

TOWN OF APPLE VALLEY

TOWN COUNCIL STAFF REPORT

To: Honorable Mayor and Town Council **Date:** August 14, 2018

From: Brad Miller, Town Engineer **Item No:** 6
Engineering Department

Subject: ACCEPT THE FINAL MAP FOR TRACT MAP NO. 16059-3,4,5

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

RECOMMENDED ACTION:

Move to accept the final map and Lien Agreement for Tract Map No. 16059-3,4,5.

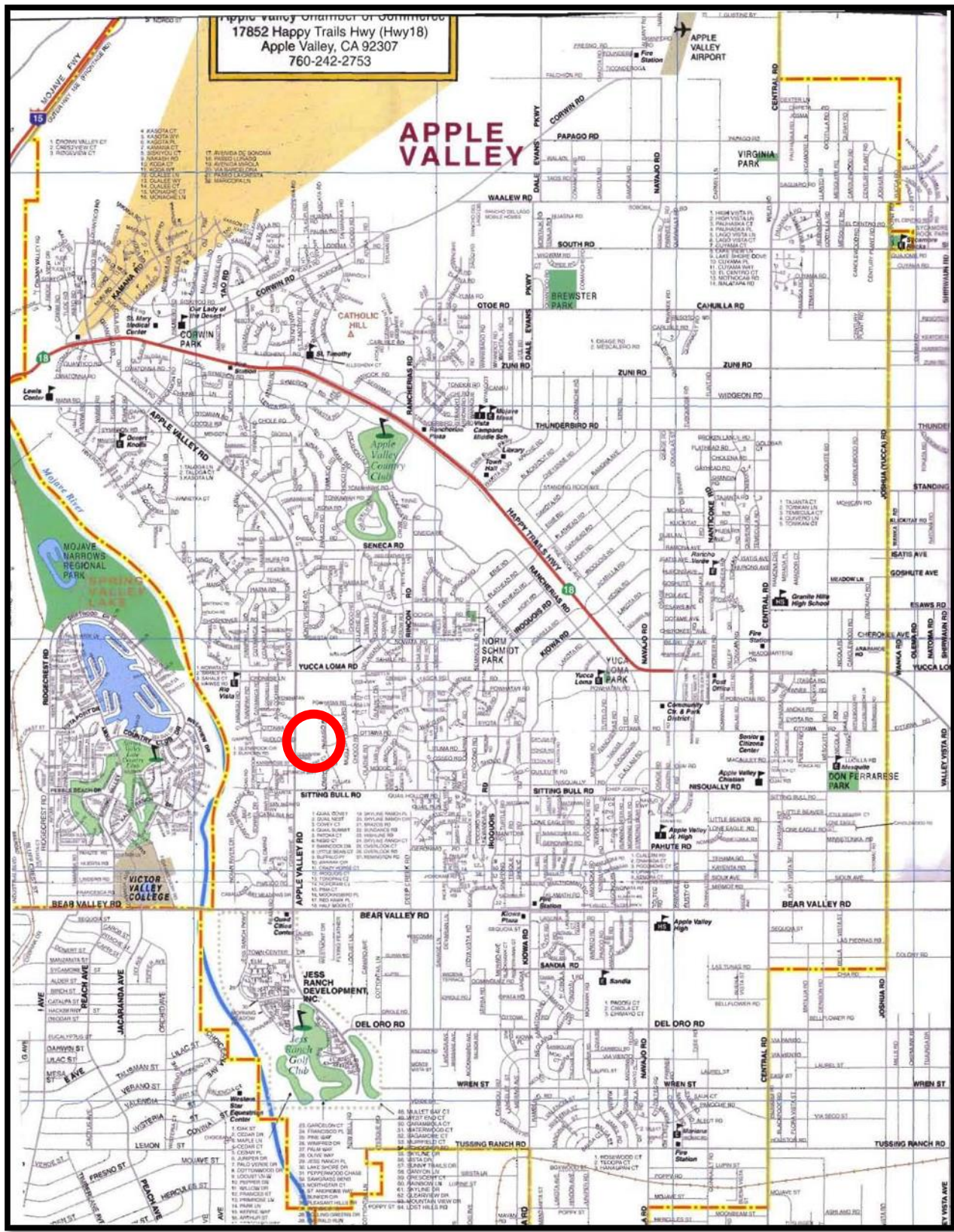
SUMMARY:

The applicant has complied with all conditions of approval placed on Tentative Tract Maps Nos. 16059-3, 16059-4, and 16059-5. These subdivisions create 125 residential lots and are located east of Apple Valley Road and north of Sitting Bull Road. The Planning Commission reviewed and approved the Tentative Tract Map 16059 on February 2, 2002.

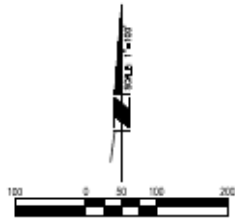
The applicant has not completed all required improvements but, as allowed by the Town of Apple Valley Development Code, has entered into a Lien Agreement for future construction of public improvements, and provided a lien on the property to guarantee completion of all agreed upon improvements.

In accordance with our Lien Agreement Ordinance, there are a number of conditions that must be satisfied, and administrative fees and deposits that must be paid. A Lien Agreement must be entered into by the Applicant, and accepted by the Town Council, and the Town Council must find that it would not be in the public's best interest to require the installation of the Public Improvements sooner than two years after the Map has been recorded. The Lien Agreement enables Town Council to revert the property back to acreage should the developer default on any part of the Agreement. Also, the developer must replace the Lien Agreement with a conventional Subdivision Agreement, with standard security for Public Improvements, prior to receiving any permits for work on the property. No lots may be sold while the Lien Agreement is in effect. Under no circumstances shall the Lien Agreement compel or require the Town to construct any required improvements. A default on any part of the Agreement would trigger a reversion to acreage, at developer expense, (using deposited funds).

