



TOWN OF APPLE VALLEY

TOWN COUNCIL STAFF REPORT

To: Honorable Mayor and Town Council **Date:** February 27, 2018

From: Carol Miller, Assistant Director of **Item No:** 8
Community Development
Planning Department

Subject: A REQUEST TO CONSIDER AN AMENDMENT TO THE JESS RANCH
PLANNED UNIT DEVELOPMENT (PUD) TO ALLOW THE FUTURE
DEVELOPMENT OF LOTS 196 THROUGH 204 WITHIN RECORDED
TRACT MAP 14484 TO CHANGE FROM SINGLE FAMILY RESIDENTIAL
DEVELOPMENT LOTS TO RECREATION VEHICLE (RV) LOTS IN
ACCORDANCE WITH THE MEDIUM DENSITY RESIDENTIAL
DEVELOPMENT STANDARDS OF THE JESS RANCH PUD, INCLUDING
THE RV RESORT STANDARDS

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

RECOMMENDED ACTION:

Move to open the public hearing and take testimony.

Close the public hearing. Then:

1. **Determine** that, pursuant to Section 15061(b)(3) of the State Guidelines to Implement the California Environmental Quality Act (CEQA), it can be determined that the activity is covered by the general rule that CEQA applies only to projects that have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is EXEMPT from further CEQA review for Specific Plan No. 2012-01 Amendment No. 2.
2. **Find** the facts presented within the staff report, including the attached Planning Commission staff report for June 21, 2017 support the required Findings for approval of the proposed amendment to the PUD and adopt the Findings.
3. **Move** to waive the reading of Ordinance No. 499 in its entirety and read by title only.
4. **Introduce** Ordinance No. 499, approving Specific Plan No. 2012-01 Amendment No.2.

5. **Move** to approve the amendment subject to revised Conditions of Approval for TM No. 14484; and
6. **Direct** staff to file a Notice of Determination and Exemption with the San Bernardino County Clerk of the Board of Supervisors.

BACKGROUND:

In May of 2015, an amendment specific to Tract Map No. 14484 was approved to allow the future development of Lot Nos. 69 thru 204 and Lot Nos. 210 thru 219 within recorded Tract Map No. 14484 to change from a recreation vehicle (RV) lot development to single-family residential in accordance with the Medium Density Residential (MDR) development standards of the Jess Ranch PUD. Lot Nos. 1 thru 68 and Lots 220 thru 227 were to remain as RV lots within the Jess Ranch Lakes Recreational Vehicle (RV) Resort. Following this approval, the applicant filed an amendment to revert nine (9) of the lots back to a RV lot designation.

At its meeting of June 21, 2017, the Planning Commission adopted Planning Commission Resolution No. 2017-02 following consideration of the information within the staff report, the public hearing and discussion, forwarding a recommendation that the Town Council approve the Specific Plan Amendment. Further, the Planning Commission Resolution recommends that the Council adopt the Findings and Conditions of Approval as revised for TM No. 14484. Following the Planning Commission meeting, the applicant requested that staff delaying forwarding the request to the Town Council for final approval which represents the lapse in time between the Commission's review and the Council consideration of the proposal.

ANALYSIS:

As indicated above, an amendment was approved to allow the future development within the recorded Tract Map to change from a recreation vehicle (RV) lot development to single-family residential. The applicant and owner of the nine (9) lots in question is now requesting the lots be taken out of the single-family residential portion and revert back to RV lots. The area in question include Lot Nos. 196 thru 204. If approved, the RV resort portion would include Lot Nos. 1 thru 68, 196-204 and 220 thru 227, and the single-family residential portion would include Lot Nos. 69 thru 195 and Lots 210 thru 219. The attached exhibit represents this change.

As with the previous Amendment analysis, for any changes to be supported by staff there had to be a delineation between project areas that made for a logical break and then Conditions of Approval for TM No. 14484 be modified accordingly. In review of the proposal, the separation between uses continues to be logical, and in fact eliminates some of the awkwardness of the opposing uses facing one another under the previous Amendment. .

FISCAL IMPACT:

Not Applicable

ATTACHMENTS:

1. Ordinance No. 2018-499
2. Map Exhibit
3. Revised Conditions of Approval for TM No. 14484
4. Planning Commission staff report

ORDINANCE NO. 499

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF APPLE VALLEY, CALIFORNIA, DETERMINING THAT SPECIFIC PLAN NO. 2012-01 AMENDMENT NO. 2 IS EXEMPT FROM FURTHER ENVIRONMENTAL REVIEW AND AMENDING SECTIONS 2.5 AND 3.4 OF THE JESS RANCH PLANNED UNIT DEVELOPMENT

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

WHEREAS, specific changes are proposed to the Jess Ranch Planned Unit Development by amending Sections 2.5 and 3.4(D) as it relates to the future development of Lot Nos. 69 thru 204 and Lot Nos. 210 thru 219 within recorded Tract Map No. 14484 from recreation vehicle (RV) lot development to single-family residential; and

WHEREAS, on February 16, 2018, Specific Plan No. 2012-01 Amendment No. 2 was 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 amendment currently proposed is consistent with the adopted Planned Unit Development and does not constitute a change in build out potential. Further, pursuant to Section 15061(b)(3) of the State Guidelines to Implement CEQA, which states that the activity is covered by the general rule that CEQA applies only to projects that have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question, the proposed Amendment, may have a significant effect on the environment, the activity is not subject to CEQA; and

WHEREAS, on June 21, 2017, the Planning Commission of the Town of Apple Valley conducted a duly noticed and advertised public hearing on Specific Plan No. 2012-01, Amendment No. 2 (TM No. 14484), receiving testimony from the public; and

WHEREAS, Specific Plan No. 2012-01 Amendment No. 2 is consistent with the Municipal Code of the Town of Apple Valley and shall promote the health, safety and general welfare of the citizens of the Town of Apple Valley; and

WHEREAS, the revised Conditions of Approval for Tract Map No. 14484 (DP 209) assists in accommodating the two (2) development types within the same development.

