

Background:

In the preparation of the comprehensive General Plan update, the focus on future development in Apple Valley was directed towards the northern part of the Town. Goals and policies were developed and included in the General Plan to focus development around the North Apple Valley Industrial Specific Plan (NAVISP) and to provide work force housing and supportive services. In the update of the General Plan, land use areas in north Apple Valley were changed to allow additional industrial and commercial development near NAVISP and vacant residential areas were converted to industrial and commercial zones. Once the High Desert Corridor is built, and extended into north Apple Valley, industrial and commercial development will also be a desirable location along the corridor. The General Plan is a long range plan looking out 20-30 years into the future.

As part of the General Plan update, the Golden Triangle was pre-zoned for the purpose of future annexation. To determine the appropriate land use designations, consideration was given to the location of the High Desert Corridor, the NAVISP and future plans for development on the west side of the Interstate 15 freeway in Victorville. Victorville's plans to develop a high speed rail station and future commercial development on the west side of the Interstate 15 will make the east side of the freeway desirable for similar commercial and industrial development. As the market dictates, it is expected that, within the next twenty (20) to thirty (30) years, the Golden Triangle area will be developed to keep up with these variables that surround the area. The pre-zoning and the annexation of this area into the Town will assure that the area is developed in a cohesive and planned manner, which will enhance property values and provide opportunities for the expected growth in north Apple Valley.

Without cohesive planning in the Golden Triangle, development will continue in a manner not necessarily beneficial to the Town. Development under the County's jurisdiction may not consider impacts to the existing residents of the Golden Triangle and impacts to the Town of Apple Valley. The County continues to piecemeal development into the Golden Triangle area as demand occurs. The pre-zoning designations of the Golden Triangle will enable property owners to obtain market value for their properties these values will be significantly greater than the existing value of their land in the County designated Rural Living (R-L) zoning designation. Improving the quality of this area by cleaning up illegal dump sites and abandoned and unsafe structures will set the standard for this area, resulting in an increase in future land values and the potential for future development.

Analysis:

As part of the outreach and education program, staff has identified services currently being provided by the County and those Apple Valley-type development standards not required by the County and/or not being enforced by the County. Some of the services

described below will be continued without interruption from the County to the Town if annexation is successful. Other requirements described below are either not being enforced by the County or the requirements are significantly different in the County than in the Town. The County has not implemented an active Code Enforcement program in the Golden Triangle. Depending on future leadership in the County, this lack of enforcement may or may not continue. There is no guarantee that the County codes will not be enforced in the future under the County jurisdiction, especially once development starts to occur in the area.

Services

The County currently maintains many paved and unpaved roads within the Golden Triangle. This service will be continued by the Town as a requirement of the annexation. All drainage easements dedicated to the County will be conveyed to the Town. Sewer service will be extended into this area with future development. All Residential development in the Golden Triangle have septic systems. Once sewer lines are extended by future development adjacent to the individual properties, property owners will have a choice of connecting to the sewer or maintaining their septic systems. If a sewer line is extended in front of a property currently served by a septic system, and the septic system fails, the Town will require that the property owner connect to the sewer system.

Animal Services and Code Enforcement currently administered the County will be provided by the Town. The Town's Code Enforcement activities will encourage property owners to clean up debris and trash from their sites and provide programs to assist them in this effort. Currently, within the Town, programs are implemented by the Code Enforcement Division to provide community dumpsters free of charge in areas of need. Programs such as this and the Tire Amnesty Program could be brought to the Golden Triangle, encouraging clean up of existing properties. The Town's Code Enforcement activities in the area could also include current programs for residents that want to dispose of inoperable vehicles.

Illegal Dumping

One of the biggest challenges in the Golden Triangle area is the clean up of two (2) large illegal dumping sites along the northern area of the "triangle". For years, illegal dumping has occurred in this area and enforcement and clean up by the County has been non-existent. Apple Valley will inherit this problem along with the annexation, which will require innovative approaches in obtaining clean up and monitoring the area for further illegal dumping violations. Large amounts of construction debris, tires, asphalt and other large items are located in this area, which will require the Town to seek out grant opportunities and partnerships with local industries along with pressure on the property owners to clean up these sites. This type of clean-up effort has not been considered by

the County. Violations have continued over many years, increasing the size of the dump areas. Currently, the County is only pursuing one (1) code enforcement case against a single property owner where the illegal dumping has occurred. However, there are several properties where illegal dumping continues and the County has not opened up any additional code enforcement cases. The continuation of the illegal dumping puts this area at risk for health and safety violations as well as potential ground water contamination.

