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**TOWN OF APPLE VALLEY  
PLANNING COMMISSION AGENDA**

**WEDNESDAY, OCTOBER 20, 2021**

**Regular Meeting 6:00 p.m.**

***Town Council Chambers***  
**14955 Dale Evans Parkway**

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**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](http://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 OCTOBER 20, 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](http://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](mailto: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](http://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

- 1A. Minutes of the September 1, 2021, meeting.
- 1B. Minutes of the September 15, 2021, meeting.

## 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

- 2. **Tentative Parcel Map No. 20415.** A request to approve a Tentative Parcel Map to subdivide a 3.97-acre parcel into three (3) single-family residential lots with a lot size of one 1.09 acres. The project is located within the Estate Residential (R-E) zoning designation.

**APPLICANT:** Merrell Johnson Companies

**LOCATION:** APN: 0437-193-66

### ENVIRONMENTAL

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

**PREPARED BY:** Daniel Alcayaga, AICP, Planning Manager

**RECOMMENDATION:** Approval

- 3. **Conditional Use Permit No. 2015-010, Amendment 1.** Consideration of Conditional Use Permit to allow outdoor vehicle storage associated with an existing automotive repair facility. The project is located within the Service Commercial (CS) zoning designation.

**APPLICANT:** All Pro Automotive represented by Brian Egger

**LOCATION:** The site is located at 22164 Ottawa Road, Suite 104, 105 and 106;  
APN: 3087-391-05

### ENVIRONMENTAL

**DETERMINATION:** Pursuant to the Guidelines to Implement the California Environmental Quality Act (CEQA), Section 15301 – Existing Facilities and Section 15311- Accessory Buildings, the proposed request is Exempt from further environmental review.

**PREPARED BY:** Daniel Alcayaga, AICP, Planning Manager

**RECOMMENDATION:** Approval

**OTHER BUSINESS**

4. Annual Development Permit Report.

**PLANNING COMMISSION COMMENTS**

**STAFF COMMENTS**

**ADJOURNMENT**

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

**MINUTES  
TOWN OF APPLE VALLEY  
PLANNING COMMISSION  
REGULAR MEETING  
SEPTEMBER 1, 2021**

**CALL TO ORDER**

Chairman Harrison called to order the regular meeting of the Town of Apple Valley Planning Commission at 6:01p.m.

**Roll Call**

Present: Commissioners Kallen; Commissioner Lanyon; Chairman Harrison.

Absent: Commissioner Tinsley; Vice-Chairman Arias,

**Staff Present**

Daniel Alcayaga, Planning Manager; Richard Pederson, Deputy Town Engineer; Pam Cupp, Senior Planner, Albert Maldonado, Town Attorney; and Maribel Hernandez, Planning Commission Secretary.

**PLEDGE OF ALLEGIANCE**

The Pledge of Allegiance was led by Commissioner Lanyon.

**APPROVAL OF MINUTES**

1. Minutes for the Regular Meeting of August 4, 2021.

Motion by Commissioner Kallen, second by Commissioner Lanyon to approve minutes of the August 4, 2021.

**ROLL CALL VOTE**

Yes: Chairman Harrison  
Commissioner Kallen  
Commissioner Lanyon

Noes: None

Abstain: None

Absent: Vice-Chairman Arias  
Commissioner Tinsley

The Motion Carried by a 3-0-0-2 vote.

**PUBLIC COMMENTS**

None

**PUBLIC HEARING**

## **2. Tentative Tract Map No. 20306.**

A request to subdivide approximately 100 acres into 160 single-family lots and three (3) lettered lots. The lots will range in size from 18,109 to 40,555 square feet with an average lot size of 21,164 square feet. There is no housing product proposed at this time. The project is located within the Equestrian Residential (R-EQ) zoning designation.

Ms. Pam Cupp presented the staff report as filed with the Planning Division.

Rob Kirkpatrick, with David Evans was present and Mr. Thomas Rubik, applicant was available by phone.

Commissioner Kallen asked if this would be a phased project.

Ms. Cupp said the applicant did not indicate phasing, but conditions of approval were included in dealing with proposed phasing.

Commissioner Kallen asked how the block wall would be incorporated in this large area should there be phasing.

Ms. Cupp said, should this become a gated community then a block wall would encompass the entire development, and would require a realignment of the Lifeline Trail, but the Development Code only requires that subdivisions be walled when backed up to secondary or major arterials.

Richard Pederson, Deputy Town Engineer said he reviewed the study and they are required to pay a traffic impact fee that will apply to

Commissioner Kallen asked if Rancherias could be expanded to accommodate four lanes of traffic.

Mr. Pederson said Rancherias Road is a secondary road on the circulation element and is to be a four lane road and when this housing project comes in, then Rancherias will be built to be a four lane road but striped to be a two-lane road, until the need for it to be converted into a four lane road to accommodate the traffic when needed.

Chairman Harrison asked how drainage flow be handled.

Mr. Pederson said the project has a large parcel set aside for an onsite retention basin and will require for an assessment district to be set up for the maintenance of the onsite basin.

Chairman Harrison opened the public hearing at 6:37pm.

Commissioner Lanyon asked about the traffic study primarily on the predictions on the flow of traffic.

Mr. Pederson, said there has been no development in the northern area, and all intersections can accommodate future traffic.

Mr. Rubik asked for clarification of EC34, regarding the 40 foot easement to vacate an existing road dedication.

Mr. Pederson clarified the 40 foot, the Town of Apple Valley has the authority to vacate a road that is no longer needed.

Mr. Rubik asked about eliminating condition P29 because horse trails on local roads would be difficult to maintain especially if trails are not used.

Commissioner Kallen made the recommendation to remove the horse trails on local roads within this tract and that the surrounding trails would be suffice.

Joyce Matthews, Bonnie Lanyon, Tom Harp, and Joe Villalpando, Apple Valley residents spoke against the project with concerns on the impact on traffic.

Chairman Harrison closed the Public Hearing at 7:31pm.

Chairman Harrison recommended to add a condition to direct construction traffic on to Corwin Rd to the north instead of Rancherias Road to the south.

Commissioner Kallen recommended to bring the phasing of the project back to the Planning Commission for approval.

Chairman Harrison asked the applicant if he agrees with the conditions as amended.

Mr. Rubik agreed with the conditions as amended.

*Modification to condition:*

P14 If a phased development is proposed, prior to the issuance of a grading permit or recordation of the first final map, whichever occurs first, the developer shall submit a final phasing and construction plan covering the entire Tentative Map for review and approval by the Planning ~~Division~~ Commission at a public hearing.

P28 A fourteen (14)-foot wide Lifeline Trail easements shall be dedicated and developed along the north side of South Road, the west side of Sago Road from South Road to "D" Street, the south side of "D" Street between Sago and Rancherias Road and on the west side of Rancherias Road, between "D" Street and Corwin Road. The Lifeline Trail shall be constructed in conformance with the adopted Multi-Use and Equestrian Trails Standards.

EC1. Prior to any housing development, Rancherias Road adjacent to the property shall be improved to the Town's full-width Secondary Road standards from the southern boundary of the proposed tract to Corwin Road.

*Removal of condition:*

~~P29 Tentative Tract Map No. 20306 shall adhere to all Equestrian Residential (R-EQ) site development standards and all requirements of the Development Code. All local streets shall be developed with a nine (9) foot wide trail, and a three (3) foot wide separation between curb face and trail, within the right-of-way (in lieu of sidewalk), on the north and west side.~~

*Addition of condition:*

B10 All construction related traffic shall enter and exit the site from Corwin Road.

