

**TOWN OF
APPLE VALLEY, CALIFORNIA**

AGENDA MATTER

Subject Item:

ADOPT ORDINANCE NO. 385, AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF APPLE VALLEY, CALIFORNIA, ADOPTING A MITIGATED NEGATIVE DECLARATION, SPECIFIC PLAN NO. 2004-002 (DEEP CREEK ESTATES) AND AMENDING THE OFFICIAL ZONING MAP BY CHANGING THE ZONING DESIGNATION FROM RESIDENTIAL AGRICULTURE (R-A), ONE (1) DWELLING PER 2.5 TO 5.0 ACRE, ZONE DESIGNATION TO SPECIFIC PLAN (S-P) ZONE DESIGNATION OF AN EIGHTY (80) ACRE PARCEL GENERALLY LOCATED AT THE NORTHWEST CORNER OF TUSSING RANCH ROAD AND DEEP CREEK ROAD; SECTION 7, TOWNSHIP 4 NORTH, RANGE 3 WEST OF SAN BERNARDINO MERIDIAN; APNS 0434-201-14 AND -48.

Summary Statement:

At its June 24, 2008 meeting, the Town Council reviewed and introduced Ordinance No. 385 as it relates to changing the zoning designation from Residential Agriculture (R-A) to Specific Plan (S-P) and to adopt the Deep Creek Estates Specific Plan. The project is located on the northwest corner of Tussing Ranch and Deep Creek Roads. As part of the requirements to adopt a new Ordinance, Ordinance No. 385 has been scheduled for adoption at the July 8, 2008 Town Council meeting.

Recommended Action:

Adopt Ordinance No. 385

Proposed by: Planning Division

Item Number _____

Town Manager Approval: _____

Budget Item Yes No

Town Council Meeting: July 8, 2008

ORDINANCE NO. 385

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF APPLE VALLEY, CALIFORNIA, ADOPTING A MITIGATED NEGATIVE DECLARATION, SPECIFIC PLAN NO. 2004-002 (DEEP CREEK ESTATES) AND AMENDING THE OFFICIAL ZONING MAP BY CHANGING THE ZONING DESIGNATION FROM RESIDENTIAL AGRICULTURE (R-A), ONE (1) DWELLING PER 2.5 TO 5.0 ACRE, ZONE DESIGNATION TO SPECIFIC PLAN (S-P) ZONE DESIGNATION OF AN EIGHTY (80) ACRE PARCEL GENERALLY LOCATED AT THE NORTHWEST CORNER OF TUSSING RANCH ROAD AND DEEP CREEK ROAD; SECTION 7, TOWNSHIP 4 NORTH, RANGE 3 WEST OF SAN BERNARDINO MERIDIAN; APNS 0434-201-14 and -48.

WHEREAS, the Town of Apple Valley General Plan was adopted by the Town Council on October 27, 1998; and

WHEREAS, Title 9 (Development Code) of the Municipal Code of the Town of Apple Valley was adopted by the Town Council on October 24, 2000; and

WHEREAS, Title 9 (Development Code), including Chapter 9.03 *Specific Plans*, has been utilized to adopt one or more Specific Plans by the Town Council on the recommendation of the Planning Commission; and

WHEREAS, a Specific Plan ("Deep Creek Estates") has been proposed for two (2) parcels generally located at the northwest corner of Tussing Ranch and Deep Creek Roads, Section 7, Township 4 North, Range 3 West of San Bernardino Meridian (APNs 0434-201-14 and -48); and

WHEREAS, on June 6, 2007, proposed Zone Change 2004-002 and Specific Plan No. 2004-002 were duly noticed in the Apple Valley News, a newspaper of general circulation within the Town of Apple Valley; and

WHEREAS, based upon the State Guidelines to Implement the California Environmental Quality Act (CEQA), the proposed General Plan Amendment 2004-002 will have significant impacts that with mitigations will be reduced to a level of less than significant. A Mitigated Negative Declaration has been prepared in compliance with the California Environmental Quality Act (CEQA) and State Guidelines for the Implementation of CEQA; and

WHEREAS, there is evidence before the Town that there is one (1) drainage course delineated as a "surface water driven ephemeral stream" and therefore considered to not be "Waters of the US" per criteria of the Army Corp of Engineer's (ACOE).). However, certain sensitive species may occupy the site and may be potential habitat according to a consulting biologist. In accordance with Section 711.4 of the Fish and Game Code, payment of a fee for a Mitigated Negative Declaration must be paid and collected by the Clerk of the Board of the County of San Bernardino; and

WHEREAS, the Town Council finds on the basis of the whole record before it (including the initial study, mitigation monitoring program and any comments received) that there is not substantial evidence that the project will have a significant effect on the environment and that the Mitigated Negative Declaration reflects the Town Council's independent judgment and analysis; and

WHEREAS, the Town Council hereby finds that the Mitigated Negative Declaration includes a mitigation monitoring program; and

WHEREAS, the Town Council hereby finds that the Mitigated Negative Declaration reflects its independent judgment. A copy of the Initial Study and Mitigated Negative Declaration, including the Mitigation Monitoring Program may be obtained at: Town of Apple Valley, Planning Division, 14955 Dale Evans Pkwy., Apple Valley, CA 92307; and

WHEREAS, on October 17, 2007, January 16, 2008, May 21, 2008 and June 4, 2008, the Planning Commission of the Town of Apple Valley conducted a duly noticed and advertised public hearing on General Plan 2004-002, Zone Change 2004-002 and Specific Plan No. 2004-002, receiving testimony from the public and forwarding a recommendation to the Town Council, and

WHEREAS, proposed General Plan Amendment 2004-002, Zone Change 2004-002 and Specific Plan 2004-002 is consistent with Town of Apple Valley General Plan, as amended, as provided in Exhibit B and 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; and

WHEREAS, the Town Council conducted a duly noticed public hearing on April 22, 2008 and June 24, 2008 and heard all testimony of any person wishing to speak on the issue and considered the written recommendation of the Planning Commission on the matter.

NOW, THEREFORE, BE IT RESOLVED, that, in consideration of the evidence received at the public hearing, and for the reasons discussed by the Town Council at said hearing, the Town Council of the Town of Apple Valley, California does ordain as follows:

Section 1. Based upon the information contained within the Initial Study prepared in conformance with the State Guidelines to Implement the California Environmental Quality Act (CEQA), Zone Change 2004-002 and Specific Plan 2004-002 will not have an impact upon the environment and, therefore, the Town of Apple Valley Town Council adopts a Mitigated Negative Declaration for said project and the Mitigation Monitoring Program.

Section 2. Based upon the information contained within the Initial Study prepared for Zone Change 2004-002 and Specific Plan 2004-002 there is evidence that the project could have the potential for adverse effects on wildlife resources and the applicant is responsible for the payment of Fish and Game fees at the time the Notice of Determination is filed with the County.

Section 3. The Town Council finds that the changes proposed under Zone Change 2004-002 and Specific Plan 2004-002 are consistent with the Goals and Policies of the Town of Apple Valley adopted General Plan, as amended, and more specifically identified in Exhibit B.

Section 4. The Town Council hereby approves and adopts the Findings required for approval for the Zone Change 2004-002 as set forth in the staff report, including Findings and comments in the May 21, 2008 Planning Commission staff report and adopts Zone Change 2004-002 as shown on the attached Exhibit "A" and incorporated herewith by reference.

Section 5. The Town Council hereby approves and adopts the Findings required for approval for the Specific Plan 2004-002 (Deep Creek Estates) as set forth in the staff report, including Findings and comments in the May 21, 2008 Planning Commission staff report and the consistency findings to the General Plan provided as Exhibit "B" and incorporated herewith by reference and adopts Specific Plan 2004-002 (Deep Creek Estates) dated April 30, 2008 in the form before the Town Council during the public hearing incorporated herein, a copy of which is in the office of the Town Clerk, and accompanying and lodged with this ordinance for ready reference.

Section 6. Notice of Adoption. The Town Clerk of the Town of Apple Valley shall certify to the adoption of this ordinance and cause publication to occur in a newspaper of general circulation and published and circulated in the Town in a manner permitted under Section 36933 of the Government Code of the State of California.

Section 7. Effective Date. This Ordinance shall become effective thirty (30) days after the date of its adoption.

Section 8. Severability. If any provision of this Ordinance, or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications and, to this end, the provisions of this Ordinance are declared to be severable.

Adopted by the Town Council and signed by the Mayor and attested to by the Town Clerk this 8th day of July 2008.

