



Get a Slice of the Apple.

**TOWN OF APPLE VALLEY  
PLANNING COMMISSION AGENDA  
REGULAR MEETING  
WEDNESDAY, December 2, 2015 – 6:00 P.M.**

PUBLIC PARTICIPATION IS INVITED. Planning Commission meetings are held in the Town Council Chambers located at 14955 Dale Evans Parkway, Apple Valley, California. If you wish to be heard on any item on the agenda during the Commission's consideration of that item, or earlier if determined by the Commission, please so indicate by filling out a "REQUEST TO SPEAK" form at the Commission meeting. Place the request in the Speaker Request Box on the table near the Secretary, or hand it to the Secretary at the Commission meeting. (G.C. 54954.3 {a}).

Materials related to an item on this agenda, submitted to the Commission after distribution of the agenda packet, are available for public inspection in the Town Clerk's Office at 14955 Dale Evans Parkway, Apple Valley, CA during normal business hours. Such documents are also available on the Town of Apple Valley website at [www.applevalley.org](http://www.applevalley.org) subject to staff's ability to post the documents before the meeting.

*The Town of Apple Valley recognizes its obligation to provide equal access to those individuals with disabilities. Please contact the Town Clerk's Office, at (760) 240-7000, two working days prior to the scheduled meeting for any requests for reasonable accommodations.*

**REGULAR MEETING**

The Regular meeting is open to the public and will begin at 6:00 p.m.

**CALL TO ORDER**

**ROLL CALL**

Commissioners: Lamoreaux\_\_\_\_\_;Shoup\_\_\_\_\_;Tinsley\_\_\_\_\_  
Vice-Chairman Qualls\_\_\_\_\_; and Chairman Kallen\_\_\_\_\_

**PLEDGE OF ALLEGIANCE**

**APPROVAL OF MINUTES**

1. Minutes for the Regular Meeting of November 4, 2015.

**PUBLIC HEARING ITEMS**

2. **Development Code Amendment No. 2015-007.** An amendment to Title 9 "Development Code" of the Town of Apple Valley Municipal Code by amending Section 9.31.020 "Single Family Site Planning Design Standards" and Section 9.31.030 "Single Family Architectural Design Standards." The proposal will add plotting and design criteria specific to single family infill development. Additionally, this amendment will add to the Development Code the provisions adopted through Planning Commission Policy No. 2004-001 "Plotting and Design Criteria for Single Family Homes.

**Applicant:** Town of Apple Valley  
**Location:** Town-wide

**Project Planner:** Pam Cupp, Associate Planner  
**Recommendation:** Adopt Planning Commission Resolution No. 2015-012

3. **Development Code Amendment No. 2015-005.** An amendment to Title 9 "Development Code" of the Town of Apple Valley Municipal Code by amending Table 9.28.030-A(B)(8) as it relates to the keeping of llamas and alpacas and amending Section 9.29.030D as it related to small domestic animals  
**Applicant:** Town of Apple Valley  
**Location:** Town-wide  
**Project Planner:** Carol Miller, Principal Planner  
**Recommendation:** Adopt Planning Commission Resolution No. 2015-013.

### **PUBLIC COMMENTS**

Anyone wishing to address an item not on the agenda, or an item that is not scheduled for a public hearing at this meeting, may do so at this time. California State Law does not allow the Commission to act on items not on the agenda, except in very limited circumstances. Your concerns may be referred to staff or placed on a future agenda.

### **PLANNING COMMISSION COMMENTS**

### **STAFF COMMENTS**

### **OTHER BUSINESS**

4. **General Plan Consistency Finding.** The proposed Planning Commission action consists of a General Plan consistency finding pertaining to the acquisition of the Apple Valley Water System.  
**Applicant:** Town of Apple Valley  
**Recommendation:** Adopt Planning Commission Resolution No. 2015-014
5. A discussion pertaining to the role, charge, and authority of the Planning Commission and whether consideration of financial matters falls within its jurisdiction.

### **ADJOURNMENT**

Because there are no items scheduled for the meeting of December 16, 2015, the Planning Commission will adjourn to its next regularly scheduled Planning Commission meeting on January 6, 2016.

## **MINUTES**

### **TOWN OF APPLE VALLEY PLANNING COMMISSION Regular Meeting Wednesday, November 4, 2015**

#### **CALL TO ORDER**

At 6:05 p.m., the Regular Meeting of the Planning Commission of the Town of Apple Valley for November 4, 2015, was called to order by Chairman Kallen.

#### **ROLL CALL**

##### **Planning Commission**

Roll call was taken with the following members present: Commissioner Jason Lamoreaux, Commissioner Mark Shoup, Vice-Chairman Doug Qualls and Chairman Bruce Kallen. Absent: Commissioner B.R. "Bob" Tinsley.

#### **STAFF PRESENT**

Lori Lamson, Assitant Town Manager; Carol Miller, Principal Planner; Pam Cupp, Associate Planner; Haviva Shane, Town Attorney; and Yvonne Rivera, Planning Commission Secretary.

#### **PLEDGE OF ALLEGIANCE**

Vice-Chairman Qualls led the Pledge of Allegiance.

#### **1. APPROVAL OF MINUTES**

Minutes for the Regular Meeting of October 21, 2015.

Motion by Vice-Chairman Qualls, and seconded by Commissioner Lamoreaux, to approve the Minutes for the Regular Meeting of October 21, 2015, with the following amendments:

Page 1-2, under the Motion deleting "Chairman Lamoreaux" and replacing with "Commissioner Lamoreaux".

Page 1-6, under the Motion, deleting "Chairman Tinsley" and replacing with "Commissioner Tinsley".

Page 1-6, under Public Comments, Paragraph 3 deleting the last sentence and instead insert: "She also recommended adding a Condition of Approval that requires the Federal Aviation Administration (FAA) make a determination on the height, and that the Town receive a copy of the determination."

Motion Carried by the following vote: Ayes: Commissioner Lamoreaux, Commissioner Shoup, Vice-Chairman Qualls, and Chairman Kallen. Noes: None. Absent: Commissioner Tinsley. Abstain: None.

## **PUBLIC HEARING ITEMS**

2. **Conditional Use Permit No. 2000-008, Amendment No. 1.** A request to amend a previously approved Conditional Use Permit to allow the construction of two 2,466 square-foot residential buildings, each containing 3 apartment units, a 942 square-foot dining hall, a 1,473 square-foot administration building and an outdoor therapy pool at an existing care facility. The additional units will increase the facility from 42-bed facility to a 52-bed care facility.

**Applicant:** Mike Pontious representing Casa Colina Center for Rehabilitation

**Location:** The project site is located at 22200 Highway 18; APN 3112-731-07.

Chairman Kallen opened the public hearing at 6:08 p.m.

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

Ms. Miller responded to questions by the Planning Commission regarding the twenty-five (25)-foot setback requirement between buildings to the property line for any future commercial development on the adjacent parcel to the east..

Mr. Mike Pontious, Applicant, briefly commented on the expansion project. He noted this is the last expansion to this particular site.

Chairman Kallen asked the Applicant if he agreed to the Conditions of Approval.

Mr. Pontious stated he agreed with the Conditions of Approval.

## **PUBLIC COMMENT**

None.

Chairman Kallen closed the public hearing at 6:10 p.m.

## **MOTION**

Motion by Commissioner Lamoreaux, seconded by Vice-Chair Qualls, that the Planning Commission move to:

1. Find that, pursuant to the California Environmental Quality Act (CEQA), Section 15301, Class 1, the proposed request is Exempt from further environmental review.
2. Find the facts presented in the staff report support the required Findings for approval and adopt the Findings as provided for the CUP No. 2000-008 Amendment No. 1.
3. Approve Conditional Use Permit No. 2000-008 Amendment No. 1, subject to the attached Conditions of Approval.

4. Direct Staff to file a Notice of Exemption.

**ROLL CALL VOTE**

Ayes: Commissioner Lamoreaux  
Commissioner Shoup  
Vice-Chairman Qualls  
Chairman Kallen  
Noes: None  
Abstain: None  
Absent: Commissioner Tinsley  
The motion carried by a 4-0-0-1 vote.

3. **Conditional Use Permit No. 2015-001.** A request to approve a Conditional Use Permit to develop and operate a private kennel on property containing a single-family residence.

**Applicant:** Ms. Dawn Harvell

**Location:** The project site is located at 20131 Monte Vista Road; APN 0434-191-02.

Chairman Kallen opened the public hearing at 6:12 p.m.

Ms. Pam Cupp, Associate Planner, presented the staff report as filed by the Planning Division. She commented on the additional Conditions submitted by the Engineering Department. She noted that currently no road dedication exists for this site. She also noted, should the applicant receive three (3) or more complaints against the Kennel, she may have to come back to the Planning Commission for a Revocation Hearing.

Ms. Cupp would like to add the following Planning Condition:

*“Prior to issuance of the building permit, the Applicant shall demonstrate compliance with the maximum floor area allowed for accessory structures”.*

Discussion ensued regarding the road dedication. Ms. Lori Lamson, Assistant Town Manager, provided the Planning Commission with clarification as it relates to the recommendation for road dedication. She explained no road dedication has been required in the past by the County; therefore, any further permitting on the property would require a road dedication. Ms. Lamson noted the requirement for road dedication for any future building permits can be Conditioned.

Discussion ensued regarding, licensing requirements, and substantiated complaints. Ms. Cupp noted that Animal Services would be responsible for issuing a citation in response to a substantiated complaint against the Kennel.

Chairman Kallen asked, and staff responded, that there would not be signs placed along Deep Creek Road for the Kennel, as it is a non-commercial site.

Discussion ensued regarding the services provided by the Kennel that may fall under commercial, as well as Condition of Approval AS-13 as it relates to Revocation Hearings for Animal Keeping Permits through Animal Services.

Ms. Dawn Harvell, Applicant, responded to questions by the Planning Commission regarding the types of commercial services provided at the Kennel. She clarified that the letters she received are from people who have her dogs in their possession. She also stated the dogs would not be returning for breeding. Miss. Harvell also noted, currently, there are no citations that have been issued to the Kennel.

Chairman Kallen asked if Applicant if she agreed to the Conditions of Approval.

Ms. Harvell stated that she agreed with the Conditions of Approval.

### **PUBLIC COMMENT**

Mr. Fred Howe, Apple Valley, spoke in support of the Kennel. He believed the dogs have helped to heal him following a stroke. He respectfully requested that the Planning Commission approve the project.

Ms. Tina Pierce, Apple Valley, spoke in opposition of the project. She expressed concern regarding continuous barking.

Ms. Renee Smith, Apple Valley, spoke in opposition of the project due to the noise from the dogs barking.

Mr. Mike Arias, Apple Valley, requested to know the number of times a property is patrolled by Animal Services when there are twenty or more dogs on the property.

Ms. Carol Miller, Principal Planner, responded to the question asked by Mr. Arias. She stated there are no Animal Control Conditions that indicate the number of inspections by Animal Control; it only indicates that they have the authority to enter the property to enforce the provisions of the code.

Mr. Isaih Harvell, Apple Valley, spoke in support of the Kennel. He responded to the concerns expressed by the previous speakers as it relates to continuous noise from the Kennel.

Mr. Larry Pierce, Apple Valley, spoke in opposition of the project. He made recommendations to help control the noise that comes from the barking dogs.

Ms. Harvell, Applicant, responded to the concerns expressed by the speakers. She commented on the improvements made to help reduce the noise from the barking dogs. She also commented on future work planned as part of giving back to the community. She also stated she is willing to work with her neighbors with any concerns they may have.

Chairman Kallen closed the public at 6:55 p.m.

Discussion ensued regarding the need to add a new Condition that addresses sound attenuation insulation for the Kennel.

Ms. Cupp read into the record the following new Condition (P-17):

*“That all interior walls of existing and future kennels shall incorporate sound attenuation insulation.”*

Commissioner Lamoreaux would like to see a change made to the language in Condition P-7, deleting “citation” and replacing it with “violation”, in an effort to protect both the Applicant and Animal Services.

Ms. Cupp noted the change to Condition P-7, from “citations” to “violation”.

Discussion ensued regarding Revocation of license or Animal Control Permit as outlined in Section AS-13.

Ms. Lori Lamson, Assistant Town Manager, responded to concerns expressed by the Planning Commission regarding conditioning for noise in terms of insulation. She stated it would be in the best interest of the Applicant to find the best available sound attenuation so that she does not return to the Planning Commission with a Revocation.

Ms. Cupp read into the record the below added language to Condition P-7:

*“Three (3) or more violations against the Kennel”*

### **MOTION**

Motion by Vice-Chairman Qualls, seconded by Commissioner Lamoreaux, that the Planning Commission move to:

1. Find that, pursuant to the California Environmental Quality Act (CEQA), Section No. 15301, Class 1, the proposed request is Exempt from further environmental review.
2. Find the facts presented in the staff report support the required Findings for approval and adopt the Findings.
3. Approve Conditional Use Permit No. 2015-001, subject to Conditions of Approval, as amended.
4. Direct staff to file a Notice of Exemption.

### **ROLL CALL VOTE**

Ayes: Commissioner Lamoreaux  
Commissioner Shoup  
Vice-Chairman Qualls  
Chairman Kallen

Noes: None

Abstain: None

Absent: Commissioner Tinsley

The motion carried by a 4-0-0-1 vote.

### **RECESS MEETING**

Chairman Kallen declared a recess of the Town of Apple Valley Planning Commission meeting at 7:25 p.m.

**RECONVENED MEETING**

Chairman Kallen reconvened the Town of Apple Valley Planning Commission meeting at 7:30 p.m.

- 4. Development Code Amendment No. 2015-006.** An amendment to Title 9 “Development Code” of the Town of Apple Valley Municipal Code by amending Chapter 9.75 “Water Conservation/Landscaping Regulations” for compliance with the State of California Code of Regulations Title 23, Division 2, Chapter 2.7 “Model Water Efficient Landscape Ordinance” and to add landscaping standards applicable to single-family, in-fill development.

**Applicant:** Town of Apple Valley

**Location:** Town-wide

Chairman Kallen opened the public hearing at 7:32 p.m.

Ms. Pam Cupp, Associate Planner, presented the staff report as filed by the Planning Division.

Discussion ensued regarding the landscaping requirements for single-family in-fill development and the landscape requirements mandated by the state.

Ms. Lori Lamson, Assistant Town Manager, responded to questions by the Planning Commission regarding landscaping requirements, including design requirements for in-fill development that are recommendations by the Infill Ad Hoc Committee. She noted that the efforts made by the Town to modify the requirements for in-fill development occurred prior to the mandate by the state.

Chairman Kallen also commented on the discussions held at the Builder’s Workshop. He stated that information gathered from the workshop provided the In-fill Ad Hoc Committee with a better understanding as to the concerns expressed by Developers, which allowed them to make recommendations relating to the landscape requirements for single-family infill development.

**PUBLIC COMMENT**

Mr. Doug Vance, Apple Valley, commented on the landscaping requirements. He felt that ultimately, landscaping should be up to the homeowner.

Mr. Jim Chapdelaine, Apple Valley, expressed concern regarding the landscape ordinance, in particular the lack of information regarding side yard landscaping for single-family residence. He also commented on requirements for landscaping materials.

Mr. John Laraway, Apple Valley, expressed concern regarding the landscaping requirements by the Town. He believed the choice to landscape should belong to the homeowner. He believed fruit trees should be included as part of the landscaping requirements by the

Mr. Craig Carl, Apple Valley, asked a series of questions regarding the landscaping requirements. He believed the implementation of the landscape requirements would cause the real estate market to drop again.



