



Get a Slice of the Apple.

**TOWN OF APPLE VALLEY
PLANNING COMMISSION AGENDA**

WEDNESDAY, SEPTEMBER 15, 2021

Regular Meeting 6:00 p.m.

Town Council Chambers
14955 Dale Evans Parkway

PLANNING COMMISSION MEMBERS

Joel Harrison, Chairman
Mike Arias Jr., Vice-Chairman
Bruce Kallen, Commissioner
B.R. "Bob" Tinsley, Commissioner
Jared Lanyon, Commissioner

PLANNING DIVISION OFFICE: (760) 240-7000 Ext. 7200
www.AVPlanning.org

Monday - Thursday 7:30 a.m. to 5:30 p.m.
Alternating Fridays 7:30 a.m. to 4:30 p.m.



Get a Slice of the Apple.

**TOWN OF APPLE VALLEY
PLANNING COMMISSION AGENDA
REGULAR MEETING
WEDNESDAY SEPTEMBER 15, 2021 – 6:00 P.M.**

IMPORTANT COVID-19 NOTICE

THIS MEETING IS BEING CONDUCTED CONSISTENT WITH CURRENT GUIDANCE ISSUED BY THE STATE OF CALIFORNIA REGARDING THE COVID-19 PANDEMIC. THE MEETING IS BROADCAST LIVE AND VIEWABLE ON FRONTIER CHANNEL 29 OR CHARTER SPECTRUM CHANNEL 186 AND LIVE STREAMED ONLINE AT APPLEVALLEY.ORG. FOR INDIVIDUALS NOT PHYSICALLY PRESENT AND STILL WISHING TO MAKE PUBLIC COMMENTS, YOU MAY COMMENT IN ONE OF TWO WAYS:

1) COMMENTS AND CONTACT INFORMATION CAN BE EMAILED TO PUBLICCOMMENT@APPLEVALLEY.ORG BY 12 P.M. WEDNESDAY JULY 21, 2021, TO BE INCLUDED IN THE RECORD;

2) A REQUEST TO SPEAK CAN BE EMAILED TO THE SAME ADDRESS AS ABOVE AND AT THE TIME OF THE REQUESTED AGENDA ITEM, THE TOWN CLERK WILL PLACE A PHONE CALL TO THE COMMENTER AND ALLOW THEM TO SPEAK TO THE COUNCIL VIA SPEAKER PHONE DURING THE LIVE MEETING FOR UP TO THREE MINUTES.

Materials related to an item on this agenda, submitted to the Commission after distribution of the agenda packet, are available for public inspection in the Town Clerk’s Office at 14955 Dale Evans Parkway, Apple Valley, CA during normal business hours. Such documents are also available on the Town of Apple Valley website at www.applevalley.org subject to staff’s ability to post the documents before the meeting.

The Town of Apple Valley recognizes its obligation to provide equal access to those individuals with disabilities. Please contact the Town Clerk’s Office, at (760) 240-7000, two working days prior to the scheduled meeting for any requests for reasonable accommodations.

REGULAR MEETING

The Regular meeting is open to the public and will begin at 6:00 p.m.

CALL TO ORDER

ROLL CALL

Commissioners: Kallen _____; Tinsley _____; Lanyon _____;
Vice-Chairman Arias _____; Chairman Harrison _____

PLEDGE OF ALLEGIANCE

APPROVAL OF MINUTES

None

PUBLIC COMMENTS

Anyone wishing to address an item not on the agenda, or an item that is not scheduled for a public hearing at this meeting, may do so at this time. California State Law does not allow the Commission to act on items not on the agenda, except in very limited circumstances. Your concerns may be referred to staff or placed on a future agenda.

PUBLIC HEARING ITEMS

1. **Development Permit No. 2021-012.** Consideration to allow eight foot-eight inch (8'-8") high fencing along the rear property line.

APPLICANT: Roosevelt Matthews

LOCATION: 16351 Kasota Road; APN: 0473-535-45

ENVIRONMENTAL

DETERMINATION: Pursuant to the Guidelines to Implement the California Environmental Quality Act (CEQA) Section 15305(b) – Minor Alteration in Land Use Limitation, Issuance of Minor Encroachment Permits, the proposed request is Exempt from further environmental review.

PREPARED BY: Daniel Alcayaga, AICP, Planning Manager

RECOMMENDATION: Approval

2. **Tentative Parcel Map No. 20371.** Consideration of a Tentative Parcel Map to create four parcels and a remainder from 4.62 net acres. The project area is located within the Equestrian Residential (R-EQ) zoning designation.

APPLICANT: CornerstoneCC

LOCATION: The site is located at the northeast corner of Choco Road and Huasna Road; APN: 0441-032-09.

ENVIRONMENTAL

DETERMINATION: Pursuant to the Guidelines to Implement the California Environmental Quality Act (CEQA) Section 15315- Minor Subdivision, the proposed request is Exempt from further environmental review.

PREPARED BY: Daniel Alcayaga, AICP, Planning Manager

RECOMMENDATION: Approval

3. **Revocation of Conditional Use Permit No. 2002-008.** Consideration of a Revocation of Conditional Use Permit No. 2002-008.

APPLICANT: Donald Lowe in association with Holland-Lowe Construction Inc

LOCATION: The site is generally located on the east side of Apple Valley Road, a half-mile south of Falchion Road (17299 Apple Valley Rd.); APN: 0472-051-37.

ENVIRONMENTAL DETERMINATION: Pursuant to Section 15321 of the Guidelines to Implement the California Environmental Quality Act (CEQA), revocation of an entitlement by regulatory enforcement agency is exempt from further environmental review.

PREPARED BY: Daniel Alcayaga, AICP, Planning Manager

RECOMMENDATION: Revoke Conditional Use Permit No. 2002-008

OTHER BUSINESS

PLANNING COMMISSION COMMENTS

STAFF COMMENTS

ADJOURNMENT

The Planning Commission will adjourn to its next regularly scheduled Planning Commission meeting on October 6, 2021.



Planning Commission Agenda Report

Date: September 15, 2021 Item No. 1

To: Planning Commission

Case No: Development Permit No. 2021-012

Applicant: Roosevelt Matthews

Proposal: Consideration of Development Permit No. 2021-012 to allow eight foot-eight inch (8'-8") high fencing along the rear property line.

Location: 16351 Kasota Road; APN: 0473-535-45

Environmental Determination: Pursuant to the Guidelines to Implement the California Environmental Quality Act (CEQA) Section 15305(b) – Minor Alteration in Land Use Limitation, Issuance of Minor Encroachment Permits, the proposed request is Exempt from further environmental review.

Prepared By: Daniel Alcayaga, AICP, Planning Manager

Recommendation: Approval

ANALYSIS

A. General:

The applicant has an existing six-foot high block wall extending along the entire length of the rear property line, three feet of which is a retaining wall. The wall is measured six feet from the applicant's side and three feet high from the neighbors' side. The applicant would like to install a two-foot, eight-inch (2'-8") high vinyl fence on top of the existing six-foot-high wall (Attachment 2). The additional fencing height is needed to provide privacy and prevent trespassers from easily jumping over the existing fencing, as there is a three-foot-high grade differential between the applicant's property and the two adjacent properties to the rear. There is also a three-foot gap between the Applicant's fencing and the rear neighbor's fencing, which makes the Applicant's property vulnerable to trespassing.

The height limitation for a rear fence or wall is six feet high in a residential zone. A height increase to eight feet can be approved administratively by staff when there is a grade differential between adjoining properties. Pursuant to Section 9.28.120 (B)(4) of the Development Code, the Planning Commission can approve a height greater than eight feet high when there is a grade differential for proposed privacy fencing.

Section 9.28.120 (B)(4) states:

When there is a difference in the ground level between two adjoining lots or between Town right-of-way and an adjoining lot, the height of any retaining wall constructed along the property line or right-of-way shall be determined from the lowest finished grade at the wall. Where, due to the above noted grade differential, a retaining/garden or privacy wall combination is proposed within the side or rear yard area, the height of such combination wall shall not exceed eight (8) feet as measured from the lowest finished grade at the wall unless otherwise reviewed and approved by the Planning Commission under a Development Permit as provided in Chapter 9.17 "Development Permits".

B. Analysis:

Attachment 1 shows the applicant's fencing in relation to the two neighboring properties to the rear labeled with height measurements on both sides of the fencing. The Applicant has two adjoining properties to the rear, 16352 Menhaka Road and 16332 Menhaka Road, which are elevated about three feet above the Applicant's property. The property located at 16352 Menhaka Road has its own existing retaining wall with wood fencing and block columns situated three feet away from the Applicant's six-foot high wall. Due to the grade differential, the fencing is six feet high on the 16352 Menhaka Roadside, and about nine feet high on the Applicant's side. The Applicant is concerned that someone can gain access to his property through the three-foot gap separating the two walls/fences and easily jump over the fencing.

The other abutting property at 16332 Menhaka Road only has a single wall separating it from the Applicant's property, a portion of the wall is retaining. Due to the grade differential, the wall is three feet high on the 16332 Menhaka Roadside, and about six feet high on the Applicant's side. The property has a new house on the property, which construction is completed or nearing completion. The Applicant's concern is that the existing wall provides no privacy, as you can look over his property by standing on the 16332 Menhaka Road property, and the Applicant has no control over the location or design of new fencing that may be installed by the new homeowners. For this reason, the Applicant would like to add an additional 2'-8" of vinyl fencing to provide privacy to his property.

The Applicant feels that an eight-foot-high fencing, which can be approved by staff, will not provide enough privacy or security. Eight-foot-high fencing, as measured from the Applicant's side, would only be five feet high from the 16332 Menhaka Roadside and not

tall enough to provide privacy on to the Applicant's property. The Applicant is requesting a height increase of 2'-8" for a total of 8'-8", which the Planning Commission is authorized to grant under Section 9.28.120(B)(4). This request meets the requirements of this Section, which authorizes an increase when needed due to topographical reasons to provide adequate privacy and security.