NOW, THEREFORE, the Town Council of the Town of Apple Valley, State of California does ordain as follows:

Section 1. Findings.

(i) Find that the changes proposed by Specific Plan No. 2012-01 Amendment No. 2 are consistent with the Goals and Policies of the Town of Apple Valley adopted General Plan and Jess Ranch PUD.

(ii) Find that, the amendment currently proposed is consistent with the adopted Planned Unit Development and does not constitute a change in build out potential. Further, pursuant to Section 15061(b)(3) of the State Guidelines to Implement CEQA, which states that the activity is covered by the general rule that CEQA applies only to projects that have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question, the proposed Amendment, may have a significant effect on the environment, the activity is not subject to CEQA.

Section 2. Amending Section 2.5 (Commercial recreation) in its entirety to read as follows:

Phase “Y” (TM 14484), currently zoned Medium Density Residential, shall have placed upon it a Commercial Recreation overlay to allow for Lot Nos. 1 thru 68, 196 thru 204 and 220 thru 227 to be developed and used as RV lots in accordance with Section 3.4 Subsection D (Jess Ranch Lakes Recreational Vehicle Resort – Tract Map No. 14484).

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

D. Jess Ranch Lakes Recreational Vehicle Resort – Tract Map No. 14484 (Lot Nos. 1 thru 68, 196 thru 204 and 220 thru 227)

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

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

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

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

APPROVED and **ADOPTED** by the Town Council and signed by the Mayor and attested by the Town Clerk this 13th day of March, 2018.

Art Bishop, Mayor

ATTEST:

La Vonda M-Pearson, Town Clerk

APPROVED AS TO FORM:

APPROVED AS TO CONTENT:

John Brown, Town Attorney

Douglas B. Robertson, Town Manager

MAP EXHIBIT



TOWN OF APPLE VALLEY CONDITIONS OF APPROVAL

Development Permit No. 209 (TM 14484)

Planning Department

1. This tentative subdivision shall comply with the provisions of the State Subdivision Map Act and the Town Development Code and the requirements of the Jess Ranch PUD. This tentative approval shall expire three (3) years from the date of approval by the Planning Commission/Town Council and/or Planning Department. A Time Extension may be approved in accordance with the State Map Act and Town Ordinance, if an extension application is filed and the appropriate fees are paid at least 30 days prior to the expiration date.
2. Subdivision phasing, including proposed common open space phasing, shall be as shown on the approved Tentative Tract map.
3. Prior to the recordation of the Final Map/issuance of a building permit, the following agencies shall provide written verification to the Engineering Department/Building and Safety Department that all pertinent Conditions of Approval and applicable regulations have been met:
 - Planning Department
 - Apple Valley Unified School District
 - Fire District
 - Engineering Department
 - Apple Valley Water District
 - Park and Recreation District
4. A Homeowners Association shall be established for maintenance of Lots A-G, I, K-M and Q, Open space. The developer/applicant shall pay for all costs relating to establishment of the district. A maintenance district may be formed for publicly owned lots subject to the approval of the Town Engineer.
5. Sidewalks shall be provided along all secondary and major streets per Town standards or as necessary for safe and adequate pedestrian circulation.
6. A Homeowners Association shall be establish for maintenance of Lots A–Q, Open Space/Common Area and all sidewalks and the developer/applicant shall pay for all costs relating to establishment of the Homeowners Association.
7. All slopes over three (3)-feet in height shall be landscaped and irrigated according to Town Interim Development Guidelines.
8. In compliance with Town Ordinance #2684, the applicant shall agree to defend at its sole expense (with Attorneys approved by the Town), and indemnify the Town against any action brought against the Town, its agents, officers or employees resulting from or relating to this approval. The applicant shall reimburse the Town, its agents, officers or employees for any judgment, court costs and attorney’s fees which the Town, its agents, officers or employees may be required to pay as a result of such action. The Town may,

- at its sole discretion, participate at its own expense in the defense of any such action, but such participation shall not relieve the applicant of its obligations under this Condition.
9. Prior to recordation of the Final Map, the developer or his assignee must conform to the park district Quimby Ordinance unless waived to time of issuance of a building permit. This Condition does not apply if the Covenants, Conditions and Restrictions (CC&Rs) limit this project to seniors, age 55 and over.
 10. Three (3) sets of detailed landscaping and irrigation plans, prepared by a qualified professional, shall be submitted to the Town Planner for review and approval prior to the issuance of building permits.
 11. A plan for development of all open space lots, including site amenities, landscaping, irrigation, gating and water quality, shall be provided to the Town Planning Department for approval, and to the HOA for concurrence, and the improvements shall be installed, in accordance with the approved plan, prior to issuance of the Certificate of Occupancy. Landscaping shall utilize drought tolerant/desert-appropriate landscaping wherever feasible.
 12. Applicant shall submit the site plan, as approved by the Planning Department, to the Department of Building and Safety concurrent with application for building permits.
 13. In accordance with County Ordinance No. 1963, the applicant/developer shall submit a tree relocation plan to the Chief Building Official for review and approval.
 14. Signs shall be approved by separate permit.
 15. Reverse frontage wall and landscaping plans must be approved prior to issuance of building permits.
 16. All utility service boxes and connections shall be painted to match the building exterior on which they are located.
 17. All existing overhead utility services and wiring shall be relocated underground.
 18. No roof-mounted equipment shall be placed on any building unless screened as specifically approved by the Planning Department (except for solar collection panels).
 19. All utility systems including gas, electric, telephone, water, sewer and cable TV shall be provided for underground, with easements provided as required, and designed and constructed in accordance with Town Codes and the utility provided. Telephone, cable TV, shall be pre-wired in the residence.
 20. The CC&Rs shall be reviewed and approved by the Planning Department prior to final approval of the tract maps. The CC&Rs shall include liability insurance and methods of maintaining the open space, recreation areas, parking areas, private roads, and exterior of all buildings. Revised or new CC&R's shall be submitted for review and approval by the Planning Department specific to the single-family residential development.
 21. No lot or dwelling unit in the development shall be sold unless a corporation, association, property owner's group, or similar entity has been formed with the right to assess all properties individually owned or jointly owned which have any rights or interest in the use of the common areas and common facilities in the development, such assessment power

