

**MINUTES
PLANNING COMMISSION REGULAR MEETING
MARCH 2, 2010**

1.0 CALL TO ORDER

The Regular Meeting of the Planning Commission of the City of Highland was called to order at 6:00p.m. by Chairman Haller in the Donahue Council Chambers, 27215 Base Line, Highland, California.

Present: Commissioners Randall Hamerly, Trang Huynh, Milton Sparks, Michael Stoffel and Michael Willhite, Vice Chairman John Gamboa and Chairman Richard Haller

Absent: None

Staff Present: John Jaquess, Community Development Director
Ernie Wong, City Engineer
Lawrence Mainez, City Planner
Bruce Meikle, Senior Planner
Linda McKeough, Administrative Assistant III

2.0 COMMUNITY INPUT

There was none.

3.0 CONSENT CALENDAR

There were no Items.

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4.0 PUBLIC HEARINGS

- 4.1 A Conditional Use Permit Application (CUP 009-006) and Design Review Application (DRA-010-002) submitted for the construction and operation of a Fast Food Restaurant with Drive-thru Lane (Dairy Queen). The approximate 0.45 acre Site is located at the southwest corner of Base Line and Central Avenue (APN: 1192-341-06). Representatives: Young Shin, Applicant, Bernie Mayer with SITETECH Engineering (Representative) (The Planning Commission continued this Item from its February 16, 2010, Meeting.)

Chairman Haller introduced the item and called for Staff' presentation.

Prior to the Meeting, Staff had distributed Revised Planning Conditions of Approval (COA) with deleting No. 17 and Revising No. 26, as well as Revised Engineering COAs No. 13 and 29 and Intersection Plan Drawing to the Commission.

Senior Planner Meikle gave the presentation and explained the Revisions from the proposed redesign to the Commission. He further explained the Planning COA No. 17 deletion and the modification to that No. 26 is the fifteen (15) gallon size of trees for the six (6) Crape Myrtles around the perimeter of the parking lot.

City Engineer Wong explained the proposed Revised Engineering COA No. 13 regarding the raised curb Median and Median surface treatment and the addition of No. 29 regarding an in-lieu fee for the undergrounding the existing overhead utilities and obtaining a driveway easement from the southerly property owner in order to avoid relocating or undergrounding a portion of the overhead utilities along Central Avenue. He further explained the Intersection Drawing which depicted the proposed Median which is now proposed to be hardscaped and restrict left turn movement onto Base Line.

Chairman Haller asked if the Commission had any questions of Staff.

Commissioner Willhite asked about the in-lieu fee and the need to obtain the driveway easement from the southerly property owner and if the Applicant does not get the easement, does that mean the utilities would have to go underground and City Engineer Wong responded if the Applicant does not get the easement, that means the driveway will have to shift north of what the Applicant is showing now and it means that the existing Pole will be in the middle of the driveway and

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would definitely need to be removed and then the undergrounding would be done. Commissioner Willhite asked so then that would automatically happen if the Applicant does not get the easement and that the Applicant would be required to underground and City Engineer Wong responded that is correct and not pay the in-lieu fee.

Chairman Haller asked if there were any further questions of Staff.

Commissioner Huynh asked about the new Median and the left turn pocket or would the left turn pocket be for the future. City Engineer Wong responded and further explained the design of the Intersection / Median on the second page of the handout. He stated the lane immediate south of the Median is the left turn pocket. Commissioner Huynh said then the future Median on the east side would it be striped in order to prevent people in the left turn pocket and want to shoot across the intersection if they change their minds at the last minute and to go straight across so what will you have in the future Median. City Engineer Wong asked if Commissioner Huynh mean east of Central Avenue and it already has a left turn pocket. If you are going west bound and you want to go south, you would go to the left turn pocket and wait for the left turn signal. City Engineer Wong reiterated if you are driving going east bound, you would use the left turn pocket.

Chairman Haller asked if the Commission had any further questions of Staff.