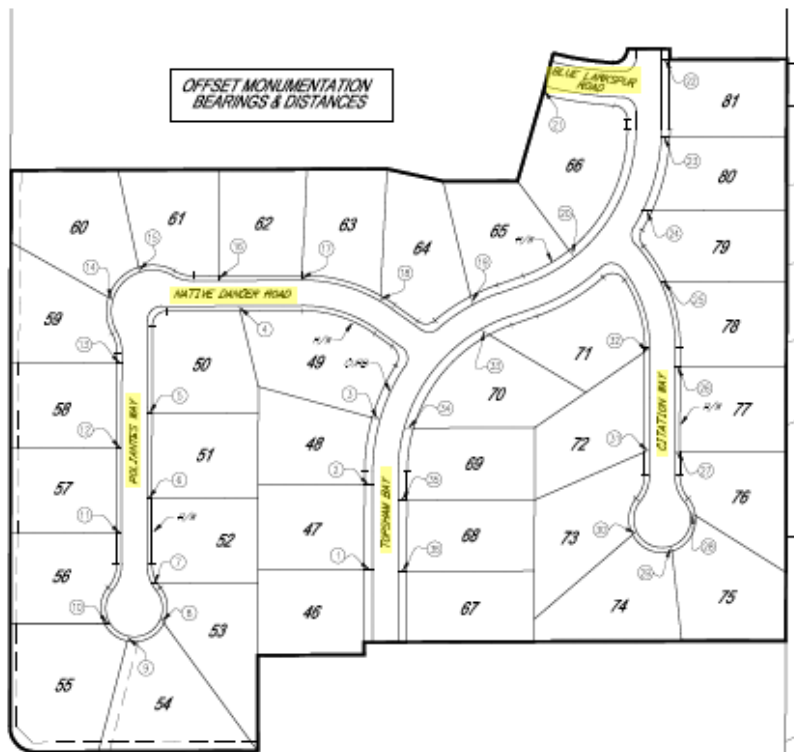
The Lien Agreement enables the developer to initially delay installation of public improvements for three years, plus the ability to request a one-time extension of an additional three years, thus delaying any construction activity on the property for a maximum of six years after the Final Map has recorded. The purpose of this Agreement is to finalize property entitlements, and record the Final Map, but not require construction to begin on the site for up to six years. The lien on the property title prevents any individual lots from being sold, or any permits being issued for the property, and insures that the Developer must comply with the terms of the Agreement before the specified time period has passed. The Lien Agreement must be replaced with a standard Subdivision Agreement, including the required security for the construction of all required public improvements, or the subdivision shall revert back to acreage.



IN THE CITY OF APPLE VALLEY, COUNTY OF SAN BERNARDINO, STATE OF CALIFORNIA
TRACT NO. 16059-3
 BEING A SUBDIVISION OF A PORTION OF THE WEST 1155 FEET OF THE SOUTH 3960 FEET OF SECTION 30,
 TOWNSHIP 5 NORTH, RANGE 3 WEST, SAN BERNARDINO MERIDIAN, COUNTY OF SAN BERNARDINO, STATE OF
 CALIFORNIA
 KWC ENGINEERS AUGUST, 2016

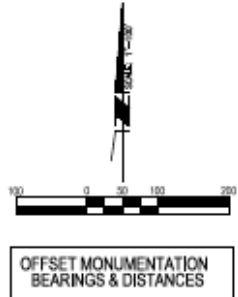


LINE	BEARING	DISTANCE
1	S89°47'10" E	11.58
2	S89°47'10" E	11.58
3	S74°44'58" W	11.58
4	S13°35'17" W	6.77
5	S89°47'10" E	6.58
6	S89°47'10" E	6.58
7	S89°47'10" E	7.57
8	S30°16'05" W	7.57
9	N14°41'57" E	6.80
10	S89°47'10" E	7.57
11	S89°47'10" E	6.58
12	S89°47'10" E	6.58
13	S89°47'10" E	6.58
14	S89°47'10" E	6.74
15	N12°00'43" W	6.82
16	S89°46'50" E	6.58
17	S89°44'46" E	6.58
18	S89°58'52" W	7.57
19	S11°28'50" W	11.58
20	S30°45'14" W	11.58
21	S16°14'50" E	11.58
22	S89°47'10" E	11.58
23	S89°47'10" E	11.58
24	S89°47'10" E	12.80
25	S89°47'10" E	7.57
26	S89°47'10" E	6.58
27	S89°47'10" E	6.58
28	S27°50'02" W	6.88
29	S25°58'08" W	6.78
30	S89°51'52" E	6.78
31	S88°27'48" E	6.78
32	S85°27'12" E	6.80
33	S85°16'00" W	11.58
34	S89°47'10" E	12.80
35	S89°47'10" E	11.58
36	S89°47'10" E	11.58



IN THE TOWN OF APPLE VALLEY, COUNTY OF SAN BERNARDINO, STATE OF CALIFORNIA
TRACT NO. 16059-4
 BEING A SUBDIVISION OF A PORTION OF THE WEST 1155 FEET OF THE SOUTH 3960 FEET OF SECTION 30, TOWNSHIP
 5 NORTH, RANGE 3 WEST, SAN BERNARDINO MERIDIAN, COUNTY OF SAN BERNARDINO, STATE OF CALIFORNIA
 KWC ENGINEERS FEBRUARY, 2014

