

September 17, 2009

Mr. Bill Shack
56889 Golden Bee
Yucca Valley, CA 92284

RE: Planned Development 01-07, Tentative Tract Map 17862

Dear Mr. Shack:

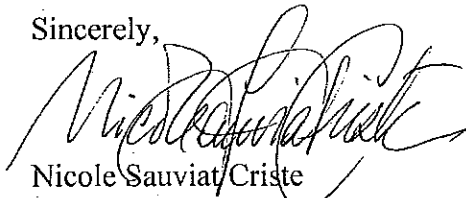
At its meeting of September 15, 2009, the Town Council approved Planned Development 01-07 and Tentative Tract Map 17862, with conditions of approval.

The final conditions of approval are attached. Please initial and sign where indicated, keep a copy for your files, and return the original to the address shown below.

In addition, in accordance with Section 711.4 of the Fish and Game Code, an applicant/owner shall pay a fee of \$2,043.00 for the posting of the Notice of Determination of a Mitigated Negative Declaration to be collected by the County Clerk at the time of the filing of the Notice of Determination, pursuant to California State Assembly Bill 3158. You should be aware that Section 21089(b) of the Public Resources Code provides that any project approved under CEQA is not operative, vested, or final until the required fee is paid. A check payable to the **County of San Bernardino County Clerk of the Board** must be sent to the Town of Yucca Valley Planning Division prior to September 22, 2009, in order to file the NOD in a timely fashion.

If you have any questions or require any additional information, please feel free to contact me at 760-320-9040.

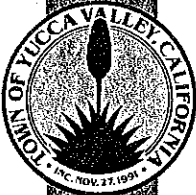
Sincerely,



Nicole Sauviat/Criste
Consulting Planner

cc: File
Bill Warner

Planning
(760) 369-6575
Public Works
(760) 369-6579
Building and Safety
(760) 365-0099
Code Compliance
(760) 369-6575
Engineering
(760) 369-6575
Animal Control
(760) 369-7207
FAX (760) 228-0084



The Town of
Yucca Valley

COMMUNITY DEVELOPMENT/PUBLIC WORKS DEPARTMENT
58928 Business Center Dr.
Yucca Valley, California 92284

**CONDITIONS OF APPROVAL
PLANNED DEVELOPMENT 01-07
TENTATIVE TRACT MAP 17862**

I. GENERAL CONDITIONS

1. Planned Development 01-07 and Tentative Tract Map 17862 facilitate the development of 107 single family lots on a 63.4 acre parcel. The project also includes 4.68 acres of private parks and open space, a sewer treatment plant, and public streets. The proposed project is located at the southeast corner of Golden Bee and Sage Avenue, and is identified as assessors parcel numbers 585-071-16, -17, -25 and -26.
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. The Town may require the Applicant to post a deposit to pay for costs incurred by Town in action.
3. This approval shall become null and void if the occupancy or use of the land has not taken place within three (3) years of the Town of Yucca Valley date of approval. Extensions of time may be granted *as authorized by state or local authority, and approved by the Town.* The Applicant is responsible for the initiation of an extension request.
Approval Date: September 15, 2009
Expiration Date: September 15, 2012
4. The Applicant/owner shall ascertain and comply with requirements of all State, Federal, County, Town and local agencies as are applicable to the project.
5. All conditions are continuing conditions. Failure of the Applicant and/or operator to comply with any or all of said conditions at any time shall result in the revocation of the permit granted to use the property.
6. All exterior lighting shall comply with the Town's Outdoor Lighting Ordinance.
7. The Applicant shall pay all fees charged by the Town as required for application processing, plan checking, construction and/or electrical inspection. The fee amounts shall be those which are applicable and in effect at the time work is undertaken and accomplished. Fees for entitlement prior to construction permits are based on estimated costs for similar projects. Additional fees may be incurred, depending upon the specific project. If additional fees for services are

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incurred, they must be paid prior to any further processing, consideration, or approval(s).