Commissioner Hamerly asked about why the landscape provision is deleted. City Engineer Wong responded and explained it is the same reasoning as when the Jack in the Box project (located on Base Line / Sterling) was approved with no landscape in the Median and would be part of a future Median project. The Median Nose is six feet (6') wide and you could have some landscaping, if the Commission wants. It would be more appropriate to install the landscaping as part of a larger area of landscaping on the Median not only in front of Dairy Queen, but includes future projects / developments to the west of Dairy Queen. The cost is high for a small amount of landscaping, but the landscaping can be done. Commissioner Hamerly responded he has two (2) issues. One is with Base Line – the street itself could be a focal point. In the absence of a concrete time line, say in Spring 2011, Base Line is going to have a fully landscaped Median and we have nothing in the meantime to reach the City's goal for beautification for the Base Line Corridor. Second would be one of the main discussions that we had regarding the Base Line Median, was at what point do

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we regard the Base Line Median as being too narrow to be successfully landscaped. Because in some of the earlier schematics that we were looking at, there was a lot of the mortared cobble proposed, especially in the turn pocket areas. At that time, my recollection of the decision was that anything from three feet (3') or less, then we would go with the cobble. But we have six feet (6'), that is plenty of room to do a successful landscape and not necessarily hardscape over the whole thing. If there are line-of-sight issues, we can keep the landscape materials to thirty-six inches (36") or less so it is not obstructing in a regular passenger vehicle. Those are the basic comments I have on that and I understand about the access and everything, but I think the Median is a good idea and that it's not just for traffic it's also for beautification. That was the original reason that we wanted a Median going down Base Line because it is the main street in Town and that is the Street we really want to dress up and attract new businesses. City Engineer Wong responded the width is six feet (6') and can do either landscape or hardscape, but there is still 150 feet of landscaping. Commissioner Hamerly said you can get trees in a six foot (6') wide Median, but we don't even have that in front of the Shell Gas Station. He said you could make the same argument and say that we are only going to do certain street improvements when we are going to do the entire Capital Improvement Project for an entire block or a entire certain section of street and you can take the same argument about with stretches of sidewalk that lead to nowhere, and curb and gutter improvements just across the frontage for a Right-of-Way dedication. He provided an example of not being able to do anything in that area because the City is going to expand the Right-of-Way, but in the meantime, until we do the entire street, we're not going to start realigning sidewalks. Improvements need to be applied consistently and uniformly if there is an improvement that is planned for a section of the City and we are going to make the Applicant incur the costs for doing those improvements, he reiterated we need to apply those things consistently. So it can be said it is on the books, it is a future project and this is the Ultimate Right-of-Way or this is the improvement that is proposed for this street, it should be applied uniformly so that Staff does not have to second guess if this is an important improvement or if this is something that can be deferred. Unless we have a situation like Greenspot Road where it was already on the books, and it was already funded and then it makes sense to say no, because the City is going to do it all at once. There is no definite time line in place for Base Line or Central Avenue and then we can defer it or say let's make each person to do their fair share of the project right now. Eventually, it's going to get done, it may take fifteen to twenty (15 – 20) years, but it is going to get done. City Engineer Wong responded the opportunity is there and that is your prerogative. Either way, this can be accommodated and Senior Planner Meikle added for consistency, there is no (Median) landscaping at the Jack in the Box Site.

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Chairman Haller asked if the Commission had any further questions of Staff. Hearing none, he then opened the continued Public Hearing and asked if the Applicant would like to make a presentation.

Mr. Bernie Mayer, Sitetech Engineering, 38248 Potato Canyon Drive, Oak Glen, California, who is the Applicant's Engineer, addressed the Commission. He thanked the Commission for addressing the issues and Mr. Wade Shuey, the Architect, received good cooperation from Dairy Queen's (DQ) Corporate Office to make some of the changes with the Colors, the Signs and the Elevations that we had discussed. He said that he is in general agreement with all of the Revised COAs, but still has one issue regarding the size of the trees and is opposed to the Median in that it is premature for the area and is a bit out of character for this one business. Certainly, the Median could come at a future date and the Business Owner would participate with that when a larger section is being done and the Applicant would like further consideration on that. He apologized and then indicated there was one (1) COA from last time that we would like to discuss is Planning COA No. 46 regarding the stone veneer on the West Elevation of the Building. Both Mr. Shuey and he thought that was the stone that being proposed on the North Elevation. The chimney structure that faces Base Line is proposed to be faced in stone. None of the Elevations that we had done had shown any stonework on the West Elevation and that was discussed with Senior Planner Meikle during some of the initial review of the Project, but we felt that it was really not necessary. Again, we think that Elevation does have quite a bit of character already with the open seating, trellis area and stone veneer on the columns of the trellis. That is one COA that we would like some further reconsideration on and would like to have it deleted.

