

**TOWN OF
APPLE VALLEY, CALIFORNIA**

AGENDA MATTER

Subject Item:

APPEAL NO. 2007-003, AN APPEAL OF THE PLANNING COMMISSION'S DENIAL OF TENTATIVE TRACT MAP NO. 18186, WHICH IS A REQUEST TO SUBDIVIDE APPROXIMATELY FOURTEEN (14) ACRES INTO THIRTEEN (13) LOTS, AND ONE (1) RETENTION BASIN, FOR FUTURE SINGLE-FAMILY RESIDENTIAL DEVELOPMENT WITHIN THE ESTATE RESIDENTIAL (R-E) ZONING DISTRICT.

Appeal Applicant:

Altec Engineering representing Mr. John Attiq

Location:

Tentative Tract Map No. 18186 is located at the northeast corner of Quinnault and Mambe (Houston) Roads; APN 0434-153-41.

Summary Statement:

The applicant for Tentative Tract Map No. 18186 is appealing the Planning Commission's December 19, 2007 denial of the proposed map. At its meeting of December 19th, the Planning Commission

(Continued on page 2)

Recommended Action:

Open the public hearing and take testimony. Close the public hearing. Then move to:

1. Find that pursuant to the California Environmental Quality Act (CEQA), Section 15315, the proposed request is Exempt from further environmental review.
2. Find the Facts presented within the staff report for the Council hearing of February 12, 2008, including the comments of the public and the Planning Commissioners as reflected in the Minutes of the Planning Commission Meeting of December 19, 2007, and the record as a whole as discussed and considered by the Council, including the negative findings that the proposed Subdivision, together with the provisions for its design and improvement, is not consistent with the General Plan, the proposed subdivision is not compatible with the objectives, policies, general land uses and programs specified in the General Plan, the proposed subdivision is not physically suitable for the proposed type of development, the proposed subdivision supports the Planning Commission's decision to deny Tentative Tract Map 18186 and the site is not physically suitable for the proposed density of development which findings require denial of the project and those findings are hereby adopted.
3. Deny Tentative Tract Map No. 18186.

Proposed by: Planning Division

Item Number _____

Town Manager Approval: _____

Budget Item Yes No N/A

Summary Statement (continued from page 1):

reviewed, and subsequently denied, the applicant's request to subdivide approximately fourteen (14) acres into thirteen (13) lots, and one (1) retention basin for future residential development within the Estate Residential (R-E) zoning district.

Tentative Tract Map No. 18186 was originally reviewed at the February 7, 2007, Planning Commission meeting along with Variance No. 2006-002. The Commission denied the Variance and continued Tentative Tract Map No. 18186 to the April 4, 2007 Planning Commission meeting to allow time for the map to be revised in conformance with the Development Code and resubmitted to the Planning Division. The applicant filed an Appeal related to the Planning Commission's denial of Variance No. 2006-002, which was presented at the March 27, 2007 Town Council meeting. The Council upheld the Planning Commission's denial of Variance No. 2006-002. At the April 18, 2007 Planning Commission meeting, the applicant requested that Tentative Tract Map No. 18186 be tabled pending approval of a Development Code Amendment to reduce the minimum corner lot depth within the Estate Residential (R-E) zone from 300 feet to 250 feet. Ordinance No. 354 amending the minimum corner lot depth became effective on September 28, 2007. After this effective date, the map was resubmitted and reviewed by the Planning Commission on December 19th, denying Tentative Tract Map No. 18186.

The Commission's December 19th decision to deny the subdivision request was based upon information presented within the staff analysis, comments from the applicant and discussion amongst the Commission members at the meeting (see attached Minute Excerpt for the December 19th public hearing). The focus of the Commission's discussion and concern was the proposed location of the retention basin along with the method by which it would be accessed and maintained.

At the December 19th Planning Commission meeting, staff's presentation noted that the Estate Residential (R-E) Zoning designation allows a density range of one (1) dwelling unit per 1.0 to 2.5 gross acres. The intent is to provide large properties that will be conducive to animal keeping. The allowed density range of one (1) dwelling unit per 1.0 to 2.5 gross acres is meant to encourage a range of lot sizes within the R-E zoning designation that may be determined by site specific conditions. It does not mean that every subdivision should be divided into the absolute minimum lot size. The applicant has chosen to maximize the number of proposed lots for this subdivision, which results in a retention basin abutting the rear yards of several lots. It should be further noted that the proposed method for water conveyance, and the proposed access easement to the retention basin, is inconsistent with surrounding developments and previous Planning Commission subdivision approvals.

