



TOWN OF APPLE VALLEY TOWN COUNCIL STAFF REPORT

To: Honorable Mayor and Town Council **Date:** April 10, 2012
From: Brad Miller, Town Engineer **Item No:** 8
Subject: ACCEPT THE FINAL MAP FOR TRACT MAP NO. 18235
T.M. Approval: _____ **Budgeted Item:** Yes No N/A

RECOMMENDED ACTION:

- 1) Adopt Resolution No. 2012-19 (A Resolution of the Town Council of the Town of Apple Valley initiating proceedings for an annexation of territory into the Apple Valley Landscaping and Lighting Assessment District No. 1, L-29).
- 2) Receive and approve the Engineer's Report as filed or as amended (Note: The Engineer's report has all ready been filed and is made a part of this agenda item for the Council's review and approval).
- 3) Receive and approve the Landowner's consent.
- 4) Adopt Resolution No. 2012-20 (A Resolution of the Town Council of the Town of Apple Valley declaring its intention to annex territory into the Apple Valley Lighting and Landscaping Assessment District No. 1, L-29 ordering improvements, and to levy and collect assessments pursuant to the Lighting and Landscaping Act of 1972).
- 5) Move to approve the final map, securities and agreements for Tract Map No. 18235 subject to approval as to form by the Town Attorney and as to content by the Town Manager, accept the "Agreement for Construction of Improvements" and the bonds subject to approval by the Town.

SUMMARY:

The applicant has complied with all Conditions of Approval required prior to Council approval or recordation of Tract Map No 18235. This subdivision creates 34 condominium residential units located at the northwest corner of Kiowa Road and Outer Highway 18 North. The Planning Commission reviewed and approved the Tentative Tract Map 18235 on March 20, 2007.

The applicant has not completed all required improvements, but as allowed by the Conditions of Approval, has signed Agreements for Construction of Improvements and provided bonds to guarantee completion of these improvements. The bond amounts provided are indicated below:

<u>Improvement</u>	<u>Performance Bond</u>	<u>Labor & Material Bond</u>
Landscaping	\$33,042	\$16,521

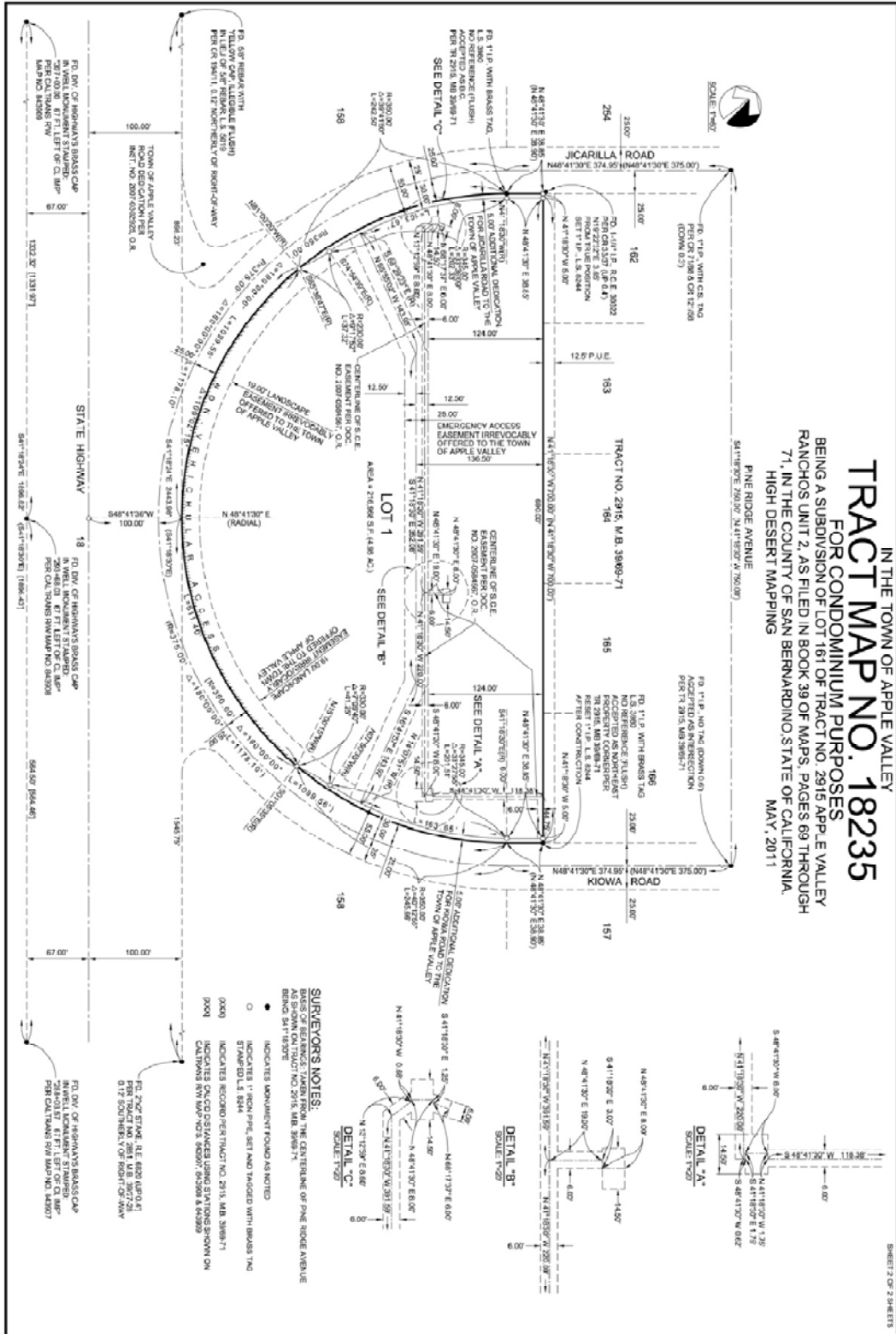
Per the Conditions of Approval for this project, the applicant is required to set up an Assessment District for the maintenance of parkway landscaping along Kiowa Road, Jacarilla Road and the frontage along the Highway 18. This assessment district is a “back-up” assessment district to the Homeowner’s Association which will be established to maintain the these areas. In the event that the Homeowner’s Association fails to maintain the landscaping, the Town Council can activate the assessment district.

