

**MINUTES
PLANNING COMMISSION REGULAR MEETING
APRIL 6, 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, and Michael Willhite, Vice Chairman John Gamboa and Chairman Richard Haller

Absent: Commissioner Michael Stoffel (Note: arrived at 6:07 p.m.)

Staff Present: John Jaquess, Community Development Director
Lawrence Mainez, City Planner
Sean Kelleher, Assistant Planner
Linda McKeough, Administrative Assistant III

2.0 COMMUNITY INPUT

There was none.

3.0 CONSENT CALENDAR

3.1 Minutes of February 16, 2010, Regular Meeting.

Approved, as amended.

On Page 13, Last Paragraph was amended to read as follows: "Commissioner Willhite asked what about Bakers. Vice Chairman Gamboa responded how Bakers wanted more signage and we cut them back and Bakers went for it."

On Page 24, Seventh Paragraph, was amended to read as follows: "Vice Chairman Gamboa asked about the Planner's Institute and Community Development Director Jaquess responded the League of California Cities Planner's Institute is not in the City's Budget, but the Commissioners can attend on their own."

04-06-10.PC

3.2 Minutes of March 2, 2010, Regular Meeting.

Approved, as submitted.

A Motion was made by Vice Chairman Gamboa and seconded by Commissioner Huynh to approve the Minutes of February 16, 2010, Regular Meeting, as amended, and March 2, 2010, Regular Meeting, as submitted.

Motion carried on a 6 – 0 vote with Commissioner Stoffel absent.

Vice Chairman Gamboa commented these are great Minutes.

4.0 PUBLIC HEARINGS

4.1 Consideration of an Appeal (APP-009-003) of the City's Planning Division determination to deny a Lot Line Adjustment Application for an existing United States Post Office Facility (Highland Branch) (LLA-009-003). The Project is located at 7744 Webster Avenue, Highland, CA 92346 (generally located at the southeast corner of Boulder Avenue and Eucalyptus Avenue within the City of Highland Corporate Boundaries) (APN: 1201-351-04 and 1201-351-11). Appellant: United States Postal Service. Appellant Rep.: Douglas Boynton, Dunn & Boynton Licensed Surveyors, Inc. Continued from the February 2, 2010, Regular Planning Commission Meeting.

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

City Planner Mainez gave the presentation from the Staff Report.

Commissioner Hamerly asked if the Applicant is abandoning or deferring the Project. City Planner Mainez responded the Applicant has withdrawn the Appeal and the Lot Line Adjustment Application.

No formal action was taken by the Commission.

04-06-10.PC

4.2 MCA-010-002 – Land Use and Development Code Amendment related to Water Efficient landscaping requirements. The location is City-Wide.

Chairman Haller introduced the item and called for Staff presentation.

Assistant Planner Kelleher gave the presentation from the PowerPoint presentation.

(Note: Commissioner Stoffel arrived at 6:07 p.m.)

Assistant Planner Kelleher continued the PowerPoint presentation. He explained the State's mandated Model Water Efficiency Ordinance to the Commission is difficult and what City is doing to implement the required Ordinance, and how the proposed City Ordinance will be simpler to implement. The proposed Ordinance the Commission has today for review is simpler and shorter than the State's Model Ordinance. Staff has been looking at other communities for a clearer Ordinance and for implementation over the years. The intent of the proposed Ordinance is to establish a process where we are designing, managing and maintaining landscapes in a water efficient manner. We are trying to reduce the water usage to the lowest achievable amount, so we are still attempting to keep these landscapes attractive. The proposed Ordinance is applicable to all new and rehabilitative landscapes that are either are City developed, privately developed, Developer-Installed, Commercial, Industrial, and Residential Projects. That is for any landscaping that is greater than 2,500 square feet in area and requires a Building Permit. There is also a requirement for 5,000 square feet in area for a Home Owner's Residential Installed Landscaping. If they do more than 5,000 square feet of landscaping improvements, and a Building Permit is required. They are subject to the Water Ordinance. The key to that statement is the requirement of the Building Permit. The City, at this point, does not have a Landscape Permit process for a Home Owner Installed Landscaping so if they need a Building Permit, for some part of their landscaping for a pool, or something along those lines, then at that point, this could be kicked in and that 5,000 square feet is a significant amount of landscaping and with the lot sizes being generally 7,200 square feet, would do both the front and rear yards.

