

**TOWN OF
APPLE VALLEY, CALIFORNIA**

AGENDA MATTER

Subject Item:

ACCEPT THE FINAL MAP FOR TRACT MAP NO. 17278

Applicant: Ben Wang & Michael Stayer

Location: Southwest Corner of Mana/Wabisi and Mondamon Roads

Summary Statement:

At the August 4, 2005 regularly scheduled meeting, the Planning Commission reviewed and approved the above referenced project, a request for approval to subdivide approximately 9.6 acres into fifteen (15) single-family lots within the Residential Equestrian (R-SF) zoning designation. On September 13, 2005, the Council upheld Planning Commission's approval with small revisions to the subdivision.

The Landscaping and Lighting Act of 1972 permits the installation, maintenance and servicing of landscaping and lighting through annual special assessments on real property benefiting from the improvements. The 1972 Act allows the forming of an assessment district without holding a public hearing when all affected landowners provide their written consent. The applicant has elected to proceed with the streamline process and has executed the landowner consent form to create the district and to waive the public hearing.

(continued)

Recommended Action:

1. Adopt Resolution No. 2008-41 (A Resolution of the Town Council of the Town of Apple Valley initiating proceedings for an annexation of territory into the Apple Valley Landscaping and Lighting Assessment District No. 1, L-26).
2. Receive and approve the Engineer's Report as filed or as amended (Note: The Engineer's report has all ready been filed and is made a part of this agenda item for the Council's review and approval).
3. Receive and approve the Landowner's consent.
4. Adopt Resolution No. 2008-47 (A Resolution of the Town Council of the Town of Apple Valley declaring its intention to annex territory into the Apple Valley Lighting and Landscaping Assessment District No. 1, L-26 ordering improvements, and declaring the right to levy and collect assessments pursuant to the Lighting and Landscaping Act of 1972).
5. Move to approve the final map for Tract Map No. 17278.

Proposed by: Engineering Division **Item Number** _____

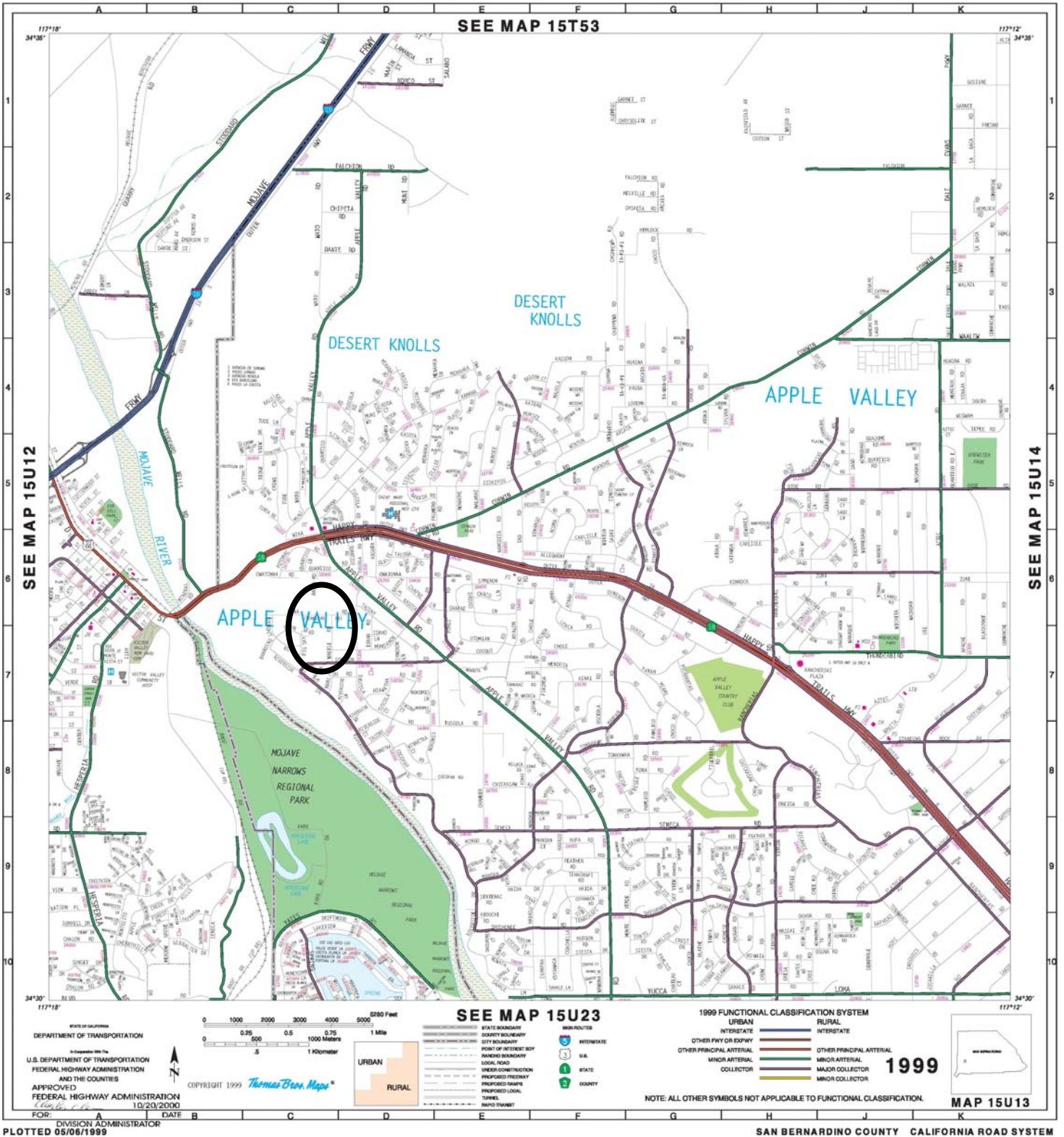
T. M. Approval: _____ **Budgeted Item** **Yes** **No** **N/A**

Accept Final Map for Tract 17278
Page 2

In order to annex this location into the Apple Valley Lighting and Landscaping Assessment District No. 1, L-26, the Town Council should proceed with the actions listed in the recommendation.

