



TOWN OF APPLE VALLEY

TOWN COUNCIL STAFF REPORT

To: Honorable Mayor and Town Council

Date: November 13, 2012

From: Lori Lamson
Community Development Director
Community Development

Item No: 10

Subject: A REQUEST TO CONSIDER AN AMENDMENT TO THE JESS RANCH LAKES RECREATIONAL VEHICLE RESORT (TM 14484) WITHIN THE JESS RANCH PLANNED UNIT DEVELOPMENT TO ALLOW 600 SQUARE-FOOT HABITABLE STRUCTURES AS AN ACCESSORY USE TO A RECREATIONAL VEHICLE.

Applicant: Jess Ranch Lakes RV Resort

Location: The Jess Ranch Lakes RV Resort is located on the northeast corner of Jess Ranch Parkway and Apple Valley Road

T.M. Approval: _____

Budgeted Item: Yes No N/A

RECOMMENDED ACTION:

Move to open the public hearing and take testimony.

Close the public hearing. Then:

1. **Determine** that, pursuant to Section 15061(b)(3) of the State Guidelines to Implement the California Environmental Quality Act (CEQA), it can be determined that the activity is covered by the general rule that CEQA applies only to projects that have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is EXEMPT from further CEQA review for Specific Plan No. 2012-01.
2. **Find** the facts presented within the staff report, including the attached Planning Commission staff report for September 19, 2012, support the required Findings for approval of the proposed Specific Plan and adopt the Findings.
3. **Move** to waive the reading of Ordinance No. 441 in its entirety and read by title only.
4. **Introduce** Ordinance No. 441, approving Specific Plan No. 2012-01; and
5. **Direct** staff to file a Notice of Determination and Exemption with the San Bernardino County Clerk of the Board of Supervisors.

BACKGROUND:

The original Jess Ranch Planned Unit Development (PUD) was approved by the County of San Bernardino in 1981 with subsequent amendments by the Town of Apple Valley in 1990, 1994, and 1998. Among other things, Amendment No. 3 allowed a RV Resort within the Medium Density

Residential land use classification for Phase “Y” (TM No. 14484), now known as the Jess Ranch Lakes Recreational Vehicle Resort.

The Jess Ranch Lakes RV Resort allows for accessory structures (garden rooms) on individual lots, in conformance with the Jess Ranch CC&R’s and the Town Development Code. An accessory use is considered secondary to the primary use, which in this case, would be a recreational vehicle. Within the Jess Ranch Lakes RV Resort, an enclosed accessory structure is allowed up to a maximum of 600 square feet of non-habitable area (garden room) that may consist of a laundry room, storage, and bathroom; however, kitchen facilities are prohibited.

ANALYSIS:

As an RV subdivision, the land use regulations require an RV as the primary use on each lot. As stated above, an accessory structure is permitted; however, a kitchen or bedroom is not allowed. The applicant is requesting an amendment that would allow 600 square-foot habitable structure that could contain a kitchen, bathroom, laundry, and bedroom(s); all the components of a single family dwelling.

As an RV subdivision, the intention of the development is to allow the full time RVer a place to stay fulltime or part time. The primary use is the RV. To allow structures that represent a dwelling unit would be contrary to the intent of the development as allowed under PUD Amendment #3 and the C,C &R’s.

Since RVs have minimal kitchen, bathroom, and storage area, and typically no laundry facility, staff and the Planning Commission support allowing habitable area that includes a kitchen, bathroom and laundry/storage area not exceeding 600 square-feet, but would not support allowing sleeping quarters. All sleeping quarters for the owner and guests should be within the RV.

Proposed amendment to Section 3.4 Medium Density Areas by adding Subsection D:

- D. Jess Ranch Lakes Recreational Vehicle Resort – Tract Map No. 14484
 - 1. Development Standards:
 - a. An accessory structure shall not exceed 600 square-feet in size and is permitted on each lot that is approved for an RV.
 - b. An accessory structure may be permitted with a floor plan that includes a kitchen, one (1) bathroom and a combination laundry/storage area only. Sleeping quarters/bedroom or bonus room shall not be permitted. All sleeping quarters for the owner and guests shall be within the RV. The structures shall not serve as a dwelling unit.
 - c. An unenclosed patio may be permitted if the maximum percentage of lot coverage is not exceeded and all setbacks have been met.
 - d. Metal exterior is prohibited on an accessory structure.
 - e. Maximum lot coverage is 50%, excluding paved area as part of a landscape amenity or recreation facility.
 - f. Building Setbacks:
 - Minimum Twenty (20) foot front setback from private street
 - Minimum Ten (10) feet from street side property line

