewide or locally, or
- D. When the Contractor provides evidence that he employs registered apprentices on all of his contracts on an annual average of not less than one apprentice to eight journeymen.

The Contractor is required to make contributions to funds established for the administration of apprenticeship programs if he employs registered apprentices or journeymen in any apprenticeable trade on such contracts and if other contractors on the public works site are making such contributions.

The Contractor and subcontractor under him shall comply with the requirements of §§ 1777.5 and 1777.6 in the employment of apprentices.

Information relative to apprenticeship standards, wage schedules, and other requirements may be obtained from the Director of Industrial Relations, *ex-officio* the Administrator of Apprenticeship, San Francisco, California, or from the Division of Apprenticeship Standards and its branch offices.

Eight (8) hours of labor shall constitute a legal day's work for all workmen employed in the execution of this contract and the Contractor and any subcontractor under him shall comply with and be governed by the laws of the State of California having to do with working hours as set forth in Division 2, Part 7, Chapter 1, Article 3 of the Labor Code of the State of California as amended.

The Contractor shall forfeit, as a penalty to the Town, twenty-five dollars (\$25.00) for each laborer, workman, or mechanic employed in the execution of the contract, by him or any subcontractor under him, upon any of the work hereinbefore mentioned, for each calendar day during which said laborer, workman, or mechanic is required or permitted to labor more than eight (8) hours in violation of said Labor Code.

Contractor agrees to pay travel and subsistence pay to each workman needed to execute the work required by this contract as such travel and subsistence payments are defined in the applicable collective bargaining agreements filed in accordance with Labor Code § 1773.8.

The bidder must submit with his proposal cash, cashier's check, certified check, or bidder's bond, payable to the Town for an amount equal to at least ten percent (10%) of the amount of said bid as a guarantee that the bidder will enter into the proposed contract if the same is awarded to him, and in event of failure to enter into such contract said cash, cashier's check, certified check, or bond shall become the property of the Town.

If the Town awards the contract to the next lowest bidder, the amount of the lowest bidder's security shall be applied by the Town to the difference between the low bid and the second lowest bid, and the surplus, if any, shall be returned to the lowest bidder.

The amount of the bond to be given to secure a faithful performance of the contract for said work shall be one hundred percent (100%) of the contract price thereof, and an additional bond in an amount equal to one hundred (100%) of the contract price for said work (except as otherwise modified in the General Provisions section of the contract documents) shall be given to secure the payment of claims for any materials or supplies furnished for the performance of the work contracted to be done by the Contractor, or any work or labor of any kind done thereon, and the Contractor will also be required to furnish a certificate that he carries compensation insurance covering his employees upon work to be done under contract which may be entered into between him and the said Town for the construction of said work.

No proposal will be considered from a Contractor who is not properly licensed as required by the Notice Inviting Bids at time of bid in accordance with the provisions of the Contractor's License Law (California Business and Professions Code, § 7000, *et seq.*) and rules and regulations adopted pursuant thereto or to whom a proposal form has not been issued by the Town.

The work is to be done in accordance with the profiles, plans, and specifications of the Town of Yucca Valley on file in the Office of the Town Clerk. Copies of the plans and specifications will be furnished upon application to the Town and payment of \$35.00, said \$35.00 is nonrefundable.

Upon written request by the bidder, copies of the plans and specifications will be mailed when said request is accompanied by payment stipulated above, together with an additional non-reimbursable payment of \$15.00 to cover the cost of mailing charges and overhead.

The successful bidder will be required to enter into a contract satisfactory to the Town.

In accordance with the requirements of the General Provisions, as set forth in the Plans and Specifications regarding the work contracted to be done by the Contractor, the Contractor may, upon the Contractor's request and at the Contractor's sole cost and expense, substitute authorized securities in lieu of moneys withheld (performance retention).

The Town of Yucca Valley reserves the right to reject any and all bids.

ADOPTED AND APPROVED this 17th day of September, 2013.

MAYOR

ATTEST:

TOWN CLERK

TOWN COUNCIL STAFF REPORT

To: Honorable Mayor & Town Council
From: Shane R. Stueckle, Deputy Town Manager
Date: September 12, 2013
For Council Meeting: September 17, 2013

Subject: Questar Southern Trails Pipeline
Oil Conversion Project

Prior Council Review: There has been no prior review of this item.

Recommendation: That the Town Council receives the reports and provides direction as deemed necessary.

Executive Summary: The Town Council requested this matter be brought before the Town Council for discussion.

Order of Procedure:

- Request Staff Report
- Request Public Comment
- Council Discussion/Questions of Staff
- Motion/Second
- Discussion on Motion
- Call the Question (Voice Vote)



Discussion: Questar Southern Trails pipeline Company is evaluating alternative routes to construct an approximately 120-mile section of new pipeline as part of its proposed Southern Trails Oil Conversion Project. One alternative route includes the Morongo Basin and Yucca Valley. Several property owners within the Town received authorization requests for survey crews to collect survey data in the past several months.

According to Questar representatives, no decisions have been made on the final alignment. Once decisions are made for final alignments, the environmental and permitting processes would be initiated.

The Town Council requested this matter be brought forward for Town Council discussion.

Alternatives: The Council may provide direction as deemed appropriate.