Honorable Timothy Jasper, Mayor

ATTEST:

Ms. La Vonda M. Pearson, Town Clerk

Approved as to form:

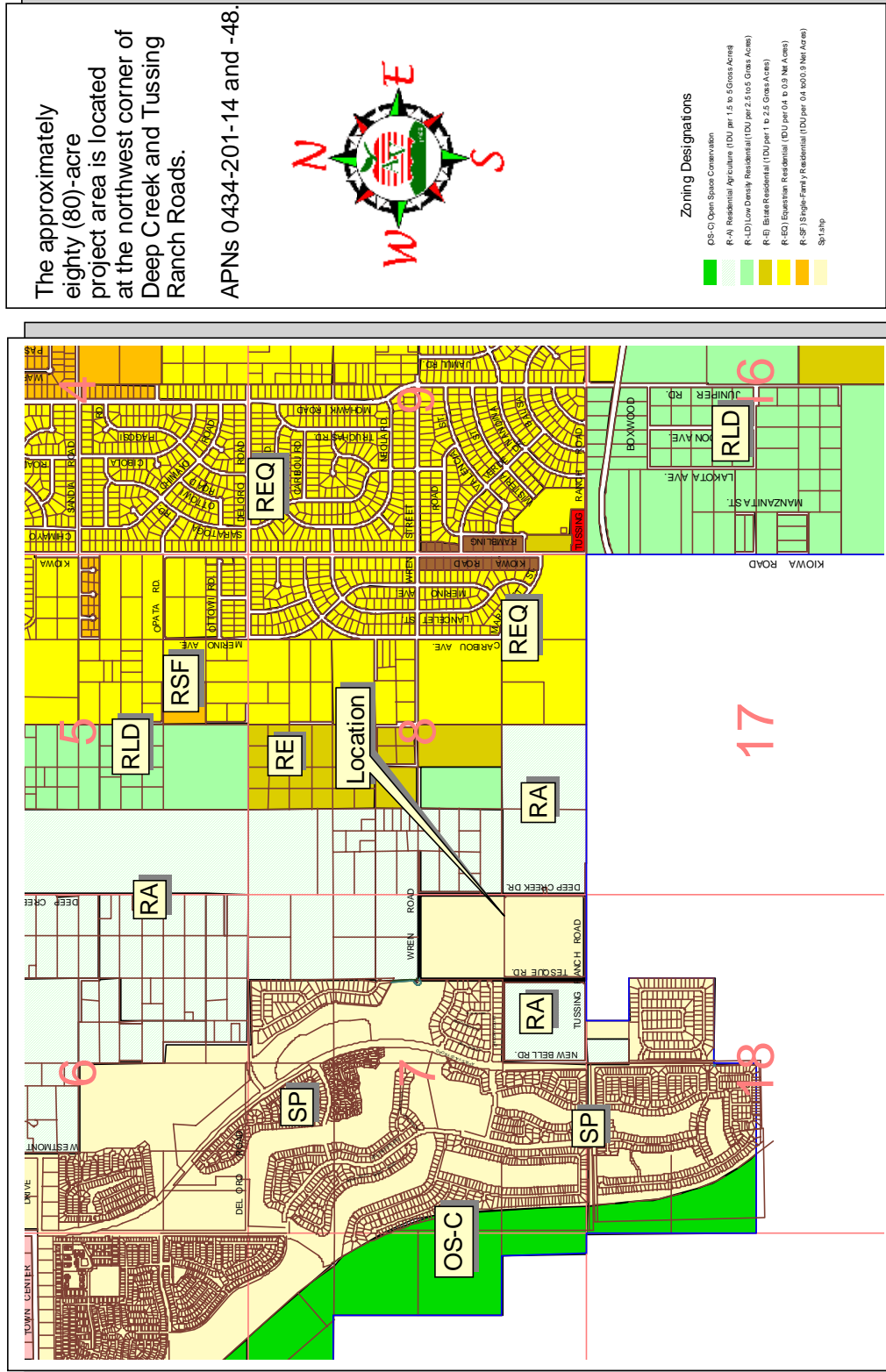
Approved as to content:

Mr. Neal Singer, Town Attorney

Mr. James Cox, Town Manager

Exhibit "A" - Proposed Zoning

Proposed Zoning Designation
 Deep Creek Estates
 Zone Change No. 2004-002



The approximately eighty (80)-acre project area is located at the northwest corner of Deep Creek and Tussing Ranch Roads.

APNs 0434-201-14 and -48.

October 17, 2007

Exhibit B

APPENDIX C – GENERAL PLAN CONSISTENCY

California State Law requires a specific plan to be consistent with the General Plan. Currently, the Town's General Plan land use designation for the Specific Plan site is Residential Low Density (R-LD) which allows 1 DU per 2.5 to 5 gross acres. Development of the Specific Plan would allow eighty-seven (87) residential units proposed under Tentative Tract Map No. 16922 in a gross area of eighty (80) acres. As a result, the applicant is proposing a General Plan Amendment to change the designated land use of the Specific Plan site from Residential Low Density (R-LD) to Specific Plan (S-P) District in the Land Use Element text and map. The proposed General Plan Amendment must be adopted by the Town of Apple Valley prior to the adoption of this Specific Plan, which would make the Specific Plan consistent with the General Plan. The Specific Plan is consistent with the General Plan Elements and policies identified below.

LAND USE GOALS

GOAL LU-1: The Town will respect the desert environment.

Policy LU-1.1: The Town will encourage low water use through native desert plants for landscaping (xeriscape);

Policy LU-1.2: The Town will retain natural drainage channels.

Policy LU-1.3: The Town will protect environmentally unique and fragile areas, such as the knolls, areas of dense Joshua trees, and the Mojave River.

Policy LU-1.4: Clearance for construction on any development site should be limited to no more than thirty (30) feet surrounding a building pad (i.e. area of structures footprint).

Consistency:

- The Specific Plan provides for the use of xeriscape landscaping, with minimal turf areas, and water conserving irrigations systems.
- The existing drainage channel alignment will be retained and improved per the requirements of the Master Plan of Drainage for the Town of Apple Valley or as determined by the Town Engineer.
- The site was evaluated for Joshua trees by Altec Land Planning in August 2007. Many Joshua Trees (513) populate the site, with those located at the southwest and northeast corners being healthy and transplantable. The remainder of the site contains unhealthy clone Joshua trees with very poor corm and root systems, which are unlikely to survive transplantation. Those Joshua Trees healthy enough for transplantation will be retained on the site as outlined in the Biological Assessment.
- Finally, mass grading is not proposed for Phase 1 and 2 of the Specific Plan area to allow for individualized custom home design, and lots will be graded no more than thirty (30) feet surrounding the building pad. Mass grading will be required for Phase No. 3 in order to address drainage concerns as well as improve line-of-sight conditions at an existing dangerous intersection at Tussing Ranch and Deep Creek Roads.

GOAL LU-2: The Town will manage growth in an orderly manner in accordance with a long range plan which protects and enhances community values, and which does not exceed the provisions of requisite facilities and services.

Policy LU-2.1: Development is encouraged to occur in a sequential manner, adjacent to previously developed areas and in ways which allow for clear linkages to circulation and infrastructure systems.

Policy LU-2.2: The General Plan reflects the long-term needs of the community. The Town will discourage development which sacrifices long-term goals in preference to short-term desires.

Policy LU-2.4: The Town will require that all necessary infrastructure and support services be in place prior to occupancy of new development. (Examples of infrastructure include water, sewer, electricity, gas, and telephone. Examples of support services and public facilities include police and fire protection and recreation areas. The extent of required infrastructure and special services will depend on the nature of specific development proposals.)

Policy LU-2.5: Town development policies shall discourage speculation in the undeveloped portions of the Planning Area by limiting project approvals in those areas with inadequate infrastructure.

Policy LU-2.6: The Town shall encourage and promote designs which relate to and are harmonious with the region's desert environment.

Consistency:

- The Specific Plan Area is located next to the developing Jess Ranch PUD (Solera) project (Specific Plan to the west), and proposed projects to the east (Tussing Ranch Estates). Development of the area will provide linkage from Jess Ranch PUD (Solera) to Deep Creek Road via Tussing Ranch Road, as well as improve the existing intersection. Further, its development will bring needed infrastructure such as water and sewer into the area for future developments.
- The Specific Plan Area, along with adjoining properties protect and enhance community values by complying with the community's desire for minimum half (1/2) acre single-family lots as well as providing infrastructure needed for the area. In addition, the Specific Plan provides an equestrian development as is desired by the community.
- The development will provide adequate infrastructure facilities and services to support the proposed community in order to meet the needs of the requisite facilities and services. This includes sewer, water and roads.
- Infrastructure is located nearby, and improvements will be made to facilities and services to support the proposed community in order to meet the needs of the requisite facilities and services. This includes sewer, water, and roads.
- This development relates to the desert environment by implementing xeriscape landscaping requirements, the use of water-conserving irrigation, and retention of the existing bluffs through grading for individual lots, rather than mass grading.