04-06-10.PC

In terms of implementation, the Commission will review Conceptual Plans i.e. design statement, letter of intent, irrigation and planting notes, Conceptual Plant Palette identifying Hydrozones. The way the Developer will be grouping the plantings for the Hydrozones by using the Water Use Classification Landscape Species documents that was put out by DWR a couple of years ago and is available On-Line. The Landscape Architects that he has spoken to, at this point, are aware of this and this is also the document the State Model Ordinance refers to. With the Construction Plans, the Developer will be required to finalize everything that they noted in the Conceptual Plans, based on the COAs from the Commission and will also be required to submit Irrigation Plans, Planting and Soils Plans, and Water Management for their Site. If there are significant changes in any of the Plans that result in changes in the Plant Palette, that would potentially result in the Application returning to the Commission for further consideration. He further explained the Maximum Applied Water Allowance (MAWA) Calculation(s) to the Commission. There will be a set of rules / requirements and enforcement, once the landscaping is installed for either the Home Owner or Developer will receive how to maintain a water efficient manner. There are processes to go through with Code Enforcement potentially if someone is maintaining their landscaping in a way that is not efficient. There is a carry over in the State Law into the proposed Ordinance where we require any property that is over one (1) acre of existing landscaping and will be required within one (1) year after the adoption of the Ordinance by City Council to perform either an Irrigation Audit Survey or Water Use Analysis. He then read the Audits are dependent on whether one (1) meter will be used separately for landscaping or on the same meter i.e. as a commercial building on the property. He then reiterated what the various requirements will be and how the water will be allocated. Assistant Planner Kelleher then concluded his presentation and asked if the Commission had any questions.

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

Commissioner Willhite asked Staff to explain a single water audit and what is written on Page 3 of the Staff Report indicating an annual water audit and every year, they would they have to keep going and read, "In addition annual water audits are required for all sites with greater than 1 acre of on-site landscaping; this requirement includes existing landscapes within the City." Assistant Planner Kelleher responded and explained that it is just a single water audit. A water audit is required for all sites with greater than one (1) acres of on-site landscaping and that this requirement includes existing landscapes within the City. He further indicated the Staff Report was written before the Ordinance was completely hashed out and reiterated that it is actually, a single water audit. Community Development Director Jaquess said for the Commission to change the word, "annual" to "a".

04-06-10.PC

Commissioner Huynh asked on Page 16 of the Staff Report, what is the difference between 2,500 square feet of landscaping and 5,000 square feet of landscaping. Assistant Planner Kelleher responded the proposed Ordinance is keeping consistent with the State's Model Ordinance. The requirements are for 2,500 square feet for Developer Installed Landscaping for Residential whereas in the State Ordinance, for the Home Owners, it states 5,000 square feet. Primarily associated with the overall costs, the Developer will install multiple landscapes and are going to have more of an impact in terms of the amount of landscaping they will be doing and will exceed the area faster. With his understanding of the State Ordinance, they have the capacity to absorb with smaller landscaped areas and water allocation. Commissioner Huynh said Item 3 of Page 16 of the Staff Report regarding a homeowner installed project and provided an example if he is a homeowner and he hires a Landscaping Contractor to do the work, is that project still considered a homeowner installed project and Assistant Planner Kelleher responded affirmatively. Commissioner Huynh asked regarding a Building Permit, and there is a homeowner project and is a Water Project, and takes out the cement, paving, etc. and then the landscape area only has grass that you water or do you consider everything that is including the paving, the concrete walkway, etc. Assistant Planner Kelleher responded that is just the area that is landscaped and utilizes water. Community Development Director Jaquess responded and added that is just the area that uses water.