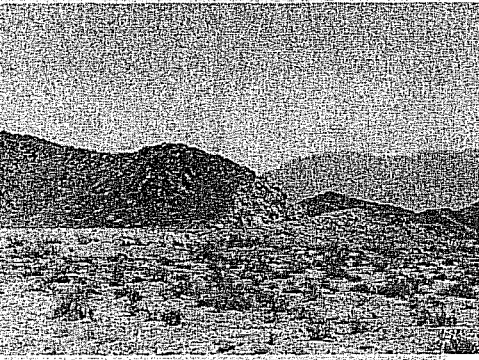
Fiscal impact: NA

Reviewed By:	 _____ Town Manager	_____ Town Attorney	_____ Mgmt Services	 _____ Dept Head
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<input checked="" type="checkbox"/> Department Report	<input type="checkbox"/> Ordinance Action	<input type="checkbox"/> Resolution Action	<input type="checkbox"/> Public Hearing
<input type="checkbox"/> Consent	<input checked="" type="checkbox"/> Minute Action	<input type="checkbox"/> Receive and File	<input type="checkbox"/> Study Session

Attachments: Questar Pipeline Information

QUESTAR SOUTHERN TRAILS



Questar has received multiple Earth Day awards for its stakeholder outreach efforts and innovative approaches to reclamation, and was recently awarded the Interstate Oil and Gas Compact Commission's 2012 Chairman's Stewardship Award.

CONTACT:

If you have any questions about the potential conversion project, please contact Steve Chapman, Coordinator Special Communication Projects, Questar Corporation, at 801-324-5548.

Questar Southern Trails Pipeline Oil Conversion Project

Questar Southern Trails Pipeline Company, a subsidiary of Questar Corporation, is currently evaluating potential routes to construct an approximately 120-mile-long section of new 16-inch-diameter pipeline as part of its proposed Southern Trails Pipeline Oil Conversion Project. The proposed conversion project will help reduce dependence on high-price foreign oil currently transported via tanker ships by providing Long Beach, Calif., refiners a safe and reliable supply of lower-cost domestic oil, while creating jobs and reducing California gasoline prices at the same time. Southern Trails is proposing to transport up to 120,000 barrels of crude oil per day by 2016. Construction of the project is currently proposed to begin in early 2015. Once

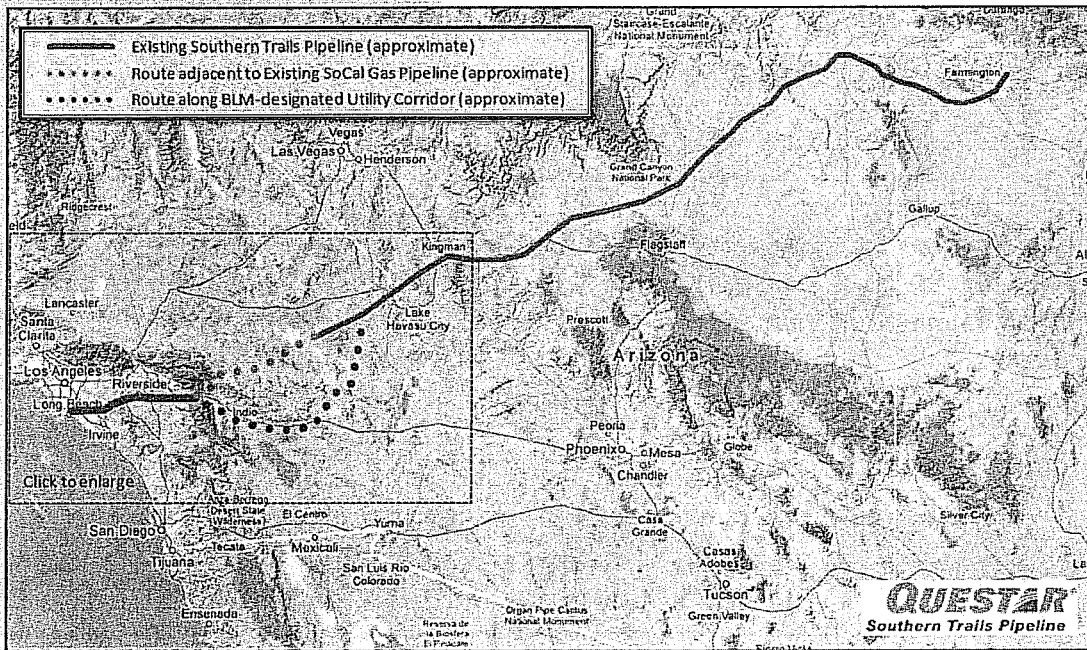
The Southern Trails pipeline was originally operated as a crude oil pipeline and was converted to natural-gas service in 2002. The east section of the Southern Trails pipeline extends approximately 485 miles from the San Juan Basin in New Mexico to interconnects with Southern California utilities near Essex, Calif., and is currently in natural-gas service. The west section of the Southern Trails pipeline extends approximately 96 miles from Whitewater, Calif., to the West Hynes crude oil terminal in Long Beach, and is currently not in service. The original section of pipeline between Whitewater and Essex is owned by SoCal Gas, and would need to be re-built as part of the Southern Trails oil conversion project. Two

routes for the new pipeline are currently being evaluated, both adjacent to existing utilities. One would follow the existing SoCal Gas pipeline route, and the other would follow a BLM-designated utility corridor to the south (see map).

Questar Southern Trails Pipeline Company has retained Paragon Partners Ltd. to obtain survey permission from all landowners in the study area of both potential routes. If you have any questions or concerns regarding the proposed evaluation, please contact James T. Lemont, Right of Way Consultant, Paragon Partners Ltd, toll free at 888-899-7498, extension 231. If you

have any questions about the potential conversion project, please contact Steve Chapman, Coordinator Special Communication Projects, Questar Corporation, at 801-324-5548.

Visit: Questar.com and learn about Questar's Environmental Stewardship



a detailed route has been proposed and appropriate applications have been filed, the entire project would be subject to rigorous review under the National Environmental Policy Act (NEPA), California Environmental Quality Act (CEQA) and other processes.



