



# TOWN OF APPLE VALLEY

## TOWN COUNCIL STAFF REPORT

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**To:** Honorable Mayor and Town Council                      **Date:** October 28, 2014

**From:** Brad Miller, Town Engineer                              **Item No:** 3  
Engineering Department

**Subject:** ACCEPT THE FINAL MAP FOR TRACT MAP NO. 17494

**T.M. Approval:** \_\_\_\_\_                              **Budgeted Item:**  Yes  No  N/A

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### RECOMMENDED ACTION:

1. Adopt Resolution No. 2014-38, a Resolution of the Town Council of the Town of Apple Valley, California, initiating proceedings for an annexation of territory into the Apple Valley Landscaping and Lighting Assessment District No. 1.
2. Receive and approve the Engineer's Report as filed or as amended Note: The Engineer's Report has already been filed and is included as part of this agenda item for the Council's review and approval.
3. Receive and approve the Landowner's consent.
4. Adopt Resolution No. 2014-39, a Resolution of the Town Council of the Town of Apple Valley, California, 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.
5. Move to approve the final map, securities, and agreements for Tract Map No. 17494.

**SUMMARY:**

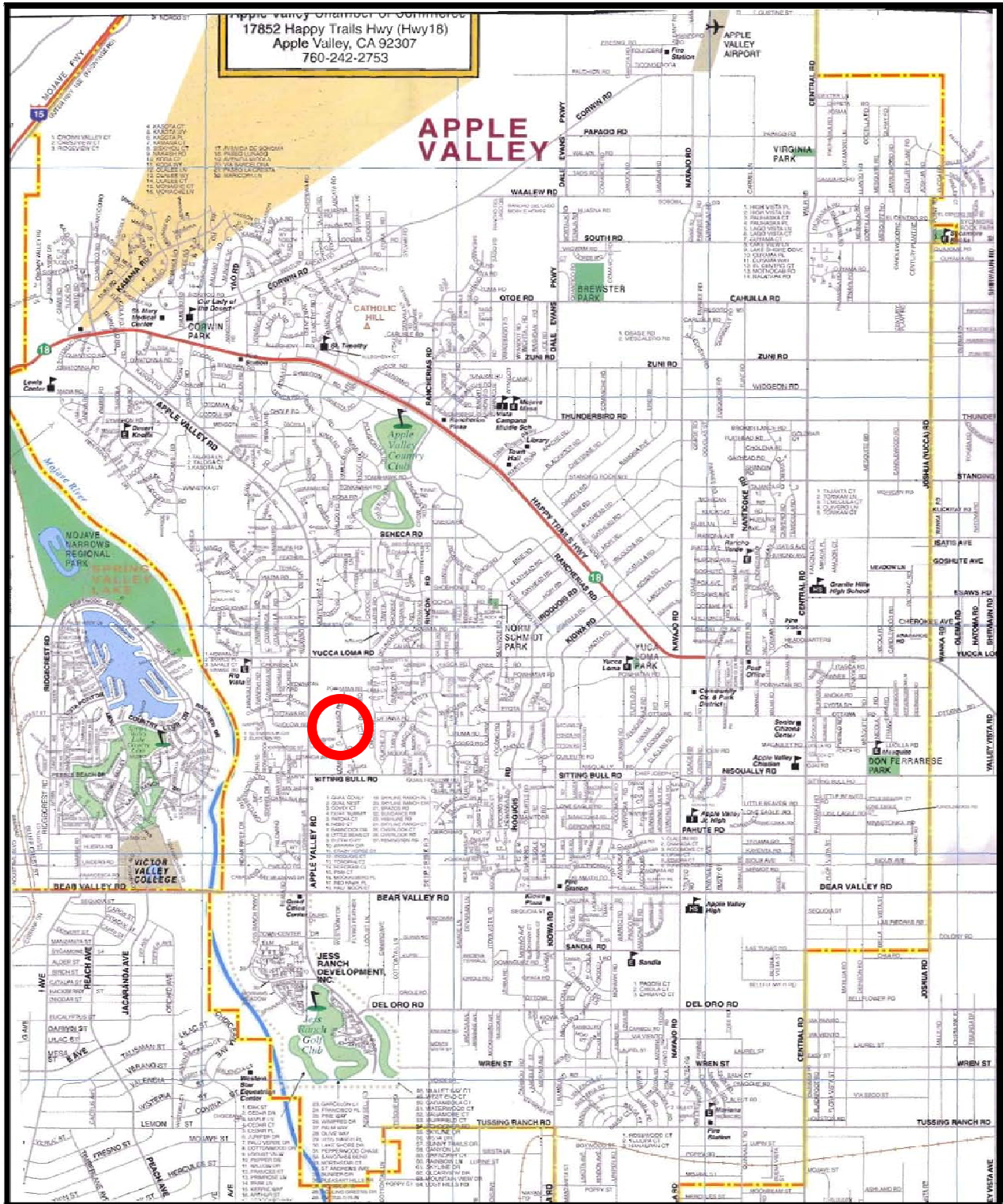
The applicant has complied with all conditions of approval placed on Tentative Tract Map No. 17494. This subdivision creates 80 residential lots. The site is located at the southwest corner of Choco Road and Yucca Loma Road. The Planning Commission reviewed and approved the Tentative Tract Map on May 18, 2005.