Residential Rehabilitation Loan Program (RRLP)

One of the benefits of annexation into the Town is the ability of property owners to obtain assistance for home improvement through the Residential Rehabilitation Loan Program (RRLP). Many of the code violations identified and addressed in the Amnesty Program could be corrected through the use of RRLP loans. The RRLP provides qualified residents within Apple Valley's Town limits loans to make repairs on their single-family homes. The assistance is in the form of the loan's favorable terms of zero percent interest, deferred for a maximum of thirty (30) years. This means no payments are required during the term of the loan unless the property is sold, refinanced or transferred. There is a maximum loan amount of \$20,000, which is intended to improve the health and safety of residences and bring the home into compliance with state and local codes. It is also intended to improve the integrity of the Town's housing stock. This program will be able to assist residents in the Golden Triangle area comply with code violations during the grace period provided by the Council under the Amnesty Program.

Amnesty Program

An amnesty program for the Golden Triangle area will allow existing residents to continue a lifestyle they have become accustomed to as part of the County, while still ensuring that health and safety issues are addressed. The issues discussed below identify areas where the County code differs from Town requirements or where enforcement of the State and County Codes has not occurred. The Amnesty Program will either allow the waiving of enforcement of particular codes or will provide a grace period allowing the property owner time to bring the property into code compliance. It is not the intent of the Amnesty Program to waive codes currently required by the County. Compliance with these requirements may require a reasonable grace period determined by the Council. Waiving certain requirements would be contingent upon the single-family use remaining and the property not being sold, refinanced or transferred. Once land use of the property changes or the property is sold, refinanced or transferred, the property would have to be brought into code compliance. Recommended compliance grace periods are typically a two (2) year time frame from the effective date of annexation for issues related to health and safety violations and a five (5) year grace period for issues not related to health and safety violations.

The issues identified in the Amnesty Program were developed through staff analysis and discussions with the Golden Triangle residents at the previous outreach and education workshops. Many of the issues discussed below have several options that can be considered by the Council. Staff has provided a recommendation and rationale for consideration. Once the Council has provided direction on each item, staff will return with an amnesty program resolution for adoption. This resolution will be binding and take effect once the annexation process is completed.

Amnesty Issues:

1. Trash Service

Currently, county residents in the Golden Triangle have an option to use vouchers to the local land fill, paid for through the property tax bill, or be provided weekly trash service by Burtec Industries. The residents have indicated they would like to continue to have this option. The Council may:

- a. Require weekly trash service by Burtec Industries.
- b. Waive the requirement to have weekly service by Burtec Industries and only have the voucher system paid by the property owner through the property tax bill.
- c. Provide both options for weekly service by Burtec Industries and the option to use the local land fill through a voucher system paid by the property owner through their property tax bill.

Recommendation: Continue to allow residents to have the option of having a weekly service through Burtec Industries and provide them with vouchers to the local land fill paid for by the property owner through their property tax bill.

Reason: Residents have indicated they would prefer a choice of trash service and many have concerns about the speed of the trash trucks and the dust created by using existing dirt roads. There is no additional cost to the Town to provide the voucher option. The option would be contingent upon maintaining a legal non-conforming residential use and no changes to the title. Once the use changes and the title changes, the option would not continue and weekly trash service by Burtec Industries would be required.

2. Expansion of Existing Buildings/Development Standards

- A. Due to the change in land use designations, many of the existing single-family residences will be considered legal non-conforming. The Development Code restricts the expansion of a legal non-conforming structure to no more than ten

percent of the existing floor area. This can be done through the approval of a Conditional Use Permit. The Town Council has several options:

- a. Waive this restriction and allow unrestricted expansion of legal non-conforming structures. A restriction could be included that this only pertains to the primary residence and not accessory structures.
- b. Maintain the current regulations and allow a fee waiver of Conditional Use Permit fees.
- c. Maintain the current regulations and fee requirements.

Recommendation: Maintain the current regulations for expansion of legal non-conforming structures and fee requirements.

Reason: The purpose of the Amnesty Program is to allow the residents to continue to live in their existing homes as they are when annexed into the Town. Expansion of an existing residence is not a necessity to maintain the lifestyle currently enjoyed by these residents. Therefore, the non-conforming use requirements and the fees associated with this process should apply.