Chairman Haller asked if the Commission had any questions of the Applicant.

Commissioner Hamerly asked about the Site Plan and the joint on-site access to the south and about shifting the driveway further to the south. There might be a way to do an in / out lane with a landscape median, since it would be the main entry to a much larger development. It would make more sense to have a landscape buffer between the entrance and the Drive-thru and it makes for a better approach to the ultimate development. He then asked if it would be worthwhile for the Applicant to pursue with Alta Dena Dairy. Mr. Mayer responded that is a good idea and he could discuss with them regarding the benefits and would take more of an easement on their part, but that he could make that adjustment and be a positive Revision. Commissioner Hamerly asked about Mr. Mayer's not being in agreement with the Median was that to the landscaping or to any construction of the Median whatsoever and Mr. Mayer responded any construction of the Median. Mr. Mayer added that both Mr. Shuey and Mr. Shin are in the audience.

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Chairman Haller asked if the Commission had any further questions of the Applicant. Hearing none, he then asked if anyone in the audience wanted to speak on this Item. Hearing none, he closed the Public Hearing and opened the floor for discussion amongst the Commissioners.

Vice Chairman Gamboa asked about Planning COA No. 46 regarding the facade around the main entrance. Senior Planner Meikle responded how Staff is trying to boost Elevations and the Commission can also enhance the Building Elevations. Community Development Director Jaquess asked to clarify specifically stone on part of the pillar and Commissioner Hamerly said that it is support for the trellis. Community Development Director Jaquess responded that he just wanted clarification so everyone would know the intention.

Mr. Wade Shuey, of Andresen Architecture, 17087 Orange Way, Fontana, California, who is the Applicant's Architect, addressed the Commission.

Commissioner Hamerly asked Mr. Shuey if setting back the trellis is straight or stepped and Mr. Shuey responded it is pulled straight back and with the Renderings and checked about the Magnolias trees with their growth and height and are not heavy trees. The trees are shaped nice and will not overgrow the whole development and that he had talked with the Landscape Architect and was told those trees were perfect for that area. Mr. Shuey added how there was a blown up view that was shown on Staff's PowerPoint presentation. He further explained the Rendering with the trellis was a good suggestion and it also softens the Building and after he had prepared the Rendering, he agreed with the location of the trees and landscaping there. Commissioner Hamerly then thanked Mr. Shuey.

Commissioner Hamerly asked about Planning COA No. 33 with the rooftop mechanical equipment being screened. It is a broad principle and if that included general utilities that would be in the Right-of-Way i.e. transformers, back blow devices, etc. and include plant material that would screen / flank large utilities within the Right-of-Way. He knows that we still need to maintain access, but it would be nice to soften a little bit so that we don't have a three feet to four feet (3' – 4') green box sitting in the middle of a nice new landscaped strip. Senior Planner Meikle responded how Planning COA No. 32 requires a Utility Plan and sometimes, it is not easy to know where the utilities are going to go and how to screen those facilities in the Right-of-Way. Commissioner Hamerly asked about coordinating with the Landscaping Plan i.e. transformers are going to go here, or

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the water main is going to go here so let's put a shrub or something on either side to bracket it and soften it a bit. Senior Planner Meikle responded more often than not, that discussion is usually held in the field while walking the final inspection of the landscape. Commissioner Hamerly said can Staff take this as a directive then about trying to soften some of those things and City Planner Mainez responded affirmatively. Chairman Haller said some Utility Companies want a certain clearance zone in front of the transformer. Commissioner Hamerly said from the access point, that is a given, but if we can bracket it and they have the thirty-six inches (36") here, but soften with landscaping when the traffic is driving by, so they don't see this big, green monolith sitting in the middle of a nice landscaped area.

Commissioner Hamerly said he has similar concerns with Planning COA No. 44 - mechanical HVAC equipment and with some of the new issues with the Building Codes allowing for solar panels and alternative energy sources and asked about that all rooftop mounted equipment shall be screened from public view so whatever ends up on the roof in the future would be screened. Community Development Director Jaquess asked if he meant to take the word, "mechanical" out and Commissioner Hamerly responded affirmatively to delete the word, "mechanical" from the COA. Senior Planner Meikle stated will work on that and Commissioner Hamerly then explained how all equipment needs to be screened behind parapets and more things are now being placed on the roofs and as a general directive, he reiterated it would be nice to have all the equipment screened and Senior Planner Meikle said okay.