C. Environmental Assessment:

Pursuant to the Guidelines to Implement the California Environmental Quality Act (CEQA) Section 15305(b) – Minor Alteration in Land Use Limitation, Issuance of Minor Encroachment Permits, the proposed request is Exempt from further environmental review.

D. Noticing:

This item was advertised as a public hearing in the Apple Valley News newspaper on September 3, 2021.

A. Development Permit Findings:

As required under Section 9.17.080 of the Development Code, prior to approval of a Development Permit, the Planning Commission must make specific required "Findings". These Findings, as well as a comment to address each, are presented below.

1. That the location, size, design, density and intensity of the proposed development is consistent with the General Plan, the purpose of this Code, the purpose of the zoning district in which the site is located, and the development policies and standards of the Town;

Comment: As authorized under Section 9.28.120 (B)(4) of the Development Code, the Planning Commission has the authority to approve a fencing height in excess of eight (8) feet as measured from the lowest finished grade at the wall where, due grade differential, a retaining/garden or privacy wall combination is proposed within rear yard area.

2. That the location, size and design of the proposed structures and improvements are compatible with the site's natural landforms, surrounding sites, structures and streetscapes and does not unnecessarily block public views from other buildings or from public ways, or visually dominate its surroundings;

Comment: The proposed fencing height is similar with other fencing in this area that are also affected by existing man-made topography due to the grading of the subdivision. Additional fencing height is needed for privacy and security. The adjacent property at 16352 Menhaka Road has existing fencing that is nine feet high on the applicant's side.

3. That the materials, textures and details of the proposed construction, to the extent feasible, are compatible with the adjacent and neighboring structures and that quality in architectural design is maintained in order to enhance the visual environment of the Town;

Comment: The design, materials and details of the proposed fencing will utilize an architectural design consistent with existing structures in the immediate area.

4. That the amount, location, and design of open space and landscaping conforms to the requirements of this Code, enhances the visual appeal and is compatible with the design and function of the structure(s), site and surrounding area;

Comment: The proposed fencing complies with the residential design guidelines and is compatible with surrounding structures.

5. That excessive and unsightly grading of hillsides does not occur, and the character of natural landforms such as knolls and the Mojave River and that existing vegetation and Joshua Trees are adequately protected and preserved where feasible as required by this Code.

Comment: The proposed fencing is not on a hillside and is already disturbed and graded. There is an existing grade differential between adjoining properties.

RECOMMENDATION:

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 the project 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 Development Permit No. 2021-012, subject to the attached Conditions of Approval.
4. Direct Staff to file the Notice of Exemption.

ATTACHMENTS:

1. Recommended Conditions of Approval
2. Examples of Wall Toppers (Proposed Vinyl Fence)
3. Pictures of Applicant's fencing in relation to 16332 Menahka Road
4. Zoning/Location Map

TOWN OF APPLE VALLEY

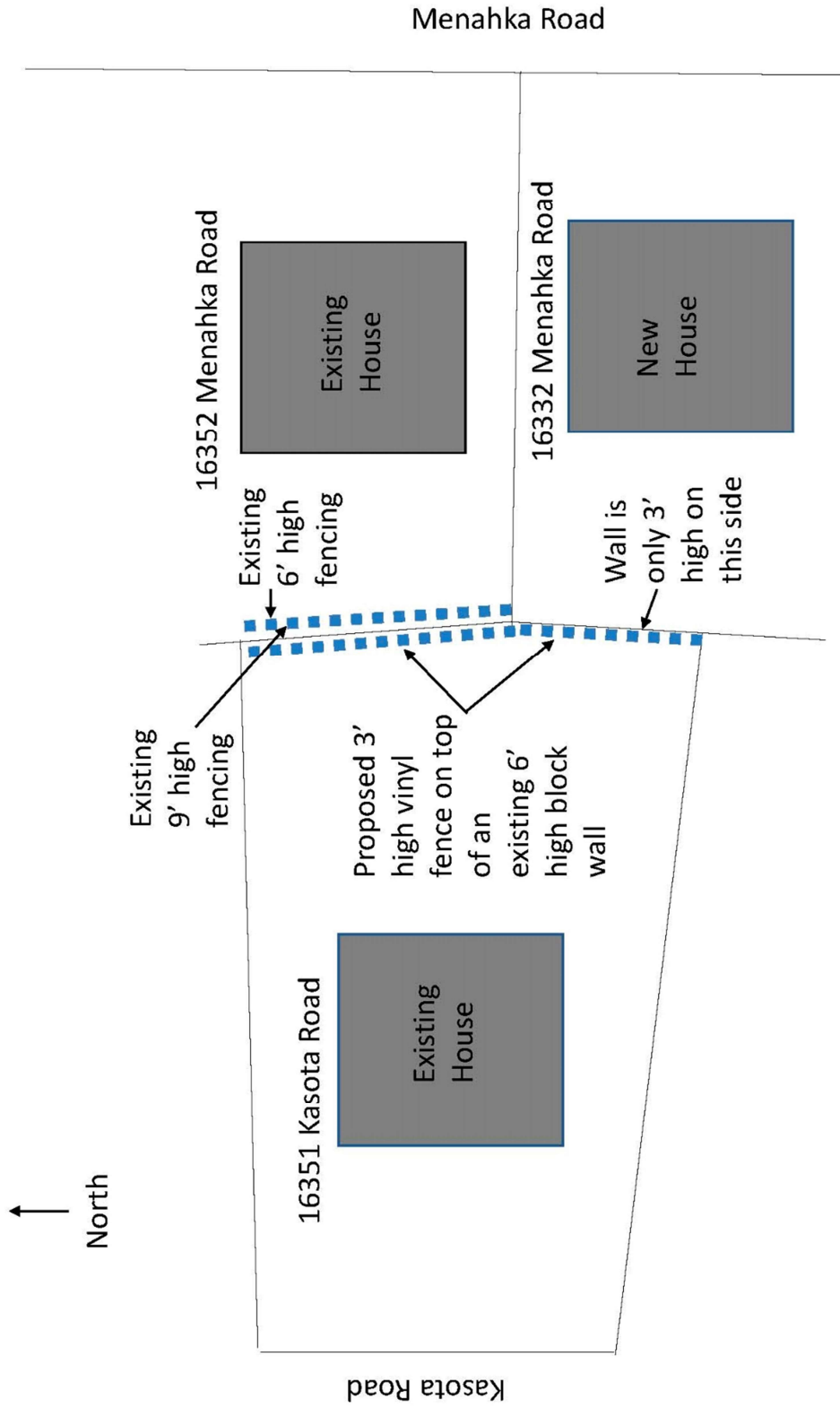
RECOMMENDED CONDITIONS OF APPROVAL

Case No. Development Permit No. 2021-012

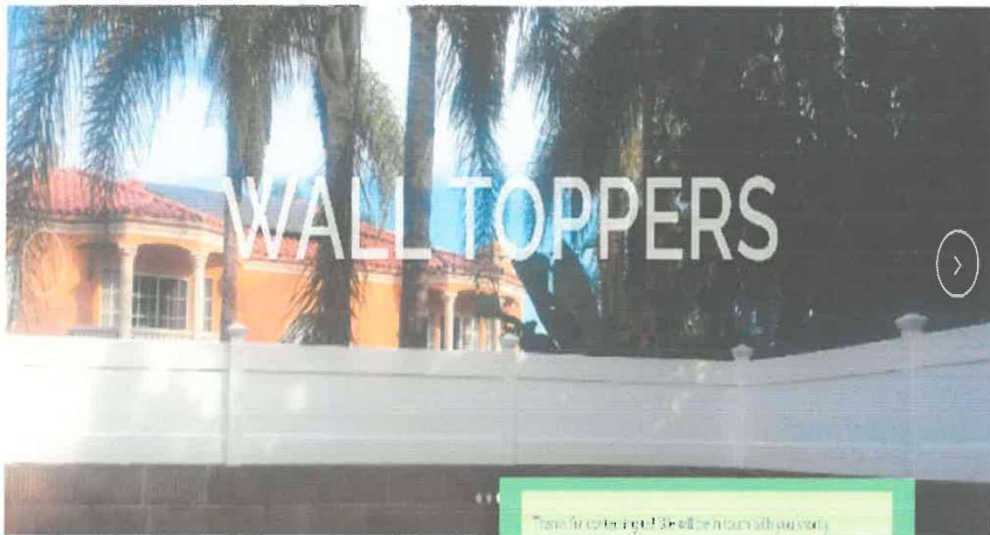
Please note: *Many of the suggested Conditions of Approval presented herewith are provided for informational purposes and are otherwise required by the Municipal Code. Failure to provide a Condition of Approval herein that reflects a requirement of the Municipal Code does not relieve the applicant and/or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