Minimum Five (5) foot from any side or rear property line
No minimum from common open space

- g. No accessory structure may be located on the lot so as to block or encroach into the RV parking area. This would include any decking or patio cover that gives the appearance the structure is affixed to the RV.
- h. Park Models:
Maybe permitted in-lieu of a Recreational Vehicle
Maximum 399 square-feet
Must remain towable for roads and highways

REQUIRED FINDINGS

Development Code Section 9.03.050 requires that the following Findings be made in order to approve a Specific Plan Amendment:

A. The proposed Specific Plan meets all of the following content criteria:

1. Specifies through text and/or diagrams, the distribution, location and extent of the uses of land, including open space, within the area covered by the plan;

Comment: The approved Planned Unit Development already details land-use designations, permitted and conditionally permitted uses, and development standards to assure cohesive development within the Specific Plan area. The Amendment is considered minor and will be integrated into the document, and will not affect its format.

2. Specifies through text and/or diagrams, the proposed distribution, location and extent and intensity of major components of public and private transportation, sewage, water, drainage, solid-waste disposal, energy and other essential facilities proposed to be located within the area covered by the plan and needed to support the land uses described in the plan;

Comment: The approved Planned Unit Development already details distribution, location and extent and intensity of major components of public and private transportation, sewage, water, drainage, solid-waste disposal, energy and other essential facilities within the PUD area. The Amendment is considered minor and will be integrated into the document, and will not affect its format.

3. Specifies through text and/or diagrams, the standards and criteria by which development will proceed, and standards for the conservation, development and utilization of natural resources, where applicable;

Comment: The development standards already included in the approved Planned Unit Development include text and graphic representations of the requirements for development. The addition of Section 3.4(D) will clarify the development standards for a recorded tract map within the Planned Unit Development that was allowed to convert to a RV subdivision. The standards for the conservation, development and utilization of natural resources within the PUD will not change.

4. Specifies a program of implementation measures, including regulations, programs, public works projects, and financing measures necessary to carry out Findings A.1, A.2 and A.3 above;

Comment: The proposed Amendment does not affect existing or projected build-out.

5. Include a statement of the relationship of the Specific Plan to the General Plan, Development Code and other applicable plans or ordinances;

Comment: As amended per staff recommendation, the proposed Amendment does not affect the PUD's consistency with the General Plan.

6. Address any other subjects that are necessary for implementation of the General Plan;

Comment: The proposed Amendment is minor in nature and does not require additional discussion relating to the General Plan.

7. The location and design of the proposed development will be consistent with the goals and policies of the General Plan and with any other applicable plan or policies adopted by the Town and with any other applicable provisions of the Development Code.

Comment: The PUD was adopted by the County of San Bernardino and was incorporated into the Town's General Plan, and the Amendment does not alter this.

8. The proposed location will allow the development to be well integrated with, or adequately buffered from, its surroundings, as appropriate.

Comment: The proposed Amendment is a change in text only and will not alter any existing or future development within the Jess Ranch PUD.

9. All vehicular traffic generated by the development, either in phased increments or at build-out, will be accommodated safely and without causing significantly increased congestion upon adjoining streets.

Comment: The proposed Amendment is consistent with the adopted PUD and do not constitute a change in build out potential. Therefore, no traffic impact analysis was prepared since the amendment will not alter levels of service throughout the project's development and at build out.

10. The final Specific Plan will identify a methodology to allow land uses to be adequately serviced by existing or proposed public facilities and services. In appropriate circumstances, and as provided elsewhere by this Development Code, the Town may require that suitable areas be reserved for uses such as schools, parks and pedestrian ways; public open spaces may be dedicated or reserved by private covenant for the common use of residents, establishments or operations in the development.

Comment: The proposed Amendment does not affect public services.

11. In accordance with the requirements of the California Environmental Quality Act (CEQA), environmental impacts have been reduced to a level of insignificance, or in the case where such impacts remain, a statement of overriding considerations must be adopted to justify the merits of project implementation after certification of the Environmental Impact Report.

Comment: Staff has determined that the project is not subject to the California Environmental Quality Act (CEQA) pursuant to Section 15061(b)(3) of the State Guidelines to Implement CEQA, which states that the activity is covered by the general rule that CEQA applies only to projects that have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question, the proposed Amendment, may have a significant effect on the environment, the activity is not subject to CEQA.

12. The proposed Specific Plan should contribute to a balance of land uses so local residents may work and shop in the community in which they live.

Comment: The purpose of the PUD is, in part, to provide housing opportunities and the amendment does not lessen these opportunities.