Chairman Haller asked if the Commission had any further questions of the Applicant or Staff or on the COAs.

Commissioner Hamerly asked the Commission if they were comfortable with Planning COA No. 46 and deleting it and Commissioner Willhite and Vice Chairman Gamboa concurred. Chairman Haller then stated to Staff to delete COA No. 46.

Chairman Haller asked the Commission if there were any other suggestions or changes.

Commissioner Huynh asked what is the position about the Median with installing irrigation / landscaping, or no landscaping, installing stone, etc. and Chairman Haller responded as it is right now, no landscaping. Commissioner Hamerly added the utilities will still be stubbed out there because they are doing all of the

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engineering and technical items so the majority of the expense is there, but leaving out the soft items. City Engineer Wong responded and indicated that Engineering COA No. 13 requires landscaping and the Original COA stated landscaping and with the Revised COA, the word, "landscaped" has been deleted from the Median on Base Line across the Project frontage and the Median surface treatment shall be approved by the City Engineer and City Planner. Commissioner Hamerly responded then you would tear up the street in order to do that then and City Engineer Wong responded a wider Median will have more street and the intent is to delete the landscaping from the Median so will not have to stub out. Commissioner Hamerly said then he missed that because in our discussion last time, he thought that we were saying if deleted the landscaping, you would still stub out the utilities and could be done sometime in the future without tearing up the street. Commissioner Willhite asked if there will be landscaping or no landscaping. Commissioner Stoffel responded personally, he would rather have it landscaped or no Median at all and would rather have it one or the other and also wants to make the point that he thinks that the City should be required to put a Median in on the part that we are requiring other people to put in. Commissioner Huynh said then if the Median had to be landscaped, then who would maintain the Median and City Engineer Wong responded the City will maintain it, but the Developer will pay for the cost. Commissioner Huynh asked then if there will be a Landscape Maintenance District (LMD) and who would pay - if it is just this particular Business Owner will pay because it is in front of his Business, but no one else pays. City Engineer Wong responded in the future the entire block and other future developments can be annexed into the LMD, but for now, it's only the Dairy Queen Project. Commissioner Huynh stated without landscaping, the Business Owner does not need to pay anything and the City will maintain the Median with stone, or whatever they come up with and City Engineer Wong responded affirmatively. Commissioner Hamerly said if there are no plants, there is no LMD.

Chairman Haller asked the Commission about landscaping or no landscaping the Median. Vice Chairman Gamboa responded if there is no Median, the City has asked other businesses to install the Median. Sometimes, a developer will come in and state how this Developer did not have to install a Median and now I need to install a Median and that is not fair – why do I have to. He further stated that it should be kept consistent and goes along with Staff saying to leave the hardscape until a larger development comes in. Commissioner Hamerly stated he did not really like the call on the Jack in the Box Project, and would have rather seen the plants go in to beautify that particular street and who knows how long it will be before we get anything there anyhow.

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Commissioner Huynh asked what is the Base Line Median's timeframe – will it be one or two (1 -2) years from now and City Engineer Wong responded from the Freeway to Cole Avenue is the current Project and there is no schedule for this part of the Base Line Median Project and is not in the Budget or any work left over. Commissioner Huynh responded then the Median can sit there for a many years and City Engineer Wong responded that at this time, he cannot tell the Commission the timeline and when the Median would be built in that there is no real Project Budget for this Project. Senior Planner Meikle added it can be expected there will be new development that will construct their share of the Median. Commissioner Hamerly stated unless the Commission tells them they don't have to and Chairman Haller stated sounds like it's 50 – 50. Sounds like the Commission's desire is to have the Median, but 50 - 50 in terms of landscaping or no landscaping.