SHEET 4 OF 4 SHEETS



LINE	BEARING	LENGTH
1	N89°47'10" E	11.58
2	N89°47'10" E	11.58
3	S22°42'10" W	11.58
4	S89°47'10" E	11.58
5	S89°47'10" E	11.58
6	N89°47'10" E	11.58
7	N89°47'10" E	11.58
8	N89°47'10" E	11.58
9	S89°47'10" E	11.58
10	S89°47'10" E	11.58
11	N89°47'10" E	11.58
12	N89°47'10" E	11.58
13	S89°47'10" E	11.58
14	N89°47'10" E	11.58
15	N89°47'10" E	11.58
16	N89°47'10" E	11.58
17	N89°47'10" E	11.58
18	N89°47'10" E	11.58
19	N89°47'10" E	11.58
20	N89°47'10" E	11.58
21	N89°47'10" E	11.58
22	N89°47'10" E	11.58
23	N89°47'10" E	11.58
24	N89°47'10" E	11.58
25	N89°47'10" E	11.58
26	N89°47'10" E	11.58
27	N89°47'10" E	11.58
28	N89°47'10" E	11.58
29	N89°47'10" E	11.58
30	N89°47'10" E	11.58
31	N89°47'10" E	11.58
32	N89°47'10" E	11.58
33	N89°47'10" E	11.58
34	N89°47'10" E	11.58
35	N89°47'10" E	11.58
36	N89°47'10" E	11.58
37	N89°47'10" E	11.58
38	N89°47'10" E	11.58
39	N89°47'10" E	11.58
40	N89°47'10" E	11.58
41	N89°47'10" E	11.58
42	N89°47'10" E	11.58

EASEMENT NOTES

▲ 4' NAMED EASEMENT FOR DURESS AND EGRESS LOCATED AS SHOWN WITH THE CURB AND MONUMENTATION AS SHOWN IN A LEGAL INSTRUMENT RECORDING NO. 2007-0158 OF OFFICIAL RECORDS, DATED AS FOLLOWS:

THE PORTION OF LOT 91 IN THE TOWN OF APPLE VALLEY, COUNTY OF SAN BERNARDINO, STATE OF CALIFORNIA AS SHOWN ON TRACT MAP NO. 16059-4, BEING A SUBDIVISION OF A PORTION OF THE WEST 1155 FEET OF THE SOUTH 3960 FEET OF SECTION 30, TOWNSHIP 5 NORTH, RANGE 3 WEST, SAN BERNARDINO MERIDIAN, COUNTY OF SAN BERNARDINO, STATE OF CALIFORNIA, AS SHOWN ON SAID TRACT MAP NO. 16059-4, AND BOUNDED ON THE WEST BY THE NORTHERLY CORNER OF SAID TRACT MAP NO. 16059-4.

THE PORTION OF SAID LOT 91 ALSO SHOWN AS PART OF SAID EGRESS BEING BOUNDED ON THE WEST BY APPLE VALLEY ROAD AS SHOWN ON SAID TRACT MAP NO. 16059-4, AND BOUNDED ON THE EAST BY THE NORTHERLY CORNER OF SAID TRACT MAP NO. 16059-4.

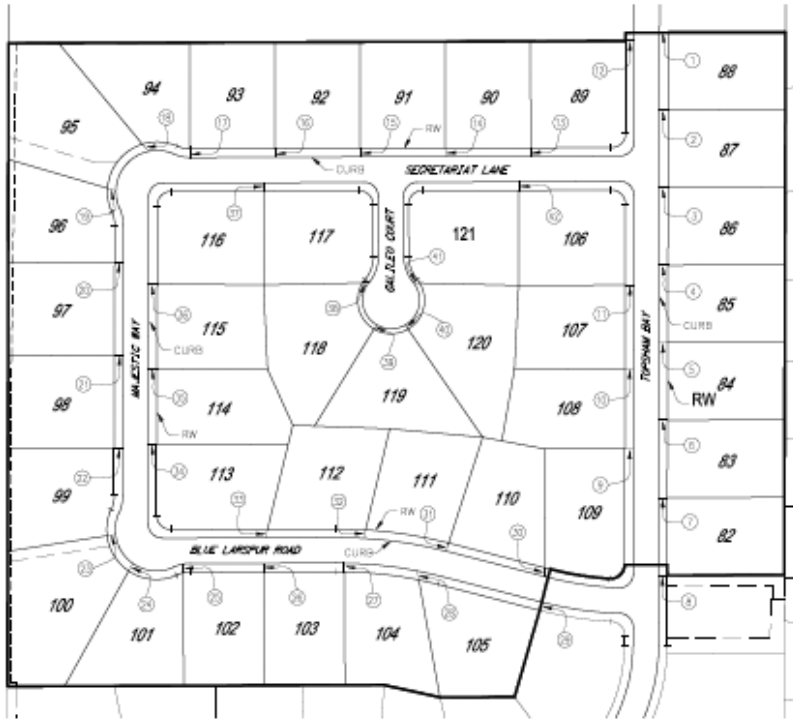
THE PORTION OF LOT 91 ALSO SHOWN AS PART OF SAID EGRESS BEING BOUNDED ON THE SOUTH BY THE NORTHERLY PROJECTIONS OF THE SOUTHERLY LINE OF SAID EGRESS AND BOUNDED ON THE WEST BY THE NORTHERLY CORNER OF THE TRACT MAP AS SHOWN ON SAID MAP, AND BOUNDED ON THE NORTH BY THE NORTHERLY CORNER OF SAID TRACT MAP AS SHOWN ON SAID TRACT MAP NO. 16059-4.