Attachments

Location Map
Final Map
Assessment District Engineer's Report to Annex L-24
Conditions of Approval



LOCATION MAP

IN THE TOWN OF APPLE VALLEY

TRACT NO. 17247

SHEET 2 OF 8 SHEETS

BEING A SUBDIVISION OF THE NORTHWEST 1/4 AND THE EAST 1/2 OF THE SOUTHWEST 1/4 OF THE NORTHEAST 1/4 OF THE SOUTHWEST QUARTER OF SECTION 14, TOWNSHIP 5 NORTH, RANGE 3 WEST, SAN BERNARDINO MERIDIAN TOGETHER WITH PARCEL 2 OF PARCEL MAP NO. 2894, PARCEL MAP BOOK 26, PAGE 7 TOGETHER WITH PARCELS 1-4 INCLUSIVE OF PARCEL MAP 5098, PARCEL MAP BOOK 48, PAGE 67 IN THE OFFICE OF THE SAN BERNARDINO COUNTY RECORDER, COUNTY OF SAN BERNARDINO, STATE OF CALIFORNIA.

THE CORNERSTONE GROUP - RIVERSIDE OCTOBER 2005

FOUND MONUMENT LEGEND:

- ALL MONUMENTS FOUND FLUSH UNLESS OTHERWISE NOTED.
- R1 INDICATES FOUND 1" IRON PIPE WITH BRASS DISK, ILLISIBLE
- R2 INDICATES FOUND 1" IRON PIPE (UP 0.2") TAGGED "ICE 25857" PER PARCEL MAP NO. 5098, P.M.B. 49/57
- R3 INDICATES FOUND 1" IRON PIPE TAGGED "1.5 3008" PER PARCEL MAP 1314, P.M.B. 11/16 AND PARCEL MAP 2894, P.M.B. 26/7
- R4 INDICATES FOUND 1" IRON PIPE (UP 0.2") TAGGED "ICE 14082" PER PARCEL MAP 2505, P.M.B. 24/77
- R5 INDICATES FOUND 1" IRON PIPE (UP 0.3) TAGGED "1.5 3008" PER PARCEL MAP 2555, P.M.B. 8/73 AND PARCEL MAP 839, P.M.B. 8/73

SEE SHEET 8 FOR SURVEYORS NOTES

REFERENCE MAP LEGEND:

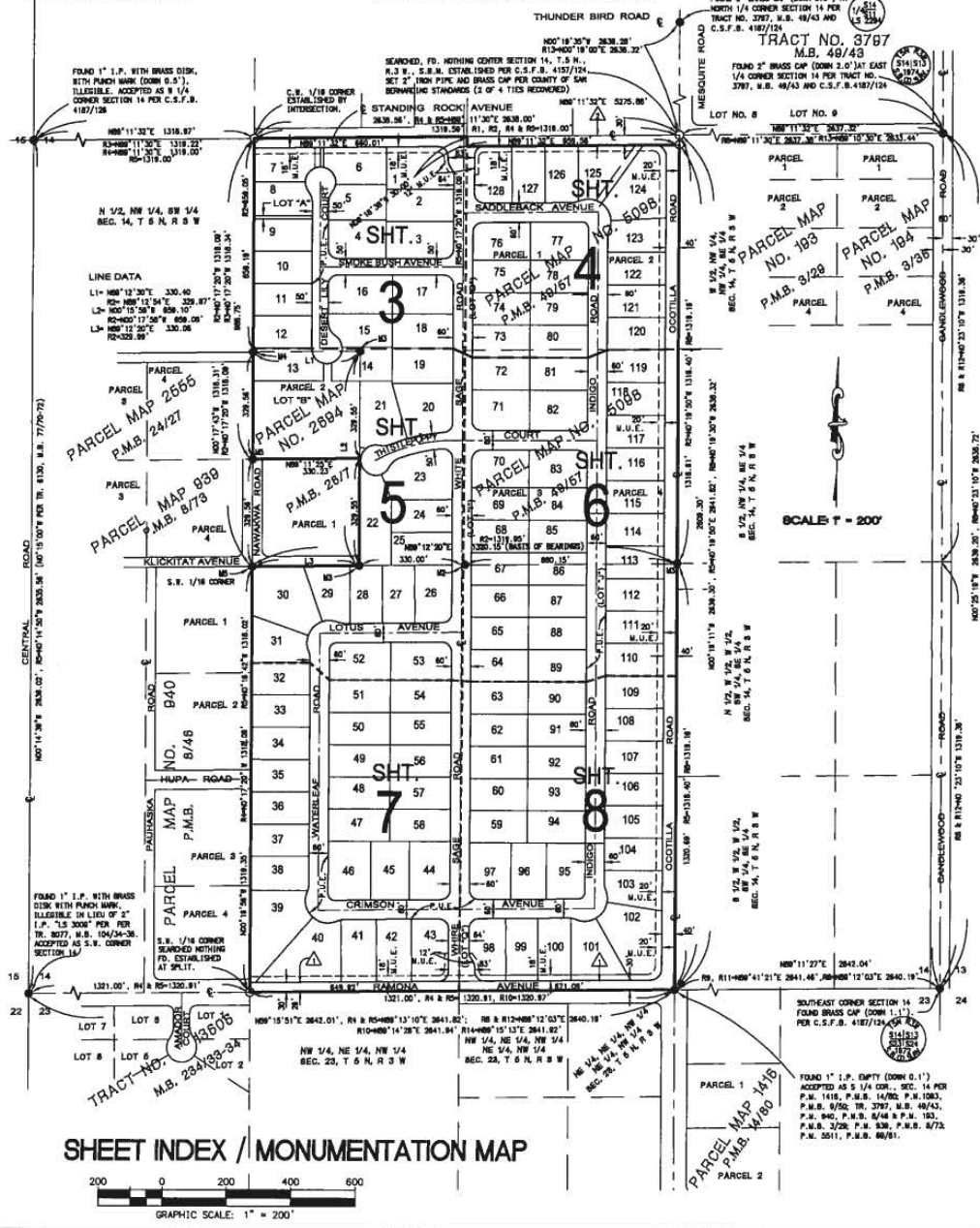
- R1 INDICATES RECORD DATA PER PARCEL MAP NO. 5098, P.M.B. 49/57 (1979)
- R2 INDICATES RECORD DATA PER PARCEL MAP NO. 2894, P.M.B. 26/7 (1978)
- R3 INDICATES RECORD DATA PER PARCEL MAP NO. 2555, P.M.B. 24/77 (1975)
- R4 INDICATES RECORD DATA PER PARCEL MAP NO. 839, P.M.B. 8/73 (1972)
- R5 INDICATES RECORD DATA PER PARCEL MAP NO. 840, P.M.B. 8/48 (1973)
- R6 INDICATES RECORD DATA PER PARCEL MAP NO. 1314, P.M.B. 11/16 (1973)
- R7 INDICATES RECORD DATA PER PARCEL MAP NO. 194, P.M.B. 3/36 (1976)
- R8 INDICATES RECORD DATA PER PARCEL MAP NO. 183, P.M.B. 3/28 (1976)
- R9 INDICATES RECORD DATA PER PARCEL MAP NO. 1418, P.M.B. 14/70 (1972)
- R10 INDICATES RECORD DATA PER PARCEL MAP NO. 5511, P.M.B. 86/81 (1981)
- R11 INDICATES RECORD DATA PER PARCEL MAP NO. 1063, P.M.B. 9/20 (1972)
- R12 INDICATES RECORD DATA PER PARCEL MAP NO. 837, P.M.B. 8/77 (1972)
- R13 INDICATES RECORD DATA PER TRACT NO. 3787, M.B. 49/43 (1982)
- R14 INDICATES RECORD DATA PER TRACT NO. 13065, M.B. 234/33-34 (1988)

