

HOMESTEAD VALLEY  
COMMUNITY COUNCIL



*"One voice for the people of Homestead Valley"*

P.O. Box 3694, Landers, CA 92285 [www.hvccsite.org](http://www.hvccsite.org)

Agenda for the March 15, 2010 Homestead Valley Community Council Meeting  
at the Yucca Mesa Community Center, 3:00 P.M.

Flag Salute

Roll Call / Delegate List

Approve Agenda

Approve Minutes of Previous Meeting

Treasurer's Report

1. Guest Comments

2. U.S. Census Bureau Presentation – Jose Velez

3. San Bernardino County Special Districts Department – Pam Vanderboort

4. Committee Reports:

Fund Raising / Events

Advisory

Sphere of Influence

Hwy 247 Zoning

Public Outreach

Community Services / Improvements / Cooperation

5. Vice President position

6. Conflict with SB County and LAFCO Community of Yucca Valley definition.

7. President's Report

8. Items for Next Agenda: next meeting April 19<sup>th</sup> in Johnson Valley

## HVCC DELEGATES

Maryan BARKLEY ...FHCA .....364-2737 ...maryanmeetoo@thegrid.net  
Adrienne BISHOP ....Landers .....364-2345 ...  
Phyllis BURNS .....FHCA .....364-4391 ...pburns979@verizon.net  
Jim HANLEY .....JVIA .....364-4829 ...jhaflame@aol.com  
Jim HARVEY .....JVIA .....401-1015 ...johnsonvalley@gmail.com  
Judy KEMP .....Landers .....364-3842 ...judykemp1846@juno.com  
Earlene McCLOSKEY ..YMIA .....365-8422 ...emac-r@msn.com  
Betty MUNSON .....JVIA .....364-2646 ...ranchotaj@gmail.com  
Tory PRESTON .....FHCA .....364-3373 ...ToryPreston2@aol.com  
Nancy SAMMONS ....YMIA .....365-8507 ...nansam@inreach.com  
Rick SAYERS .....YMIA .....574-6598 ...rick@ricksayers.com  
Carl SCHMITT .....YMIA .....228-3184 ...carlandy@peoplepc.com  
Joyce WHEELER .....JVIA .....364-3392 ...shipitshop@peoplepc.com  
Linda WILLGUES ....Landers .....364-9203 ...linda.1024@live.com  
  
Alan RASMUSSEN ....228-5400 .....arasmussen@sbccounty.gov

3/15/10

**HOMESTEAD VALLEY COMMUNITY COUNCIL  
MINUTES OF MEETING IN LANDERS, FEBRUARY 8, 2010**

Opened with Flag Salute at 3:00 pm

Present were Maryan Barkley, Adrienne Bishop, Jim Hanley, Jim Harvey, Judy Kemp, Earlene McCloskey, Betty Munson, Tory Preston, Nancy Sammons, Rick Sayers, Carl Schmitt, Joyce Wheeler, Linda Willgues, Alan Rasmussen

Guests: Ray Pessa, Chuck Roney, Mike Hawkins, Cathy Hawkins, Paul Lopez, Jim Minyard, FOGR; Aaron Stephens, Hi-Desert 4x4; Larry and Mary Coulombe; Brian Comp; Olivia de Hauleville; Alan Kearns; Jordan Kearns; Elva Rasmussen; J.D.Sattler

Delegate List approved unanimously.

Agenda was approved unanimously.

Minutes of January meeting, posted to the Website in draft form, approved unanimously with one change, adding Barbara Renton to list of those present.

Treasurer's report: Earlene McCloskey.

Beginning balance 6,582.33; Income 3.03; Expenses 855.03; Balance 5730.33

**1. Guest Comments:** none

**2. SB County Ordinance 3973 Staging Permits** - Ray Pessa, Friends of Giant Rock, described the four parts of the OHV ordinance: written permission to be on someone else's property, vehicle noise levels, trespassing and disturbing the peace and quiet, and the requirement that you get a staging permit if more than 9 people would be on your property and off road vehicles would be in use. Permit takes 4-6 weeks, cost \$155.