▲ 4' NAMED EASEMENT FOR DURESS AND EGRESS LOCATED AS SHOWN WITH THE CURB AND MONUMENTATION AS SHOWN IN A LEGAL INSTRUMENT RECORDING NO. 2007-0158 OF OFFICIAL RECORDS, DATED AS FOLLOWS:

THE PORTION OF LOT 91 IN THE TOWN OF APPLE VALLEY, COUNTY OF SAN BERNARDINO, STATE OF CALIFORNIA AS SHOWN ON TRACT MAP NO. 16059-4, BEING A SUBDIVISION OF A PORTION OF THE WEST 1155 FEET OF THE SOUTH 3960 FEET OF SECTION 30, TOWNSHIP 5 NORTH, RANGE 3 WEST, SAN BERNARDINO MERIDIAN, COUNTY OF SAN BERNARDINO, STATE OF CALIFORNIA, AS SHOWN ON SAID TRACT MAP NO. 16059-4, AND BOUNDED ON THE WEST BY THE NORTHERLY CORNER OF SAID TRACT MAP NO. 16059-4, AND BOUNDED ON THE SOUTH BY SETTING BEAL ROAD AS SHOWN ON SAID TRACT MAP NO. 16059-4, AND BOUNDED ON THE NORTH BY THE NORTHERLY PROJECTIONS OF THE SOUTHERLY LINE OF SAID EGRESS AND BOUNDED ON THE EAST BY THE NORTHERLY CORNER OF THE TRACT MAP AS SHOWN ON SAID MAP.

▲ AN EASEMENT FOR HIGHWAY AND ROAD RIGHTS AS SHOWN ON MAP NO. 0847, 21 APRIL 2011, FILED 87 OF MAPS, RECORDS OF SAN BERNARDINO COUNTY.

▲ RESTRICTED RIGHTS OF EGRESS ARE SHOWN AS SHOWN ON MAP NO. 0847, 21 APRIL 2011, FILED 87 OF MAPS, RECORDS OF SAN BERNARDINO COUNTY.



TRACT NO. 16059-5

BEING A SUBDIVISION OF A PORTION OF THE WEST 1155 FEET OF THE SOUTH 3960 FEET OF SECTION 30, TOWNSHIP 5 NORTH, RANGE 3 WEST, SAN BERNARDINO MERIDIAN, COUNTY OF SAN BERNARDINO, STATE OF CALIFORNIA

KWC ENGINEERS FEBRUARY, 2014

(N)	BEARING	LENGTH
1	N89°47'10" E	11.58'
2	N89°47'10" E	11.58'
3	N89°59'51" E	11.59'
4	N44°39'06" E	25.56'
5	N06°49'48" E	12.41'
6	N49°14'55" W	6.62'
7	N04°00'18" W	6.70'
8	N28°22'13" W	11.85'
9	N68°59'28" W	11.82'
10	N89°47'10" E	11.59'
11	N89°47'10" E	11.58'
12	N89°47'10" E	11.58'
13	N87°12'48" E	11.58'
14	N39°11'32" W	11.71'
15	N00°06'28" E	11.58'
16	N00°06'28" E	11.58'
17	N00°06'28" E	11.58'
18	N00°06'28" E	11.58'
19	N00°06'28" E	11.58'
20	N12°24'55" W	11.59'
21	N55°15'22" W	11.75'
22	N87°08'24" W	11.59'
23	N89°47'26" E	11.58'
24	N89°47'26" E	11.58'
25	N13°22'14" E	11.73'

(N)	BEARING	LENGTH
26	N07°06'32" E	11.19'
27	N00°09'09" W	9.46'
28	N08°16'53" W	6.68'
29	N89°47'26" E	11.59'
30	N89°47'26" E	11.58'
31	N00°06'28" E	11.58'
32	N71°52'32" W	11.06'
33	N10°14'59" W	10.67'
34	N10°43'32" E	10.69'
35	N71°51'12" E	10.74'
36	N00°07'31" E	11.58'
37	N89°47'26" E	11.58'
38	N89°47'26" E	11.58'
39	N35°44'55" E	11.63'
40	N04°15'02" W	6.72'
41	N00°19'21" W	7.02'
42	N20°30'45" W	6.67'
43	N27°06'31" W	6.78'
44	N46°59'09" E	7.44'
45	N15°42'02" W	6.97'
46	N19°45'48" W	6.73'
47	N31°12'03" W	6.58'
48	N49°24'05" W	6.58'
49	N11°02'22" E	12.75'
50	N00°12'50" W	11.93'
51	N89°47'26" E	11.58'

EASEMENT NOTES:

⚠️ A NON-ENCUMBERED EASEMENT FOR EGRESS AND ACCESS DESCRIBED AS CONSTRUCTION AND GENERAL EASEMENT AREA AS SHOWN IN A DOCUMENT ENTITLED ACCESS EASEMENT AGREEMENT, RECORDED APRIL 23, 2009 AS INSTRUMENT NO. 209-077038 OF OFFICIAL RECORD, DESCRIBED AS FOLLOWS:

THAT PORTION OF LOT 'A1' IN THE TOWN OF APPLE VALLEY, COUNTY OF SAN BERNARDINO, STATE OF CALIFORNIA AS SHOWN ON TRACT MAP NO. 16059-1, RECORDED IN BOOK 302, PAGES 23 THRU 76, INCLUDING OF MAPS/MORE PARTICULARLY DESCRIBED AS FOLLOWS:

THAT PORTION OF SAID LOT 'A1' ALSO SHOWN AS FAITH SUMMIT BEING BOUNDED ON THE WEST BY APPLE VALLEY ROAD AS SHOWN ON SAID TRACT MAP NO. 16059-1, AND BOUNDED ON THE EAST BY THE WASTERLY TERMINUS OF SAID FAITH SUMMIT.