Motion by Chairman Harrison, second by Commissioner Lanyon that the Planning Commission move to:

1. Determine that the proposed Tentative Tract Map will not have a significant effect on the environment, with adherence to the Conditions of Approval recommended in this report and implementation of mitigation measures identified in the Initial Study.
2. Adopt the Mitigated Negative Declaration and Mitigation Monitoring Program for Tentative Tract Map No. 20306.
3. Find that the facts presented in the staff report support the required Findings for approval and adopt those Findings.
4. Approve Tentative Tract Map No. 20306, subject to the attached Conditions of Approval.
5. Direct staff to file a Notice of Determination.

**ROLL CALL VOTE**

Yes: Chairman Harrison  
Commissioner Kallen  
Commissioner Lanyon  
Noes: None  
Abstain: None  
Absent: Vice-Chairman Arias  
Commissioner Tinsley

The Motion Carried by a 3-0-0-2 vote.

**OTHER BUSINESS**

Daniel Alcayaga announced Ms. Pam Cupp will be retiring. Her last day will be September 10, 2021.

**PLANNING COMMISSION COMMENTS**

Planning Commission thanked Ms. Cupp for her services with the Town of Apple Valley and wished her well on her retirement.

**STAFF COMMENTS**

**ADJOURNMENT**

Motion by, Commissioner Kallen, seconded by Commissioner Lanyon and unanimously carried, to adjourn the meeting to the regular Planning Commission meeting on September 15, 2021.



Respectfully Submitted by:

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Maribel Hernandez  
Planning Commission Secretary

Approved by:

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Chairman Joel Harrison

**MINUTES  
TOWN OF APPLE VALLEY  
PLANNING COMMISSION  
REGULAR MEETING  
SEPTEMBER 15, 2021**

**CALL TO ORDER**

Chairman Harrison called to order the regular meeting of the Town of Apple Valley Planning Commission at 6:03p.m.

**Roll Call**

Present: Commissioners Kallen; Commissioner Lanyon; Commissioner Tinsley; Vice-Chairman Arias; Chairman Harrison.

Absent:

**Staff Present**

Daniel Alcayaga, Planning Manager; Richard Pederson, Deputy Town Engineer, Albert Maldonado, Town Attorney; and Maribel Hernandez, Planning Commission Secretary.

**PLEDGE OF ALLEGIANCE**

The Pledge of Allegiance was led by Commissioner Tinsley

**PUBLIC COMMENTS**

None

**PUBLIC HEARING**

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

Mr. Daniel Alcayaga presented the staff report as filed with the Planning Division.

Mr. Roosevelt Matthews, the applicant was present.

Leslie Baker, Apple Valley resident submitted a written response opposing the fence.  
Being

Vice-Chairman Arias asked if the property located behind proposed project had a permit for their fence.

Mr. Alcayaga said he did not investigate all the fences in the area.

Chairman Harrison opened the Public Hearing at 6:20pm.

Commissioner Kallen asked if only the back side would be elevated.

Mr. Matthews said only the back part of the fence would be elevated.

Commissioner Kallen asked Mr. Matthews if he spoke to his neighbors about his fence.

Mr. Matthews said he spoke with his neighbors, and they had no issues. He also let them know that he had filed for a building permit in 1993 for the existing wall.

Chairman Harrison closed the Public Hearing at 6:35pm.

Chairman Harrison asked the applicant if he agrees with the conditions as presented by staff.

Motion by Vice-Chairman Arias, second by Commissioner Tinsley that the Planning Commission move to:

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.

**ROLL CALL VOTE**

Yes: Chairman Harrison  
Vice-Chairman Arias  
Commissioner Tinsley  
Commissioner Kallen  
Commissioner Lanyon

Noes: None

Abstain: None

Absent: None

The Motion Carried by a 5-0-0-0 vote.

- 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.

Mr. Daniel Alcayaga presented the staff report as filed with the Planning Division.

Mr. Chad Shaules with Cornerstone was present.

Chairman Harrison opened the Public Hearing at 6:47pm

Commissioner Lanyon asked about a Joshua Tree on one of the lots.

Mr. Chad Shaules said they were in compliant with the current Fish and Wildlife Joshua Tree requirements.

Being that there is no one to comment on this item, Chairman Harrison closed the Public Hearing at 7:04pm.

Motion by Commissioner Tinsley, second by Chairman Harrison that the Planning Commission move to approve Tentative Parcel Map No. 20371 as amended:

KEep condition:

EC14. Choco Road shall be constructed to the Town's half-width Secondary Road Standards. (Construction costs qualify for Traffic Impact Fee Credit)

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.

### **ROLL CALL VOTE**

Yes: Chairman Harrison  
Vice-Chairman Arias  
Commissioner Tinsley  
Commissioner Kallen  
Commissioner Lanyon

Noes: None  
Abstain: None  
Absent: None

The Motion Carried by a 5-0-0-0 vote.

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

Mr. Daniel Alcayaga presented the staff report as filed with the Planning Division.

Mr. David Lowe was not present.

Mr. Alcayaga read dates into the record to support the frequent violations. Code Enforcement was at the location on May 23, 2016, June 7, 2016, and July 21, 2016 and found the building had been vandalized and had graffiti.

Code Enforcement discovered graffiti again on building on the westside of the building on November 2, 2016 and the property owner finally removed graffiti and corrected violations on June 14, 2017. The graffiti and violations were not corrected by the property owner for over a one year period.

On August 3, 2017, Code Enforcement again observed graffiti and was removed September 6, 2017 by the owner. And on May 9, 2018, the building had graffiti again.

Being that there is no one to comment on this item, Chairman Harrison closed the Public Hearing at 7:29pm.

Motion by Commissioner Kallen, second by Commissioner Tinsley that the Planning Commission move to approve Planning Commission Resolution 2021-006 and Revoke CUP2002-008:

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. N0-2021-006 revoking Conditional Use Permit No. 2002-008, subject to certain conditions.
4. Direct Staff to file the Notice of Exemption.

**ROLL CALL VOTE**

Yes: Chairman Harrison

Vice-Chairman Arias  
Commissioner Tinsley  
Commissioner Kallen  
Commissioner Lanyon

Noes: None  
Abstain: None  
Absent: None

The Motion Carried by a 5-0-0-0 vote.

**OTHER BUSINESS**

**PLANNING COMMISSION COMMENTS**

Commissioner Tinsley wanted to say the cell tower at the golf course is looking better.

**STAFF COMMENTS**

Mr. Alcayaga said contract planner started working with the Town

**ADJOURNMENT**

Motion by, Commissioner Tinsley, seconded by Commissioner Kallen and unanimously carried, to adjourn the meeting to the regular Planning Commission meeting on October 20, 2021.

Respectfully Submitted by:

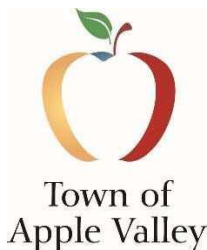
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Maribel Hernandez  
Planning Commission Secretary

Approved by:

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Chairman Joel Harrison



## Planning Commission Agenda Report

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Date: October 20, 2021, Item No. 2

To: Planning Commission

Case Number: Tentative Parcel Map No. 20415

Applicant: Merrell Johnson Companies

Proposal: A request to approve a Tentative Parcel Map to subdivide a 3.97-acre parcel into three (3) single-family residential lots with a lot size of one 1.09 acres. The project is located within the Estate Residential (R-E) zoning designation.