Commissioner Stoffel stated it would look better if there were other ones around it and if the Park across the street had one in front of it that was landscaped. Vice Chairman Gamboa asked about if the Police Station and Memorial Park have a landscape Median and Commissioner Hamerly responded it is not in the Scope. Chairman Haller said that is not on the Agenda tonight and Commissioner Hamerly said that Vice Chairman Gamboa asked the question. Community Development Director Jaquess added with regards to the Median, the Commission may want to do separate Motions on that issue and Chairman Haller responded he was hoping on negotiating a settlement and not going to a formal vote. If somebody wants to, could make the Motion on this one particular Item that Community Development Director Jaquess has suggested. Commissioner Hamerly added the Median is not a deal breaker and is something that in the context of what we are trying to achieve along Base Line needs to be consistent in application and what we are requiring the Developers to do. Commissioner Willhite stated he would like to see it in three to seven (3 – 7) years with the result. Commissioner Hamerly said in his personal opinion that he wants to soften it and have always said that he doesn't like the looks of Base Line and the best way to improve it is to start having plants out there so people have a sense of what the vision is going to be for Base Line and get excited when they see the streetscape improvements. It is a small step, but least it is a step and select the right plant materials and maintenance is going to be virtually non-existent. Commissioner Stoffel said if we don't require a Median, will they still be required to pay towards one in the future and asked Staff how does that work. Commissioner Hamerly said there is no in-lieu fee and City Engineer Wong responded the construction of the Median is needed for safe operations of this Business, but otherwise, you will have vehicles sitting there making left turns cutting through several lanes and is very close to a traffic signal. He is hoping that the debate is not whether to have a Median or no Median, but to have landscaping or no landscaping on it

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A Motion was made by Vice Chairman Gamboa and seconded by Commissioner Hamerly to have the Median landscaped.

Chairman Haller asked what about the Revised Engineering COA No. 13 having the word, "landscaped" deleted and City Engineer Wong responded if the Motion passes, Engineering would then keep the existing COA. Senior Planner Meikle added then Planning COA No. 17, would not be deleted. Chairman Haller then asked Vice Chairman Gamboa's Motion and Commissioner's Hamerly's Second is to maintain Planning COA Nos. 13 and 17 as is and Vice Chairman Gamboa responded that is correct. Chairman Haller asked if there was a Second and Commissioner Hamerly nodded. Chairman Haller then said there is a Motion and a Second and if there is any further discussion.

Commissioner Stoffel stated that he liked it, but he does not think it's fair that the City property just to the east is not requires to install a Median and needs to be addressed and Commissioner Hamerly and Vice Chairman Gamboa agreed. Commissioner Hamerly stated the language in the COA is similar to the Base Line Standards and in conformance with it but would defer the specimen tree materials coming down the Base Line Median in the overall Scope of things, in that there were trees that were proposed in the middle, as well as in the Parkway side. Senior Planner Meikle stated there are no trees located within the Noses of the Median. Commissioner Hamerly responded that is what he is saying, but since there is 100 feet of length, depending on the spacing for the specimen trees is to be, we defer the planting of the specimen materials until the entire Corridor is developed so that we don't have just one (1) lonely Queen Palm or whatever standing out there in the middle of nowhere. But the shrub materials, ground cover, etc. that could be easily done in that it would be in keeping with the improvements that are already in place so that it is in the proper context. Senior Planner Meikle responded and explained based on the Conceptual Town Center Plan that shows no trees located in the Median Nose, but in the wide area and the rest of the area would have rock cobble, shrubs, ground cover. Commissioner Hamerly responded as long as it is understood that no trees are planned for the Nose area even though it is six feet (6') wide, we were anticipating that the wider areas will have trees. Senior Planner Meikle responded no trees and Commissioner Hamerly said okay.

Chairman Haller asked if there was any more discussion on the Motion. Hearing none, he then called for the question.

Motion unanimously passed on a 7 – 0 vote.

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Chairman Haller asked the Commission if someone would like to make a Motion on the overall Project.

Commissioner Hamerly asked if the Original Planning COA No. 17 should stay as is, Engineering COA No. 13 would stay as is and the Revised COA is deleted, COA No. 29 is modified and then asked about Planning COA No. 26 regarding the trees and said he knows the Commission discussed it last time. Chairman Haller said we did discuss it last time and it seems that it is consistent with what our thought was.

Both Commissioner Hamerly and Chairman Haller agreed to the deletion of Planning COA No. 46, COA No. 44 is modified, COA No. 26 is modified. Commissioner Hamerly asked about the addition to Engineering COA No. 29 and Chairman Haller responded that is correct.

There being no further questions of Staff or discussion amongst the Commissioners, Chairman Haller then called for the question.