The Landscaping and Lighting Act of 1972 permits the installation, maintenance and servicing of landscaping and lighting through annual special assessments on real property benefiting from the improvements. The 1972 Act allows the forming of an assessment district without holding a public hearing when all affected landowners provide their written consent. The applicant has elected to proceed with the streamline process and has executed the landowner consent form to create the district and to waive the public hearing.

In order to annex this location into the Apple Valley Lighting and Landscaping Assessment District No. 1, L-29, the Town Council should proceed with the actions listed in the recommendation.

Attachments

- Location Map
- Final Map
- Assessment District Engineer’s Report to Annex into L-29
- Conditions of Approval



ENGINEER'S REPORT

Tract Map 18235

Town of Apple Valley

Annexation L-29 to Apple Valley

Landscaping and Maintenance District No. 1

Prepared by:

Madole & Associates

9302 Pittsburg Avenue, Suite 230

Rancho Cucamonga, CA 91730

Contact:

Todd Miller

Project Manager

Annexation L-29 to L.M.D. No. 1

Town of Apple Valley

Tract Map 18235

Table of Contents

<u>Exhibit</u>	<u>Sheet</u>	<u>Subject</u>
A	3	Annexation Overview
A-1	4	Assessment Diagram
A-2	5	Landscape Plan
B	6-7	Estimated Annual Maintenance Cost
C	8	Determination of Assessment Amount
D	9-10	Assessment Roll
E	11	List of Land Owners
F	12-13	Land Owners' Consent to Formation of Maintenance District.

Exhibit A
Annexation L-29 to L.M.D. No. 1
Town of Apple Valley
Tract Map 18235

Annexation Overview and Landscape Area Diagram

Assessment District L-29 is established to provide landscaping and landscape maintenance within Town of Apple Valley street parkways which primarily provide specific aesthetic benefit to the exterior areas of Tract 18235 located northeasterly of State Highway 18, east of Jicarilla Road and west of Kiowa Road in the Town of Apple Valley. The Town of Apple Valley may activate the Assessment District if and when the Town of Apple Valley in its sole discretion determines that the landscaping described herein is not being adequately maintained. The following is a more detailed description of the areas to be maintained under Assessment District Annexation L-29:

Highway 18

The landscape area adjacent to Highway 18 is located northeasterly of Highway 18 and encompasses the area previously serving as Outer Highway 18 between Jicarilla Road and Kiowa Road. Per the Conditions of Approval for Tract 18235, the Outer Highway roadbed is to be eliminated and replaced with drought tolerant landscaping to enhance the project area. The irregularly shaped area outside of the project's perimeter wall and Highway 18 will be planted with a variety of trees and shrubs adapted to the Apple Valley Climate. Also included is a rock mulch pattern and rock "outcroppings".

Jicarilla Road

Jicarilla Road's existing connection to Outer Highway 18 is being modified by this project, eliminating the connection of Outer Highway 18 from Jicarilla Road to Kiowa Road. The landscaping for this area consists of the southeasterly 5' parkway area of the realigned Jicarilla Road outside of the project's perimeter wall. The landscaping will

consist of a variety of trees and shrubs adapted to the Apple Valley climate and will include rock mulch.

Kiowa Road

The current connection of Kiowa Road to Outer Highway 18 and ultimately Highway 18 itself is to be kept in place by Tract 18235. The Kiowa Road Landscape area will consist of the northwesterly 5' parkway area of Kiowa Road outside of the project's perimeter wall. The landscaping for the area will consist of a variety of trees and shrubs adapted to the Apple Valley climate and will include rock mulch.