GOAL LU-3: The Town shall promote and provide safe, attractive and well-served residential areas in keeping with the desert environment and its open characteristics.

Policy LU-3.1: The Town will encourage single-family detached housing on lots of no less than 18,000 square feet net.

Policy LU-3.2: The Town supports existing neighborhoods which allow for equestrian activities and encourages their expansion where appropriate.

Equestrian communities and facilities are especially encouraged adjacent to the lifeline trail system.

Policy LU-3.4: Open space equivalent to that provided by single-family units or 18,000 sq. ft. net lots shall be provided for in all specific plans.

Policy LU-3.5: All aspects of Town ordinances shall be reviewed on a regular basis with emphasis on the following:

- a.: Regulation of unsightly outdoor storage, including recreational vehicles, trucks, junk cars, unused appliances and other articles;
- b.: Encouragement of property maintenance;
- c.: Provision of incentives for rehabilitating and remodeling existing residential units;
- d.: Abatement of residential units unsuitable for habitation because of health and safety problems;
- e.: Encouragement of off-street parking;
- f.: Active enforcement of Town codes; and
- g.: Conservation of local resources.

Policy LU-3.6: The Town will encourage streetscapes and edge treatments which buffer homes along major streets. The use of desert landscaping and appropriate water retention basins will be encouraged.

Policy LU-3.7: The Town will support measures which buffer both new and established residences from commercial, industrial and agricultural uses. Such measures may include increased setbacks, walls, berms, landscaping, and location of trash bins and loading areas away from residences.

Policy LU-3.8: The Town will limit street lighting in residential areas to the minimum required for safety;

Policy LU-3.9: The Town will encourage varied building setbacks;

Policy LU-3.10: The Town will allow for a range of local street standards appropriate to the type and density of development; e.g., curbs/gutters in urban areas, rolled curbs in lower density areas, and dirt roads in some rural areas.

Consistency:

- The development proposes a maximum density of two (2) dwelling units per acre and minimum 18,000 square foot equestrian and single-family residential lots consistent with the provisions of the Town of Apple Valley 1998 General Plan, in order to protect the rural character of the Town of Apple Valley.
- The Specific Plan Area lies next to two (2) designated lifeline trails, along Tussing Ranch and Deep Creek roads, both of which will be improved as part of its development. Further, the area lies west of another proposed equestrian Specific Plan.
- In addition to the open space provided on each individual lot, the Specific Plan contains area for a recreation (Lot "A" located south of Lot No. 26 on River Vista Road), and a Drainage and Recreation Trail Easement providing access for those traversing from north to south through the development.
- This Specific Plan is not a review of Town ordinances, but an implementation of them; however, once developed, residents must comply with said ordinances.
- The Specific Plan area will be buffered from major streets (Tussing Ranch and Deep Creek roads) by the installation of lifeline equestrian trails, landscaping, sidewalks, and landscaping as approved by Town staff.
- There are no industrial or commercial developments in the area. The Specific Plan Area will be buffered from any potential agricultural uses by the installation

of major roadways (Tussing Ranch and Deep Creek Roads), lifeline equestrian trails, landscaping, sidewalks, and landscaping as approved by the Town.

- The location of street lights will be limited to within the rights-of-way for Tussing Ranch and Deep Creek Roads and Wren Street, with spacing approved by the Town Engineer, and at the intersection of all internal project streets. Light fixtures will be shielded as necessary to direct light downward onto the site only, or as approved by the Town Engineer.
- Setbacks for the development will be regulated by the Development Code of the Town of Apple Valley, which requires varied setbacks.
- The Specific Plan will be developed in compliance with the Town's roadway standards appropriate for the type of density of its development.

GOAL LU-5: The Town will encourage and support the preservation of historic and cultural resources.

Policy LU-5.1: The Town will complete an inventory of historic sites and buildings.

Policy LU-5.2: Consideration of potentially impacted archaeological and historic resources in the planning area will conform with the guidelines detailed in Appendix K of the CEQA Law and Guidelines, 1986, with revisions.

Policy LU-5.3: The Town will encourage the adaptive reuse of buildings and structures of significant historical or cultural value.

Consistency:

- The Specific Plan Area was evaluated by The Chambers Group and is not on the inventory of historic sites and buildings.
- The Specific Plan Area was evaluated by The Chambers Group, said evaluation being reported in the "Cultural Resources Inventory of 80 Acres: Tentative Tract 16922, Apple Valley, San Bernardino County, California" prepared December 2005. No materials of historical or cultural significance were located as part of this evaluation; therefore, no preservation is required.
- There are no structures or buildings for potential adaptive reuse or of significant historical or cultural value located on the site.

GOAL LU-6: The Town shall protect the rural agrarian lifestyle in those areas traditionally devoted to agricultural land uses.

Policy LU-6.1: Agriculture will be able to continue in those areas along Deep Creek Road previously zoned by San Bernardino County for agriculture. An agricultural zoning district shall be included in the Town Development Code for commercial agricultural uses in these areas.

Policy LU-6.2: The Town will encourage 2.5 acre minimum lots in areas which have historically been used for agriculture. Increases in density in the Deep Creek area shall require the preparation of a Specific Plan. Development in this area should be clustered maintaining to the maximum extent feasible the rural character of the site. The specific plan shall address in detail the provision of adequate infrastructure and services, including circulation, as well as compatibility with agricultural uses in the vicinity and the development's relationship to adjacent properties.

Policy LU-6.3: Agricultural uses shall be buffered from existing and new residential development. All new residential development approved to occur

adjacent to agricultural areas shall provide a buffer area as provided for in the Town Development Code.

Policy LU-6.4: Criteria for resources management (water, soil, etc.) of all commercial agricultural uses shall be considered as part of the Town's Development Code.

Consistency:

- The site is not previously used for agricultural uses.
- The development of this site includes the preparation of this Specific Plan. Properties to the northwest are developed with single family homes, properties to the east are proposed for Equestrian Residential uses under a proposed Specific Plan, properties to the north are not being utilized for agricultural uses, and properties to the south are developed with single-family residences with and without equestrian uses. The rural character of the site is being maintained by implementation of equestrian sized residential lots, and equestrian trails desired by the community. In addition, the site is compatible with potential adjacent agricultural uses due to its equestrian nature, and installation of lifeline equestrian trails along Tussing Ranch and Deep Creek Roads which can be utilized by the community.
- The Specific Plan area is buffered from potential adjacent agricultural uses by the installation of lifeline equestrian trails, landscaping, sidewalks, and landscaping as approved by the Town.
- The Specific Plan is not for commercial agricultural uses; therefore, no resources management is needed.

GOAL C-1: Provide a balanced transportation system that ensures the safe and efficient movement of people, goods and services throughout the Town, while minimizing the use of land for transportation facilities.

Policy C-1.1: Provide a plan for a coordinated street system for the safe and efficient movement of people and goods.

Policy C-1.2: Maintain and rehabilitate roadways as necessary to preserve the high quality of Town streets and thoroughfares.

Policy C-1.3: Minimize through traffic in residential neighborhoods.

Policy C-1.4: Arterial roads should carry through traffic and be improved to maintain a Level of Service C or better.

Policy C-1.5: Reduce vehicle travel time through the Town and improve emergency access by improving access across the Mojave River and to I-15.

Policy C-1.6: Require adequate parking facilities for all uses, including areas where existing parking facilities may be lacking, such as the Village area and office areas of Desert Knolls.

Consistency:

- The Specific Plan contains a plan for a coordinated street system in Section 5.1, "Off-Site Circulation and Access."
- Development of the Specific Plan Area necessitates the redevelopment of the western portion of Deep Creek Road to full buildout.
- Entrances to the Specific Plan Area are not located in such a manner as to provide easy use by through traffic.

- Tussing Ranch and Deep Creek roads will be developed, and the intersection improved, so that LOS C or better is maintained as identified in the Traffic Impact Analysis prepared for the project.
- The Specific Plan area provides no access across the Mojave River to I-15. However, construction of Tussing Ranch Road will reduce travel times for those traveling Deep Creek Road to the Jess Ranch Development.
- Parking will be developed pursuant to the Town's requirements for single family residential uses.

GOAL C-2: Develop a circulation plan and other programs which are financially, technically, and legally implementable, both at the local and regional level.

Policy C-2.1: Encourage full citizen participation in all aspects of transportation planning and its development process.

Policy C-2.2: Develop and implement transportation programs which maximize the use of available funding from local, State and Federal funds, subsidies and grants for circulation purposes.