TOGETHER WITH THAT PORTION OF SAID LOT 'A1' ALSO SHOWN AS TOPSHAM BAY, BOUNDED ON THE SOUTH BY THE EASTERLY PROLONGATION OF THE SOUTHERLY LINE OF FAITH SUMMIT, SAID SOUTHERLY LINE ALSO BEING THE NORTHERLY LINE OF THE 'REMAINER' AS SHOWN ON SAID MAP, AND BOUNDED ON THE NORTH BY THE NORTHERLY TERMINUS OF SAID TOPSHAM BAY AS SHOWN ON SAID TRACT MAP NO. 16059-1.

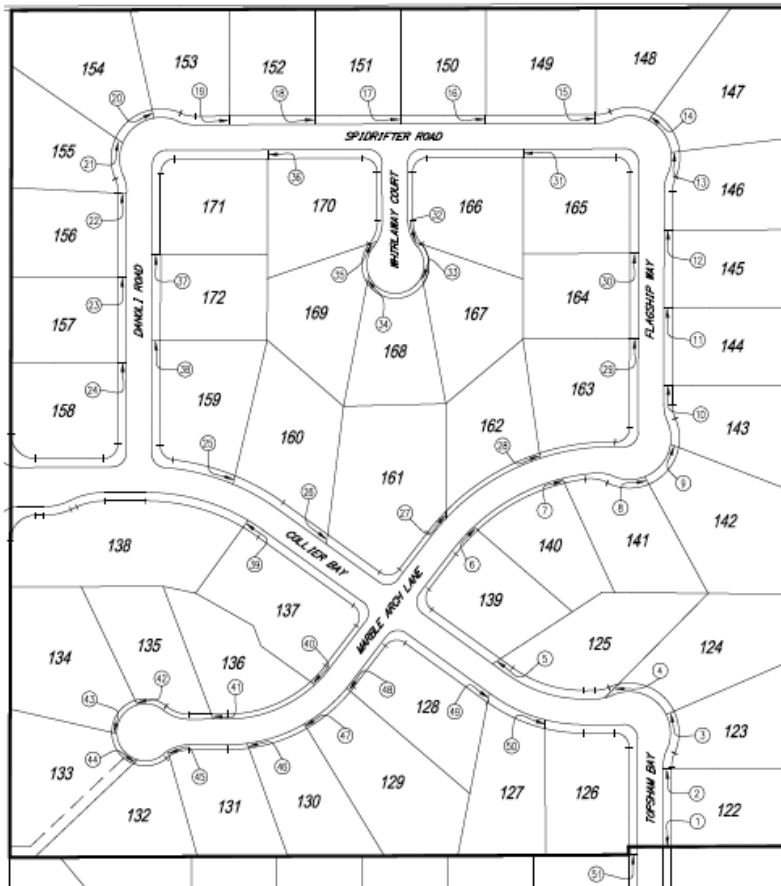
⚠️ A NON-ENCUMBERED EASEMENT FOR EGRESS AND ACCESS DESCRIBED AS NON-CONSTRUCTION ACCESS ONLY AS SHOWN IN A DOCUMENT ENTITLED ACCESS EASEMENT AGREEMENT, RECORDED APRIL 23, 2009 AS INSTRUMENT NO. 209-077038 OF OFFICIAL RECORD, DESCRIBED AS FOLLOWS:

THAT PORTION OF LOT 'A1' IN THE TOWN OF APPLE VALLEY, COUNTY OF SAN BERNARDINO, STATE OF CALIFORNIA AS SHOWN ON TRACT MAP NO. 16059-1, RECORDED IN BOOK 302, PAGES 23 THRU 76, INCLUDING OF MAPS, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

THAT PORTION OF LOT 'A1' ALSO SHOWN AS TOPSHAM BAY, BEING BOUNDED ON THE SOUTH BY SITTING HILL ROAD AS SHOWN ON SAID TRACT MAP NO. 16059-1, AND BOUNDED ON THE NORTH BY THE EASTERLY PROLONGATION OF THE SOUTHERLY LINE OF FAITH SUMMIT, SAID SOUTHERLY LINE ALSO BEING THE NORTHERLY LINE OF THE 'REMAINER' AS SHOWN ON SAID MAP.

⚠️ AN EASEMENT FOR HIGHWAY AND ROAD PURPOSES AS SHOWN ON MAP NO. 15401, IN BOOK 203, PAGE 10 OF MAPS, RECORDS OF SAN BERNARDINO COUNTY.

⚠️ RESTRICTED RIGHTS OF VEHICULAR ACCESS TO APPLE VALLEY ROAD, EXCEPT AT SPECIFIED POINTS HAVE BEEN AS INDICATED BY THE DESIGNATION PROVIDED SHOWN ON MAP NO. 15401, IN BOOK 203, PAGE 10 OF MAPS, RECORDS OF SAN BERNARDINO COUNTY.