Exhibit B

Annexation L-29 to L.M.D. No. 1

Town of Apple Valley

Tract Map 18235

Section 1 – Regular Annual Landscape Maintenance Cost Estimate

Landscape Location:	Area:
Landscape Parkway Along Highway 18	45,510 SF
Landscape Parkway Along Jicarilla Road	893 SF
Landscape Parkway Along Kiowa Road	1,248 SF
Total Landscape Area:	47,651 SF

Cost to Maintain Landscape Area:	\$/SF	Amount:
Annual cost for maintenance	\$0.14	\$6,671.14
Annual cost of water	\$0.10	\$4,765.10
Annual cost of electricity	\$0.001	\$47.65
Annual Publishing, Noticing, and Misc.	\$300.00	\$300.00
Contingencies and Administration	5%	594.19
Total Annual Cost		\$12,478.08

The total landscape area includes an approximately 5 foot wide strip of parkway along Kiowa Road and Jicarilla Road and an approximately 1.04 acre area along Highway 18. The three areas will be covered with ¼” gravel at a 2” depth and will have 150 one gallon shrubs, 53 five gallon shrubs, 9 fifteen gallon trees, and 15 twenty-four inch box

trees. There will be no lawn or sidewalk. The landscaping will be serviced by a Schedule 40 PVC bubbler system.

Section 2 – Capital Reserve Cost Estimate

Irrigation and Landscaping major repair or replacement cost estimate: In the event that any or all the components of Assessment District L-29 need replacement or major repairs, which are above and/or beyond the regular annual maintenance activities and which exceed the regular annual maintenance cost, a Capital Reserve (assume 20 year life) will be added to the annual assessment.

The Annualized Capital Reserve Cost along with the Regular Annual Maintenance cost established the Maximum Annual Assessment.

Reserve for Replacement Assessment Estimate (assumed 20 year life):

<u>Improvement</u>	<u>Construction Cost</u>	<u>Annual Reserve Amount</u>
Irrigation, Gravel, And Landscaping	\$24,782	(5%) \$1,239

Total Budgeted Annual Capital Reserve, Replacement, and Major Repair Cost: \$1,239

* An escalation factor is hereby established to provide for increased maintenance costs due to inflation in future fiscal years. The maximum annual increase shall be the current annualized Consumer Price Index (expressed as a percent) plus two percent (2%). Said Consumer Price Index shall be the Consumer Price Index for all Urban Consumers for the Los Angeles-Riverside-Orange County area, published by the United States Department of Labor, Bureau of Labor Statistics.

A summary of the maintenance, servicing, and incidental and capital reserve costs is presented in Exhibit "C".

Exhibit C

Annexation L-29 to L.M.D. No. 1

Town of Apple Valley

Tract Map 18235

Determination of Assessment Amount

The annual assessment to each parcel is established and based on the Regular Annual Maintenance Costs along with the Annualized Capital Reserve Costs per Exhibit "B" divided by the number of lots within the tract. For the first several years, it is anticipated that the costs to maintain the assessment district will be limited to the Regular Maintenance. However, as costs rise due to major repairs and replacement, not covered by regular maintenance, the annual levee will be adjusted utilizing the Capital Reserve portion of the Maximum Annual Assessment. The annual assessment will never exceed the Maximum Annual Assessment, including the annual escalation factor without a vote by ballot by the property owners.

* Estimated Annual Regular Maintenance and Reserve Costs:

Total Regular Annual Maintenance, Servicing and Incidental Costs:	\$12,478.08
Total Capital Reserve Costs:	\$1,239.08
Total Costs:	\$13,717.08
Square Feet Within the Assessment District	216,928
Regular Annual Assessment Amount Per Square Foot:	\$0.057
Maximum Annual Assessment Amount Per Square Foot:	\$0.063

* Excludes future escalation factors

Exhibit D

Annexation L-29 to L.M.D. No. 1

Town of Apple Valley

Tract Map 18235

Assessment Roll

LOT OR CONDO NUMBER	ADDRESS	ASSESSOR'S PARCEL NUMBER	ANNUAL ASSESSMENT REGULAR	MAXIMUM
1	14100 Kiowa Road	Not Yet Assigned	\$356.51	\$391.91
101	14104 Kiowa Road	Not Yet Assigned	\$356.51	\$391.91
102	14108 Kiowa Road	Not Yet Assigned	\$356.51	\$391.91
103	14112 Kiowa Road	Not Yet Assigned	\$356.51	\$391.91
104	14116 Kiowa Road	Not Yet Assigned	\$356.51	\$391.91
105	14120 Kiowa Road	Not Yet Assigned	\$356.51	\$391.91
106	14124 Kiowa Road	Not Yet Assigned	\$356.51	\$391.91
201	14141 Jicarilla Road	Not Yet Assigned	\$356.51	\$391.91
202	14133 Jicarilla Road	Not Yet Assigned	\$356.51	\$391.91
203	14127 Jicarilla Road	Not Yet Assigned	\$356.51	\$391.91
204	14119 Jicarilla Road	Not Yet Assigned	\$356.51	\$391.91
205	14111 Jicarilla Road	Not Yet Assigned	\$356.51	\$391.91
206	14105 Jicarilla Road	Not Yet Assigned	\$356.51	\$391.91
301	14199 Jicarilla Road	Not Yet Assigned	\$356.51	\$391.91
302	14193 Jicarilla Road	Not Yet Assigned	\$356.51	\$391.91
303	14185 Jicarilla Road	Not Yet Assigned	\$356.51	\$391.91
304	14177 Jicarilla Road	Not Yet Assigned	\$356.51	\$391.91