Planning Division Conditions of Approval

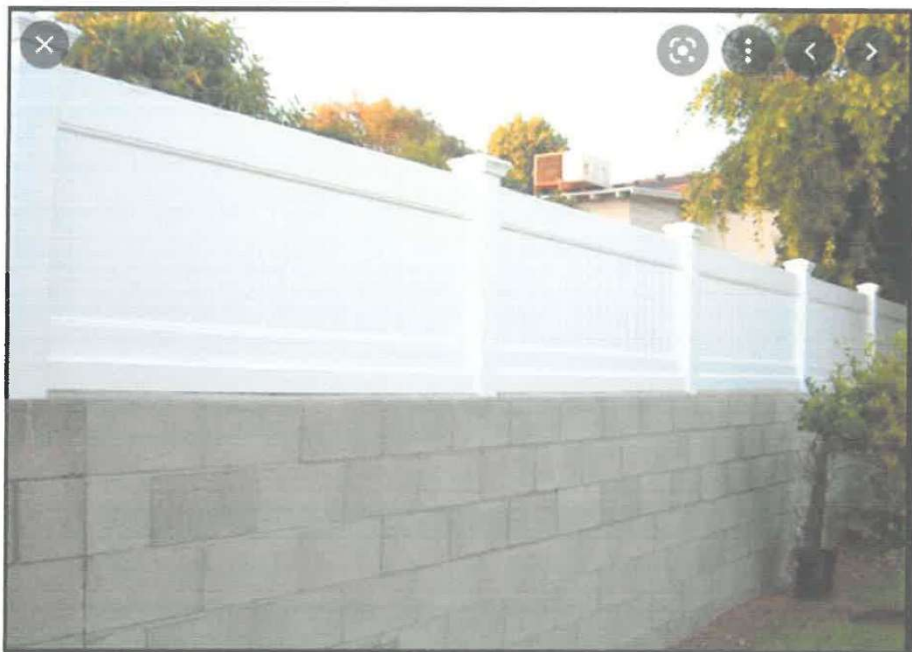
- P1. This project shall comply with the provisions of State law and the Town of Apple Valley Development Code and the General Plan. This conditional approval, if not exercised in conformance to any conditions, shall become void two (2) years from the date of action of the reviewing authority, unless otherwise extended pursuant to the provisions of application of State law and local ordinance. The extension application must be filed, and the appropriate fees paid, at least sixty (60) days prior to the void date to obtain a three-year extension. The Development Permit 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 9.12.250.
- P2. The applicant shall agree to defend, at its sole expense (with attorneys approved by the Town), hold harmless and indemnify the Town, its agents, officers and employees, against any action brought against the Town, its agents, officers or employees concerning the approval of this project or the implementation or performance thereof, and from 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 in the defense of any such action, but such participation shall not relieve the applicant of this obligation under this condition.
- P3. The approval of Development Permit No. 2021-012 by the Planning Commission is recognized as acknowledgment of Conditions of Approval by the applicant, unless an appeal is filed in accordance with Section 9.12.250, *Appeals*, of the Town of Apple Valley Development Code.
- P4. The applicant shall obtain all required permits for the fencing increase.



Examples of Wall Toppers



MY Wall Topper Would Look Like This!!



Wall Topper



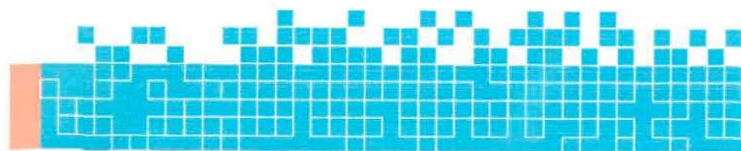
Wall Topper



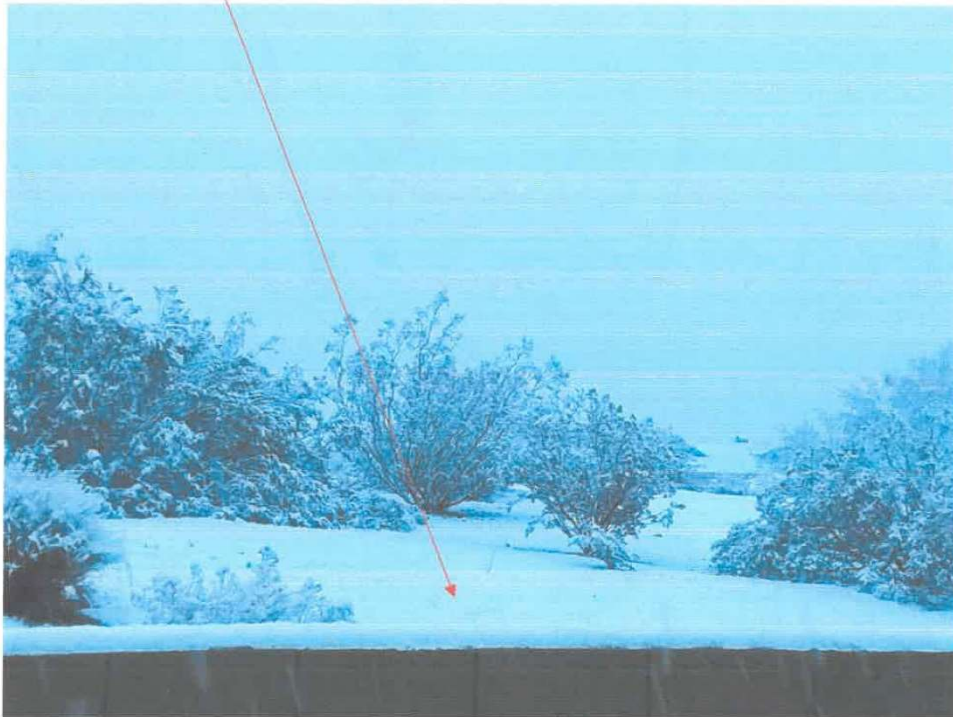


Environmental Setting ... in relation to 16332
menahka Rd

As for the topography, the site was an unkept, empty lot containing extreme overgrowth of desert shrubs. Due to the density of the shrubs, homeless individuals would sometime sleep under the shrubs that was adjacent to my backyard wall. The lots elevation is greater than my 6-foot cinder block wall, allowing any person easy access into the yard. As a result, the elevation behind my wall could cause the soil to collapse, and damage my wall, if a retaining wall is not built, like my northeast neighbors (refer to nine attached photos).

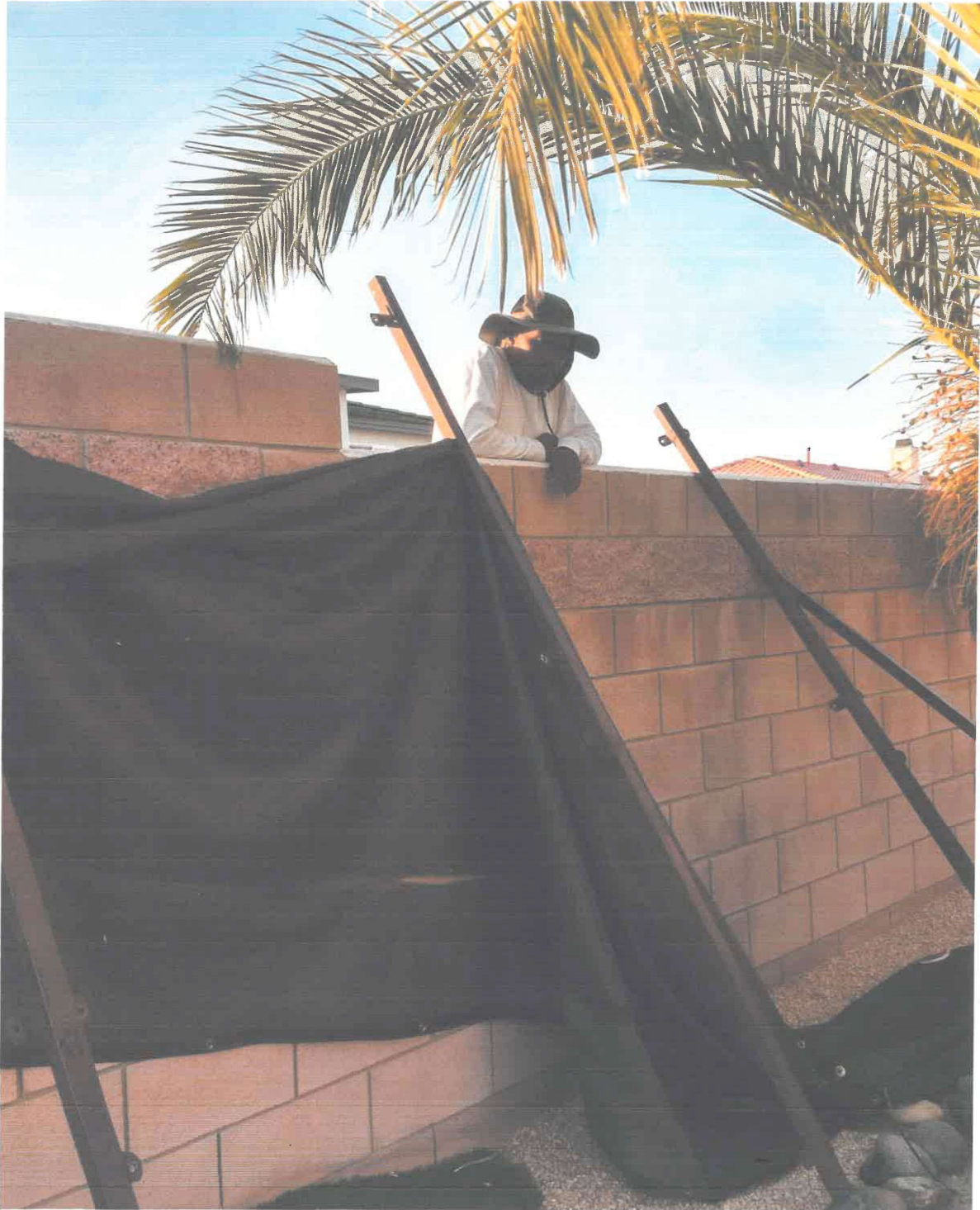


This is the original
elevation of the
property at the rear
of my wall.