EASEMENTS:

- △ C.L. POLE LINE EASEMENT TO CALIFORNIA ELECTRIC POWER COMPANY PER BOOK 2328, PAGE 321 OFFICIAL RECORDS, UNINCLOSED RIGHT.
- △ 30-FOOT ROADWIDE 60-FOOT OFFER TO DEDICATE TO THE COUNTY OF SAN BERNARDINO BY PARCEL MAP NO. 5098, P.M.B. 49/57.

BARRIERS OF BERNARD:

SOUTH LINE OF THE NORTHEAST 1/4 OF THE SOUTHWEST 1/4 OF SECTION 14, T.5 N., R.3 W., S.B.M. PER PARCEL MAP NO. 2894, P.M.B. 26 PAGE 7, SAID BEARING BEING NORTH 89°12'20" EAST



RESOLUTION No. 2008- 41

**A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF
APPLE VALLEY INITIATING PROCEEDINGS FOR AN
ANNEXATION OF TERRITORY INTO THE APPLE VALLEY
LANDSCAPING AND LIGHTING ASSESSMENT DISTRICT NO. 1,
L-26**

**APPLE VALLEY LANDSCAPING AND LIGHTING
ASSESSMENT DISTRICT NO. 1, ANNEXATION #L-26**

(Pursuant to the Landscaping and Lighting Act of 1972)

The Town Council of the Town of Apple Valley hereby resolves as follows:

Section 1: The Town Council, pursuant to the provisions of the Landscaping and Lighting Act of 1972 (Part II of Division 15 of the California Streets and Highways Code), has found that landscaping maintenance of certain areas within the Town is necessary to preserve the environment and aesthetic beauty of the Town and is in the general public interest; and, therefore, proposes to annex territory into the Apple Valley Lighting and Landscaping Assessment District No. 1 (AVLLAD #1) and declares its intention to levy and collect assessments pursuant to said Landscaping and Lighting Act of 1972. The specific improvement areas and improvements therefore are described in the AVLLAD #1 Engineer's Report on file in the office of the Town Clerk of the Town of Apple Valley and incorporated herein by this reference.

Section 2: The proposed Landscaping and Lighting assessment district to be benefited by said improvements to be assessed to pay the costs and expenses thereof shall be designated as "Annexation No. L-26 of the Apple Valley Landscaping and Lighting Assessment District No. 1", Town of Apple Valley, San Bernardino County, California, and is comprised of the area within Tract Map No. 17278, as more particularly described in the Engineer's Report, on file in the office of the Town Engineer of the Town of Apple Valley and incorporated herein by this reference.

Section 3: The Developer, A.V. Neighborhood, Llc, A California Limited Liability Company, which acquired Title As A.V. Neighborhood, Llc, As To Parcel A: And A.V. Neighborhood, Llc, A California Limited Liability Company, As To Parcel B. are the sole owners of that certain real property located in the Town of Apple Valley, County of San Bernardino, State of California, and is developing the property as a single-family subdivision.

Section 4: As a condition of its approval of final tract map 17278 to be recorded, the Town required that certain landscape areas within and adjacent to Tract 17278, be improved with landscaping and related improvements to a standard acceptable to the Town, and that the Developer provide a means satisfactory to the Town for assuring the continued maintenance, operation and servicing of said improvement areas and the improvements thereto.

Section 5: In response to the Town of Apple Valley's conditions to its approval of the recordation of the final tract map, the Developer has executed and filed with the Town Council a Landowner's Consent wherein the Developer has among other things, requested the formation of a maintenance district for the continued maintenance, operation and servicing of said improvement areas and all improvements thereon.

Section 6: Pursuant to Sections 22585 and 22605 of the Streets and Highway Code of the State of California, the Town hereby proposes to initiate proceedings for an annexation into the Apple Valley Landscaping and Lighting Assessment District #1 in accordance with the provisions of the "Landscaping and Lighting Act of 1972".

Section 7: Pursuant to the provisions of Section 22608 and 22608.2 of the Streets and Highway Code, the Town has determined that the Developer has given written consent to the proposed assessment of that certain real property described in the Engineer's Report on file in the office of the Town Clerk of the Town of Apple Valley and incorporated herein by this reference, to provide for the continued maintenance, operation and servicing of the improvement areas, and all the improvements thereon, and that the property is to be assessed without notice, or hearing.

Section 8: The Town Engineer of the Town of Apple Valley is hereby designated engineer for the purpose of these formation proceedings. The Town Council hereby directs the engineer to prepare and file with the Town Clerk of the Town of Apple Valley, a report in accordance with Article 4 of Chapter 1 of the Landscaping and Lighting Act of 1972. Reference is hereby made to said report for a full and detailed description of the improvements, the boundaries of the assessment district and any zones therein, and the proposed assessments upon assessable lots and parcels of land within the district.

APPROVED and ADOPTED this 22nd day of July, 2008.

MAYOR

ATTEST:

TOWN

(SEAL)

CLERK

Engineer's Report



Engineer's Report Tract 17278

Town of Apple Valley
Annexation L- 26 to Apple Valley Landscaping and Lighting
Assessment District No. 1

Prepared by:

Allard Engineering-High Desert
13911 Park Avenue, Suite 204
Victorville, California 92392
(760) 241-6600

Contact:

Raymond J. Allard, P.E.

May, 2008
Annexation L-26 to L.L.D No 1.