to be sufficient to meet the expenses of such entity, and with authority to control, and the duty to maintain, all of said mutually available features of the development. Such entity shall operate under recorded CC&Rs which shall include compulsory membership of all owners of lots and/or dwelling units and flexibility of assessments to meet hanging cost of maintenance, repairs and services. Recorded CC&Rs shall permit enforcement by the Town of provisions required by the Town as Conditions of Approval. The developer shall submit evidence of compliance with this requirement to, and receive approval of, the Town prior to making any such sale. This Condition shall not apply to land dedicated to the Town for public purposes.

22. Every owner of a dwelling unit or lot shall own as an appurtenance to such dwelling unit or lot, either (1 an undivided interest in the common areas and facilities, or (2 as share in the corporation, or voting membership in an association, owning the common areas and facilities.
23. Maintenance for all landscaped and open areas, including parkways, shall be provided in the CC&Rs.
24. Prior to issuance of any grading or building permit, the applicant(s) shall sign and complete an "Acknowledgement of Conditions", and shall return the executed original to the Planning Department for inclusion in the case records.
25. Each phase with a single access greater than 600-feet in length shall have a fully improved secondary access acceptable to the Town and the Fire District.
26. Provide garage door openers on all units.
27. Provide an accurate count of the number of residential units.
28. The typical lot layout shall show a minimum front setback of ten (10) feet with a minimum difference in staggered setbacks of three (3) feet.
29. Lot Nos. 69 thru 195 and 210 thru 219 within recorded Tract Map No. 14484 shall be developed as single-family residential in accordance with the medium density residential development standards of the Jess Ranch PUD. Lots Nos. 1 thru 68, 196 thru 209 and 220 thru 227 shall develop as RV lots within the Jess Ranch Lakes RV Resort in accordance with the RV lot standards for development.
30. Prior to the issuance of a building permit an enhanced gated entryway shall be provided at the northeasterly access point (Westmond Drive). A plan shall be submitted to the Planning Division for review and approval.
31. Prior to the issuance of a building permit, a six (6)-foot high tract boundary wall shall be constructed.
32. Prior to a certificate of occupancy all single-family lots that back-up to Lot "C" shall be improved with a six (6)-foot high combination block wall and wrought iron fencing. Except within the front setback, a six (6)-foot high wall shall be installed along the westerly property line of Lot No. ~~69, 195, 196, 204, 219~~ and the southerly property line of Lot No. 104. Prior to the issuance of a permit for either development type, whichever occurs first, shall construct a six (6)-foot high block wall, outside of any front setback that separate the

two development types. This would include the lot line along the rear property lines between those lots fronting Birdie Way and those fronting on Augusta Circle.

Apple Valley Ranchos Water Company Conditions of Approval

33. Water mains must be extended to provide fire protection to this tract in accordance with Apple Valley Fire Protection District's conditions.
34. A water main extension contract will be required in compliance with Rule #15 of the California Public Utilities Commission.
35. Water mains and appurtenances are required to be looped and installed throughout the tract in accordance with AVRWC standards and specifications. The proposed water mains in Augusta Circle and Chlory Way need to be eight (8) inch in diameter. They are to join the existing twelve (12) inch water main in Wedgewood Drive and the existing six (6) inch main in Tournament Lane. In addition to the closing water main loop in Augusta Circle, an eight (8) inch water line needs to be extended in Chlory Way to Westmont Drive and then north on Westmont Drive to the edge of the tract boundary.
36. Fire hydrants are required per AVRWC standards drawings and located in accordance with Apple Valley Fire Protection District's requirements.
37. Water facilities need to be installed in dedicated public Rights-of-Ways or easements. These dedications and easements are needed to install, maintain, connect and operate (unobstructed vehicular access) the proposed water facilities.
38. Domestic service lines will need to be installed from the proposed water main to the street right-of-way for each residential lot.
39. A supply facility fee for water supply will not be collected because this area of Jess Ranch is exempt from the fee.
40. The project is exempt from the water acquisition fee since there is an agreement in place with Jess Ranch for water rights.

Engineering Department

41. Prior to issuance of a grading permit, a final drainage plan with street layouts shall be submitted for review and approval by the Town Engineer showing provision for receiving and conducting off-site and on-site tributary drainage flows around or through the site in a manner which will not adversely affect adjacent or downstream properties. This plan shall consider retaining on-site drainage flows from a 100-year design storm.
42. Street improvement plans shall be submitted to the Town Engineer for review and approval.
43. All interior streets shall be improved to Town P.U.D. standards with curb, gutter and street pavement. Minimum residential width of streets shall be thirty-six (36) feet curb to curb.
44. All streets abutting the development shall be improved a minimum half-width of twenty-eight (28) feet with curb and gutter on the development side.