A question was asked by Commissioner Hamerly regarding if the irrigation systems are a Permit activity and Assistant Planner Kelleher replied no. Commissioner Hamerly said then the hardscape and up that would be the Permit that would trigger the more stringent Guidelines. Assistant Planner Kelleher responded if someone installs a pool, fountains, etc. and are considered part of the Landscaping Ordinance and those of the types of things that would trigger the homeowner's installed landscaping. Community Development Director Jaquess added or a patio cover with a Landscape Plan. Commissioner Hamerly asked if the Cumulative Site area is the total area of the Site or is it based on the Scope of Work proposed and then he provided an example if for the Fiscal Year, this year, he installed 2,499 square feet of landscaping for the Front Yard and the next Fiscal Year, he installed another 2,499 square feet of landscaping in the Back Yard, then what and Assistant Planner Kelleher responded the State would be okay with that, because you are under 5,000 square feet.

04-06-10.PC

A comment was made by Commissioner Hamerly regarding if he designed for irrigation purposes, a 100% reclamation water system, or a cistern system that captures rain water or a grey water retention system, does the homeowner get credit for that in the formula in terms of plant materials or landscaped area? If you are using reclaimed / recycled water, and that is supplementing the water and gave an example of 100,000 gallons / per year to do his irrigation and there is no domestic water needs for his irrigation, why wouldn't that zero all of this out? Community Development Director Jaquess responded there is a "recycled" definition listed in the Code. Commissioner Hamerly stated certain municipalities allow you to do it and others say that you have to use a purple line if you are doing it.

Mr. Tim Maloney, of Community Works Design Group, who is the City's Contract Landscape Architect, addressed the Commission. He stated with regards to the grey water, recycled water is from a municipality and goes to commercial sites. The grey water that is not recycled water and not to be used by irrigation, the homeowner would have to have his own treatment plant and further explained a large facility treating waters to the Commission. Assistant Planner Kelleher added the recycled water requirement in the proposed Ordinance is encouraged and with EVWD, it is estimated approximately ten (10) years, before we would see it. Commissioner Hamerly responded and asked if that would be a separate plumb system where the water has been recycled and now we are running it to this neighborhood. Assistant Planner Kelleher stated that would be a completely separate line for that neighborhood, or wherever. Commissioner Hamerly said that this is not referring to on-site treatment filtration systems. Assistant Planner Kelleher responded no and the water that lands on the site is already being accounted for and the evapotranspiration rate and some other parts of the calculation on the amount of rain water that we have received in this area is actually already calculated in the equations.

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

Chairman Haller asked regarding to EHR, since they are going to be impacted in a big way, in that there are some lettered lots which has a variety of vegetations, some that have orange groves, some have more of a native vegetation that has been irrigated, would be included in this proposed Ordinance since all of that is considered landscaping, even though the orange groves could be considered agricultural. Assistant Planner Kelleher responded the orange groves would be classified as agricultural and are exempt from the proposed Ordinance. The grass fields that are throughout the Ranch potentially could be deemed active

04-06-10.PC

play areas, which has a higher water use calculation on them. The majority of the hillsides and the landscaped areas, without having detailed information on those Plans, he knows that in a lot of cases, there were fairly conservative in the types of plants that they utilized. Those are things that will be coming up as part of the MAWA and those items that they will be preparing, once the Ordinance is adopted.