305	14171 Jicarilla Road	Not Yet Assigned	\$356.51	\$391.91
306	14163 Jicarilla Road	Not Yet Assigned	\$356.51	\$391.91
307	14155 Jicarilla Road	Not Yet Assigned	\$356.51	\$391.91
308	14149 Jicarilla Road	Not Yet Assigned	\$356.51	\$391.91
401	14132 Kiowa Road	Not Yet Assigned	\$356.51	\$391.91
402	14138 Kiowa Road	Not Yet Assigned	\$356.51	\$391.91
403	14144 Kiowa Road	Not Yet Assigned	\$356.51	\$391.91
404	14146 Kiowa Road	Not Yet Assigned	\$356.51	\$391.91
405	14150 Kiowa Road	Not Yet Assigned	\$356.51	\$391.91
406	14158 Kiowa Road	Not Yet Assigned	\$356.51	\$391.91
501	14162 Kiowa Road	Not Yet Assigned	\$356.51	\$391.91
502	14164 Kiowa Road	Not Yet Assigned	\$356.51	\$391.91
503	14170 Kiowa Road	Not Yet Assigned	\$356.51	\$391.91
504	14176 Kiowa Road	Not Yet Assigned	\$356.51	\$391.91
505	14182 Kiowa Road	Not Yet Assigned	\$356.51	\$391.91
506	14186 Kiowa Road	Not Yet Assigned	\$356.51	\$391.91
507	14190 Kiowa Road	Not Yet Assigned	\$356.51	\$391.91
508	14194 Kiowa Road	Not Yet Assigned	\$356.51	\$391.91

* The lots and condominiums specified above are not created by Tract Map 18235. Instead, the above referenced lots are created from Lot 1 of Tract 18235 by a Condominium Plan and Declaration of Covenants, Conditions and Restrictions. Both the Condominium Plan and the Declaration of Covenants, Conditions, and Restrictions have been approved by the Town of Apple and are scheduled to be recorded at the same time that Tract Map 18235 is recorded.

Exhibit E

Annexation L-29 to L.M.D. No. 1

Town of Apple Valley

Tract Map 18235

Land Owner's Consent to Formation of Maintenance District

<u>Property</u> <u>Owner</u>	<u>Mailing</u> <u>Address</u>	<u>Assessor's</u> <u>Parcel Number</u>
AVHTV, LP	AVHTV c/o AOF/Golden State Community Development Corp. 7777 Center Avenue, Suite 240 Huntington Beach, CA 92647	3112-463-01

The above provided property ownership is evidenced by the below described Preliminary Title Report:

Preparer: Fidelity National Title Company

Date: January 4, 2012

Order No.: 11-259926336-D-RH

Exhibit F
Annexation L-29 to L.M.D. No. 1
Town of Apple Valley
Tract Map 18235

Land Owner's Consent to Formation of Maintenance District

TO THE HONORABLE, THE TOWN COUNCIL OF THE TOWN OF APPLE VALLEY:

1. The undersigned is the owner of the land within the area shown on the attached map and made a part of this document and described as follows:

Lot 161 of Tract No. 2915, Apple Valley Ranchos Unit No. 2, in the City of Apple Valley, as per Map recorded in Book 39, Pages 69,70, and 71 of Maps, in the Office of the County Recorder of San Bernardino County, California.

2. The undersigned hereby consents to the formation of a maintenance district and requests that this land be included within the Apple Valley Landscape Maintenance District #1:

Landscape area within the public right of way adjacent to Tract 18235, along Kiowa Road, Jicarilla Road, and Highway 18. The assessment diagram in Exhibit "A" provides the boundary locations.

3. The undersigned, as owner of the land described above in Section 1, hereby consents to be assessed annually for the cost of maintaining the improvements described above in Section 2, provided that: 1) the assessments are as described in the Engineer's Report on file with the Town Clerk; and, 2) the Town of Apple Valley determines that the landscaped area is not being adequately maintained by the land owner.
4. The undersigned hereby waives the right to any further notice and the public hearing otherwise required by the Landscape and Lighting Act of 1972 for the formation of the maintenance district and the adoption of the first annual budget, and the undersigned further consent to the approval by the Town Council of the

Town of Apple Valley of the Engineer's Report attached hereto and incorporated herein by this reference.