8. All improvements shall be inspected by the Town as appropriate. Any work completed without proper inspection may be subject to removal and replacement under proper inspection.
9. Any and all graffiti shall be removed within twenty-four (24) hours of discovery or notification by the Town.
10. All refuse shall be removed from the premises in conformance with Yucca Valley Town Code 33.083.
11. Handicapped site access improvements shall be in conformance with the requirement of Title 24 of the California Building Code.
12. Utility under-grounding shall be required to comply with Ordinance #169 relating to utility under-grounding for all new Service and Distribution lines that provide direct service to the property being developed; existing Service and Distribution lines that provide direct service to the property 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. ***Undergrounding of existing facilities along Sage Avenue is not required pursuant to Ordinance 169***
13. During construction, the Applicant shall be responsible to sweep public paved roads adjacent to the project as necessary and as requested by the Town staff to eliminate any site related dirt and debris within the roadways. During his business activities, the Applicant shall keep the public right-of-way adjacent to his property in a clean and sanitary condition.
14. No staging of construction equipment or parking of worker's vehicles shall be allowed within the public right-of-way that is part of the Towns maintained road system.
15. No signs are approved with this Permit. Sign application(s) shall be made separately for all signage on the property, and all signage, shall comply with Ordinance No. 156.
16. 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 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).
17. No on-site or off-site work shall commence without obtaining the appropriate permits for the work involved from the Town. The approved permits shall be readily available on the job-site for inspection by the Town personnel.

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18. *All sewer lines to the on-site sewer treatment plant shall be located within public right of way. Cross-lot easements shall not be allowed except across the lot labeled "B".*
19. *Any development to blue line streams shall obtain all necessary approvals, including Federal and State.*
20. *If the project is to be phased, then each shall function independently of the other phases.*
21. Prior to the delivery of combustible materials, the following items shall be accepted as complete:
 - a) The water system is functional from the source of water past the lots on which permits are being requested (i.e. All services are installed, valves are functional and accessible, etc.); and
 - b) Fire hydrants are accepted by the County Fire Marshal.

Prior to Final Map Recordation

22. *Prior to recordation of the Final Map the applicant shall pay Park in-lieu fees based upon the fair market of the amount of land which would otherwise be required for dedication, as provided in Section 811.0302(F) of Ordinance 175. The applicant shall be eligible for a twenty-five (25%) percent reduction in in-lieu fees, provided the amenities suggested for Lot "B" are supplemented to include a swing set with multiple swings, and a basket ball hoop with a substantial hard surfaced area as required by the Parks and Recreation Cultural Commission at their January 8, 2008 meeting.*
23. *Prior to recordation of the Final Map, the applicant shall form a homeowners' association and record CC&Rs, on a form approved by the Town Attorney, which includes, among other conditions, maintenance of the sewer treatment plant by a state licensed wastewater treatment plant operator, maintenance of all open space areas in perpetuity, all drainage areas occurring behind individual lots in perpetuity, and all slopes in excess of 10 feet in height in perpetuity, as part of the CC&Rs.*
24. *Prior to recordation of the Final Map, the applicant shall obtain an access easement for San Andreas Road across parcel APN 585-051-02.*

PRIOR TO ISSUANCE OF GRADING / STREET IMPROVEMENTS

25. Prior to the issuance of any permits 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 *for all common areas, slopes 10 feet in height and landscaped parkways*. 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. All trees shall be a

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minimum of 24” boxes. This shall include but not be limited to drought-tolerant plant materials or colored desert rock. The Landscape Plan shall be approved by Hi-Desert Water District prior to submitting to the Towns Planning Department. The Landscape and Irrigation review requires a separate application and a current Town fee of \$685.

