

MINUTES

TOWN OF APPLE VALLEY PLANNING COMMISSION Regular Meeting Wednesday, May 3, 2017

CALL TO ORDER

Chairman Shoup called to order the Regular Meeting of the Planning Commission of the Town of Apple Valley for May 3, 2017 at 6:00 p.m.

ROLL CALL

Planning Commission

Roll call was taken with the following members present: Commissioner Bruce Kallen, Commissioner Jason Lamoreaux, Commissioner Doug Qualls, Vice-Chairman B.R. "Bob" Tinsley, and Chairman Mark Shoup. Absent: None.

STAFF PRESENT

Carol Miller, Principal Planner, Haviva Shane, Town Attorney, Richard Pedersen, Deputy Town Engineer, and Yvonne Rivera, Planning Commission Secretary.

PLEDGE OF ALLEGIANCE

Vice-Chairman Tinsley led the Pledge of Allegiance.

1. APPROVAL OF MINUTES

1. Minutes for the Regular Meeting of March 15, 2017.

Chairman Shoup reminded staff that the minutes for the Regular Meeting of February 15, 2017 shall be continued to the next Regular Planning Commission Meeting on June 21, 2017 for approval.

Motion by Commissioner Lamoreaux, seconded by Commissioner Kallen, to approve the minutes for the Regular Meeting of March 15, 2017.

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

ROLL CALL VOTE

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

The motion carried by a 3-0-2-0 vote.

PUBLIC COMMENTS

None.

PUBLIC HEARING ITEMS

- 2. Tentative Tract Map No. 16922 Time Extension.** A request for a time extension of a previously approved subdivision of eighty-six (86) single-family residential lots within the Deep Creek Estates Specific Plan.

Applicant: ACTK Capital Partners, LLC.

Location: Located at the northwest corner of Deep Creek and Tussing Ranch Roads; APNs: 0434-201-14 & 48.

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

Ms. Carol Miller, Principal Planner, presented the staff report as filed with the Planning Division. She noted that the Applicant is requesting a 2-year time extension.

Ms. Miller commented on the modified Conditions. She stated that the most notable amendment is the addition of the Condition for clearance from Fish and Wild Life which addresses the blue line stream. She also noted that the added Condition would require approval from Fish and Wild Life as it relates to the Blue Line Stream and water quality issues (Reference Pages 35 and 36). Ms. Miller also commented on other changes related to sewer and fire conditions.

Discussion ensued regarding the location of the blue line area, as well as the need to include it as part of the conditions.

Ms. Miller noted there is a need to make a correction to the extension date on Page 2-2; the correct date is June 24, 2017. Therefore, the new expiration date is now June 24, 2020.

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

Mr. Andrew Pham stated he agreed with all Conditions of Approval, including the new expiration date, as amended.

PUBLIC COMMENTS

None.

Chairman Shoup closed the public hearing at 6:12 p.m.

MOTION

Motion by Commissioner Lamoreaux, seconded by Commissioner Qualls, based upon the information contained within this report, and any input received from the public at the hearing, it is recommended that the Planning Commission move to:

1. Determine that, there is no new substantial change in the project or new information that would result in new, significant environmental impacts beyond those identified with the Mitigated Negative Declaration that was prepared for this project, and adopted by the Town Council on June 24, 2008. Therefore, pursuant to the California Environmental Quality Act (CEQA) Guidelines Section 15162, the proposed request is not subject to further environmental review.
2. Find that the facts presented in the staff report support the required Findings for approval and adopt the Findings.
3. Approve a three (3)-year extension of time for Tentative Tract Map No. 16922, subject to the attached Conditions of Approval, as amended.
4. Direct staff to file the Notice of Determination.

ROLL CALL VOTE

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

Noes: None
Abstain: None
Absent: None

The motion carried by a 5-0-0-0 vote.

- 3. Conditional Use Permit No. 2016-004.** This is a request for approval of a Conditional Use Permit to install a thirty-nine (39)-foot tall, wireless telecommunications pole within the public right-of-way. The project will also include the installation of a four(4)-foot tall utility pedestal adjacent to the pole.

Applicant: Mobilitie, LLC

Location: This site is located within the public right-of-way on the east side of Jess Ranch Parkway, approximately 730 feet south of Bear Valley Road.

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

Ms. Carol Miller, Principal Planner, informed the Planning Commission that the Applicant has withdrawn their application.

Ms. Miller also answered questions by the Planning Commission regarding cell phone towers, micro cells, and the locations of existing polls.

There was no action required by the Planning Commission as the Applicant withdrew their application.