45. Apple Valley Road shall be improved to the Town's Full-Width Modified Major Divided Road standards, as approved by the Town Engineer.
46. An eighty-six (86) full-width road dedication along Apple Valley Road shall be granted to the Town of Apple Valley prior to Final Map Approval.
47. During the grading of the roads, soils testing of the road subgrades by a qualified soils engineering firm shall be performed to determine appropriate structural road section. Minimum asphalt concrete thickness for all streets shall be 0.25 feet.
48. All required improvements shall be bonded, in accordance with Town Development Code, unless constructed and approved prior to approval and recordation on the Final Map.
49. An encroachment permit shall be obtained from the Town prior to performing any work in a public right-of-way.
50. Final improvement plans and profiles shall indicate the location of any existing utility which would affect construction and shall provide for its relocation at no cost to the Town.
51. A final grading plan shall be submitted to the Town Engineer prior to issuance of a grading permit for review and approval. A grading permit shall not be issued until street improvement plans have been submitted to the Town Engineer for review and substantial completion of the street plans has been attained as determined by the Town Engineer.
52. Street lights shall be required and shall conform to the Town's standards for such. The developer shall form or annex into an assessment district to provide for the ongoing maintenance of the street lights.
53. All road names shall be approved by the Town and such approval shall be coordinated through the Town Engineer.
54. Prior to Town acceptance of the Final Map, subdivider shall present evidence to the Town Engineer that it has made a reasonable effort to obtain a non-interference letter from any utility company that may have rights of easement within the property boundaries.
55. Utility lines shall be placed underground in accordance with the requirements of the Town.
56. The developer shall make a good faith effort to acquire any required off-site property interests, and if failing to do so, the developer shall, at least 120 days prior to submittal of the final map for approval, enter into an agreement to complete the improvements pursuant to Government Code Section 66462 at such time as the Town acquires the property interests required for the improvements. Such agreement shall provide for payment by the developer of all costs incurred by Town to acquire the off-site property interests required in connection with the subdivision. Security for a portion of these costs shall be in the form of a cash deposit in the amount given in an appraisal report, obtained by the Town prior to commencement of the appraisal, together with such additional security as may be required by the Town Engineer or Town Attorney.
57. Traffic impact fees, pursuant to Town Ordinance No. 42, shall be paid by the developer.
59. Any developer fees, such as drainage fees, shall be paid by the developer.

60. Any required street striping shall be thermoplastic as approved by the Town Engineer.
61. All interior streets shall remain private and shall not be entered into the Town's Maintained Street List.
62. A full width, approximately 120-feet wide, irrevocable offer of dedication along Apple Valley Road shall be granted to the Town of Apple Valley prior to final map approval as shown on the Apple Valley Road plans on file with the Town Engineer.
63. Replacement bonds based on an engineers estimate for the incomplete improvements and streets shall be provided prior to the issuance of a building permit.
64. Paved access shall be provided in accordance with Town standards to the nearest Town maintained road (Town Center Drive) from the northeasterly access point of the tract.

Building and Safety Department

65. A preliminary soils report shall be filed, with and approved by the Building Official, prior to recordation of the final map.
66. Grading plans are to be submitted to, and approved by, the Department of Building and Safety.
67. Obtain a demolition permit for building(s) to be demolished. Underground structures must be broken in, back-filled and inspected before covering.
68. Submit plans and obtain building permits for required walls.
69. A pre-construction inspection and permit is required prior to any land disturbance activity to verify requirements for erosion and sediment control, flood hazard and native plant protection and management.
70. Define and delineate the setback boundary from the Mojave Flood Plain on the Final Development Plan as necessary.

End of Conditions



TOWN OF APPLE VALLEY PLANNING COMMISSION

Get a Slice of the Apple.

Staff Report

- AGENDA DATE:** June 21, 2017
- CASE NUMBER:** Specific Plan No. 2012-01, Amendment No. 2 (TM No. 14484)
- APPLICANT:** Mr. Jim Keefe
- PROPOSAL:** A request to consider an Amendment to the Jess Ranch Planned Unit Development (PUD) to allow the future development of Lots 196 thru 204 within recorded TM 14484 to change from single family residential development lots to recreation vehicle (RV) lots in accordance with the medium density residential development standards of the Jess Ranch PUD, including the RV resort standards.
- LOCATION:** The Jess Ranch Lakes RV Resort is located on the northeast corner of Jess Ranch Parkway and Apple Valley Road.
- GENERAL PLAN DESIGNATION:** Specific Plan
- EXISTING ZONING:** Specific Plan
- ENVIRONMENTAL DETERMINATION:** Staff has determined that the project is not subject to the California Environmental Quality Act (CEQA) pursuant to Section 15061(b)(3) of the State Guidelines to Implement CEQA, which states that the activity is covered by the general rule that CEQA applies only to projects that have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question, the proposed Code Amendment, may have a significant effect on the environment, the activity is not subject to CEQA.
- CASE PLANNER:** Ms. Carol Miller, Principal Planner
- RECOMMENDATION:** Adopt Planning Commission Resolution No. 2017-02

PROJECT SITE AND DESCRIPTION:

- A. Project Size

Although not all developed, the overall project area encompasses approximately thirty-seven (37) acres. The proposal involves nine (9) lots.

B. Site Characteristics

The subject area consists of a partially developed RV resort subdivision. Approximately seventy (70) lots comprise the area that has been developed as RV lots with the remaining lots within the subdivision as undeveloped. The existing amenities include a laundry facility, clubhouse and pool area.

BACKGROUND

The original Jess Ranch Planned Unit Development (PUD) was approved by the County of San Bernardino in 1981 with subsequent Amendments by the Town of Apple Valley in 1990 (Amendment No. 2), 1994 (Amendment No. 2), and 1998 (Amendment No. 3). Among other changes, Amendment No. 3 allowed a RV Resort within the Medium Density Residential (MDR) land use classification for Phase "Y" (TM No. 14484) with a Commercial Recreation Overlay, now known as the Jess Ranch Lakes Recreational Vehicle Resort.

Tract Map No. 14484 consists of 228 lots with private streets and common open space managed by the Homeowners Association. When Tract Map No. 14484 was approved in 1991 and phases recorded in 1993 and 1994, it was in conformance with the Medium Density Residential (MDR) standards as a single-family residential development. That changed in 1998 with Amendment No. 3 that placed a Commercial Recreation Overlay over Phase "Y" (TM No. 14484) to allow the subdivision to be developed as a RV resort for full-time RVers. This land use change required no amendment to the recorded map.