26. The landscape plan shall include permanent landscaping and irrigation along Golden Bee Drive and Sage Avenue to be submitted to and approved by the Town.
27. The Applicant shall cause to be formed or shall not protest the formation of a maintenance district(s) for landscape, lighting, streets, drainage facilities or other infrastructure as required by the Town.
28. The Applicant shall agree to the terms of and record a non-opposition agreement to the future formation of a public safety assessment district on the property.
29. The proposed retaining walls adjacent to the Long Canyon Wash shall be designed to have a top of footing elevation no higher than the top of footing on corresponding wall along the easterly edge of the wash.
30. A final plan identifying all protected plants as well as a Native Plant 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. ***The applicant shall make every effort to relocate the native plants back onsite. Should the site be unable to accommodate the native then a minimum 60 day adoption period shall be required.***
31. Prior to the issuance of a Grading Permit, an engineered Grading Plan prepared by a registered civil engineer shall be submitted by the applicant for Town review and approval for the entire project. ***Design of all retaining walls shall be detailed on the grading plan including top of footing and top of wall elevations on all lots.*** No clearing or grading shall commence without issuance of a Grading Permit by the Town. The prepared Grading Plan shall conform to the approved site plan. The final Grading Plan shall be reviewed and approved by the Engineering Division prior to issuance of Grading Permits. No grading on the property may begin without an approved Grading Plan and Grading Permit. The applicant/owner is responsible for all fees incurred by the Town for review and inspection. Prior to Certificate of Occupancy, the Engineer-of-Record shall survey and certify that the site grading was completed in substantial conformance with the approved Grading Plans.
32. Prior to the issuance of Permits, the Applicant shall comply with the recommendations of a site-specific Geotechnical and Soils Report which shall be reviewed and subject to Town approval. The report shall include recommendations for any onsite and offsite grading, foundations, compaction, structures, drainage, and existence of fault zones. It shall include recommendations for retention basins, slope stability and erosion control.

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33. All recommended approved measures identified in the Soils Report shall be incorporated into the project design.
34. Applicant shall comply with NPDES requirements as applicable. The Applicant shall install devices on his property to keep erodible material, rocks, and gravel on the site. To eliminate any site related dirt and debris within the roadways, the Applicant shall be responsible to sweep public paved roads adjacent to the project as necessary and as requested by the Town Staff.
35. The development of the property shall be in conformance with FEMA and the Town's Floodplain Management Ordinance requirements. Adequate provision shall be made to intercept and conduct the existing tributary drainage flows around or through the site in a manner that will not adversely affect adjacent or downstream properties at the time the site is developed.
36. The applicant shall submit a final Hydrology/Drainage Report with the submittal of the engineered Grading Plan. The report shall address the following:
 - a) *Impact to on-site streets from Sage Avenue storm water diversion through the development. Ensure that on-site streets have adequate capacity to carry the anticipated flows.*
 - b) *Design all channels and storm-water conveyances within the development for non-erosive velocities.*
 - c) *Design all pads on which conveyance occurs to be above flood elevation should the conveyance become clogged or non-functional.*
41. *Rear lot drainage on slopes shall be collected in required conveyances such as benches and down-drains designed to carry the storm-water flow meeting the requirements of the Town Engineer. The flow shall be carried in drainage conduits to the point of discharge.*
42. *There is a significant elevation difference between many of the lots within the development. Protection must be provided to the lower lots from drainage off the upper lots. No runoff shall be allowed to flow directly from a high lot to a lower lot.*
43. *The drainage from the bench drains across lots 73 through 76 and lots 96, 97, 99 and 100 shall drain via a closed conduit to the street. All conduits shall be within a drainage easement dedicated on the tract map and shall be maintained by the Homeowner's Association. The slopes and bench drains shall be maintained by the Homeowner's Association.*
44. The applicant shall accept and properly dispose of all offsite drainage flowing onto or through the site.
45. No cross-lot drainage shall be permitted. *All lots must drain to the street frontage adjacent to the individual lot with the exception of lots 73 through 76 and lots 96, 97, 99 and 100 as mentioned above.*
46. Any grading or drainage onto private off-site or adjacent property shall require written permission to grade and/or permission to drain letter from the affected

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landowner. The project shall detain the incremental increase in runoff generated by the improvements.