B. The current County zoning designation for the Golden Triangle area is Rural Living (R-L), which is one unit for every 2.5 acres. For purposes of determining appropriate development standards for the existing legal non-conforming single-family residences, it would be appropriate to use the Town's zoning designation equivalent to the County's. Since there is animal keeping in this area and it is more rural in character, the Agricultural Residential (R-A) use would be the most similar. This zoning designation would be used for determining regulations such as animal keeping, fence height, setbacks and outside storage requirements, etc. Once the title of the single-family structure has changed, or is no longer used as a residence, the underlying zoning and development standards would pertain.

Recommendation: Determine that, for the purpose of regulating single-family uses, the development standards for the Agricultural-Residential (R-A) use shall apply until such time as the title to the single-family structure has changed or is no longer used as a residence.

Reason: The R-A Zoning District most closely replicates the County's Rural Living designation of 2.5 acre lot residential district within a rural setting. The development standards are very similar and the types of animal keeping standards are similar.

3. Animal Keeping/Development Standards

As described above, this area is rural in character and it would be appropriate to regulate animal keeping consistent with the Agricultural Residential (R-A) Zoning District. This would continue to allow the keeping of dogs, cats, horses, pigs, cows, fowl, sheep, goats and other animals consistent with the R-A regulations. The R-A regulations determine how many animals and what kind of animals can be kept on the property. If a residential property is out of compliance with the R-A standards, the Council may consider a grace period to allow the resident to come into compliance with the animal keeping regulations under the R-A Zone. Regulations under the R-A Zone also include stable and corral requirements as stated in the Town's Development Code. The current County regulations in the R-L County zoning designation is very similar and, in some cases, more restrictive than the Town's requirements. If a residence in this area complies with the County requirements, there should be no problem complying with the Town's R-A zoning district requirements for animal keeping. Licensing of dogs in this area would be a function of the Animal Services Division. Dogs that have been vaccinated and licensed under the County could be transferred into the Town without charge.

Recommendation: Determine that, for the purpose of regulating animal keeping, the standards for the Agricultural-Residential (R-A) Zoning District shall apply until such time as the title to the single-family structure has changed or is no longer used as a residence. For properties out of compliance with animal keeping regulations, a grace period of two (2) years is recommended to comply with the R-A standards.

Reason: The R-A Zoning District most closely replicates the County's Rural Living designation of 2.5 acre lot residential district within a rural setting. The development standards are very similar and the types of animal keeping standards are similar.

4. Metal Storage Containers

Currently the Town of Apple Valley Development Code does not allow the use of metal storage containers. Many of the existing single-family residences in the Golden Triangle have one or more metal storage containers. Under the County jurisdiction, these metal containers are permitted. The Council has several options including:

- a. Waive this restriction for the Golden Triangle area until such time that the residence changes title or is no longer used as a residence.
- b. Maintain the current regulations restricting the use of metal containers.
- c. If the current regulations restricting the use of metal containers are enforced, determine an appropriate grace period to allow for compliance.

Recommendation: Allow the use of metal storage containers for non-habitable use until such time as there is a change in property title or the property is not used for a residential purpose.

Reason: The one commonality of almost every single-family residence in the Golden Triangle is the use of metal storage containers. Allowing the continuation of metal storage containers provides consistency in code application that will affect a majority of residents in the area. Many of the best maintained properties in the Golden Triangle use one or more metal storage containers. The County code allows the use of metal storage containers. The containers would not be a permanent feature of the site and would have to be removed upon discontinuing the residential use or change in title to the property. The character of the neighborhood would not be impacted due to the continued use of these containers since most of the property owners use them.

5. RV Storage

Currently, the Town regulates the storage of RVs and trailers in the front yard. These vehicles are permitted in the front yard, provided they are located on a paved surface. The Town does not permit RVs or trailers to be used as a permanent residence. Under the current County regulations, RVs or trailers are not permitted to be used for permanent housing. The County does allow these vehicles to be parked in the required front yard on unpaved surfaces. The Town Council has the following decisions to consider:

- a. Maintain current regulations and provide a grace period to comply with these regulations.
- b. Waive the regulations restricting RV and trailer storage to be located on a paved surface when located in the front yard. However, continue to maintain regulations not allowing RV's or trailers to be used as permanent housing.
- c. Determine the appropriate setbacks to determine the location of the front yard.

Recommendation: Waive the regulations restricting RV and trailer storage to be located on a paved surface when located in the front yard and determine that the R-A Zone development standards are appropriate in determining the location of the required front yard. These regulations would be contingent upon the residential use remaining and no changes in title to the property. Maintain Town and County regulations of not allowing RVs and trailers to be used as permanent housing. A grace period of one (1) year is recommended to comply with this regulation.