Chairman Haller asked about the Fire Buffer Zones some of the landscaped areas are there to provide for protection, obviously, you do not want a lot of plant growth, but want you want it to really stay green and is there any kind of special provisions in the proposed Ordinance and the use of more water, if needed. Assistant Planner Kelleher responded in the Fire Buffer Zones, that is taken into consideration in the proposed Ordinance that the water is to be applied to those areas and that the landscaping should create a buffer, but what is suggesting is create that buffer, and utilize more water there, but make up the difference somewhere else on the site. He further stated you might have a Fire Buffer Zone that is nice and green and vegetated, and you might have a Hydrozone landscaping in another part of the site, depending upon what is utilized in the Fire Buffer Zone. Commissioner Hamerly asked about the Plant Palettes that are being used, have they distinguished between the low water usage and that are also low fuel content that integrates the two Lists; one if from the Fire People and the other from the Landscapers. Assistant Planner Kelleher responded no, not at this point and there is nothing that he knows of, but we do have the documentation that states what water usage is used, based on which Plant and the Landscaping Professionals that you know what plants are better to utilize in a Fire Zones. Based on their knowledge and this document, which most of the knowledge is listed in this document as well, they will be able to make that determination.

Chairman Haller asked if the Commission had any questions of Staff. Hearing none, he then opened the Public Hearing and asked if anyone in the audience would like to speak on the item.

Ms. Andrea Legro, 28647 Strathmore, Highland, California, addressed the Commission. She stated that she resides in Village Lakes. She stated how she works for an Agency and how Corona, Fontana, have days posted when people can water. Also as a Board Member of some organization, she is trying to change the landscape materials and water usage and is looking for some information. She asked if the Ordinance has in it posting certain days for water

04-06-10.PC

usage / restrictions. Assistant Planner Kelleher responded the Ordinance does not have that requirement and is not the path of this Ordinance. She asked about if it is going to be going with existing landscaping and Assistant Planner Kelleher responded any property owner that has over one (1) acre of landscaping will be required to comply with some of the water calculations within the Ordinance. Both Community Development Director Jaquess and Assistant Planner Kelleher added that common area(s) in which they would be looking at and seeing whether or not in the common area(s) there is an acre of landscaping in which there is and Community Development Director Jaquess added how the Lake counts also. Ms. Legro said trying to be conscientious and Community Development Director Jaquess responded the process is not the same as to what a Water District might do to reduce the use of water, by what Ms. Legro is stating like watering every third day, or whatever, and is separate and would come from EVWD if they felt the need to do that. We have not heard of that need, but that is their call. This is a broader look on how to integrate landscaping and water usage to be the most efficient way to landscape your area with the least amount of water. Ms. Legro responded that is why she is interested in and trying to achieve. Community Development Director Jaquess said the property owner who would be hiring their own landscape architects help them to come up with the Plans that are required and evaluating the water usage requirements. Ms. Legro asked if changing the vegetation will require a Permit and if necessary, changing the sprinkler system and Assistant Planner Kelleher responded more likely, than not, if you will change out the landscaping and irrigation to some degree. Assistant Planner Kelleher said in terms of whether or not Ms. Legro would require a Building Permit, that would be dependant on type of construction activities that she will be performing and Ms. Legro responded changing head(s) to the sprinklers and Assistant Planner Kelleher responded then potentially, that might not need a Permit. Chairman Haller added per the Ordinance, she would submit their audit results and if it doesn't comply, they have to develop a Plan or Program to come into compliance and execute some kind of Agreement with the time commitment to abide by and Assistant Planner Kelleher said that is right. Chairman Haller said that it sounds like it might not be a Permit per say, but there is going to be a process. Ms. Legro said then it's looking at an audit and Assistant Planner Kelleher responded after adoption of the Ordinance, it would be one (1) year for implementation for those one (1) acre properties. Ms. Legro then thanked the Commission.

Chairman Haller asked if anyone else would like to speak on the item. Hearing none, he then closed the Public Hearing and opened the floor for discussion amongst the Commissioners.