Policy C-2.3: Provide for Cost Recovery Districts and/or other financing methods which will enable landowners to provide transportation infrastructure necessary to ensure LOS C operation in areas where such infrastructure is unavailable. Benefit fees collected from future development in these areas can contribute to costs incurred.

Consistency:

- Citizens are able to participate in the planning process for the Specific Plan area via public hearings held before the Town Planning Commission and Town Council.
- No public funds will be utilized for development of the transportation system within the Specific Plan Area.
- Development of this Specific Plan will provide transportation infrastructure; therefore, there is no need for Cost Recovery Districts and/or other financing methods.

GOAL C-3: Develop a circulation system which supports the comprehensive goals of the Town, which is integrated with land use planning, and which ensures that the system is responsive to the needs of the community.

Policy C-3.1: Design circulation improvements which are compatible with the desired natural environment.

Policy C-3.2: Maintain a circulation system which provides access and mobility opportunities to residential neighborhoods, employment, shopping, and health services.

Policy C-3.3: Design and construct transportation corridors that are easy to follow and meet traffic safety standards.

Policy C-3.4: Design each arterial with sufficient capacity to accommodate anticipated traffic based on intensity of planned land uses.

Policy C-3.5: Coordinate the Town of Apple Valley's circulation needs with those of adjacent jurisdictions, transit systems and regional highway facilities.

Policy C-3.6: Programming of street widenings shall be done so as to cause the least impact on existing primary structures excluding signs and fences. Special

reduced street sections, as defined in the “street classification system,” shall be applied in cases where street dedications and/or widenings may impact primary structures.

Consistency:

- The circulation improvements proposed contain not only provisions for motor vehicles, but also non-motorized vehicles and equestrian use. All of these uses are compatible with the natural environment of the area.
- The proposed circulation system accesses major roadways (Tussing Ranch and Deep Creek Roads, and Wren Street) providing access to all other residential neighborhoods, employments, shopping, and health services offered.
- The Tussing Ranch and Deep Creek Roads corridors will be developed to meet traffic safety standards. The existing alignments will be redesigned upon approval of Town Engineer.
- Tussing Ranch and Deep Creek Roads will be developed to Town standards to accommodate traffic, as identified in the 1998 General Plan Circulation Element in that Mitigation Measures are required of tentative tract maps to improve the street and roadway system to serve the proposed Deep Creek Estates and the Town of Apple Valley.
- Tussing Ranch and Deep Creek Roads will be developed to Town standards to accommodate traffic, as identified in the 1998 General Plan Circulation Element in that Mitigation Measures are required of Tentative Tract Map No. 16922 to improve the street and roadway system to serve the proposed Deep Creek Estates and the Town of Apple Valley.
- No structures exist on the site; therefore, street widenings and development will not impact the site and will be undertaken in such a manner as to minimize impact to surrounding sites.

GOAL C-4: Improve public transit services which provide mobility for Town residents as well as providing an alternative to the personal automobile.

Policy C-4.1: Transit funds should be used to improve response times within existing service territories.

Policy C-4.3: Fixed route bus service expansion should be considered as demand increases along designated transit corridors.

Consistency:

- No transit funds will be utilized for this development.
- Tentative Tract Map No. 16922 shall provide street systems that support transit services provided by Victor Valley Transit Authority (VVTA). When VVTA determines that funding is available for expanded transit service then street systems in DEEP CREEK ESTATES will be supportive, thus complying with Town of Apple Valley's 1998 General Plan Circulation Element. Bus turnouts would be required and shelters as necessary at any new bus stop locations.

GOAL C-5: Consider within the General Plan an area-wide system of equestrian, hiking and bicycling trails, linking to appropriate parks at existing and new developments, and the trail systems of adjacent jurisdictions. Time frames for development of the system shall be linked to the development of the properties affected by the trail system. Initial emphasis shall be placed on existing trails

within developed areas.

Policy C-5.1: The Town shall, as appropriate and in conjunction with fee owners, designate washes, channels, utility corridors, and transportation rights-of-way as major elements of the open space/recreation network. This network shall provide a link with other open spaces and recreation areas within the Town and with adjacent jurisdictions' recreation plans.

Policy C-5.2: Equestrian uses and facilities are encouraged adjacent to the lifeline trail system.

Consistency:

- The existing drainage channel is proposed to be utilized as a Drainage and Recreation Trail Easement with access roads/trails along both sides of the channel. This trail will provide access to the Lifeline Equestrian Trails along Tussing Ranch and Deep Creek Roads.
- The Specific Plan proposes a portion of the development to be utilized by and for equestrian uses, including lots zoned for the keeping of horses, trail easements along rear property lines providing access to the equestrian trails located along the public rights-of-ways, and development of lifeline equestrian trails along Tussing Ranch and Deep Creek Roads.

Goal H-1: Encourage a range of housing by location, type, and price to meet the growth needs of the Town.

Policy H-1.1: Encourage a variety of residential development opportunities in Apple Valley, ranging from very low density (1.0 dwelling unit per 5 acres) to medium density (10 units per acre), on the Land Use Policy Map.

Policy H-1.2: Encourage the development of housing for the elderly by offering incentives such as density increases and reductions in parking requirements. Coordinate with local lending institutions to ensure the availability of financing for senior housing projects and encourage congregate care facilities.

Policy H-1.3: Encourage the development of residential units which are accessible to handicapped persons or are adaptable for conversion to residential use by handicapped persons.

Policy H-1.5: Allow for the development of second dwelling units in residential zones, subject to the availability of adequate infrastructure.

Policy H-1.6: Permit the development of manufactured housing in all residential zones. Preserve existing mobile homes.

Policy H-1.7: Encourage the construction of planned residential developments under Specific Plan guidelines in Apple Valley.

Policy H-1.8: Encourage the development of a full range of housing, including housing for moderate and upper-income households in Apple Valley.

Policy H-1.9: Continue to facilitate timely permit and development plan processing for residential construction. Allow priority development review processing for low- and moderate-income housing applications, as well as housing for the elderly.

Policy H-1.10: Support and encourage local developers to participate in County-sponsored mortgage revenue bond and scattered site housing programs. Encourage landlords to list rental units with the County Housing Authority.

Consistency:

- The Specific Plan for DEEP CREEK ESTATES provides residential single-family homes on minimum half (½)-acre lots consistent with the General Plan. The Town of Apple Valley allows a variety of house sizes to be built. For example a minimum 1,200 square foot home or a 5,000 square foot home could be built on a half (1/2) acre lot. Because of the construction cost difference between the two examples, it demonstrates that a variety of home prices can be established. A smaller house such as 1,200 square feet, in theory, could cost less than to construct a 5,000 square foot home. Land cost is relatively the same but construction cost is the variable in creating a variety of housing stock within this community. Thus, Deep Creek Estates provides an opportunity to create a variety of homes with a broader range of home prices within the development boundary.
- No incentives are proposed for development of this Specific Plan.
- New construction will meet or exceed existing buildings codes which are increasing aware of issues and challenges of universal design and accessible issues.
- Second dwelling units are permitted in compliance with the Town of Apple Valley Development Code.
- The proposed Tentative Tract submitted in conjunction with this Specific Plan does not contemplate the use of manufactured housing.
- This proposal includes a Specific Plan, allowing to Town to attain this Policy.
- The Specific Plan for DEEP CREEK ESTATES provides residential single-family homes on half (½)-acre lots consistent with the General Plan. The Town of Apple Valley allows a variety of house sizes to be built. For example a minimum 1,200 square foot home or a 5,000 square foot home could be built on a minimum of half (1/2) acre lot. Because of the construction cost difference between the two examples, it demonstrates that a variety of home prices can be established. A smaller house such as 1,200 square feet, in theory, could cost less than to construct a 5,000 square foot home. Land cost is relatively the same but construction cost is the variable in creating a variety of housing stock within this community. Thus, Deep Creek Estates provides an opportunity to create a variety of homes with a broader range of home prices within the development boundary.
- This development does not discourage the facilitation of timely permits and development plan processing for residential construction or to allow priority development review processing for low- and moderate-income housing applications, as well as housing for the elderly
- This development does not discourage prospective home buyers from pursuing housing purchase programs.

Goal H-3: Preserve and enhance the quality of residential neighborhoods in Apple Valley, and ensure that new housing is sensitive to the existing natural and built environment.

Policy H-3.2: Prohibit new residential development to front on major arterial highways without adequate setbacks and buffering.

Policy H-3.6: Prohibit housing development in areas subject to significant geologic, flooding, noise and fire hazards, and in environmentally and archaeologically vulnerable areas.

Policy H-3.7: Accommodate new residential development which is coordinated with the provision of infrastructure and public services.