In May of 2015, an amendment specific to Tract Map No. 14484 was approved to allow the future development of Lot Nos. 69 thru 204 and Lot Nos. 210 thru 219 within recorded Tract Map No. 14484 to change from a recreation vehicle (RV) lot development to single-family residential in accordance with the Medium Density Residential (MDR) development standards of the Jess Ranch PUD. Lot Nos. 1 thru 68 and Lots 220 thru 227 were to remain as RV lots within the Jess Ranch Lakes Recreational Vehicle (RV) Resort.

The applicant met with staff to discuss the proposal prior to the application submittal. Staff's recommendation was that any change back to RV lots would still have to maintain a logical break between lots used for RVs and single-family homes due to their contrasting characteristics.

ANALYSIS

As indicated above, an amendment was approved to allow the future development within the recorded Tract Map to change from a recreation vehicle (RV) lot development to single-family residential. The applicant and owner of the nine (9) lots in question is now requesting the lots be taken out of the single-family residential portion and revert back to RV lots. The area in question include Lot Nos. 196 thru 204. If approved, the RV resort portion would include Lot Nos. 1 thru 68, 196-204 and 220 thru 227, and the single-family residential portion would include Lot Nos. 69 thru 195 and Lots 210 thru 219. The attached exhibit represents this change.

As with the previous Amendment analysis, for any changes to be supported by staff there had to be a delineation between project areas that made for a logical break and then Conditions of Approval for TM No. 14484 be modified accordingly. In review of the proposal, the separation between uses continues to be logical, and in fact eliminates some of the awkwardness of the opposing uses facing one another under the previous Amendment. The lots on Birdie Way face the clubhouse.

Although this is a Specific Plan Amendment which just involves changes to text within the document, changes to the Conditions of Approval for the underlying map are necessary. Therefore, staff is recommending that, in addition to the changes to the PUD document, the Conditions of Approval for Tract Map No. 14484 be revised as appropriate to accommodate the two (2) development types and the proposed change.

Prior to the issuance of a permit for either development type, whichever occurs first, shall construct a six (6)-foot high block wall, outside of any front or street side setback that separate the two development types. This would include along the rear property lines between those lots fronting Birdie Way and those fronting on Augusta Circle.

As matter of information, it should be noted that the Fire District has indicated that any further development may trigger a secondary access in accordance with Condition No. 25.

Attached are the original Conditions of Approval for TM No. 14484 as modified by the Planning Commission in May of 2015. Changes to the Conditons are noted by strikeout and underline.

Recommended PUD Changes

Proposed amendment to Section 2.5 Commercial Recreation to read as follows:

2.5 Commercial Recreation

Phase "Y" (TM 14484), currently zoned Medium Density Residential, shall have placed upon it a Commercial Recreation overlay to allow for Lot Nos. 1 through 68, 196 through 204 and 220 through 227 to be developed and used as RV lots in accordance with Section 3.4 Subsection D (Jess Ranch Lakes Recreational Vehicle Resort – Tract Map No. 14484).

Proposed amendment to Section 3.4 Medium Density Areas to amend the heading of Subsection D to read as follows:

- D. Jess Ranch Lakes Recreational Vehicle Resort – Tract Map No. 14484 (Lot Nos. 1 thru 68, 196 thru 204 and 220 thru 227)

Environmental Assessment

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

Noticing

This item was advertised as a public hearing in the Apple Valley News newspaper on June 9, 2017 and notices were mailed to all property owners within 700 feet of the project site. At this time, staff has not received any comments on this request.

Findings

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

- A. The proposed Specific Plan meets all of the following content criteria:
1. Specifies through text and/or diagrams, the distribution, location and extent of the uses of land, including open space, within the area covered by the plan;

Comment: The Planned Unit Development already details land-use designations, permitted and conditionally permitted uses, and development standards to assure cohesive development within the Specific Plan area as approved in 1998 with Amendment No. 3 that placed a Commercial Recreation Overlay over TM No. 14484 to allow the subdivision to be developed as a RV resort for full-time RVers. The proposal will revert nine (9) lots back to their Commercial Recreation Overlay designation.
 2. Specifies through text and/or diagrams, the proposed distribution, location and extent and intensity of major components of public and private transportation, sewage, water, drainage, solid-waste disposal, energy and other essential facilities proposed to be located within the area covered by the plan and needed to support the land uses described in the plan;

Comment: The approved Planned Unit Development already details distribution, location and extent and intensity of major components of public and private transportation, sewage, water, drainage, solid-waste disposal, energy and other essential facilities within the PUD area. The Amendment is considered minor and will be integrated into the document and will not affect its format.
 3. Specifies through text and/or diagrams, the standards and criteria by which development will proceed, and standards for the conservation, development and utilization of natural resources, where applicable;

Comment: The development standards already included in the approved Planned Unit Development include text and graphic representations of the requirements for development. The amendment to Sections 2.5 and 3.4(D) will clarify the development standards for a recorded tract map within the Planned Unit Development between the existing RV and proposed single-family residential. The standards for the conservation, development and utilization of natural resources within the PUD will not change.
 4. Specifies a program of implementation measures, including regulations, programs, public works projects, and financing measures necessary to carry out Findings A.1, A.2 and A.3 above;

Comment: The proposed Amendment does not affect existing or projected build-out.
 5. Include a statement of the relationship of the Specific Plan to the General Plan, Development Code and other applicable plans or ordinances;

Comment: As amended per staff recommendation, the proposed Amendment does not affect the PUD's consistency with the General Plan because the underlying Medium Density Residential land use designation does not change. The Commercial Recreation designation is just an overlay over a portion of the lots.

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

Comment: As amended per staff recommendation, the proposed Amendment does not affect the PUD's consistency with the General Plan because the underlying Medium Density Residential land use designation does not change. The Commercial Recreation designation is just an overlay over a portion of the lots.