04-06-10.PC

Chairman Haller commented regarding the ETO for Highland – with a Definition of 55.6 inches per year and on Page 6 (Page 13 of the Staff Report) at the top and believed that should be “inches per year” and Assistant Planner Kelleher said that is correct. Chairman Haller responded that it should read “55.6 inches per year”. Chairman Haller said a little bit further down there is Estimated Total Water Use = blank (_____) gallons and was unsure what the “blank (_____)” represents. Assistant Planner Kelleher responded the blank (“_____)” represents for an actual equation to be written and that nothing is missing there. Chairman Haller said that is all that he had and asked if the Commission had any further comments. Hearing none, Chairman Haller asked if this for the Commission to make a recommendation to the City Council and would assume the City Council would consider in a couple of weeks. Chairman Haller said he had one other comment that describes as a Goal of Public Education Program and is listed on Page 5 (or Page 12 of the Staff Report) Paragraph 9 and suggested to make it as soon as possible and partner it with the Environmental Learning Center which has a water element and then with the EVWD and Assistant Planner Kelleher added the City of San Bernardino is also implementing a Program similar to the City, as well. Community Development Director Jaquess added the City is great on partnering.

Chairman Haller asked if the Commission had any further comments or questions.

Commissioner Huynh asked about the cost of the Landscape Architect what he has to do. He is concerned with the home owner having to prepare a plan, provide the on-site inspection, prepare a certification, and may cost \$3,000, etc. for 5,500 square feet of landscaping area and install it. Has anyone looked into how much it would cost. There are certain projects out there that are architecturally designed, that might not need a Licensed Architectural Engineer professional to prepare the Plans. A Drafting Person or even the Home Owner can prepare the Plans. Now we are talking about landscaping, and we involve a Licensed Professional, can see the cost can go higher up. For a commercial project, and involve a Professional Person, that is acceptable, but not for a Home Owner and reiterated his question why does the Home Owner have to have a Licensed Landscaping Architect, in this case. Assistant Planner Kelleher responded for Commercial and Industrial Developer built Residential projects, the difference of the Plans they will be preparing today, versus what they were preparing previously, there are really not a lot of changes. No matter what, they had to prepare Plant and Irrigation Plans, had to do some sort of Soils Analysis.

04-06-10.PC

They are a little bit further in depth because of more of the information that is required. They have to do a little bit more in terms of research for the grouping in Hydrozones and those types of things. For Developer installed, there is not going to be a significant cost. In terms of the Private Developer, the Private, Single Family Home, again, there are very few Lots within the City where there is 5,000 square feet of land to even be landscaped on the Lots. Most of the homes in Highland are about 2,000 square feet and most of the Lots in Highland are about 7,200 square feet. When the Home Owner got their home originally, it already had a front yard built into it which was about 2,500 square feet and did not require a Landscape Permit, either. Because it was already Developer installed, or Home Owner installed so either the Developer had already taken the cost or the Home Owner who had built their house on their own, was able to get under that square footage requirement. Assistant Planner Kelleher further explained it would be a very significant rehab that they would be doing to their entire Lot, in order to reach 5,000 square feet. In addition to that, and at that point, they are going to have to do something that requires a Building Permit and includes a pool, fountain, etc. for landscaping. There is a very small group of people that actually is going to be impacted by this, in terms of the Home Owner Installed Landscaping. City Planner Mainez added Commissioner Huynh is correct and that some property owners will have to incur additional costs associated with the State provision. He believes there is a Profession's Code, that if a Plan is drafted by a Professional Landscape Architect, it has to be reviewed by a Landscape Architect. So maybe there is a Policy whereas giving the Property Owners the right to do it themselves, and still comply with the Ordinance, certainly, we will look at that and that would keep the costs down for the handful of people that Assistant Planner Kelleher was trying to describe. Vice Chairman Gamboa said if someone is going to install a pool, patio cover and that will be taking the majority of the land for their square footage and there will not be a lot of planting material left. Community Development Director Jaquess responded pools count and Commissioner Hamerly said a pool would consume the majority of their water allowance. Vice Chairman Gamboa further indicated the Home Owner is still going to have to obtain a Permit because of the swimming pool and for the basic Home Owner, he does not believe the Home Owner would incur that much cost. Chairman Haller said for Staff to look at the Model Ordinance and was sure Staff copied what the Model Ordinance had in there which required a Licensed Landscape Architect because they are the ones which demonstrate efficiency in doing this kind of work so if you don't require it, then the Contractors are going to do it and they do not have the same level of competency, so you are not going to necessarily achieve what the desired goal was. Then they are going to be doing this so often, there is going to be a lot of supply in keeping the prices down and there is going to be a lot of Landscape Architects doing a lot of work and bringing in business.