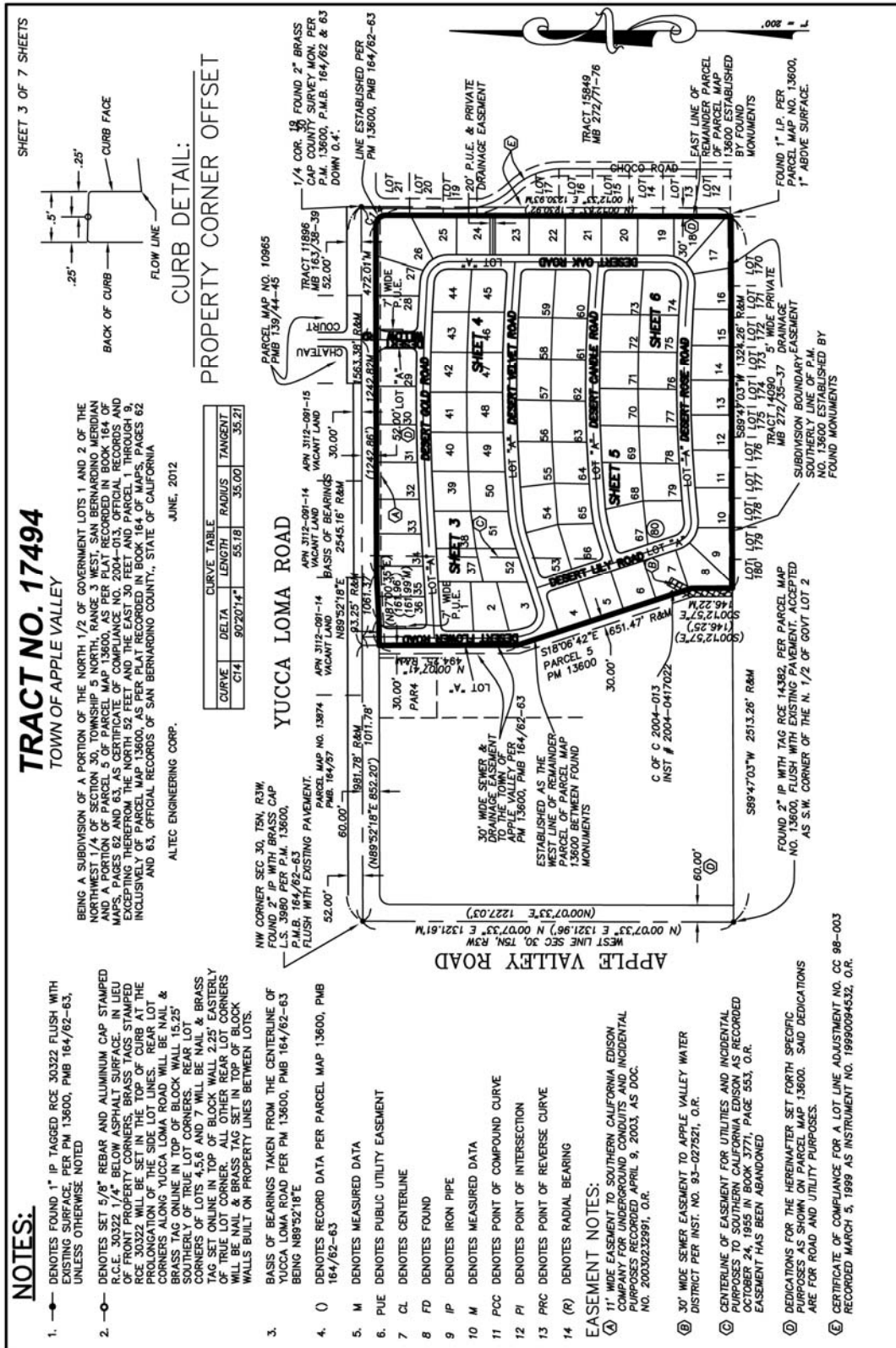
The applicant has not completed all required improvements but, as allowed by the Conditions of Approval, has signed Agreements for Construction of Improvements and provided Cash Deposits to guarantee completion of these improvements. The Town staff has reviewed and approved the Agreement and security packages. The amounts provided are indicated below:

	<u>Performance</u>	<u>Labor and Materials</u>
A.C. Cap to complete Street Improvements	\$132,080	\$66,040
Landscaping Improvements	\$103,771	\$51,886
Monumentation	\$5,500	N/A

Staff recommends that the Town Council accept the Final Map, Securities, and Agreements for Tract Map No. 17494.

# LOCATION MAP





### NOTES:

1. —•— DENOTES FOUND 1" IP TAGGED RCE 30322 FLUSH WITH EXISTING SURFACE, PER PM 13600, P.M.B. 164/82-63, UNLESS OTHERWISE NOTED
2. —○— DENOTES SET 5/8" REBAR AND ALUMINUM CAP STAMPED R.C.E. 30322 1/4" BELOW ASPHALT SURFACE. IN LIEU OF FRONT PROPERTY CORNERS, BRASS TAGS STAMPED RCE 30322 WILL BE SET IN THE TOP OF CURB AT THE CORNERS. ALONG YUCCA LOMA ROAD WILL BE NAIL & BRASS TAG ONLINE IN TOP OF BLOCK WALL 15.25' SOUTHERLY OF TRUE LOT CORNERS. REAR LOT CORNERS OF LOTS 4,5,6 AND 7 WILL BE NAIL & BRASS TAG SET ONLINE IN TOP OF BLOCK WALL 2.25' EASTERLY OF TRUE LOT CORNER. ALL OTHER REAR LOT CORNERS WILL BE NAIL & BRASS TAG SET IN TOP OF BLOCK WALLS BUILT ON PROPERTY LINES BETWEEN LOTS.
3. BASIS OF BEARINGS TAKEN FROM THE CENTERLINE OF YUCCA LOMA ROAD PER PM 13600, P.M.B. 164/82-63 BEING N89°32'18"E
4. ○ DENOTES RECORD DATA PER PARCEL MAP 13600, P.M.B. 164/82-63
5. M DENOTES MEASURED DATA
6. PUE DENOTES PUBLIC UTILITY EASEMENT
7. CL DENOTES CENTERLINE
8. FD DENOTES FOUND
9. IP DENOTES IRON PIPE
10. M DENOTES MEASURED DATA
11. PCC DENOTES POINT OF COMPOUND CURVE
12. PI DENOTES POINT OF INTERSECTION
13. PRC DENOTES POINT OF REVERSE CURVE
14. (R) DENOTES RADIAL BEARING