Ray, who has been riding here since 1978, started researching the ordinance about 3 years ago after an encounter with an officer who explained the new rules and Ray thought they were not right.

The push for the ordinance began when a stakeholder committee was formed, including 2 supposed representatives of the OHV community. However, neither one of them ride, neither one of them live here, and no one else really represented the residents of the area. In April 2006, Supervisors held a hearing on the ordinance. 34 people attending were in favor, only one opposed. In May the ordinance passed. July 1, 2006, it went into effect with a 6-month period of education to make riders aware of the requirement for the staging permit.

But in August 2007, it was revisited, with 157 people opposed, 86 in favor. People were upset they could not have their family come to their property just because someone might ride an OHV.

Supervisor Mitzelfelt said, when there were 21,832 contacts, but only 6 permits issued (later increased to 10) it seemed like an imbalance. It was decided to work on the staging provision, then in August 2008 it was decided that the staging permit was "not consistent with the intent of the county" establishing this ordinance.

What is good about Ordinance 3973: it affords Code Enforcement the tools to cooperate with the Sheriffs Dept. as it relates to trespass, disturbing the peace, dust and noise infractions. It also provided one-on-one education by Code Enforcement officers, which has reduced OHV violations (the 21,832 contacts) teaching the riders right from wrong.

This reduced the problems experienced with off-road vehicles, while the staging permit did nothing.

What is wrong with 3973, argued Ray, is clearly the staging permit. It violates our right to peaceful assembly, it restricts our property rights, the fee is taxation without representation, it is an invasion of

privacy, and the costly administration and daily observation by Code Enforcement takes them away from more pressing things (the county has now suspended the staging permit requirements until this is straightened out), it works a hardship on legal residents and does not stop OHV abuses.

Invasion of privacy occurs because names of those applying for permit are posted on the Internet along with the dates they will be away, available to any crooks.

The permit fee goes into the general fund.

Another point under discussion in the ordinance concerns camping and OHVs with time limitations. Supervisor meeting in March will address these changes.

Neil Derry has stated he does not like the staging permit. He would support \$1000 fine for nuisance and trespass, and feels it would be a deterrent.

New policy on fines: instead of fines being levied through the court system, the paperwork goes straight to the county and the \$200 fine is levied. That money goes to support the county to support the off road enforcement.

Jim Harvey asked if anyone in the room thought the staging permit portion of the ordinance should not be changed. No one replied. Ray asked the Council to send a letter to the Supervisors supporting the removal of the staging permit portion.

A motion was made and seconded to send a letter to each of the Supervisors. During discussion, Alan Rasmussen stated that the point made by the people in favor of dropping it, is that everything bad that happens is enforceable some other way besides a staging permit. The people who argue that the staging permit is good say that maybe a thousand stagings have been prevented; Alan said he has to respect that argument but it is not possible to prove it one way or another. He also said from personal knowledge that often when there is a problem it is not involving ten or more people. It is two or three out riding wherever they wish, however they wish. He also said a letter from HVCC would indicate community support for removal of the staging permit requirements..

The motion to write a letter was approved unanimously.

### **3. Committee Reports**

-Fund Raising/Events:

Discussed Poker Run in April, \$150 best hand. Boards to give input. Suggested Treasure Hunt for next spring event.

-Advisory Committee:

Presidents met with Alan to establish community boundaries for HVCC within the County's Homestead Valley map. Adopted unanimously by the Council to add to Standing Rules for convenience establishing delegates' residency.

-SOI Committee: Carl told about free bus ride signs, but has had no response. Nancy called about 20 members, many said they would prefer to take their own cars. Bus option remains open for Yucca Mesa. Flyers distributed.

Unanimous agreement to have HVCC presence at the LAFCO hearing, Jim Harvey to comment.

-Hwy 247 Zoning: No updates.