Chairman Kallen closed the Public Hearing at 8:41 p.m.

Discussion ensued regarding the existing landscape standards for single-family in-fill development.

Ms. Cupp responded to questions by the Planning Commission regarding the landscape requirements placed on homeowners and the builders.

Discussion ensued regarding the Model Water Efficiency Landscape Ordinance.

**MOTION**

Motion by Chairman Kallen, seconded by Vice-Chairman Qualls, that the Planning Commission move to:

1. Approve Planning Commission Resolution No. 2015-010, forwarding a recommendation that the Town Council amend Title 9 "Development Code" of the Town of Apple Valley Municipal Code as outlined within the staff report.

**ROLL CALL VOTE**

Ayes:	Commissioner Lamoreaux Vice-Chairman Qualls Chairman Kallen
Noes:	Commissioner Shoup
Abstain:	None
Absent:	Commissioner Tinsley

The motion carried by a 3-1-0-1 vote.

**PUBLIC COMMENTS**

**PLANNING COMMISSION COMMENTS**

Vice-Chairman Qualls thanked Chairman Kallen, Commissioner Tinsley and staff for their work on the In-fill Ad Hoc Committee.

Chairman Kallen also thanked staff for their work on the In-fill Ad Hoc Committee.

**STAFF COMMENTS**

None.

**OTHER BUSINESS**

5. **General Plan Conformity Finding.** The proposed Planning Commission Action consists of a General Plan conformity finding for the disposition one (1) parcel of Town Land.

**Applicant:** Town of Apple Valley

**Location:** Generally located at the northwest corner of State Highway 18 and Standing Rock Avenue; APN 3112-251-13.

Chairman Kallen opened the public hearing at 8:50 p.m.

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

Commissioner Shoup questioned the potential use of the property when the property has a zoning of public Facilities (P-F).

Ms. Lori Lamson, Assistant Town Manager, explained for the benefit of the Planning Commission, how the sale of a vacant parcel to a private entity can be consistent with the General Plan. She also answered questions by the Planning Commission regarding surplus property owned by the Town.

**PUBLIC COMMENT**

None.

Chairman Kallen closed the public hearing at 8:58 p.m.

**MOTION**

Motion by Commissioner Lamoreaux, seconded by Vice-Chairman Qualls, that the Planning Commission move to:

1. Adopt Planning Commission Resolution No. 2015-011, finding and reporting that the location, purpose and extent of the Town's disposition of real property is in conformance with the Town's General Plan.

**ROLL CALL VOTE**

Ayes: Commissioner Lamoreaux  
Commissioner Shoup  
Vice-Chairman Qualls  
Chairman Kallen

Noes: None

Abstain: None

Absent: Commissioner Tinsley

The motion carried by a 4-0-0-1 vote.

**PUBLIC COMMENTS**

None.

**PLANNING COMMISSION COMMENTS**

Chairman Kallen would like to receive information regarding how other local cities address financial considerations for projects in the High Desert area.

**ADJOURNMENT**

Motion by Vice-Chairman Qualls, seconded by Commissioner Lamoreaux, and unanimously carried to adjourn the meeting of the Planning Commission at 8:59 p.m. to the Regular Meeting on December 2, 2015.

Respectfully Submitted by:

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Yvonne Rivera  
Planning Commission Secretary

Approved by:

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Chairman Bruce Kallen



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## TOWN OF APPLE VALLEY PLANNING COMMISSION

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### Staff Report

- AGENDA DATE:** December 2, 2015
- CASE NUMBER:** Development Code Amendment No. 2015-007
- APPLICANT:** Town of Apple Valley
- PROPOSAL:** An amendment to Title 9 "Development Code" of the Town of Apple Valley Municipal Code by amending Section 9.31.020 "Single Family Site Planning Design Standards" and Section 9.31.030 "Single Family Architectural Design Standards." The proposal will add plotting and design criteria specific to single family infill development. Additionally, this amendment will add to the Development Code the provisions adopted through Planning Commission Policy No. 2004-001 "Plotting and Design Criteria for Single Family Homes."
- LOCATION:** Town-wide
- 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. Pam Cupp, Associate Planner
- RECOMMENDATION:** Adopt Planning Commission Resolution No. 2015-012

#### **BACKGROUND**

On April 7, 2015, the Community Development Department hosted a workshop with developers and others to discuss single family residential in-fill development. Items discussed included design and landscaping standards. As a result of that workshop the Infill Development Ad Hoc committee was formed, including two (2) Town Council Members and two (2) Planning Commissioners, to review existing conditions and provide recommendations for improvement.

This amendment will modify the Development Code by incorporating plotting and design standards, specific to single family infill development as recommended by the ad hoc committee. The amendment will also codify the standards previously adopted under Planning Commission Policy No. 2004-001 "Plotting and Design Criteria for Single Family Homes.

### **DISCUSSION**

The Development Code does not specifically identify plotting criteria or preferred architectural treatments for single family infill development. In March of 2004, the Planning Commission adopted an architectural policy statement directed towards tract development. Because it is staff's position that in-fill developers should be held to the same architectural standards as tract developers, staff has been applying the plotting and architectural criteria similar to those outlined within the Policy to single family infill developments.

Some of the policy criteria used to architecturally evaluate an infill project includes the following:

#### **Plotting**

- If the same floor plan is used for adjacent homes, one shall be the reverse of the other and have a different elevation.
- No two adjacent homes using the same floor plan, elevation and/or color scheme shall be constructed on any cul-de-sac or along any street between intersecting streets.
- No two adjacent homes using the same floor plan shall have the same exterior color scheme/treatment.

#### **Design**

Many of the infill builders have attempted to submit for plan review homes that lack any architectural characteristics. In an effort to enhance the architectural quality of infill homes, staff required that single family homes have a minimum of five (5) architectural details upon the front and street side elevations. These details may include, but are not limited to the following:

- Varying wall planes.
- Varying roof heights/angles.
- Two primary materials.
- Contrasting colors.
- Decorative garage doors.
- Front porches/recessed entryways.
- The use of columns.
- Shutters.
- Decorative windows.
- Architecturally enhanced eaves.
- Pop-out bands/decorative trim.
- Corner lots require front and street side architectural features.

During the initial workshop, many of the infill developers expressed concern that the level of architectural detail was not consistently applied. It is essential for those individual seeking such review that the Town provide sound, appropriate and consistent standards and criteria relating to the review and approval of the architectural appearance of new single family homes. The Infill Ad Hoc committee was presented Development Code language and the criteria used to architecturally evaluate infill development. It is the recommendation of the committee that detailed design and plotting criteria should be incorporated into the Development Code.

The committee has provided a recommendation that the level of architectural detail for infill development be based upon the size of the home and suggested that developers be provided a list of architectural features to select from. Staff presented the committee with a checklist that is based upon a point system. Substantial architectural features count as one (1) point and minor features require a selection of at least five (5) items to achieve one (1) point. The required number of points would be based upon the square footage of the home. As a supplement to the checklist, it was further recommended that staff provide pictorial definitions for the architectural features listed.

The draft checklist and pictorial definitions are attached for Commission review. Upon final adoption of this Amendment, staff will return the design checklist to the Planning Commission for final review and approval via Planning Commission Policy.

The following is a strike-thru/bold underline version of the proposed changed to Development Code Chapter 9.31 "Residential Design Standards" based upon the Infill Development Ad Hoc Committee recommendations. Clarifying language has also been incorporated to simplify implementation.

## **CHAPTER 9.31 RESIDENTIAL DESIGN STANDARDS**

### **9.31.020 SINGLE FAMILY SITE PLANNING DESIGN STANDARDS** (*AMENDED ORD. 272, 326, 343*)

An important goal of single family site planning is to create functional and visual variety along local streets. It is the intent of these design standards to discourage subdivisions where identical homes march down long, uninterrupted straight streets, with no variation in building placement or the street scene.

- A. *Siting Structures and Lot Preparation.*** The following standards shall be used in evaluating the site and structure design of new single family and multi-family developments. Appropriate designs will:
1. Protect natural slopes, contours, ridgelines and other elevations;
  2. Preserve significant landscape features and patterns;
  3. Take into account existing sites and structures and be sensitive to the preservation of established vistas and view corridors;
  4. Utilize contour grading to blend into existing landforms, rather than severe cutting, filling, padding or terracing;
  5. Avoid steep cuts and minimize soil import or export;
  6. Avoid the creation of structures out of scale with their surroundings by not building up pads on artificial platforms to create or enhance views;
  7. For infill and previously subdivided lots, minimize grading and site preparation to reduce erosion, soil exposure and minimize impacts on natural drainage courses. Except for activities required to extend access and infrastructure, and to provide for drainage, disturbance of a site shall be limited to thirty (30) feet surrounding the building pad;
  8. Round and contour graded slopes to blend with the existing terrain. Native vegetation shall be retained and incorporated into the project wherever possible. Grading for building pads shall be sensitively designed to

reduce disturbance and visual impacts. Split pad grading shall be utilized in place of excessive soil export/import to create a building pad.

9. Minimize the removal of native vegetation;
  10. Separate and screen structures from each other to maximize privacy; and
  11. Site single family dwellings on a lot to respond to and to respect property views, site features, existing topography, and any adjacent existing development. Dwelling units need not be sited parallel to the street if other orientations take better advantage of site features.
  12. Through lots or reverse frontage lots should be avoided. Tracts of single-family dwellings should not back onto local road rights-of-way and should front onto these local roads.
- B. Infill in Existing Neighborhoods.** New single family development in existing neighborhoods shall be compatible with the adjacent residences.
1. **Infill Setbacks.** The setbacks of infill development shall be either:
    - a. Equal to the average setback of all residences on both sides of public rights-of-way within 200 feet of the property lines of the new development; or
    - b. Equal to the average of the two (2) immediately adjacent residences.
  2. **Roadway Improvements.** Roadway improvements on infill lots in existing neighborhoods shall match roadway improvements of the two adjacent lots.
- C. Driveway Entries/Garages.** Where ample room exists, circular driveway entries are preferred. Such driveways allow motorists to enter and exit the property in a forward motion. Garages may be detached and connected to the residence by a breezeway. In addition:
1. Garage doors shall be setback a minimum of twenty (20) feet to allow driveway parking clear of sidewalks and public rights-of-way.
  2. Angled garages are encouraged to improve the streetscape by breaking up the monotony of all garage doors being parallel to the street.
  3. **Orientation of garage should be opposite of bedrooms on adjacent house when possible.**
- D. Setbacks** The following setback requirements shall apply:
1. **Front Yard.** Placement of residences and garages close to or back from the street creates different patterns of visible open space. The structures themselves, when closer to the street, add to the diversity of the view. The minimum offset of front setbacks for adjacent properties shall be five (5) feet. **When located on a curvilinear street, which provides a varied street scene, the minimum variation shall be three (3) feet. When one and two-story homes are adjacent, the two-story home shall have the larger front setback.**
  2. **Side Yard.** Varying the distance between adjacent residences, or between residences and fences, results in different types of yards and private patio areas. Within subdivisions, side yard setbacks shall be varied from each side of the lot to create unique spaces and break up visual monotony from the street.
- E. Reverse Frontage Lots/Subdivision Walls**
1. All subdivision perimeter walls parallel to major or secondary streets rights-of-way shall be consistent with the design standards of subsection 9.31.030.C, Walls and Fences, of this Chapter. Subdivisions adjacent to local road rights-of-way should not have perimeter walls. Vinyl, wood and wrought iron is preferred if lots cannot be oriented toward the local road.
  2. Tract areas which back onto rights-of-way shall be landscaped as required by subsection 9.75.040.E, *Landscaping Improvement Requirements*, of this Code.
  3. Residential tracts which back onto vacant areas that are not intended to be future local roads may be permitted to construct a wall around the perimeter of the tract adjacent to this vacant area.
  4. Provide bike paths and equestrian trails as required by the General Plan.
  5. Perpetual maintenance arrangements of these areas is subject to approval by the Town Engineer and the Director.

**F. Landscaping**

1. Xeriscape landscaping techniques shall be use in all front yards, street side yards and in all parkway areas in accordance with Chapter 9.75 “Water Conservation/Landscape Regulations”, of this Code.
2. Within parkway and common areas, in accordance with Chapter 9.75, *Water Conservation/Landscaping Regulations*, of this Code, landscaping materials shall be drought resistant, native type plants, trees and groundcover.

**G. Cul-De-Sac Treatments.** Cul-de-sacs are recognized as an excellent opportunity to enhance the privacy and safety of residents, especially children. Cul-de-sac designs are strongly encouraged subject to the following :

1. Length shall not exceed 600 feet without secondary access.
2. To avoid confusion for emergency services personnel, cul-de-sac names shall not be derived from other nearby streets.
3. Cul-de-sacs on private streets shall include a landscape island in the center of the cul-de-sac.
4. Driveways shall be separated by a minimum planting strip of five (5) feet.

**H. Planned Residential Developments**

1. **Zero Lot Line Residences.** Zero lot line residences (residence is flush to a side lot line), as allowed in Planned Residential Developments, shall provide courts and patios that conventional lots may prevent. Also, an articulated street scene shall be provided (Figure 9.31.020-C
2. **Attached Dwellings.** Attached dwellings can look like two or more separate structures or like one large custom home, depending on the articulation and treatment of the roof line and the facades. Attached dwellings shall be used to yield larger open space areas between structures (Figure 9.31.020-D).