By: AVHTV, LP, a California Limited Partnership

By: AOF/Golden State Community Development Corp.,
A California Non Profit Corporation

Its: General Partner

By: 

Ramiah Nayar, President

Date: 1-18-2012

Address:
7777 Center Avenue, Suite 240
Huntington Beach, California 92647

RESOLUTION NO. 2012-19

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF APPLE VALLEY INITIATING PROCEEDINGS FOR AN ANNEXATION OF TERRITORY INTO THE APPLE VALLEY LANDSCAPING AND LIGHTING ASSESSMENT DISTRICT

APPLE VALLEY LANDSCAPING AND LIGHTING ASSESSMENT DISTRICT NO. 1, ANNEXATION #L-29
(Pursuant to the Landscaping and Lighting Act of 1972)

The Town Council of the Town of Apple Valley hereby resolves as follows:

Section 1: The Town Council, pursuant to the provisions of the Landscaping and Lighting Act of 1972 (Part II of Division 15 of the California Streets and Highways Code), has found that landscaping maintenance of certain areas within the Town is necessary to preserve the environment and aesthetic beauty of the Town and is in the general public interest; and, therefore, proposes to annex territory into the Apple Valley Lighting and Landscaping Assessment District No. 1 (AVLLAD #1) and declares its intention to levy and collect assessments pursuant to said Landscaping and Lighting Act of 1972. The specific improvement areas and improvements therefore are described in the AVLLAD #1 Engineer's Report on file in the office of the Town Clerk of the Town of Apple Valley and incorporated herein by this reference.

Section 2: The proposed Landscaping and Lighting assessment district to be benefited by said improvements to be assessed to pay the costs and expenses thereof shall be designated as "Annexation No. L-29 of the Apple Valley Landscaping and Lighting Assessment District No. 1", Town of Apple Valley, San Bernardino County, California, and is comprised of area adjacent to Tract Map 18235, as more particularly described in the Engineer's Report, on file in the office of the Town Engineer of the Town of Apple Valley and incorporated herein by this reference.

Section 3: The Developer, AVHTV, LP, a California Limited Partnership, is the sole owner of certain real property located in the Town of Apple Valley, County of San Bernardino, State of California, and is developing the property as a residential condominium subdivision.

Section 4: As a condition of its approval of the to be recorded final tract map 18235, the Town required that certain landscape areas within the right of way along Highway

18, as more particularly described in the Engineer's Report, be improved with landscaping and maintained to a standard acceptable to the Town, and that the Developer and the Happy Trails Villas Homeowners Association provide a means satisfactory to the Town for assuring the continued maintenance, operation, and servicing of said improvement areas and the improvements thereto.

Section 5: In response to the Town of Apple Valley's conditions to its approval of the recordation of the final tract map, the Developer has executed and filed with the Town Council a Landowner's Consent wherein the Developer has among other things, requested the formation of a maintenance district for the continued maintenance, operation and servicing of said improvement areas and all improvements thereon.

Section 6: Pursuant Sections 22585 and 22605 of the Streets and Highway Code of the State of California, the Town hereby proposes to initiate proceedings for an annexation into the Apple Valley Landscaping and Lighting Assessment District #1 in accordance with the provisions of the "Landscaping and Lighting Act of 1972".

Section 7: Pursuant to the provisions of Section 22608 and 22608.2 of the Streets and Highway Code, the Town has determined that the Developer has given written consent to the proposed assessment of that certain real property to provide for the continued maintenance, operation, and servicing of the improvement areas, and all the improvements thereon, and that the property is to be assessed without notice, or hearing, provided that the Town of Apple Valley has determined that the Developer or the Happy Trails Villas Homeowners Association is not adequately maintaining the landscaped areas described herein.

Section 8: The Town Engineer of the Town of Apple Valley is hereby designated engineer for the purpose of these formation proceedings. The Town Council hereby directs the engineer to prepare and file with the Town Clerk of the Town of Apple Valley, a report in accordance with Article 4 of Chapter 1 of the Landscaping and Lighting Act of 1972. Reference is hereby made to said report for a full and detailed description of the improvements, the boundaries of the assessment district and any zones therein, and the proposed assessments upon assessable units and parcels of land within the district.

APPROVED and **ADOPTED** this 10th day of April, 2012.

ATTEST:

MAYOR

TOWN CLERK

RESOLUTION No. 2012-20

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF APPLE VALLEY DECLARING ITS INTENTION TO ANNEX TERRITORY INTO THE APPLE VALLEY LIGHTING AND LANDSCAPING ASSESSMENT DISTRICT NO. 1, ORDERING IMPROVEMENTS, AND TO LEVY AND COLLECT ASSESSMENTS PURSUANT TO THE LIGHTING AND LANDSCAPING ACT OF 1972

APPLE VALLEY LIGHTING AND LANDSCAPING ASSESSMENT DISTRICT NO. 1, ANNEXATION #L-29

(Pursuant to the Landscaping and Lighting Act of 1972)

The Town Council of the Town of Apple Valley hereby resolves as follows:

Section 1: The Town Council has found that landscaping maintenance of certain areas within the Town is necessary to preserve the environment and aesthetic beauty of the Town and is in the general public interest; and, on this date the Town Council adopted its Resolution Initiating Proceedings for the annexation of territory, Annexation No. L-29, into the Apple Valley Light and Landscaping Assessment District No. 1, Town of Apple Valley, San Bernardino County, California, and directed the preparation and filing of an Engineer's Report on the proposed formation pursuant to the provisions of the Landscaping and Lighting Act of 1972 (Part II of Division 15 of the California Streets and Highways Code)

Section 2: The Engineer for the proceedings has filed an Engineer's Report with the Town Clerk.