Policy H-3.8: Encourage to the greatest extent feasible the use of energy-conservation devices and passive design concepts that make use of the natural climate to increase energy efficiency and reduce housing costs.

Policy H-3.9: Regularly examine new residential construction methods and materials, and upgrade the Town's residential building standards as appropriate.

Policy H-3.10: Encourage neighborhood watch programs that promote safety and protection in residential neighborhoods.

Consistency:

- This Specific Plan does not allow single family residences to front onto Tussing Ranch Road or Deep Creek Road. In addition, it provides adequate buffering for single family residences along Tussing Ranch and Deep Creek through larger lots, installation of a twelve (12)-foot lifeline equestrian trail along each roadway, along with landscaping and/or earthen berms, sidewalks, and a split rail fencing. Buffering along Wren Street is provided by one (1) acre parcels and front yards landscaping.
- The public transportation system has stops within the Solera/Jess Ranch development at this time, and VVTA may request its extension into this Specific Plan Area. Recreational resources in the area will include improvement of the Drainage & Recreational Trail Easement, as well as Lot A, for recreational opportunities. Further, the development is in close proximity to the Ashwood Golf Course.
- The Specific Plan Area is not subject to geologic or fire hazards. While the Specific Plan Area is not subject to flooding, the existing drainage channel will be improved as a Drainage and Recreation Trail Easement. Noise will be address as identified within the Acoustical Analysis prepared by Gordon Bricken and Associates on April 26, 2006, as well as installation of a 12-foot lifeline equestrian trail, landscaping, earthen berms, sidewalk, and decorative block wall and/or other sound attenuation alternatives. A Biological Assessment was prepared by Altec Land Planning in September 2004 which evaluated the site for biological resources, and found that none of the species evaluated were found on the site. The Chambers Group conducted an evaluation of cultural evaluation of the site reported in the "Cultural Resources Inventory of 80 Acres: Tentative Tract 16922, Apple Valley, San Bernardino County, California" prepared December 2005. No materials of historical or cultural significance were located as part of this evaluation; therefore, no preservation is required.
- The Specific Plan requires the extension and installation of all infrastructures to serve the site.
- Energy-conservation devices and passive design concepts are required by the Uniform Building Code and will be incorporated into this development.

- Examination of construction methods and materials, and establishment of neighborhood watch programs are within the purview of the Town of Apple Valley.

Goal H-4: Promote equal opportunity for all residents to reside in the housing of their choice.

Policy H-4.1: Affirm a proactive posture that will assure that unrestricted access is available to the community.

Policy H-4.2: Prohibit practices that restrict housing choice by arbitrarily directing prospective buyers and renters to certain neighborhoods or types of housing.

Policy H-4.3: Provide fair housing information at Town Hall, to inform both landlords and tenants of their rights and responsibilities.

Consistency:

- The Specific Plan for DEEP CREEP ESTATES allows unrestricted access for all members of the community to reside within the development.
- The Specific Plan does not direct prospective buyers and renters to specific neighborhoods or types of housing.
- The provision of fair housing information is within the purview of the Town of Apple Valley.

Goal H-5: Maintain the Development Code to support Apple Valley housing objectives.

Policy H-5.3: Promote the inclusion of open space and parks within residential communities and seek to increase after school and other recreational programs at parks.

Policy H-5.6: Continue to cooperate with non-profit organizations to provide emergency shelter for the homeless in the Town.

Consistency:

- The Specific Plan for Deep Creek Estates includes a park on Lot "A" which will provide landscaping, shading, seating, water, and hitching posts.
- The provision of emergency shelter for the homeless is within the purview of the Town of Apple Valley.

Goal H-6: Encourage homeownership opportunities.

Policy H-6.1: Provide first-time homebuyer program as a tool to increase affordable homeownership opportunities for low and moderate income persons.

Policy H-6.2: Participate as a member of the Pacific Housing Finance Authority in their Lease Purchase Homeownership Program.

Policy H-6.3: Participate in California Cities Homeownership Authority's Lease Purchase Homeownership Program.

Consistency:

- Any prospective homebuyers, who qualify for any assistance program offered by the Town of Apple Valley, may utilize said program for the purchase of a home within the DEEP CREEK ESTATES Specific Plan.

OPEN SPACE / CONSERVATION

GOAL OSC-1: The Town will conserve and protect natural resources within the planning area.

Policy OSC-1.1: The Town will cooperate with Federal, State and County governments and local agencies concerning the maintenance and improvement of the quality and quantity of local and regional groundwater resources.

Policy OSC-1.2: New developments will be required to utilize measures designed to conserve water resources including low flow irrigation and plumbing facilities.

Policy OSC-1.3: The Town shall seek to reduce per capita water consumption by requiring the use of planned landscapes in new developments, and by requiring review of all new agricultural and mining uses related to water.

Policy OSC-1.4: The Town shall use and promote reclaimed water for irrigation in parks, golf courses, agricultural uses, recreation areas and industrial uses, as well as from residential and other urban uses where practical and economically feasible.

Policy OSC-1.5: The Town shall seek to reduce soil erosion caused by wind and water. Erosion control measures shall be included as a component of a grading plan and measures to assure compliance for agricultural and mining uses.

Policy OSC-1.6: The Town shall only allow types of development and construction practices which properly control grading and other impacts on landforms within the hill areas of Apple Valley.

Consistency:

- This Specific Plan, and accompanying tentative tract map(s), will be required to implement Federal, State, and local measures to protect groundwater.
- This Specific Plan, and accompanying tentative tract map(s), will be required to implement Federal, State, and local measures to conserve water by implementation of the Town's Landscaping Ordinance and the Uniform Building Code.
- This Specific Plan, and accompanying tentative tract map(s), will be required to implement Federal, State, and local measures to conserve water by implementation of the Town's Landscaping Ordinance.
- The water purveyor serving this Specific Plan Area does not currently provide or anticipate providing facilities for reclaimed water use in landscaped areas. Therefore, this Specific Plan does not incorporate provisions for the installation of dual piping for use of reclaimed water.
- Mass grading is not proposed for Phase Nos. 1 and 2 of the Specific Plan area to allow for individualized custom home design, and lots will be graded no more than thirty (30) feet surrounding the building pad. Mass grading will be required for Phase No. 3 in order to address drainage concerns and to improve line-of-sight conditions at the intersection of Deep Creek and Tussing Ranch Roads.

GOAL OSC-2: The Town will endeavor to preserve significant mature native trees, native vegetation, landforms and wildlife habitat within the planning area.

Policy OSC-2.1: The Town will only allow types and patterns of development which will minimize destruction of, or damage to, significant biotic resources, such as wildlife corridors along the Mojave River and within BLM designated conservation areas.

Policy OSC-2.2: The Town will encourage the planting of native species of trees and plants to enhance the environment.

Policy OSC-2.3: Require, whenever possible, the preservation and or relocation of Joshua Trees.

Consistency:

- This Specific Plan complies with the Town of Apple Valley's Development Code 2000 Chapter 9.76.040 Joshua Tree ordinance in the relocation and protection of Joshua Trees. Subsequent development shall comply prior to grading permit issuance with the mitigation measured as delineated in the Mitigated Negative Declaration.

GOAL OSC-3: The Town will promote and encourage energy efficiency and the use of renewable energy resources.

Policy OSC-3.1: The Town will encourage the use of alternate energy sources, including passive solar, in industrial, commercial and residential developments.

Policy OSC-3.2: New developments will be required to utilize design techniques which conserve energy.

Consistency:

- The Specific Plan will be developed according to the provisions of the Uniform Building Code which require the installation of measures to conserve energy.

GOAL OSC-4: The Town will encourage and support the preservation of historic and cultural resources.

Policy OSC-4.1: The Town will require that archaeological resources in the planning area are preserved or salvaged if threatened by new development.

Policy OSC-4.2: The Town will require that prehistoric and historic archaeological resources, and historic structures, will be inventoried in identified areas and evaluated according to CEQA regulations and appropriate California Office of Historic Preservation guidelines prior to the adoption of mitigation measures and the acceptance of conditions of approval and permit approvals.

Consistency:

- The Specific Plan Area was evaluated by The Chambers Group, said evaluation being reported in the "Cultural Resources Inventory of eighty (80) acres: Tentative Tract Map No. 16922, Apple Valley, San Bernardino County, California" prepared December 2005. No materials of historical or cultural significance were located as part of this evaluation; therefore, no preservation is required

GOAL OSC-5: The Town will continue to emphasize the maintenance of, and access to, open space in the planning area.

Policy OSC-5.1: The Town will seek to establish a balance of natural open space and improved recreational open space.

Policy OSC-5.2: The Town shall implement, and shall cooperate with other jurisdictions to implement measures to preserve and protect significant natural environments and areas designated for open space preservation.