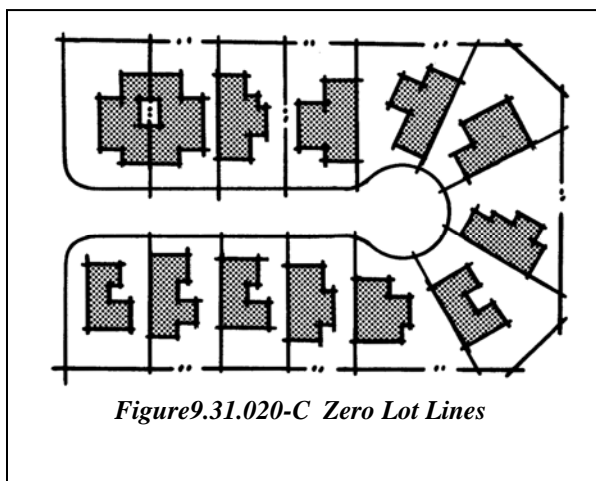


Figure 9.31.020-C Zero Lot Lines

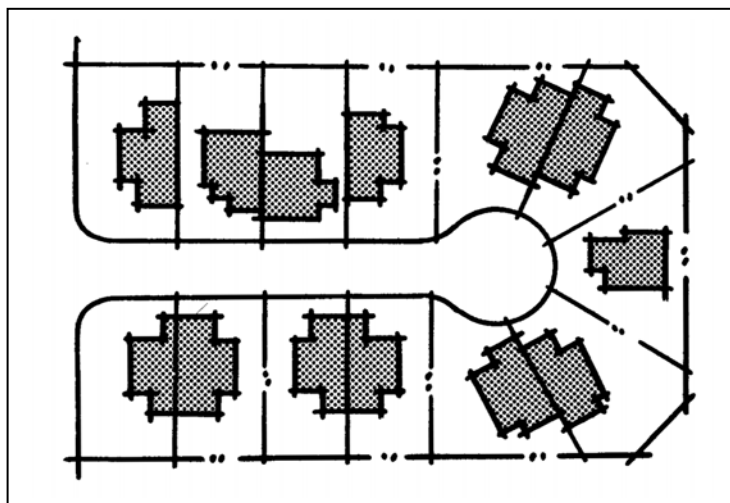


Figure 9.31.020-D Attached Dwellings

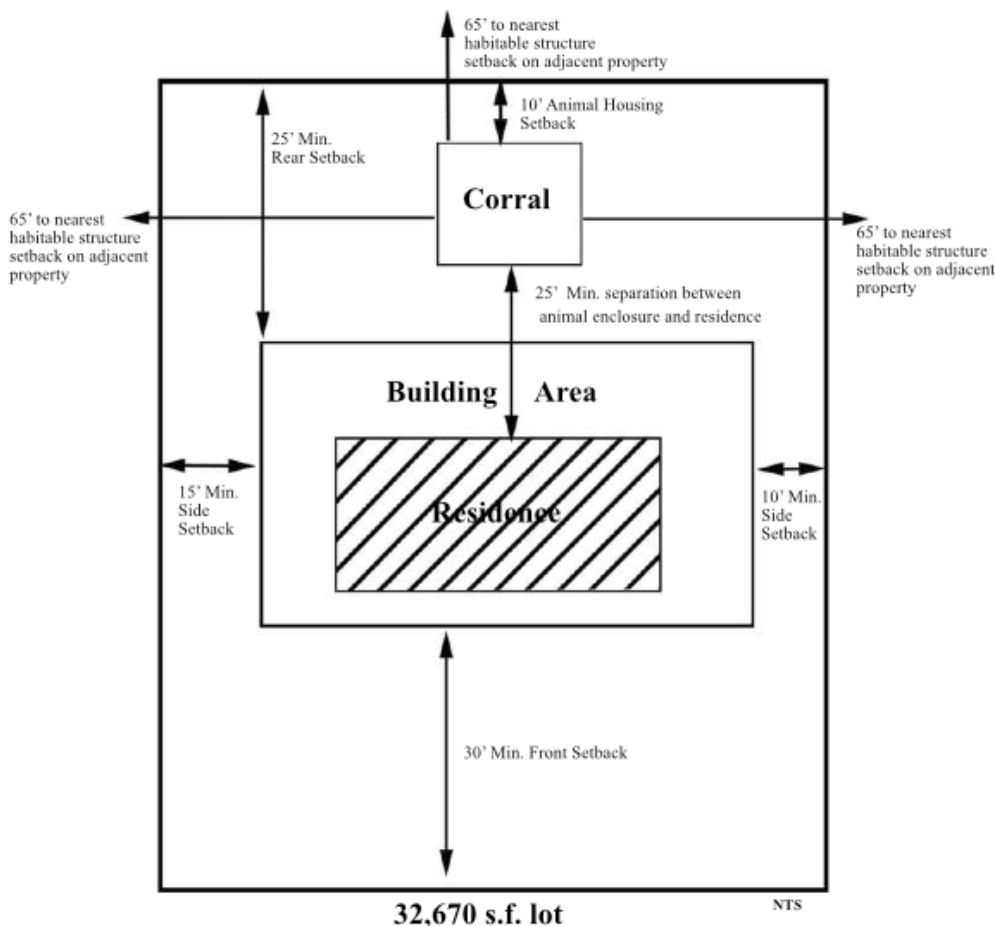


**I. Residential Estate ¾ Site Planning for Equestrian**

An important goal of site planning for equestrian purposes is to create functional and visually pleasing parameters that will serve to meet equestrian needs, discourage restrictions on equestrian accessory structures, and standardize permitted uses within equestrian districts. The following site planning standards are suggested for Residential Estate ¾ (equestrian) lots larger than 32,670 square feet.

**1. Setbacks for Equestrian Accessory Structures.** The following setbacks apply:

- a. Stables and Corrals.** Placement of equestrian accessory structures such as stables and corrals shall be consistent with Chapter 9.29.030 and should consider a minimum rear setback of ten (10) feet from the property line and be a minimum of sixty-five (65) feet from offsite habitable structures. Such buildings and roofed structures existing prior to the development of adjacent vacant property and closer than sixty-five (65) feet to new construction setbacks shall become a legal nonconforming use.



**9.31.030 SINGLE FAMILY ARCHITECTURAL DESIGN STANDARDS** (AMENDED ORD. 313, 315, 343, 369, 430)

- A. Architectural Style.** While there is no particular architectural style required for single family residential structures, the focus shall be on the development of a high quality residential environment. In selecting an architectural style, compatibility with the desert environment should be considered. ~~Desert appropriate~~ **American Desert and Ranch** architectural styles ~~that used to blend with the dwelling unit into~~ the natural desert environment are encouraged. Traditional American ~~Southwest, desert~~ **Spanish Revival, Pueblo, Mediterranean/Italianate or Craftsman** architectural styles ~~such as~~ are also encouraged.

**B. Environmental Design.** Desert appropriate environmental design shall respond to the environmental conditions of the high desert by responding to sun, wind, heat and cold. Building and landscaping responses to the environmental conditions of the Town's desert climate which provide shelter and relief from sun and wind, such as broad overhangs, ~~entry treatments and arbors~~ **and front porches**, are strongly encouraged. Building designs which **reduce** ~~minimize~~ the need for mechanical heating and cooling are also encouraged.

**C. Architectural Diversity**

**1. Single Family In-fill Plotting Criteria**

- a. If the same floor plan is used for adjacent homes, one shall be the reverse of the other, whenever possible, and have a different elevation.
- b. No two homes using the same floor plan, elevation and/or color scheme shall be constructed on any cul-de-sac bulb.
- c. No two adjacent homes using the same floor plan shall have the same exterior color scheme/treatment.

**2. Single Family Subdivision Plotting Criteria. All residential subdivision development (except single-family residential homes built on individual lots or tracts conditioned for custom home development) shall require the review and approval of a Development Permit by the Planning Commission subject to the provisions of Chapter 9.17 "Development Permits" of this Code and the following:**

- a. In order to achieve diversity and to promote the custom home style prevalent in Apple Valley, the number of floor plans and elevations enumerated in Table 9.31.030-A shall be offered in a subdivision:

**Table 9.31.030-A Floor Plans/Elevations Required**

Number of Units	Minimum Floor Plans Required	Minimum Elevations Required *
Less than 40 units	three (3) plans	total of six (6) elevations
40 to 100 units	four (4) plans	total of twelve (12) elevations
More than 100 units	five (5) plans	total of fifteen (15) elevations

Note: Color scheme variations sensitive to the natural colors of the landscape shall be utilized.

- b. No more than twenty-five (25) percent of the homes on any block, including both sides of the street, shall have the same elevation.
- c. A floor plan shall not be used consecutively more than three times in a row (whether reversed or not).
- d. If the same floor plan is used for adjacent homes, one shall be the reverse of the other whenever possible, and have a different elevation.
- e. No more than 65% of any one floor plan shall be used on any cul-de-sac or along any street between intersecting streets.
- f. No two homes using the same floor, elevation and/or color scheme shall be constructed on any cul-de-sac bulb.
- g. No two adjacent homes using the same floor plan shall have the same exterior color scheme/treatment.

**D. Building Materials.**

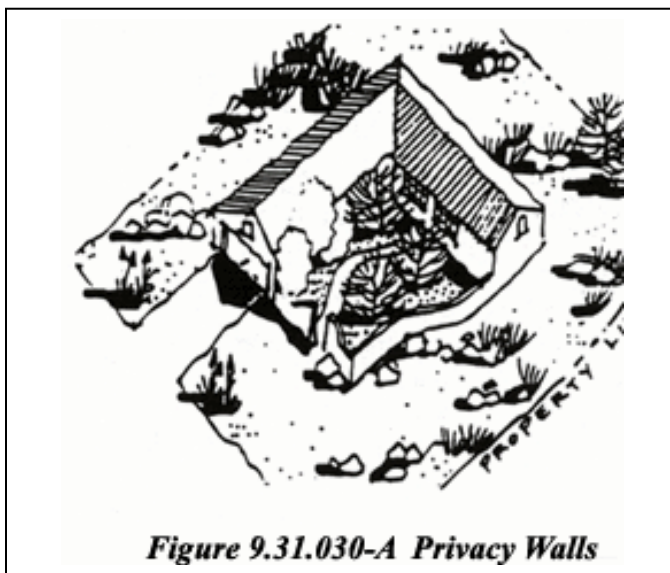
- 1. Metal or aluminum siding, reflective materials and finishes, and unfinished concrete block shall be avoided unless they are necessary as a part of an established or common architectural style upon review and approval of the Planning Commission on a case-by-case basis.
- 2. Stone, brick, masonry, stucco, adobe and smooth plasters are required when such architectural treatments are used upon the main structure on site.
- 3. The use of corrugated metal on any exterior is prohibited.

4. **The use of wooden T1-11 on any exterior will require Director review and approval. Approval shall be based upon product quality and proven durability.**
5. ***Roofing Materials*** Metal roofing materials simulating traditional “S” shaped or flat tile roofing material, simulating shake roofing material (if consistent with surrounding homes), and materials identified within the Planning Commission Metal Roof Policy Statement shall be permitted within all residential zoning districts. All other exposed metal material used for roofing may be reviewed and approved by the Planning Commission on a case-by-case basis as follows:
  - a. The Planning Commission shall determine that the proposed roofing material is consistent and compatible with and complimentary to the architectural and aesthetic character of the home upon which the roofing shall be placed, and consistent and compatible with and complimentary to the architectural and aesthetic character of the surrounding residential homes. Upon such determination, the Commission may approve said roofing material.
  - b. If, however, the Commission determines that the proposed roofing material is not consistent and compatible with and complimentary to the architectural and aesthetic character of the home upon which the roofing shall be placed, and consistent and compatible with and complimentary to the architectural and aesthetic character of the surrounding residential homes, the Commission shall not approve said roofing material.
  - c. Roofing material giving the appearance of a flat, seamless roof is expressly prohibited within all residential zones.

**E. Building Articulation**

1. Recessed windows and doors are encouraged to add articulation to the wall surface. Particular attention should be given to the shading of windows with southern and southwestern exposure.
2. A variety of heights, setbacks, roof shapes, trim, and sizes should be used to create visual complexity within a cohesive design.
3. Broad roof overhangs are recommended to produce interest and to respond to climatic conditions, especially when used in combination with courtyards, porch enclosures, balconies and recesses.
4. All street elevations shall be architecturally treated.

- F. Front Privacy Walls/Recessed Entryways.** Front privacy walls finished to match the residence are encouraged. Such privacy walls can be utilized to define private space and act as a border between the natural desert landscape and intense use areas. Recessed entryways and other shade and wind mitigating devices (arbors, patio covers, courtyards, porches) which shelter the user from the natural elements are also encouraged (Figure 9.31.030-A).



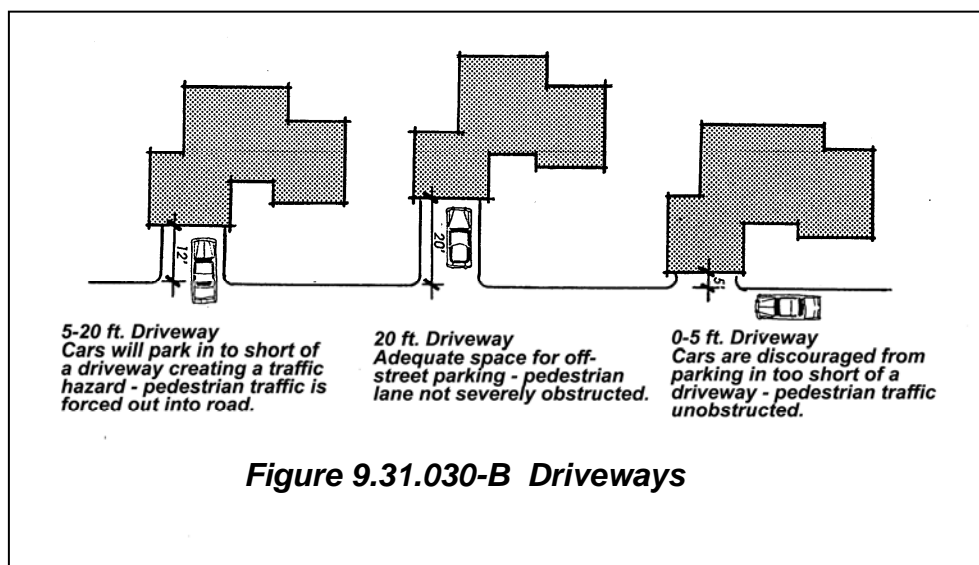
**Figure 9.31.030-A Privacy Walls**

- G. Single-Family In-fill Design Criteria.** All in-fill development shall be architecturally designed to project an image of a custom home. The number of custom features shall be based upon architectural style and/or overall size of home, subject to the Planning Commission Design Criteria Policy. Architectural features may include, but not be limited to the following:

1. A variety of enhanced architectural features and materials shall be provided on every front and street side elevation. This can include, but is not limited to, porches, bay windows, pop-outs, veneers, rock, brick, wood siding, etc., or such other features.
2. All garage doors shall be sectional or roll-up. Glass window accents and/or custom designs are encouraged.

3. Trim, including that with a stucco covering, shall be painted in a contrasting color. The contrasting color shall be compatible with the structure's primary color.
  4. Homes with a trim (band) feature, which distinguishes the first and second floors, should have the band on the front and rear elevation of the homes. The band will only be required on the side elevation, on corner lots where the elevation is visible from the street.
  5. Two-story homes with a second story elevation facing a public right-of-way shall be provided with design features which could include pot shelves, shutters, wood siding under roof peaks, color contrasting paint under roof peaks and/or windows, etc./ or such other features.
  6. Architectural treatment to chimneystacks is encouraged.
  7. A wall-mounted lighting fixture shall be provided at the front porch area, as well as one on each side of the garage door(s) for a maximum total of three lighting fixtures are required. Decorative fixtures are encouraged.
  8. Front entry doors with windows and/or decorative treatments are desirable.
  9. Architectural treatments shall wrap around to the interior side or rear elevation a minimum of three (3) feet. Treatments to each elevation are encouraged.
  10. Builders are encouraged to incorporate a custom, recognizable design feature into their stock plans.
- H. Single-Family Subdivision Development Design Criteria. All residential tract development (except single-family residential homes built on individual lots or tracts conditioned for custom home development) shall require the review and approval of a Development Permit by the Planning Commission subject to the provisions of Chapter 9.17 "Development Permits" of this Code and the following:
1. A variety of enhanced architectural features and materials shall be provided on every front elevation. This can include, but is not limited to, porches, bay windows, pop-outs, veneers, rock, brick, wood siding, etc., or such other features approved by the Planning Commission.
  2. At least two out of every three models shall provide general architectural relief at the rear elevation of each home in order to avoid one continuous wall or flat surface on the rear of the home. Fireplaces, rear yard trellises, and media niches may be considered in this requirement.
  3. A variety of designs shall be used on garage doors, with no two adjoining homes that have the same floor plan and elevation using the same garage door pattern. In no case shall more than three homes of any floor plan or elevation have the same garage door pattern in a row. At least two out of three shall be provided with garage door windows in a variety of designs.
  4. All garage doors shall be sectional and roll-up. The applicant shall provide a color board indicating proposed garage door colors for Planning Commission approval.
  5. Trim with a stucco covering may be painted in a contrasting color. The contrasting color shall be color compatible with the structure's primary color.
  6. Homes with a trim (band) feature, which distinguishes the first and second floors, should have the band on the front and rear elevation of the homes. The band will only be required on the side elevation, on corner lots where the elevation is visible from the street.
  7. Two-story homes with a second story elevation facing a public right-of-way shall be provided with design features which could include pot shelves, shutters, wood siding under roof peaks, color contrasting paint under roof peaks and/or windows, etc./ or such other features approved by the Planning Commission.
  8. The Director, or designee, shall have the authority for minor architectural changes focusing around items such as window treatments, color combinations, façade treatments, and architectural reliefs. Questions on the interpretation of this provision or changes not clearly within the scope of this provision shall be submitted to the Planning Commission for consideration under a Revision to the Design Review.
  9. Architectural treatment shall be provided on each chimneystack.
  10. When used, mullions shall be provided on first, second and third-story windows, as approved by the Planning Commission. The mullions shall be provided in a variety of shapes.

