

## MINUTES

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

#### CALL TO ORDER

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

#### ROLL CALL

##### **Planning Commission**

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

#### STAFF PRESENT

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

#### PLEDGE OF ALLEGIANCE

Vice-Chairman Qualls led the Pledge of Allegiance.

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

Minutes for the Regular Meeting of October 21, 2015.

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

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

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

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

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

## **PUBLIC HEARING ITEMS**

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

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

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

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

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

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

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

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

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

## **PUBLIC COMMENT**

None.

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

## **MOTION**

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

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

4. Direct Staff to file a Notice of Exemption.

**ROLL CALL VOTE**

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

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

**Applicant:** Ms. Dawn Harvell

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

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

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

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

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

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

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

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

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

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

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

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

### **PUBLIC COMMENT**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

*"Three (3) or more violations against the Kennel"*

### **MOTION**

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

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

### **ROLL CALL VOTE**

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

Noes: None

Abstain: None

Absent: Commissioner Tinsley

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

### **RECESS MEETING**

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

## **RECONVENED MEETING**

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

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

**Applicant:** Town of Apple Valley

**Location:** Town-wide

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

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

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

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

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

## **PUBLIC COMMENT**

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

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

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

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

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

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

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

Discussion ensued regarding the Model Water Efficiency Landscape Ordinance.

### **MOTION**

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

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

### **ROLL CALL VOTE**

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

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

### **PUBLIC COMMENTS**

### **PLANNING COMMISSION COMMENTS**

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

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

### **STAFF COMMENTS**

None.

### **OTHER BUSINESS**

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

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

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

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

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

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

### **PUBLIC COMMENT**

None.

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

### **MOTION**

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

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

### **ROLL CALL VOTE**

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

Noes: None

Abstain: None

Absent: Commissioner Tinsley

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

### **PUBLIC COMMENTS**

None.

### **PLANNING COMMISSION COMMENTS**

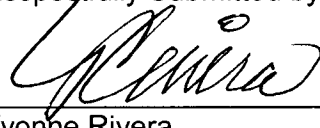
Chairman Kallen would like to receive information regarding how other local cities address financial considerations for projects in the High Desert area.



**ADJOURNMENT**

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

Respectfully Submitted by:



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Yvonne Rivera  
Planning Commission Secretary

Approved by:



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Chairman Bruce Kallen