-Public Outreach Committee:

Publicity: Flamingo Heights and Johnson Valley columns in Hi-Desert Star.

Website: added page "HVCC In the News." Landers profile still needed.

-Community Services/ Improvements/Communication:

Thank you letter to CalTrans for meeting at Flamingo Heights concerning the Hwy. 247 shoulders project. Alan suggested copying an adoption program for the 75-100 Joshua Trees that will be displaced. Possible contact Unique Nursery.

Possibly send thank you letters to agencies participating in CalAware Open Government Workshop.

2+2 Committee meeting with Yucca Valley Town council members. HVCC Community

Services/Improvements/Cooperation Committee to participate. Possible agenda: AB811, Windmill documentary, open spaces.

Rick wants to have someone from County Special Districts to speak to next meeting, to explain differences in districts, CSAs. Emphasis on road grading. Pam Vander to be contacted.

**4. Senator Feinstein Bill** - California Desert Protection act of 2010. Concerns with JV OHV Area. Language of bill seems to offer some protection, but obviously is structured almost to coincide with Marines' desire to expand westward. It is called "designation" of an OHV area. It says nothing about open riding, nothing about banning transmission lines, nothing about designating it in perpetuity—the OHV area would not have the same protection as a Wilderness Area does. Popular with the people who want to set aside even more areas of the state as wilderness.

Will put together a list of our concerns, including protection from power line; ambiguous language. Energy proposals not seen in draft. Only one advisory committee in bill includes resident. Ray Pessa said language had changed from draft: bill excludes motorized vehicles. Johnson Valley part does not say open riding, could become limited use area. Letter and e-mail of comment to be drafted.

**5. Marine Base expansion Proposal-** Alternative 6. Letter approved unanimously to send to USMC for meeting before September scoping period. Need a venue that will be good for the Yucca Mesa, Flamingo Heights and Landers. Suggestion we approach Hutchins and Ace Alternators to co-sponsor.

**6. Windmill documentary** - "They're Not Green" suggested date March 20, at Yucca Valley Community Center. 6:00. Alliance for Responsible Energy Policy to pay for venue. Information about AB811 to follow. Trailer is on [hvccsite.org](http://hvccsite.org).

**7. Bulk Postage Permit.** Jim discussed bulk rate mailing with Tammy at Post Office, for requirements, but Maryan disagreed with info. Jim wants to figure out a way to have Landers newsletter qualify for permit usage, and include HVCC newsletter. Revisited last month's vote on paying permit cost since it has the effect of the council subsidizing two members. Original newsletter proposal to be e-mail, no cost. Members volunteered to include in various newsletters. Member communities should be subsidizing HVCC, not vice versa.

**8. Hwy 247 left hand turning lanes.** Alan wants County and CalTrans officials to come tell about plans, tentative Wednesday, March 24, 6:00, at Flamingo Heights. Maryan wants to include mention for left turn into Hero.

**9. President's report:** needed copy of Feb '09 Agenda for website. Jim Hanley had one to lend. Agenda packets to be posted, delegates to download. Let Jim know if you are going to bring your own copy.