Within the Appeal application (attached), Altec Engineering, the applicant, provides its reason as to why the Appeal should be granted, allowing the subdivision of the property into thirteen (13) lots and one (1) retention basin. The Appeal Statement notes that the proposed subdivision technically meets the Development code requirements. The proposed subdivision is in conformance with the site development standards for the Estate Residential (R-E) zoning designation, which requires a minimum gross lot area of one (1) acre. The Code does not prevent a developer from creating easements and retention areas that substantially reduce the usable lot area as is evident with the proposed Tentative Tract Map 18186 and previously reviewed alternatives.

The applicant is requesting that the Town Council direct staff to modify its policy on retention lots in subdivisions over ten (10) acres consisting of less than eighteen (18) lots. The applicant further requests that retention lots be placed anywhere within a subdivision or commercial/industrial project with the approval of the Engineering Division.

Tentative subdivisions and commercial/industrial site plans are reviewed by the Engineering Division to ensure that the project meets the Town's requirements for traffic, circulation and drainage. The Planning Division review consists of environmental review, Development Code consistency, neighborhood compatibility, community design and sustainability. A design that may satisfy the Engineering Division's criteria, and meets the minimum site development standards, may not necessarily be considered a good design, sustainable or compatible, which are all evaluated by the Planning Division and the primary focus during the discretionary review process. Tentative Tract Map No. 18186 has sacrificed community design for the purpose of maximizing the number of lots the subdivision can accommodate.

As with all subdivision requests, any such proposal must be found to be in conformance with specific "Findings" as detailed in Development Code Section 9.71.040 (A5). Staff offered, and the Commission adopted, the following Findings. The negative comments for the required findings for the project are shown in bold letters.

1. The proposed Subdivision, together with the provisions for its design and improvement, is consistent with the General Plan and any applicable Specific Plan. The proposed subdivision, or land use, is compatible with the objectives, policies, general land uses and programs specified in the General Plan and any applicable Specific Plan (Subdivision Map Act 66473.5).

Comment: This is a proposal to subdivide approximately fourteen (14) gross acres into thirteen (13) single-family lots and one (1) retention basin. **Several of the lots will be left with a net lot area of 0.75 acres, less the required setbacks.** The General Plan land use designation of R-E promotes equestrian and animal keeping within a rural atmosphere. **The subject property has a General Plan land use designation of Estate Residential (R-E) and, by size, shape and configuration, will not have the ability to be used in a manner consistent with the General Plan Land Use Element and Zoning designation of R-E.**

2. The Planning Commission has considered the effects of its action upon the housing needs of the region and has balanced these needs against the public service needs of its residents and available fiscal and environmental resources (Subdivision Map Act Section 66412.3).

Comment: The proposal consists of a land subdivision, located on residentially-designated land, for the purpose of future residential development at the maximum density allowed by the underlying zoning. No houses are being removed and housing needs will not be negatively impacted.

3. The design of the subdivision provides, to the extent feasible, for the future passive or natural heating or cooling opportunities in the subdivision.

Comment: The lots created under this subdivision are appropriate in size to provide natural heating and cooling opportunities for development of the site. As

development occurs, the individual lots are subject to the implementation of natural heating and cooling requirements pursuant to Title 24 energy requirements.

4. The Planning Commission shall determine whether the discharge of waste from the proposed subdivision into the existing sewer system would result in a violation of the requirements as set forth in Section 13000 et seq., of the California Water Code. If the Planning Commission finds that the proposed waste discharge would result in, or add to, a violation of said requirement, the Planning Commission may disapprove the subdivision (Subdivision Map Act Section 66474.6).

Comment: The project is a residential land subdivision with lot sizes conducive to subsurface disposal systems. With the submission of an approved soil percolation test, the project will not connect to the public sewer system.

In addition to the above required Findings, staff offered, and the Commission adopted, the following two (2) Findings from Development Code Section 9.71.040.A.6, Mandatory Denial of Tentative Maps, which is reflective of Subdivision Map Act Section 66474 which lists nine (9) Findings that, if any one (1) is made, a Tentative Map must be denied.

- c. That the site is not physically suitable for the proposed type of development.

Comment: **The property that is proposed for the subdivision, by its size, shape and existing street frontages, is not physically suited for the proposed retention basin development included within the proposal. The retention basin is landlocked and may only be accessed through dedicated easements. Although gross lot area may include easements, the future property owners will not have the ability to enjoy and utilize their property in a manner consistent with other properties located within the Estate Residential (R-E) zoning designation due to the drainage and access easements proposed within Tentative Tract Map No. 18186.**

- d. That the site is not physically suitable for the proposed density of development.