13. The proposed Specific Plan will not be detrimental to the public health, safety or welfare of the Town.

Comment: The Amendment is designed to assure that development within the Jess Ranch Lakes RV Resort is of high-quality and does not impact public health, safety or welfare.

NOTICING

Specific Plan No. 2012-01 was advertised as a public hearing in the Apple Valley News newspaper on November 2, 2012 as required under Development Code Section 9.13.030 "Notice of Public Hearings".

ENVIRONMENTAL REVIEW

Staff has determined that the project is not subject to the California Environmental Quality Act (CEQA) pursuant to Section 15061(b)(3) of the State Guidelines to Implement CEQA, which states that the activity is covered by the general rule that CEQA applies only to projects that have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question, the proposed amendment to the PUD, would have a significant effect on the environment, the activity is not subject to CEQA.

RECOMMENDATION

At its meeting of September 19, 2012, the Planning Commission adopted Planning Commission Resolution No. 2012-06, forwarding a recommendation that the Town Council approve the Specific Plan which is an amendment to the Jess Ranch PUD. Further, the Planning Commission Resolution recommends that the Council adopt the Findings as listed above.

FISCAL IMPACT:

Not Applicable

ATTACHMENTS:

1. Ordinance No. 441
2. Draft Minute excerpt from the September 19, 2012 Planning Commission meeting
3. Planning Commission Resolution No. 2012-06
4. Planning Commission staff report

ORDINANCE No. 441

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF APPLE VALLEY, CALIFORNIA, DETERMINING THAT SPECIFIC PLAN No. 2012-01 IS EXEMPT FROM FURTHER ENVIRONMENTAL REVIEW AND AMEND PORTIONS OF SECTION 3.4 OF THE JESS RANCH PLANNED UNIT DEVELOPMENT AS IT RELATES TO DEVELOPMENT STANDARDS FOR ACCESSORY STRUCTURES WITHIN THE JESS RANCH LAKES RV RESORT.

The Town Council of the Town of Apple Valley, State of California, does hereby ordain as follows:

Section 1. Recitals.

- (i) The Jess Ranch Planned Unit Development was approved by the County of San Bernardino in 1981 with subsequent amendments by the Town of Apple Valley in 1990 (Amendment No. 1), 1994 (Amendment No. 2), and 1998 (Amendment No. 3); and
- (iii) Specific changes are proposed to the Jess Ranch Planned Unit Development by amending Section 3.4 as it relates to development standards for accessory structures within the Jess Ranch Lakes RV Resort; and
- (iv) On November 2, 2012, Specific Plan No. 2012-01 was duly noticed in the Apple Valley News, a newspaper of general circulation within the Town of Apple Valley; and
- (v) Based upon the State Guidelines to Implement the California Environmental Quality Act (CEQA), the amendment currently proposed is consistent with the adopted Planned Unit Development and does not constitute a change in build out potential. Further, pursuant to Section 15061(b)(3) of the State Guidelines to Implement CEQA, which states that the activity is covered by the general rule that CEQA applies only to projects that have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question, the proposed Amendment, may have a significant effect on the environment, the activity is not subject to CEQA; and
- (vi) On September 19, 2012, the Planning Commission of the Town of Apple Valley conducted a duly noticed and advertised public hearing on Specific Plan No. 2012-01, receiving testimony from the public; and
- (vii) Specific Plan No. 2012-01 is consistent with the Municipal Code of the Town of Apple Valley and shall promote the health, safety and general welfare of the citizens of the Town of Apple Valley.

Section 2. Findings.

- (i) Find that the changes proposed by Specific Plan No. 2012-01 are consistent with the Goals and Policies of the Town of Apple Valley adopted General Plan.
- (ii) Find that, the amendment currently proposed is consistent with the adopted Planned Unit Development and does not constitute a change in build out potential. Further, pursuant to Section 15061(b)(3) of the State Guidelines to Implement CEQA, which states that the activity is covered by the general rule that CEQA applies only to projects that have the potential for causing a

significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question, the proposed Amendment, may have a significant effect on the environment, the activity is not subject to CEQA.