Consistency:

- The Deep Creek Estates Specific Plan provides for open space use through the Drainage & Recreation Trail Easement as well as the recreation area provided within Lot "A".

GOAL OSC-6: Recreational facilities are recognized as important to meet the needs of all segments of the community for recreational activities, relaxation, and social interaction.

Policy OSC-6.1: The Town may require the development of recreation areas within new residential developments.

Policy OSC-6.2: The Town will encourage development of additional cultural facilities to meet the needs of the community.

Consistency:

- The Deep Creek Estates Specific Plan provides for open space use through the Drainage & Recreation Trail Easement as well as the recreation area provided within Lot "A". These facilities will aid in meeting the needs of the equestrian community.

GOAL OSC-7: The Town shall preserve the integrity, function, productivity, and long term viability of environmentally-sensitive habitats and significant geological features throughout the planning area as required by law.

Policy OSC-7.1: The Town shall protect and preserve significant habitats and geological features.

Consistency:

- A Biological Assessment was prepared by Altec Land Planning in September 2004 which evaluated the site for biological resources, and found that none of the species evaluated or their habitats were found on the site. There are no significant geological features located on the site.

Goal OSC 11: Maintain the rural, open space atmosphere of the Town of Apple Valley.

Policy 11.1: Require more open space dedication from higher density residential developments.

Consistency:

This Specific Plan ensures compliance with the minimum half (1/2) acre lot requirement for all residential development in the Specific Plan area boundary. The Specific Plan also designates a Neighborhood Recreational/Equestrian area, with Life Line and Recreational (Equestrian) Trails and Drainage area components.

Goal OSC-12: Provide park and recreational facilities to adequately serve the residents of the Town of Apple Valley.

Policy OSC 12.1: Develop park land and recreational programs to serve the needs of the community.

Policy OSC 12.2: Adhere to the development of park land per the Council adopted ordinance implementing the State adopted Quimby Act.

Policy OSC 12.3: Create an adequate amount of open space to upgrade neighborhood development, give community scale, focus and identity to neighborhoods, and to achieve a natural sense of openness as an integral part of urbanized areas.

Policy OSC 12.4: Require and develop quality park land and recreational facilities within the Town in conjunction with anticipated growth.

Policy OSC 12.5: Increase the supply of park land in the Town, improving the standards of park space per resident through public and private acquisition and improvements. Aim to provide a minimum of five (5) acres of local recreation land, public and private, for each thousand permanent residents within the Town.

Policy OSC 12.6: Park(s) and recreation facilities should be distributed throughout the entire Town as related parts of a unified, balanced system, with each site centrally located within its service area and establish as many multi-purpose facilities as possible.

Policy OSC 12.7: Supplement park and recreation needs with private facilities.

Policy OSC 12.8: Preserve existing park space and recreational facilities, especially open turfed areas and trees, while allowing for redesign, reconfiguration and replacement of existing spaces and facilities to increase their recreation potential and usability.

Policy OSC 12.9: Specialized parks may be established to maintain scenic open space or natural settings, provide open space linkages, provide a haven for wildlife and plant life, or to protect the public health, safety and welfare.

Consistency:

- The Specific Plan designates a Neighborhood Recreational/Equestrian area, with Life Line and Recreational (Equestrian) Trails and Drainage area components to meet the needs of the community.
- This Specific Plan will contribute park development fees (Quimby Act) towards the construction of future parks, as consistent with the Town's Parks and Recreation Master Plan

Goal OSC 13: Maintain a quiet and serene atmosphere in the Town.

Policy OSC 13.1: Provide sufficient buffer between existing and new park facilities or recreational activities to preserve and protect existing residential development from intrusion of such facilities or programs.

Consistency:

- This Specific Plan complies with the Town's Noise Standards. In addition, Lot 26 which is located north of the proposed Neighborhood Recreation/Equestrian area is of sufficient width to allow the residence to be set back from the property line to reduce associated intrusion generated by use of the Park(s).

Goal OSC 14: Maintain the Town's Dark Sky Policy.

Policy OSC 14.1: Provide sufficient control and limit hours of operation for existing and new park facilities or recreational activities to preserve and protect existing residential development from intrusion of such light sources from these facilities or programs.

Policy OSC 14.2: Ensure that all parks are adequately illuminated for safe use at night if open and to be in conformance with the Town's "Night Sky" policy. Lighting shall be designed to not spill onto adjacent properties or be a hazard to motorists or adjacent streets.

Consistency:

- The proposed Neighborhood Recreation/Equestrian area will not provide lighting for night use of the park.

Goal OSC 15: Establish criteria to evaluate park development proposals, making sure that the criteria contains the flexibility necessary to recognize design and terrain uniqueness or a particular site.

Policy OSC 15.1: Acquire or reserve land for park facilities as far in advance of development as possible.

Policy OSC 15.2: Require that new residential development provide recreational or open space facilities on-site or contribute fees to the public development of additional facilities to offset increased demands generated by the future resident population.

Policy OSC 15.3: Require that new commercial development provide open space facilities on-site for passive or active recreation or contribute fees for the public development of such uses.

Policy OSC 15.4: Require that active recreation areas provide for shade and water to encourage park use in our desert climate. Facilities should allow for late-day and limited night use.

Consistency:

- No community park land is being offered as part of this Specific Plan.
- The Specific Plan designates a Neighborhood Recreational/Equestrian area, with Life Line and Recreational (Equestrian) Trails and Drainage area components to meet the needs of the community, as well as contributes park development fees (Quimby Act) towards the construction of future parks, consistent with the Town's Parks and Recreation Master Plan
- The Neighborhood Recreational/Equestrian area is proposed to provide shade as well as water.

Goal OSC 16: Maintain open space for the protection of public health and safety.

Policy OSC 16.1: Design and develop park facilities that protect life and property of the citizens of the Town of Apple Valley using park facilities or engaging in recreational activities from natural disasters.

Policy OSC 16.2: For public health and safety, identify and control development of park facilities and use of area for recreational activities within areas that are designated potential hazard areas due to flooding, seismic, land slides, fire and other natural hazards.

Consistency:

- The Neighborhood Recreational/Equestrian area is not located in a designated potential hazard area.

Goal OSC 17: Develop and maintain pedestrian/bicycle/equestrian trails which provide connections with major activity area.

Policy OSC 17.1: Provide access to trails, parks and other public open space areas.

Policy OSC 17.2: Retain and enhance existing recreational developments.

Policy OSC 17.3: Develop equestrian and bicycle trails and facilities that provide linkage within and throughout the Town, and between the Town, adjacent city trails, park and ride facilities and major areas of interest.

Policy OSC 17.4: Upgrade existing recreational trails to meet Town standards and community needs.

Policy OSC 17.5: Equestrian facilities such as private and commercial stables and trail head staging areas, with parking for trailers and off loading of horses, should be considered for development in easily accessible areas of the Town, and wherever possible, in conjunction with other open space facilities.

Policy OSC 17.6: In areas where minimum standards cannot be met for small neighborhood parks, mini parks should be encouraged to help meet the needs of the residents in the immediate area.

Consistency:

- This Specific Plan supports trails that connect to the Multi-use and Equestrian Life Line trails by providing trails within the equestrian portion of the development, and along the Drainage & Recreation Trail Easement. These trails will connect to the lifeline trails along Tussing Ranch and Deep Creek Roads which will be extended when development occurs on adjoining parcels
- Stables, trail head staging areas, and parking for trailers and off loading of horses, is not contemplated as part of this development.
- The Neighborhood Recreational/Equestrian area is being provided to meet the needs of the community.

Goal OSC 18: Develop new parks in areas which are inadequately served relative to current standards.

Policy OSC 18.1: Provide neighborhood parks within a one-half mile radius service area.

Policy OSC 18.2: Land dedication is preferred over in-lieu fees for acquisition of park land.

Policy OSC 18.3: Provide community parks within a one mile radius service area.

Policy OSC 18.4: Provide a wide range of recreational activities

Consistency:

- The Neighborhood Recreational/Equestrian area is being provided to meet the needs of the community.
- Since a Neighborhood Recreational/Equestrian area is being provided, this Specific Plan will contribute park development fees (Quimby Act) towards the construction of future parks, as consistent with the Town's Parks and Recreation Master Plan.

- The Neighborhood Recreational/Equestrian area will allow for picnics, equestrian activities, and other family and community events.

Goal OSC 19: Provide parks and recreation at a community and neighborhood level according to the user needs and accessibility.

Policy OSC 19.1: Provide opportunities for the citizens and visitors of Apple Valley to participate in a variety of recreational activities.