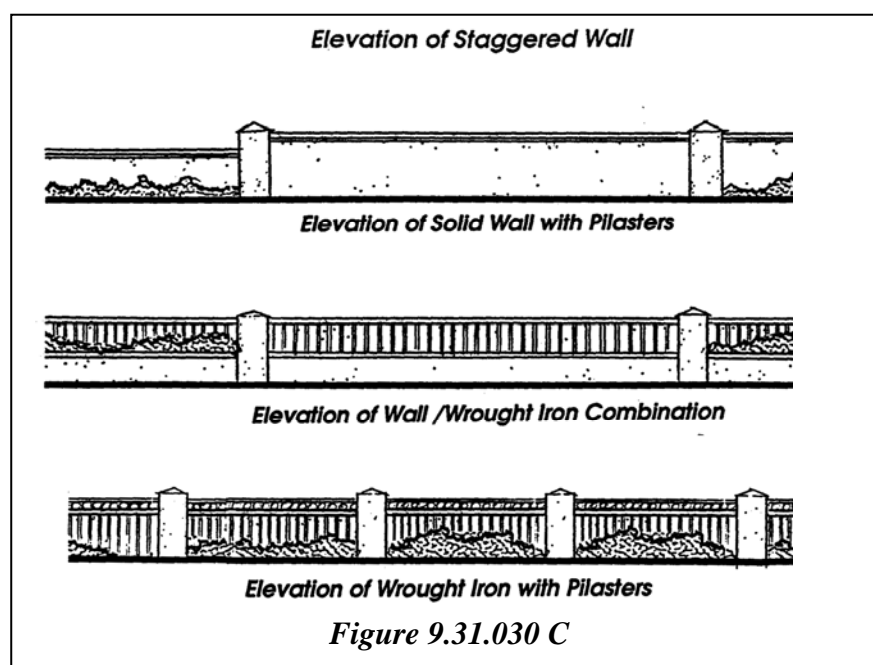
11. A wall-mounted decorative lighting fixture shall be provided at the front porch area, as well as one on each side of the garage door(s) for a maximum total of three lighting fixtures.
  12. All front entry doors shall provide either a window or the decorative treatment approved by the Commission under the Development Permit.
  13. The electric and/or gas meter adjacent to and serving each home shall be screened from view from any public right-of-way by shrubs or other landscaping approved by Planning Division. All above ground utility boxes or pedestals located within the front or side yard setback area(s), or within the public right-of-way adjacent to such setback area(s), shall be camouflaged with shrubs or other landscaping approved by Planning Division.
  14. All block walls shall be capped with a prefabricated block cap. Stucco walls must have a molded top.
- I. **Additional Architectural Standards for Attached Units.** In addition to the architectural design standards for single family dwellings, the following design standards shall apply to attached single family dwellings:
1. Single family attached dwellings shall be architecturally articulated to project an image of customized homes. Preferred configurations include architectural treatment either as a large custom single family unit or as individually articulated dwellings such as traditional rowhouses.
  2. Adjacent driveways shall be separated by a planting strip.
  3. Dwellings with driveways less than twenty (20) feet in length shall be provided with automatic garage door openers to prevent cars parked in the driveways from obstructing pedestrian movement on sidewalks (Figure 9.31.030-B).



J. **Accessory Features**

1. **Accessory Structures.** The design of accessory structures (greater than 120 square feet) including second units, garages, guesthouses, cabanas and storage buildings shall be architecturally compatible with the primary structure through the use of compatible building materials, walls/roofs/trellises, fence/wall connections and/or landscaping.
2. **Mechanical Equipment**
  - a. Any equipment, whether on the roof, side of the structure or ground, shall be screened from public view from adjacent property or from a public right-of-way.
  - b. In new development, the method of screening shall be integrated into the architectural design of the building and/or landscaping.

- c. In existing development which is modified pursuant to ~~subsection 9.07.030.B, Additions, Enlargements or Alterations~~ Chapter 9.07 "Nonconforming Uses and Structures" of this Code, the method of screening shall be architecturally compatible with the structure on which it occurs in terms of materials, color, shape and size.
3. **Vents, Gutters and Downspouts.** Roof flashing, rain gutters, downspouts, vents, **renewable energy conduit**, and other roof protrusions shall be finished to match, **or complement**, the roof or facade materials and/or colors which provide the background.
  4. **Attached and Detached Accessory Structures.** Construction of any permanent or semi-permanent attached or detached accessory structure shall conform to the standards and criteria as detailed within ~~Section 9.29.022 "Semi permanent Carports and Accessory Structures or Shelters for the Storage of Cars, Boats, Recreational Vehicles, Trailers, Self-propelled Equipment and Related Bulk Items."~~ of Chapter 9.29 "Special Use Regulations for Residential Districts" of this Code.
- K. **Walls and Fences.** Fencing requirements shall remain flexible, but installations should take advantage of the natural features of the site like topography and vegetation.
1. Closed privacy fencing should be limited to the immediate area around the home or outbuildings. Vinyl or wooden fencing shall be designed to withstand the frequent high desert winds. Grape stake or three (3)-inch slats are not permitted.
  2. Large courtyards created by extending building walls with architectural walls similar to building walls providing private outdoor open space are strongly encouraged.
  3. Property line walls and fences adjacent to streets shall be constructed of decorative materials such as vinyl or wood rail fencing, split face block or slumpstone. Such fencing shall incorporate appropriate decorative enhancements such as caps or pilasters. Chain link fencing in the front yard and abutting a street side yard of a corner lot are prohibited in the Residential Single-Family (R-SF) and Residential Equestrian (R-EQ) Zoning Districts, where the residence is constructed after June 7, 2007. Within the Very Low Density Residential (R-VLD), Residential Agriculture (R-A), Low Density Residential (R-LD), Estate Residential (R-E), Estate Residential  $\frac{3}{4}$  (R-E  $\frac{3}{4}$  ), Residential Equestrian (R-EQ) and Residential Single-Family (R-SF) Zoning Districts, perimeter walls for new subdivisions on local streets in existing neighborhoods are prohibited where the wall would be located opposite front yards.
  4. **Subdivision Walls.** Subdivision walls shall be articulated by regularly spaced pilasters or landscape insets, decorative caps and landscaping. Pilasters or insets shall be spaced a maximum of forty (40) feet on center (Figure 9.31.030-C).



## **FINDINGS**

An amendment to the Development Code requires that the Planning Commission address two (2) required "Findings", as listed within Development Code Section 9.06.060. For Commission consideration, the required Findings are listed below, along with a comment addressing each. If the Commission concurs with these comments, they may be adopted and forwarded to the Council for its consideration of the Development Code Amendment. If the Commission wishes modifications to the offered comments, after considering input and public testimony at the public hearing, modifications to the Findings and Code Amendment recommendations can be included into the information forwarded to the Council for consideration.

- A. The proposed amendment is consistent with the General Plan; and

Comment: The General Plan provides the basic framework for land development within the Town of Apple Valley, with the Development Code setting the specific standards and criteria to fulfill the General Plan's Goals and Policies. The proposed Code Amendment is consistent with the General Plan because it incorporates succinct design standards to ensure quality development all single family areas consistent with the Town's General Plan Policies and Programs.

- B. The proposed amendment will not be detrimental to the public health, safety or welfare of the Town or its residents.

Comment: Amending the Code as proposed under Development Code Amendment No. 2015-007 will create design guidelines specific to single family development. As required within the General Plan, the amendment will enumerate the Town's minimum design requirements that will encourage and enhance the quality of life. Thus, the amendment proposed shall result in a change to the Code that addresses the community's living environment while providing for the health, safety and general welfare of the citizens of the Town of Apple Valley.

## **NOTICING**

Development Code Amendment No. 2015-007 was advertised as a public hearing in the Apple Valley News newspaper on November 20, 2015.

## **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 Code Amendment, may have a significant effect on the environment, the activity is not subject to CEQA.

## **RECOMMENDATION**

Following receipt of public input and discussion by the Commission, it is recommended that the Commission move to approve Planning Commission Resolution No. 2015-012, forwarding a recommendation that the Town Council amend Title 9 "Development Code" of the Town of Apple Valley Municipal Code as outlined within the staff report.

**Prepared By: Reviewed By:**

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Pam Cupp  
Associate Planner

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Carol Miller  
Principal Planner

Attachment:

1. Design Criteria Checklist
2. Pictorial Examples of Design Criteria
3. Planning Commission Resolution No. 2015-012



## Design Criteria Checklist

*A minimum of one point from each list must be included in the design of an infill single-family residence. Five items from the Minor list equals one point. One item from the Major list equals one point. The number of required points is determined by the square footage breakdown shown below. For pictorial examples of the terms referenced in this list, see the attached definitions. The Director shall have the authority to interpret and/or allow features not specifically identified.*

### **Minor Features (5 checks equals one point)**

*Decorative features shall be required on the front and street side yard for corner lots.*

- contrasting colors
- window surrounds, decorative sills or lintels
- decorative pilasters/columns/piers
- garage door with windows or decorative style (i.e. carriage style, barn door style)
- different shaped windows on the same floor which can include:
  - transom windows
  - arched windows
  - french doors
  - other \_\_\_\_\_
- decorative front door may include side lites, transom windows, decorative custom design
- boxed eaves, large overhangs at least 18", or exposed rafter tails, kickers or brackets
- decorative windows with muntins and mullions and/or arches and may include lead, colored glass or divided lites
- architectural moldings/ornamental details:
  - roundel
  - decorative vents
  - finials
  - medallions
  - quartrefoils
  - dentils
  - quiones
  - eyebrows
  - cornice moldings
  - band course/belly band
  - other \_\_\_\_\_
- Roof material other than composition shingle (i.e. concrete tile, clay tile, simulated wood shake/shingle)
- door and window details (i.e. keystones, dentils or pediments over doors and windows)
- decorative iron work
- shutters and/or window boxes
- decorative window/door reveals (i.e. arched reveals, window or door reveals)
- second story reveal

- decorative/architectural niche
- decorative chimney tops
- smooth stucco finish
- quality decorative carriage lighting on each side of garage door and at front entry
- decorative pavers or stamped concrete walkways
- on corner lots, placing the house at an a minimum of 30 degree angle.
- stucco eaves and fascia
- rain gutters and down spouts
- solar panels on roof
- decorative/stylized roof vents

### **Major Features (1 check equals one point)**

- 2 types of materials (i.e. wainscot)
- covered front porch or arbor
- portico or decorative pronounced entryway
- front balcony
- tower feature in front or street side yard
- front courtyard niches
- garage doors not facing street
- three (3)-car garage or greater
- traditional architectural style (see definitions - i.e. spanish revival, pueblo, craftsman, ranch)
- front or street side bay window, overhang jetty
- front or side yard porte cochere
- multiple roof lines and roof heights (i.e. shed roof, dormers)
- multiple off-sets on elevations
- front planter walls or front privacy walls that match the residence, preferably stucco, stone or brick with a decorative cap.

### **Point Requirement For House Size, excluding patios and porches.**

1,200 sq. ft. - 1,499 sq. ft.	3 pts.
1,500 sq. ft. - 1,799 sq. ft.	4 pts.
1,800 sq. ft. - 2,199 sq. ft.	5 pts.
2,200 sq. ft. - 2,799 sq. ft.	6 pts.
2,800 sq. ft. and above	7 pts.

**Pictorial Definitions/Samples -**



Rafter Tails



Quoins



Belly Band



Decorative Iron Work



Wainscot



Shutters (faux shutters)



Balconies



Decorative vents



Pilaster



Decorative Porch with Stylized Columns



Molding with "Reveal Lines"



Cornice with Dentil



Tower Feature/Prominent Entryway.

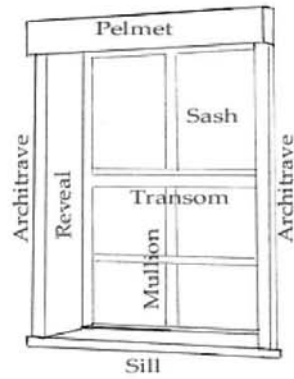


Eave/Box

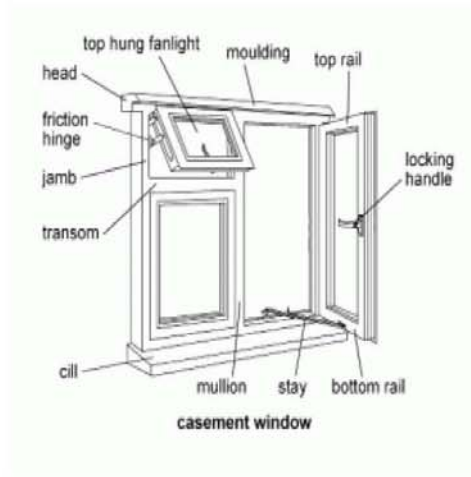




Residence with Medallion/Feature

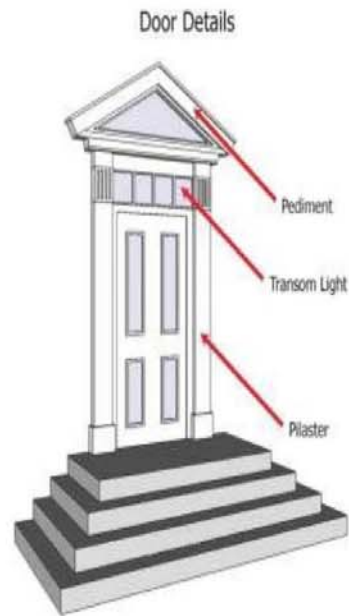


Windows with Mullions Sash Transom, Muttons and Architrave



Casement Style Window

Pediments and/or Transom over Door





Different Sizes and Styles of Windows on Street Facing Elevation



Use of Precast Concrete Trim along with Keystone Arches and Sills



Use of Quatrefoil



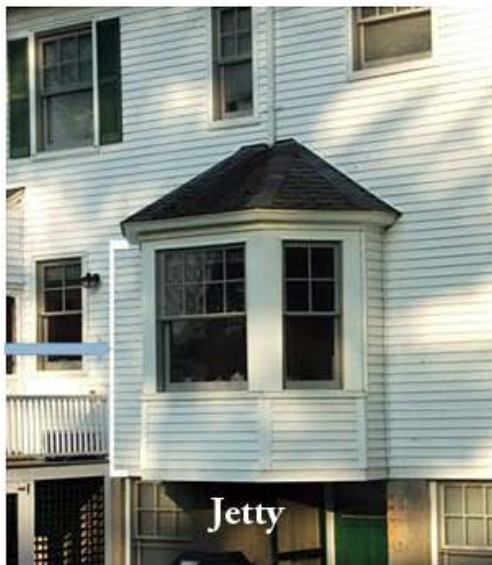
Lintel over Window



Finials on Pitch of Roof



Corbels under Window Sills (decorative)