**EASEMENT NOTES:**  
 (A) 11' WIDE EASEMENT TO SOUTHERN CALIFORNIA EDISON COMPANY FOR UNDERGROUND CONDUITS AND INCIDENTAL PURPOSES RECORDED APRIL 9, 2003, AS DOC. NO. 20030232991, O.R.  
 (B) 30' WIDE SEWER EASEMENT TO APPLE VALLEY WATER DISTRICT PER INST. NO. 93-027521, O.R.  
 (C) CENTERLINE OF EASEMENT FOR UTILITIES AND INCIDENTAL PURPOSES TO SOUTHERN CALIFORNIA EDISON AS RECORDED OCTOBER 24, 1995 IN BOOK 3771, PAGE 553, O.R. EASEMENT HAS BEEN ABANDONED  
 (D) DEDICATIONS FOR THE HEREMAFTER SET FORTH SPECIFIC PURPOSES AS SHOWN ON PARCEL MAP 13600. SAID DEDICATIONS ARE FOR ROAD AND UTILITY PURPOSES.  
 (E) CERTIFICATE OF COMPLIANCE FOR A LOT LINE ADJUSTMENT NO. CC 98-003 RECORDED MARCH 5, 1999 AS INSTRUMENT NO. 19990094532, O.R.

**TRACT NO. 17494**  
**TOWN OF APPLE VALLEY**  
 BEING A SUBDIVISION OF A PORTION OF THE NORTH 1/2 OF GOVERNMENT LOTS 1 AND 2 OF THE NORTHWEST 1/4 OF SECTION 30, TOWNSHIP 5 NORTH, RANGE 3 WEST, SAN BERNARDINO MERIDIAN AND A PORTION OF PARCEL 5 OF PARCEL MAP 13600, AS PER PLAT RECORDED IN BOOK 164 OF MAPS, PAGES 62 AND 63, AS CERTIFICATE OF COMPLIANCE NO. 2004-013, OFFICIAL RECORDS AND EXCEPTING THEREFROM THE NORTH 52 FEET AND THE EAST 30 FEET AND PARCEL 1 THROUGH 9, INCLUSIVELY OF PARCEL MAP 13600, AS PER PLAT RECORDED IN BOOK 164 OF MAPS, PAGES 62 AND 63, OFFICIAL RECORDS OF SAN BERNARDINO COUNTY, STATE OF CALIFORNIA

ALTEC ENGINEERING CORP.  
 JUNE, 2012

APR 3112-091-14 APN 3112-091-15 VACANT LAND VACANT LAND BASIS OF BEARINGS 30.00' N89°32'18"E 2946.16' R&M N89°32'18"E 5207.33'E 1227.03' PAR 4 (N87°00'35"E 1618.98' M) 55.15' PAR 4 (N87°00'35"E 1618.98' M) 55.15' PAR 4 (N87°00'35"E 1618.98' M) 55.15' PAR 4 (N87°00'35"E 1618.98' M) 55.15' PAR 4 (N87°00'35"E 1618.98' M) 55.15' PAR 4 (N87°00'35"E 1618.98' M) 55.15'

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## RESOLUTION NO. 2014-38

### A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF APPLE VALLEY, CALIFORNIA, INITIATING PROCEEDINGS FOR AN ANNEXATION OF TERRITORY INTO THE APPLE VALLEY LANDSCAPING AND LIGHTING ASSESSMENT DISTRICT NO. 1

#### APPLE VALLEY LANDSCAPING AND LIGHTING ASSESSMENT DISTRICT NO. 1, ANNEXATION #L-31

**WHEREAS**, 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-31 of the Apple Valley Landscaping and Lighting Assessment District No. 1", Town of Apple Valley, San Bernardino County, California, and is comprised of the area within Tract Map No. 17494, 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, Ken Richmond, is the sole owner of that certain real property located in the Town of Apple Valley, County of San Bernardino, State of California, and is developing the property as a single-family subdivision.

**Section 4:** As a condition of its approval of Final Tract Map 17494 to be recorded, the Town required that certain landscape easements within and adjacent to Tract No. 17494 be improved with landscaping and related improvements to a standard acceptable to the Town, and that the Developer 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 to 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 No. 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.