A Motion was made by Commissioner Hamerly and seconded by Vice Chairman Gamboa to:

1. Adopt a Mitigated Negative Declaration and direct Staff to File a Notice of Determination with the San Bernardino County Clerk of the Board, and;
2. Adopt Resolution 10-02 approving Conditional Use Permit Application (CUP 009-006) and Design Review Application (DRA 010-002), subject to the recommended Conditions of Approval, as amended with the following:

Planning COAs

17. (NS) The Base Line Median shall be landscaped and irrigated to match the City's Plans Base Line Beautification Project for the Town Center Area.
26. All trees shall be twenty-four inch (24") box minimum, except Palm Trees which shall have a minimum of twelve feet (12') of Brown Trunk Height (BTH) and the six (6) Crape Myrtles around the perimeter of the parking lot may be fifteen (15) gallon in size, or as approved by the Planning Commission.
44. All roof top mounted equipment shall be screen from public view.

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- ~~46. (NS) The facade around the main entrance on the West Elevation of the Building shall be covered in faux stone.~~

Engineering COAs

13. Construct a six foot (6') wide, six inch (6") raised curb landscaped Median on Base Line across the Project frontage, as approved by the City Engineer and the City Planner. The Median curb shall be extended four inches (4") below the street structural section or twelve inches (12") below the finished surface of the pavement, whichever is greater. Remove existing conflicting striping and install new striping adjacent to and westerly of the Median, as required to transition traffic. Apply Type II Slurry Seal across the full width of Base Line within the limits of existing striping removal.
29. Underground the existing overhead utilities across the Central Avenue frontage to the existing utility pole southerly of the Project, remove the utility poles on Central Avenue, and remove the existing utilities and utility poles within the Project. Reconnect the existing overhead services to the existing structure west of the Project, as approved by the City Engineer. A fee in-lieu of undergrounding the existing overhead utilities on Central Avenue may be paid, and the southerly utility pole on Central Avenue may remain, if a driveway easement is obtained from the owner of the property to the south and the driveway is aligned to avoid the existing utility pole, as approved by the City Engineer.

and;

3. Adopt the Findings of Fact.

Motion unanimously passed on a 7 – 0 vote.

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5.0 LEGISLATIVE

5.1 PowerPoint Presentation for AB 1881 (Water Efficient Landscaping)

Chairman Haller introduced the item and called for Staff presentation.

City Planner Mainez went through the Displayed PowerPoint and explained the AB 1881 State Law to the Commission. The Presentation included drought tolerant landscaping for model homes, WQMP requirements, new terms / definitions that will be utilized i.e. water budget, Maximum Applied Water Allowance (MAWA), Estimated Total Water Use (ETWU), etc. There is a Model Water Ordinance the State had prepared for the Cities to duplicate / utilize for their respective City. City Planner Mainez explained how Community Development Director Jaquess is closely working with other nearby communities and also how Staff had met with the EVWD regarding the new Law and he then turned the presentation over to Community Development Director Jaquess.

Community Development Director Jaquess explained how the Law has been around for a while and not until late 2009, it was determined that the City would need to review this Law. The communities that he has been working with are located within the West Valley Cities under the leadership of the Inland Empire Utilities Agency (IEUA) which was the old Chino Basin Water Agency. The Chino Basin prepared a Study and a Draft Ordinance for the West Valley Cities to adopt and that most of those West Valley Cities have adopted this Ordinance based on this larger package. He said we are doing our own Ordinance because the State's Model Ordinance is complicated and everyone that has looked at it said that we can do better. When he has talked with the East Valley Cities, they are aware of it and in the same boat the City of Highland is in and agrees to something similar, but don't want to be competing with each other as to who has the least restrictive Water Ordinance and all know what is expected and obtaining easy compliance. He said that is what the City's goal is, at this time. There is no time frame, but hopefully will be submitted to the Commission and then City Council within the next six (6) months for consideration / approval. There have been Regional efforts made in the Bay Area and some provisions were included that the maximum lawn area is 500 square feet and that the lawn area is the biggest water user. He did not believe the City was ready to tackle that type of landscaping restriction yet, but it could evolve that way. So far, the West Valley Cities have not done anything of that nature and they have followed the State Model Ordinance with 2,000 square feet of lawn area for businesses and Tract Homes. If a project has more than 2,000 square feet of landscaping,

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you would have to comply with this Ordinance. For home owner project, which is for an individual residence, it's 5,000 square feet of lawn area, so there is a little bit of an exception for the non-professional / non-developer type of projects. He explained to the Commission that they will be seeing projects coming before them in the next several months where this will be a criteria. Next month, this criteria is being evaluated by the City's Landscape Architect and the terms used like living within the MAWA and ETWU. There is a debate proposed between the distinction of warm turf / cool turf; warm turf being Hybrid Bermuda Grasses or something like that versus cool turf being Fescue or Kentucky Bluegrass that the community is used to. Community Development Director Jaquess said it will be a transition caused by this Ordinance and then asked if the Commission had any questions of Staff.