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

Comment: As amended per staff recommendation, the proposed Amendment does not affect the PUD's consistency with the General Plan because the underlying Medium Density Residential land use designation does not change. The Commercial Recreation designation is just an overlay over a portion of the lots.

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

Comment: The proposed Amendment is a change in text only and will not alter any existing or future development within the Jess Ranch PUD because when Tract Map No. 14484 was approved in 1991 and phases recorded in 1993 and 1994, it was in conformance with the Medium Density Residential standards as a single-family residential development. The proposal will revert the area back to its originally intended use as single-family residential.

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

Comment: The proposed Amendment is consistent with the adopted PUD and do not constitute a change in build out potential because when Tract Map No. 14484 was approved in 1991 and phases recorded in 1993 and 1994, it was in conformance with the Medium Density Residential standards as a single-family residential development. The proposal reverts the area to its original intended use as single-family residential. Therefore, no traffic impact analysis was prepared since the Amendment will not alter levels of service throughout the project's development and at build out.

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

Comment: The proposed Amendment does not affect public services because when Tract Map No. 14484 recorded in 1993 and 1994, in conformance with the Medium Density Residential standards as a single-family residential development. This proposal is not increasing the density that would impact the schools or require additional open space.

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

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

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

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

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

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

RECOMMENDATION:

Following receipt of public input and discussion by the Commission, it is recommended that the Commission move to approve Planning Commission Resolution No. 2017-02, forwarding a recommendation that the Town Council amend the Jess Ranch Planned Unit Development Sections 2.5 and 3.4.

Prepared By:

Carol Miller
Principal Planner

Reviewed By:

Lori Lamson
Assistant Town Manager

ATTACHMENTS:

1. Map Exhibit
2. Planning Commission Resolution No. 2017-02
3. Conditions of Approval TM No. 14484.

Jess Ranch - Tract No. 14484
Specific Plan Amendment 2012-001, Amendment 2



PLANNING COMMISSION RESOLUTION NO. 2017-02

A RESOLUTION OF THE PLANNING COMMISSION OF THE TOWN OF APPLE VALLEY, CALIFORNIA, RECOMMENDING THAT THE TOWN COUNCIL ADOPT SPECIFIC PLAN NO. 2012-01, AMENDMENT NO. 2 BY AMENDING SECTIONS 2.5 and 3.4 OF THE JESS RANCH PLANNED UNIT DEVELOPMENT.

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

WHEREAS, specific changes are proposed to the Jess Ranch Planned Unit Development by amending Sections 2.5 and 3.4(D) as it relates to the future development of Lots 196 thru 204 within recorded Tract Map No. 14484 from single-family residential development to recreation vehicle (RV) lot; and

WHEREAS, on June 9, 2017, Specific Plan 2012-01, Amendment No. 2(TM No. 14484), was duly noticed in the Apple Valley News, a newspaper of general circulation within the Town of Apple Valley; and

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

WHEREAS, on June 21, 2017, the Planning Commission of the Town of Apple Valley conducted a duly noticed and advertised public hearing on Specific Plan No. 2012-01, Amendment No. 2 (TM No. 14484), receiving testimony from the public; and

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

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

Section 1. In consideration of the evidence received at the public hearing, and for the reasons discussed by the Commissioners at said hearing, that the Town Council of the Town of Apple Valley, California, finds that the changes proposed under Specific Plan No. 2012-01, Amendment No. 2 are consistent with the Goals and Policies of the Town of Apple Valley adopted General Plan.

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

Section 3. The Amendment currently proposed is consistent with the adopted Planned Unit Development and does not constitute a change in build out potential. Further, pursuant to Section 15061(b)(3) of the State Guidelines to Implement CEQA, which states that the activity is covered by the general rule that CEQA applies only to projects that have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question, the proposed Code Amendment, may have a significant effect on the environment, the activity is not subject to CEQA.

Section 4. Amending Section 2.5 (Commercial recreation) in its entirety to read as follows:

Phase "Y" (TM 14484), currently zoned Medium Density Residential, shall have placed upon it a Commercial Recreation overlay to allow for Lot Nos. 1 thru 68, 196 thru 204 and 220 thru 227 to be developed and used as RV lots in accordance with Section 3.4 Subsection D (Jess Ranch Lakes Recreational Vehicle Resort – Tract Map No. 14484).

Section 5. Amend Section 3.4.D (Medium Density Residential Areas) by amending the heading of Subsection "D" to read as follows:

D. Jess Ranch Lakes Recreational Vehicle Resort – Tract Map No. 14484 (Lot Nos. 1 thru 68, 196 thru 204 and 220 thru 227)

Approved and Adopted by the Planning Commission of the Town of Apple Valley this 21st day of June 2017.

Chairman Mark Shoup

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 21st day of June 2017 by the following vote, to-wit:

AYES:

NOES:

ABSENT:

ABSTAIN:

Ms. Yvonne Rivera, Planning Commission Secretary

TOWN OF APPLE VALLEY CONDITIONS OF APPROVAL

Development Permit No. 209 (TM 14484)