04-06-10.PC

Commissioner Stoffel asked what about City Fees and City Planner Mainez responded he does not know at this time, and there may be a Fee later. Chairman Haller asked about the water audits and Community Development Director Jaquess responded Staff is going to have to look at what the costs to the City are ending up going to be and come back and make some recommendations to City Council. Chairman Haller responded you are going to have to review every water audit and that will take quite a bit of time. City Planner Mainez responded Staff is relying on the City's Consultant (Community Works Design Group) for this and to keep it at the Professional review, but currently, but I do not believe that we have a Professional Fee for that under Planning yet, it's under Engineering and Public Works. Commissioner Hamerly responded so then it is part of the plan check deposit, or it's just okay here is the tally of what we have had to do in review and when you run out of that money, a person would write another check. Chairman Haller responded if there is no development and it is existing, you are going to have costs and there is no source of revenue to offset those costs. Commissioner Hamerly said then there is no Permit, it's just a regular application. Community Development Director Jaquess said if there is a cost to the City, we will have to make sure that we recoup that cost and is an obligation and direction by City Council and Policy. City Planner Mainez added we are going through that process right now in reviewing fees so this would be a good time in evaluating that. Commissioner Hamerly suggested the City partnering up with Lowe's, Local Nurseries, and put some signage on display and indicate these plants comply with Hydrozone, or whatever, etc. so when the Home Owner instead of going after the water intensive materials what really gorges in the Nurseries so okay, you can choose from these that use less water and maybe see if we can get some display materials up so that people can know what they are looking at in terms of this is a hearty plant, this is a "water hog", etc. and hopefully, start stocking these plants.

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

A Motion was made by Vice Chairman Gamboa and seconded by Commissioner Hamerly to approve Resolution No. 10-003 recommending the City Council approve the following:

1. Adopt a Notice of Exemption and Instruct Staff to file a Notice of Exemption with the County Clerk of the Board, and;
2. Introduce an Ordinance to amend Title 16, Land Use and Development Code Chapter 16.40, Section 16.40.390 Water Efficient Landscape Requirements.

04-06-10.PC

Commissioner Stoffel asked about Staff looking into the cost and Commissioner Hamerly said the fees are not part of the Ordinance and that is something that Staff is going to have to present to the City Council when this is adopted indicating what is the fiscal impact. Commissioner Stoffel responded and commented to pass on to the City Council the Commission's comments and City Planner Mainez responded that we would be required to because it is part of the City Council Staff Report to include a more detailed Fiscal Analysis beyond what Staff provides the Commission and added that is something that we will probably start doing in the future as other Ordinances come before the Commission.

Motion unanimously passed on a 7 – 0 vote.

5.0 LEGISLATIVE

There were no Items.

6.0 ANNOUNCEMENTS

Community Development Director Jaquess explained the Items tentatively scheduled for a Joint Study Session with the City Council and the Commission on April 13, 2010, at 5:00p.m. regarding the Housing Element. He further explained there are no items scheduled for the April 20, 2010, Regular Commission Meeting.

7.0 ADJOURN

There being no further business, Chairman Haller declared the Meeting adjourned at 6:45p.m.

Submitted by:

Approved by:

Linda McKeough, Community
Development Administrative Assistant III

Randall Hamerly, Chairman
Planning Commission

04-06-10.PC