Both Commissioners Stoffel and Willhite asked about the formula for the lawn area's square footage. Community Development Director Jaquess responded it is a formula that is found in the State Law and that it is in a Model in the West Valley Ordinance which shows how that computation works and the City's Landscape Architect will review Plans for compliance. He also said that he has read a Study about how to specifically determine which plants to use and how much water they use and that Model is referenced and to use in the Ordinance in order to make everything measurable.

Commissioner Willhite asked if a property owner could have two (2) 1,000 square foot projects next to each other and use totally different plants, would they then be in compliance with the numbers potentially and Community Development Director Jaquess responded affirmatively.

Commissioner Huynh asked about inspections and certifications and Community Development Director Jaquess responded the Applicant's Landscape Architect will have to prepare the Plans and certify and then also the City's Landscape Architect would conduct an inspection. Commissioner Huynh said this would be ongoing for six (6) months and what would happen two (2) years later. Community Development Director Jaquess responded that is beyond the scope of this current effort and the City is not going to be monitoring the homeowner for the next twenty (20) years to make sure that they don't change anything with the Landscaping Plan and with education and information given to the home owners when they purchase the house saying why the landscaping is this way.

Chairman Haller asked about tiered water rates and Commissioner Willhite asked about the feasibility of having separate water meters. Community Development Director Jaquess responded it is not required having separate water meters for residential uses, but with commercial projects, yes, it would be required.

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Commissioner Huynh asked if the State would reimburse the City for the additional cost of running this Program and Community Development Director Jaquess responded the Permit that is issued has to pay for itself.

Commissioner Hamerly stated one of the biggest issues that he sees popping up with this type of Legislation is how that it zeros in like a laser on one particular thing. MAWA water usage is a bad thing and taking a holistic approach to a project design, in how could we use all of our resources the most efficiently, this would start the change the way you design a project. In terms of utility usage for a project is energy use, maximize the landscaping to reduce the heating of the hardscape areas, and maximize the shading to reduce the building loads. Yet, by a cursory reading of this, you want to minimize the landscaping, use drought tolerant materials which tend to be small and scrubby looking and which does not provide shade and sees this as being a two-edged sword. You may decrease the water usage, but increase the energy usage by implementation. Restrict the minimum square footage is a Model Budget and ten percent (10%) of that is landscaping and over that, will be penalized and will be using more water in order to keep the landscaping alive, but that is what we have been encouraging. Vegetated swales, landscaping every square inch and can see this coming back to bite us in the long run because it is going to be saying we can only use these type of plant materials and will be ending up by using more energy. Chairman Haller said you are going to have a budget and will have to prioritize on how you want to use your budget and shade trees are important for the project and then would be less of something else. Community Development Director Jaquess responded there is no direction in this with specific regards to landscaping, it is more of make sure of the Landscape Plan that will not use more water than permitted which is based on area and added trees are not listed. Commissioner Hamerly stated to establish trees, it takes more water and once they are mature, certain types of species tend to do okay, but getting them up to speed, you are going to need to borrow ten (10) years into the future to stay within your water budget. Community Development Director Jaquess responded with a six (6) month Plan for irrigation in order to get them started, then a permanent Watering Plan and that swimming pools and water features are considered landscaping and measure them in the highest plant water usage level.

Commissioner Hamerly asked about grey water recapture systems, rainwater capture systems, which are the supplements for the utility usage and if you wanted to something that is a "water hog" that rainwater is being captured and is within the Water Budget because we are allowed this much of domestic supply