Planning Department

26. This tentative subdivision shall comply with the provisions of the State Subdivision Map Act and the Town Development Code and the requirements of the Jess Ranch PUD. This tentative approval shall expire three (3) years from the date of approval by the Planning Commission/Town Council and/or Planning Department. A Time Extension may be approved in accordance with the State Map Act and Town Ordinance, if an extension application is filed and the appropriate fees are paid at least 30 days prior to the expiration date.
27. Subdivision phasing, including proposed common open space phasing, shall be as shown on the approved Tentative Tract map.
28. Prior to the recordation of the Final Map/issuance of a building permit, the following agencies shall provide written verification to the Engineering Department/Building and Safety Department that all pertinent Conditions of Approval and applicable regulations have been met:
 - Planning Department
 - Apple Valley Unified School District
 - Fire District
 - Engineering Department
 - Apple Valley Water District
 - Park and Recreation District
29. A Homeowners Association shall be established for maintenance of Lots A-G, I, K-M and Q, Open space. The developer/applicant shall pay for all costs relating to establishment of the district. A maintenance district may be formed for publicly owned lots subject to the approval of the Town Engineer.
30. Sidewalks shall be provided along all secondary and major streets per Town standards or as necessary for safe and adequate pedestrian circulation.
31. A Homeowners Association shall be established for maintenance of Lots A-Q, Open Space/Common Area and all sidewalks and the developer/applicant shall pay for all costs relating to establishment of the Homeowners Association.
32. All slopes over three (3)-feet in height shall be landscaped and irrigated according to Town Interim Development Guidelines.
33. In compliance with Town Ordinance #2684, the applicant shall agree to defend at its sole expense (with Attorneys approved by the Town), and indemnify the Town against any action brought against the Town, its agents, officers or employees resulting from or relating to this approval. The applicant shall reimburse the Town, its agents, officers or employees for any judgment, court costs and attorney's fees which the Town, its agents, officers or employees may be required to pay as a result of such action. The Town may, at its sole discretion, participate at its own expense in the defense of any such action, but such participation shall not relieve the applicant of its obligations under this Condition.

34. Prior to recordation of the Final Map, the developer or his assignee, must conform to the park district Quimby Ordinance unless waived to time of issuance of a building permit. This Condition does not apply if the Covenants, Conditions and Restrictions (CC&Rs) limit this project to seniors, age 55 and over.
35. Three (3) sets of detailed landscaping and irrigation plans, prepared by a qualified professional, shall be submitted to the Town Planner for review and approval prior to the issuance of building permits.
36. All site amenities, including landscaping and irrigation, as shown on plans approved by the Town Planning Department, shall be installed prior to issuance of the Certificate of Occupancy. Landscaping shall utilize drought tolerant/desert-appropriate landscaping wherever feasible.
37. Applicant shall submit the site plan, as approved by the Planning Department, to the Department of Building and Safety concurrent with application for building permits.
38. In accordance with County Ordinance No. 1963, the applicant/developer shall submit a tree relocation plan to the Chief Building Official for review and approval.
39. Signs shall be approved by separate permit.
40. Reverse frontage wall and landscaping plans must be approved prior to issuance of building permits.
41. All utility service boxes and connections shall be painted to match the building exterior on which they are located.
42. All existing overhead utility services and wiring shall be relocated underground.
43. No roof-mounted equipment shall be placed on any building unless screened as specifically approved by the Planning Department (except for solar collection panels).
44. All utility systems including gas, electric, telephone, water, sewer and cable TV shall be provided for underground, with easements provided as required, and designed and constructed in accordance with Town Codes and the utility provided. Telephone, cable TV, shall be pre-wired in the residence.
45. The CC&Rs shall be reviewed and approved by the Planning Department prior to final approval of the tract maps. The CC&Rs shall include liability insurance and methods of maintaining the open space, recreation areas, parking areas, private roads, and exterior of all buildings. Revised or new CC&R's shall be submitted for review and approval by the Planning Department specific to the single-family residential development.
46. No lot or dwelling unit in the development shall be sold unless a corporation, association, property owner's group, or similar entity has been formed with the right to assess all properties individually owned or jointly owned which have any rights or interest in the use of the common areas and common facilities in the development, such assessment power to be sufficient to meet the expenses of such entity, and with authority to control, and the duty to maintain, all of said mutually available features of the development. Such entity shall operate under recorded CC&Rs which shall include compulsory membership of all owners of lots and/or dwelling units and flexibility of assessments to meet hanging cost of maintenance, repairs and services. Recorded CC&Rs shall permit enforcement by the Town of provisions required by the Town as Conditions of Approval. The developer shall submit evidence of compliance with this requirement to, and receive approval of, the Town prior to making any such sale. This Condition shall not apply to land dedicated to the Town for public purposes.

47. Every owner of a dwelling unit or lot shall own as an appurtenance to such dwelling unit or lot, either (1 an undivided interest in the common areas and facilities, or (2 as share in the corporation, or voting membership in an association, owning the common areas and facilities.
48. Maintenance for all landscaped and open areas, including parkways, shall be provided in the CC&Rs.
49. Prior to issuance of any grading or building permit, the applicant(s) shall sign and complete an "Acknowledgement of Conditions", and shall return the executed original to the Planning Department for inclusion in the case records.
50. Each phase with a single access greater than 600-feet in length shall have a fully improved secondary access acceptable to the Town and the Fire District.
51. A minimum ten (10)-foot greenbelt shall be provided with this tract along the north boundary (Section C of the Landscape plan shows a greenbelt by others).
52. Provide a minimum twenty (20)-foot greenbelt along the southern boundary with this project (Section O of the Landscape Plan shows a sixteen (16)-foot parkway by others).
53. Provide garage door openers on all units.
54. Provide an accurate count of the number of residential units.
55. The typical lot layout shall show a minimum front setback of ten (10) feet with a minimum difference in staggered setbacks of three (3) feet.
31. Lot Nos. 69 thru 195 and 210 thru 219 within recorded Tract Map No. 14484 shall be developed as single-family residential in accordance with the medium density residential development standards of the Jess Ranch PUD. Lots Nos. 1 thru 68, 196 thru 209 and 220 thru 227 shall develop as RV lots within the Jess Ranch Lakes RV Resort in accordance with the RV lot standards for development.
32. Prior to the issuance of a building permit an enhanced gated entryway shall be provided at the northeasterly access point (Westmond Drive). A plan shall be submitted to the Planning Division for review and approval.
33. Prior to the issuance of a building permit, a six (6)-foot high tract boundary wall shall be constructed.
34. Prior to a certificate of occupancy all single-family lots that back-up to Lot "C" shall be improved with a six (6)-foot high combination block wall and wrought iron fencing. Except within the front setback, a six (6)-foot high wall shall be installed along the westerly property line of Lot No. ~~69,195, 196, 204,~~ 219 and the southerly property line of Lot No. 104. Prior to the issuance of a permit for either development type, whichever occurs first, shall construct a six (6)-foot high block wall, outside of any front setback that separate the two development types. This would include the lot line along the rear property lines between those lots fronting Birdie Way and those fronting on Augusta Circle.