Town of Apple Valley
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Tract 17278

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Annexation Overview

Town of Apple Valley – Tract 17278

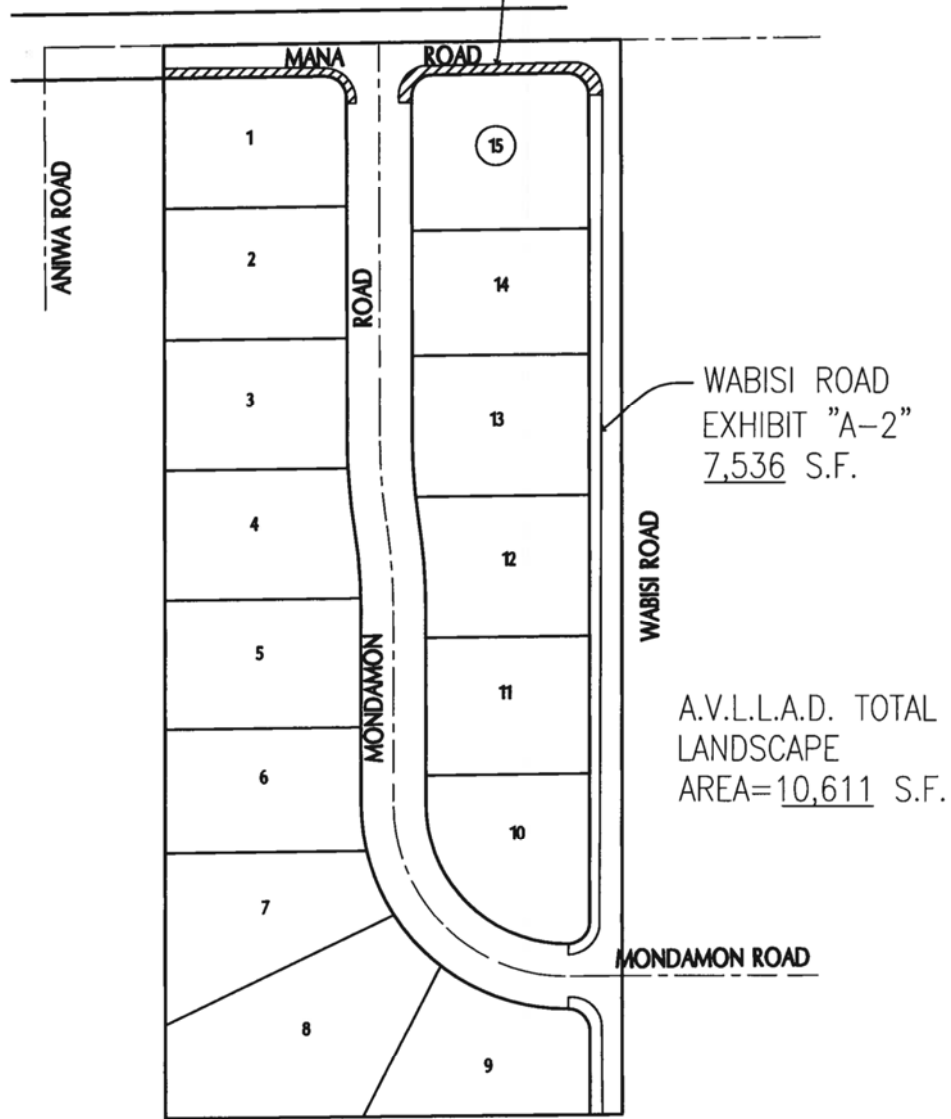
Annexation L-26 to Apple Valley Landscaping Assessment District No. 1

Tract 17278 consists of 15-1/2 acre lots located on the southwest corner of Mana Road and Wabisi Road in the Town of Apple Valley. A six foot masonry wall has been constructed on the property line of the perimeter roads and there is a 12 foot parkway with a four foot sidewalk. Mana Road landscape surface is 410 lf x 7.5 feet and Wabisi Road is 942 lf x 8 feet for a total landscape surface of 10,611 square feet.

**EXHIBIT "A"
ASSESSMENT DIAGRAM
TRACT MAP NO. 17278**



MANA ROAD
EXHIBIT "A-1"
3,075 S.F.



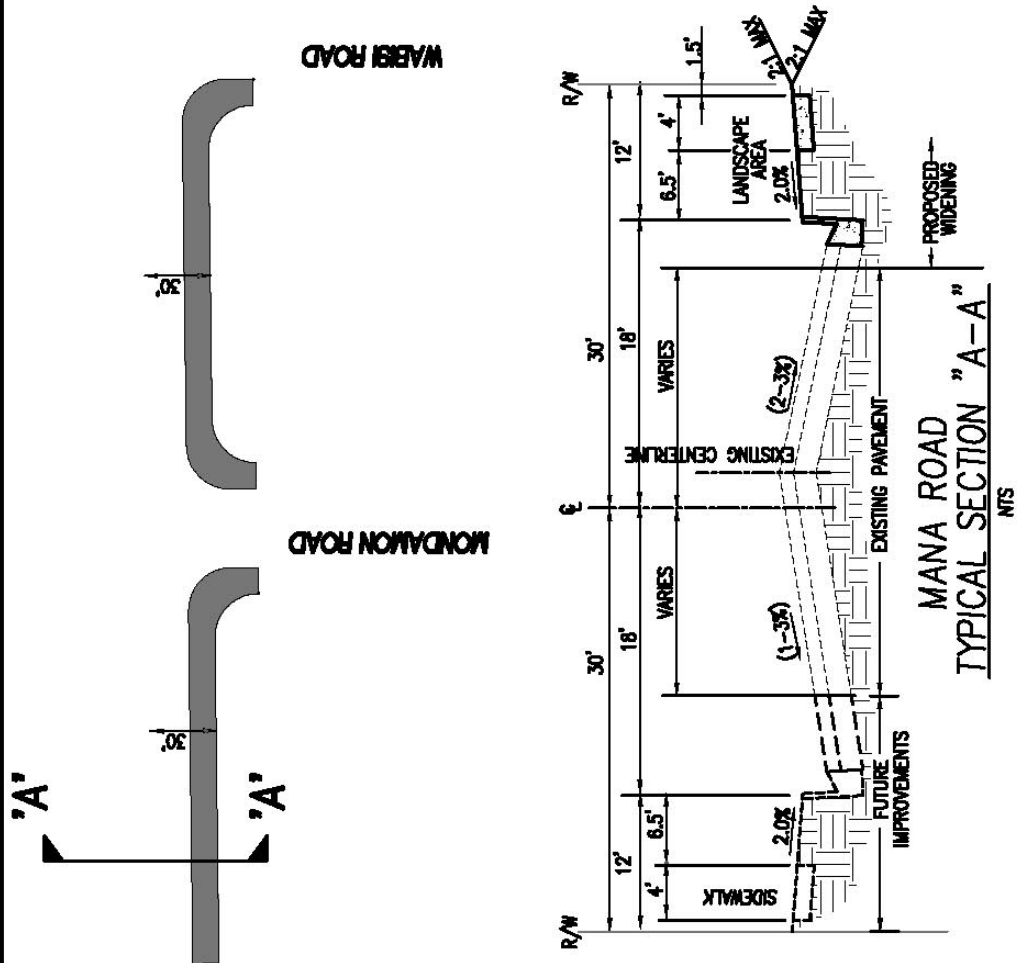
WABISI ROAD
EXHIBIT "A-2"
7,536 S.F.