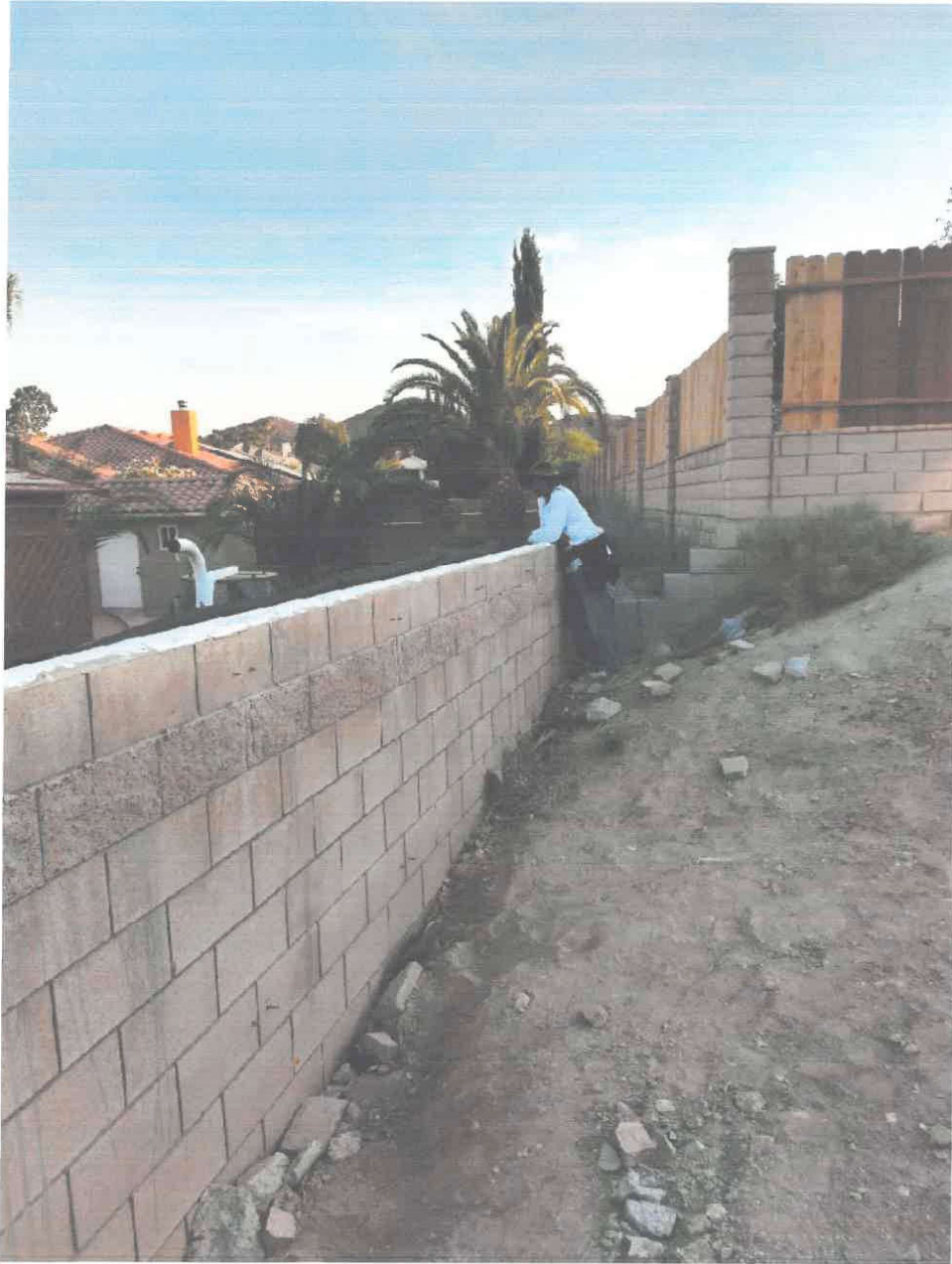


2A





3C





74



This elevation is the same.

In the past, prior to this property being excavated, you were able to run and jump over my rear wall. The lot was covered with heavy overgrowth and transients would sleep in the lot and try to steal items out of my backyard.

72



The elevation on this side of the wall is almost equal to my 6- foot wall.

75



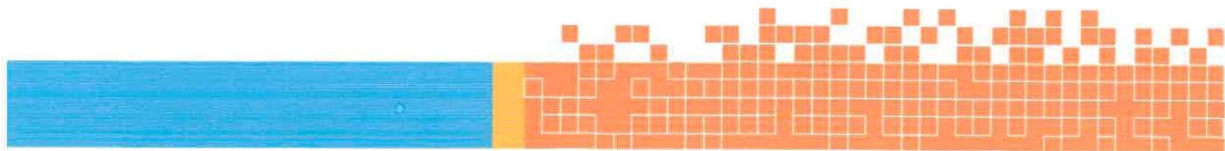
I guess this would be the driveway on the south side of this property. The elevation is so high, you can only see approximately 2 feet of my rear wall.