Overhang Jetty



Copula Feature



Planter Walls in Front of Residence



Decorative Garage with Windows



Niche and Niche courtyard with Decorative Garage



Decorative Chimney Tops



Portico Entryway





Porch along Front Elevation of House



Dormer



Gable Roof Styles



Gable Window Feature



Vega



Smooth Stucco Finish





Carriage Lights Front Door and Garage



Decorative Pavers/Stamped Concrete Driveways

**Traditional Single-Family Architectural Styles -**

**Craftsman / Bungalow -**



Spanish Eclectic -



Monterey -





Prairie -



Ranch/California Ranch -



Pueblo -



Mediterranean and Tuscan/Californian Influence -





Southwestern Influence -



Northern Italian / Californian Influence -



Contemporary -





Spanish Revival -



**PLANNING COMMISSION RESOLUTION NO. 2015-012**

**A RESOLUTION OF THE PLANNING COMMISSION OF THE TOWN OF APPLE VALLEY, CALIFORNIA, RECOMMENDING THAT THE TOWN COUNCIL ADOPT DEVELOPMENT CODE AMENDMENT NO. 2015-007 AMENDING TITLE 9 "DEVELOPMENT CODE" OF THE TOWN OF APPLE VALLEY MUNICIPAL CODE, BY AMENDING SECTION 9.31.020 "SINGLE FAMILY SITE PLANNING DESIGN STANDARDS" AND SECTION 9.31.030 "SINGLE FAMILY ARCHITECTURAL DESIGN STANDARDS" AS IT RELATES TO PLOTTING AND DESIGN CRITERIA FOR SINGLE FAMILY INFILL AND SUBDIVISION DEVELOPMENT.**

**WHEREAS**, Title 9 "Development Code" of the Municipal Code of the Town of Apple Valley was adopted by the Town Council on April 27, 2010; and

**WHEREAS**, Title 9 (Development Code) of the Municipal Code of the Town of Apple Valley has been previously modified by the Town Council on the recommendation of the Planning Commission; and

**WHEREAS**, specific changes are proposed to Title 9 "Development Code" of the Town of Apple Valley Municipal Code by amending Chapter 9.75; and,

**WHEREAS**, on November 20, 2015, Development Code Amendment No. 2015-007 was duly noticed in the Apple Valley News, a newspaper of general circulation within the Town of Apple Valley; and

**WHEREAS**, 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; and

**WHEREAS**, on December 2, 2015 the Planning Commission of the Town of Apple Valley conducted a duly noticed and advertised the public hearing on Development Code Amendment No. 2015-007, receiving testimony from the public; and

**WHEREAS**, Development Code Amendment No. 2015-007 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, does hereby resolve, order and determine as follows and recommends that the Town Council make the following findings and take the following actions:

**Section 1.** Find that the changes proposed by Development Code Amendment No.

2015-007 are consistent with the Goals and Policies of the Town of Apple Valley adopted General Plan.

**Section 2.** 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.

**Section 3.** Amend the Development Code Section 9.31.020 "Single Family Site Planning Design Standards" as follows:

**"9.31.020 SINGLE FAMILY SITE PLANNING DESIGN STANDARDS**

An important goal of single family site planning is to create functional and visual variety along local streets. It is the intent of these design standards to discourage subdivisions where identical homes march down long, uninterrupted straight streets, with no variation in building placement or the street scene.

**A. *Siting Structures and Lot Preparation.*** The following standards shall be used in evaluating the site and structure design of new single family and multi-family developments. Appropriate designs will:

1. Protect natural slopes, contours, ridgelines and other elevations;
2. Preserve significant landscape features and patterns;
3. Take into account existing sites and structures and be sensitive to the preservation of established vistas and view corridors;
4. Utilize contour grading to blend into existing landforms, rather than severe cutting, filling, padding or terracing;
5. Avoid steep cuts and minimize soil import or export;
6. Avoid the creation of structures out of scale with their surroundings by not building up pads on artificial platforms to create or enhance views;
7. For infill and previously subdivided lots, minimize grading and site preparation to reduce erosion, soil exposure and minimize impacts on natural drainage courses. Except for activities required to extend access and infrastructure, and to provide for drainage, disturbance of a site shall be limited to thirty (30) feet surrounding the building pad;
8. Round and contour graded slopes to blend with the existing terrain. Native vegetation shall be retained and incorporated into the project wherever possible. Grading for building pads shall be sensitively designed to reduce disturbance and visual impacts. Split pad grading shall be utilized in place of excessive soil export/import to create a building pad.
9. Minimize the removal of native vegetation;
10. Separate and screen structures from each other to maximize privacy; and
11. Site single family dwellings on a lot to respond to and to respect property views, site features, existing topography, and any adjacent existing development. Dwelling units need not be sited parallel to the street if other orientations take better advantage of site features.
12. Through lots or reverse frontage lots should be avoided. Tracts of single-family dwellings should not back onto local road rights-of-way and should front onto these local roads.

**B. *Infill in Existing Neighborhoods.*** New single family development in existing neighborhoods shall be compatible with the adjacent residences.

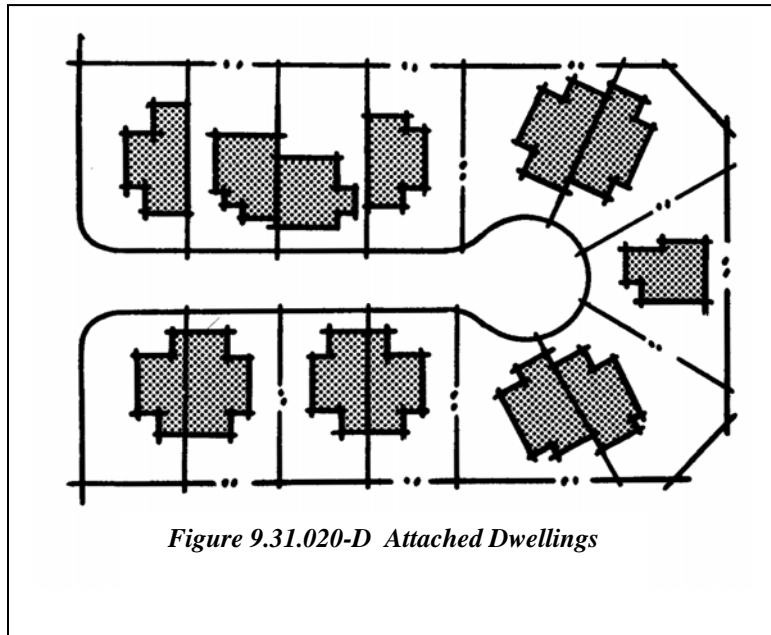
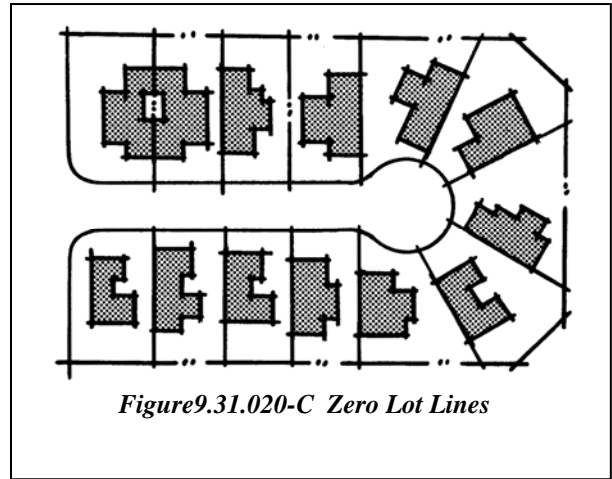
1. ***Infill Setbacks.*** The setbacks of infill development shall be either:

- a. Equal to the average setback of all residences on both sides of public rights-of-way within 200 feet of the property lines of the new development; or



**H. Planned Residential Developments**

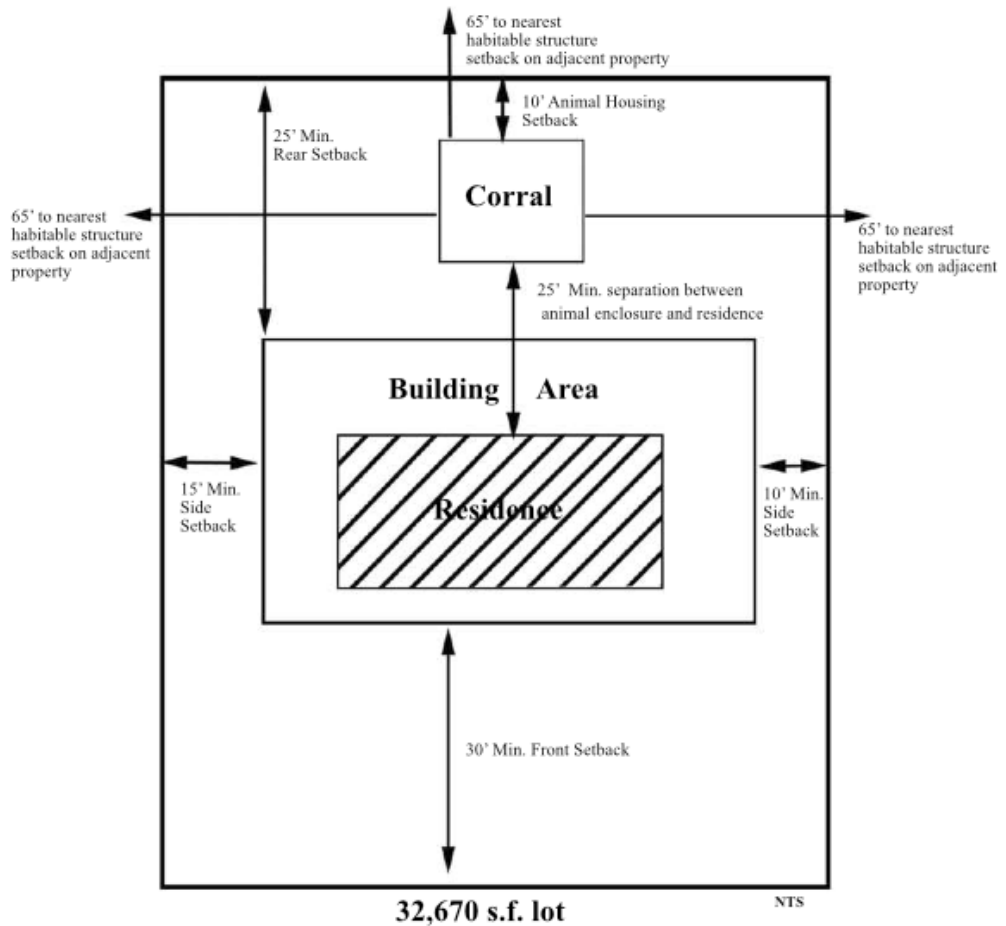
1. **Zero Lot Line Residences.** Zero lot line residences (residence is flush to a side lot line), as allowed in Planned Residential Developments, shall provide courts and patios that conventional lots may prevent. Also, an articulated street scene shall be provided (Figure 9.31.020-C)
2. **Attached Dwellings.** Attached dwellings can look like two or more separate structures or like one large custom home, depending on the articulation and treatment of the roof line and the facades. Attached dwellings shall be used to yield larger open space areas between structures (Figure 9.31.020-D).



**I. Residential Estate ¾ Site Planning for Equestrian**

An important goal of site planning for equestrian purposes is to create functional and visually pleasing parameters that will serve to meet equestrian needs, discourage restrictions on equestrian accessory structures, and standardize permitted uses within equestrian districts. The following site planning standards are suggested for Residential Estate ¾ (equestrian) lots larger than 32,670 square feet.

1. **Setbacks for Equestrian Accessory Structures.** The following setbacks apply:
  - a. **Stables and Corrals.** Placement of equestrian accessory structures such as stables and corrals shall be consistent with Chapter 9.29.030 and should consider a minimum rear setback of ten (10) feet from the property line and be a minimum of sixty-five (65) feet from offsite habitable structures. Such buildings and roofed structures existing prior to the development of adjacent vacant property and closer than sixty-five (65) feet to new construction setbacks shall become a legal nonconforming use.



**Section 4.** Amend the Development Code Section 9.31.030 "Single Family Architectural Design Standards" as follows:

**"9.31.030 SINGLE FAMILY ARCHITECTURAL DESIGN STANDARDS (AMENDED**  
*ORD. 313, 315, 343, 369, 430)*

- A. Architectural Style.** While there is no particular architectural style required for single family residential structures, the focus shall be on the development of a high quality residential environment. In selecting an architectural style, compatibility with the desert environment should be considered. American Desert and Ranch architectural styles that blend with the natural desert environment are encouraged. Traditional American Southwest, Spanish Revival, Pueblo, Mediterranean/Italianate or Craftsman architectural styles are also encouraged.
- B. Environmental Design.** Desert appropriate environmental design shall respond to the environmental conditions of the high desert by responding to sun, wind, heat and cold. Building and landscaping responses to the environmental conditions of the Town's desert climate which provide shelter and relief from sun and wind, such as broad overhangs, arbors and front porches, are strongly encouraged. Building designs which reduce the need for mechanical heating and cooling are also encouraged.
- C. Architectural Diversity**
  - 1. Single Family In-fill Plotting Criteria**
    - a.** If the same floor plan is used for adjacent homes, one shall be the reverse of the other, whenever possible, and have a different elevation.

- b. No two homes using the same floor plan, elevation and/or color scheme shall be constructed on any cul-de-sac bulb.
  - c. No two adjacent homes using the same floor plan shall have the same exterior color scheme/treatment.
2. *Single Family Subdivision Plotting Criteria.* All residential subdivision development (except single-family residential homes built on individual lots or tracts conditioned for custom home development) shall require the review and approval of a Development Permit by the Planning Commission subject to the provisions of Chapter 9.17 “Development Permits” of this Code and the following:
- a. In order to achieve diversity and to promote the custom home style prevalent in Apple Valley, the number of floor plans and elevations enumerated in Table 9.31.030-A shall be offered in a subdivision:

**Table 9.31.030-A Floor Plans/Elevations Required**

Number of Units	Minimum Floor Plans Required	Minimum Elevations Required *
Less than 40 units	three (3) plans	total of six (6) elevations
40 to 100 units	four (4) plans	total of twelve (12) elevations
More than 100 units	five (5) plans	total of fifteen (15) elevations

Note: Color scheme variations sensitive to the natural colors of the landscape shall be utilized.

- b. No more than twenty-five (25) percent of the homes on any block, including both sides of the street, shall have the same elevation.
- c. A floor plan shall not be used consecutively more than three times in a row (whether reversed or not).
- d. If the same floor plan is used for adjacent homes, one shall be the reverse of the other whenever possible, and have a different elevation.
- e. No more than 65% of any one floor plan shall be used on any cul-de-sac or along any street between intersecting streets.
- f. No two homes using the same floor, elevation and/or color scheme shall be constructed on any cul-de-sac bulb.
- g. No two adjacent homes using the same floor plan shall have the same exterior color scheme/treatment.