A.V.L.L.A.D. TOTAL
LANDSCAPE
AREA=10,611 S.F.

PLOT DATE: July 09, 2008 bellard

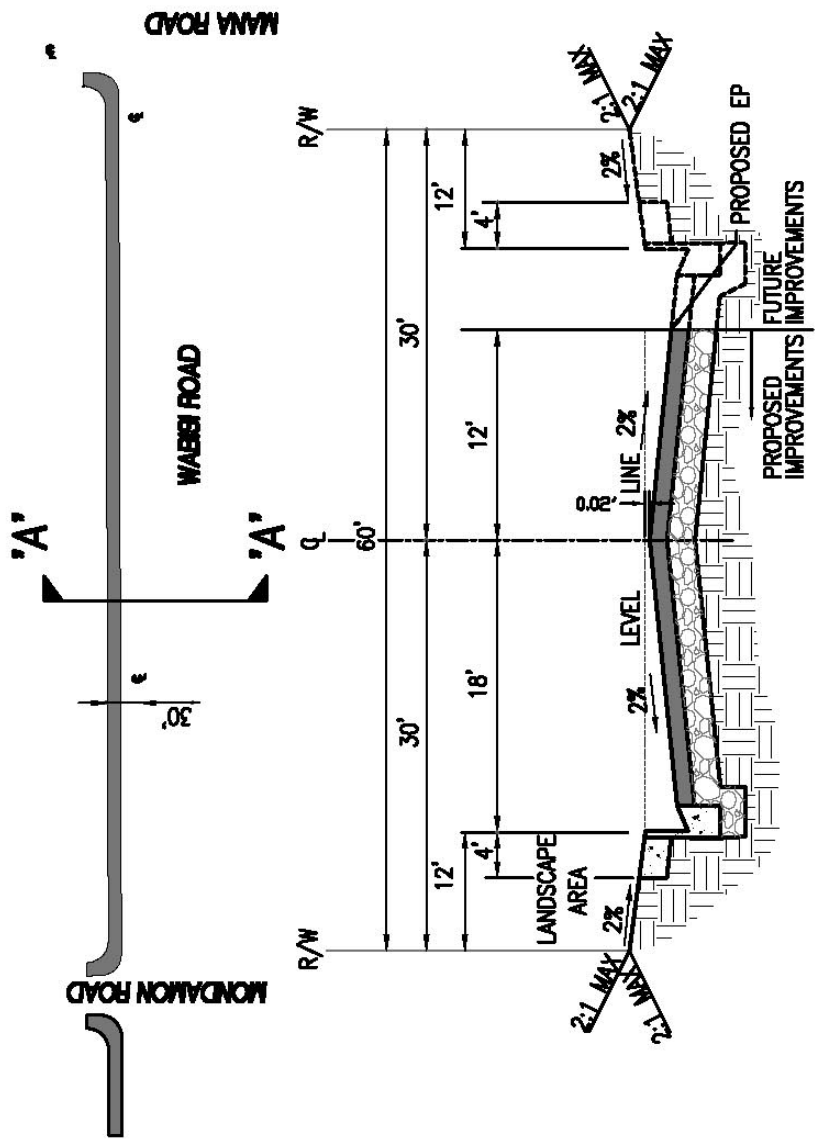
Filename: M:\DWG\106.14 Pontious Arch. TTM\EXHIBITS\EXHIBIT D-ASSESSMENT DIAGRAM.dwg

**EXHIBIT 'A-1'
 MANA ROAD
 LANDSCAPE AREA
 TRACT MAP NO. 17278**



PLOT DATE: July 09, 2008 Owner

EXHIBIT 'A-2'
WABISI ROAD
LANDSCAPE AREA
TRACT MAP NO. 17278



WABISI ROAD
 TYPICAL SECTION "A-A"

PLOT DATE: July 09, 2008 Owner

Filename: C:\Users\Owner\Desktop\EXHIBIT A-2 WABISI ROAD-LANDSCAPE AREA.dwg

Exhibit B

Estimated Annual Maintenance Cost

Town of Apple Valley - Tract 17278
Annexation L-26 to Apple Valley Landscaping Assessment District No. 1

Landscape Maintenance: The total landscape area along the adjacent perimeter streets is approximately 10,611 square feet. It is estimated that this area would cost \$0.02 per square foot per month to maintain.

Cost Estimate: $10,611 \text{ s.f.} \times \$0.02 \text{ s.f./month} \times 12 \text{ month/year} = \$2,547.00/\text{year}.$

Water Consumption: An estimated cost of bi-monthly is used for the cost of watering the proposed landscaping in Annexation Of L-26.

Cost Estimate: $\$190.00/\text{two month period} \times 6 - 2 \text{ month periods} + \$1,140.00/\text{year}.$

Electrical Use: The electrical cost is based on the minimum monthly charge per meter.

Cost Estimate: $\$5.00/\text{month} \times 12 \text{ month/year} = \$60.00/\text{year}.$

Publishing, Noticing, Miscellaneous: An amount of \$200.00 per year is assigned for the proportionate share of the subject incidental costs in Annexation L-26.

Cost Estimate: $\$200.00/\text{year}.$

Contingencies, Administration: An amount of 5% is estimated for the incidental costs including contingencies and administration.

Cost Estimate: $\$2,547.00 + 1,140.00 + \$60.00 + \$200.00 \times 0.05 = \197.35

Total Regular Annual Maintenance Cost Estimate: \$4,144.35

7.