Comment: The intent of the Estate Residential (R-E) zone is to provide large properties that are conducive to animal keeping. The allowed density range of one (1) dwelling unit per 1.0 to 2.5 gross acres is meant to encourage a range of lot sizes within the R-E zoning designation that may be determined by site-specific conditions. **It does not mean that every subdivision should be divided into the absolute minimum lot size. The subject site for Tentative Tract Map No. 18186, by its size, shape and existing street frontages, is not physically suitable to be subdivided into the absolute minimum allowed by the Estate Residential (R-E) zoning district. As proposed, subdividing the proposed site with a landlocked retention basin, would compromise the intent of the R-E zone for the purpose of gaining the maximum number of lots.**

At the December 19th hearing, the Commission, by 4-1 vote, approved a motion to deny Tentative Tract Map No. 18186 based on the fact that it could not make all of the required positive "Findings" to approve the application, in addition to adopting two (2) of the mandatory Finding for Denial as required by the Development Code and the Subdivision Map Act. The applicants presented alternative subdivision designs for the map at the December 19th meeting. The Planning Commission directed the applicant to work with staff on finding a solution that could be submitted for its consideration and approval.

Attachments:

Appeal Application and supporting comments.

Minute Excerpt from Planning Commission Meeting of December 19, 2007.

Planning Commission December 19, 2007, 2007 Public Hearing Report.



Town of Apple Valley

APPEAL

FOR TOWN USE ONLY	
Date Submitted:	12-26-07
Case No.:	Appeal No 2007-003
Received by:	Em
Case Planner:	
Planning Fee:	\$217.00
Other Fees:	

This request must be filed with the Planning Division within ten (10) calendar days following the date of action. An Appeal request received after this time *will not be accepted*. Appeals requiring Town Council consideration will be forwarded to the Town Clerk by the Director.

Type or print legibly in black ink only

PROPERTY ADDRESS QUINNVAULT & MAMBE (HOUSTON)

FEE

- Appeal Fee – To Planning Commission \$217.00
- Appeal Fee – To Town Council \$217.00

The Appeal Fee does not apply to permits the Planning Commission acted to revoke or amend.

APPELLANT INFORMATION

Name ALTEC ENGINEERING Telephone (760) 242-9900
 Fax (760) 242-9918 Email ALTECENG @ AOL.COM
 Address 17995 HIGHWAY 18 #4
 City APPLE VALLEY State CA Zip 92307

PROJECT INFORMATION

Project Number Being Appealed TENTATIVE TRACT 18186
 Project Description TO SUBDIVIDE APPROX. 14 ACRES INTO 13 LOTS IN THE R-E ZONE

Assessor's Parcel No. (s) 0434-153-41 Tract _____ Lot _____

APPEAL STATEMENT

1. I am/We do hereby appeal the findings/conditions/interpretations of the Town of Apple Valley:
 (Check one)
- | | |
|---|-------------------------|
| <input checked="" type="checkbox"/> Planning Commission | _____ Planning Director |
| _____ Public Works Director | _____ Building Official |
| _____ Town Engineer | _____ Fire Chief |

The Town of Apple Valley
 14955 Dale Evans Parkway, Apple Valley, CA 92307 • (760) 240-7000 • Fax: (760) 240-7399

Appeal Application (Effective July 1, 2007 - Resolution 2007-20)

Page 1 of 2

2. I/We appeal to the Town of Apple Valley:
 (check one)
 Planning Commission Town Council
3. I/We am/are appealing the project action taken to:
 (Check those which apply)
 Deny the project Adopt a Negative Declaration
 Approve the project
 *Approve the project condition of (specify):

 Other: _____
4. Detail what is being appealed and what action or change you seek. Specifically address the findings, mitigation measures and/or policies with which you disagree. Also state exactly what action/changes you would seek.
SEE ATTACHED.

I/We understand that as appellant I/We have the burden of proof in this matter:

George E. Coleman
 Signature

 Signature

Date 12-26-2007

Appeal of Tentative Tract 18186

4. Detail what is being appealed and what action or change you seek.

This tract was originally submitted in 2006, and has been redesigned at least 6 times attempting to meet the Development Code as well as address staff's concerns. However, the layouts have never satisfied staff, particularly relative to the retention basin location which has been required by the Town from the beginning, even when the tract technically meets the Development Code requirements.