**D. Building Materials.**

- 1. Metal or aluminum siding, reflective materials and finishes, and unfinished concrete block shall be avoided unless they are necessary as a part of an established or common architectural style upon review and approval of the Planning Commission on a case-by-case basis.
- 2. Stone, brick, masonry, stucco, adobe and smooth plasters are required when such architectural treatments are used upon the main structure on site.
- 3. The use of corrugated metal on any exterior is prohibited.
- 4. The use of wooden T1-11 on any exterior will require Director review and approval. Approval shall be based upon product quality and proven durability.
- 5. **Roofing Materials** Metal roofing materials simulating traditional “S” shaped or flat tile roofing material, simulating shake roofing material (if consistent with surrounding homes), and materials identified within the Planning Commission Metal Roof Policy Statement shall be permitted within all residential zoning districts. All other exposed metal material used for roofing may be reviewed and approved by the Planning Commission on a case-by-case basis as follows:
  - a. The Planning Commission shall determine that the proposed roofing material is consistent and compatible with and complimentary to the architectural and aesthetic character of the home upon which the roofing shall be placed, and consistent and compatible with and complimentary to the

architectural and aesthetic character of the surrounding residential homes. Upon such determination, the Commission may approve said roofing material.

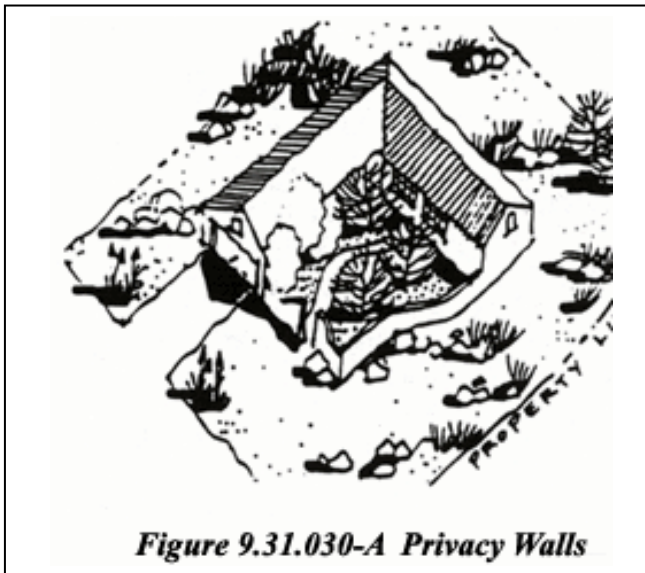
- b. If, however, the Commission determines that the proposed roofing material is not consistent and compatible with and complimentary to the architectural and aesthetic character of the home upon which the roofing shall be placed, and consistent and compatible with and complimentary to the architectural and aesthetic character of the surrounding residential homes, the Commission shall not approve said roofing material.
- c. Roofing material giving the appearance of a flat, seamless roof is expressly prohibited within all residential zones.

**E. Building Articulation**

1. Recessed windows and doors are encouraged to add articulation to the wall surface. Particular attention should be given to the shading of windows with southern and southwestern exposure.
2. A variety of heights, setbacks, roof shapes, trim, and sizes should be used to create visual complexity within a cohesive design.
3. Broad roof overhangs are recommended to produce interest and to respond to climatic conditions, especially when used in combination with courtyards, porch enclosures, balconies and recesses.
4. All street elevations shall be architecturally treated.

**F. Front Privacy Walls/Recessed Entryways.** Front privacy walls finished to match the residence are encouraged. Such privacy walls can be utilized to define private space and act as a border between the natural desert landscape and intense use areas. Recessed entryways and other shade and wind mitigating devices (arbors, patio covers, courtyards, porches) which shelter the user from the natural elements are also encouraged (Figure 9.31.030-A).

**G. Single-Family In-fill Design Criteria.** All in-fill development shall be architecturally designed to project an image of a custom home. The number of custom features shall be based upon architectural style and/or overall size of home, subject to the Planning Commission Design Criteria Policy. Architectural features may include, but not be limited to the following:



**Figure 9.31.030-A Privacy Walls**

1. A variety of enhanced architectural features and materials shall be provided on every front and street side elevation. This can include, but is not limited to, porches, bay windows, pop-outs, veneers, rock, brick, wood siding, etc., or such other features.
2. All garage doors shall be sectional or roll-up. Glass window accents and/or custom designs are encouraged.
3. Trim, including that with a stucco covering, shall be painted in a contrasting color. The contrasting color shall be compatible with the structure's primary color.
4. Homes with a trim (band) feature, which distinguishes the first and second floors, should have the band on the front and rear elevation of the homes. The band will only be required on the side elevation, on corner lots where the elevation is visible from the street.
5. Two-story homes with a second story elevation facing a public right-of-way shall be provided with design features which could include pot shelves, shutters, wood siding under roof peaks, color contrasting paint under roof peaks and/or windows, etc./ or such other features.
6. Architectural treatment to chimneystacks is encouraged.
7. A wall-mounted lighting fixture shall be provided at the front porch area, as well as one on each side of



the garage door(s) for a maximum total of three lighting fixtures are required. Decorative fixtures are encouraged.

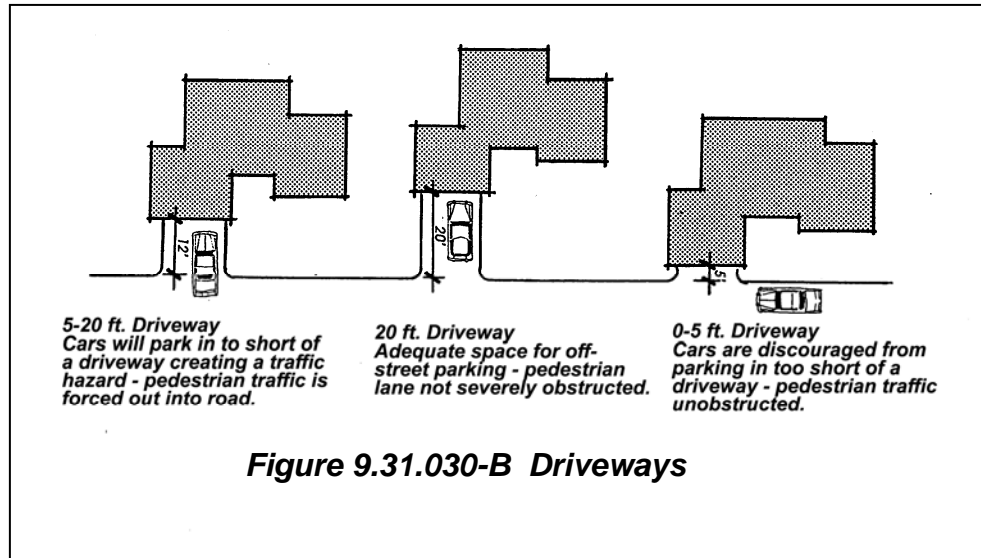
8. Front entry doors with windows and/or decorative treatments are desirable.
9. Architectural treatments shall wrap around to the interior side or rear elevation a minimum of three (3) feet. Treatments to each elevation are encouraged.
10. Builders are encouraged to incorporate a custom, recognizable design feature into their stock plans.

**H. Single-Family Subdivision Development Design Criteria.** All residential tract development (except single-family residential homes built on individual lots or tracts conditioned for custom home development) shall require the review and approval of a Development Permit by the Planning Commission subject to the provisions of Chapter 9.17 "Development Permits" of this Code and the following:

1. A variety of enhanced architectural features and materials shall be provided on every front elevation. This can include, but is not limited to, porches, bay windows, pop-outs, veneers, rock, brick, wood siding, etc., or such other features approved by the Planning Commission.
2. At least two out of every three models shall provide general architectural relief at the rear elevation of each home in order to avoid one continuous wall or flat surface on the rear of the home. Fireplaces, rear yard trellises, and media niches may be considered in this requirement.
3. A variety of designs shall be used on garage doors, with no two adjoining homes that have the same floor plan and elevation using the same garage door pattern. In no case shall more than three homes of any floor plan or elevation have the same garage door pattern in a row. At least two out of three shall be provided with garage door windows in a variety of designs.
4. All garage doors shall be sectional and roll-up. The applicant shall provide a color board indicating proposed garage door colors for Planning Commission approval.
5. Trim with a stucco covering may be painted in a contrasting color. The contrasting color shall be color compatible with the structure's primary color.
6. Homes with a trim (band) feature, which distinguishes the first and second floors, should have the band on the front and rear elevation of the homes. The band will only be required on the side elevation, on corner lots where the elevation is visible from the street.
7. Two-story homes with a second story elevation facing a public right-of-way shall be provided with design features which could include pot shelves, shutters, wood siding under roof peaks, color contrasting paint under roof peaks and/or windows, etc./ or such other features approved by the Planning Commission.
8. The Director, or designee, shall have the authority for minor architectural changes focusing around items such as window treatments, color combinations, façade treatments, and architectural reliefs. Questions on the interpretation of this provision or changes not clearly within the scope of this provision shall be submitted to the Planning Commission for consideration under a Revision to the Design Review.
9. Architectural treatment shall be provided on each chimneystack.
10. When used, mullions shall be provided on first, second and third-story windows, as approved by the Planning Commission. The mullions shall be provided in a variety of shapes.
11. A wall-mounted decorative lighting fixture shall be provided at the front porch area, as well as one on each side of the garage door(s) for a maximum total of three lighting fixtures.
12. All front entry doors shall provide either a window or the decorative treatment approved by the Commission under the Development Permit.
13. The electric and/or gas meter adjacent to and serving each home shall be screened from view from any public right-of-way by shrubs or other landscaping approved by Planning Division. All above ground utility boxes or pedestals located within the front or side yard setback area(s), or within the public right-of-way adjacent to such setback area(s), shall be camouflaged with shrubs or other landscaping approved by Planning Division.
14. All block walls shall be capped with a prefabricated block cap. Stucco walls must have a molded top.

**I. Additional Architectural Standards for Attached Units.** In addition to the architectural design standards for single family dwellings, the following design standards shall apply to attached single family dwellings:

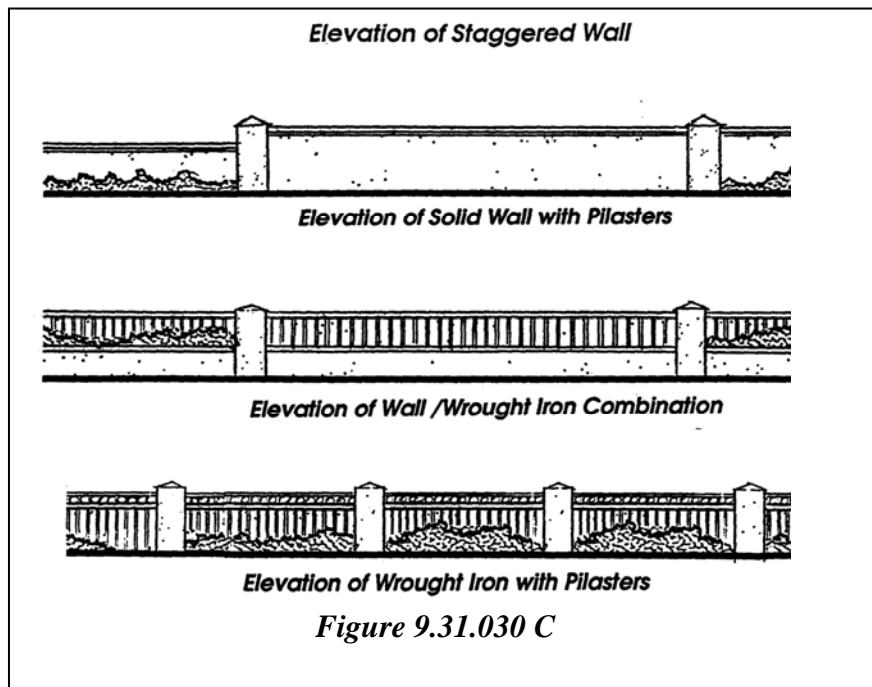
1. Single family attached dwellings shall be architecturally articulated to project an image of customized homes. Preferred configurations include architectural treatment either as a large custom single family unit or as individually articulated dwellings such as traditional rowhouses.
2. Adjacent driveways shall be separated by a planting strip.
3. Dwellings with driveways less than twenty (20) feet in length shall be provided with automatic garage door openers to prevent cars parked in the driveways from obstructing pedestrian movement on sidewalks (Figure 9.31.030-B).



**J. Accessory Features**

1. **Accessory Structures.** The design of accessory structures (greater than 120 square feet) including second units, garages, guesthouses, cabanas and storage buildings shall be architecturally compatible with the primary structure through the use of compatible building materials, walls/roofs/trellises, fence/wall connections and/or landscaping.
2. **Mechanical Equipment**
  - a. Any equipment, whether on the roof, side of the structure or ground, shall be screened from public view from adjacent property or from a public right-of-way.
  - b. In new development, the method of screening shall be integrated into the architectural design of the building and/or landscaping.
  - c. In existing development which is modified pursuant to Chapter 9.07 "Nonconforming Uses and Structures" of this Code, the method of screening shall be architecturally compatible with the structure on which it occurs in terms of materials, color, shape and size.
3. **Vents, Gutters and Downspouts.** Roof flashing, rain gutters, downspouts, vents, renewable energy conduit, and other roof protrusions shall be finished to match, or complement, the roof or facade materials and/or colors which provide the background.
4. **Attached and Detached Accessory Structures.** Construction of any permanent or semi-permanent attached or detached accessory structure shall conform to the standards and criteria as detailed within Chapter 9.29 "Special Use Regulations for Residential Districts" of this Code.

- K. Walls and Fences.** Fencing requirements shall remain flexible, but installations should take advantage of the natural features of the site like topography and vegetation.
1. Closed privacy fencing should be limited to the immediate area around the home or outbuildings. Vinyl or wooden fencing shall be designed to withstand the frequent high desert winds. Grape stake or three (3)-inch slats are not permitted.
  2. Large courtyards created by extending building walls with architectural walls similar to building walls providing private outdoor open space are strongly encouraged.
  3. Property line walls and fences adjacent to streets shall be constructed of decorative materials such as vinyl or wood rail fencing, split face block or slumpstone. Such fencing shall incorporate appropriate decorative enhancements such as caps or pilasters. Chain link fencing in the front yard and abutting a street side yard of a corner lot are prohibited in the Residential Single-Family (R-SF) and Residential Equestrian (R-EQ) Zoning Districts, where the residence is constructed after June 7, 2007. Within the Very Low Density Residential (R-VLD), Residential Agriculture (R-A), Low Density Residential (R-LD), Estate Residential (R-E), Estate Residential  $\frac{3}{4}$  (R-E  $\frac{3}{4}$  ), Residential Equestrian (R-EQ) and Residential Single-Family (R-SF) Zoning Districts, perimeter walls for new subdivisions on local streets in existing neighborhoods are prohibited where the wall would be located opposite front yards.
  4. **Subdivision Walls.** Subdivision walls shall be articulated by regularly spaced pilasters or landscape insets, decorative caps and landscaping. Pilasters or insets shall be spaced a maximum of forty (40) feet on center (Figure 9.31.030-C).



Approved and Adopted by the Planning Commission of the Town of Apple Valley this 2nd day of December, 2015.