Section 3. Amend Section 3.4 (Medium Density Residential Areas) by adding Subsection “D” to read as follows:

- D. Jess Ranch Lakes Recreational Vehicle Resort – Tract Map No. 14484
1. Development Standards:
 - a. An accessory structure shall not exceed 600 square-feet in size and is permitted on each lot that is approved for an RV.
 - b. An accessory structure may be permitted with a floor plan that includes a kitchen, one (1) bathroom and a combination laundry/storage area only. Sleeping quarters/bedroom or bonus room shall not be permitted. All sleeping quarters for the owner and guests shall be within the RV. The structures shall not serve as a dwelling unit.
 - c. An unenclosed patio may be permitted if the maximum percentage of lot coverage is not exceeded and all setbacks have been met.
 - d. Metal exterior is prohibited on an accessory structure.
 - e. Maximum lot coverage is 50%, excluding paved area as part of a landscape amenity or recreation facility.
 - f. Building Setbacks:
Minimum Twenty (20) foot front setback from private street
Minimum Ten (10) feet from street side property line
Minimum Five (5) foot from any side or rear property line
No minimum from common open space
 - g. No accessory structure may be located on the lot so as to block or encroach into the RV parking area. This would include any decking or patio cover that gives the appearance the structure is affixed to the RV.
 - h. Park Models:
Maybe permitted in-lieu of a Recreational Vehicle
Maximum 399 square-feet
Must remain towable for roads and highways

Section 4. Invalidation. The amendment by this Ordinance of the Jess Ranch Planned Unit Development as previously in effect, or of any other prior enactment, shall not be construed to invalidate any entitlement exercised or proceeding taken pursuant to such Title or other enactment while the same was in effect.

Section 5. Notice of Adoption. The Town Clerk of the Town of Apple Valley shall certify to the adoption of this ordinance and cause publication to occur in a newspaper of general circulation and published and circulated in the Town in a manner permitted under Section 36933 of the Government Code of the State of California.

Section 6. Effective Date. This Ordinance shall become effective thirty (30) days after the date of its adoption.

Section 7. Severability. If any provision of this Ordinance, or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications and, to this end, the provisions of this Ordinance are declared to be severable.

APPROVED and ADOPTED by the Town Council and signed by the Mayor and attested by the Town Clerk this 11th day of December, 2012.

Barb Stanton, Mayor

ATTEST:

La Vonda M-Pearson, Town Clerk

APPROVED AS TO FORM:

APPROVED AS TO CONTENT:

John Brown, Town Attorney

Frank Robinson, Town Manager

**MINUTES
EXCERPT**

**TOWN OF APPLE VALLEY
PLANNING COMMISSION
Regular Meeting
Wednesday September 19, 2012**

CALL TO ORDER

At 6:13 p.m., the Regular Meeting of the Planning Commission of the Town of Apple Valley for September 19, 2012, was called to order by Vice-Chairman Lamoreaux.

ROLL CALL

Planning Commission

Roll call was taken with the following members present: Commissioner David Hernandez, Commissioner Mark Shoup, Commissioner B.R. "Bob" Tinsley and Vice-Chairman Jason Lamoreaux.

STAFF PRESENT

Carol Miller, Senior Planner, Douglas Fenn, Senior Planner, Haviva Shane, Town Attorney and Debra Thomas, Planning Commission Secretary.

PUBLIC HEARING ITEM

2. **Specific Plan No. 2012-01.** A request to consider an Amendment to the Jess Ranch Lakes Recreational Vehicle Resort (TM 14484) within the Jess Ranch Planned Unit Development to allow 600 square-foot habitable structures as an accessory use to a recreational vehicle.
Applicant: Town of Apple Valley
Location: The Jess Ranch Lakes RV Resort is located at the northeast corner of Jess Ranch Parkway and Apple Valley Road.

Chairman Lamoreaux opened the public hearing at 6:15 p.m.

Ms. Carol Miller, Senior Planner, presented the staff report as filed by the Planning Division.

Mr. Jeff Stallman, Board President, Jess Ranch Lakes RV Resort, expressed concern with some of the existing park models that are located within the Jess Ranch Lakes RV Resort ("RV subdivision"). He did not believe they would be compliant with the Town of Apple Valley's ("Town") Development Code and asked for clarification if park models and RV together would no longer be allowed at the RV subdivision or would be grandfathered in.

Ms. Miller explained to the Planning Commission and Mr. Stallman the difference between a park model and a recreational vehicle and their placement on each lot within the RV subdivision.

Commissioner Tinsley believed there might be a conflict between the Town's Development Code and the RV subdivision's Covenants, Conditions and Restrictions ("CC&R"), but that it would be the responsibility of the RV subdivision's association to enforce its current CC&Rs.

Vice-Chairman Hernandez questioned who would be responsible for enforcing compliance with the Town's Development Code requirements pertaining to the RV subdivision's accessory structures, and who would insure the structures had not been converted to habitable space.

Ms. Miller stated that, upon receipt of a complaint outlining non-compliance of an accessory structure, the Town's Code Enforcement division would be responsible for follow-up on the complaint and would proceed accordingly if violations had been noted.