**10. Items for next Agenda:** March 15 at Yucca Mesa, Jose Velez of USCensus2010 to speak.

Betty Munson, Secretary  
760-364-2646

# Homestead Valley Community Council Committees

03/15/10

## Ad Hoc Committees

**Hwy 247 Zoning:** Chairperson Phyllis Burns and Maryan Barkley

**Sphere of Influence: Chairperson** Carl Schmidt  
Betty Munson  
Rick Sayers

**Nominating:** assembled in April for May nominations and June election

**Audit:** assembled in June to report by September

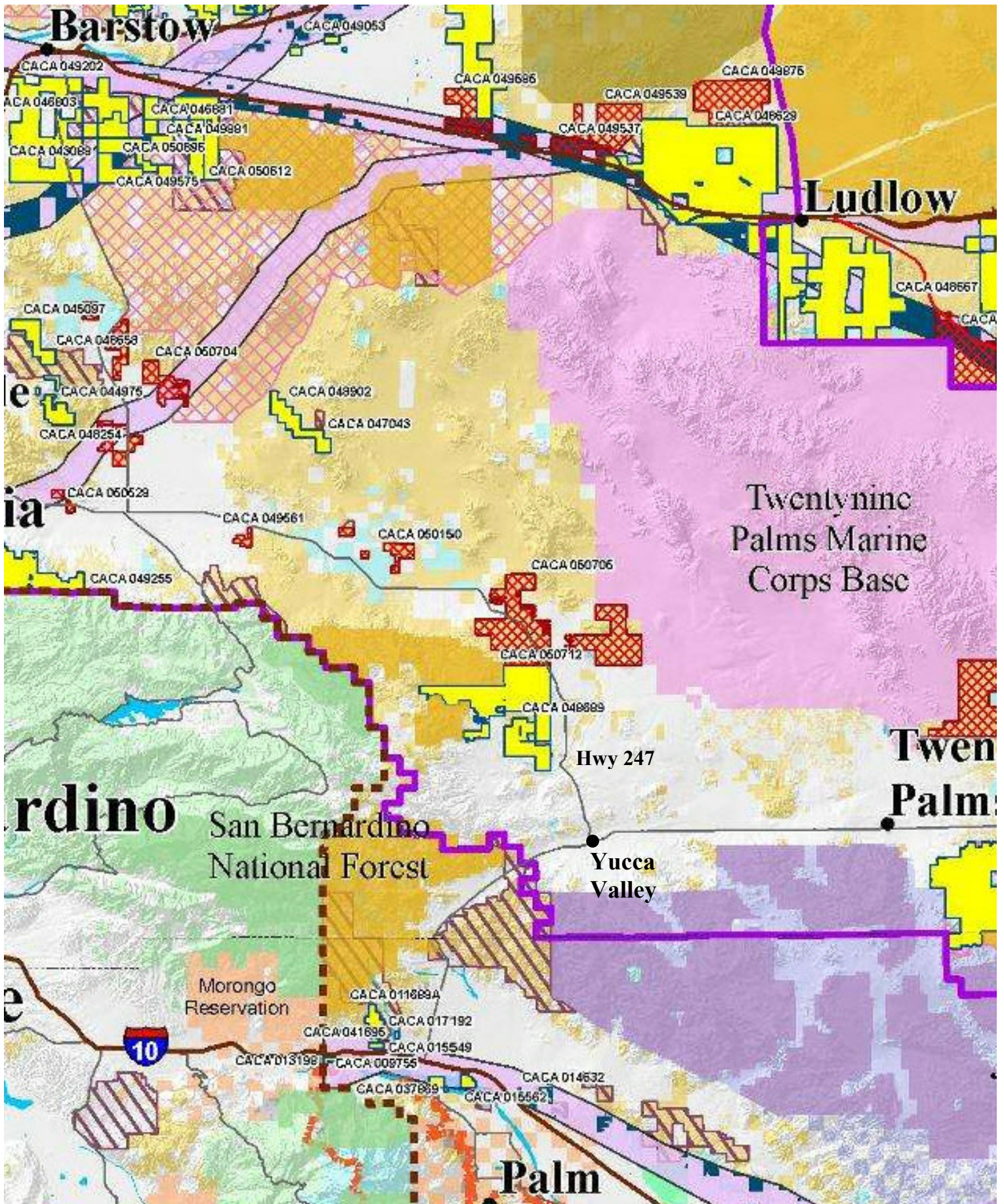
## Standing Committees

**Fundraising / Events:** Chairperson Earlene McCloskey  
Phyllis Burns  
Nancy Sammons

**Advisory:** Chairperson Nancy Sammons  
Presidents of the 4 HVCC community organizations:  
Wilma Ochoa, Landers  
Tory Preston, FHCA  
Charlie McHenry, YMIA  
Betty Munson, JVIA  
Alan Rasmussen, Third District Field Representative