Staff recommended denial to the Commission. Altec Engineering provided 3 alternatives to the Commission in an attempt to satisfy the concerns of staff. After the public hearing portion of the item was completed Mr. Tinsley and Mr. Kallen questioned staff about alternatives, other than the one they offered of losing a lot which would make the retention lot over 1.5 acres, and staff had no other solutions. It was discussed that this subdivision has 1.0 acre minimum lots and these larger lots provide an area for on-site retention without significant impact compared to 18,000 square foot lots. More significantly, after further discussion and questions of staff, Mr. Richard Pederson offered that while it is the Town's current policy to request a separate retention lot, rather than individual retention on each lot, for subdivisions on more than 10 acres, it was also the intent of that policy that the subdivision contain at least 18 lots in order to not over-burden property owners with the maintenance costs. He agreed that other retention alternatives exist that might be better than the separate retention lot for this subdivision, since it only contains 13 lots.

This was the first discussions with Engineering relative to the possibility of elimination of the retention lot in the year the project has been considered by Town staff, which has been focused on Planning. Engineering has always maintained that a separate retention lot was required by policy, but never mentioned a specific number of lots or suggested other alternatives might be acceptable. Engineering has not had an issue of the actual location of the retention lot and ALTEC believed it was an issue with Planning only.

Altec was looking for some guidance from the Planning Commission for preferred locations for retention lots since Planning had negative issues if the retention lots were in the front or the rear of lots.

Unfortunately, the Commission took action to deny the project without asking Staff or Altec Engineering if it wished to continue the project to potentially resolve the matter with Engineering and provide the Planning Commission with additional information based upon its discussion after the public hearing was closed. Both of these crucially important design constraints have been left unanswered by the Planning Commission.

Therefore, the only option available at this time is an appeal of the Commission's denial of the Tentative Tract. Altec Engineering has worked with Engineering and has developed several alternatives for the Council's consideration. Altec Engineering asks that the Council:

-
1. Give staff direction relative to the policy on retention lots in subdivisions over 10 acres, but under 18 lots. This will impact all subdivision over 10 acres with 1, 2.5 and 5 acre lots, as designated in the Town's General Plan.
 2. Retention lots do not have any preferred locations and may be placed anywhere with a subdivision or commercial/industrial project with approval of Engineering.
 3. Consider the alternatives proposed and overturn the Commission's denial of Tentative Tract 18186, allowing for the 13 lots proposed and retention areas as approved by Engineering; and
 4. Direct Staff to prepare findings for approval and Conditions of Approval for this project.

**MINUTES
EXCERPT
TOWN OF APPLE VALLEY
PLANNING COMMISSION
Regular Meeting**

Wednesday, December 19, 2007

CALL TO ORDER

At 6:00 p.m., the regular meeting of the Planning Commission of the Town of Apple Valley for December 19, 2007, was called to order by Chairman Hernandez.

ROLL CALL

Roll call was taken with the following members present: Commissioner Richard "Dick" Allen; Commissioner Bruce Kallen; Commissioner John Putko; Vice-Chairman B.R. "Bob" Tinsley, and Chairman David Hernandez.

2. Tentative Tract Map No. 18186 (Continued from December 5, 2007)

Applicant: Altec Engineering, representing Mr. John Attiq

Location: The site is located at the northeast corner of Quinnault and Mambe (Houston) Roads; APN: 434-153-41.

Chairman Hernandez re-opened the open, continued public hearing at 6:55 p.m.

Ms. Pam Cupp, Associate Planner, presented the staff report as filed by the Planning Division. She stated that, due to inconsistencies in the project, staff was unable to make the Findings for approval. She stated that with the removal of one (1) lot, the Findings for approval could be made, however, when approached with this solution, the applicant declined to make the change.

Ms. Ginger Coleman, of Altec Engineering, the applicant, spoke about three (3) different options they were proposing that would meet the Code requirements.

Vice-Chairman Tinsley requested to know if the applicant had discussed these options with staff.

Ms. Coleman stated they discussed one (1) of the options with staff. She stated she felt Option No. Three (3), which would move the retention to the front and create a flag lot, would be the best option. She stated the Development Code does allow for a flag lot configuration.

Since there was no one in the audience requesting to speak to this item, Chairman Hernandez closed the public hearing at 7:06 p.m.

Commissioner Kallen questioned staff regarding the three (3) options presented.