Location: APN: 0437-193-66

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

Prepared By: Daniel Alcayaga, AICP, Planning Manager

Recommendation: Approval

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### PROJECT SITE AND DESCRIPTION

- A. Project Size:  
The existing parcel is approximately 3.97 acres in size.
- B. General Plan Designations:
- Project Site – Estate Residential (R-E)
  - North - Estate Residential (R-E)
  - South - Single Family Residential (R-SF)
  - East - Estate Residential (R-E)
  - West - Estate Residential (R-E)



C. Surrounding Zoning and Land Use:

Project Site - Estate Residential (R-E), Vacant Lot

North - Estate Residential (R-E), Single-family residence

South - Equestrian Residential (R-EQ), Single-family residence

East - Estate Residential (R-E) Single-family residence

West - Estate Residential (R-E), Vacant Lot

D. Site Characteristics:

The existing site is currently vacant and consists mainly of sparse vegetation. The property is relatively flat with no apparent drainage courses. Along the frontage of the property exists three (3) above ground utility lines. The surrounding properties consists of residential properties to the south and east. Properties to the north and west consists of a vacant lot and a residential property.

ANALYSIS

A. General:

The applicant is requesting Planning Commission review and approval of a Tentative Parcel Map that will subdivide 3.97 acres into three (3) lots. The project is located within the Estate Residential (R-E) zoning designation and proposes a minimum lot size of 1.09 acres. The Estate Residential (R-E) zoning designation requires that each lot is a minimum of one net acre in size, with a minimum lot width of 125 feet and a minimum lot depth of 250 feet.

The proposed subdivision will create three (3) parcels:

- Parcel 1 will be 1.09 acres in size with a lot width of 168.6 feet and a lot depth of 283.8 feet.
- Parcel 2 will be 1.09 acres in size with a lot width of 167.7 feet and a lot depth of 283.8 feet.
- Parcel 3 will be 1.09 acres in size with a lot width of 167.7 feet and a lot depth of 283.8 feet.

The lot configurations proposed are consistent with the requirements shown in Table 9.28.040-A *Site Development Standards* and Figure 9.28.040-B *Varied Setbacks* of the Town's Municipal Code. The proposed lots comply with the Development Code standards.

The project is zoned Estate Residential (R-E) and is located along a Lifeline Trail as identified on General Plan Exhibit II-9 "The Town of Apple Valley Recreation Trail System." As a major road, the project requires a twelve (12)-foot wide easement parallel to the right-of-way for the development of the Lifeline Trail.

The existing parcel is currently vacant and consists of one (1) Joshua Tree on what

is to be proposed Parcel No. 3. Staff is recommending Condition P7, stating that any development is subject to the Town's Interim Local Policy and Procedures on the Western Joshua Tree. The builder has the option to protect the Western Joshua Tree in place consistent with this policy. If the builder wishes to disturb the area within forty (40') feet of the Joshua Tree, an arborist report is required to be prepared by a local certified arborist stating disturbance will not affect the tree and all recommendations from this report must be followed.

1. Traffic and Circulation

The project site has approximately 469 feet of frontage on Waalew Road, which is a paved allowing access to the proposed subdivision. Development Code Section 9.71.020 – *General Subdivision Standards* states the following:

“D.1 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 proposed subdivision is located at the corner of Llanto Road and Waalew Road and there is no curb, gutter or sidewalk along or adjacent to the proposed subdivision. The Engineering Department is not recommending any additional street improvements for this subdivision. The Engineering Department is requesting a twenty-two (22') foot road dedication be granted to the Town on Waalew Road and a thirty (30") foot road dedication be granted to the Town on Llanto 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 proposed lot sizes allow for the use of underground disposal systems. No additional improvements are recommended by the Public Works Division.

Based upon the information provided, implementation of development standards and Conditions of Approval, the proposed three (3)-lot subdivision will not produce adverse impacts upon the site nor surrounding properties. The project site is designated for single-family development and is within the Estate Residential (R-E) zone. Adjacent to the project site are Equestrian Residential (R-EQ) and other Estate Residential (R-E) zoning designations, which will allow the property owner to develop the site in a manner that is consistent with the Town's goals and objectives to promote single-family residential development.

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. 20415 was legally noticed on October 8, 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 designation of Estate Residential (R-E) and zoning designation of Estate Residential (R-E) 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 3.97 acres into three (3) 1.09 acre lots and, with adherence to the recommended conditions, 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. 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. 20415, 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 Map

**RECOMMENDED CONDITIONS OF APPROVAL**  
**Tentative Parcel Map No. 20415**

*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. 20415 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. 20415 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. Development of the parcel is subject to the Town's Interim Local Policy and Procedures on the Western Joshua Tree published July 21, 2021 or amendment thereof.
- P8. The project shall conform to the Estate Residential (R-E) development standards for front, side and rear yard-building setbacks.
- P9. 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/walls 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.
- P10. 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.
- P11. 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.
- P12. Prior to map recordation, all accessory structures shall be relocated in compliance with the minimum setbacks as required by the Estate Residential (R-E) zoning designation.

### **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 52-ft wide half-width road dedication along Waalew Road shall be granted to the Town of Apple Valley prior to Final Map Approval.
- EC3. A 40 (30'+10)-ft wide half-width road dedication along Llanto Road shall be granted to the Town of Apple Valley prior to Final Map Approval.
- EC4. Llanto 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. (Development Code Section 9.28.060)
- EC5. An encroachment permit shall be obtained from the Town prior to performing any work in any public right of way.
- EC6. 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.
- EC7. Utility lines shall be placed underground in accordance with the requirements of the Town. (Municipal Code Section 14.28)
- EC8. Traffic impact fees adopted by the Town shall be paid by the developer.
- EC9. Any developer fees adopted by the Town including but not limited to drainage fees shall be paid by the developer.
- EC10. A Storm Water Pollution Prevention Plan (SWPPP) in accordance with the National Pollutant Discharge Elimination System (NPDES) shall be required.
- EC11. New lots shall provide an on-site turn-around so that no vehicles will back out onto Waalew Road, a Major Road.
- EC12. The corner lot with frontages on Waalew Road and Llanto Road, shall provide driveway access on Llanto Road (Development Code Section 9.28.50 D.3.)

