



TOWN OF APPLE VALLEY

TOWN COUNCIL STAFF REPORT

To: Honorable Mayor and Town Council Date: May 26, 2015

From: Lori Lamson, Assistant Town Manager Item No: 15

Subject: DISCUSSION REGARDING MODIFICATION TO THE DEVELOPMENT CODE REGULATION FOR FENCING TO ALLOW CHAIN LINK AROUND VACANT PARCELS AND UNDEVELOPED PROPERTIES

T.M. Approval: _____ Budgeted Item: Yes No N/A

RECOMMENDED ACTION:

Discuss and provide direction to staff.

SUMMARY:

At the July 8, 2014 Town Council meeting, this issue was discussed and direction to staff was to keep the current regulations without any modification. The current regulations of the Development Code prohibit fencing of an undeveloped lot or vacant building. Since this discussion, the Council has heard from concerned residents regarding illegal dumping, trespassing, and the use of unauthorized vehicles on vacant lots causing dust issues. In consideration of these issues, Mayor Pro Tem Stanton requested that this issue be agendaized for further discussion. Council Member Nassif requested that regulations from other cities be included with the staff report for this item. Attached is the Council staff report from the July 8, 2014 discussion of the same topic.

Staff conducted a survey through the League of California Cities Listserve and had three cities respond, which do not regulate fencing on vacant lots. In fact, two (2) of the three (3) cities responding felt it was a right of land ownership and protection from illegal dumping and trespassing. However, these cities do not have the wide-open expansive desert to consider when determining appropriate regulations. So, staff determined that comparison at a local level may provide better insight of similar desert communities with the similar issues. Hesperia does not regulate fencing on vacant lots. However, Victorville does not allow chain link fencing on commercial lots, but does allow wrought iron. Victorville does not allow fencing on vacant residential property, but has a provision in the Code that provides an exception.

The exception applies to the following...

Section 16-3.24.090...

(4) On vacant property, a fence is needed to fulfill environmental mitigation or security requirements imposed by the City, State and/or Federal Government;

(5) It can be demonstrated that a continued security problem exists which exceeds those same problems incurred by similar properties in the vicinity. In such cases, the fence height, location and materials shall be subject to the review and approval of the Zoning Administrator;

Victorville and Hesperia allow for the fencing of vacant developed property for the purpose of protecting the structure or securing it from vandals.

Different types of barricades could be utilized, if the intent is to keep unauthorized vehicles from trespassing. There are areas of the Town that have been successful using large boulders or logs (similar to utility poles) around the perimeter to keep vehicles from trespassing. This type of barricade, in addition to chain link, could be considered with an exception, similar to the intent of Victorville's Code.

This report is intended to facilitate discussion, resulting in the Town Council providing staff with direction.

FISCAL IMPACT:

Not Applicable

ATTACHMENT:

July 8, 2014 Staff Report



TOWN OF APPLE VALLEY

TOWN COUNCIL STAFF REPORT

To: Honorable Mayor and Town Council **Date:** July 08, 2014
From: Lori Lamson, Assistant Town Manager **Item No:** 12
Subject: DISCUSSION REGARDING MODIFICATION TO THE DEVELOPMENT CODE REGULATION FOR FENCING TO ALLOW CHAIN LINK AROUND VACANT PARCELS AND UNDEVELOPED PROPERTIES

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

RECOMMENDED ACTION:

Consider initiating a Development Code Amendment and provide direction to staff.

SUMMARY:

Under the direction of the Town Manager, this item has been agendaized for discussion purposes for consideration of a Development Code Amendment. The Town has had a recent increase in the number of vandalized vacant buildings, squatters and illegal dumping activities on parcels throughout Town. The current regulations of the Development Code prohibit fencing of a lot or vacant building. Fencing would limit trespassing or illegal entry. Vacant buildings can be fenced to protect the public from a public nuisance or safety issues, such as the Apple Valley Plaza. However, vacant development and parcels that may be at risk of illegal activity cannot be fenced under the current regulations.

Illegal activities may be discouraged with the placement of chain link fencing. This fencing could be considered on a case-by-case basis, meeting certain regulations and findings administered by the Planning Division. A nominal fee to recover costs could also be collected for this permit. Once a parcel is developed or re-occupied, the fencing would be removed. With the initiation of a Development Code Amendment, the staff and the Planning Commission can recommend appropriate regulations and findings for the placement of this type of chain link fencing for the Council's final consideration.

FISCAL IMPACT:

Not Applicable