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for the water usage and fixture units that are on a project and this would be in addition to the Landscape Budget. Community Development Director Jaquess responded how the West Valley Ordinance specifically recommends in keeping the rainwater onsite and landscaping system and would be calculated with the MAWA. Commissioner Hamerly asked what about the grey water irrigation systems and Community Development Director Jaquess responded no and that it's just like the water that is part of the evaluation. The difficulty for Highland is that we don't have any access to the recycled water, unless you took a totally different design of how you took away water within the house itself. Commissioner Hamerly stated that is what it is. That is why with the grey water system, with it going down the sink will run through a filtration system and when it goes down the toilet, it automatically goes down to the treatment. There have been some lawsuits because even though you have a purple irrigation line saying, "This is recycled water and don't drink it", there have been still some cases where people have taken drinks out of there and has gotten sick and then they have sued people. There are Cities and Counties saying that you cannot have recycled water for irrigation if there is any contact, or a chance of contact with the public. So now one of the best strategies for saving water now is off the table and he was wondering if they are rethinking that in light of this. Community Development Director Jaquess responded that he could not answer that, but it is encouraged to use recycled water. Commissioner Hamerly said for residential, it can reduce it around seventy percent (70%). If you think about what is black water / grey water, there are places where you cannot do a plumbing system and then asked if there was any discussion about rain sensors and gave an example of going down the Freeway or at a Park and it is raining, but the sprinklers are on and shooting all over the place. Community Development Director Jaquess responded this is a required element of the irrigation system and it's supposed to be called "smart controllers". Commissioner Hamerly responded that is what he was thinking if it is sensing that there is already moisture, it just shuts it off even if it is on a timer. Community Development Director Jaquess responded and reiterated that it is all part of the primary irrigation system. Commissioner Stoffel said he had a system like that at his house and that it was broken within one (1) month.

Commissioner Hamerly asked about if a true xeriscape system is used because by its nature, that is native plant materials would do well in these climate conditions and soils conditions, wouldn't that mitigate the need for doing the soils inventory to say that we need to modify the soil in order for the plant materials to grow. It's like saying now that we have identified the soils, here are the plants

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that do well in this type of soil without additional additives. Community Development Director Jaquess responded the way that it is written right now, the soils analysis is a requirement every time whether or not you use xeriscape. Commissioner Hamerly stated that this tool should be an analysis for identifying plants that would be the most desirable as opposed to having to add to this soil to make it acceptable for these plant materials. Community Development Director Jaquess responded the Ordinance is also requiring that you use a Standard Mulch Soil Standard for mulch in retaining the moisture listed in the Landscape Plan.

Commissioner Hamerly asked what about the State Alternative Models would fit the whole intent by the Cities and Municipalities to make it simpler and to comply with. Is there any chance that the State would come in and validate and say that is too simple and is not restrictive as ours and you need to use these complicated formulas. Community Development Director Jaquess responded the City will use the State's formula and writing the Ordinance in a way that it is more manageable and not undoing regulatory requirements of the State Law.

Chairman Haller asked if the Commission had any further questions of Staff. Hearing none, Chairman Haller stated good job to City Planner Mainez and City Planner Mainez gave credit to Assistant Planner Kelleher for the PowerPoint.

No action was taken by the Commission.

6.0 ANNOUNCEMENTS

Community Development Director Jaquess explained the there will be no Regular Meeting on March 16, 2010. He added how there are two (2) City Council Members have indicated that they intend to appeal the Median requirement for the Dairy Queen Project and may occur on March 23, 2010. He explained how City Council can call up any Items for discussion. He further explained there will be no Regular Meeting on April 6, 2010, at this time.

Commissioner Willhite asked if there will be a Meeting scheduled for the fifth Tuesday (March 30) and Community Development Director Jaquess responded not at this time and there is some down time with projects.

Chairman Haller asked about the Gun Club's Appeal and Community Development Director Jaquess responded it is tentatively scheduled for the City Council Meeting on May 11, 2010.

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City Planner Mainez added Staff is finalizing the Draft Sign Ordinance and is tentatively scheduled for a Study Session in the near future and it will be returning to the Ad Hoc Subcommittee and start that process. In addition, the Housing Element may return to the Commission and Staff is trying to address a second round of comments from the State. Chairman Haller asked if the State is to review it again and City Planner Mainez responded affirmatively.

Commissioner Willhite requested that Assistant Planner Kelleher should prepare all of the PowerPoint presentations and all of the other Commissioners agreed and City Planner Mainez said he was okay with that. Commissioners Hamerly and Stoffel added it was so much better with that type of presentation and the audience liked it.

7.0 ADJOURN

There being no further business, Chairman Haller declared the Meeting adjourned at 7:18 p.m.

Submitted by:

Approved by:

Linda McKeough, Community
Development Administrative Assistant III

Rich Haller, Chairman
Planning Commission

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