**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 lots and parcels of land within the district.

**APPROVED** and **ADOPTED** by the Town Council of the Town of Apple Valley this 28<sup>th</sup> day of October, 2014.

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Art Bishop, Mayor

**ATTEST:**

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La Vonda M-Pearson, Town Clerk

# **ENGINEER'S REPORT**

## **Tract Map 17494**

### **Town of Apple Valley**

### **Annexation L-31 to Apple Valley**

### **Landscape and Maintenance District No. 1**

Prepared by:

Altec Engineering Corp.  
19531 Highway 18  
Apple Valley, CA. 92307

## **Annexation L-31 to L.M.D. No. 1**

Town of Apple Valley

Tract Map 17494

### **Table of Contents**

<u>Exhibit</u>	<u>Sheet</u>	<u>Subject</u>
A	3	Annexation Overview and Landscape Area Diagram
A-1	4	Assessment Diagram
A-2	5	Landscape Area
B	6	Estimated Annual Maintenance Cost
C	8	Determination of Assessment Amount
D	9	Assessment Roll
E	10	Landowner's Listing
F	11	Land Owner's Consent to Formation of Maintenance District



## Exhibit "A"

### Annexation L-31 to L.M.A.D. No. 1

Town of Apple Valley

Tract Map 17494

#### Annexation Overview and Landscape Area Diagram

Assessment District L-31 is established to provide landscaping and landscape maintenance within the Town of Apple Valley street parkways which primarily provide specific aesthetic benefit to the exterior areas of Tract No. 17494 located on the south side of Yucca Loma Road west of Choco Road. 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 herein is not being adequately maintained.

The following is a more detailed description of the areas to be maintained under Assessment District Annexation L-31:

##### Yucca Loma Road

The landscape area adjacent to Yucca Loma Road is located south of Yucca Loma Road and includes the area between the sidewalk/bike path and the perimeter block wall of Tract 17494.

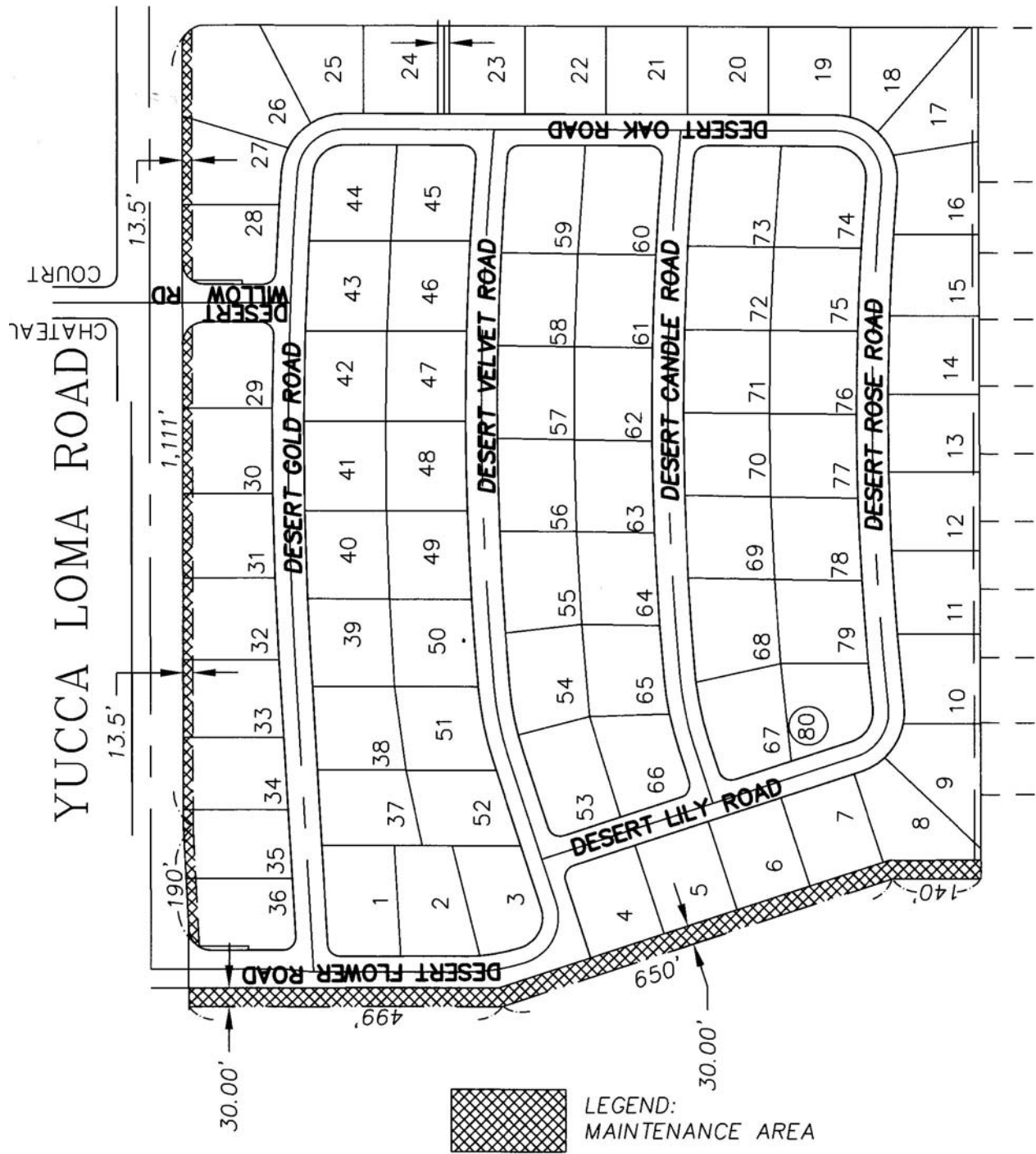
The perimeter block wall will be maintained by the Landscape Maintenance District. Per the Conditions of Approval for Tract No. 17494, this area is to be planted with drought tolerant plant per Section 9.75 of the Development Code. The area will be planted with a variety of trees and shrubs that are adapted to the Apple Valley climate. Rock and gravel mulch will be used between the plantings. Approved landscape plans prepared by Richard Charles Johnson, dated 11/09/2004, are on file at the Planning Department of the Town of Apple Valley.