Section 3: Owners of all land within the boundaries of the proposed assessment district have filed their consent to the formation of the proposed district without notice or hearing, and to the adoption of the Engineer's Report and the levy of assessments stated therein provided that the Town of Apple Valley has determined that the Developer or the Happy Trails Villas Homeowners Association is not adequately maintaining the landscaped areas described herein.

Section 4: The Town Council hereby orders the improvements and the formation of the assessment district and annexing into the Apple Valley Lighting and Landscape District #1 described in the Resolution Initiating Proceedings and in the Engineer's Report.

Section 5: The Town Council hereby confirms the diagram and assessment contained in the Engineer's Report, and levies the assessment pursuant to Exhibit "A" of the Engineer's Report.

APPROVED and **ADOPTED** this 10TH day of April, 2012.

MAYOR

ATTEST:

TOWN CLERK



Town of Apple Valley

14955 Dale Evans Parkway • Apple Valley, California 92307

March 21, 2007

Mr. Michael Pontious
PMB 200
20162 Highway 18, Suite G
Apple Valley, CA 92307

Subject: Tentative Tract Map No. 18235 (Happy Trails Villas)
Expiration Date: March 20, 2010

Dear Mr. Pontious:

At the March 20, 2007 regularly scheduled meeting, the Planning Commission reviewed and approved the above referenced project, which is a subdivision of approximately five (5) acres for a thirty-four (34)-unit, condominium development. The project is within the Multi-Family Residential (R-M) zone and is located at the northwest corner of Kiowa Road and Outer Highway 18 South.

This action of the Town of Apple Valley shall not be final for a period of ten (10) days from the date of Planning Commission action to allow for the filing of any appeal pursuant to the Town's Development Code, Section 9.12.250, with the Town Clerk of the Town of Apple Valley.

This approval shall expire three (3) years from the date of the action (on March 20, 2010), unless the map is recorded or extended in accordance with the provision in the Development Code addressing time extensions. Any application for a time extension, and the appropriate fees, must be submitted to the Town of Apple Valley a minimum of thirty (30) days prior to the expiration date.

Enclosed you will find the conditions as modified and approved by the Planning Commission, and as accepted by you at the public hearing. If you have any questions on this matter, please contact the Town's Planning Division at (760) 240-7000, ext. 7200. Town offices are open Monday through Thursday between 7:30 a.m. and 5:30 p.m., and alternating Fridays between 7:30 a.m. and 4:30 p.m. (closed the subsequent Fridays).

Sincerely,


Becky Reynolds
Principal Planner

c: file

 Recycled Paper

TOWN OF APPLE VALLEY

FINAL CONDITIONS OF APPROVAL

Case No. Tentative Tract Map No. 18235

Please note: *Many of the suggested Conditions of Approval presented herewith are provided for informational purposes and are otherwise required by the Municipal Code. Failure to provide a Condition of Approval herein that reflects a requirement of the Municipal Code does not relieve the applicant and/or property owner from full conformance and adherence to all requirements of the Municipal Code.*

Planning Division Conditions of Approval

- P1. This tentative subdivision shall comply with the provisions of the State Subdivision Map Act and the Town Development Code. This tentative approval shall expire three (3) years from the date of approval by the Planning Commission/Town Council. A time extension may be approved in accordance with the State Map Act and Town Ordinance, if an extension application is filed and the appropriate fees are paid thirty (30) days prior to the expiration date. The Tentative Tract/Parcel Map becomes effective ten (10) days from the date of the decision unless an appeal is filed as stated in the Town's Development Code.
- P2. Prior to approval of the Final Map, the following agencies shall provide written verification to the Planning Division that all pertinent conditions of approval and applicable regulations have been met:
- Apple Valley Fire Protection District
Apple Valley Ranchos Water Company
Apple Valley Public Services Division
Apple Valley Engineering Division
Apple Valley Planning Division
- P3. The applicant shall agree to defend, at its sole expense (with attorneys approved by the Town), hold harmless and indemnify the Town, its agents, officers and employees, against any action brought against the Town, its agents, officers or employees concerning the approval of this project or the implementation or performance thereof, and from any judgment, court costs and attorney's fees which the Town, its agents, officers or employees may be required to pay as a result of such action. The Town may, at its sole discretion, participate in the defense of any such action, but such participation shall not relieve the applicant of this obligation under this condition.
- P4. The filing of a Notice of Exemption requires the County Clerk to collect a documentary handling fee of fifty dollars (\$50.00). The fee must be paid in a timely manner in accordance with Town procedures. No permits may be issued until such fee is paid.
- P5. The approval of Tentative Tract Map No. 18235 by the Planning Commission is recognized as acknowledgment of Conditions of Approval by the applicant, unless an appeal is filed in accordance with Section 9.12.250, *Appeals*, of the Town of Apple Valley Development Code.