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Chairman Bruce Kallen

ATTEST:

I, Yvonne Rivera, 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 2nd day of December, 2015 by the following vote, to-wit:

AYES:

NOES:

ABSENT:

ABSTAIN:

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Ms. Yvonne Rivera, Planning Commission Secretary



## TOWN OF APPLE VALLEY PLANNING COMMISSION

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### Staff Report

<b>AGENDA DATE:</b>	December 2, 2015
<b>CASE NUMBER:</b>	Development Code Amendment No. 2015-005
<b>APPLICANT:</b>	Town of Apple Valley
<b>PROPOSAL:</b>	A request to consider an amendment to Title 9 “Development Code” of the Town of Apple Valley Municipal Code by amending Table 9.28.030-A(B)(8) as it relates to the keeping of Llama and Alpaca and amending Section 9.29.030 (D) as it related to small domestic animals.
<b>LOCATION:</b>	Town-wide
<b>ENVIRONMENTAL DETERMINATION:</b>	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.
<b>PROJECT PLANNER:</b>	Carol Miller, Principal Planner
<b>RECOMMENDATION:</b>	Adopt Planning Commission Resolution No. 2015-013

#### **BACKGROUND**

On August 11, 2015, the Town Council initiated a Development Code Amendment regarding small domestic animals, Llama and Alpacas.

#### **DISCUSSION**

The Town's Animal Services Department requested changes to the Development Code with respect to the keeping of small domestic animals and the keeping of Llamas and Alpacas.

Currently, the Development Code allows one (1) Alpaca per lot within the Residential Equestrian (R-EQ) and Residential Estate (R-E). Given the potential uses for Alpaca (wool & pack animal), it is conceivable that an owner would require more than one. Staff is recommending that consideration be given to amend the Code to allow Llama & Alpaca similar to that of a horse or other equine.

*Table 9.28.030-A Permitted Uses*

TYPE OF USE	R-VLD	R-A	R-LD	R-E	R-E ¼	R-EQ	R-SF	R-M	MHP	M-U	PRD <sup>2</sup>
<i>B. Agricultural and Animal Uses</i>											
8. Llamas and alpaca	1 per 4500 sf	1 per 4500 sf	1 per 9000 sf	1 per lot 9000 sf	1 per lot 9000 sf	1 per lot 9000 sf	-	-	-	-	P

Currently the Development Code allows small domestic animals as a permitted use within all residential land use districts. A small domestic animal is defined in the Development Code as follows:

**Small Domestic Animals.** Small domestic animals shall be allowed in districts as provided for in Table 9.28.030-A *Permitted Uses*. Small animals shall consist of non exotic or wild animals such as domestic mice and rats, hamsters, guinea pigs, turtles, snakes, tropical fish, canaries, parrots, parakeets and other similar animals commonly sold in pet stores and kept as household pets.

Animal Services is requesting an amendment to the Development Code that establishes some regulations regarding small domestic animals where there are currently none beyond defining a small domestic animal. By referencing the public health regulation, this establishes not only the condition of the animals living environment but the area in which they require without outright specifying maximum number of each animal. The public health regulations are the same regulation pet stores are subject to.

9.29.030 Animal Keeping and Agricultural Uses in Residential Districts

**D. Small Domestic Animals.** Small domestic animals shall be allowed in districts as provided for in Table 9.28.030-A *Permitted Uses*. Small animals consisting of non exotic or wild animals that are commonly sold in pet stores and kept as household pets which are normally maintained in aquariums, terrariums, bird cages or similar enclosures, each of which does not exceed fifty (50) cubic feet. Said enclosures must be kept and maintained within an enclosed building such as domestic mice and rats, hamsters, guinea pigs, turtles, snakes, tropical fish, canaries, parrots, parakeets and other similar animals commonly sold in pet stores and kept as household pets. The maximum number or density limitations for these animal types shall comply with Public Health Regulations.

**FINDINGS**

An amendment to the Development Code requires that the Planning Commission address two (2) required “Findings”, as listed within Development Code Section 9.06.060. For Commission consideration, the required Findings are listed below, along with a comment addressing each. If the Commission concurs with these comments, they may be adopted and forwarded to the Council for its consideration of the Development Code Amendment. If the Commission wishes modifications to the offered comments, after considering input and public testimony at the public hearing, modifications to the Findings and Code Amendment recommendations can be included into the information forwarded to the Council for consideration.

- A. The proposed amendment is consistent with the General Plan; and

Comment: The General Plan is the blueprint for the community's future growth. Specific Goals and Objectives are provided within each of the adopted General Plan's State mandated Elements. Many of these stated Goals and objectives address the community's desire to maintain a rural lifestyle. This change is consistent with the Goals and Objectives of the adopted General Plan because the Amendment expands the allowances for Llamas and Alpacas characteristic of a rural lifestyle and better defines regulations for small domestic animals which is .

- B. The proposed amendment will not be detrimental to the public health, safety or welfare of the Town or its residents.

Comment: The amendment will not be detrimental to the public health, safety or welfare because the proposed Development Code Amendment expands the allowances for Llamas and Alpacas which have already have standards in which they must be keep and better defines the regulations for small domestic animals.

**NOTICING**

Development Code Amendment No. 2015-005 was advertised as a public hearing in the Apple Valley News newspaper on November 20, 2015.

**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 Code Amendment, may have a significant effect on the environment, the activity is not subject to CEQA.

**RECOMMENDATION**

Following receipt of public input and discussion by the Commission, it is recommended that the Commission move to approve Planning Commission Resolution No. 2015-013, forwarding a recommendation that the Town Council amend Title 9 "Development Code" of the Town of Apple Valley Municipal Code as outlined within the staff report.

**Prepared By:**

**Reviewed By:**

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Carol Miller  
Principal Planner

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Lori Lamson  
Assistant Town Manager

ATTACHMENT:  
Planning Commission Resolution No. 2015-013

**PLANNING COMMISSION RESOLUTION NO. 2015-013**

**A RESOLUTION OF THE PLANNING COMMISSION OF THE TOWN OF APPLE VALLEY, CALIFORNIA, RECOMMENDING THAT THE TOWN COUNCIL ADOPT DEVELOPMENT CODE AMENDMENT NO. 2015-005 AMENDING TITLE 9 “DEVELOPMENT CODE” OF THE TOWN OF APPLE VALLEY MUNICIPAL CODE, BY AMENDING TABLE 9.28.030-A(B)(8) AS IT RELATES TO THE KEEPING OF LLAMA AND ALPACA AND AMENDING SECTION 9.29.030 (D) AS IT RELATES TO SMALL DOMESTIC ANIMALS**

**WHEREAS**, Title 9 “Development Code” of the Municipal Code of the Town of Apple Valley was adopted by the Town Council on April 27, 2010; and

**WHEREAS**, Title 9 (Development Code) of the Municipal Code of the Town of Apple Valley has been previously modified by the Town Council on the recommendation of the Planning Commission; and

**WHEREAS**, specific changes are proposed to Title 9 “Development Code” of the Town of Apple Valley Municipal Code by comprehensively amending Table 9.28.030-A(B)(8) and amending Section 9.29.030 (D); and

**WHEREAS**, on November 20, 2015, Development Code Amendment No. 2015-005 was duly noticed in the Apple Valley News, a newspaper of general circulation within the Town of Apple Valley; and

**WHEREAS**, 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; and

**WHEREAS**, on December 2, 2015 the Planning Commission of the Town of Apple Valley conducted a duly noticed and advertised the public hearing on Development Code Amendment No. 2015-005, receiving testimony from the public; and

**WHEREAS**, Development Code Amendment No. 2015-005 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, does hereby resolve, order and determine as follows and recommends that the Town Council make the following findings and take the following actions:

**Section 1.** Find that the changes proposed by Development Code Amendment No. 2015-005 are consistent with the Goals and Policies of the Town of Apple Valley adopted



General Plan.

**Section 2.** 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.

**Section 3.** Amend the Development Code Table 9.28.030-A Subsection B.8 to read as follows:

*Table 9.28.030-A Permitted Uses*

TYPE OF USE	R-VLD	R-A	R-LD	R-E	R-E ¾	R-EQ	R-SF	R-M	MH P	M-U	PRD <sup>2</sup>
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*B. Agricultural and Animal Uses*

8. Llamas and alpaca	1 per 4500 sf	1 per 4500 sf	1 per 9000 sf	1 per 9000 sf	1 per 9000 sf	1 per 9000 sf	-	-	-	-	P
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**Section 4.** Amend Section 9.29.030 *Animal Keeping and Agricultural Uses in Residential Districts*, Subsection D *Small Domestic Animals* to read as follows:

**D. *Small Domestic Animals.*** Small domestic animals shall be allowed in districts as provided for in Table 9.28.030-A *Permitted Uses*. Small animals consisting of non exotic or wild animals that are commonly sold in pet stores and kept as household pets which are normally maintained in aquariums, terrariums, bird cages or similar enclosures, each of which does not exceed fifty (50) cubic feet. Said enclosures must be kept and maintained within an enclosed building. The maximum number or density limitations for these animal types shall comply with Public Health Regulations.

Approved and Adopted by the Planning Commission of the Town of Apple Valley this 2nd day of December, 2015.

\_\_\_\_\_  
 Chairman Bruce Kallen

ATTEST:

I, Yvonne Rivera, 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 2nd day of December, 2015 by the following vote, to-wit:

AYES:  
 NOES:  
 ABSENT:  
 ABSTAIN:

\_\_\_\_\_  
 Ms. Yvonne Rivera, Planning Commission Secretary



## TOWN OF APPLE VALLEY PLANNING COMMISSION

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### Staff Report

- AGENDA DATE:** December 2, 2015
- CASE NUMBER:** General Plan Conformity for the acquisition of the Apple Valley Water System
- APPLICANT:** Town of Apple Valley
- PROPOSAL:** Adoption of Resolution Finding that the Acquisition of the Apple Valley Water System is Consistent with the Town's General Plan in Accordance with Government Code Section 65402
- LOCATION:** Town of Apple Valley
- ENVIRONMENTAL DETERMINATION:** In accordance with the California Environmental Quality Act, the Town Council certified a final Environmental Impact Report (SCH # 2015061078) for the Project that fully analyzes and discloses the potential environmental impacts associated with the Town's acquisition of the Apple Valley Water System. No further environmental review is required for the Planning Commission to adopt this Resolution.
- CASE PLANNER:** Lori Lamson, Assistant Town Manager
- RECOMMENDATION:** Adopt Planning Commission Resolution No. 2015-014 finding that the acquisition of the Apple Valley Water System is consistent with the Town's General Plan

### PROJECT SITE AND DESCRIPTION

As further described in the attached Final Environmental Impact Report and the agenda package for the Town Council's Special Meeting on November 17, 2015, the Town has approved the acquisition, operation, and maintenance of the Apple Valley Ranchos Water Supply System that currently serves the majority of the incorporated area of the Town as well as some outlying areas in a portion of the incorporated City of Victorville and unincorporated San Bernardino County (the "Project"). Although Apple Valley Ranchos Water Company ("AVR") recently acquired the Yermo Water Company and its facilities, the proposed Project does not

include acquisition of the Yermo Water System, which is located east of the City of Barstow.

## **ANALYSIS**

### **General:**

At a special meeting on November 17, 2015, the Town Council approved the Project. The Town Council certified the Final Environmental Impact Report (SCH #2015061078) ("FEIR") for the Project and adopted two Resolutions of Necessity authorizing the acquisition, by eminent domain, of the Apple Valley Water System.

Under Section 65402 of the California Government Code, before the acquisition may take place, the Planning Commission of the Town of Apple Valley must make a finding that the acquisition conforms with the General Plan. Although the Town's General Plan ("General Plan") applies to the Apple Valley Water System, the Project is not expected to affect any land use designations or the intensity of development within the Town.

### **A. Environmental Assessment:**

On November 17, 2015, the Town Council certified the FEIR, which analyzes the environmental impacts associated with the Project. The FEIR fully analyzes and discloses the potential environmental impacts associated with the Town's acquisition of the Apple Valley Water System. No further environmental review is required for the Planning Commission to adopt this Resolution.

### **B. Findings:**

Town staff recommends that the Planning Commission find the acquisition of the Apple Valley Water System by the Town to be in conformity with the Town of Apple Valley General Plan on the following bases:

#### **A. The Project will likely achieve the following objectives stated in the FEIR:**

- (1) Allow the Town to independently own and operate a water production and distribution system;
- (2) Provide for greater transparency and accountability, as well as increased customer service and reliability;
- (3) Enhance customer service and responsiveness to AVR customers;
- (4) Provide greater local control over the rate setting process and rate increases;
- (5) Provide direct access to locally elected policy makers for the water operations;
- (6) Allow the Town to pursue grant funding and other types of financing for any future infrastructure needs, including grants and financing options which the California Public Utility Commission does not allow private company to include in their rate base (such that private companies do not pursue advanced planning and investment for infrastructure);

- (7) Ensure better coordination amongst Town decisions involving land use, emergency services, policy, the location and need for capital improvements, and overall planning in the water context; and
- (8) Enable the Town to use reclaimed water for public facilities without invoking potential duplication of service issues with AVR.

B. The Project will assist in the pursuit of the following General Plan policies:

- (1) Land Use Policy 8.A – *The Town shall coordinate with all public service providers to assure that adequate services are available to meet the demands of growth in Town.*

As the owner and operator of the Apple Valley Water System, the Town will be better able to plan for the future development of the Town. Rather than needing to coordinate with Apple Valley Ranchos Water Company, the Town could provide assurances of service on its own.

- (2) Water Resources Policy 1.D – *To the greatest extent practicable, the Town shall direct new development to provide irrigation systems that are able to utilize reclaimed water, when available, for use in common area and streetscape landscaping.*

The Project will increase the likelihood that reclaimed water will be made available within the Town.

- (3) Water Resources Policy 1.G – *To facilitate the sharing of information on potential groundwater contamination and potential sources, the Town shall confer and coordinate with the California Regional Water Quality Control Board, Apple Valley Ranchos Water Company, Golden State Water Company, other water purveyors that serve the Town and its Sphere of Influence.*

As the operator of its own water system, the Town will be more aware of potential groundwater contamination and potential sources without the need for cooperation with Apple Valley Ranchos Water Company. In addition, the Town may be in a better position to work directly with the other agencies if it is its own water provider.

- (4) Water Resources Policy 1.H – *The Town shall confer with appropriate water agencies and purveyors, as necessary, to assure adequate review and mitigation of potential impacts of proposed development on local water resources.*

As the operator of its own water system, the Town will be more capable of assuring adequate review and mitigation of the potential impacts of proposed development on local water resources. In addition, to the extent the Town must cooperate with other water providers, the Town may be in a better position to do so if it is its own water provider.

- (5) Water, Wastewater, and Utilities Policy 1.A – *The Town shall coordinate with the various domestic water service providers to ensure that local and regional*

*domestic water resources and facilities are protected from over-exploitation and contamination.*

As the operator of its own water system, the Town will be more capable of ensuring that local and regional domestic water resources and facilities are protected from over-exploitation and contamination. In addition, to the extent the Town must cooperate with other water providers on this goal, the Town may be in a better position to do so if it is its own water provider.

- (6) Water, Wastewater, and Utilities Policy 1.C – *The Town shall ensure that every effort is made to facilitate cost-effective and timely extension and expansion of community-development support services.*

Being its own water provider would allow the Town to pursue cost-effective and timely water services development.

- C. The Project will ensure the integration of water usage with other municipal functions.
- D. The Apple Valley Water System is an existing water delivery system that currently provides water service to many of the Town's residents. The Town is not proposing any modifications or changes to the Apple Valley Water System that might result in General Plan inconsistencies. Instead, the Town has merely approved the acquisition of the water system that is already in place. Accordingly, no General Plan inconsistencies will be created by the Project.