Ms. Cupp responded she had reviewed Option No. Three (3); however, she felt the retention basin in the front yard was inappropriate and inconsistent with other developments in the area.

Commissioner Allen requested to know the Code requirements for a retention basin.

Ms. Cupp responded retention basins are required to be screened and landscaped. She stated that she would not be opposed to permitting individual lot retention areas.

Commissioner Kallen asked about, and Ms. Cupp explained, the problem with Option No. Two (2).

MOTION:

Motion by Chairman Hernandez, seconded by Commissioner Putko, that the Planning Commission move to deny the project based upon the following negative Findings:

1. The proposed Subdivision, together with the provisions for its design and improvement, is consistent with the General Plan and any applicable Specific Plan. The proposed subdivision, or land use, is compatible with the objectives, policies, general land uses and programs specified in the General Plan and any applicable Specific Plan (Subdivision Map Act 66473.5).

Comment: This is a proposal to subdivide approximately fourteen (14) gross acres into thirteen (13) single-family lots and one (1) retention basin. Several of the lots will be left with a net lot area of 0.75 acres, less the required setbacks. The General Plan land use designation of R-E promotes equestrian and animal keeping within a rural atmosphere. The subject property has a General Plan land use designation of Estate Residential (R-E) and, by size, shape and configuration, will not have the ability to be used in a manner consistent with the General Plan Land Use Element and Zoning designation of R-E.

2. That the site is not physically suitable for the proposed type of development.

Comment: The property that is proposed for the subdivision, by its size, shape and existing street frontages, is not physically suited for the proposed retention basin development included within the proposal. The retention basin is landlocked and may only be accessed through dedicated easements. Although gross lot area may include easements, the future property owners will not have the ability to enjoy and utilize their property in a manner consistent with other properties located within the Estate Residential (R-E) zoning designation due to the drainage and access easements proposed within Tentative Tract Map No. 18186.

3. That the site is not physically suitable for the proposed density of development.

Comment: The intent of the Estate Residential (R-E) zone is to provide large properties that will be conducive to animal keeping. The allowed density range of one (1) dwelling unit per 1.0 to 2.5 gross acres is meant to encourage a range of lot sizes within the R-E zoning designation that may be determined by site specific conditions. It does not necessarily mean that every subdivision should be divided into the absolute minimum lot size. The subject site for Tentative Tract Map No. 18186, by its size, shape and existing street frontages, is not physically suitable to be subdivided into the absolute minimum allowed by the Estate Residential (R-E) zoning district. As proposed, subdividing the proposed site with a landlocked retention basin, would compromise the intent of the R-E zone for the purpose of gaining the maximum number of lots.

Discussion on Motion:

Vice-Chairman Tinsley had questions on the use of onsite retention basins for this project.

Mr. Richard Pedersen, Deputy Town Engineer, stated if onsite retention basins were allowed then there would be no assessment district and, the individual property owners would have to maintain the basins. He further stated Engineering Division's policy is to require the construction of a drainage facility for all projects consisting of ten (10) acres or more.

ROLL CALL VOTE:

Ayes: Commissioner Allen
Commissioner Putko
Vice-Chairman Tinsley
Chairman Hernandez
Noes: Commissioner Kallen
Abstain: None
Absent: None
The motion carried by a 4-1-0-0 vote



TOWN OF APPLE VALLEY PLANNING COMMISSION

Staff Report

AGENDA DATE: December 19, 2007 (Continued from December 5, 2007)

CASE NUMBER: Tentative Tract Map No. 18186

APPLICANT: Altec Engineering representing Mr. John Attiq

PROPOSAL: A request for approval of a Tentative Tract Map to subdivide approximately fourteen (14) acres of Estate Residential (R-E) zoned land into thirteen (13) single-family lots for future residential development.

LOCATION: The site is located at the northeast corner of Quinnault and Mambe (Houston) Roads; APN 434-153-41.

ENVIRONMENTAL

DETERMINATION: Pursuant to the State Guidelines to Implement the California Environmental Quality Act (CEQA), a Mitigated Negative Declaration has been prepared for this proposal.