Reason: The current County requirements do not require RVs or trailers to be located on a paved surface in the front yard. Many of these homes are located off

dirt roads and do not have a paved driveway. Requiring these vehicles be stored on a paved surface when there may not be a paved driveway would be a cost burden without much benefit to the area. This requirement is appropriate for areas that have paved roads and driveways to prevent the location of these vehicles in landscaped areas. The County's lack of enforcement regarding the use of RV and trailers for permanent housing should not continue under the Town's jurisdiction.

6. Mobile Homes/Manufactured Homes

- A. The Town Development Code does not allow the use of single-wide mobile homes and all mobile homes built prior to 1976 without certification under the National Mobile Home Construction and Safety Standards of 1974. There are several single-wide mobile homes currently being lived in that may date earlier than 1976. This regulation within the Development Code is not a requirement of the Town's Building Code. Single-wide mobile homes, and those built prior to 1976, can still meet the requirements of Health and Safety Codes and the Building Code. In addition to compliance with Health and Safety Codes, the County Code requires that mobile homes be tied down, or anchored, per Title 25 of the California Code of Regulations. Currently, the County allows single-wide mobile homes built prior to 1976 to be used as permanent housing. The Town Council has a few options:
- a. Maintain the existing requirement and provide a grace period for individuals living in single-wide mobile homes or mobile homes built prior to 1976, to remove the structure from the property.
 - b. Allow the use of single-wide mobile homes and mobile homes built prior to 1976 for residential purposes while the property is utilized as a residential use. Once title to the property changes or is not used for residential purposes, the mobile home shall be removed from the property and the development standard regulations of the underlying zoning shall apply.

Recommendation: Allow the use of single-wide mobile homes or mobile homes built prior to 1976, with the provisions stated in b. described above.

Reason: The intent of the Town's efforts to annex the Golden Triangle is not to require residents to be displaced from their homes. It is to be able to provide residents with a better way of life within the Town and to increase property values, while expanding future areas for growth within the Town. Waiving the requirement to allow existing single-wide mobile homes to continue to exist should be part of the legal non-conforming status of the property. As long as the property remains residential and does not change title, the single-wide mobile home should be able to continue to exist.

- B. For the purpose of ensuring public health and safety, the Town requires mobile homes to be set down on appropriate supports, or on a permanent foundation, and all applicable set-down permits and approvals for erosion control and sewage be obtained. The Town Council can consider providing a grace period to allow these structures to come into compliance. The Council can also consider waiving permit costs for compliance with Health and Safety regulations.

Recommendation: Provide a grace period of two (2) years to comply with Health and Safety requirements, including applicable set down permits, erosion permits and sewage permits. Do not waive permit costs.

Reason: Enforcement of Health and Safety regulations is necessary for the protection of the resident and the public. Since this would qualify under RRLP provisions, enough time needs to be given to obtain assistance, hire a contractor and complete the necessary improvements. A two (2) year period should be a sufficient amount of time to complete this process. Considering the number of years that these structures have been in place, allowing a grace period of two (2) years should not significantly impact the area. Fees for the improvements can be included in the RRLP assistance; therefore, there should not be the need to waive fees.

7. Commercial Vehicles & Equipment Storage/Home Occupation Permits

The Town allows commercial vehicles, commercial equipment and materials to be stored on a single-family residential site provided, they comply with development standards and the requirements of a Home Occupation Permit. A Home Occupation Permit requires screening from public view. Those residences that cannot comply with these standards could be given a grace period to relocate any vehicles, equipment or materials in order to comply with the Development Code. The County requires the same screening of storage areas from public view and also requires a use permit. It is evident that compliance with this requirement has not been enforced.

Recommendation: Maintain the current standards for Home Occupation Permits and storage of vehicles, equipment and materials requiring a Home Occupation Permit. Provide a grace period of two (2) years for those that cannot comply with these regulations to remove the vehicles, equipment and materials not stored in compliance with the Code.

Reason: This area should be given the same opportunities as other residential neighborhoods in the Town allowing individuals to operate a legitimately licensed business from their residence and comply with the Town's requirements. This process can be completed in a short amount of time. The regulations for home occupations are to ensure that this area maintains its existing residential use in appearance and in protection of the other residential uses in the area. Therefore, unauthorized commercial operations should be relocated and those residents that are storing vehicles, materials and equipment and running a commercial business from a residence that does not comply with the Town requirements should be required to bring the property back to a residential use within a reasonable amount of time.