Conditions of Approval

*Tentative Tract Map No. 18235
Page 1*

- P6. Prior to recordation the applicant shall provide the Planning Division with a copy of the subdivision in an electronic format compatible with the Town's current technology.
- P7. Landscaping shall be installed with appropriate combinations of drought-tolerant trees, shrubs, and ground cover, consistent with Chapter 9.75, Water Conservation Landscape Regulations, of this Code. A minimum of one (1) shade tree shall be provided for every seven (7) spaces of open parking areas. The two (2) front main entrances at Jicarilla and Kiowa Roads shall incorporate boulder groupings, textured/stamped concrete or similar design elements in conformance with the Development Code.
- P8. The landscape plans, in addition to overall site landscaping, shall incorporate dense landscaping material consisting of shrubs, groundcover and twenty-four (24) inch box trees, along the north boundary to provide height and in conformance with the Development Code.
- P9. All required and installed landscaping shall incorporate and maintain a functioning automatic sprinkler system. All front building setbacks and street right-of-way areas located between on-site improvements and the back of existing or future public sidewalks or street curbs, except needed access driveways, shall be fully landscaped and maintained in a disease and weed free manner at all times.
- P10. Any protected desert plants or Joshua trees impacted by development are subject to the regulations specified in Section 9.76.020 (Plant Protection and Management) of the Development Code. Prior to the issuance of a Grading Permit, a study by a qualified Native Plant Expert shall be prepared to determine if the identified trees will be saved, located or removed, in compliance with the Town's Native Plant Protection Ordinance.
- P11. Prior to the recordation of Tentative Tract Map 18235, a Homeowner's Association, or Mutual Benefit Corporation, shall be formed or incorporated to control and maintain the common privately owned properties/areas within said condominium community. Said Homeowner's Association, or corporation, shall be reviewed by the Town and acceptable Covenants, Conditions & Restrictions (CC&Rs) shall be created to identify all of the duties and costs associated with both the short- and long-term maintenance and repair of the facilities and features of the common areas. The CC&Rs should specify that the Homeowner's Association shall be responsible for the enforcement of the CC&Rs. CC&Rs created for the residential condominium community shall detail the short- and long-term maintenance and operation of all streets, common areas and facilities within a development, including all interior and exterior landscaping (if not covered by a Landscape Maintenance District), walls, gates, stacking areas, recreational facilities, etc. The CC&Rs shall be submitted to the Town of Apple Valley for review and approval prior to the approval of the final map.

Building and Safety Division Conditions of Approval

- BS1. Provide complete plans complying with all applicable codes for the type of construction and use of the proposed building for review and approval by all applicable agencies, and provide all permits for the proposed construction prior to beginning any work.
- BS2. Any land disturbance which exceeds one (1) acre must apply for a water discharge permit from the State Water Resources Board (NOI) prior to issuance of any grading.

Conditions of Approval

*Tentative Tract Map No. 18235
Page 2*

Engineering Division Conditions of Approval

- EC1. A final drainage plan with street layouts shall be submitted for review and approval by the Town Engineer showing provisions for receiving and conducting offsite and onsite tributary drainage flows around or through the site in a manner which will not adversely affect adjacent or downstream properties. This plan shall consider reducing the post-development site-developed flow to 90 percent of the pre-development flow for a 100 year design storm. (Town Resolution 2000-50; Development Code 9.28.050.C, 9.28.100)
- EC2. Street improvement plans shall be submitted to the Town Engineer for review and approval.
- EC3. Kiowa Road adjacent to the property shall be improved to the Town's half-width Local Road standards.
- EC4. Jicarilla Road adjacent to the property shall be improved to the Town's half-width Local Road Standards.
- EC5. A thirty (30)-foot wide half-width road dedication along Kiowa Road adjacent to the property shall be granted to the Town of Apple Valley.
- EC6. A thirty (30)-foot wide half-width road dedication along Jicarilla Road adjacent to the property shall be granted to the Town of Apple Valley.
- EC7. Existing street improvements for Outer Highway 18 North shall be eliminated between Kiowa Road and Jicarilla Road. Town of Apple Valley will retain the right of way for this section of roadway. (Town Resolution 98-06)
- EC8. During the grading of the streets, soils testing of the street subgrades by a qualified soils engineering firm shall be performed to determine appropriate structural street section. Minimum asphalt concrete thickness for all streets shall be 0.33 ft.
- EC9. All required improvements shall be constructed and approved or bonded in accordance with Town Development Code.
- EC10. An encroachment permit shall be obtained from the Town prior to performing any work in any public right of way.
- EC11. Final improvement plans and profiles shall indicate the location of any existing utility which would affect construction and shall provide for its relocation at no cost to the Town.
- EC12. A final grading plan shall be approved by the Town Engineer prior to issuance of a grading permit. A grading permit shall not be issued until street improvement plans have been submitted to the Town Engineer for review and substantial completion of the street plans has been attained as determined by the Town Engineer.
- EC13. Utility lines shall be placed underground in accordance with the requirements of the Town. (Municipal Code Section 14.28)