PUBLIC COMMENTS

None.

Chairman Lamoreaux closed the public hearing at 6:39 p.m.

MOTION:

Motion by Commissioner Tinsley, seconded by Vice-Chairman Hernandez, that the Planning Commission move to:

1. Approve Planning Commission Resolution No. 2012-06, forwarding a recommendation that the Town Council amend the Jess Ranch Planned Unit Development Section 3.4.

ROLL CALL VOTE:

Ayes: Commissioner Tinsley
Vice-Chairman Hernandez
Chairman Lamoreaux
Noes: Commissioner Shoup
Abstain: None
Absent: None
The motion carried by a 3-1-0-0 vote

PLANNING COMMISSION RESOLUTION NO. 2012-06

A RESOLUTION OF THE PLANNING COMMISSION OF THE TOWN OF APPLE VALLEY, CALIFORNIA, RECOMMENDING THAT THE TOWN COUNCIL ADOPT SPECIFIC PLAN NO. 2012-01 BY AMENDING PORTIONS OF SECTION 3.4 OF THE JESS RANCH PLANNED UNIT DEVELOPMENT.

WHEREAS, the Jess Ranch Planned Unit Development was approved by the County of San Bernardino in 1981 with subsequent amendments by the Town of Apple Valley in 1990 (Amendment No. 1), 1994 (Amendment No. 2), and 1998 (Amendment No. 3); and

WHEREAS, specific changes are proposed to the Jess Ranch Planned Unit Development by adding Section 3.4(D) as it relates to the development standards for accessory structures within the Jess Ranch Lakes RV Resort (TM 14484); and

WHEREAS, on September 7, 2012, Specific Plan 2012-01, was duly noticed in the Apple Valley News, a newspaper of general circulation within the Town of Apple Valley; and

WHEREAS, Pursuant to Section 15061(b)(3) of the State Guidelines to Implement CEQA, which states that the activity is covered by the general rule that CEQA applies only to projects that have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question, the proposed PUD amendment, will have a significant effect on the environment, the activity is not subject to CEQA., and

WHEREAS, on September 19, 2012, the Planning Commission of the Town of Apple Valley conducted a duly noticed and advertised public hearing on Specific Plan No. 2012-01, receiving testimony from the public; and

WHEREAS, the proposed amendment is consistent with Title 9 (Development Code) of the Municipal Code of the Town of Apple Valley and shall promote the health, safety and general welfare of the citizens of the Town of Apple Valley.

NOW, THEREFORE, BE IT RESOLVED that in consideration of the evidence presented at the public hearing, and for the reasons discussed by the Commissioners at said hearing, the Planning Commission of the Town of Apple Valley, California, finds and determines as follows and recommends that the Town Council make the following findings and take the following actions:

Section 1. In consideration of the evidence received at the public hearing, and for the reasons discussed by the Commissioners at said hearing, that the Town Council of the Town of Apple Valley, California, finds that the changes proposed under Specific Plan No. 2012-01 are consistent with the Goals and Policies of the Town of Apple Valley adopted General Plan.

Section 2. Based upon the facts presented within the staff analysis, public testimony and pursuant to Government Code Section 65863(b), the Planning Commission of the Town of Apple Valley, California, finds that the proposed amendment to the Jess Ranch PUD is consistent with the General Plan goals for a broader economic base for the Town.

Section 3. The amendment currently proposed is consistent with the adopted Planned Unit Development and does not constitute a change in build out potential. Further, pursuant to Section 15061(b)(3) of the State Guidelines to Implement CEQA, which states that the activity is

covered by the general rule that CEQA applies only to projects that have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question, the proposed Code Amendment, may have a significant effect on the environment, the activity is not subject to CEQA.

Section 4. Amend Section 3.4 (Medium Density Residential Areas) by adding Subsection “D” to read as follows:

- D. Jess Ranch Lakes Recreational Vehicle Resort – Tract Map No. 14484
1. Development Standards:
 - a. An accessory structure shall not exceed 600 square-feet in size and is permitted on each lot that is approved for an RV.
 - b. An accessory structure may be permitted with a floor plan that includes a kitchen, one (1) bathroom and a combination laundry/storage area only. Sleeping quarters/bedroom or bonus room shall not be permitted. All sleeping quarters for the owner and guests shall be within the RV. The structures shall not serve as a dwelling unit.
 - c. An unenclosed patio may be permitted if the maximum percentage of lot coverage is not exceeded and all setbacks have been met.
 - d. Metal exterior is prohibited on an accessory structure.
 - e. Maximum lot coverage is 50%, excluding paved area as part of a landscape amenity or recreation facility.
 - f. Building Setbacks:
Minimum Twenty (20) foot front setback from private street
Minimum Ten (10) feet from street side property line
Minimum Five (5) foot from any side or rear property line
No minimum from common open space
 - g. No accessory structure may be located on the lot so as to block or encroach into the RV parking area. This would include any decking or patio cover that gives the appearance the structure is affixed to the RV.
 - h. Park Models:
Maybe permitted in-lieu of a Recreational Vehicle
Maximum 399 square-feet
Must remain towable for roads and highways

Approved and Adopted by the Planning Commission of the Town of Apple Valley this 19th day of September 2012.