OFFSET MONUMENTATION BEARINGS & DISTANCES



A Better Way of Life

Town of Apple Valley

14955 Dale Evans Parkway, Apple Valley, California 92307

February 16, 2017

Nupac Investments LLC
Andrew Pham
16 Via Coralle
Newport Coast CA 92657

**RE: TTM 16059 Time Extension No. 2
Expiration: February 20, 2018**

Dear Mr. Pham

At the November 16, 2016 regularly scheduled meeting, the Planning Commission reviewed and approved the above referenced project. The extension of time has been approved for a period of one (1) year, and is the final map extension allowed under the provisions in the Development Code.

This action of the Town of Apple Valley shall not be final for a period of ten (10) days from the date of Planning Commission action to allow for the filing of any appeal pursuant to the Town's Development Code, Section 9.12.250, with the Town Clerk of the Town of Apple Valley.

Enclosed you will find the conditions as approved by the Planning Commission and as accepted by you at the public hearing. If you have any questions on this matter, please contact me at (760) 240-7000 ext. 7222. Town offices are open Monday through Thursday between 7:30 a.m. and 5:30 p.m., and alternating Fridays between 7:30 a.m. and 4:30 p.m. **(closed the subsequent Fridays).**

Sincerely,

Carol Miller
Principal Planner

cc: Project File

Council Meeting Date: 8/14/2018

6-7

FINAL CONDITIONS OF APPROVAL

Case No. Tentative Tract Map No. 16059 Time Extension No. 2

Please note: *Many of the suggested Conditions of Approval presented herewith are provided for informational purposes and are otherwise required by the Municipal Code. Failure to provide a Condition of Approval herein that reflects a requirement of the Municipal Code does not relieve the applicant and/or property owner from full conformance and adherence to all requirements of the Municipal Code.*

Planning Division Conditions of Approval

- P1. This tentative subdivision shall comply with the provisions of the State Subdivision Map Act and the Town Development Code. This tentative approval shall expire three (3) years from the date of approval by the Planning Commission/Town Council. 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 thirty (30) days prior to the expiration date. The Tentative Parcel Map becomes effective ten (10) days from the date of the decision unless an appeal is filed as stated in the Town’s Development Code, Section 9.03.0180.

- P2. Prior to approval of the Final Map, the following agencies shall provide written verification to the Planning Division that all pertinent conditions of approval and applicable regulations have been met:

Apple Valley Fire Protection District
Liberty Utility
Apple Valley Public Services Division
Apple Valley Engineering Division
Apple Valley Planning Division

- P3. The applicant agrees 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.

- P4. Subdivision phasing shall be as shown on the approved Tentative Tract Map.

- P5. Prior to final map approval, the applicant(s) shall sign the approved “Conditions of Approval” and provide same to the Town Planning Division for inclusion in the case records.

- P6. A separate Development Permit, approved by the Planning Commission, is required prior to new single-family residential construction. The submittal shall include a

Development Plan consisting of plot plans, a minimum of four floor plans and building elevations, demonstrating a variety of heights, setbacks, roof shapes and trim to create visually pleasing aesthetics within a cohesive design.

- P7. The project shall conform to the R-SF, Single Family Residential, development standards for front, side and rear yard-building setbacks.
- P8. A copy of the final grading plan shall be submitted to the Planning Division for review and approval.
- a. All on-site cut and fill slopes shall be limited to a maximum slope ratio of 2 to 1 and a maximum vertical height of thirty (30) feet. Setbacks from top and bottom of slopes shall be a minimum of one-half the slope height.
 - b. Slopes shall be contour graded to blend with existing natural contours.
 - c. Slopes shall be a part of the downhill lot when within or between individual lots.
- P9. All slopes over three (3) feet in height shall be landscaped and irrigated according to Town standards.
- P10. Prior to recordation of Final Map, three sets of detailed landscaping and irrigation plans, prepared by a qualified licensed landscape professional, shall be submitted to the Planning Division for review and approval. The landscape and irrigation plans shall be prepared in compliance with the applicable landscape section of the Town Development Code.
- P11. The Covenants, Conditions and Restrictions (CC&Rs) shall be reviewed by the Planning Division prior to final approval of the tract map. The CC&Rs shall include a Homeowner's Association and shall contain provisions for liability insurance and methods of maintaining open space, private roads, equestrian trail, retention basin, gated entry areas, subdivision perimeter walls and decorative block walls, subject to approval by the Director of Economic and Community Development (or designee), the Town Engineer and the Town Attorney.
- P12. Prior to recordation of the Final Map, the Developer/applicant shall submit detailed plans showing all proposed walls for this subdivision, including the gated entry areas, subdivision perimeter walls and decorative block walls. Subdivision walls shall be articulated by regularly spaced pilasters or landscape insets, decorative caps and landscaping, subject to approval by the Director of Economic and Community Development (or designee).
- P13. Prior to map recordation, the applicant shall provide an equestrian/bike trail easement along the north side of Sitting Bull Road, in addition to the 80-foot right-of-way. The design of the easement including landscaping and fencing shall match the adjacent development to the east and shall conform to Equestrian Trail Standards. Plans shall be submitted and approved by the Planning Commission at the time that a Development Permit is reviewed for the homes to be built.
- P14. A phasing plan shall be coordinated with the Town Engineer in conjunction with required street improvements for Apple Valley Road. Approval of Phase 1 construction shall be

reviewed by the Director of Economic and Community Development (or designee) and Town Engineer.