SECTION 2 – CAPITAL RESERVE COST ESTIMATE

Irrigation and Landscaping major repair or replacement cost estimate: In the event that any or all components of Assessment District L-26 need replacement or major repairs, that which is above and beyond the regular annual maintenance activities, which exceed the regular annual maintenance cost, a Capital Reserve will be added the annual assessment.

The landscape area consists of 10,611 square feet with underground piping and meters.

Cost Estimate: Cost to construct \$28,000.00.

The Annualized Capital Reserve Cost along with the Regular Annual Maintenance cost establishes the Maximum Annual Assessment.

Reserve for Replacement Assessment Estimate (assumed 20 year life):

<u>Improvement Amount</u>	<u>Construction Cost</u>	<u>Annual Reserve</u>
Irrigation & Landscaping	\$28,000.00 × 5%	
\$1,400.00		

Total Capital Reserve, Replacement and Major Repair Cost: \$1,400.00

An escalation factor is hereby established to provide for increased maintenance costs due to inflation in future fiscal years. The maximum annual increase shall be the current annualized Consumer Price Index (expressed as a percent) plus two percent (2%). Said Consumer Price Index shall be the Consumer Price Index for all Urban Consumers for the San Bernardino, Los Angeles–Riverside–Orange County area, published by the United States Department of Labor, Bureau of Labor Statistics.

A summary of the maintenance, servicing, and incidental costs is presented in Exhibit “C”.

Exhibit C

Determination of Assessment Amount

Town of Apple Valley – Tract 17278
Annexation L-26 to Apple Valley Landscaping Assessment District No. 1

The landscape improvements maintained under this annexation will be installed per the conditions of approval for Tract 17278. Because these landscape improvements are intended to be an “entry statement” for the entire tract, they will provide specific and special benefit to each lot within the tract, equally.

Therefore, the maximum annual assessment to each lot is established and based on the Regular Annual Maintenance Costs along with the Annualized Capital Reserve Costs per Exhibit “B” divided by the number of lots within the tract. For the first several years, it is anticipated that the cost to maintain the assessment district will be limited to the Regular Maintenance. However, as costs rise due to major repairs and replacement, not covered by regular maintenance, the annual levee will be adjusted, utilizing the Capital Reserve portion of the Maximum Annual Assessment. The annual assessment will never exceed the Maximum Annual Assessment, including the annual escalation factor without a vote by ballot by the property owners.

*Estimated Annual Maintenance and Servicing Costs:

Total Regular Annual Maintenance, Servicing and Incidental Costs:

\$4,144.35

Total Capitol Reserve Costs:

\$1,400.00

Total Costs:

\$5,544.35

Total Number of Lots:

15

Maximum Per Lot Annual Assessment Amount:

\$369.62

Maximum Per Lot Monthly Assessment Amount:

\$30.80

Regular Annual Assessment/per lot (\$4,144.35/15)

\$276.29

**Excludes future escalation factors.*

Exhibit D

Landscape Construction Documents

Town of Apple Valley – Tract 17278
Annexation L-26 to Apple Valley Landscaping Assessment District No. 1

The following sets of landscape plans are on file with the Town of Apple Valley:

THE NEIGHBORHOOD, STREETSCAPES

All of the above plans were designed by:

BRANDEN LENBAK
14043 GAYHEAD ROAD
APPLE VALLEY, CA 92307
(760) 217-3279

Exhibit E

Assessment Roll

Town of Apple Valley – Tract 17278
Annexation L-26 to Apple Valley Landscaping Assessment District No. 1

Lot #	Address	APN	Assessed Amount
1	17993 Mondamon Road	Not Yet Assigned	\$276.29
2	17995 Mondamon Road	Not Yet Assigned	\$276.29
3	17997 Mondamon Road	Not Yet Assigned	\$276.29
4	18001 Mondamon Road	Not Yet Assigned	\$276.29
5	18003 Mondamon Road	Not Yet Assigned	\$276.29
6	18005 Mondamon Road	Not Yet Assigned	\$276.29
7	18007 Mondamon Road	Not Yet Assigned	\$276.29
8	18009 Mondamon Road	Not Yet Assigned	\$276.29
9	18011 Mondamon Road	Not Yet Assigned	\$276.29
10	18008 Mondamon Road	Not Yet Assigned	\$276.29
11	18004 Mondamon Road	Not Yet Assigned	\$276.29
12	18002 Mondamon Road	Not Yet Assigned	\$276.29
13	17996 Mondamon Road	Not Yet Assigned	\$276.29
14	17994 Mondamon Road	Not Yet Assigned	\$276.29
15	17992 Mondamon Road	Not Yet Assigned	\$276.29

Exhibit F

PROPERTY OWNER LISTING

Town of Apple Valley – Tract 17278

Annexation L-26 to Apple Valley Landscaping Assessment District No. 1

Property Owners: Current as of March 14, 2008

PARCEL A:

Assessors Parcel Number: 0473-141-62-0000 and 0473-141-64-0000

LEGAL DESCRIPTION:

PARCELS 1 AND 3 OF PARCEL MAP NO. 11292, IN THE TOWN OF APPLE VALLEY, COUNTY OF SAN BERNARDINO, STATE OF CALIFORNIA, AS SHOWN BY MAP ON FILE IN BOOK 135, PAGES 8 AND 9 OF PARCEL MAPS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY.

TOGETHER WITH THOSE PORTIONS OF MANA ROAD AND WABISI ROAD AS SHOWN BY SAID PARCEL MAP NO. 11292 WHICH WILL PASS WITH THE CONVEYANCE OF SAID PARCELS 1 AND 3 BY OPERATION OF LAW.

OWNER:

A.V. NEIGHBORHOOD, LLC, A CALIFORNIA LIMITED LIABILITY COMPANY, WHICH ACQUIRED TITLE AS A.V. NEIGHBORHOOD, LLC, AS TO PARCEL A.

PARCEL B:

Assessors Parcel Number: 0473-141-66-0000

THE WEST ONE-HALF OF THE SOUTHEAST ONE-QUARTER OF THE SOUTHWEST ONE-QUARTER OF SECTION 11, TOWNSHIP 5 NORTH, RANGE 4 WEST, SAN BERNARDINO MERIDIAN, IN THE TOWN OF APPLE VALLEY, COUNTY OF SAN BERNARDINO, STATE OF CALIFORNIA, ACCORDING TO THE OFFICIAL PLAT THEREOF.