CASE PLANNER: Ms. Pam Cupp, Associate Planner

RECOMMENDATION: Denial

BACKGROUND

Tentative Tract Map No. 18186 was originally reviewed at the February 7, 2007, Planning Commission meeting along with Variance No. 2006-002. The Commission denied the Variance and continued Tentative Tract Map No. 18186 to the April 4, 2007 Planning Commission meeting to allow time for the map to be revised in conformance with the Development Code and resubmitted to the Planning Division. However, the applicant filed an Appeal to the associated

Variance No. 2006-002, which was presented at the March 27, 2007 Town Council meeting. The Council upheld the Planning Commission's denial of Variance No. 2006-002. At the April 18, 2007 Planning Commission meeting, the applicant requested that Tentative Tract Map No. 18186 be tabled pending approval of a Development Code Amendment to reduce the minimum corner lot depth within the Estate Residential (R-E) zone from 300 feet to 250 feet. Ordinance No. 354 amending the minimum corner lot depth became effective on September 28, 2007; therefore, the applicant is now requesting approval of Tentative Tract Map No. 18186, as amended, to meet the current R-E site development standards.

PROJECT AND SITE DESCRIPTION

A. Project Density:

The subject site is approximately fourteen (14) acres in size and zoned Estate Residential (R-E), which allows one (1) dwelling unit per 1.0 to 2.5 gross acres. The Tentative Tract Map shows minimum lot sizes of 43,560 square feet (1.0 gross acre), meeting the minimum size requirement of the Municipal Code.

B. General Plan Designations:

Project Site - Estate Residential (R-E)
North - Estate Residential (R-E)
South - Estate Residential (R-E)
East - Estate Residential (R-E)
West - Single-Family Residential (R-SF)

C. Surrounding Zoning and Land Use:

North - Residential Estate (R-E), Vacant
South - Residential Estate (R-E), One Single-Family Residence, Vacant
East - Residential Estate (R-E), Vacant and Tentative Parcel Map No. 17752
West - Residential Equestrian (R-EQ), Single Family Residences

D. Site Characteristics

The property is relatively flat terrain with natural desert vegetation and four (4) Joshua Trees. Properties to the west of the site are developed with single-family homes on 18,000 square foot lots with a zoning designation of Residential Equestrian (R-EQ). The properties to the south are developed with a single-family residence and vacant property; on the north and east are vacant properties with a zoning designation of Residential Estate (R-E). The 5.6-acre parcel located immediately east of the site is the location of previously approved Tentative Parcel Map No. 17752, which consists of four (4) parcels and one remaining lot with a minimum lot size of one (1) acre. The parcels to the north, south and east range in size from 2.5 to 15 acres and have the potential to be subdivided in conformance with the R-E zoning designation.

ANALYSIS:

A. General

The R-E zoning designation requires that each lot created have a minimum lot area of 1.0 gross acre (43,560 square feet) with a minimum lot width of 125 feet and a minimum lot depth of 250 feet. The proposed lots are in conformance with the minimum lot dimensions. Pursuant to the Code, the R-E zoning implements the General Plan Estate Residential (R-E) land use which includes a density range of one (1) dwelling unit per 1.0 to 2.5 gross acres. The proposed lots meet, or exceed, the minimum site development standards for the Residential Estate (R-E)

zoning designation and are in conformance with the maximum density allowed under Measure “N” (i.e., no more than two lots per acre).

Although the proposed subdivision meets the minimum gross lot area as required within the R-E site development standards, there are several aspects of the proposed subdivision design layout that are not acceptable. Lot “A”, which is the designated retention basin, is in a location not easily visible from the right-of-way, thereby creating potentially negative impacts upon surrounding properties. Children, often times, will find the ability to gain access to the site. In addition, the rear yards of three (3) lots abut the basin and it is not uncommon for these types of lots to become a dumping ground for yard waste and other debris. As proposed, the location of the retention basin may have a negative impact upon the health safety and welfare of the surrounding properties.

The Estate Residential (R-E) allows a density range of one (1) dwelling unit per 1.0 to 2.5 gross acres. The intent is to provide large properties that will be conducive to animal keeping. The allowed density range of one (1) dwelling unit per 1.0 to 2.5 gross acres is meant to encourage a range of lot sizes within the R-E zoning designation that may be determined by site specific conditions. It does not necessarily mean that every subdivision should be divided into the absolute minimum lot size. The applicant has chosen to maximize the number of proposed lots for this subdivision, which results in a retention basin abutting the rear yards of several lots. It should be further noted that the proposed method for water conveyance, and the proposed access easement to the retention basin, is inconsistent with surrounding developments and previous Planning Commission subdivision approvals.