Apple Valley Ranchos Water Company Conditions of Approval

35. Water mains must be extended to provide fire protection to this tract in accordance with Apple Valley Fire Protection District's conditions.

36. A water main extension contract will be required in compliance with Rule #15 of the California Public Utilities Commission.
37. Water mains and appurtenances are required to be looped and installed throughout the tract in accordance with AVRWC standards and specifications. The proposed water mains in Augusta Circle and Chlory Way need to be eight (8) inch in diameter. They are to join the existing twelve (12) inch water main in Wedgewood Drive and the existing six (6) inch main in Tournament Lane. In addition to the closing water main loop in Augusta Circle, an eight (8) inch water line needs to be extended in Chlory Way to Westmont Drive and then north on Westmont Drive to the edge of the tract boundary.
38. Fire hydrants are required per AVRWC standards drawings and located in accordance with Apple Valley Fire Protection District's requirements.
39. Water facilities need to be installed in dedicated public Rights-of-Ways or easements. These dedications and easements are needed to install, maintain, connect and operate (unobstructed vehicular access) the proposed water facilities.
40. Domestic service lines will need to be installed from the proposed water main to the street right-of-way for each residential lot.
41. A supply facility fee for water supply will not be collected because this area of Jess Ranch is exempt from the fee.
42. The project is exempt from the water acquisition fee since there is an agreement in place with Jess Ranch for water rights.

Engineering Department

43. Prior to issuance of a grading permit, a final drainage plan with street layouts shall be submitted for review and approval by the Town Engineer showing provision for receiving and conducting off-site and on-site tributary drainage flows around or through the site in a manner which will not adversely affect adjacent or downstream properties. This plan shall consider retaining on-site drainage flows from a 100-year design storm.
44. Street improvement plans shall be submitted to the Town Engineer for review and approval.
45. All interior streets shall be improved to Town P.U.D. standards with curb, gutter and street pavement. Minimum residential width of streets shall be thirty-six (36) feet curb to curb.
46. All streets abutting the development shall be improved a minimum half-width of twenty-eight (28) feet with curb and gutter on the development side.
47. Apple Valley Road shall be improved to the Town's Full-Width Modified Major Divided Road standards, as approved by the Town Engineer.
48. An eighty-six (86) full-width road dedication along Apple Valley Road shall be granted to the Town of Apple Valley prior to Final Map Approval.
49. During the grading of the roads, soils testing of the road subgrades by a qualified soils engineering firm shall be performed to determine appropriate structural road section. Minimum asphalt concrete thickness for all streets shall be 0.25 feet.

50. All required improvements shall be bonded, in accordance with Town Development Code, unless constructed and approved prior to approval and recordation on the Final Map.
51. An encroachment permit shall be obtained from the Town prior to performing any work in a public rights-of-way.
52. Final improvement plans and profiles shall indicate the location of any existing utility which would affect construction and shall provide for its relocation at no cost to the Town.
53. A final grading plan shall be submitted to the Town Engineer prior to issuance of a grading permit for review and approval. A grading permit shall not be issued until street improvement plans have been submitted to the Town Engineer for review and substantial completion of the street plans has been attained as determined by the Town Engineer.
54. Street lights shall be required and shall conform to the Town's standards for such. The developer shall form or annex into an assessment district to provide for the ongoing maintenance of the street lights.
55. All road names shall be approved by the Town and such approval shall be coordinated through the Town Engineer.
56. Prior to Town acceptance of the Final Map, subdivider shall present evidence to the Town Engineer that it has made a reasonable effort to obtain a non-interference letter from any utility company that may have rights of easement within the property boundaries.
57. Utility lines shall be placed underground in accordance with the requirements of the Town.
58. The developer shall make a good faith effort to acquire any required off-site property interests, and if failing to do so, the developer shall, at least 120 days prior to submittal of the final map for approval, enter into an agreement to complete the improvements pursuant to Government Code Section 66462 at such time as the Town acquires the property interests required for the improvements. Such agreement shall provide for payment by the developer of all costs incurred by Town to acquire the off-site property interests required in connection with the subdivision. Security for a portion of these costs shall be in the form of a cash deposit in the amount given in an appraisal report, obtained by the Town prior to commencement of the appraisal, together with such additional security as may be required by the Town Engineer or Town Attorney.
59. Traffic impact fees, pursuant to Town Ordinance No. 42, shall be paid by the developer.
60. Any developer fees, such as drainage fees, shall be paid by the developer.
61. Any required street striping shall be thermoplastic as approved by the Town Engineer.
62. All interior streets shall remain private and shall not be entered into the Town's Maintained Street List.
63. A full width, approximately 120-feet wide, irrevocable offer of dedication along Apple Valley Road shall be granted to the Town of Apple Valley prior to final map approval as shown on the Apple Valley Road plans on file with the Town Engineer.
64. Replacement bonds based on an engineers estimate for the incomplete improvements and streets shall be provided prior to the issuance of a building permit.
65. Paved access shall be provided in accordance with Town standards to the nearest Town maintained road (Town Center Drive) from the northeasterly access point of the tract.

Building and Safety Department

66. A preliminary soils report shall be filed, with and approved by the Building Official, prior to recordation of the final map.
67. Grading plans are to be submitted to, and approved by, the Department of Building and Safety.
68. Obtain a demolition permit for building(s) to be demolished. Underground structures must be broken in, back-filled and inspected before covering.
69. Submit plans and obtain building permits for required walls.
70. A pre-construction inspection and permit is required prior to any land disturbance activity to verify requirements for erosion and sediment control, flood hazard and native plant protection and management.

End of Conditions