#### RECOMMENDATION

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

1. Adopt Planning Commission Resolution No. 2015-014 finding that the acquisition of the Apple Valley Water System is consistent with the Town's General Plan

#### **Prepared By:**

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Lori Lamson, Assistant Town Manager

#### ATTACHMENTS:

1. Planning Commission Resolution No. 2015-014
2. Apple Valley Ranchos Water System Acquisition Project Final Environmental Impact Report (SCH #2015061078), November 2015. (Separate Attachment)
3. Town Council Special Meeting Agenda Package for November 17, 2015, including Resolutions and Staff Reports (Separate Attachment)

**RESOLUTION NO. 2015-014**

**A RESOLUTION OF THE PLANNING COMMISSION OF THE TOWN OF APPLE VALLEY, CALIFORNIA, FINDING THAT THE ACQUISITION OF THE APPLE VALLEY WATER SYSTEM IS CONSISTENT WITH THE TOWN'S GENERAL PLAN**

**WHEREAS**, the Town of Apple Valley ("Town") has approved the acquisition of the water system, presently operated by Apple Valley Ranchos Water Company ("AVR"), that currently serves the majority of the incorporated area of the Town as well as some outlying areas in a portion of the incorporated City of Victorville and unincorporated San Bernardino County ("Apple Valley Water System"); and

**WHEREAS**, the underlying purpose of the acquisition is for the Town of Apple Valley to acquire, operate, and maintain the Apple Valley Water System (the "Project"); and

**WHEREAS**, on November 17, 2015, the Town Council certified the Final Environmental Impact Report (SCH #2015061078) ("FEIR"), which analyzes the environmental impacts associated with the Project; and

**WHEREAS**, on November 17, 2015, the Town Council adopted two Resolutions of Necessity authorizing the acquisition, by eminent domain, of AVR's Apple Valley Water System; and

**WHEREAS**, the Town's General Plan ("General Plan") applies to the Apple Valley Water System, though the Project is not expected to affect any land use designations or the intensity of development in Apple Valley; and

**WHEREAS**, pursuant to Government Code Section 65402, the Planning Commission of the Town of Apple Valley must make a finding that the acquisition of the Apple Valley Water System conforms with the General Plan; and

**WHEREAS**, after a duly noticed public meeting held on the 2nd day of December, 2015, and the consideration of all facts and circumstances, the Planning Commission desires to make a finding of General Plan conformance based upon substantial evidence; and

**WHEREAS**, all other legal prerequisites to the adoption of this Resolution have occurred.

**NOW, THEREFORE, THE PLANNING COMMISSION OF THE TOWN OF APPLE VALLEY DOES HEREBY RESOLVE AS FOLLOWS:**

**SECTION 1.** The acquisition of the Apple Valley Water System by the Town is found to be in conformity with the Town of Apple Valley General Plan, based on the following findings:

- A. The Planning Commission finds that the Project will likely achieve the following objectives stated in the FEIR:
  - (1) Allow the Town to independently own and operate a water production and distribution system;

- (2) Provide for greater transparency and accountability, as well as increased customer service and reliability;
- (3) Enhance customer service and responsiveness to AVR customers;
- (4) Provide greater local control over the rate setting process and rate increases;
- (5) Provide direct access to locally elected policy makers for the water operations;
- (6) Allow the Town to pursue grant funding and other types of financing for any future infrastructure needs, including grants and financing options which the California Public Utility Commission (CPUC) does not allow private company to include in their rate base (such that private companies do not pursue advanced planning and investment for infrastructure);
- (7) Ensure better coordination amongst Town decisions involving land use, emergency services, policy, the location and need for capital improvements, and overall planning in the water context; and
- (8) Enable the Town to use reclaimed water for public facilities without invoking potential duplication of service issues with AVR.

B. The Planning Commission finds that the Project will assist in the pursuit of the following General Plan policies:

- (1) Land Use Policy 8.A – *The Town shall coordinate with all public service providers to assure that adequate services are available to meet the demands of growth in Town..*

As the owner and operator of the Apple Valley Water System, the Town will be better able to plan for the future development of the Town. Rather than needing to coordinate with Apple Valley Ranchos Water Company, the Town could provide assurances of service on its own.

- (2) Water Resources Policy 1.D – *To the greatest extent practicable, the Town shall direct new development to provide irrigation systems that are able to utilize reclaimed water, when available, for use in common area and streetscape landscaping.*

The Project will increase the likelihood that reclaimed water will be made available within the Town.

- (3) Water Resources Policy 1.G – *To facilitate the sharing of information on potential groundwater contamination and potential sources, the Town shall confer and coordinate with the California Regional Water Quality Control Board, Apple Valley Ranchos Water Company, Golden State Water Company, other water purveyors that serve the Town and its Sphere of Influence.*

As the operator of its own water system, the Town will be more aware of potential

groundwater contamination and potential sources without the need for cooperation with Apple Valley Ranchos Water Company. In addition, the Town may be in a better position to work directly with the other agencies if it is its own water provider.

(4) Water Resources Policy 1.H – *The Town shall confer with appropriate water agencies and purveyors, as necessary, to assure adequate review and mitigation of potential impacts of proposed development on local water resources.*

As the operator of its own water system, the Town will be more capable of assuring adequate review and mitigation of the potential impacts of proposed development on local water resources. In addition, to the extent the Town must cooperate with other water providers, the Town may be in a better position to do so if it is its own water provider.

(5) Water, Wastewater, and Utilities Policy 1.A – *The Town shall coordinate with the various domestic water service providers to ensure that local and regional domestic water resources and facilities are protected from over-exploitation and contamination.*

As the operator of its own water system, the Town will be more capable of ensuring that local and regional domestic water resources and facilities are protected from over-exploitation and contamination. In addition, to the extent the Town must cooperate with other water providers on this goal, the Town may be in a better position to do so if it is its own water provider.

(6) Water, Wastewater, and Utilities Policy 1.C – *The Town shall ensure that every effort is made to facilitate cost-effective and timely extension and expansion of community-development support services.*

Being its own water provider would allow the Town to pursue cost-effective and timely water services development.

- C. The Planning Commission finds that the Project will ensure the integration of water usage with other municipal functions.
- D. The Planning Commission finds that the Apple Valley Water System is an existing water delivery system that currently provides water service to many of the Town's residents. The Town is not proposing any modifications or changes to the Apple Valley Water System that might result in General Plan inconsistencies. Instead, the Town has merely approved the acquisition of the water system that is already in place. Accordingly, no General Plan inconsistencies will be created by the Project.

The Planning Commission has determined that the above referenced findings, in conjunction with all written and oral evidence presented to the Planning Commission, including staff reports and Commission deliberation, provides substantial evidence for the Planning Commission's finding of General Plan conformity with respect to the acquisition of the Apple Valley Water System under Government Code Section 65402.



**SECTION 2.** In accordance with the California Environmental Quality Act (Pub. Res. Code, § 21000 et seq. [CEQA]) and the State Guidelines for Implementation of CEQA (Tit. 14, Cal. Code Regs § 15000 et seq.), the Town Council certified a final Environmental Impact Report (State Clearinghouse # 2015061078) for the Project that fully analyzes and discloses the potential environmental impacts associated with the Town's acquisition of the Apple Valley Water System. No further environmental review is required for the Planning Commission to adopt this Resolution.

**SECTION 3.** A copy of this Resolution shall be delivered to the Town Clerk.

Approved and Adopted by the Planning Commission of the Town of Apple Valley this 2nd day of December, 2015.

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Chairman Bruce Kallen

ATTEST:

I, Yvonne Rivera, 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 2nd day of December, 2015 by the following vote, to-wit:

AYES:  
NOES:  
ABSENT:  
ABSTAIN:

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Ms. Yvonne Rivera, Planning Commission Secretary



# Town of Apple Valley

A Better Way of Life

## Memorandum

**TO:** Planning Commission  
**FROM:** Carol Miller, Principal Planner  
**SUBJECT:** Authority and Charge of the Planning Commission  
**DATE:** December 2, 2015

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The Planning Commission requested information regarding the Commission's ability to consider financial matters when considering a project. Attached to this memo is a Memorandum from the Town Attorney's office regarding the authority and charge of the Planning Commission.

As indicated in the Memorandum, "at no point does the Town's Municipal Code or State law confer any authority over financial matters to the Planning Commission. Financial matters appear to fall outside the Planning Commission's jurisdiction over land use and planning functions." Moreover, considering financial matters as part of making land use and planning determinations does not appear to be one of the "powers necessary to carry out the purposes" of the Planning Commission. While considering financial matters may offer the Planning Commission a more complete picture of a land use matter, State law has determined that this is neither a mandatory function of the Planning Commission under Government Code Section 65103, nor a necessary power of the Planning Commission under Government Code Section 65100. Further, considering financial matters in land use decisions could impair the ability of the Planning Commission to apply the Town's Development Code in a fair, consistent and objective manner.

Therefore, the Planning Commission does not appear to have authority to consider financial matters as it makes land use determinations because such authority is not granted to the Planning Commission and is not necessary to carry out the Planning Commission's planning and land use functions."



## Memorandum

**To:** Lori Lamson, Assistant Town Manager and Carol Miller, Principal Planner  
**From:** Town Attorney's Office  
**Date:** November 16, 2015  
**Re:** Authority and Charge of the Planning Commission  
**File No.:** 28314.00014

### BACKGROUND

You requested that the Town Attorney's Office provide information regarding the role, authority and charge of the Planning Commission for the Town of Apple Valley ("Town"). This memorandum discusses those topics.

### QUESTIONS PRESENTED

1. What is the authority and charge of the Planning Commission for the Town?
2. Does the Planning Commission have authority to consider financial matters in making its determinations?

### ANALYSIS

#### **1. Authority and Charge of the Planning Commission**

##### *A. Town of Apple Valley Municipal Code*

The Town's Municipal Code provides for a Planning Commission pursuant to Chapter 2.18 – Planning Commission. According to Section 2.18.015, the Planning Commission "shall perform all functions and take all actions designated in the Development Code of the County of San Bernardino, which has been adopted by the Town, for the Planning Commission and for the Planning Commission Sub-committee." Section 2.18.015 also makes the Planning Commission responsible for any project subject to discretionary decisions to be made by the Planning Officer or other officers or offices in the Development Code where certain determinations are made, for planned residential developments, and for all other matters required by Town ordinance or other law to be considered and acted upon by the Planning Commission.



Pursuant to Section 2.18.040 of the Town’s Municipal Code, the functions, powers and duties of the Planning Commission “shall be all those functions, powers and duties of a Planning Commission and Board of Zoning Adjustment as provided in Government Code title 7, chapters 3 and 4, commencing with § 65100 (the Planning and Zoning Law), as the same may be hereafter amended.” In addition, the Municipal Code provides that the Planning Commission shall perform such other duties and functions as may be designated by the Town Council.

Under the Town’s Municipal Code, the Planning Commission is tasked with specified functions that are designated by the Development Code as adopted by the Town. The Development Code at Title 9 of the Municipal Code lists the land use functions for the Planning Commission. These land use functions include, but are not limited to, the general plan, specific plans, development agreements, zoning, nonconforming uses, permits, and variances. Carrying out the land use functions in the Development Code is the main authority and charge of the Planning Commission, pursuant to Section 2.18.015 of the Municipal Code. In addition, the Municipal Code gives the Planning Commission authority over other specifically enumerated tasks. Per Section 2.18.015, the Planning Commission also shall oversee discretionary decision by the planning staff and planned residential developments.

The functions in the Development Code and the responsibilities in Municipal Code Section 2.18.015 are the only charge to the Planning Commission. The Planning Commission does not have any other general powers and is not granted jurisdiction over any other matters under local ordinances.

*B. California State Law*

Under State law, the Planning Commission is an optional, permanent advisory committee of citizens appointed by a city council or mayor to review matters related to planning and development. California law recognizes that the Planning Commission holds regularly scheduled public meetings to consider land use matters, such as zone changes, conditional use permits, variances, subdivisions, and general plan amendments. (Gov. Code, §§65100-65107.) Public hearings apply to certain land use matters before the Planning Commission.

State law provides that the Planning Commission has the powers necessary to carry out the purposes of the planning and land use title of the Government Code. (Gov. Code, § 65100.) State law does not vest the Planning Commission with powers beyond those necessary for its planning and land use purposes. Under, Government Code section 65103, the Planning Commission shall perform all of the following functions:



- Prepare, periodically review, and revise, as necessary, the general plan.
- Implement the general plan through actions including, but not limited to, the administration of specific plans and zoning and subdivision ordinances.
- Annually review the capital improvement program of the city and the local public works projects of other local agencies for their consistency with the general plan, pursuant to Government Code section 65400 *et seq.*
- Endeavor to promote public interest in, comment on, and understanding of the general plan, and regulations relating to it.
- Consult and advise with public officials and agencies, public utility companies, civic, educational, professional, and other organizations, and citizens generally concerning implementation of the general plan.
- Promote the coordination of local plans and programs with the plans and programs of other public agencies.
- Perform other functions as the legislative body provides, including conducting studies and preparing plans other than those required or authorized by this title.

The Planning Commission functions under State law indicate that the Planning Commission only has those powers that are required to accomplish the planning and land use role outlined in the Government Code. State law does not grant additional powers to the Planning Commission beyond those absolutely essential to its function. Furthermore, State law does not give the Planning Commission jurisdiction over any matters besides planning and land use, so the Planning Commission cannot argue that no additional powers are needed to accomplish other tasks.

## **2. Authority to Consider Financial Matters**

Under both local ordinance and State law, the charge of the Planning Commission is limited in scope. The Town's Municipal Code restricts the Planning Commission's authority primarily to the land use functions in the Development Code. State law lists the functions the Planning Commission must perform and grants only the powers necessary to carry out those functions. The Planning Commission's charge at the Town is restricted to these enumerated functions and does not extend to general matters of governance outside of this role.



At no point does the Town's Municipal Code or State law confer any authority over financial matters to the Planning Commission. Financial matters appear to fall outside the Planning Commission's jurisdiction over land use and planning functions. Moreover, considering financial matters as part of making land use and planning determinations does not appear to be one of the "powers necessary to carry out the purposes" of the Planning Commission. While considering financial matters may offer the Planning Commission a more complete picture of a land use matter, State law has determined that this is neither a mandatory function of the Planning Commission under Government Code section 65103, nor a necessary power of the Planning Commission under Government Code section 65100. Further, considering financial matters in land use decisions could impair the ability of the Planning Commission to apply the Town's Development Code in a fair, consistent and objective manner.

Therefore, the Planning Commission does not appear to have authority to consider financial matters as it makes land use determinations because such authority is not granted to the Planning Commission and is not necessary to carry out the Planning Commission's planning and land use functions.

We are aware that planning commissions in various jurisdictions do discuss financial matters, and there is nothing specifically that prevents such a discussion by the Planning Commission, however, these matters should not factor into the actual decisions of the Planning Commission. It should be noted, however, that the mere discussion of the financial aspects of a project may lead to, or be perceived to lead to, Planning Commission decisions that do take into account the financial aspects of a project.

#### **CONCLUSION**

In sum, the charge of the Planning Commission is to carry out the planning and land use functions set forth in the Town's Development Code, Chapter 2.18 of the Town's Municipal Code, and the planning and zoning chapters of the Government Code. The Planning Commission possesses these enumerated roles and the powers necessary to carry out these purposes. Considering financial matters in the decision making process appears to be neither an enumerated function nor a necessary power of the Planning Commission. As such, considering financial matters appears to fall outside the Planning Commission's jurisdiction over land use determinations.

As always, the Town's Attorney's Office would be pleased to answer questions or discuss these matters in greater detail.

A. HAVIVA SHANE  
CAMBRIA C. SMITH