Moreover, the proposed subdivision is inconsistent with the following excerpt from Development Code Section 9.28.010 Purpose and General Plan Consistency:

- “A. Purpose. The residential districts as well as the regulation of uses and basic site and improvement standards contained in this Chapter implement the Town General Plan by achieving the following purposes:
1. To implement General Plan goals and policies to promote safe, attractive and well-served residential areas.
 4. To establish basic site development and improvement standards consistent with applicable General Plan policies to insure compatibility among new and existing residential districts and to minimize the potential for incompatible uses to adversely affect one another;
 7. To facilitate the efficient provision of public services and other public facilities consistent with the General Plan and with anticipated population, dwelling unit densities and service requirements;”

Based upon the information provided, and implementation of development standards, the proposed subdivision, and subsequent residential land use, will produce adverse impacts upon the site and surrounding properties. The proposed subdivision should be redesigned to allow future property owners the ability to build out the lots and keep animals in a manner that is consistent with the Town’s goals and objectives of promoting rural, single-family residential development within the Estate Residential (R-E) zoning and land use designation.

1. Traffic and Circulation

The proposed subdivision will have lots fronting Quinnault Road, Mambe (Houston) Road and Buena Vista Street, all of which will require half-width local road improvements. Two (2) points of paved access will be required to the site, which includes off-site

improvements consisting of pavement along Mambe (Houston) Road, between Quinnault and Central Roads.

2. Drainage

The proposed tract map shows one retention basin located along the northern boundary of the project site, accessible via a twenty-five (25)-foot wide drainage and access easement. The retention basin must be landscaped, which is shown with a conceptual plan on the Tentative Tract Map. Further, the developer is proposing to secure the retention basin with chain link fencing.

3. Public Utilities

Subsequent development of the proposed subdivision will require the extension of existing utilities to serve the site. Soil percolation tests on each lot will be required prior to the installation of any subsurface disposal system (septic).

B. Development Review Committee

The project was reviewed by the DRC on October 12, 2006

C. Environmental Assessment

Based upon an Initial Study, pursuant to the State Guidelines to Implement the California Environmental Quality Act (CEQA), a Mitigated Negative Declaration has been prepared for this proposal.

D. Noticing

The proposal was advertised in the Apple Valley News newspaper on November 9, 2007.
Notices were mailed to all property owners within a 500-foot radius.

E. Tentative Tract Map Findings

As required under Section 9.71.040 (A.5) of the Development Code, prior to approval/denial of a Tentative Tract Map, the Planning Commission must make four (4) Findings. The Findings, as well as a comment to address each, are presented below.

1. The proposed Subdivision, together with the provisions for its design and improvement, is consistent with the General Plan and any applicable Specific Plan. The proposed subdivision, or land use, is compatible with the objectives, policies, general land uses and programs specified in the General Plan and any applicable Specific Plan (Subdivision Map Act 66473.5).

Comment: This is a proposal to subdivide approximately fourteen (14) gross acres into thirteen (13) single-family lots and one (1) retention basin. Several of the lots will be left with a net lot area of 0.75 acres, less the required setbacks. The General Plan land use designation of R-E promotes equestrian and animal keeping within a rural atmosphere. The subject property has a General Plan land use designation of Estate Residential (R-E) and, by size, shape and configuration, will not have the ability to be used in a manner consistent with the General Plan Land Use Element and Zoning designation of R-E.

2. The Planning Commission has considered the effects of its action upon the housing needs of the region and has balanced these needs against the public service needs

of its residents and available fiscal and environmental resources (Subdivision Map Act Section 66412.3).

Comment: The proposal consists of a land subdivision, located on residentially-designated land, for the purpose of future residential development at the maximum density allowed by the underlying zoning. No houses are being removed and housing needs will not be negatively impacted.

3. The design of the subdivision provides, to the extent feasible, for the future passive or natural heating or cooling opportunities in the subdivision.

Comment: The lots created under this subdivision are appropriate in size to provide natural heating and cooling opportunities for development of the site. As development occurs, the individual lots are subject to the implementation of natural heating and cooling requirements pursuant to Title 24 energy requirements.

4. The Planning Commission shall determine whether the discharge of waste from the proposed subdivision into the existing sewer system would result in a violation of the requirements as set forth in Section 13000 et seq., of the California Water Code. If the Planning Commission finds that the proposed waste discharge would result in, or add to, a violation of said requirement, the Planning Commission may disapprove the subdivision (Subdivision Map Act Section 66474.6).

Comment: The project is a residential land subdivision with lot sizes conducive to subsurface disposal systems. With the submission of an approved soil percolation test, the project will not connect to the public sewer system.