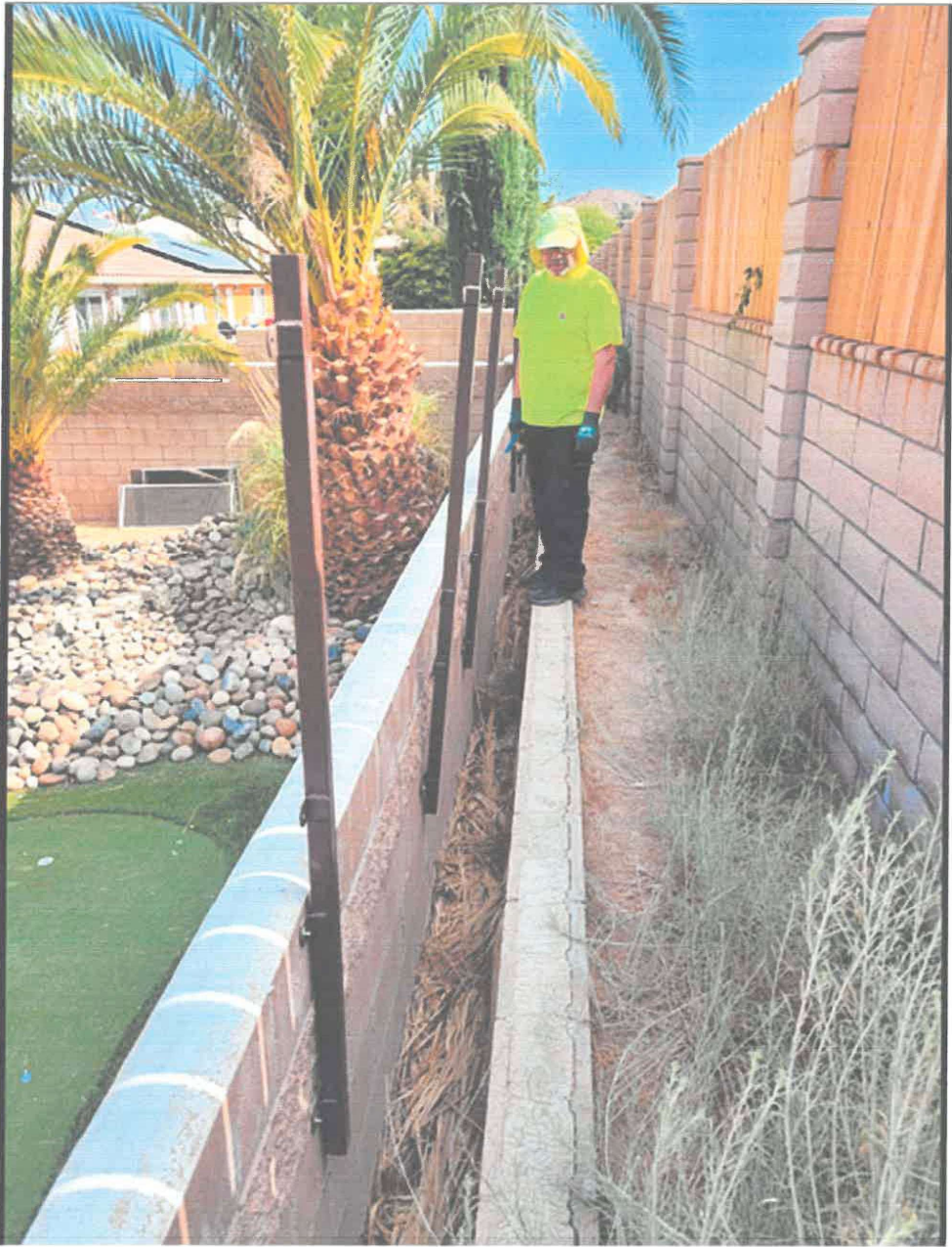
Environmental Setting

*-in relation to 16352
menahka
Rd*

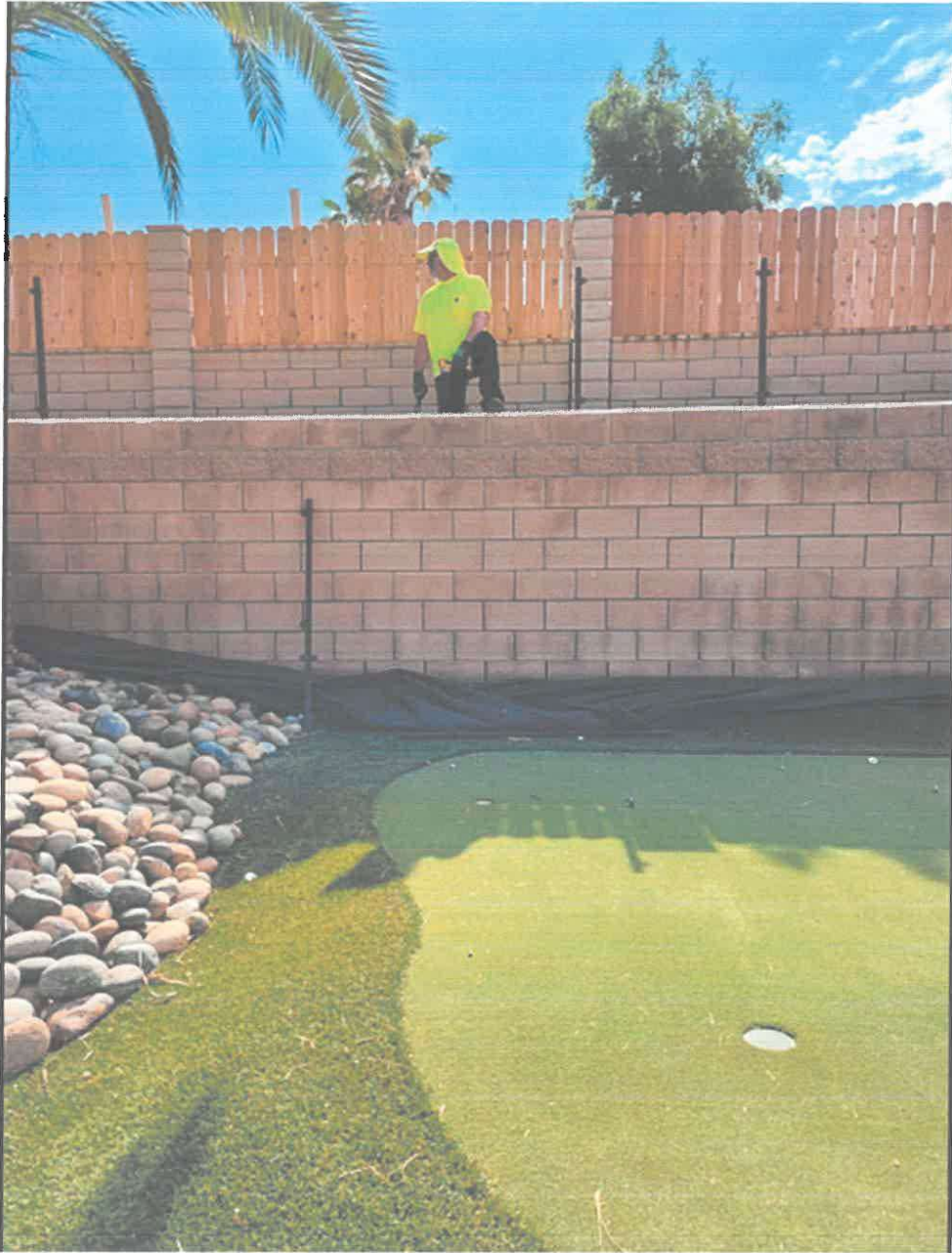
My neighbor's property elevations are extremely high to the point, that my property appears to be sitting in a crater. Some neighbors have plants and pets on their property. The lot east of my property recently had a single-story home built (refer to attached photos). The lots elevation is greater than my 6-foot cinder block wall, allowing any person easy access into the yard. As a result, the elevation behind my wall could cause the soil to collapse, and damage my wall, if a retaining wall is not built, like my northeast neighbors (refer to nine attached photos).



50



40



38





My wall is 6 feet tall. The board is almost even with the wall, the board on the ground is 1 foot 8 inches less than the total height of the wall.

Development Permit No. 2021-012

16351 Kasota Rd
 APN 0473-535-45

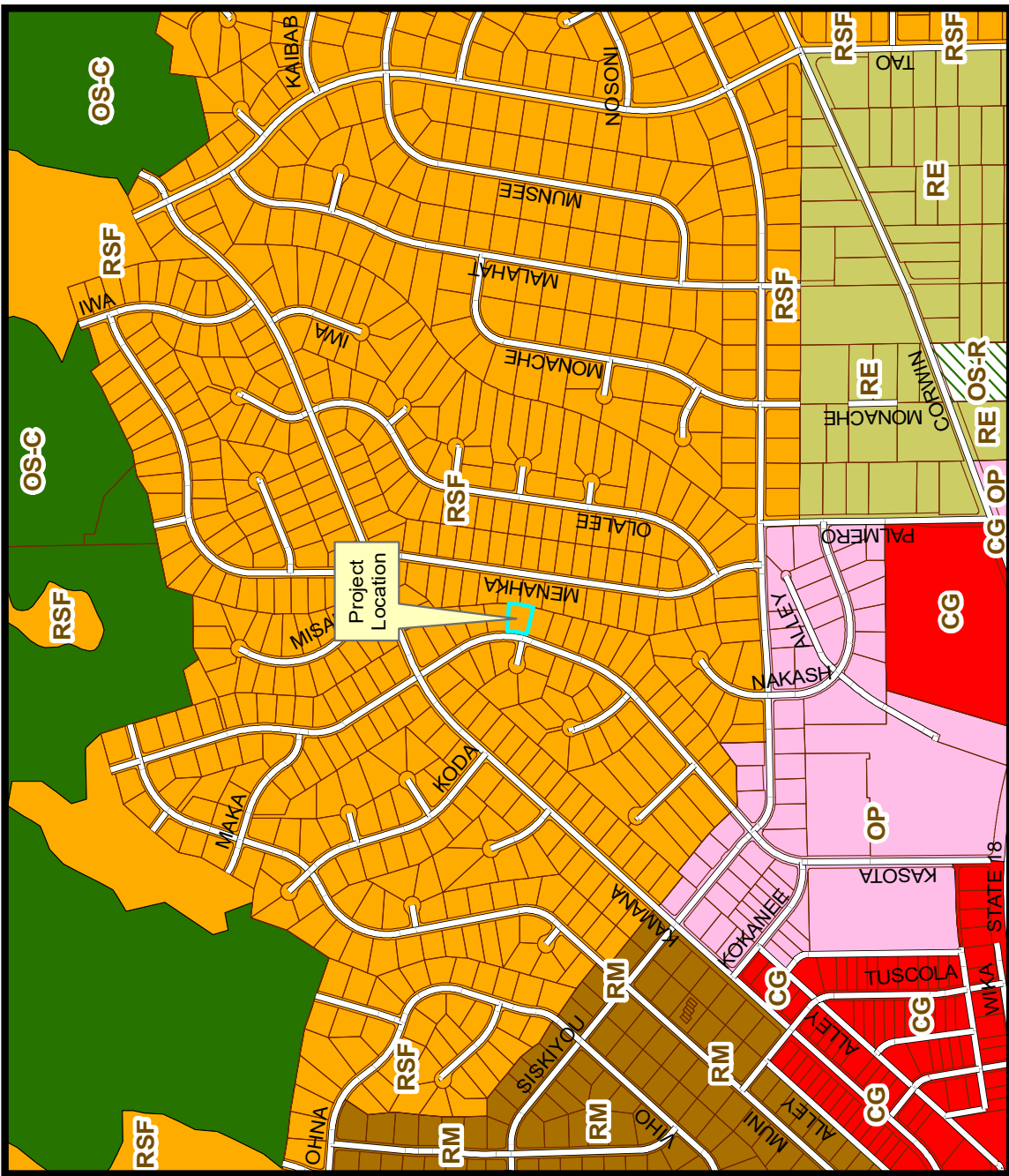


Legend

(Light Green)	Estate Residential (1 du/1 to 2.5 gross acres)
(Light Orange)	Single Family Residential (1 du/0.4 to 0.9 net acre)
(Yellow)	Multi-Family Residential (2 to 20 du/net acre)
(Light Blue)	General Commercial
(Light Purple)	Office Professional
(Light Green with diagonal lines)	Open Space Conservation
(Light Green with horizontal lines)	Open Space Recreation

Date: 9/9/2021

ZONING/LOCATION MAP





Planning Commission Agenda Report

Date: September 15, 2021 Item No. 2

To: Planning Commission

Case Number: Tentative Parcel Map No. 20371

Applicant: CornerstoneCC

Proposal: Consideration of a Tentative Parcel Map to create four parcels and a remainder from 4.62 net acres. The project area is located within the Equestrian Residential (R-EQ) zoning designation.

Location: The site is located at the northeast corner of Choco Road and Huasna Road; APN: 0441-032-09.

Environmental Determination: Pursuant to the Guidelines to Implement the California Environmental Quality Act (CEQA) Section 15315- Minor Subdivision, the proposed request is Exempt from further environmental review.

Prepared By: Daniel Alcayaga, AICP, Planning Manager

Recommendation: Approval

PROJECT SITE AND DESCRIPTION

- A. Project Size:
The existing parcel is approximately 4.62-acres in size.
- B. General Plan Designations:
- Project Site - Single Family Residential (R-SF)
 - North - Single Family Residential (R-SF)
 - South - Single Family Residential (R-SF)
 - East - Single Family Residential (R-SF)
 - West - Single Family Residential (R-SF)

C. Surrounding Zoning and Land Use:

- Project Site - Equestrian Residential (R-EQ), Vacant
- North - Equestrian Residential (R-EQ), Vacant
- South - Equestrian Residential (R-EQ), Single Family Residences
- East - Equestrian Residential (R-EQ), Vacant
- West - Equestrian Residential (R-EQ), Single Family Residences

D. Site Characteristics:

The site is vacant and has a gentle slope downward from the northeast to the southwest.

ANALYSIS

A. General:

The applicant is requesting Planning Commission review and approval of a Tentative Parcel Map that will subdivide 4.62 acres into four parcels and a remainder. The project is located within the Equestrian Residential (R-EQ) zoning designation which requires that each lot be a minimum of 18,000 square feet in size, with a minimum lot width of 100 feet and a minimum lot depth of 150 feet. All parcels are over one acre in size and exceed the minimum lot depth and width minimums.