Chairman Jason Lamoreaux

ATTEST:

I, Debra Thomas, Secretary to the Planning Commission of the Town of Apple Valley, California, do hereby certify that the foregoing resolution was duly and regularly adopted by the Planning Commission at a regular meeting thereof, held on the 19th day of September 2012 by the following vote, to-wit:

AYES:

NOES:

ABSENT:

ABSTAIN:

Ms. Debra Thomas, Planning Commission Secretary



TOWN OF APPLE VALLEY PLANNING COMMISSION

Get a Slice of the Apple.

Staff Report

- AGENDA DATE:** September 19, 2012
- CASE NUMBER:** Specific Plan No. 2012-01
- APPLICANT:** Jess Ranch Lakes Recreational Vehicle Resort
- PROPOSAL:** A request to consider an amendment to the Jess Ranch Lakes Recreational Vehicle Resort (TM 14484) within the Jess Ranch Planned Unit Development to allow 600 square-foot habitable structures as an accessory use to a recreational vehicle.
- LOCATION:** The Jess Ranch Lakes RV Resort is located on the northeast corner of Jess Ranch Parkway and Apple Valley Road
- GENERAL PLAN DESIGNATION:** Specific Plan.
- EXISTING ZONING:** Specific Plan.
- ENVIRONMENTAL DETERMINATION:** Staff has determined that the project is not subject to the California Environmental Quality Act (CEQA) pursuant to Section 15061(b)(3) of the State Guidelines to Implement CEQA, which states that the activity is covered by the general rule that CEQA applies only to projects that have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question, the proposed Code Amendment, may have a significant effect on the environment, the activity is not subject to CEQA.
- CASE PLANNER:** Ms. Carol Miller, Senior Planner
- RECOMMENDATION:** Adopt Planning Commission Resolution No. 2012-06

PROJECT SITE AND DESCRIPTION:

- A. Project Size
Although not all developed, the overall project area encompasses approximately thirty-seven (37) acres.
- B. Site Characteristics

The subject area consists of a partially developed RV resort subdivision. Approximately seventy (70) lots comprise the area of development within the 228 lot subdivision. The existing RV resort amenities include a clubhouse and pool area.

BACKGROUND

The original Jess Ranch Planned Unit Development (PUD) was approved by the County of San Bernardino in 1981 with subsequent amendments by the Town of Apple Valley in 1990 (Amendment No. 1), 1994 (Amendment No. 2), and 1998 (Amendment No. 3). Among other things, Amendment No. 3 allowed a RV Resort within the Medium Density Residential land use classification for Phase "Y" (TM No. 14484), now known as the Jess Ranch Lakes Recreational Vehicle Resort. The RV subdivision consists of 228 lots with private streets and common open space managed by the Homeowners Association. When Tract Map No. 14484 Phases 2, -3, -4 recorded in 1992 in conformance with the Medium Density Residential standards, it was intended to be developed as a single family residential development. That changed in 1999 with Amendment No. 3 that allowed it to be developed as a RV subdivision.

At the time Amendment No. 3 was adopted, no provisions were put into place that required the submittal of a Development Permit for Town consideration for the actual development of the project. However, in 1999, the Town reviewed and approved the Covenants, Conditions and Restrictions (CC&R's) for the RV subdivision, which set forth limited development standards with respect to building setbacks and architectural review. The architectural guidelines for the RV resort eventually evolved from allowing a small storage building to a 600 square foot garden room.

The Jess Ranch Lakes RV Resort allows for accessory structures (garden rooms) on individual lots, in conformance with the Jess Ranch CC&R's and the Town Development Code. An accessory use is considered secondary to the primary use, which in this case would be a recreational vehicle. Within the Jess Ranch Lakes RV Resort, an enclosed accessory structure is allowed up to a maximum of 600 square feet of non-habitable area that may consist of a laundry room, storage, and bathroom; however, kitchen facilities are prohibited. Over time many of these accessory structures have been modified to contain all the elements of a dwelling unit, such as kitchen, bathroom, and bedroom.