##### Drainage Channel

The drainage channel contained is a 30' wide drainage easement on the west side of the tract. The open portion of the channel is graded, 6 feet wide at the bottom and 5 feet deep with 2.5:1 side slopes. The open portion of the channel begins at the southwest corner of Tract 17494 and continues north for approximately 700 feet. The remainder of the drainage is contained in a 60 inch diameter pipe underground. The easement is on the outside (west) of the perimeter block wall for Tract 17494. The area will be hydro seeded with a desert seed mix to be approved by the Town.

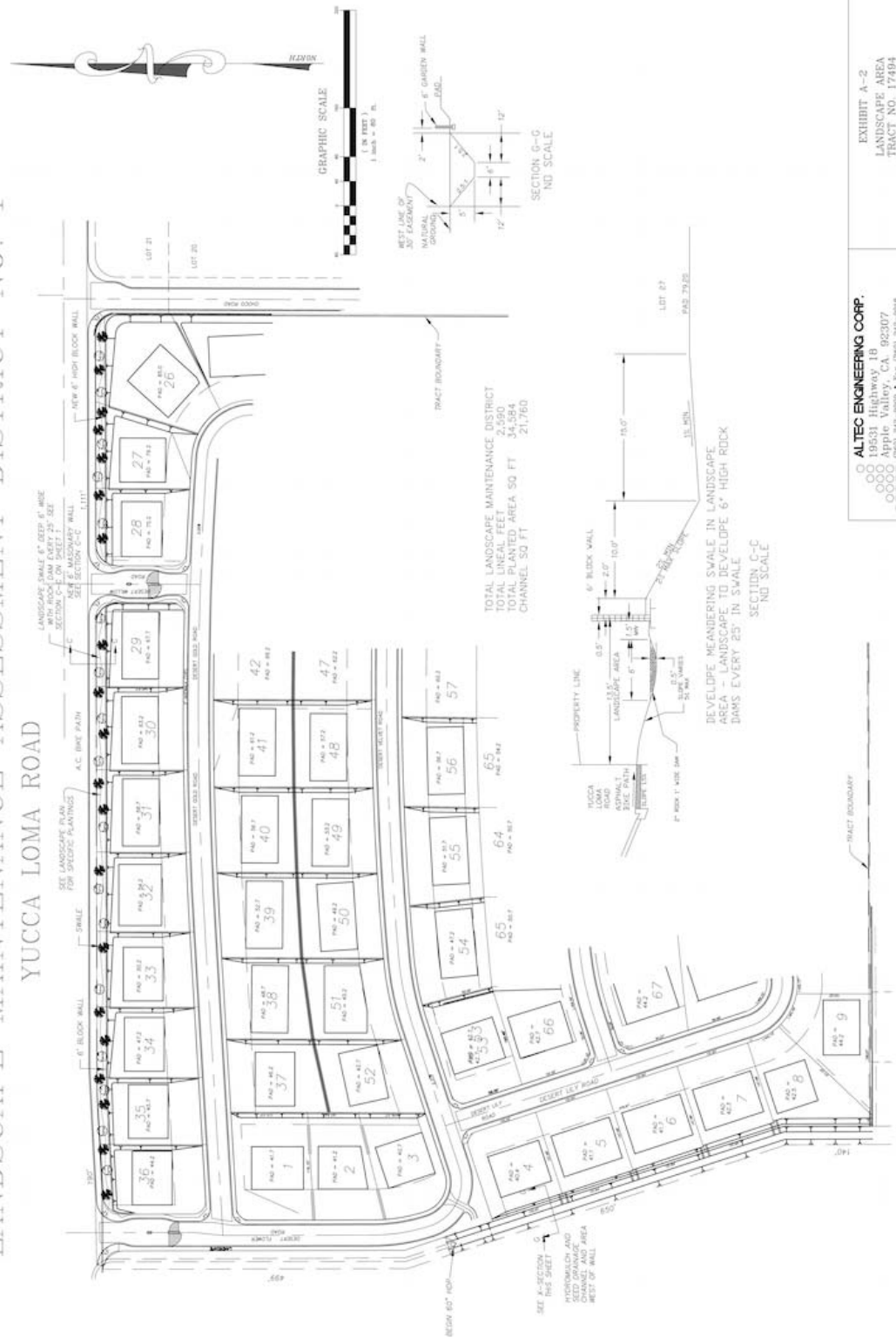
### Exhibit "A-1"

### Assessment Diagram



# Exhibit "A-2" Landscape Area

TOWN OF APPLE VALLEY  
TRACT 17494  
LANDSCAPE MAINTENANCE ASSESSMENT DISTRICT NO. 1  
YUCCA LOMA ROAD



**ALTEC ENGINEERING CORP.**  
19531 Highway 18  
Apple Valley, CA 92307  
(760) 242-8900 • Fax (760) 242-8918

EXHIBIT A-2  
LANDSCAPE AREA  
TRACT NO. 17494  
IN THE TOWN OF APPLE VALLEY  
APN 3087-011-10

**Exhibit “B”**

**Annexation L-31 to L.M.D. No. 1**

Town of Apple Valley

Tract Map 17494

**Section 1 – Regular Annual Landscape Maintenance Cost Estimate**

<u>Landscape Location:</u>	<u>Area:</u>
Landscape Parkway along Yucca Loma Rd.	34,600 SF
Landscape Area in Drainage Easement	21,760 SF
Total Landscape Area	56,360 SF