**Public Outreach:** Chairperson Betty Munson  
Maryan Barkley  
Linda Willgues

**Community Services / Improvements / Cooperation:** Chairperson Rick Sayers  
Jim Hanley  
Betty Munson



Barstow	CACA 48254	B241	Granite Wind LLC	12/16/2006	1,968	81	Wind: developing	Granite Mtns T6N, R1 & 2W	60% eng designs review by Psomas requires geotech report by senior geological engineer. New submittal due in 30 days from 11/17/09. POD received w/transmission.
Barstow	CACA 48629	B239	Oak Creek Energy	12/1/2006	17,290		Wind: pending for testing	Black Lava T2N, R5E, T1N, R5E	Cost recovery finalized for met towers 08/12/08; partial w/in ACEC. Meeting 01/2008: advised applicant of ACEC issues. Provided options outside of ACEC for met towers to collect data. No response from applicant on options. Status letter sent 5/09.
Barstow	CACA 48658	B305	Orion BP Alternative Energy	12/15/2006	2,442	40-54	Wind: developing	Sidewinder T8N, R6 & 7E	POD deficiency letter sent Oct 30. 60 days for response.
Barstow	CACA 48689	B250	Renewergy, LLC	1/9/2007	3,920		Wind: pending for testing	Black Lava Butte; T1N,R5E; T2N,R5E	Application complete Surveys and EA in progress. Revision of access pending
Barstow	CACA 48902	B293	West Fry Wind, LLC (FPL Energy)	3/29/2007	3,248	34	Wind: developing	West Fry Mtns. T5N, R2E	POD for CACA-47043. NOI posted 5/08. Consultant selected. Initial scope done. Draft EIS in process. W/in 29 palms segregation. On HOLD
Barstow	CACA 49052	B285	Alta Gas REP	5/24/2007	9,546		Wind: pending for testing	Ghost Town T10N,R1E(calico lakebed)	Application complete. EA may be required. Cost recovery est. Biological & cultural surveys pending. Project area under revision
Barstow	CACA 49053	B285	Alta Gas REP	5/24/2007	8,553		Wind: pending for testing	Mojave Valley between I-15 and I-40, east of Barstow Ghost Town T10N, R1E	Initial application incomplete. EA required. Cost recovery set up. Biological & cultural surveys pending
Barstow	CACA 49204		Horizon Wind Energy	7/19/2007	20,811		Wind: pending for testing	Stoddard/Daggett	Initial application complete. EA required. Cost recovery set up. CR fund rcvd; Maps & met locations w/access rec'd 11/2007. Biological & cultural surveys underway. Awaiting draft EA; w/in DWMA
Barstow	CACA 49255	B287	EC&R West LLC (Airtricity, Inc.)	8/15/2007	14,080		Wind: pending for testing	North Peak	Appl. Complete. Revised EA received. Under revisions- will post for public comment period. Cost recovery estb. Near Juniper Flats ACEC/USFS SBF
Barstow	CACA 49575		AES Wind Generation, Inc.	12/6/2007	2,930	84	Wind: developing	Dagget Ridge Barstow T8N, R1E, R1W	App. Received. Draft POD received. Revised POD rec'd 3/28/09 -w/DWMA, cultural issues, raptors. MOU & Statement of work sent to applicant.FWS funds have been received; we just have to transfer the funds. SD NOI briefing held on 10/21/09.
Barstow	CACA 49881		AES Wind Generation, Inc.				Wind: pending for testing	Sand Ridge 2	
Barstow	CACA 50032		Debenham Energy	6/16/2008	1,508		Wind: pending for testing	Ryan	Scoped, Cat VI fee determination .
Barstow	CACA 50711		Padoma Wind Power, LLC	3/17/2009	47,536		Wind: testing	Pinto Mountains	Gathering field reports; have reimbursement accounts in place.
Barstow	CACA 50712		Padoma Wind Power, LLC	3/17/2009	15,220		Wind: testing	So. of Cleghorns	Gathering field reports; have reimbursement accounts in place.
Blairhop	CACA 50218		Padoma Wind Power, NRG Inc.	8/19/2008	12,906		Wind: pending for testing	Black Lake Project 45 sq miles centered at Black Lake	Cultural inventory done. Cost recovery completed (cat VI). Asking for more information on access points.