EXCEPT THEREFROM THE SOUTH ONE-HALF OF THE SOUTHWEST ONE-QUARTER OF THE SOUTHEAST ONE-QUARTER OF THE SOUTHWEST ONE-QUARTER OF SAID SECTION. EXCEPT THEREFROM PARCELS 1 THROUGH 4, INCLUSIVE, OF PARCEL MAP 11292, ON FILE IN BOOK 135 OF PARCEL MAPS, PAGES 8 AND 9, RECORDS OF SAN BERNARDINO COUNTY.

OWNER:

A.V. NEIGHBORHOOD, LLC, A CALIFORNIA LIMITED LIABILITY COMPANY, WHICH ACQUIRED TITLE AS A.V. NEIGHBORHOOD, LLC, AS TO PARCEL B.

Exhibit G

Landowner Consent to Formation of Maintenance District

Town of Apple Valley – Tract 17278
Annexation L-26 to Apple Valley Landscaping Assessment District No. 1

(Pursuant to the Landscaping and Lighting Act of 1972)

TO THE HONORABLE, THE TOWN COUNCIL OF THE TOWN OF APPLE VALLEY

1. The undersigned, is (are) the property owner(s) of land within the area shown on the map attached and made a part of this document and as described as follows:

Tract 17278, Lots 1-15

2. The undersigned hereby consents to the formation of a maintenance district and requests that this land be included with the Apple Valley Lighting and Landscaping Assessment District #1 and be assessed annually for the cost of maintenance as described in the Engineer's Report on file with the Town Clerk for the purpose of providing the following improvements:

1352 l.f. landscape maintenance.

3. The undersigned hereby waives the right to any further notice and the public hearing otherwise required by the Landscaping and Lighting Act of 1972 for the formation of the maintenance district and the adoption of the first annual budget and the undersigned further consent to the approval by the Town Council of the Town of Apple Valley of the Engineer's Report attached hereto as Attachment A and by reference incorporated herein.

A.V. NEIGHBORHOOD, LLC, A CALIFORNIA LIMITED LIABILITY COMPANY, WHICH ACQUIRED TITLE AS A.V. NEIGHBORHOOD, LLC, AS TO PARCEL A: AND A.V. NEIGHBORHOOD, LLC, A CALIFORNIA LIMITED LIABILITY COMPANY, AS TO PARCEL B.

Apple Valley Neighborhood, L.L.C.

Date:

RESOLUTION NO. 2008 – 47

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF APPLE VALLEY DECLARING ITS INTENTION TO ANNEX TERRITORY INTO THE APPLE VALLEY LIGHTING AND LANDSCAPING ASSESSMENT DISTRICT NO. 1 ORDERING IMPROVEMENTS, AND TO LEVY AND COLLECT ASSESSMENTS PURSUANT TO THE LIGHTING AND LANDSCAPING ACT OF 1972

APPLE VALLEY LIGHTING AND LANDSCAPING ASSESSMENT DISTRICT NO. 1, ANNEXATION #L-26

(Pursuant to the Landscaping and Lighting Act of 1972)

The Town Council of the Town of Apple Valley hereby resolves as follows:

Section 1: The Town Council has found that landscaping maintenance of certain areas within the Town is necessary to preserve the environmental and aesthetic beauty of the Town and is in the general public interest; and, on the date the Town Council adopted its Resolution Initiating Proceedings for the annexation of territory, Annexation No. L-26, into the Apple Valley Light and Landscaping Assessment District No. 1, Town of Apple Valley, San Bernardino County, State of California, and directed the preparation and filing of an Engineer's Report on the proposed formation pursuant to the provisions of the Landscaping and Lighting Act of 1972 (Part II of Division 15 of the California Streets and Highway Code).

Section 2: The Engineer for the proceedings has filed and Engineer's Report with the Town Clerk.

Section 3: Owners of all land within the boundaries of the proposed assessment district have file their consent to the formation of the proposed district without notice or hearing, and to the adoption of the Engineer's Report and the levy of assessments stated therein.

Section 4: The Town Council hereby orders the improvements and the formation of the assessment district and annexing into the Apple Valley Lighting and Landscape District No. 1 described in the Resolution Initiating Proceedings and in the Engineer's Report.

Section 5: The Town Council hereby confirms the diagram and assessment contained in the Engineers Report, and levies the assessment pursuant to Exhibit "A" of the Engineers Report.

APPROVED and ADOPTED this the _____ day of _____,2008.

ATTEST:

TOWN CLERK



Town of Apple Valley

14955 Dale Evans Parkway, Apple Valley, California 92307

A Better Way of Life

August 16, 2005

Mr. Jim Beilke
Allard-Miller and Associates
15402 W. Sage Street, # 201
Victorville, CA 92392

Re: Tentative Tract Map No. 17278

Dear Mr. Beilke:

It has come to staff's attention that the above referenced project, of which an approval letter was sent to you on August 4, 2005, was approved by the Planning Commission on August 3, 2005, with approved Conditions of Approval. However, Condition of Approval Nos. P16 and P17 were added by the Planning Commission and are as follows:

- P16. *The Final Map shall show and record a non-vehicular access agreement for Lot Nos. 9 through 15 fronting Wabisi Road (Added by P.C. 8/3/05).*
- P17. *The construction of a single family residence shall be restricted to one-story maximum height on Lot Nos. eight (8) and nine (9) subject to review and approval by the Planning Division (Added by P.C. 8/3/05).*

In this respect, please find enclosed the correct set of Conditions of Approval for Tentative Tract Map No. 17278, as modified and approved by the Planning Commission and as accepted by the applicant at the public hearing. If you have any questions on this matter, please contact the Town's Planning Division at (760) 240-7000 Ext. 7201. Town offices are open Monday through Thursday between 7:30 a.m. and 5:30 p.m., and alternating Fridays between 7:30 a.m. and 4:30 p.m. **(closed the subsequent Fridays).**

Sincerely,

Becky Reynolds
Senior Planner

C: File

FINAL CONDITIONS OF APPROVAL

Case No. Tentative Tract Map No. 17278

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 Tract/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:

Apple Valley Fire Protection District
Apple Valley Ranchos Water Company
Apple Valley Public Services Department
Apple Valley Engineering Division
Apple Valley Planning Division
- P3. Upon approval of the Tentative Tract Map No. 17278 the applicant shall be responsible for the payment of all CEQA mandated environmental review and filing fees to the Department of Fish and Game and/or the San Bernardino County Clerk of the Board of Supervisors.
- P4. The filing of a Notice of Determination requires the County Clerk to collect a documentary handling fee of thirty-five dollars (\$35.00). The fee must be paid in a timely manner in accordance with Town procedures. No permits may be issued until such fee is paid.
- P5. Tentative Tract Map No. 17278 shall adhere to all requirements of the Development Code.
- P6. The applicant shall agree to 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.