47. The Applicant shall establish a mechanism to maintain the unimpeded drainage flows within the drainage easements. No structures shall be allowed to be constructed within the easements including fences, sheds, trees, etc.
48. Drainage conveyances within drainage easements shall be designed and constructed to reduce the momentum of run-off to non-erosive levels upon entering the Long Canyon Wash.
49. No on-site or off-site work shall commence without obtaining the appropriate permits for the work required by the Town and the appropriate utilities. The approved permits shall be readily available on the job site for inspection by Town personnel.
50. Prior to any work being performed within the public right-of-way, the Applicant shall pay the required fees and obtain an encroachment permit from the Department of Community Development. 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.
51. Prior to any work being performed within the public right-of-way, the applicant shall provide the name, address, telephone, facsimile number, and e-mail address of the contractor to perform the work. A description of the location, purpose, method of construction, and surface and subsurface area of the proposed work shall be supplied. A plat showing the proposed location and dimensions of the excavation and the facilities to be installed, maintained, or repaired in connection with the excavation, shall be provided and such other details as may be required by the Town Engineer.
52. For any import or export of material, the developer's contractor shall provide for review by the Town Engineer, the route of travel, number of trucks, daily schedule, and length of time required. No hauling of material shall begin without the Town Engineer's approval.
53. Any off-site stockpile location shall require the approval of the Town Engineer. Any stockpile in excess of 200 cubic yards shall require a Grading Plan and permit.
54. Water spraying or other approved methods shall be used during any grading operations to control fugitive dust. A Dust Mitigation Plan shall be submitted in conjunction with the grading plan. Dust control shall be in conformance with MDAQMD requirements. Graded, undeveloped and other open area shall be treated with a dust polymer as approved by the Town.
55. The developer shall comply with NPDES requirements as applicable. The applicant shall develop and submit for review and approval a SWPPP to the Town and appropriate agencies prior to Grading Plan issuance. Erosion control devices shall be included on the Grading Plan and installed and maintained by the contractor to the satisfaction of the Town Engineer. Prior to rough grading,

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erosion control devices shall be installed at all perimeter openings and slopes. No sediments are to leave the job site. This information shall be provided as part of the grading plan subject to approval by the Town Engineer.

56. *The hydrology study for Tentative Tract 18381 (Sky Harbor) indicates a blue line stream entering tract 17862 at the approximate location of Lot 33. Adequate protection for Lot 33 to ensure no scouring or flooding shall be provided to the satisfaction of the Town Engineer to ensure against flood damage.*

PRIOR TO BUILDING PERMIT ISSUANCE

57. The Applicant shall retain a qualified Civil Engineer to design and prepare construction plans and specifications for the improvements to Sage Avenue, San Andreas Road, Golden Bee Drive, interior streets, street lighting, and drainage improvements that comply with Town ordinances and standard drawings. A final tract map shall be prepared and approved for the project. The plans shall include a block for the Town Engineer's approval.
58. The Applicant shall restore any pavement cuts required for installation or extension of utilities for his project within the public right-of-way. In all cases where cuts are allowed, the applicant is required to patch the cuts to City standards and the approval of the Town Engineer. The patching shall include a grinding of the pavement to a width 5 feet beyond the edge of the trench on each side, or as determined by the Town Engineer, and replacement with a full-depth asphalt concrete recommended by the Soils Engineer.
59. The Engineer-of-Record shall survey and certify that the rough grading was completed in substantial conformance with the approved Grading Plans. Prior to the issuance of any building permits the project Engineer shall certify the finished lot was graded in conformance to approved plans.
60. A Traffic Control Plan for the construction of Sage Avenue and Golden Bee Drive improvements shall be designed and stamped by an Engineer and submitted for review and approval by the Town Engineer.
61. All required improvements not constructed and accepted by the Town prior to approval and recordation of the Final Map shall be bonded in accordance with Town Development Code.
62. The Applicant shall retain the services of a recognized soils engineering firm to analyze the soils and base materials within all the following streets to provide recommendations for the asphalt pavement structural section (AC/Base and full depth), pavement mix design, overlay design, and requirements for any base material beneath the concrete improvements. *The Soils Engineer's report, including a narrative with project recommendations, backup material, and stamped by the Civil Engineer in responsible charge, shall be submitted to the Town Engineer for review with the submittal of the engineered Grading Plan.* The developer's contractor shall not begin work on the street improvements prior