**March 8, 2010 2+2 COMMITTEE MEETING  
YUCCA VALLEY TOWN COUNCIL + HVCC COMMUNITY COOPERATION COMMITTEE  
YUCCA VALLEY COMMUNITY CENTER**

Town Council members: Chair Lori Herbel (mayor pro-tem), George Huntington  
HVCC Community Cooperation Committee Members: Jim Hanley, Jim Harvey, Betty Munson, Rick Sayers  
Town Manager pro-tem: John Tooker  
Seth Shteir, National Parks Conservation Assn.  
Guests: Larry Callendar, Peter Boyan (?), Yucca Mesa; Elizabeth Karman, Yucca Mesa Watchdogs

Called to order 10:37

When questioned, John and George expressed approval of HVCC Committee consisting of 4 members for the ad hoc 2+2 Committee, since meeting is to exchange info, HVCC acting in an advisory capacity.

**Discussion in depth of AB811, Jim Harvey.** Goal: to get as many participants as possible to make low interest loans to property owners for energy-efficiency improvements, especially rooftop solar. Discussed experience of Palm Desert, first phase 2.5 millions in loans, solar panels on rooftops in three months. George and John familiar with this as well as Yucaipa program. Advantages: quick installation vs utility-scale projects three years and counting; key to voluntary conservation; prevents overload on transmission lines; prevents destruction of open lands, permanent retrofit improvement with no reassessment.

Town is hiring a new Manager; this will be brought before the Town Council then.

Seth reported that 14 counties are on AB811 working with financing companies. He said Jim Ferguson, Palm Desert City councilman, will be speaking of their experiences with AB 811 at the Climate Change Conference on Friday, Mar 12, at 10:45, and can answer financial questions.

George expressed that this is long term, the protection of the city is uppermost, administrative and management difficulties must be addressed.

Seth also referred them to [renewfund.com](http://renewfund.com) and [ecomotion.us](http://ecomotion.us) as funding sources.

Jim Harvey reported Senator Feinstein's proposal to now give property owners a 30% cash grant refund for solar and energy improvements to match the latest federal grants to utility scale developments. He also told about the 4 million issued in county stimulus funds toward energy improvements, and suggested that municipalities starting their own AB811 programs would leave more of this relatively small amount for the use of rural areas. He also discussed Feinstein's proposal to make lands available cheap to solar developers that had been bulldozed by developers who then went broke.

Larry Callendar brought up private companies leasing rooftops for solar energy generation.

**Night Sky Ordinance, Lori Herbel.** Goal: to develop a lighting ordinance along the lines of the Model Lighting Ordinance being proposed by the International Dark-Sky Association. She discussed the 1.2 million visitors to Joshua Tree National Park, many of whom are there to experience the night skies. Discussed the pressures of development; getting Yucca Valley, 29 Palms and the county on the same page; education for a public decision to support dark skies. Lack of availability of proper lighting fixtures was mentioned. HVCC will put on agenda for the next meeting.

**Nettie Pena Windmill Documentary.** Announced HVCC & AREP presentation of Nettie Pena's documentary about the wind turbines, to be held Saturday, March 20 at 6:00 p.m. at the Yucca Valley Community Center. AB 811 presentation to follow.

Meeting adjourned 11:30 a.m.