<u>Cost to Maintain Landscape Area:</u>	<u>Amount:</u>
Annual cost for maintenance	\$18,000.00
Annual cost of water	\$4,195.00
Annual cost of electricity	\$350.00
Annual publishing, noticing, and misc.	\$300.00
Contingencies and Administration (5%)	\$1,142.25
<b>Total Annual Cost</b>	<b>\$23,987.25</b>

The total landscape area includes approximately 34,600 square feet along Yucca Loma Road and approximately 21,760 square feet in the graded drainage channel. The area along Yucca Loma will be covered with gravel approximately 2” thick and will have 113 15-gallon trees and 623 5-gallon shrubs. The area in the drainage channel will be hydro seeded with native desert grasses. There will be no turf grass or additional sidewalk. The landscaping will utilize a PVC bubbler system.

## Section 2 – Capital Reserve Cost Estimate

**Irrigation and Landscape major repair or replacement cost estimate:** In the event that any or all the components of Assessment District L-31 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 (20 year life assumed) 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 (20 year life assumed):**

<u>Improvement</u>	<u>Construction Cost</u>	<u>Annual Reserve Amount</u>
Irrigation, Gravel And Landscaping	\$103,771.00 (5%)	\$5,188

### **Total Budgeted Annual Reserve, Replacement, and Major Repair Cost: \$5,188**

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-31 to L.M.D. No. 1**

Town of Apple Valley

Tract Map 17494

**Determination of Assessment Amount**

The annual assessment to each parcel is established and based on the Regular Annual Maintenance Cost 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:

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Total Regular Annual Maintenance, Servicing and Incidental Costs:	\$23,987.25
Total Capital Reserve Costs:	\$5,188.00
Total Costs:	\$29,175.25
Square Feet within the Assessment District:	1,902,750 SF
Regular Annual Assessment Amount per Square Foot:	\$0.013
Maximum Annual Assessment Amount per Square Foot:	\$0.015

\* Excludes future escalation factors

## Exhibit "D"

### Annexation L-31 to L.M.D. No. 1

Town of Apple Valley

Tract Map 17494

#### Assessment Roll

Lot Number	Address	Assessor's Parcel Number	Annual Assessment Regular	Annual Assessment Maximum
1-80	N/A	N/A	\$299.84	\$364.69

## Exhibit "E"

### Annexation L-31 to L.M.D. No. 1

Town of Apple Valley

Tract Map 17494

#### Land Owner's Consent to Formation of Maintenance District

Property Owner	Mailing Address	Assessor's Parcel Number
Kenneth W. Richmond		3087-011-10

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

Preparer: First American Title Company  
Date: May 15, 2013  
Order No.: NHSC-2490643 (tc)



**Exhibit "F"**

**Annexation L-31 to L.M.D. No. 1**

Town of Apple Valley

Tract Map 17494

**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:

The Remainder Parcel of Parcel Map 13600, in the Town of Apple Valley, County of San Bernardino, State of California as per plat recorded in Book 164 of Parcel Maps, Pages 62 to 63, records of said county.

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 No. 1:

Landscape area within the public right-of-way adjacent to Tract 17494, along Yucca Loma Road, and area within the drainage easement west of and adjacent to Tract 17494. 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 in Section 2, provided that: 1) the assessments are as described in the Engineers 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: Kenneth W. Richmond

Kenneth W. Richmond  
Kenneth W. Richmond

Date: 10/16/14

**RESOLUTION NO. 2014-39**

**A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF APPLE VALLEY, CALIFORNIA, 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-31**

**(Pursuant to the Landscaping and Lighting Act of 1972)**

**WHEREAS**, 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-31, 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.

**Section 4:** The Town Council hereby orders the improvements and the formation of the assessment district 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 for the fiscal year 2015-2016.

**APPROVED** and **ADOPTED** by the Town Council of the Town of Apple Valley  
this 28<sup>th</sup> day of October, 2014.

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Art Bishop, Mayor

**ATTEST:**

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La Vonda M-Pearson, Town Clerk



## **Town of Apple Valley**

14955 Dale Evans Parkway • Apple Valley, California 92307

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May 19, 2005

Mr. Carl Coleman

Altec Engineering  
17995 Highway 18, Suite No. 4  
Apple Valley, CA 92307

Subject: **Tentative Tract Map No. 17494**

Expiration Date: **May 18, 2008**

Dear Mr. Coleman:

At the May 18, 2005 regularly scheduled meeting, the Commission reviewed and approved the above referenced project, a subdivision of approximately 42.3 acres into 80 single family residential lots within the Meadowbrook Specific Plan (SP-2), R-1-18M zoning designation. The subject site is located at the southwest corner of Choco Road and Yucca Loma Road; APN 3087-011-10.

If you or anyone is dissatisfied with this decision, you or they may appeal it within 10 days from the date of the decision pursuant to the Town's Development Code. Caution should be exercised in making any expenditures or commitments based upon this approval until the expiration of the appeal period and disposition of any appeals which may be filed.