**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.

**Public Works Division Conditions of Approval**

No Conditions

**Building and Safety Department Conditions of Approval**

- BS1. An engineered grading report including soils report shall be submitted to and approved by the Building Official prior to recordation of the final map or issuance of

**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



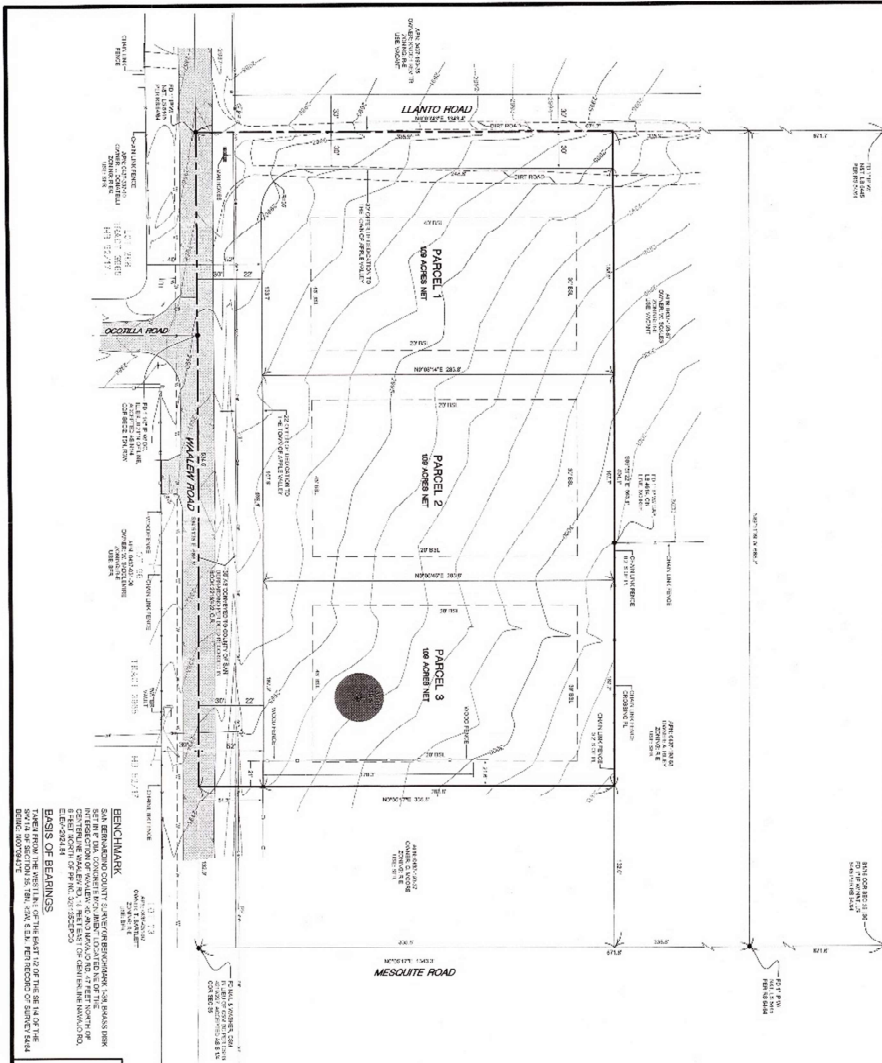
**NFPA 13D (RESIDENTIAL AUTOMATIC FIRE SPRINKLER SYSTEM): REQUIRED**

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**

IN THE TOWN OF APPLE VALLEY  
**TENTATIVE**  
**PARCEL MAP NO. 20415**  
 BEING A SUBDIVISION OF A PORTION OF THE SOUTH QUARTER OF THE  
 SOUTHWEST QUARTER OF SECTION 36, TOWNSHIP 6 NORTH, RANGE 9 WEST,  
 COUNTY OF SAN BERNARDINO, STATE OF CALIFORNIA  
 MERRILL JOHNSON COMPANIES  
 JULY 2021

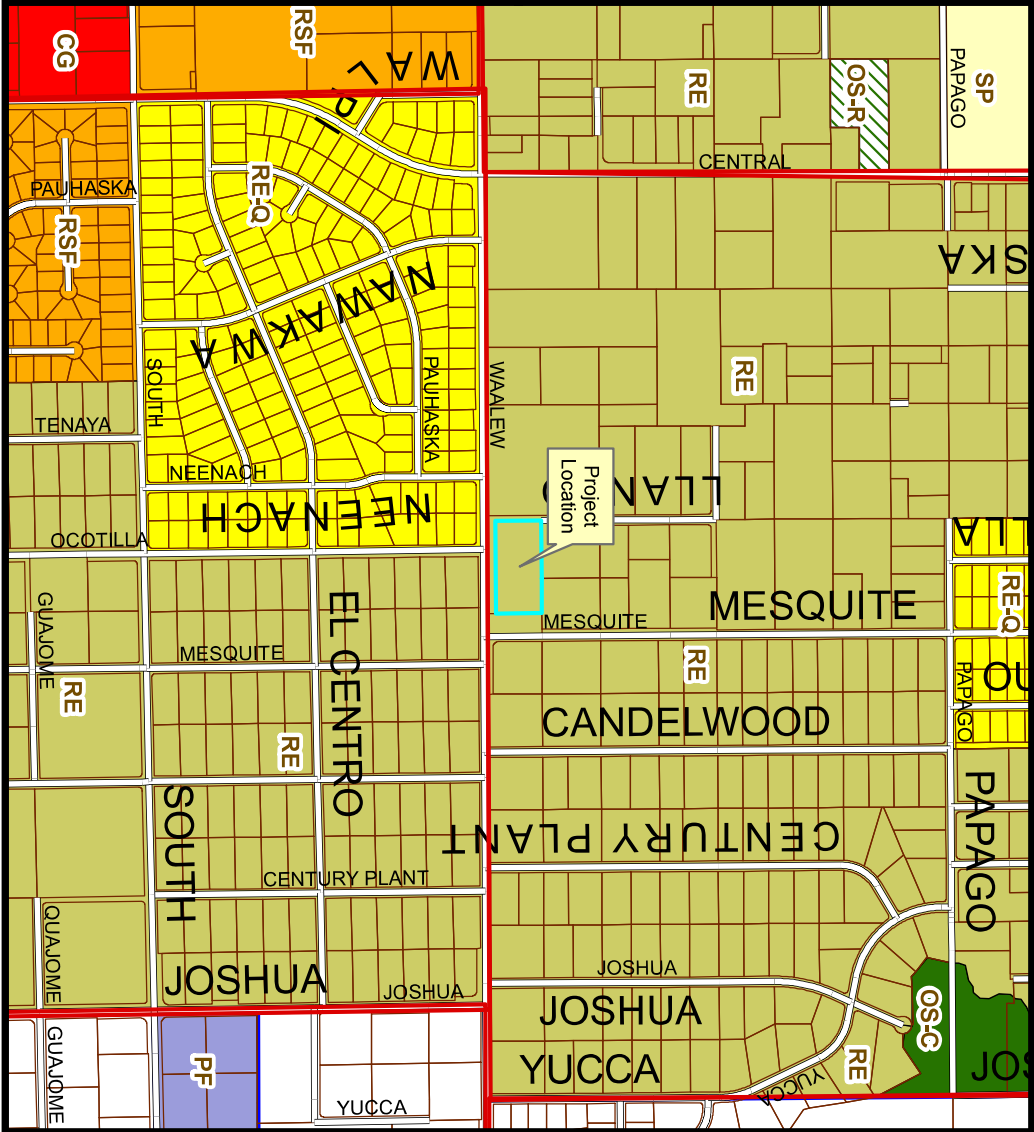


**LEGAL DESCRIPTION**  
 EQUAL PROPORTION OF THE SOUTH QUARTER OF SECTION 36, TOWNSHIP 6 NORTH, RANGE 9 WEST, COUNTY OF SAN BERNARDINO, STATE OF CALIFORNIA, BEING A SUBDIVISION OF A PORTION OF THE SOUTH QUARTER OF THE SOUTHWEST QUARTER OF SECTION 36, TOWNSHIP 6 NORTH, RANGE 9 WEST, COUNTY OF SAN BERNARDINO, STATE OF CALIFORNIA, ACCORDING TO SUBDIVISION MAP NO. 20415, AS SHOWN THEREON, EXCEPTING FROM SAID SUBDIVISION MAP THE EAST 100 FEET THEREOF, A 50' DEPARTMENTAL HIGHWAY RIGHT-OF-WAY COVERED BY THE MAP OF PUBLIC HIGHWAYS, NO. 57, BEING RECORDED IN BOOK 2819, PAGE 409 OF PUBLIC RECORDS.