Betty Munson



# International Dark-Sky Association

The Nightscape Authority

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## Simple Guidelines for Lighting Regulations for Small Communities, Urban Neighborhoods, and Subdivisions

### **The purpose of the regulation is to:**

- Permit reasonable uses of outdoor lighting for nighttime safety, utility, security, and enjoyment while preserving the ambiance of the night;
- Curtail and reverse any degradation of the nighttime visual environment and the night sky;
- Minimize glare and obtrusive light by limiting outdoor lighting that is misdirected, excessive, or unnecessary;
- Conserve energy and resources to the greatest extent possible;
- Help protect the natural environment from the damaging effects of night lighting.

All outdoor lighting fixtures (luminaires) shall be installed in conformance with this Regulation and with the provisions of the Building Code, the Electrical Code, and the Sign Code, as applicable and under permit and inspection, if such is required.

### **Comment: Practical Considerations:**

1. The idea that more light always results in better safety and security is a myth. One needs only the right amount of light, in the right place, at the right time. More light often means wasted light and energy.
2. Use the lowest wattage of lamp that is feasible. The maximum wattage for most commercial applications should be 250 watts of high intensity discharge lighting should be considered the maximum, but less is usually sufficient.
3. Whenever possible, turn off the lights or use motion sensor controlled lighting.
4. Incorporate curfews (i.e. turn lights off automatically after a certain hour when businesses close or traffic is minimal). This is an easy and fast way to initiate dark sky practices.

### **Maximum Lamp Wattage and Required Luminaire or Lamp Shielding:**

All lighting installations shall be designed and installed to be fully shielded (full cutoff), except as in exceptions below, and shall have a maximum lamp wattage of 250 watts HID (or lumen equivalent) for commercial lighting, 100 watts incandescent, and 26 watts compact fluorescent for residential lighting (or approximately 1,600 lumens). In residential areas, light should be shielded such that the lamp itself or the lamp image is not directly visible outside the property perimeter.

### **Lighting that is exempt from these regulations:**

1. Lighting in swimming pools and other water features governed by Article 680 of the National Electrical Code.
2. Exit signs and other illumination required by building codes.
3. Lighting for stairs and ramps, as required by the building code.
4. Signs are regulated by the sign code, but all sign lighting is recommended to be fully shielded.
5. Holiday and temporary lighting (less than thirty days use in any one year).



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6. Football, baseball, and softball field lighting; only with permit from the authority recognizing that steps have been taken to minimize glare and light trespass, and utilize sensible curfews.
7. Low voltage landscape lighting, but such lighting should be shielded in such a way as to eliminate glare and light trespass.

## Additional requirements:

- Lighting attached to single-family home structures should not exceed the height of the eave.
- Residential pole height restrictions can be considered to control light trespass on adjacent properties.

## Notes:

1. The general belief that more light means better safety and security is just a myth. All that is needed is the right amount, in the right place, at the right time. More light just means wasted light and energy.
2. Use the lowest wattage of lamp as possible. For cost saving purposes, consider compact fluorescent lamps rather than incandescent, as they use much less energy and have a much longer lifetime.
3. Whenever possible, turn off the lights.

## Definitions:

- **Glare:** Intense and blinding light. Causes visual discomfort or disability.
- **Landscape lighting:** Luminaries mounted in or at grade (but not more than 3 feet above grade) and used solely for landscape rather than any area lighting.
- **Obtrusive light:** Spill light that causes glare, annoyance, discomfort, or loss of visual ability. Light Pollution.
- **Luminaire (light fixture):** A complete lighting unit consisting of one or more electric lamps, the lamp holder, any reflector or lens, ballast (if any), and any other components and accessories.
- **Fully shielded (full cutoff) luminaire:** A luminaire emitting no light above the horizontal plane.
- **Spill light:** Light from a lighting installation that falls outside of the boundaries of the property on which it is located. Usually results in obtrusive light.

## Additional Resources for Establishing Outdoor Lighting Guidelines

1. [Model Lighting Ordinance \(MLO\)](#)
2. Recommended [Outdoor Lighting Zones](#)
3. [IDA Lighting Code Handbook](#)
4. [Directory of Ordinances and Other Regulations](#)
5. [Glossary of Basic lighting Terms and Definitions](#)