1. Traffic and Circulation

The Planning Commission is requested to determine if curb and gutter should be required for the proposed parcel map based on surrounding development patterns. Choco Road is considered an 88-foot wide Secondary Road. At General Plan Build-out, Choco Road connects traffic from Corwin Road to the south and Falchion Road as well as Stoddard Wells to the north.

Section 9.71.020(D)(1) of the Development Code states:

Street layout and design shall be consistent with the Circulation Element of the General Plan and surrounding developments, except that curbs, gutters and sidewalks shall not be required for parcel map recordation unless specifically conditioned by the Commission for consistency with surrounding development at the time of Tentative Parcel Map approval.

The street improvements along Choco Road within the existing subdivision to the north includes curb and gutter. In addition, Choco Road has curb and gutter along both sides of a stretch of the road one block south of the project. For the most part, the rest of surrounding properties do not have curb and gutter. More specifically, the property to the south and west are developed with single-family residences and do not have curb and gutter along Choco Road. Pursuant to Section 9.71.020(D)(1), it is ultimately the Commission decisions to require curb and gutter or not.

The Engineering Department is requesting a half width public road dedication of 44 feet for Choco Road. No additional dedication is required on Huasna Road. The tentative parcel map will maintain the 40-foot access easement along the northern boundary that provides access to the northern adjacent property. Pursuant to the Multi-Use and Equestrian Trail Standards, a Lifeline Trail is not planned along the east side of Choco Road or Huasna Road.

2. Drainage

Prior to issuance of a grading permit, a final drainage plan shall be submitted for review and approval by the Town Engineer showing provisions 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. The proposal is required to retain onsite drainage flows from a 100-year design storm.

3. Sewer Connection

The project site is greater than 200 feet from any public sewer main line. The proposed lot sizes allow for the use of underground disposal systems. Due to prior concerns with percolation in this area, preliminary percolation tests were provided for each parcel demonstrating that there will not be an issue with percolation and septic systems can be used. No additional improvements are recommended by the Public Works Division.

B. Environmental Assessment:

Pursuant to Section 15315 of the Guidelines to Implement the California Environmental Quality Act (CEQA), Minor Land Division, the proposed request is Exempt from further environmental review.

C. Noticing:

The public hearing for proposed Tentative Parcel Map No. 20371 was legally noticed on September 3, 2021.

D. Findings:

In considering any Tentative Parcel Map, the Commission is required by the Development Code to make specific Findings. The following are the Findings for a Tentative Parcel Map required under Section 9.71.040 (A5) of the Development Code and a comment to address each:

1. The proposed Subdivision, together with the provisions for its design and improvement, is consistent with the General Plan and any applicable Specific Plan. The proposed subdivision or land use is compatible with the objectives, policies, general land uses and programs specified in the General Plan and any applicable Specific Plan (Subdivision Map Act 66473.5).

Comment: The subject property has a General Plan land use and zoning designation of Equestrian Residential (R-EQ), and by its size,

shape and configuration, the property has the ability to be used in a manner consistent with the General Plan Land Use Element and zoning designations. The project is a proposal to divide 4.62 acres into four parcels and a remainder, and will meet the minimum requirements for lot size, width and depth as prescribed by the Code.

2. The Planning Commission has considered the effects of its action upon the housing needs of the region and has balanced these needs against the public service needs of its residents and available fiscal and environmental resources (Subdivision Map Act Section 66412.3).

Comment: The proposal consists of a land subdivision located on residentially designated land for the purpose of future residential development at the density allowed by the underlying zoning. The proposed subdivision will allow the property owner to develop the property in a manner that is consistent with the Town's General Plan Goals and Objectives to promote single-family residential development.

3. The design of the subdivision provides, to the extent feasible, for the future passive or natural heating or cooling opportunities in the subdivision.

Comment: The lots created under this subdivision are appropriate in size to provide natural heating and cooling opportunities for development of the site. As development occurs, the individual lots are subject to the implementation of natural heating and cooling requirements pursuant to Title 24 energy requirements.

4. The Planning Commission shall determine whether the discharge of waste from the proposed subdivision into the existing sewer system would result in a violation of the requirements as set forth in Section 13000 et seq., of the California Water Code. If the Planning Commission finds that the proposed waste discharge would result, in or add to, a violation of said requirements; the Planning Commission may disapprove the subdivision (Subdivision Map Act Section 66474.6).

Comment: The project is a residential land subdivision. Public sewer is not available to site at this time; however, the proposed lot sizes allow for the use of underground disposal systems. Additional testing was completed to demonstrate the parcels will not have percolation issues. Therefore, the project will not affect the existing sewer system.

RECOMMENDATION

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. Find that pursuant to the California Environmental Quality Act (CEQA), Section No. 15315, 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 Tentative Parcel Map No. 20371, subject to the attached Conditions of Approval.
4. Direct Staff to file the Notice of Exemption.

ATTACHMENTS:

1. Recommended Conditions of Approval
2. Tentative Parcel Map
3. Zoning/Location Map

TOWN OF APPLE VALLEY

RECOMMENDED CONDITIONS OF APPROVAL
Tentative Parcel Map No. 20371

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.
- 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:
- a. Apple Valley Fire Protection District
 - b. Golden State Water Company
 - c. Apple Valley Public Works Division
 - d. Apple Valley Engineering Division
 - e. Apple Valley Planning Division
- P3. The filing of a Notice of Exemption requires the County Clerk to collect a documentary handling fee of fifty dollars (\$50.00). The fee must be paid in a timely manner in accordance with Town procedures. The check shall be delivered to the Planning Division for processing and be made payable to the Clerk of the Board of Supervisors, 385 North Arrowhead, 2nd Floor, San Bernardino, CA 92415..
- P4. Tentative Parcel Map No. 20371 shall adhere to all requirements of the Development Code.
- P5. The applicant shall defend at his 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 these obligations under this condition.
- P6. Approval of the Tentative Parcel Map No. 20371 by the Planning Commission is understood as acknowledgement of Conditions of Approval by the applicant, unless an appeal is filed in accordance with Section 9.12.250, Appeals, of the Town of Apple Valley Development Code.
- P7. Any protected desert plants impacted by development are subject to the regulations specified in Section 9.76.020 (Plant Protection and Management) of the Development Code. Prior to the issuance of a Grading Permit, a study by a qualified Native Plant Expert shall be prepared to determine if the identified trees will be saved, located or removed, in compliance with the Town's Native Plant Protection Ordinance. Joshua Trees shall be handled in adherence with state protections in place, or modifications thereto, and shall procedures outlined in the Town's Joshua Tree policy to protect in place or obtain permits from California Department of Fish and Wildlife.
- P8. The project shall conform to the Equestrian Residential (R-EQ) development standards for front, side and rear yard-building setbacks.
- P9. All new development of residential structures shall be designed and constructed in compliance with the "Single Family Infill Plotting Criteria" subject to the review and approved by the Planning Division.
- P10. Landscape and irrigation plans shall be submitted prior to the issuance of Building Permits in accordance with Chapter 9.31 "Residential Design Standards" and Chapter 9.75 "Water Conservation/Landscape Regulations" of the Development Code and installed prior to issuance of occupancy permits subject to approval by the Planning Division.
- P11. Prior to map recordation, all accessory structures shall be relocated in compliance with the minimum setbacks as required by the Equestrian Residential (R-EQ) zoning designation.

Park District Conditions of Approval

- PR1. This project is subject to applicable Quimby Fees as determined by the Town. Quimby Fees shall be collected at time of issuance of building permit and shall be the fee adopted by the Town Council at the time of permit issuance.

Engineering Division Conditions of Approval

- EC1. 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 reducing the post-development site-developed flow to 90 percent of the pre-development flow for a 100-year design storm.
- EC2. A 44-ft wide half-width road dedication along Choco Road shall be granted to the Town of Apple Valley prior to Final Map Approval.
- EC3. A 20-ft wide private access corridor easement shall be granted along the north boundary of the Parcel Map.
- EC4. An encroachment permit shall be obtained from the Town prior to performing any work in any public right of way.
- EC5. The developer 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.
- EC6. Utility lines shall be placed underground in accordance with the requirements of the Town. (Municipal Code Section 14.28)
- EC7. Traffic impact fees adopted by the Town shall be paid by the developer.
- EC8. Any developer fees adopted by the Town including but not limited to drainage fees shall be paid by the developer.
- EC9. A Storm Water Pollution Prevention Plan (SWPPP) in accordance with the National Pollutant Discharge Elimination System (NPDES) shall be required.
- EC10. New lots shall provide an on-site turn-around so that no vehicles will back out onto Choco Road, a Secondary Road.
- EC11. The corner lot with frontages on Choco Road and Huasna Road, shall provide driveway access on Huasna Road (Section 9.28.50 D.3.)
- EC12. No unimproved cross-lot drainage shall be allowed. The proposed channel along the east boundary and the berm along the north boundary shall be improved to Town standards as approved by the Town Engineer.
- EC13. Private drainage easements shall be dedicated on the final map for all drainage structures, indicating that there is no obligation to the Town to improve or maintain drainage improvements.

Planning Commission Determination Conditions of Approval

- EC14. Choco Road shall be constructed to the Town's half-width Secondary Road Standards. (Construction costs qualify for Traffic Impact Fee Credit)
- EC15. Huasna Road shall be constructed to the Town's half-width Rural Road Standards along the frontage of the project, with asphalt curb or rolled curb. (Section 9.28.060 - For new projects on local streets in the Residential Very Low (R-VLD), Residential Low (R-LD), Residential Estate (R-E), and Residential Estate, ¾ acre (R-E) zones, rolled curbs are allowed and sidewalks are not required.)