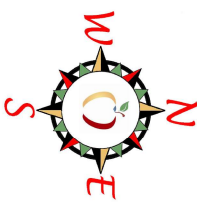
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  - 1/13479971647637741333230253902222222112" = 1' RECORDING SERVICE
  - 1/269599432952754826664605078044444444224" = 1' RECORDING SERVICE
  - 1/53919886590550965332920101608888888448" = 1' RECORDING SERVICE
  - 1/107839773181113930665802032177777777664" = 1' RECORDING SERVICE
  - 1/215679546362227877331604044355555555532" = 1' RECORDING SERVICE
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  - 1/3450873421956446053284864708888888448" = 1' RECORDING SERVICE
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**ZONING/LOCATION MAP**



Tentative Parcel Map 20415

APN 0437-193-66



**Legend**

RE	Residential (1.5 to 2.5 gross acres)
RE-Q	Residential (1.5 to 2.5 gross acres)
RE-R	Residential (1.5 to 2.5 gross acres)
RE-S	Residential (1.5 to 2.5 gross acres)
RE-T	Residential (1.5 to 2.5 gross acres)
RE-U	Residential (1.5 to 2.5 gross acres)
RE-V	Residential (1.5 to 2.5 gross acres)
RE-W	Residential (1.5 to 2.5 gross acres)
RE-X	Residential (1.5 to 2.5 gross acres)
RE-Y	Residential (1.5 to 2.5 gross acres)
RE-Z	Residential (1.5 to 2.5 gross acres)
CG	Community General
OS-R	Office - Retail
OS-Q	Office - Professional
OS-C	Office - Community
OS-G	Office - Government
OS-H	Office - Health
OS-I	Office - Industrial
OS-J	Office - Institutional
OS-K	Office - Knowledge
OS-L	Office - Leisure
OS-M	Office - Medium Density
OS-N	Office - Neighborhood
OS-O	Office - Office
OS-P	Office - Professional
OS-Q	Office - Professional
OS-R	Office - Retail
OS-S	Office - Service
OS-T	Office - Technical
OS-U	Office - University
OS-V	Office - Vocational
OS-W	Office - Warehouse
OS-X	Office - Wholesale
OS-Y	Office - Workforce
OS-Z	Office - Workforce
PF	Professional Office
OS-C	Office - Community
OS-G	Office - Government
OS-H	Office - Health
OS-I	Office - Industrial
OS-J	Office - Institutional
OS-K	Office - Knowledge
OS-L	Office - Leisure
OS-M	Office - Medium Density
OS-N	Office - Neighborhood
OS-O	Office - Office
OS-P	Office - Professional
OS-Q	Office - Professional
OS-R	Office - Retail
OS-S	Office - Service
OS-T	Office - Technical
OS-U	Office - University
OS-V	Office - Vocational
OS-W	Office - Warehouse
OS-X	Office - Wholesale
OS-Y	Office - Workforce
OS-Z	Office - Workforce

Date: 10/14/2021



## Planning Commission Agenda Report

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Date: October 20, 2021 Item No. 3

To: Planning Commission

Case No: Conditional Use Permit No. 2015-010, Amendment 1

Applicant: All Pro Automotive represented by Brian Egger

Proposal: Consideration of Conditional Use Permit to allow outdoor vehicle storage associated with an existing automotive repair facility. The project is located within the Service Commercial (CS) zoning designation.

Location: The site is located at 22164 Ottawa Road, Suite 104, 105 and 106; APN: 3087-391-05

Environmental Determination: Pursuant to the Guidelines to Implement the California Environmental Quality Act (CEQA), Section 15301 – Existing Facilities and Section 15311- Accessory Buildings, the proposed request is Exempt from further environmental review.

Prepared By: Daniel Alcayaga, AICP, Planning Manager

Recommendation: Approval

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### PROJECT SITE AND DESCRIPTION

- A. Project Size:  
The project site is 2 acres in size.
- B. General Plan Designations:
- |                |                                  |
|----------------|----------------------------------|
| Project Site - | Service Commercial (C-S)         |
| North -        | Public Facility (P-F)            |
| South -        | Medium Density Residential (R-M) |
| East -         | Service Commercial (C-S)         |
| West -         | Service Commercial (C-S)         |

C. Surrounding Zoning and Land Use:

- Project Site - Service Commercial (C-S), Light Industrial Buildings
- North - Public Facility (P-F), Household Hazardous Waste Facility
- South - Multi-Family (R-M), Vacant
- East - Service Commercial (C-S), Light Industrial/Commercial Building
- West - Service Commercial (C-S), Church

D. Site Characteristics:

The project site contains two existing buildings with associated paved parking and paved drive aisles. There are two main businesses operating at this location, including All Pro Automotive and Global Pumice. Global Pumice is a mining business that uses the site as a headquarters for off-site mining operations and for construction equipment and vehicle storage. The majority of the outdoor storage items belong to Global Pumice. The property currently contains fencing along the street perimeter; however, the fencing is in poor condition.

E. Background

On February 17, 2016, the Planning Commission approved Conditional Use Permit No. 2015-010 allowing All Pro Automotive to operate an automotive repair business at this location. Operating conditions of approval required all repairs to be done within an enclosed building and no overnight outdoor parking of vehicles was permitted. Presently, All Pro Automotive performs all repair activities within their building; however, the business has begun storing vehicles overnight in a designated outdoor area (Attachment 2).

Section 9.16.110 (B) of the Development Code states that an alteration or expansion of an existing conditional use shall be permitted only upon the granting of a Conditional Use Permit. In the CS zone, outdoor storage could be allowed with approval of a Special Use Permit pursuant to Table 9.35.030-A (E)(34) of the Development Code. Since CUP 2015-010 did not authorize overnight outdoor storage, the Planning Commission is being requested to consider amending the conditions of approval for CUP 2015-010 to allow overnight outdoor vehicle storage as part of this Amendment.

F. Analysis

The outdoor storage area in question is located on the opposite side of the drive aisle to the south of the auto repair building. Section 9.37.060(4) of the Development Code pertaining to buffering and screening says: "Screening for outdoor storage shall be a minimum of six (6) feet and a maximum of ten (10) feet in height." Therefore, Condition P4 requires the applicant to rescreening the property boundary along Nomwaket Road and the property boundary immediately south of the proposed vehicle storage area. Such fencing shall be screened with a six-foot high screen fence with approved material. Section 9.35.080 of the Development Code says chain link with metal slats can be used in the CS Zone as long as the slats are maintained in such a manner so the material being stored behind the fencing cannot be seen directly or indirectly through the fence. No

outdoor storage shall be permitted within required front or street side yard setbacks, parking spaces, path of travel, and/or required drive aisles.

All vehicle repairs will continue to be required to be performed within an enclosed building (Condition No. P7). Section 9.36.170(D) allows up to two cargo containers in the CS Zone within the Apple Valley Village area. Therefore, the Applicant is required to obtain permits for cargo containers and remove excessive containers.

Environmental Assessment:

Pursuant to the Guidelines to Implement the California Environmental Quality Act (CEQA), Section 15301 – Existing Facilities and Section 15311- Accessory Buildings, the proposed request is Exempt from further environmental review.