Policy OSC 19.2: Support a program in which citizens can participate in the acquisition, planning, construction and development of parks.

Consistency:

- Since DEEP CREEK ESTATES Specific Plan is a neighborhood park designed to meet the needs of the community, it will not provide activities for all citizens and visitors of Apple Valley.
- DEEP CREEK ESTATES Specific Plan is not proposing to provide land for a community park, which would offer the opportunity for citizen participation.

Goal OSC 20: Maintain quality recreation services and programs.

Policy OSC 20.1: Provide recreation services which meet the needs and interests of a wide segment of the community.

Policy OSC 20.2: Provide adequate resources, facilities and staff to deliver the recreation services and programs.

Policy OSC 20.3: Provide services and programs within the context of wise use of facilities and resources.

Policy OSC 20.4: Provide specialized programs for children, adults, disabled individuals, senior citizens and members of cultural and/or minority groups.

Policy OSC 20.5: Cooperate with private, commercial and public agencies, organizations and experts to provide diversified programs while minimizing duplication of effort.

Consistency:

- The Neighborhood Recreational/Equestrian area is being provided to meet the needs of the community.
- Since a Neighborhood Recreational/Equestrian area is being provided, this Specific Plan will contribute park development fees (Quimby Act) towards the construction of future parks, as consistent with the Town's Parks and Recreation Master Plan.

Goal OSC 21: Create a diversity of programs and facilities to meet the needs of all individuals and groups in the Town of Apple Valley, with special attention given to the elderly, handicapped and economically disadvantaged.

Policy OSC 21.1: Conduct ongoing needs assessment and evaluation of demands for recreational activities and public meeting facilities and modify programs where necessary to meet these demands, provided that adequate funding is available.

Policy OSC 21.2: Notify the Town's residents of the types of recreation and programs available and encourage their participation.

Policy OSC 21.3: Incorporate areas for both active and passive recreation in parks and facilities and ensure that these are accessible to all age groups, as practical.

Consistency:

- The Neighborhood Recreational/Equestrian area is being provided to meet the needs of the community.
- Since a Neighborhood Recreational/Equestrian area is being provided, this Specific Plan will contribute park development fees (Quimby Act) towards the construction of future parks, as consistent with the Town's Parks and Recreation Master Plan.

Goal OSC 23: Provide park and recreational facilities which are designed, landscaped and maintained to promote a high quality of recreational experience.

Policy OSC 23.1: Monitor and review access, design, landscape development and maintenance of parks, ensuring that quality standards are established commensurate with intended park and facility function and their impact on the surrounding area.

Policy OSC 23.2: Design parks and site their activities, buildings, outdoor facilities, people-gathering areas, lighting, parking areas and other elements so that they do not adversely affect adjacent uses.

Policy OSC 23.3: Restrict and control nighttime park use so that adjacent residences are not adversely affected.

Policy OSC 23.4: Encourage variety in the design of park facilities to enhance the lifestyle of residents to be served.

Policy OSC 23.5: Install or replace existing landscaping where it is severely deteriorated, inappropriately located for park activities or incompatible with other landscape and adjacent uses.

Policy OSC 23.6: Ensure that new development of buildings, open air facilities and landscape is unified, functionally related to improve efficiency and compatible with adjacent uses, and that landscaping locations and species are coordinated with architectural and site design.

Consistency:

- The Neighborhood park will be designed so that access is provided to the residents of the community.
- The Neighborhood park will be designed so as to reduce the impact to residences.
- The park will not be designed to provide night use.
- The park will be designed for family and equestrian uses of the community.
- Maintenance of the park will be conducted with a Master Homeowners Association.

Goal OSC 24: Ensure that the costs of park and recreation facilities and programs are borne by those who benefit and contribute to additional demands.

Policy OSC 24.1: Require developer contributions to provide parks and recreational facilities to offset additional demands brought about by new development.

Policy OSC 24.2: Accept gifts and dedications of parks and open space when the conditions of acceptance do not place an undue burden on the Town.

Policy OSC 24.3: Encourage the development of recreation programs by public and private sports organizations to involve more children and adults in outdoor

recreation activity, using volunteers to operate and maintain programs whenever possible.

Policy OSC 24.4: Whenever feasible, the Town shall utilize joint power agreements with other public and/or private agencies for park development and maintenance.

Consistency:

- The developer of the DEEP CREEK ESTATES Specific Plan will construct the park, equestrian trails, and Drainage & Recreation Trail Easement.

Goal OSC 25: Protect the hiking, biking, jogging and horseback riding interests and needs in the Town by maintaining existing trails and by promoting the development and expansion of the Town's trail systems for the purpose of providing a safe and viable form of recreation and circulation.

Policy OSC 25.1: Acquire rights-of-way in fee or easement for the Town's trails systems, as depicted within the Open Space/Conservation Element of the adopted General Plan, and encourage its logical development, avoiding unrelated trail segments.

Policy OSC 25.2: Institute joint agreements and encroachment permits, where possible, with the public and private sectors (e.g., utility companies, water districts, development companies and homeowner associations) that control easements and unused rights-of-way for the purpose of incorporating such lands into permanent trail linkages throughout the Town.

Policy OSC 25.3: Develop trail standards, as necessary, that allow for a comprehensive and safe trail system, including adequate width and signage.

Policy OSC 25.4: Develop and adopt an inspection and maintenance program that addresses the condition, maintenance and safety of the trail system.

Policy OSC 25.5: Recognize the significance of open space and mountainous areas as a recreational asset, encouraging the development of equestrian and hiking trails. Such trails should avoid sensitive habitats and critical water sources for rare or endangered species.

Policy OSC 25.6: New residential developments shall be encouraged to incorporate appropriate equestrian and bike trail connections to the Town-wide recreational system.

Policy OSC 25.7: Provide for multiple-use trails where feasible unless safety considerations warrant facility separation.

Policy OSC 25.8: Provide appropriate supportive facilities related to recreation trails (rest stops, drinking fountains, restrooms).

Consistency:

- This Specific Plan will extend the Multi-Use and Equestrian Life Line Trail along Tussing Ranch and Deep Creek Roads along the south and east perimeter of the site to support the Town's trail system. It will also provide a Neighborhood Recreational/Equestrian/Drainage area, which will provide trails along both sides, and equestrian trails will be provided within the equestrian portion of the Specific Plan.

Goal OSC 26: Provide parks and recreational facilities which are designed, landscaped and maintained to promote destination recreational facilities and services.

Policy OSC 26.1: Design parks and recreational facilities to site their activities, buildings, outdoor facilities, people-gathering areas, site lighting, parking areas and other elements so that they provide and enhance destination recreational opportunities within the community.

Consistency:

- The Neighborhood Parks will be designed to be appealing to the residents of the community and meet their family, community, and equestrian needs.

SAFETY

GOAL S-1: The Town will encourage development only in those areas without significant potential for risk to life and property.

Policy S-1.1: The Town will restrict development in those areas which are subject to flooding. Special geologic analysis will be required in hillside areas.

Policy S-1.2: Development within Alquist-Priolo Special Studies Zones shall be subject to the restrictions and requirements of the Special Studies Zones Act.

Policy S-1.3: Fire management plans shall be required for all new development in areas subject to wildfires, as determined by the Apple Valley Fire Protection District.

Consistency:

- The Specific Plan areas is not subject to flooding; however, the existing drainage channel will be improved to accommodate any flows directed into the development.
- The Specific Plan area is not within a Special Studies Zone.
- The Specific Plan area is not within an area subject to wildfires.

GOAL S-2: The health and well-being of the community and the physical safety of its structures shall be safeguarded.

Policy S-2.1: The Town will adopt a program to implement State requirements for the identification and reinforcement of unreinforced masonry buildings.

Policy S-2.2: The Town shall annually update the SEMS Multihazard Functional Plan to ensure that emergency shelters and emergency evacuation routes are responsive to changing community needs.

Consistency:

- All structures constructed as part of this Specific Plan are subject to Uniform Building Code provisions.

GOAL S-3: The Town will make an effort to minimize potential hazards to public health, safety, and welfare.

Policy S-3.1: The Town shall cooperate with and support in every way possible current Federal, State, and County agencies responsible for the enforcement of health, safety, and environmental laws.

Policy S-3.2: Development proposals shall be reviewed to determine the impacts of such development on emergency services.

Policy S-3.3: The Town shall ensure that the appropriate safety and construction standards are maintained in all new development.

Policy S-3.4: The Town shall encourage Neighborhood Watch programs to

promote safety and discourage crime.

Consistency:

- This Specific Plan supports a future fire station location within the adjacent Jess Ranch (Solera) Community. The construction is determined by the Apple Valley Fire Protection District. The fire station location in the Jess Ranch Specific Plan area supports a reduced response time to the properties in south Apple Valley supporting the efforts of responding to emergency situations more quickly.