As a result of Code Enforcement action within Jess Ranch Lakes RV Resort, an application to amend the PUD has been filed to allow 600 square-foot "habitable" structure, including kitchen facilities.

ANALYSIS

As an RV subdivision, the land use regulations require an RV as the primary use on each lot. As stated above, an accessory structure is permitted. The regulations allow for a 600 square-foot non-habitable accessory structure (garden room) on each lot that is approved for an RV. The Town has allowed garden rooms to contain a bathroom and laundry room. A kitchen or bedroom is not allowed. The applicant is requesting an amendment that would allow 600 square-foot habitable structure that could contain a kitchen, bathroom, laundry, and bedroom(s). All the components of a single family dwelling.

As an RV subdivision, the intention of the development is to allow the full time RVer a place to stay fulltime or part time. The primary use is the RV. To allow structures that represent a dwelling unit would be contrary to the intent of the development as allowed under PUD Amendment #3 and the C,C &R's.

If it is no longer the desire, to continue the development as an RV subdivision for full time RVers, then an application needs to be made that would allow the development of TM No. 14484 to be developed in accordance with the medium density residential standards under the Jess Ranch PUD and the Town development Code.

As a matter of information, structures which are considered habitable and over 500 square feet are subject to school fees. The garden rooms as currently allowed are not considered habitable, and therefore, not subject to school fees. A structure does not have to be considered a “dwelling unit” to be subject to school fees.

Since RVs have minimal kitchen, bathroom, and storage area, and typically no laundry facility, staff would support allowing habitable area that includes a kitchen, bathroom and laundry/storage area not exceeding 600 square-feet, but would not support allowing sleeping quarters. All sleeping quarters for the owner and guests shall be within the RV. Therefore, staff is recommending a revision to Section 3.4 (Medium Density Residential Areas) of the Jess Ranch PUD specific to TM No. 14484 to allow a habitable structure, that may include a kitchen, bathroom and laundry/storage room and include the appropriate RV Resort guidelines to formalize into the PUD development standards. To allow a bedroom/sleeping quarters within the structure, in addition to the other components would be considered a small detached residential unit. A 600 square-foot unit does not comply with the Town’s Single Family Residential development standard of 1,200 square feet. A request was not made to eliminate the RV designation; therefore, the primary use must be the RV and anything developed on each lot must be anillary to the primary use.

The standards listed below go beyond that which was requested by the applicant; however, the Town does not enforce CC&Rs, so it is essential that formal standards be included, that have been excluded in the past into the PUD that are specific to TM No. 14484 as an RV subdivision.

Proposed amendment to Section 3.4 Medium Density Areas by adding Subsection D:

- D. Jess Ranch Lakes Recreational Vehicle Resort – Tract Map No. 14484
 - 1. Development Standards:
 - a. An accessory structure shall not exceed 600 square-feet in size and is permitted on each lot that is approved for an RV.
 - b. An accessory structure may be permitted with a floor plan that includes a kitchen, one (1) bathroom and a combination laundry/storage area only. Sleeping quarters/bedroom or bonus room shall not be permitted. All sleeping quarters for the owner and guests shall be within the RV. The structures shall not serve as a dwelling unit.
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 - d. Metal exterior is prohibited on an accessory structure.
 - e. Maximum lot coverage is 50%, excluding paved area as part of a landscape amenity or recreation facility.
 - f. Building Setbacks:
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Minimum Ten (10) feet from street side property line
Minimum Five (5) foot from any side or rear property line
No minimum from common open space

- g. No accessory structure may be located on the lot so as to block or encroach into the RV parking area. This would include any decking or patio cover that gives the appearance the structure is affixed to the RV.
- h. Park Models:
Maybe permitted in-lieu of a Recreational Vehicle
Maximum 399 square-feet
Must remain towable for roads and highways

Environmental Assessment

Staff has determined that the project is not subject to the California Environmental Quality Act (CEQA) pursuant to Section 15061(b)(3) of the State Guidelines to Implement CEQA, which states that the activity is covered by the general rule that CEQA applies only to projects that have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question, the proposed Code Amendment, may have a significant effect on the environment, the activity is not subject to CEQA.

Noticing

This item was advertised as a public hearing in the Apple Valley News newspaper on September 7, 2012.

