

MINUTES

TOWN OF APPLE VALLEY PLANNING COMMISSION Regular Meeting Wednesday, November 16, 2016

CALL TO ORDER

Chairman Qualls called to order the Regular Meeting of the Planning Commission of the Town of Apple Valley for November 16, 2016 at 6:00 p.m.

ROLL CALL

Planning Commission

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

STAFF PRESENT

Carol Miller, Principal Planner, Pam Cupp, Associate Planner, Richard Pederson, Deputy Engineer, Thomas Rice, Town Attorney, and Yvonne Rivera, Planning Commission Secretary.

PLEDGE OF ALLEGIANCE

Commissioner Lamoreaux led the Pledge of Allegiance.

1. APPROVAL OF MINUTES

Minutes for the Regular Meeting of October 19, 2016.

Commissioner Lamoreaux commented on a change in the Minutes on Page 1-6.

Motion by Commissioner Kallen, and seconded by Vice-Chairman Shoup, to approve the Minutes for the Regular Meeting of October 19, 2016, as amended.

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

PUBLIC HEARING ITEMS

2. **Tentative Tract Map No. 18118 Time Extension.** This is a request for a time extension of a previously approved subdivision of fifty-eight (58) single-family residential lots in the Residential Single-Family (R-SF) zoning designation for future residential development.

Applicant: MLS Realtors, Inc.

Location: The project site is located at the northeast corner of Mesquite and Nisqually Roads; APN: 0439-421-33

Chairman Qualls opened the public hearing at 6:04 p.m.

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

Mr. John Koko, MLS Realtors, expressed his appreciation to staff report for their assistance with the extension.

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

Mr. Koko stated he agreed with all Conditions of Approval.

Chairman Qualls closed the public hearing at 6:09 p.m.

Vice-Chairman Shoup requested to know if there is a provision in place for this Tract Map as it relates to school bussing. He also questioned the practice of parking.

Ms. Miller stated that any issues surrounding parking are not the responsibility of the applicant to solve, but rather the responsibility of the school district. She also commented on the improvements made on Mesquite Road.

PUBLIC COMMENT:

None.

MOTION:

Motion by Commissioner Tinsley, seconded by Vice-Chairman Shoup, that the Planning Commission move to:

1. Determine that, there is no new substantial change in the project or new information that would result in new, significant environmental impacts beyond those identified within the Mitigated Negative Declaration that was prepared for this project, and adopted by the Planning Commission on November 15, 2006. Therefore, pursuant to the California Environmental Quality Act (CEQA) Guidelines Section 15162, the proposed requires is not subject to further environmental review.

2. Find the facts presented in the staff report support the required Findings for approval and adopt the Findings.
3. Approve a three (3)-year extension of time for Tentative Tract Map No. 18118, subject to the attached, Conditions of Approval, as amended.
4. Direct Staff to file the Notice of Determination.

ROLL CALL VOTE

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

Noes: None

Abstain: None

Absent: None

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

3. **Tentative Parcel Map No. 19705.** This is a request to subdivide 4.67 acres into four (4) parcels, and one (1) remainder lot, for future residential development. The project is located within the Single-Family Residential (R-SF) zoning designation.
Applicant: Cubit Engineering, representing CJC Holding and Torberet, LLC
Location: The project is located at the southeast corner of Mana and Aniwa Roads; and the eastern terminus of Branding Iron Road; APN: 0473-141-74.

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

Ms. Pam Cupp, Associate Planner, presented the staff report as filed by the Planning Division. Ms. Cupp also included a request to delete Condition of Approval P15 in its entirety.

Discussion ensued regarding the subdivision of land into four (4) parcels with one remainder lot.

Mr. Thomas Rice, Town Attorney, clarified that the Map Act allows you to subdivide a parcel of land to create a lot of land into multiple parcels, and leave a remainder. He explained that in this case, it was decided to subdivide into four (4) parcels with a remainder. He also commented on the categorical exception under CEQA applies to four (4) parcels, which is applicable here.

Chairman Qualls asked the applicant if he agreed with all Conditions of Approval.

Mr. Chris Connors, Applicant, stated he agreed with the Conditions of Approval, including the modification by Ms. Cupp, to delete Condition of Approval P15 on Page 3-7 in its entirety.

Mr. Rice would also like to omit Liberty Utilities Conditions of Approval LU1 through LU9 listed on Page 3-10. He explained that according to Condition P2, the Applicant is simply required to attain water service; so rather than stating Liberty Conditions in full, it is simply required that the Applicant apply with Liberty conditions.

Ms. Cupp commented on a change to Condition EC 4, it states, "Branding Iron Road adjacent to the property shall be improved to the Town's half-width Local Street (Cul-de-sac) standards". The correction should read "full-width".

Chairman Qualls closed the public hearing at 6:27 p.m.

PUBLIC COMMENT:

Mr. Martin Mc Nulty, Apple Valley, asked a series of questions regarding the waiver for curbs. He also commented on the parking issues on Mana Road.

Mr. Connors, Applicant, clarified they are not requesting any waivers as it relates to curbs, only sidewalks along Branding Iron Road. He also commented on the Development Plan for different housing elevations for the four (4) lots, as well as the different accesses into the four (4) lots.

Lengthy discussion ensued regarding future development of homes on the four (4) parcels and the ability to sell them separately, as well as the elevations at the project site.

Ms. Cupp informed the Planning Commissioners that should they wish to review the elevations, staff would come back with a Development Permit for the Planning Commission's approval. However, at this time, staff is recommending they follow the plotting and design criteria for the four (4) lots.