8. Fencing/Development Standards

Fencing must be maintained in good condition at all times. Materials, such as plywood and barbed wire, are not permitted under the Town's current regulations. The Council could consider a grace period to bring substandard fencing up to current code regulations. The Council could also consider allowing plywood or barbed wire fencing. Currently, the County does not allow barbed wire fencing in residential areas but the County Code is silent on the permitting plywood fencing.

Recommendation: Maintain the regulations on fencing maintenance and continue to prohibit the use of barbed wire and plywood. Allow the residents a five (5) year grace period to comply with these regulations. Continue to require permit fees if applicable and regulate heights in accordance with the R-A Zoning development standards.

Reason: Plywood and barbed wire fencing is not permitted in the Town. The County has not enforced the codes requiring the removal of barbed wire material. The Town should not modify regulations that are currently not allowed by the County. Since this is not a Health and Safety code issue, a longer period of time could be given to correct these issues.

9. Inoperable Vehicles

Currently, only one (1) inoperable vehicle is permitted within a residential zoned property and it must be located in the rear or side yard and screened from view. The definition of inoperable means that it is not legally or physically able to run on a public street. The Council may consider allowing more than one (1) inoperable vehicle in this area; implementing a grace period to remove any inoperable vehicles in excess of one (1); waive the requirement for screening the inoperable vehicle; provide a grace period to screen the inoperable vehicle from public view.

Currently, the County has no limit on the number of inoperable vehicles located within the side or rear yard and screened from public view.

Recommendation: Maintain regulations for inoperable vehicles allowing only one, located in the side or rear yard, and screened from public view. Implement a five (5) year grace period to remove any inoperable vehicles in excess of one and screen the inoperable vehicle from public view.

Reason: Maintaining the current regulations allows for residents to continue to have a hobby car or a car that is need of maintenance, while removing dismantled vehicles that detract from the appearance of the area. Due to the fact that these additional vehicles are not a public health and safety violation, additional time to remove these vehicles, or to get them operating, seems appropriate. Other than improving the appearance of the area, there is no immediate need to require compliance.

10. Structure Repairs

As part of the Amnesty Program, a grace period should be determined by Council for structures that do not comply with Health and Safety Codes and those structures that are unsecured/vandalized and unoccupied. Structures that are in disrepair, but do not violate Health and Safety Codes may require a reasonable grace period to comply, but not as immediate as those that are in violation of these codes. Both of these scenarios may be funded through the RRLP program if the applicants qualify for financial assistance.

Recommendation: Allow a two (2) year grace period for repair of those structures that are in violation of Health and Safety Codes and for unsecured/vandalized unoccupied structures. Those structures that are in need of repair, but do not violate Health and Safety Codes, may have a five (5) year grace period to complete necessary repairs.

Reason: For structures that do not comply with Health and Safety Codes, a shorter grace period should be implemented, while still allowing significant time to apply and receive RRLP funds and complete the work necessary. A two (2) year window from the date of annexation should be appropriate. For structures that are in disrepair, but do not violate a Health and Safety Codes, additional time should be provided to allow homeowners to obtain funding and make the improvements on their own. These violations have been in existence for many years and additional time for the homeowners to comply would show that the Town is sympathetic to the concerns of the residents.

Summary

The Amnesty Program for the Golden Triangle area will allow existing residents to continue a lifestyle they have become accustomed to as part of the County, while still ensuring that Health and Safety Code issues are addressed. However, the Amnesty Program does not propose to modify regulations that are currently prohibited within the County. Violations of County Codes are prevalent and have continued for many years without any enforcement. The recommended program includes waiving some regulations that are different in the Town than the County, provided that the property be maintained as a residential use and that there is no change in the title. Once a property changes use or title, compliance with the underlying zoning would be required. The recommended grace periods to bring properties into compliance with the regulations as identified in the Amnesty Program allow sufficient time for residents to obtain assistance for funding and complete the necessary work. For compliance issues that involve health and safety violations, less time is provided to ensure abatement and avoid any prolonged negative impacts to the residents or the public. For compliance issues that are not a health and safety violation, more time is provided, which shows the Town's commitment to providing reasonable timelines to encourage abatement of violations.

Staff recommends that the Council provide direction and direct staff to return at the January 10, 2012 Council meeting with a Resolution describing the Amnesty Program for review and approval.