Findings

Development Code Section 9.03.050 requires that the following Findings be made in order to approve a Specific Plan Amendment:

B. The proposed Specific Plan meets all of the following content criteria:

1. Specifies through text and/or diagrams, the distribution, location and extent of the uses of land, including open space, within the area covered by the plan;

Comment: The approved Planned Unit Development already details land-use designations, permitted and conditionally permitted uses, and development standards to assure cohesive development within the Specific Plan area. The Amendment is considered minor and will be integrated into the document, and will not affect its format.

2. Specifies through text and/or diagrams, the proposed distribution, location and extent and intensity of major components of public and private transportation, sewage, water, drainage, solid-waste disposal, energy and other essential facilities proposed to be located within the area covered by the plan and needed to support the land uses described in the plan;

Comment: The approved Planned Unit Development already details distribution, location and extent and intensity of major components of public and private transportation, sewage, water, drainage, solid-waste disposal, energy and other essential facilities within the PUD area. The

Amendment is considered minor and will be integrated into the document, and will not affect its format.

3. Specifies through text and/or diagrams, the standards and criteria by which development will proceed, and standards for the conservation, development and utilization of natural resources, where applicable;

Comment: The development standards already included in the approved Planned Unit Development include text and graphic representations of the requirements for development. The addition of Section 3.4(D) will clarify the development standards for a recorded tract map within the Planned Unit Development that was allowed to convert to a RV subdivision. The standards for the conservation, development and utilization of natural resources within the PUD will not change.

4. Specifies a program of implementation measures, including regulations, programs, public works projects, and financing measures necessary to carry out Findings A.1, A.2 and A.3 above;

Comment: The proposed Amendment does not affect existing or projected build-out.

5. Include a statement of the relationship of the Specific Plan to the General Plan, Development Code and other applicable plans or ordinances;

Comment: As amended per staff recommendation, the proposed Amendment does not affect the PUD's consistency with the General Plan.

6. Address any other subjects that are necessary for implementation of the General Plan;

Comment: The proposed Amendment is minor in nature and does not require additional discussion relating to the General Plan.

14. The location and design of the proposed development will be consistent with the goals and policies of the General Plan and with any other applicable plan or policies adopted by the Town and with any other applicable provisions of the Development Code.

Comment: The PUD was adopted by the County of San Bernardino and was incorporated into the Town's General Plan, and the Amendment does not alter this.

15. The proposed location will allow the development to be well integrated with, or adequately buffered from, its surroundings, as appropriate.

Comment: The proposed Amendment is a change in text only and will not alter any existing or future development within the Jess Ranch PUD.

16. All vehicular traffic generated by the development, either in phased increments or at build-out, will be accommodated safely and without causing significantly increased congestion upon adjoining streets.

Comment: The proposed Amendment is consistent with the adopted PUD and do not constitute a change in build out potential. Therefore, no traffic impact analysis was prepared since the amendment will not alter levels of service throughout the project's development and at build out.

17. The final Specific Plan will identify a methodology to allow land uses to be adequately serviced by existing or proposed public facilities and services. In appropriate circumstances, and as provided elsewhere by this Development Code, the Town may require that suitable areas be reserved for uses such as schools, parks and pedestrian ways; public open spaces may be dedicated or reserved by private covenant for the common use of residents, establishments or operations in the development.

Comment: The proposed amendment does not affect public services.

18. In accordance with the requirements of the California Environmental Quality Act (CEQA), environmental impacts have been reduced to a level of insignificance, or in the case where such impacts remain, a statement of overriding considerations must be adopted to justify the merits of project implementation after certification of the Environmental Impact Report.

Comment: Staff has determined that the project is not subject to the California Environmental Quality Act (CEQA) pursuant to Section 15061(b)(3) of the State Guidelines to Implement CEQA, which states that the activity is covered by the general rule that CEQA applies only to projects that have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question, the proposed Code Amendment, may have a significant effect on the environment, the activity is not subject to CEQA.

19. The proposed Specific Plan should contribute to a balance of land uses so local residents may work and shop in the community in which they live.

Comment: The purpose of the PUD is, in part, to provide housing opportunities and the amendment does not lessen these opportunities.

20. The proposed Specific Plan will not be detrimental to the public health, safety or welfare of the Town.

Comment: The Amendment is designed to assure that development within the Jess Ranch Lakes RV Resort is of high-quality and does not impact public health, safety or welfare.

RECOMMENDATION:

Following receipt of public input and discussion by the Commission, it is recommended that the Commission move to approve Planning Commission Resolution No. 2012-06, forwarding a recommendation that the Town Council amend the Jess Ranch Planned Unit Development Section 3.4.

Prepared By:

Reviewed By:

Carol Miller
Senior Planner

Lori Lamson
Community Development Director

ATTACHMENTS:

1. Planning Commission Resolution No. 2012-06