Public Works Division Conditions of Approval

PRIOR TO BUILDING PERMIT:

1. Soil percolation testing for the subsurface private septic systems shall meet the requirements of the Town. Testing will be submitted to the Engineering Department for review and approval. Contact the Town's Engineering Department for percolation testing and reporting standards prior to commencement of testing.
2. Upon approved percolation tests, sewage disposal shall be by subsurface private septic systems.
3. If percolation tests are not approved, sewage disposal shall be by connection to the Town of Apple Valley sewer system and the following conditions would apply:
 - a. Plans must be approved by the Town of Apple Valley Public Works Department.
 - b. Plan check and inspection fees required.
 - c. 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. The sewer must be designed per the San Bernardino County Special Districts Department Standards for Sanitary Sewer.
 - d. Submit mylars along with three sets of approved plans upon completion of plan check. In addition, the plans must be provided in an electronic format of the Town's choosing. These requirements are the same for the approved plans and the As-Built plans.
 - e. Sewer connection fees required.

Building and Safety Department Conditions of Approval

- BC1. Submit plans and obtain permits for all structures and retaining walls, signs.
- BC2. Grading and drainage plans including a soils report must be submitted to and approved by the Building Department and Engineering Department prior to grading permit issuance.
- BC3. Submit plans, engineering and obtain permits for all structures, retaining walls and signs.

- BC4. 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.
- BC5. All utilities shall be placed underground in compliance with Town Ordinance No. 89.
- BC6. All cross-lot drainage requires easements and may require improvements at the time of development.
- BC7. Comply with the State of California Disability Access requirements.
- BC8. A pre-grading meeting is required prior to beginning any land disturbance. This meeting will include the Building Inspector, General Contractor, Grading Contractor, soils technician and any other parties required to be present during the grading process such as a Biologist and/or Paleontologist.
- BC9. A dust palliative or hydro seed will be required on those portions of the site graded but not constructed (phased construction)
- BC10. Page two (2) of the submitted building plans will be conditions of approval.
- BC11. Construction must comply with 2019 California Code of Regulations, Title 24, Parts 1-12 (Building Codes).
- BC12. Best Management Practices (BMP's) are required for the site during construction.
- BC13. Provide Water Quality Management Plan (WQMP) or Alternative Compliance Plan

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. All new construction shall comply with applicable sections of the California Fire Code, California Building Code, and other statutes, ordinances, rules, and regulations regarding fires and fire prevention adopted by the State, County, or Apple Valley Fire Protection District.
- FD3. 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. This shall be completed prior to any combustible construction.

FD4. Approved numbers or addresses shall be placed on all new and existing buildings in such a position as to be plainly visible and legible from the street or road fronting the property. Said numbers shall contrast with their background.

New dwelling addresses shall be posted with a minimum of 4-inch numbers visible from the street, and during the hours of darkness the numbers shall be internally illuminated. Where building setbacks exceed 75 feet from the roadway, additional contrasting 4-inch numbers shall be displayed at the property entrance.

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.

B. System Standards:

*Fire Flow 1500 GPM @ 20 psi Residual Pressure on 8" minimum water main size.
Duration 1 Hour
Hydrant Spacing 660 Feet

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. A letter shall be furnished to the Fire District from the water purveyor stating that the required fire flow for the project can be met prior to the Formal Development Review Committee meeting.

FD7. 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.

END OF CONDITIONS



Planning Commission Agenda Report

Date: September 15, 2021 Item No. 3

To: Planning Commission

Case No: Revocation of Conditional Use Permit No. 2002-008

Applicant: Donald Lowe in association with Holland-Lowe Construction Inc

Proposal: Consideration of a Revocation of Conditional Use Permit No. 2002-008

Location: The site is generally located on the east side of Apple Valley Road, a half-mile south of Falchion Road (17299 Apple Valley Rd.); APN: 0472-051-37.

Environmental Determination: Pursuant to Section 15321 of the Guidelines to Implement the California Environmental Quality Act (CEQA), revocation of an entitlement by regulatory enforcement agency is exempt from further environmental review.

Prepared By: Daniel Alcayaga, AICP, Planning Manager

Recommendation: Revoke Conditional Use Permit No. 2002-008

BACKGROUND:

The original application for Conditional Use Permit (CUP) No. 2002-008 was filed on December 30, 2002. The application proposed to establish a concrete and asphalt recycle facility, as well as an aggregate crushing facility at 17299 Apple Valley Road. On April 16, 2003, the Planning Commission denied CUP No. 2002-008 due to concerns over noise and traffic. However, on October 28, 2003, the Town Council overturned the Planning Commission's decision to deny the CUP. The Council's action allowed the CUP to proceed, and their decision was based on reviewing updated noise data and revised traffic route conditions.

On September 15, 2006, the applicant filed an extension of time application for CUP 2002-008. At the Planning Commission meeting of November 1, 2006, the minutes for an extension of time for CUP 2002-008 show that the Commission determined an extension was not necessary because the land use had been legally vested. This means that the CUP reached a point of construction that its approval and requirements became protected

from changes in zoning regulations and land use controls. At that point, the Commission acknowledged that building permits had been issued for a modular building and grading for the site had been completed. The minutes also show a dedication had been completed for Apple Valley Road and bonds had been posted for future improvements.

Today, the property and modular building sit unoccupied and abandoned on disturbed land. The building is always boarded up and many times vandalized with graffiti. The exact date that the operation ceased to operate is not fully known, except the site has experienced a number of code enforcement abatement activity related to graffiti, unauthorized trespassing, vandalism and property maintenance issues.

ANALYSIS

Under Section 9.16.130 of the Development Code, which outlines proceedings for a revocation of a Conditional Use Permit, Town staff is requesting that the Planning Commission consider revocation findings for CUP 2002-008. This staff report provides the required findings necessary to revoke the CUP. Due to frequent complaints and the amount of time required to be expended by Town staff to work with the property owner to abate public nuisance violations, the Commission is requested to revoke the CUP and condition the removal of the modular building within 60 days and all undisturbed land to be revegetated and/or restored to its original condition within 12 months.

Findings of Facts: The Planning Commission has the authority to revoke CUP 2002-008 if any one of the findings in Section 9.16.130(C) can be made. The required revocation findings are outlined below followed with a summary in bold demonstrating how the findings can be met, which satisfying at least one of the findings provides grounds for revoking the CUP.

Section 9.16.130(C) of the Development Code states:

Required Findings. A Conditional Use Permit may be revoked or modified by the Planning Commission, or a Special Use Permit by the Director, if anyone (1) of the following findings can be made:

1. That circumstances have changed so that one (1) or more of the findings contained in Section 9.16.090, Required Findings, of this Chapter, can no longer be made;

The required findings that were necessary at the time of approval of CUP 2002-008 can no longer be made because the operation and existing modular office building have been abandoned for a period of more than 180 days and the operation has ceased to exist. The abandoned nature of the site, as well as poor condition of the building and lack of maintenance are detrimental to public health, safety, and welfare, and the site is no longer in compliance with the development policies. The property is a public nuisance in that the building is always boarded up and frequently vandalized with graffiti,

trespassing, and illegally occupied by transients. Even though the Design Standards in Chapter 9.37 were adopted subsequent to permitting the modular building, the building is subject to the legal non-conforming provisions and since the site has been discontinued for more than 180 days, the Town could no longer make the findings in Section 9.16.090 showing the building is in conformance with the Design Standards.

2. That the Use Permit was obtained by misrepresentation of fraud:

At this time, there is no evidence of misrepresentation of fraud. However, this finding is not necessary to proceed with the revocation of the CUP.

3. That the use for which the Use Permit was granted had ceased or was suspended for one hundred (180) calendar days or longer;

The site and existing office modular building have ceased to exist for a period of 180 days or more. Although Town staff does not have written records of the exact date when the operation was abandoned, a Town staff prepared letter dated March 21, 2017 was mailed to the property owner acknowledging that the property was unoccupied as of the date of the letter. The letter requests that the site be returned to its natural condition and the unoccupied modular building be removed due to maintenance issues, such as broken and boarded up windows. The letter, which is dated over four years ago, is sufficient written evidence that the property was abandoned for more than 180 days and therefore meets this finding.

4. That one (1) or more of the conditions of the Use Permit have not been met;

Condition No. P20 of CUP 2002-008 states:

A reclamation plan shall be filed with and approval obtained from the Planning Division for reclamation of the site and adequate bond posted to ensure compliance. The reclamation plan shall include a discussion of required annual review/inspections by the site by the Town, County and State. The reclamation plan shall provide for the restoration of the site to a state consistent with its original condition and that all temporary equipment, building and waste or material piles be removed.

At the present time, Condition No. P20 has not been satisfied. A reclamation plan has not been filed with the Planning Division and approved, and required bond is not in place. The Town received a letter on July 14, 2021 stating that the bonds associated with CUP 2002-008 were closed.

5. That the use is in violation of any applicable statute, ordinance, law, or regulations; or

The approved use as part of CUP 2002-008 has ceased to exist. As such, the condition of the site is considered a public nuisance and has been maintained for long periods of time in violation of the following provisions:

- **Chapter 11.82 “Graffiti Abatement” of the Municipal Code as the site is frequently vandalized with graffiti and removal of the graffiti has not been legally maintained by the property owner;**
- **Section 11.20.060 of the Municipal Code pertaining to trespass on private property as the building has been frequently illegally occupied for shelter by transients; and**
- **Section 6.30.030 (F) “Property Maintenance” as the windows are frequently broken and have been ordered by the Town to be boarded up.**
- **Condition No. P20 of CUP 2002-008 requiring a reclamation plan to be filed with the Planning Division and approved. The reclamation plan was never filed and approved by the Planning Division, and the bond were recently closed.**

6. That the use permitted by the Use Permit is detrimental to the public health, safety or welfare, or constitutes a nuisance.