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to the Town Engineer's approval of the report. The developer shall construct the following:

- a) *The Applicant shall construct 33 feet (half street) of Sage Avenue from the centerline of Golden Bee to San Andreas Road. The pavement section shall be constructed to 23 feet from the curb and gutter as recommended by the Soils Engineer and approved by the Town Engineer.*
 - b) *The Applicant shall construct to 38 feet of San Andreas Road from the centerline of Sage Avenue to the easterly tract boundary. The required street section shall be 10 feet of parkway and 26 feet of pavement. The pavement section shall be constructed to 26 feet from the curb and gutter as recommended by the Soils Engineer and approved by the Town Engineer. The contractor shall install a 2"X6" redwood header at the edge of pavement to protect it from wheel loads.*
 - c) *The Applicant shall construct the Golden Bee Drive parkway improvements, including concrete curb and gutter (monolithic) and sidewalk as required by Town Standard Drawing #102. This improvement will relocate the curb from 8 feet to 10 feet from the right-of-way line. The curb return radius at Sage Avenue shall be 35 feet, and a wheelchair ramp conforming to ADA requirements shall be installed.*
 - d) *The Tract's interior streets shall be constructed to Town Standard Drawings Numbers 101, 111 and 112, including 6-inch concrete curb and gutter and sidewalk.*
 - e) *The Applicant shall cause the design and construction of the intersection of Sage Avenue and San Andreas Road for both half streets continuing the prolongation of the edge of pavement. The parkway shall include concrete curb and gutter, sidewalk, wheelchair ramp, and a 35-foot radius curb return. Construction outside right-of-way line shall require slope easements and or construction easements.*
67. *The Applicant shall install street lights with "cut-off" luminaires at all five street intersections on Sage Avenue. Street lights shall meet Town Standard Drawing #302.*
68. *A concrete "Arizona" type crossing of the Long Canyon Channel within the channel easements, or as required to safely pass the required storm water, shall be constructed on Golden Bee Dr. At a minimum the crossing shall be designed to pass a 5-year storm without overflowing.*
69. The Applicant shall install all water and sewer systems required to serve the project.
70. Prior to final inspection, all required improvements shall be constructed and finalized and accepted by the appropriate agency prior to the issuance of a Certificate of Occupancy.

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71. The sanitary sewer system shall be maintained so as not to create a public nuisance and shall be serviced by a maintenance company approved by the Regional Water Quality Control Board. The sewer system shall be approved by the Regional Water Quality Control Board and functional prior to the issuance of any building permits for the project.
72. The Applicant shall observe the construction of this project to make certain that no damage or potential for damage occurs to adjacent roadway, existing improvements, adjacent property, and other infrastructure. The developer shall be responsible for the repair of any damage occurring to offsite infrastructure as determined by the Town Engineer. The developer shall repair any such damage prior to certificate of occupancy. If the damage is such that it cannot be repaired within a reasonable amount of time as determined by the Town Engineer, the developer may petition the Town Engineer for additional conditions that may allow the time, amount of surety, or other requirements to repair the damage.
73. The Applicant shall be responsible for all improvements that have been constructed within the public right-of-way as required by the conditions of approval. The improvements shall be constructed to the standards and requirements as determined and approved by the Town Engineer. Any improvements not considered to be to the required standards shall be replaced by the developer. The developer shall be required to maintain and repair those improvements prior to and after acceptance by the Town Council for the length of time required by the applicable conditions, standards, and ordinances.
74. Any on-site signage and street curvature shall comply with required sight distance standards.
75. At the time of permit issuance the applicant shall be responsible for the payment of fees associated with electronic file storage of documents.
76. The applicant shall pay Development Impact Fees in accordance with the Ordinance in place at the time homes are constructed.

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 _____

Applicant's Initials: _____