G. Noticing:

This item was advertised as a public hearing in the Apple Valley News newspaper on October 8, 2021.

H. Findings:

As required under Section 9.16.090 of the Development Code, prior to approval of a Special Use Permit, the Planning Commission must make the following findings:

1. That the proposed location, size, design and operating characteristics of the proposed use 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: The proposed storage area is located within the Service Commercial (C-S) zoning designation and in compliance with the General Plan Land Use and zoning district that allows storage areas subject to approval of a Use Permit on the subject property.

2. That the proposed location, size, design and operating characteristics of the proposed use and the conditions under which it would be operated or maintained will not be detrimental to the public health, safety or welfare, nor be materially injurious to properties or improvements in the vicinity, adjacent uses, residents, buildings, structures or natural resources;

Comment: The proposal, as conditioned, is in compliance with the Service Commercial (C-S) zoning district, which allows such facilities subject to a Use Permit. As Conditioned, the outdoor storage area will be required to be completely screened from the street and adjacent properties; all vehicle storage shall be required to maintain a thirty-five (35)-foot front yard setback from Nomwaket Road. Therefore, the proposed facility is compatible with, and will not adversely affect nor be materially detrimental.

3. That there are public facilities, services and utilities available at the appropriate levels or that these will be installed at the appropriate time to serve the project as they are needed;

Comment: The proposed location has been previously developed and all public facilities, services and utilities are available to serve the site. The existing auto report business is already connected to existing utilities, such as electricity, water and sewage.

4. That the generation of traffic will not adversely impact the capacity and physical character of surrounding streets and that the traffic improvements and/or mitigation measures are provided in a manner consistent with the Circulation Element of the General Plan.

Comment: The project site is within the Service Commercial (C-S) zone with frontage along Ottawa and Nomwaket Roads, which are designated as secondary and local roads that can accommodate all traffic generated by the facility.

5. That there will not be significant harmful effects upon environmental quality and natural resources.

Comment: The proposal will be located on a developed site previously used for similar purposes and is considered an existing facility meeting the conditions set forth within Section 15301 and Section 15311 Categorical Exemptions.

6. That Use Permits requiring new construction also meet the Required Findings set forth with Chapter 9.17 "Development Permits".

Comment: Not applicable. No new construction is proposed.

**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 Conditional Use Permit No. 2015-010, Amendment 1, subject to the attached Conditions of Approval.
4. Direct Staff to file the Notice of Exemption.

**ATTACHMENTS:**

1. Recommended Conditions of Approval
2. Plot Plan
3. Zoning Map



## TOWN OF APPLE VALLEY

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### **RECOMMENDED CONDITIONS OF APPROVAL**

Case No. Conditional Use Permit No. 2015-010, Amendment 1

**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 one (1) year 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 Special Use 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 Conditional Use Permit No. 2015-010, Amendment 1 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. The conditions of approval that are required as part of CUP 2015-010 are still in effect, except that Condition No. P9 prohibiting overnight outdoor storage has been eliminated. Any new conditions as part of this Conditional Use Permit No. 2015-010, Amendment 1 shall be in addition to the original conditions.
- P4. The applicant shall be responsible for screening the property boundary along Nomwaket Road and the property boundary immediately south of the proposed vehicle storage area. No outdoor storage shall be permitted within required front/street side yard, parking spaces, path of travel, and/or required drive aisles.

Section 9.35.080 of the Development Code, chain link with metal slats can be used in CS Zone as long as the slats are maintained in such a manner so the material being stored behind the fencing cannot be seen directly or indirectly through the fence.

- P5. Section 9.36.170(D) allows up to two cargo containers in the CS Zone within the Apple Valley Village area. Therefore, the Applicant shall obtain permits for cargo containers and remove excess containers. All Pro Automotive and Global Pumice shall coordinate this condition, if not, each business shall be allowed no more than one cargo container each.
- P6. Gravel shall be installed in areas that are not paved and used for outdoor storage.
- P7. All repairs of equipment or vehicles shall occur completely indoors.
- P8. Outdoor storage of parts, tires, equipment, etc. is prohibited.
- P9. The display of vehicles intended for sale is prohibited.



## Planning Commission Agenda Report

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Date:	October 20, 2021	Item No. 3
To:	Planning Commission	
Case No:	Conditional Use Permit No. 2015-010, Amendment 1	
Applicant:	All Pro Automotive represented by Brian Egger	
Proposal:	Consideration of Conditional Use Permit to allow outdoor vehicle storage associated with an existing automotive repair facility. The project is located within the Service Commercial (CS) zoning designation.	
Location:	The site is located at 22164 Ottawa Road, Suite 104, 105 and 106; APN: 3087-391-05	
Environmental Determination:	Pursuant to the Guidelines to Implement the California Environmental Quality Act (CEQA), Section 15301 – Existing Facilities and Section 15311- Accessory Buildings, the proposed request is Exempt from further environmental review.	
Prepared By:	Daniel Alcayaga, AICP, Planning Manager	
Recommendation:	Approval	

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### PROJECT SITE AND DESCRIPTION

- A. Project Size:  
The project site is 2 acres in size.
- B. General Plan Designations:
- |                |                                  |
|----------------|----------------------------------|
| Project Site - | Service Commercial (C-S)         |
| North -        | Public Facility (P-F)            |
| South -        | Medium Density Residential (R-M) |
| East -         | Service Commercial (C-S)         |
| West -         | Service Commercial (C-S)         |

C. Surrounding Zoning and Land Use:

Project Site -	Service Commercial (C-S), Light Industrial Buildings
North -	Public Facility (P-F), Household Hazardous Waste Facility
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East -	Service Commercial (C-S), Light Industrial/Commercial Building
West -	Service Commercial (C-S), Church

D. Site Characteristics:

The project site contains two existing buildings with associated paved parking and paved drive aisles. There are two main businesses operating at this location, including All Pro Automotive and Global Pumice. Global Pumice is a mining business that uses the site as a headquarters for off-site mining operations and for construction equipment and vehicle storage. The majority of the outdoor storage items belong to Global Pumice. The property currently contains fencing along the street perimeter; however, the fencing is in poor condition.

E. Background

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Section 9.16.110 (B) of the Development Code states that an alteration or expansion of an existing conditional use shall be permitted only upon the granting of a Conditional Use Permit. In the CS zone, outdoor storage could be allowed with approval of a Special Use Permit pursuant to Table 9.35.030-A (E)(34) of the Development Code. Since CUP 2015-010 did not authorize overnight outdoor storage, the Planning Commission is being requested to consider amending the conditions of approval for CUP 2015-010 to allow overnight outdoor vehicle storage as part of this Amendment.

F. Analysis

The outdoor storage area in question is located on the opposite side of the drive aisle to the south of the auto repair building. Section 9.37.060(4) of the Development Code pertaining to buffering and screening says: "Screening for outdoor storage shall be a minimum of six (6) feet and a maximum of ten (10) feet in height." Therefore, Condition P4 requires the applicant to rescreening the property boundary along Nomwaket Road and the property boundary immediately south of the proposed vehicle storage area. Such fencing shall be screened with a six-foot high screen fence with approved material. Section 9.35.080 of the Development Code says chain link with metal slats can be used in the CS Zone as long as the slats are maintained in such a manner so the material being stored behind the fencing cannot be seen directly or indirectly through the fence. No

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H. Findings:

As required under Section 9.16.090 of the Development Code, prior to approval of a Special Use Permit, the Planning Commission must make the following findings:

1. That the proposed location, size, design and operating characteristics of the proposed use 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: The proposed storage area is located within the Service Commercial (C-S) zoning designation and in compliance with the General Plan Land Use and zoning district that allows storage areas subject to approval of a Use Permit on the subject property.