Conditions of Approval

*Tentative Tract Map No. 18235
Page 3*

- EC14. Traffic impact fees adopted by the Town shall be paid by the developer.
- EC15. Any developer fees adopted by the Town including but not limited to drainage fees shall be paid by the developer.
- EC16. Any required street striping shall be thermoplastic as approved by the Town Engineer.
- EC17. Maintenance of the landscaping within the right-of-way along Highway 18 shall be performed by a Homeowner's Association formed by the developer. In addition, the developer shall form an assessment district with the Town to provide a guarantee that if the Homeowner's Association does not perform its duties with regard to maintenance, then the Town shall activate the assessment district to provide for maintenance.
- EC18. In the event that an applicant/developer chooses to seek Council approval of the Final Map prior to completion of the required improvements, an "Agreement for Construction of Improvements" shall be required. In accordance with the California Labor Code, any such Agreement will contain a statement advising the developer that certain types of improvements will constitute a public project as defined in California Labor Code, Sections 1720, and following, and shall be performed as a public work, including, without limitation, compliance with all prevailing wage requirements.

Public Works Division Conditions of Approval

Prior to issuance of Building Permits:

- PW1. A sewer feasibility study is required to determine how public sewer collection can be provided by the Town of Apple Valley. Contact the Apple Valley Public Works Department (760-240-7000 ext. 7500) to determine procedure and costs associated with completing said study.
- PW2. Sewage disposal shall be by connection to the Town of Apple Valley sewer system. Financial arrangements, plans and improvement agreements must be approved by the Town of Apple Valley Public Works Department.
- PW3. Buy-in fees will be required prior to Building Permit. Contact the Public Works Department for costs associated with said fees.
- PW4. A grease interceptor with minimum capacity of 750 gallons shall be required for all floor drains and service sinks, and all other receptors of grease and oil-bearing wastes.

Apple Valley Ranchos Water Company

- AVR1. Compliance with Rule #15 of the Public Utilities Commission must enter into main extension contract.
- AVR2. Water main must be extended to provide domestic and fire protection to this facility in accordance with Apple valley Fire protection District's conditions.
- AVR3. Dedicate public utility easements to Apple Valley Ranchos Water Company to connect, install, maintain and access pipeline (unobstructed vehicular access).

Conditions of Approval

*Tentative Tract Map No. 18235
Page 4*

AVR4. A facilities fee (which funds well development) will be collected per meter that is installed at a rate of \$669 per 5/8-inch meter equivalent.

Community Services Division Conditions of Approval

CS1. Each trash enclosure must accommodate trash dumpsters and recycling dumpsters of sufficient number and volume to meet the disposal needs and convenience for all of the thirty-four (34) units.

Park & Recreation Department Conditions of Approval

PR1. This project is subject to applicable Quimby Fees as determined by the Town. Quimby Fees shall be collected at the time of issuance of building permit and shall be the fee adopted by the Town Council.

Apple Valley Fire Protection District Conditions of Approval

FD1. The above referenced project is protected by the Apple Valley Fire Protection District. Prior to construction occurring on any parcel, the owner shall contact the Fire District for verification of current fire protection development requirements.

FD2. Fire lanes shall be provided with a minimum width of twenty-four (24) feet, maintained, and identified on the north and south easements. Access shall be made off Kiowa and Jicarilla Roads. Apple Valley Fire Protection District Ordinance 41. Install per A.V.F.P.D. Standard Series #202.

FD3. Turning radius on all roads within the facility shall not be less than twenty-two (22) feet inside and minimum of forty (40) feet outside turning radius with no parking on street, or forty-seven (47) feet with parking. Uniform Fire Code, Section 902.2.2.3 Apple Valley Fire Protection District Ordinance 22, Section 1 (e). Install per A.V.F.P.D. Standard Series #202.

FD4. Plans for fire protection systems designed to meet the fire flow requirements specified in the Conditions of Approval for this project shall be submitted to and approved by the Apple Valley Fire Protection District and water purveyor prior to the installation of said systems. Apple Valley Fire Protection District, Ordinance 42.

A. Unless otherwise approved by the Fire Chief, on-site fire protection water systems shall be designed to be looped and fed from two (2) remote points.

B. System Standards:

*Fire Flow	3,750	GPM @ 20 psi Residual Pressure
Duration	4	Hour(s)
Hydrant Spacing	660	Feet

C. A total of 4-5 fire hydrant(s) will be required. It is the responsibility of the owner/developer to provide all new fire hydrants with reflective pavement markers set into pavement and curb identification per A.V.F.P.D. Standard. Install per A.V.F.P.D. Standard Series #101

- An approved automatic fire sprinkler system shall be installed throughout the condo units and garages, and shall be connected to an approved local alarm which will give an audible signal at the location. AVFPD Ordinance 41.

END OF CONDITIONS

Conditions of Approval

*Tentative Tract Map No. 18235
Page 6*