This approval shall expire three (3) years from the date of action (**on May 18, 2008**), unless the map is recorded or extended in accordance with that 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 approved by the Planning Commission and as accepted by the applicant at the public hearing. If you have any question on this matter, please contact Becky Reynolds at the Town's Planning Division at (760) 240-7000.

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,

**Charles K. LaClaire**  
Assistant Director of Community Development

c: Ms. Lisa Carlucci  
file

## TOWN OF APPLE VALLEY

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### **FINAL CONDITIONS OF APPROVAL**

Case No. Tentative Tract Map No. 17494

**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 30 days prior to the expiration date. The Tentative Tract/Parcel Map becomes effective 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 his sole expense (with attorneys approved by the Town), and indemnify the Town against any action brought against the Town, its agents, officers or employees resulting from or relating to this approval. The applicant shall reimburse the Town, its agents, officers or employees for 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 at its own expense in the defense of any such action, but such participation shall not relieve the applicant of these obligations under this condition.

- P4. Upon approval of the Tentative Tract Map No. 17494 the applicant shall be responsible for the payment of all CEQA mandated environmental review and filing fees to the Department of Fish and Game and/or the San Bernardino County Clerk of the Board of Supervisors.
- P5. The approval of Tentative Tract Map No. 17494 by the Planning Commission is recognized as acknowledgment of Conditions of Approval by the applicant, unless an appeal is filed in accordance with the Town's Development Code.
- P6. Subdivision phasing shall be internally consistent and shall provide two points of paved "all weather" emergency access with each phase. Final phasing shall be approved with the Town's approval of the Final Tract Map.
- P7. All applicable conditions and mitigation measures of the Meadowbrook Specific Plan shall apply to this map.
- P8. A separate Development Permit, approved by the Planning Commission, is required prior to new single-family residential construction. The submittal shall include a Development Plan consisting of plot plans, a minimum of four floor plans and building elevations, demonstrating a variety of heights, setbacks, roof shapes and trim to create visually pleasing aesthetics within a cohesive design.
- P9. Prior to recordation of Final Map, three sets of detailed landscaping and irrigation plans for the parkway area and subdivision entrances, prepared by a qualified licensed landscape professional, shall be submitted to the Planning Division for review and approval. The landscape and irrigation plans shall be prepared in compliance with the applicable landscape section of the Town Development Code.
- P10. All slopes over three (3) feet in height shall be landscaped and irrigated according to Town standards.
- P11. The Covenants, Conditions and Restrictions (CC&Rs) shall be reviewed and approved by the Planning Division prior to final approval of the Tract maps. The CC&Rs shall include liability insurance and methods of maintaining the open space, all landscaped parkways along Yucca Loma Road, recreation areas, parking areas, private roads and gates, private common driveway lots and exterior of all buildings for the life of the project. If the owner or successor fails to enforce these provisions contained in the conditions, they may be enforced by the Town at the expense of the owner or owner's successors. The CC&Rs may not be cancelled or revised with respect to these conditions without the prior written consent of the Town.
- P12. A Homeowner's Association shall be established for maintenance of open space/common areas and the common private driveway lots. The developer/applicant shall pay for all costs relating to establishment of the Homeowner's Association and a

copy of the Homeowner's Association by-laws shall be received and approved by the Planning Division prior to approval of the final tract map.

- P13. Permanent maintenance for all landscaping within drainage easements, open areas and parkways including along Yucca Loma Road, shall be provided for in the CC&Rs.
- P14. Subdivision walls shall be constructed of slump stone, split face or masonry material, subject to approval by the Director of Planning.

#### **Recreation and Parks Division Conditions of Approval**

- PR1. Prior to issuance of building permits for new construction, the developer, or assignee, is subject to fees in compliance to the Park and Recreation Department Quimby Ordinance, subject to review by the Planning Division.

#### **Building and Safety Division Conditions of Approval**

- B1. An engineered grading report, including soils engineering and engineering geology, shall be filed with, and approved by, the Building Official prior to recordation of final map or issuance of permits for grading in excess of 1,000 cubic yards.
- B2. Grading and drainage plans are to be submitted to, and approved by, the Building Official prior to permit issuance.
- B3. Submit plans for approval and obtain all permits for all structures and walls.
- B4. A pre-construction permit and inspection are required prior to any land disturbing activity to verify requirements for erosion control, flood hazard, native plant protection and desert tortoise habitat.
- B5. Erosion control plans are to be submitted to, and approved by, the Building Official prior to issuance of permits.
- B6. All cross lot drainage requires easements and may require improvements at the time of development.
- B7. Comply with State of California Disability Access requirements.
- B8. Check with the State of California water Resources Board to determine if a general construction activity storm water permit is required prior to any work beginning.