2. That the proposed location, size, design and operating characteristics of the proposed use and the conditions under which it would be operated or maintained will not be detrimental to the public health, safety or welfare, nor be materially injurious to properties or improvements in the vicinity, adjacent uses, residents, buildings, structures or natural resources;

Comment: The proposal, as conditioned, is in compliance with the Service Commercial (C-S) zoning district, which allows such facilities subject to a Use Permit. As Conditioned, the outdoor storage area will be required to be completely screened from the street and adjacent properties; all vehicle storage shall be required to maintain a thirty-five (35)-foot front yard setback from Nomwaket Road. Therefore, the proposed facility is compatible with, and will not adversely affect nor be materially detrimental.

3. That there are public facilities, services and utilities available at the appropriate levels or that these will be installed at the appropriate time to serve the project as they are needed;

Comment: The proposed location has been previously developed and all public facilities, services and utilities are available to serve the site. The existing auto report business is already connected to existing utilities, such as electricity, water and sewage.

4. That the generation of traffic will not adversely impact the capacity and physical character of surrounding streets and that the traffic improvements and/or mitigation measures are provided in a manner consistent with the Circulation Element of the General Plan.

Comment: The project site is within the Service Commercial (C-S) zone with frontage along Ottawa and Nomwaket Roads, which are designated as secondary and local roads that can accommodate all traffic generated by the facility.

5. That there will not be significant harmful effects upon environmental quality and natural resources.

Comment: The proposal will be located on a developed site previously used for similar purposes and is considered an existing facility meeting the conditions set forth within Section 15301 and Section 15311 Categorical Exemptions.

6. That Use Permits requiring new construction also meet the Required Findings set forth with Chapter 9.17 "Development Permits".

Comment: Not applicable. No new construction is proposed.

**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 Conditional Use Permit No. 2015-010, Amendment 1, subject to the attached Conditions of Approval.
4. Direct Staff to file the Notice of Exemption.

**ATTACHMENTS:**

1. Recommended Conditions of Approval
2. Plot Plan
3. Zoning Map

TOWN OF APPLE VALLEY

---

**RECOMMENDED CONDITIONS OF APPROVAL**

Case No. Conditional Use Permit No. 2015-010, Amendment 1

**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**

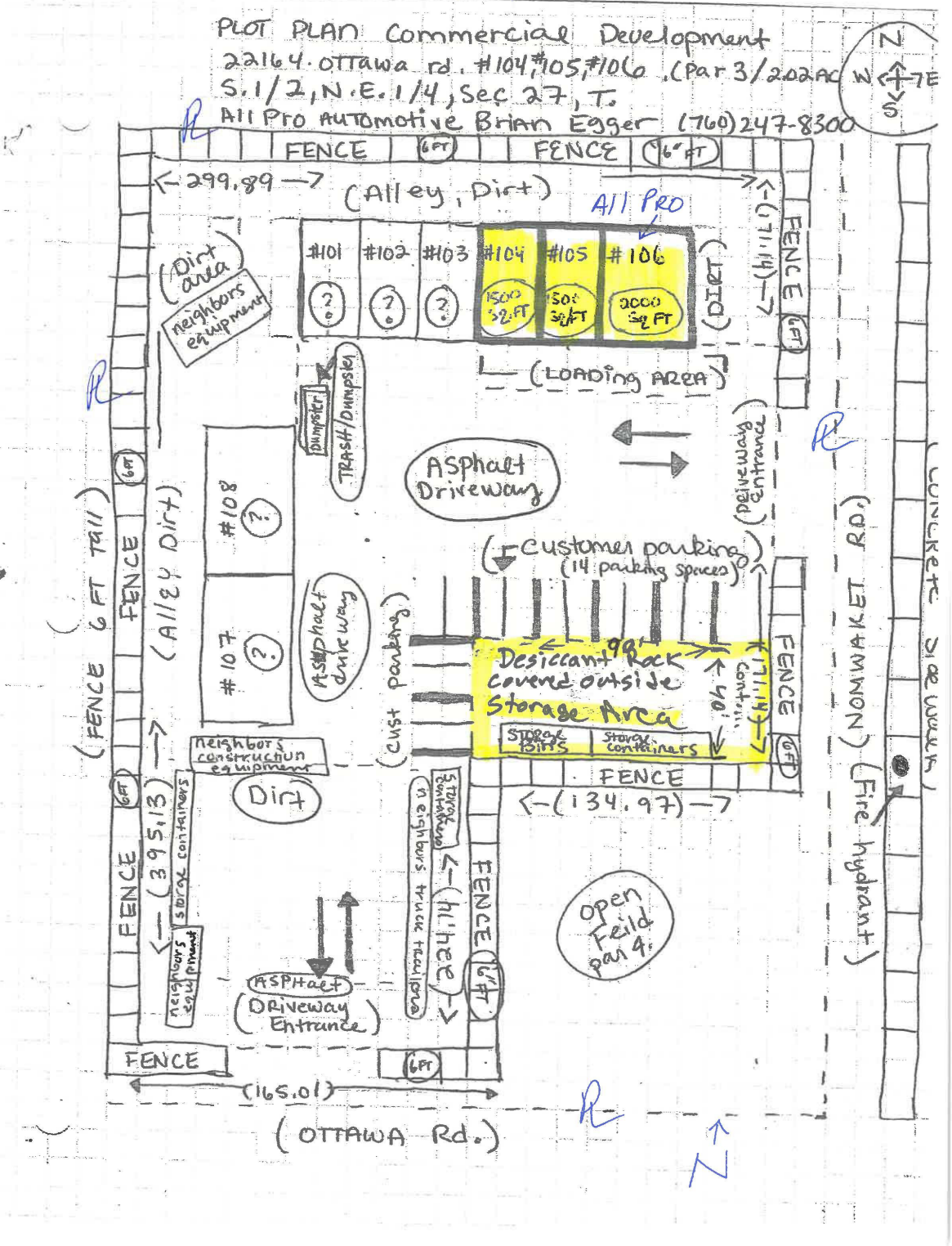
- P1. This project shall comply with the provisions of State law and the Town of Apple Valley Development Code and the General Plan. This conditional approval, if not exercised in conformance to any conditions, shall become void one (1) year from the date of action of the reviewing authority, unless 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 Special Use 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 Conditional Use Permit No. 2015-010, Amendment 1 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. The conditions of approval that are required as part of CUP 2015-010 are still in effect, except that Condition No. P9 prohibiting overnight outdoor storage has been eliminated. Any new conditions as part of this Conditional Use Permit No. 2015-010, Amendment 1 shall be in addition to the original conditions.
- P4. The applicant shall be responsible for screening the property boundary along Nomwaket Road and the property boundary immediately south of the proposed vehicle storage area. No outdoor storage shall be permitted within required front/street side yard, parking spaces, path of travel, and/or required drive aisles.



Section 9.35.080 of the Development Code, chain link with metal slats can be used in CS Zone as long as the slats are maintained in such a manner so the material being stored behind the fencing cannot be seen directly or indirectly through the fence.