GOAL S-4: The Town will cooperate with adjacent jurisdictions, coordinate with emergency services providers, and make every effort to ensure that all residents, workers and visitors are protected from exposure to hazardous materials and wastes.

Policy S-4.1: The Town will cooperate with the enforcement of disclosure laws requiring all users, producers, and transporters of hazardous materials and wastes to clearly identify such materials at the site, and to notify the appropriate County, State and/or Federal agencies in the event of a violation.

Policy S-4.2: The Town will identify the location of roadways where hazardous

Consistency:

- The Deep Creek Estates Specific Plan does not involve the use of hazardous materials.
- Protection of the community from hazardous materials is within the purview of the Town of Apple Valley and the Apple Valley Fire Protection District.

PUBLIC FACILITIES

GOAL PF-1: Ensure that existing and future land uses have a water supply system capable of adequately meeting normal and emergency demands to ensure the public health and safety of Town residents.

Policy PF-1.1: New development shall be constructed with adequate water supplies which protect the health and safety.

Policy PF-1.2: New development shall enhance local groundwater supplies through designs which promote on-site recharge and minimize impermeable ground coverage through landscaping, open space or recreation areas within a development.

Policy PF-1.3: Promote water conservation for all land uses through public education which addresses conservation practices such as reclaimed water use and, by example, through the operation of Town facilities.

Consistency:

- The developer of the Specific Plan will extend water service from Apple Valley Ranchos Water Company to provide water service to the community. In addition, water rights will be purchased and given to Apple Valley Ranchos as required.
- Landscaping will comply with the Town's Landscaping Ordinance requirements, including xeriscape landscaping and low-flow irrigation.

GOAL PF-2: Establish, extend, maintain and finance a safe and efficient wastewater collection, treatment and disposal system which maximizes treatment

and water recharge, minimizes water use and work within applicable laws and regulations in an attempt to prevent groundwater degradation and contamination.

Policy PF-2.1: New development shall provide for the adequate collection, treatment and disposal of the wastewater it generates to ensure the Town's residents a safe and healthful environment.

Policy PF-2.2: New development shall bear the cost of new services and facilities required to meet the increased demand which it generates.

Policy PF-2.3: At a minimum, on-site wastewater treatment systems shall be designed and constructed to protect groundwater quality, and shall be designed and constructed in conformance with the adopted standards of the Lahontan Regional Water Quality Control Board.

Policy PF-2.4: The siting of sub-regional, reclamation/ treatment plant(s) in Apple Valley to relieve the dependence on the regional treatment facilities shall be promoted. Design capacity of sub-regional treatment facilities should be based upon projected land use densities as defined in the Land Use Element.

Policy PF-2.5: Private development shall participate in improvements to the sewage collection system and sub-regional treatment plant system, when developed, through sewer connection fees and construction of facilities.

Policy PF-2.6: Private development shall provide internal collection facilities necessary for land uses proposed in their projects as per Town policy. The Town may elect to waive dry sewer or sewer connection requirements where on-site facilities will not endanger groundwater supplies or where environmental conditions permit.

Consistency:

- The developer of the Specific Plan will provide sewer lines to provide wastewater collection to the community. Fees are collected by the Town for expansion of the existing wastewater system.

GOAL PF-3: Maintain adequate planning, maintenance and funding for solid waste collection, siting and construction of transfer and/or disposal facilities, operation of waste reduction and recycling programs, and household hazardous waste disposal programs and education, to be consistent with the County Solid Waste Management Plan and State law.

Policy PF-3.1: Waste reduction and recycling shall be promoted to achieve a twenty-five percent reduction in the solid waste stream by 1995, and reductions in compliance with State law requirements thereafter.

Policy PF-3.2: New industry shall provide for the proper disposal of any hazardous materials it generates.

Consistency:

- Waste disposal is contracted with the Town of Apple Valley and Burtec Industries, and includes both recyclable and non-recyclable items collection.

GOAL PF-4: Plan, design, construct, fund and maintain flood control facilities and systems adequate to support planned land uses, protect the lives and property of Apple Valley residents, and promote the public safety.

Policy PF-4.1: Provide for the adequate drainage and conveyance of local and regional storm runoff to protect the lives and property of residents.

Policy PF-4.2: Provide for the continued maintenance and inspection of local

drainage devices and flood control facilities to ensure the proper functioning of these facilities during storm events.

Policy PF-4.3: New development shall bear the cost of new facilities and upgrades to existing facilities to accommodate the additional storm runoff caused by the development.

Policy PF-4.4: Require that adequate storm drain and flood control facilities be in place prior to the issuance of certificates of occupancy.

Policy PF-4.5: Limit new development, if necessary, until adequate flood control facilities are available to protect the development, or until mitigation is provided.

Policy PF-4.6: Designate, preserve and acquire land for necessary flood control facilities.

Policy PF-4.7: Construction of any structure intended for human occupancy within the 100-year flood plain as mapped by the Federal Emergency Management Agency (FEMA) must be adequately flood-proofed to eliminate potential risk of personal injury and property damage due to floodwaters, or the flood hazard must be removed prior to construction.

Policy PF-4.8: Natural drainage patterns will be generally maintained as feasible unless facilities have otherwise been designated.

Policy PF-4.9: At-grade street crossings of significant drainage courses should be avoided.

Consistency:

- The existing drainage channel will be improved as required by the Town of Apple Valley Master Plan of Drainage, the final drainage plan as determined by the Town Engineer.
- Maintenance of said facilities shall be provided through a Master Homeowners Association.

GOAL PF-5: Ensure the provision of adequate supplies of natural gas and electricity from public utility purveyors, and the availability of communications services, to residents of Apple Valley while protecting natural vistas and night skies.

Policy PF-5.1: Require that all new development served by natural gas install on-site pipeline connections to distribution facilities underground, unless such undergrounding is infeasible due to significant environmental or other constraints.

Policy PF-5.2: Provide for the continued development and expansion of communications systems including cable and, as feasible, fiber optics, for entertainment, education, culture, information access, two-way communication between government and residents and businesses, and other similar purposes.

Policy PF-5.3: Require that all new development install on-site telecommunication connections to distribution facilities underground, unless such undergrounding is infeasible due to significant environmental or other constraints.

Policy PF-5.4: The Town actively encourages and supports the undergrounding of all existing utility lines.

Consistency:

- The developer of the Specific Plan will extend gas service from Southwest Gas Company to provide gas service to the community.

- The developer of the Specific Plan will extend communication and telecommunication service from Verizon and Charter Communications to provide communication service and telecommunication service to the community.
- All utilities will be undergrounded, where feasible.

GOAL PF-6: Ensure infrastructure provision is planned and provided for in all new development, and that an integrated infrastructure planning, financing and implementation program is developed to protect and promote the public health and safety.

Policy PF-6.1: The Town shall coordinate the provision of all public utilities and services to ensure a consistent, complete and efficient system of service to the residents.

Policy PF-6.2: Facilities shall be designed and installed to further the health, safety and welfare of the Town.

Policy PF-6.3: New development shall provide appropriate dedications, improvements and fees so as not to burden the tax base of the Town.

Policy PF-6.4: New development projects must provide their own infrastructure, and participate in appropriate funding mechanisms, such as assessment districts, for more regional facilities.

Consistency:

- All infrastructure development will be completed by the developer of the Specific Plan.

NOISE

GOAL N-1: The Town will incorporate noise considerations into its various decisions in order to mitigate existing adverse noise conditions and establish noise-compatible land use for future developments.

Policy N-1.1: The Town will establish acceptable limits of noise for various land uses throughout the Town, as well as measures to reduce interior noise levels.

Policy N-1.2: New residential development in those areas identified as being within areas designated as having a CNEL of 65 dB(A) or greater will be required to have a noise study performed to determine what level of sound insulation, if any, is required to meet the acceptable interior noise levels established by the Town.

Policy N-1.3: The Town will include noise-mitigation measures in the design of new roadway projects.

Policy N-1.4: Coordination among Town and County agencies involved in noise abatement will be established and maintained.

Policy N-1.5: The Town has developed Noise Ordinance which establishes a noise enforcement and regulation program, and sets standards for all types of noise.

Policy N-1.6: Noise-mitigation measures will be included in the design and approval process of any development located on property adjacent to railroads.

Consistency:

- The Tentative Tract Map will be subject to Chapter 9.73 Noise Control in the Town of Apple Valley Development Code 2000 and will comply with the Town's

General Plan policies and the Mitigation Measures identified within the Mitigated Negative Declaration prepared for the Specific Plan project and the completed Acoustical Analysis.