#### **Engineering Division Conditions of Approval**

- EC1. Prior to issuance of a grading permit, 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 retaining onsite drainage flows from a 100-year design storm.
- EC2. Street improvement plans shall be submitted to the Town Engineer for review and approval.
- EC3. All interior roads shall be improved to Town standards with curb, gutter and road pavement. Minimum width of residential roads shall be 36 feet curb to curb.
- EC4. All streets abutting the development shall be improved a minimum half-width of 28 feet with curb, gutter and sidewalk on the development side.
- EC5. Yucca Loma Road shall be improved to the Town's half-width Major street standards.
- EC6. A 52-foot wide half-width road dedication along Yucca Loam Road shall be granted to the Town of Apple Valley prior to Final Map Approval.
- EC7. During the grading of the roads, soils testing of the road subgrades by a qualified soils engineering firm shall be performed to determine appropriate structural road section. Minimum asphalt concrete thickness for all streets shall be 0.33 ft.
- EC8. All required improvements shall be bonded in accordance with the Town Development Code unless constructed and approved prior to approval and recordation of the Final Map.
- EC9. An encroachment permit shall be obtained from the Town prior to performing any work in any public right of way.
- EC10. 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.
- EC11. A final grading plan shall be submitted to the Town Engineer prior to issuance of a grading permit. A grading permit shall not be issued until road improvement plans have been submitted to the Town Engineer for review and substantial completion of the road plans has been attained as determined by the Town Engineer.
- EC12. Streetlights shall be required and shall conform to Town standards. The developer shall form or annex into an assessment district to provide for the ongoing operation and maintenance of the streetlights.
- EC13. All Road Names shall be approved by the Town and such approval shall be coordinated through the Town Engineer.
- EC14. The developer shall present evidence to the Town Engineer that he has made a reasonable effort to obtain a non interference letter from any utility company that may have rights of easement within the property boundaries.

- EC15. Utility lines shall be placed underground in accordance with the requirements of the Town (Municipal Code Section 14.28).
- EC16. The developer shall make a good faith effort to acquire the required off-site property interests. If the developer fails to acquire those interests the developer shall, at least 120 days prior to submittal of the final map for approval, enter into an agreement to complete the improvements pursuant to Government Code Section 66462 at such time as the Town acquires the property interests required for the improvements. Such agreement shall provide for payment by the developer of all costs incurred by Town to acquire the off-site property interests required in connection with the subdivision. Security for a portion of these costs shall be in the form of a cash deposit in the amount given in an appraisal report obtained by the developer, at the developer's cost. The appraiser shall have been approved by the Town prior to commencement of the appraisal. Additional security may be required as recommended by the Town Engineer and Town Attorney.
- EC17. Traffic impact fees adopted by the Town shall be paid by the developer.
- EC18. In addition to payment of Traffic impact fees, the traffic mitigation measures, as detailed in the traffic study shall be implemented.
- EC19. Developer fees including, but not limited to, drainage fees shall be paid by the developer as per Town enactment.
- EC20. Any required street striping shall be thermoplastic as approved by the Town Engineer.
- EC21. Cross lot drainage is unacceptable and backyard retention shall be avoided. Drainage shall be designed in a manner such that the tract retains its own storm water runoff, with any possible overflow directed to the street as approved by the Town Engineer.
- EC22. A Class I Bike Path shall be constructed along Yucca Loma Road. Additional right-of-way shall be required, if needed, to construct the Class I Bike Path to Town Standards.
- EC23. 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 Map Recordation:**

- 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. The subject property is located within the boundaries of Assessment District No. 3, which currently has an active assessment bond issue. The applicant must substantiate bond reapportionment. The bond reapportionment will divide the bond assessment among the subdivided parcels.
- PW3. 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.
- PW4. Water purveyor shall be Apple Valley Ranchos Water Company.
- NSC5. Reapportionment fees shall be paid in full prior to recordation of Final Map.

### **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. All new construction shall comply with applicable sections of the Uniform Fire Code, Uniform Building Code, and other statutes, ordinances, rules, and regulations regarding fires and fire prevention adopted by the State, County, or Apple Valley Fire Protection District.
- FD3. The development and each phase thereof shall have two points of paved access for fire and other emergency equipment, and for routes of escape which will safely handle evacuations. Each of these points of access shall provide an independent route into the area in which the development is located. This shall be completed prior to any combustible construction. Apple Valley Fire Protection District Ordinance 44. Install per A.V.F.P.D. Standard ARI #8
- FD4. Fire lanes shall be provided with a minimum width of twenty four (24) feet, maintained, and identified. Apple Valley Fire Protection District Ordinance 41. Install per A.V.F.P.D. Standard Series #202

FD5. Approved numbers or addresses shall be placed on all new and existing buildings in such a position as to be plainly visible and legible from the street or road fronting the property. Said numbers shall contrast with their background.

New dwelling addresses shall be posted with a minimum of 4-inch numbers visible from the street, and during the hours of darkness the numbers shall be internally illuminated. Where building setbacks exceed 75 feet from the roadway, additional contrasting 4-inch numbers shall be displayed at the property entrance. (Apple Valley Fire Protection District, Ordinance 41.)

FD6. 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      500            GPM @ 20 psi Residual Pressure

Duration            1            Hour(s)

Hydrant Spacing 660      Feet

\*If blank, flow to be determined by calculation when additional construction information is received.

Install per A.V.F.P.D. Standard Series #101

C. A total of 9 - 10 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

FD7. An approved fire sprinkler system shall be installed throughout any building:

- 5,000 square feet or greater, including garage and enclosed areas under roof, or
- Other per California Building Code requirements. Apple Valley Fire Protection District, Ordinance 41

FD8. Apple Valley Fire Protection District Final Subdivision/Tract/Development fees shall be paid to the Fire District prior to final map acceptance according to the current Apple Valley Fire Protection District Fee Ordinance.

FD9. The developer shall submit a map showing complete street names within the development, to be approved by the Fire District prior to final map.

FD10. A Knox Box Rapid Entry System and Click 2 Enter System shall be required for both entry gates. Uniform Fire Code, Section 902.4. Install per A.V. F.P.D. ARI #5

**End of Conditions**