The Code Enforcement Department is regularly involved in code enforcement abatement activity at this site related to graffiti removal and property maintenance issues. There are a number of times that windows for the office modular building have been broken and the windows must be ordered by Town staff to be boarded up. In addition, County Sheriff and the Code Enforcement Department have found transients illegally trespassing and occupying the office modular trailer. The Town does not have the resources needed to abate the continued nuisance activities on the property. Removal of the modular building would effectively abate the public nuisance.

A. Procedural Requirements:

Pursuant to Section 9.16.130(B), a public notice notifying the Applicant that CUP 2002-008 was under consideration for revocation was mailed to the property owner. In addition, the notice was delivered to the applicant 10 days prior to this hearing via first class mail. The notice was mailed to the property owner as shown on the current tax rolls of the County of San Bernardino.

B. Environmental Assessment:

Pursuant to Section 15321 of the Guidelines to Implement the California Environmental Quality Act (CEQA), revocation of an entitlement by regulatory enforcement agency is exempt from further environmental review.

C. Noticing:

This item was advertised as a public hearing in the Apple Valley News newspaper on September 3, 2021.

RECOMMENDATION:

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 the project 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. Adopt Resolution PC. N0-2021-00_ revoking Conditional Use Permit No. 2002-008, subject to certain conditions.
4. Direct Staff to file the Notice of Exemption.

ATTACHMENTS:

1. Resolution
2. Letter to Donald Lowe
3. Zoning/Location Map

PLANNING COMMISSION RESOLUTION NO. 2021-00_

A RESOLUTION OF THE PLANNING COMMISSION OF THE TOWN OF APPLE VALLEY, CALIFORNIA, REVOKING CONDITIONAL USE PERMIT NO. 2002-008 AND CONDITIONING THE EXISTING OFFICE MODULAR BUILDING TO REMOVED AND THE SITE TO BE RETURNED TO ITS ORIGINAL NATURAL CONDITION

WHEREAS, the proceedings in Section 9.16.130 of the Development Code were followed to revoke Conditional Use Permit No. 202-008 and the Planning Commission makes the required revocation findings in Section 9.16.130(C) to revoke the CUP;

WHEREAS, the property owner as shown on the current tax rolls of San Bernardino County was notified in writing 10 days prior to this hearing via first class mail;

WHEREAS, on September 3, 2021, the revocation hearing for CUP 2002-008, was duly noticed in the Apple Valley News, a newspaper of general circulation within the Town of Apple Valley; and

WHEREAS, pursuant to Section 15321 of the Guidelines to Implement the California Environmental Quality Act (CEQA), revocation of an entitlement by regulatory enforcement agency is exempt from further environmental review. No additional review is required; and

WHEREAS, on September 15, 2021, the Planning Commission of the Town of Apple Valley conducted a duly noticed and advertised public hearing on September 15, 2021, receiving testimony from the public; and

WHEREAS, the revocation of CUP 2002-008 is necessary to 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 revokes CUP 2002-008 based on the following:

1. That circumstances have changed so that one (1) or more of the findings contained in Section 9.16.090, Required Findings, of this Chapter, can no longer be made;

The required findings that were necessary at the time of approval of CUP 2002-008 can no longer be made because the operation and existing modular office building have been abandoned for a period of more than 180 days and the operation has ceased to exist. The abandoned nature of the site, as well as poor condition of the building and lack of maintenance are detrimental to public health, safety, and welfare, and the site is no longer in compliance with the development policies. The property is a public nuisance in that the building is always boarded

up and frequently vandalized with graffiti, trespassing, and illegally occupied by transients. Even though the Design Standards in Chapter 9.37 were adopted subsequent to permitting the modular building, the building is subject to the legal non-conforming provisions and since the site has been discontinued for more than 180 days, the building could no longer make the findings in Section 9.16.090 showing conformance with the Design Standards.

2. That the Use Permit was obtained by misrepresentation of fraud:

At this time, there is no evidence of misrepresentation of fraud. However, this finding is not necessary to proceed with the revocation of the CUP.

3. That the use for which the Use Permit was granted had ceased or was suspended for one hundred (180) calendar days or longer;

The site and existing office modular building have ceased to exist for a period of 180 days or more. Although Town staff does not have written records of the exact date when the operation was abandoned, a Town staff prepared letter dated March 21, 2017 was mailed to the property owner acknowledging that the property was unoccupied as of the date of the letter. The letter requests that the site be returned to its natural condition and the unoccupied modular building be removed due to maintenance issues, such as broken and boarded up windows. The letter, which is dated over four years ago, is sufficient written evidence that the property was abandoned for more than 180 days and therefore meets this finding.

4. That one (1) or more of the conditions of the Use Permit have not been met;

Condition No. P20 of CUP 2002-008 states:

A reclamation plan shall be filed with and approval obtained from the Planning Division for reclamation of the site and adequate bond posted to ensure compliance. The reclamation plan shall include a discussion of required annual review/inspections by the site by the Town, County and State. The reclamation plan shall provide for the restoration of the site to a state consistent with its original condition and that all temporary equipment, building and waste or material piles be removed.

At the present time, Condition No. P20 has not been satisfied. A reclamation plan has not been filed with the Planning Division and approved, and required bond is not in place. The Town received a letter on July 14, 2021 stating that the bonds associated with CUP 2002-008 were closed.

5. That the use is in violation of any applicable statute, ordinance, law, or regulations; or

The approved use as part of CUP 2002-008 has ceased to exist. As such, the condition of the site is considered a public nuisance and has been maintained for long periods of time in violation of the following provisions:

- Chapter 11.82 "Graffiti Abatement" of the Municipal Code as the site is frequently vandalized with graffiti and removal of the graffiti has not been legally maintained by the property owner;
- Section 11.20.060 of the Municipal Code pertaining to trespass on private property as the building has been frequently illegally occupied for shelter by transients; and
- Section 6.30.030 (F) "Property Maintenance" as the windows are frequently broken and have been ordered by the Town to be boarded up.
- Condition No. P20 of CUP 2002-008 requiring a reclamation plan to be filed with the Planning Division and approved. The reclamation plan was never filed and approved by the Planning Division, and the bond were recently closed.

6. That the use permitted by the Use Permit is detrimental to the public health, safety or welfare, or constitutes a nuisance.

The Code Enforcement Department is regularly involved in code enforcement abatement activity at this site related to graffiti removal and property maintenance issues. There are a number of times that windows for the office modular building have been broken and the windows must be ordered by Town staff to be boarded up. In addition, County Sheriff and the Code Enforcement Department have found transients illegally trespassing and occupying the office modular trailer. The Town does not have the resources needed to abate the continued nuisance activities on the property. Removal of the modular building would effectively abate the public nuisance.

Section 1. As a condition of this revocation of CUP 2002-008, the existing office modular building shall be removed within 60 days from the date of this Resolution, and the disturbed portions of site to be revegetated and returned to its original natural condition within 12 months of the date of this Resolution. This shall include complying with Condition P20 and revegetating the property per a reclamation plan to be filed by the applicant within 60 days and approved by the Planning Division.

Section 2. CUP 2002-008 is revoked by the Planning Commission of the Town of Apple Valley this 15th day of 2021, and revocation shall be effective 10 days following the date of this Resolution.

Chairman Joel Harrison

ATTEST:

I, Maribel Hernandez, 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 15th day of September 2021 by the following vote, to-wit:

AYES:

NOES:

ABSENT:

ABSTAIN:

Maribel Hernandez, Planning Commission Secretary



Town of Apple Valley

A Better Way of Life

March 21, 2017

Donald Lowe
427 S. Pershing Avenue
San Bernardino, CA 92408

Subject: 17299 Apple Valley Road – Conditional Use Permit No. 2003-008

Dear Mr. Lowe:

You have been recently cited by Code Enforcement for the poor condition of the property at 17299 Apple Valley Road. This letter is to inform you that you must bring the property into compliance or the matter will be forwarded to the Planning Commission for revocation of the Conditional Use Permit.

In order to bring your property into compliance the modular trailer/office must be removed from the site. It has broken and boarded up windows and is in poor condition. This modular building has been broken into, occupied and is a public nuisance. Most of the temporary chain link fencing has been removed, leaving the posts. These posts must be removed and the remaining chain link must be removed. Piles of rock exist on the property and are not adequately screened from view. These rock piles must be removed from the site and not spread across the native vegetation.

As a requirement of the Conditional Use Permit, a reclamation plan should have been submitted to the Town for review and approval. This was never submitted, however the property needs to be cleaned up and returned to its natural condition. This would have been a requirement of the reclamation plan, if you had submitted it and complied with the conditions of approval.

As a manner of reference the permanent improvements to the property were never constructed including the perimeter block wall, street improvements, and landscaping. Another option would be to bring the site into compliance with all the conditions of approval for CUP 2003-008, attached to this letter. If you have any questions regarding this matter, please contact me at 760-240-7000 x7204.

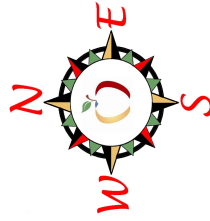
Lorr Lamson,
Assistant Town Manager
Community and Development Services

c: Larry Williams, Code Enforcement Officer
Jonathan Wood, Code Enforcement Supervisor
Carol Miller, Principal Planner

ZONING/LOCATION MAP

Revocation of CUP 2002-008

17299 Apple Valley Rd
 APN 0472-051-37



Legend

(R-LD)	Low Density Residential (1 cu/2.5 to 5 gross acres)
(R-E)	Estate Residential (1 du/1 to 2.5 gross acres)
(R-SF)	Single Family Residential (1du/0.4 to 0.9 net acre)
(C-R)	Regional Commercial
(I-RE)	Resource Extraction
(OS-C)	Open Space Conservation
(SP)	Specific Plan

Date: 9/9/2021