- P15. The developer shall obtain and submit to the Planning Division prior to occupancy, the following signed statement by the purchasers of the homes located within the landscape and Lighting Assessment District (subject to final approval by the Town Attorney); 'In purchasing the home, I am aware that the home is located within the boundaries of a Landscaping and Lighting Assessment District for the maintenance of drainage, landscaping, fencing and other similar improvement and that an annual landscaping maintenance charge will be levied.
- P16. A copy of the final grading plan shall be submitted to the Planning Division for review and approval.
- a. All on-site cut and fill slopes shall be limited to a maximum slope ratio of 2 to 1 and a maximum vertical height of thirty (30) feet. Setbacks from top and bottom of slopes shall be a minimum of one-half the slope height.
 - b. Slopes shall be contour graded to blend with existing natural contours.
 - c. Slopes shall be a part of the downhill lot when within or between individual lots.
- P17. The applicant/developer shall install the landscaping along the perimeter of the development and within the retention/detention basin. The applicant/developer shall form a Home Owners Association (HOA) to maintain the landscaping and lighting standards of the development, and any retention basin created.
- P18. All walls constructed along the perimeter of the property lines, shall be constructed of slump stone, split face or masonry material. Prior to recordation of the Final Map, the Developer/applicant shall submit detailed plans showing all proposed walls for this subdivision subject to approval by the Assistant Director of Community Development (or designee).
- P19. If the tract/parcel map is adjacent to existing development, a fence/wall plan shall be submitted with the grading and landscape/irrigation plans to identify how new fencing or walls will relate to any existing fences or walls located around the perimeter of the tract/parcel map. The developer shall be required to connect to the existing fencing/wall or collaborate with the adjacent property owners to provide new fencing/walls and remove the existing fence/wall, both options at the developer's expense. Double fencing shall be avoided and review and approval of the fencing/wall plan is required prior to issuance of grading permits.
- P20. A natural barrier shall be installed at the westerly terminus of Ottawa Road within 30 days of the time extension approval to eliminate through traffic trespass.

Park and Recreation Department Conditions of Approval

- PR1. Prior to recordation of the Final Map, the developer, or his assignee, shall provide written verification of compliance to the Town Quimby Ordinance, subject to review by the Planning Division. The Recreation and Park District fee, in lieu of the development of park, is calculated at \$70,818.00 for the project.

Building and Safety Division Conditions of Approval

- B1. An engineered grading report including soils engineering and engineering geology shall be file with and approved by the Building Official prior to (recordation of final map) or (issuance of permits for grading in excess of 1,000 cubic yards).
- B2. Grading and drainage plans are to be submitted to, and approved by the Building Official prior to permit issuance.
- B3. Submit plans and obtain building permits for all structures and walls. No work is to be done prior to approvals and permit issuance.
- B4. A pre-construction permit and inspection are required prior to any land disturbing activity to verify requirements for erosion control, flood hazard, native plant protection and desert tortoise habitat
- B5. Erosion control plans are to be submitted to and approved by the Building Official prior to issuance of permits.
- B6. All utilities are re required to be placed underground in compliance with Town Ordinance No. 89.
- B7. All cross lot drainage require easements and may require improvements at the time of development.
- B8. Check with the State of California Water Resources Board to determine if a general construction activity storm water permit is required prior to any work beginning.

Engineering Division Conditions of Approval

- EC1. 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 provisions for receiving and conducting offsite and onsite 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 onsite drainage flows from a 100-year design storm.
- EC2. Street improvement plans shall be submitted to the Town Engineer for review and approval.
- EC3. All interior streets shall be improved to Town standards with curb, gutter and street pavement. Minimum residential width of streets shall be thirty-six (36) feet curb to curb.

EC4. 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.

EC5. The street Apple Valley Road shall be improved to the Town's half-width Major Arterial street standard adjacent to the project boundaries. The street Sitting Bull Road shall be improved to the Town's half-width Secondary Road street standard within the project boundaries.

EC6. A sixty (60)-ft wide half-width road dedication along Apple Valley Road shall be granted to the Town of Apple Valley prior to Final Map Approval.

A forty (40)-ft wide half-width road dedication along Sitting Bull Road shall be granted to the Town of Apple Valley prior to Final Map Approval.

EC7. 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 ft.

EC8. All required improvements shall be bonded in accordance with the Town Development Code unless constructed and approved prior to approval and recordation of the Final Map.

EC9. An encroachment permit shall be obtained from the Town prior to performing any work in any public right of way.

EC10. 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.

EC11. 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.

EC12. The developer shall form or annex into an assessment district to provide for the ongoing maintenance of the retention basin.

EC13. Streetlights shall be required and shall conform to Town's standards for such. The developer shall form or annex into an assessment district to provide for the ongoing maintenance of the streetlights.

EC14. All road names shall be approved by the Town and such approval shall be coordinated through the Town Engineer.

EC15. Prior to Town acceptance of the Final Map, subdivider shall present evidence to the Town Engineer that he 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.