MOTION:

Motion by Commissioner Kallen, seconded by Vice-Chairman Shoup, to delete Conditions P15 and LU1 through LU9, and amend Condition EC5 as recommended by staff and that the Planning Commission move to:

1. Find that pursuant to the California Environmental Quality Act (CEQA), Section 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. 19705, subject to the attached Conditions of Approval as amended.
4. Direct Staff to file the Notice of Exemption.

ROLL CALL VOTE

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

Noes: None

Abstain: None

Absent: None

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

4. **Development Code Amendment No. 2016-004.** This is a request to consider an amendment to Title 9 “Development Code” by modifying Chapter 9.25 “Deviation Permits”; Chapter 9.28 “Residential Districts”; Chapter 9.35 “Commercial Districts”; and Chapter 9.63 “Ranchos Residential Overlay District” as it pertains to setback reduction procedures within the Ranchos Residential Overlay District.
Applicant: Town of Apple Valley
Location: Town-wide Ranchos Residential Overlay District

Chairman Qualls opened the public hearing at 6:45 p.m.

Ms. Pam Cupp, Associate Planner, presented the report as filed by the Planning Division. Graphics were presented depicting potential encroachments within various zoning districts.

During discussions related to the properties located within the Ranchos Residential Overlay District (RRO), Counsel suggested that the meeting be temporarily adjourned to determine if any of the Planning Commissioners that live within the RRO have a conflict of interest.

MEETING ADJOURNED

The Planning Commission meeting temporarily adjourned at 6:43 p.m., to determine if any of the Planning Commissioners have a conflict of interest as it relates to this item.

MEETING RECONVENED

Chairman Qualls reconvened the meeting of the regular meeting of the Planning Commission at 6:53 p.m. It was determined that the RRO includes over fifty (50) percent of all residential lots within the Town of Apple Valley. Therefore, there was not conflict of interest among the Planning Commissioners.

Lengthy discussion ensued regarding issues surrounding setback constraints within the RRO that would prevent residential development.

Mr. Thomas Rice, Town Attorney, clarified, for the benefit of the Planning Commission, the difference between a deviation process vs. a variance for commercial and residential projects.

It was the consensus of the Planning Commission to amend staff's recommended actions as follows:

- An unenclosed addition to an existing single-family residence may encroach up to ten (10) feet into the required front or street side yard setback, not to exceed the minimum setback for the zoning district, with a Deviation Permit.
- Commercial and multi-family projects may encroach into the required front or street side yard setback, not to exceed the minimum setback for the zoning district, with a Deviation Permit.

Chairman Qualls closed the public hearing at 7:38 p.m.

PUBLIC COMMENT:

None.

MOTION

Motion by Commissioner Lamoreaux, seconded by Commissioner Kallen, that the Planning Commission move to continue this item to the next Planning Commission meeting on December 21, 2016.

ROLL CALL VOTE

Ayes: Commissioner Kallen

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

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

PUBLIC COMMENT:

None.

PLANNING COMMISSION COMMENTS:

None.

STAFF COMMENTS:

Ms. Carol Miller, Principal Planner, announced there will be a future meeting held to discuss an upcoming project. She noted that the Town Council has requested that each member of the Planning Commission be present at the meeting.

OTHER BUSINESS

5. Action on Subdivision Map Act Violations.

Mr. Richard Pedersen, Deputy Town Engineer, presented the staff report as filed by the Engineering Division. He noted that three (3) properties have been identified as being out of compliance.

Lengthy discussion ensued regarding the clouding of Title due to tax sales.

Mr. Thomas Rice, Town Attorney, clarified that the recorded owners were given the notice of intention to file because they are out of compliance for not making the necessary improvements to these recorded maps within the time required.

Commissioner Tinsley believed that the legal disclosures to the buyer should be available as part of the conditions.

Commissioner Lamoreaux announced that he had a potential conflict of interest on this item and therefore recused himself from voting on this item.

Commissioner Lamoreaux recused himself from the dais at 7:47 p.m.

Mr. Pedersen noted, for the record, that all of the owners received the Notice of the Planning Commission meeting via registered mail.

PUBLIC COMMENT:

None.

MOTION

Motion by Vice-Chairman Shoup, seconded by Commissioner Kallen, that the Planning Commission move to:

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

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

ROLL CALL VOTE

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

The motion carried by a 4-0-1-0 vote.

Commissioner Lamoreaux returned to the dais at 7:52 p.m.

6. **Development Code Interpretation No. 2016-001 regarding Section 9.28.120 "Fences Walls and Hedges"**

Ms. Pam Cupp, Associate Planner, lead a discussion pertaining to Development Code Interpretation No. 2016-001 regarding Section 9.28.120 "Fences Walls and Hedges.

Ms. Cupp informed the Planning Commission that staff is looking for concurrence that the powder coated wire fence, as outlined on Page 6-2, is appropriate at six (6) feet.

After lengthy discussion, it was the consensus of the Planning Commission that the proposed fencing material is not appropriate at six (6) foot height. However, the example of the fence as shown on the top of Page 6-3 is appropriate at six (6) feet.

There is no action taken on this item as it was for discussion purposes only.

ADJOURNMENT

Motion by Commissioner Tinsley, seconded by Commissioner Kallen, and unanimously carried to adjourn the meeting of the Planning Commission at 8:10 p.m. to the Regular Meeting on December 21, 2016.

Respectfully Submitted by:



Yvonne Rivera
Planning Commission Secretary

Approved by:



Chairman Doug Qualls