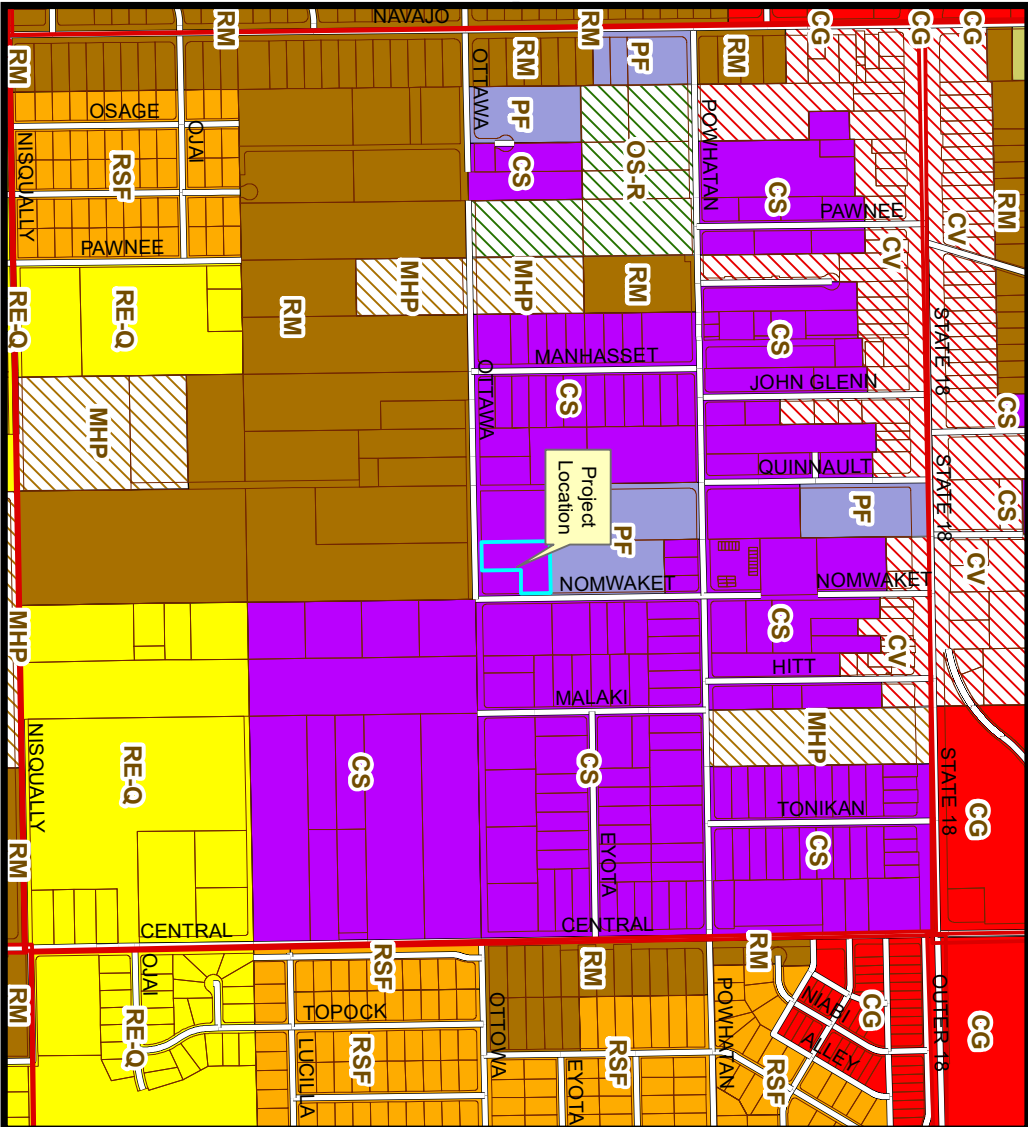
- P5. Section 9.36.170(D) allows up to two cargo containers in the CS Zone within the Apple Valley Village area. Therefore, the Applicant shall obtain permits for cargo containers and remove excess containers. All Pro Automotive and Global Pumice shall coordinate this condition, if not, each business shall be allowed no more than one cargo container each.
- P6. Gravel shall be installed in areas that are not paved and used for outdoor storage.
- P7. All repairs of equipment or vehicles shall occur completely indoors.
- P8. Outdoor storage of parts, tires, equipment, etc. is prohibited.
- P9. The display of vehicles intended for sale is prohibited.

# ATTACHMENT 2



# ZONING/LOCATION MAP

Conditional Use Permit No. 2015-010 Amd#1



22164 Ottawa Rd Site  
 104, 105 and 106

APN# 3087-391-05



**Legend**

(R-E)	Equine Residential (1.5A) (1 to 2.5 gross acres)
(R-EO)	Equine Residential (1.5A) (2.5 to 5 gross acres)
(R-SF)	Single Family Residential (1.5A) (0.4 to 0.9 net acre)
(R-DF)	Multi-Family Residential (1.5A) (0.4 to 0.9 net acre)
(M-P)	Medium Density Planned (2 to 20 dwellings/acre)
(M-PP)	Medium Density Planned (2 to 20 dwellings/acre)
(C-CP)	Community Commercial
(C-C)	Community Commercial
(R-F)	Residential Facility
(R-FC)	Residential Facility
(OS-R)	Office Service - Residential
(CV)	Community Village
(CG)	Community Growth

Date: 10/14/2021



## TOWN OF APPLE VALLEY MEMORANDUM

Get a Slice of the Apple.

**TO:** Planning Commission  
**FROM:** Daniel Alcayaga, AICP Planning Manager  
**SUBJECT:** Development Permit Annual Review  
**DATE:** October 20, 2021

Attached is the annual review of Development Permits that have been administratively approved from August 1, 2020, through July 31, 2021.

This summary is for the Planning Commission's information only; no action is required. Staff is providing this information without the Conditions of Approval and associated site plans, per the Planning Commission's direction at the August 20, 2008 meeting. The annual review consists only of the attached spreadsheet. Should any Commissioner wish to review the supporting documentation, please let me know if a CD or hard copy is the preferred media.

Attachments: Development Permit Annual Review

DEVELOPMENT PERMIT ADMINISTRATIVE APPROVALS

8/01/2021 - 7/31/2021

B&S Status	Date Submitted	Planning Approval Date	Project Address	Applicant	Case I.D.	Project Description	Planner
Plan review	February 6, 2020	October 30, 2020	16295 Viho Rd	Dion Giarrusso	DP 2020-002	Construction of a six-unit multi-family development.	Alcayaga
Under construction	May 14, 2020	August 20, 2020	18012 Wika Rd	Pontious Architecture	DP 2020-006	Construct a medical office building.	Alcayaga
Plan review	January 13, 2021	March 15, 2021	13730 Apple Valley Rd	Steen Design	DP 2021-001 SUP 2021-001	Construction of a 999 square foot quick serve restaurant to a previously approved convenience store and gas station.	Cupp
Under construction		May 17, 2021	15099 Kamana Road	Warren Owens, representing Kamana AV MOB LLC	DP 2021-006	Construction of a 1,290-square foot addition to an existing 8,236-square foot, two (2)-story office building. The additional floor area will include a lobby, elevator, and associated equipment room. The project site is approximately one (1) acre in size and located within the General Commercial (C-G) zoning designation	Cupp
Work completed		July 26, 2021	21738 Highway 18	AKC Permit Co	DP 2021-011	A request to reskin the canopies, reface the freestanding pylon sign, replace wall signage, and directional signage for the Rite Aid Store.	Cupp