PUBLIC COMMENTS

None.

Chairman Shoup closed the public hearing at 6:13 p.m.

- 4. Conditional Use Permit No. 2016-005.** This is a request for approval of a Conditional Use Permit to install a thirty-nine (39)-foot tall, wireless telecommunications pole within the public right-of-way. The project will also include the installation of a four (4)-foot tall utility pedestal adjacent to the pole.

Applicant: Mobilitie, LLC

Location: This site is located within the public right-of-way on the west side of Kasota Road, approximately sixty (60) feet south of Kokanee Road.

Chairman Shoup opened the public hearing at 6:13 p.m.

Ms. Carol Miller, Principal Planner, informed the Planning Commission that the Applicant has withdrawn their application.

Ms. Miller also answered questions by the Planning Commission regarding cell phone towers, micro cells, and the locations of existing polls.

There was no action required by the Planning Commission as the Applicant withdrew their application.

PUBLIC COMMENTS

None.

Chairman Shoup closed the public hearing at 6:13 p.m.

OTHER BUSINESS

5. Action on Subdivision Map Act Violations.

Applicant: Town of Apple Valley Engineering Department

Location: Location as identified in the Staff Report.

Mr. Richard Pedersen, Deputy Town Engineer, provided the staff report as filed with the Engineering Department.

Mr. Pedersen informed the Planning Commission that this is the latest Map Act in violation of the agreement with the Town. He also noted, for the record, that the property owners were properly notified and given the opportunity to contest the notice of violations.

There being no property owners present to contest the violation, it was the consensus of the Planning Commission to move forward with the recommendation by staff.

MOTION

Motion by Vice-Chairman Tinsley, seconded by Commissioner Kallen, to:

1. Provide the Owner an opportunity to contest the notice of violation and to present evidence to the Planning Commission as to why the notice of violation should not be recorded. If, after the Owner has presented evidence, the Planning Commission determines that there has been no violation, the Town will mail a clearance letter to the Owner. If, after the Owner has presented evidence, the Planning Commission determines that the property has, in fact, been illegally divided, the Town will record the notice of violation for the record with the County Recorder's Office for the County of San Bernardino.

2. If the Owner does not appear to present evidence and/or if the Planning Commission determines that a property has been illegally divided after considering evidence presented by the Owner, staff recommends that the Planning Commission provide direction and authorize recordation of notices of violation against the violating property(ies).

ROLL CALL VOTE

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

The motion carried by a 5-0-0-0 vote.

6. To consider a General Plan Conformity Finding for the Town's Capital Improvement Program (CIP) for fiscal year 2017-2018.

Applicant: Town of Apple Valley

Location: Town wide

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

Mr. Richard Pedersen, Deputy Town Engineer, answered questions by the Planning Commission regarding various projects within Apple Valley including High Desert Corridor and the Apple Valley Bike Path.

MOTION

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

1. Adopt Planning Commission Resolution No. 2017-001 which finds the proposal CIP for fiscal year 2017-2018 is consistent with the goals and policies of the Town's General Plan.

ROLL CALL VOTE

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

PUBLIC COMMENTS:

None

PLANNING COMMISSION COMMENTS:

Vice-Chairman Tinsley would like staff to come back to the Planning Commission with information on the grounds maintenance project at the Golf Course, as well as the road maintenance plan for various streets within Apple Valley. He would also like to know if business owners in Apple Valley will be made responsible for any of the repairs.

STAFF COMMENTS

None.

ADJOURNMENT

Commissioner Qualls commented on the recent passing of Mr. Richard "Dick" Allen. Mr. Allen was a community leader who served on the Planning Commission for eight (8) years. He announced that Memorial Services for Mr. Allen will be held Saturday, May 13, 2017 at Jess Ranch Community Church beginning at 2:00 p.m.

It was the consensus of the Planning Commission to adjourn the Regular Meeting of the Planning Commission in loving memory of Mr. Richard "Dick" Allen.

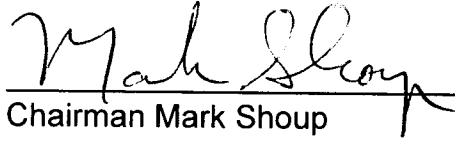
Motion by Commissioner Kallen, seconded by Commissioner Lamoreaux, and unanimously carried to adjourn the Regular Meeting of the Planning Commission at 6:39 p.m. to the Regular Planning Commission Meeting on June 21, 2017.

Respectfully Submitted by:



Yvonne Rivera
Planning Commission Secretary

Approved by:



Chairman Mark Shoup