- EC16. Utility lines shall be placed underground in accordance with the requirements of the Town.
- EC17. The developer shall make a good faith effort to acquire the required offsite property interests, and if he or she should fail 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 offsite 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 developer, at the developers cost. The appraiser shall have been approved by the Town prior to commencement of the appraisal. Additional security may be required as recommended by the Town Engineer and Town Attorney.
- EC18. Traffic impact fees adopted by the Town, Ordinance No. 42, shall be paid by the developer.
- EC19. Any developer fees including but not limited to drainage fees shall be paid by the developer as per Town enactment.
- EC20. Any required street striping shall be thermoplastic as approved by the Town Engineer.
- EC21. The applicant shall construct the traffic mitigation measures as detailed in the traffic study dated October 26, 2001, which includes the payment of traffic impact fees totaling \$309,050.
- EC22. Storm drain improvements as outlined in the preliminary drainage study dated February 7, 2002, shall be required to be designed and constructed in a manner that is approved by the Town Engineer, as a part of this development. In particular, the proposed storm drain to be located in Ottawa Road shall be constructed as a part of Phase 2 of the proposed phasing plan as shown in the preliminary drainage report.
- EC23. Applicant shall construct a free right turn lane for eastbound to southbound traffic at the intersection of Highway 18 and Apple Valley Road prior to the issuance of the first building permit for this project. Said improvements shall be fully bonded prior to final map approval if not constructed.
- EC24. The Town of Apple Valley will construct Apple Valley Road adjacent to the tract boundaries. Therefore, in addition to traffic Impact fees required of this project, the applicant will be required to deposit with the Town sufficient monies as approved by the Town Engineer for improvements outside of the travel lanes (parking lane, curb and gutter and sidewalks) that will be constructed by the Town of Apple Valley on the developer's behalf.
- EC25. The section of Ottawa Road west of Paraiso Road in Tract No. 14090 shall be vacated, removed and landscaped as approved by the Town Engineer and the Planning Division. Street improvements, including curb and gutter, shall be constructed along the west side of Paraiso Road at Ottawa Road. *Improvements shall be deferred until completion of Phase 3, as approved by the Town Engineer. (Modified by P.C. 2/20/02)*

EC26. The developer shall form or annex into an assessment district to provide for the ongoing maintenance of the parkway landscaping within the public right-of-way along Apple Valley Road and Sitting Bull Road adjacent to the project boundaries.

Public Works Division Conditions of Approval

Prior to Map Recordation:

- PW1. Sewage disposal shall be by connection to the Apple Valley Sewer System. Financial arrangements, plans and improvement agreements must be approved by the Town of Apple Valley Public Works Division.
- PW2. Construct the sewer collector lines and laterals to each lot to connect to the trunk sewer system or other system as approved in advance by the Town.
- PW3. All existing manholes within project boundaries shall be brought to current Town of Apple Valley Standards. Frame and cover shall be Long Beach Iron Works Inc. X-106E, Alhambra Foundry Inc. LTD. A-1254 or approved equal.
- PW4. Sewer connection fees required.
- PW5. Buy-in fees required.
- PW6. Sewer development impact fees required.
- PW7. Submit mylars and three sets of As-Built plans upon completion of sewer installation. In addition, the plans must be provided in an electronic format of the Town's choosing.

Apple Valley Fire Protection District Conditions of Approval

- FD1. The above referenced project is protected by the Apple Valley Fire Protection District. Prior to construction occurring on any parcel, the owner shall contact the Fire District for verification of current fire protection development requirements.
- FD2. Prior to combustible construction, the development and each phase thereof, shall have two points of paved access for fire and other emergency equipment, and for routes of escape which will safely handle evacuations. Each of these points of access shall provide an independent route into the area in which the development is located. Apple Valley Fire Protection District Ordinance 22, Section (I) Install per A.V.F.P.D. Standard ARI #8.
- FD3. Fire lanes shall be provided with a minimum width of twenty-four (24) feet, maintained, and identified. Apple Valley Fire Protection District Ordinance 41. Install per A.V.F.P.D. Standard Series #202
- FD4. A turnaround shall be required at the end of each roadway 150 feet or more in length and shall be approved by the Fire District. Cul-de-sac length shall not exceed one thousand (1,000) feet. Turning radius on all roads within the facility shall not be less than twenty-two (22) feet inside

and minimum of forty (40) feet outside turning radius with no parking on street, or forty-seven (47) feet with parking.

Apple Valley Fire Protection District, Ordinance 52

- FD5. Plans for fire protection systems designed to meet the fire flow requirements specified in the Conditions of Approval for this project shall be submitted to and approved by the Apple Valley Fire Protection District and water purveyor prior to the installation of said systems.
- A. Unless otherwise approved by the Fire Chief, on-site fire protection water systems shall be designed to be looped and fed from two (2) remote points. The minimum water main size for commercial is twelve (12) inches, for residential development, eight (8) inches.
- B. System Standards:
- | | | |
|-----------------|-----|--------------------------------|
| *Fire Flow | 500 | GPM @ 20 psi Residual Pressure |
| Duration | 1 | Hour(s) |
| Hydrant Spacing | 660 | Feet |
- C. A total TBD fire hydrant(s) will be required at time of building permit issuance. It is the responsibility of the owner/developer to provide all new fire hydrants with reflective pavement markers set into pavement and curb identification per A.V.F.D. Standard. Install per A.V.F.P.D. Standard Series #101

NFPA 13D (RESIDENTIAL AUTOMATIC FIRE SPRINKLER SYSTEM): REQUIRED

This residence shall be constructed with an automatic fire sprinkler system (NFPA 13D) throughout the structure, including garage. Plans shall be submitted by a licensed C-16 contractor to the Fire District for review and approval along with plan review fees. Fire Sprinkler work shall not commence until plan approval and a job card have been issued. An approved fire alarm system shall be installed that will provide a local alarm for water flow to be audible throughout the premises. **NOTE: The Fire District shall be notified a minimum of 24 hours prior to the desired final inspection date.**

- FD6. Apple Valley Fire Protection District Final Subdivision/Tract/Development fees shall be paid to the Fire District prior to final map acceptance according to the current Apple Valley Fire Protection District Fee Ordinance.
- FD7. The developer shall submit a map showing complete street names within the development, to be approved by the Fire District prior to final map.
- FD8. Prior to issuance of Building Permit, the developer shall pay all applicable fees as identified in the Apple Valley Fire Protection District Ordinance.

FD9. A Knox Box Rapid Entry System shall be required at entry gates for this project.

End of Conditions