Recommendation:

Based upon the information contained within this report, and any input received from the public at the hearing, it is recommended that the Planning Commission move to:

1. Find that the facts presented in the staff report do not support the required Findings for approval and adopt the negative comments to the Findings.
2. Deny Tentative Tract Map No. 18186.

Prepared By:

Reviewed By:

Pam Cupp
Associate Planner

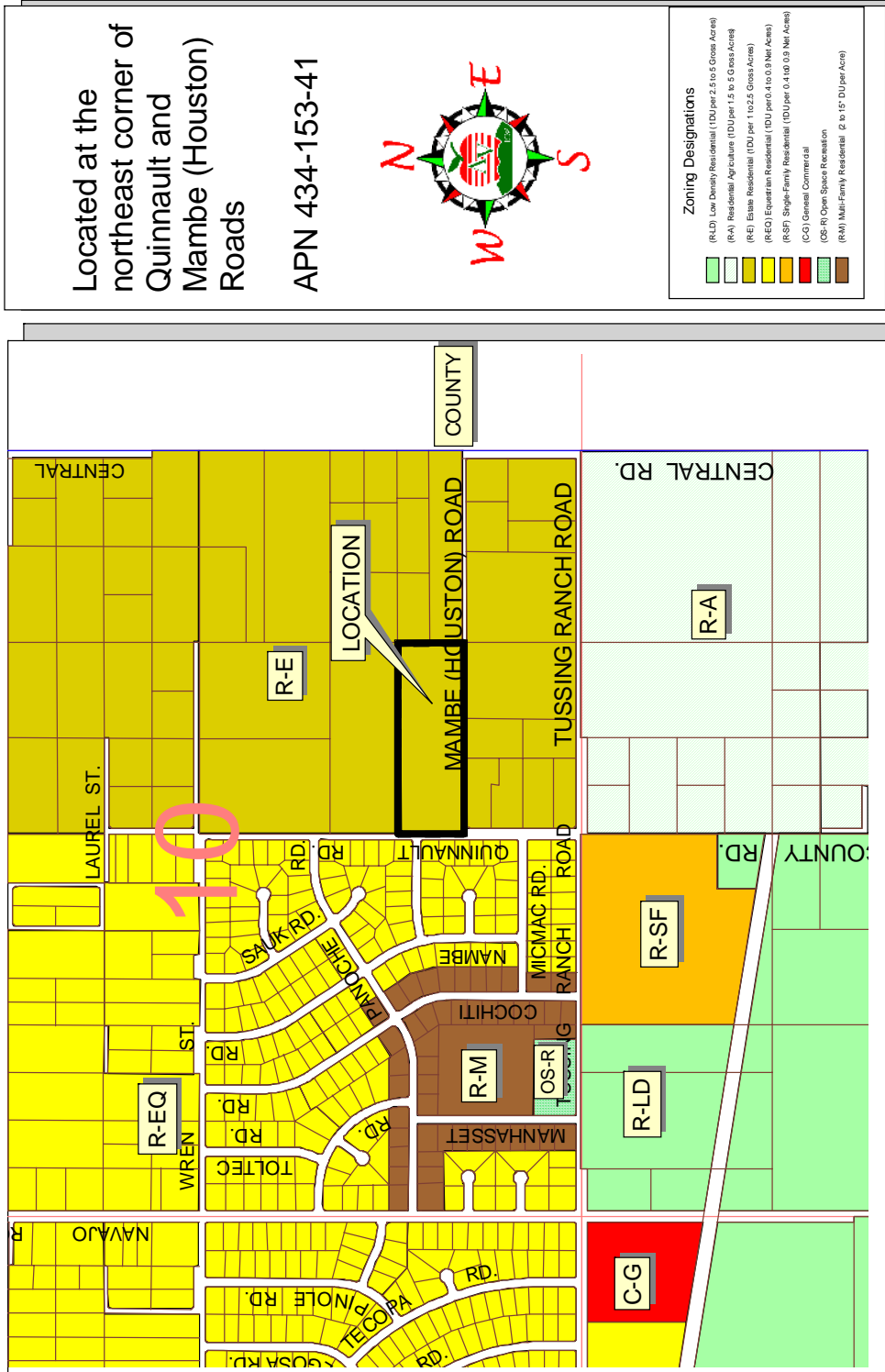
Lori Lamson
Assistant Director of Community Development

ATTACHMENTS:

1. Tentative Tract Map
2. Zoning Map

ZONING MAP

Tentative Tract Map No. 18186



December 5, 2007