- P7. Approval of the Tentative Tract Map No. 17278 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.
- P8. Prior to recordation the applicant shall provide the Planning Division with a copy of the subdivision in an electronic format compatible with the Town's current technology.
- P9. All slopes over three (3) feet in height shall be landscaped and irrigated according to Town standards.
- P10. All lots shall have a minimum area of 18,000 square feet, except corner lots, which shall have a minimum area of 20,000 square feet. All lots shall have a minimum depth of 150 feet and a minimum width of 100 feet, except corner lots which shall have a minimum depth of 150 feet and a minimum width of 115 feet. In addition, each lot on a cul-de-sac or on a curved street, where the side lot lines thereof are diverging from the front to rear of the lot, shall have a front lot width of not less than sixty (60) feet and a lot width of not less than 100 feet at the minimum building setback line of forty (40) feet.
- P11. A separate Development Permit, approved by the Planning Commission, is required prior to new single-family residential construction. The submittal shall include a Development Plan consisting of plot plans, a minimum of four floor plans and building elevations, demonstrating a variety of heights, setbacks, roof shapes and trim to create visually pleasing aesthetics within a cohesive design.
- P12. Subdivision walls shall be constructed of slump stone, split face or masonry material, along the perimeter of the property lines. Prior to recordation of the Final Map, the Developer/applicant shall submit detailed plans showing all proposed walls for this subdivision subject to approval by the Director of Economic and Community Development (or designee).
- P13. The project shall incorporate sidewalks, which shall be shown on engineered improvement plans, subject to approval by the Director of Economic and Community Development (or designee).
- P14. The project shall conform to the R-SF, Single-Family Residential, development standards for front, side and rear yard-building setbacks as follows:
- | | |
|----------------|-----------------------------|
| Front: | 40 feet minimum, 45 average |
| Street side: | 25 feet minimum |
| Interior side: | 15/10 feet minimum |
| Rear: | 25 feet minimum |
- P15. During grading of any phase of the project, the site shall be monitored to ensure that the presence of any sensitive or special status animal species is not evident. A pre-construction survey shall be conducted prior to land clearing to ensure the special status species (Desert Tortoise, Mohave ground squirrel, burrowing owl, sharp-shinned hawk and loggerhead shrike) have not moved on to the site since the November 18, 2004 date of the Biological Survey. In the event evidence of special status species are present, appropriate

permits shall be obtained from the U.S. Fish and Wildlife Service and California Department of Fish and Game (CDFG).

- P16. *The Final Map shall show and record a non-vehicular access agreement for Lot Nos. 9 through 15 fronting Wasibi Road (Added by P.C. 8/3/05).*
- P17. *The construction of a single family residence shall be restricted to one-story maximum height on Lot Nos. eight (8) and nine (9) subject to review and approval by the Planning Division (Added by P.C. 8/3/05).*

Park District Conditions of Approval

- PR1. The Park and Recreation Department will require fees pursuant to the current Quimby Fee formula on file with the Town.

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. (Town Resolution 2000-50; Development Code 9.28.050.C, 9.28.100)
- EC2. Street improvement plans shall be submitted to the Town Engineer for review and approval.
- EC3. All interior streets shall be improved to Town standards as approved by the Town Engineer. Minimum width of local residential streets shall be thirty-six (36) feet curb to curb.
- EC4. Minimum right of way dedication for interior residential streets shall be sixty (60) feet full width. Minimum right of way dedication width for cul-de-sacs shall be fifty (50) feet full width.
- EC5. All streets abutting the development shall be improved a minimum half-width of twenty-eight (28) feet with curb, gutter and sidewalk on the development side.
- EC6. All streets abutting the development shall have a total public right of way a minimum of 40 feet wide.
- EC7. Mana Road adjacent to the property shall be improved to the Town's half-width Local Street standards.
- EC8. Wabisi Road adjacent to the property shall be improved to the Town's half-width Local Street standards.
- EC9. During the grading of the streets, soils testing of the street subgrades by a qualified soils engineering firm shall be performed to determine appropriate structural street section. Minimum asphalt concrete thickness for all streets shall be 0.33 ft.

- EC10. All required improvements shall be constructed and approved or bonded in accordance with Town Development Code.
- EC11. An encroachment permit shall be obtained from the Town prior to performing any work in any public right of way.
- EC12. Final improvement plans and profiles shall indicate the location of any existing utility which would affect construction and shall provide for its relocation at no cost to the Town.
- EC13. A final grading plan shall be approved by the Town Engineer prior to issuance of a grading permit. A grading permit shall not be issued until street improvement plans have been submitted to the Town Engineer for review and substantial completion of the street plans has been attained as determined by the Town Engineer.
- EC14. All street names shall be approved by the Town and such approval shall be coordinated through the Town Engineer.
- EC15. Utility lines shall be placed underground in accordance with the requirements of the Town. (Municipal Code Section 14.28)
- EC16. The developer shall make a good faith effort to acquire the required off-site property interests. If the developer fails to acquire those interests the developer shall, at least 120 days prior to submittal of the final map for approval, enter into an agreement to complete the improvements pursuant to Government Code Section 66462 at such time as the Town acquires the property interests required for the improvements. Such agreement shall provide for payment by the developer of all costs incurred by Town to acquire the off-site property interests required in connection with the subdivision. Security for a portion of these costs shall be in the form of a cash deposit in the amount given in an appraisal report obtained by the developer, at the developer's cost. The appraiser shall have been approved by the Town prior to commencement of the appraisal. Additional security may be required as recommended by the Town Engineer and Town Attorney.
- EC17. Traffic impact fees adopted by the Town shall be paid by the developer.
- EC18. Any developer fees adopted by the Town including but not limited to drainage fees shall be paid by the developer.
- EC19. Any required street striping shall be thermoplastic as approved by the Town Engineer.
- EC20. Cross lot drainage is unacceptable and backyard retention is not allowed. Drainage shall be designed in a manner such that the tract retains its own storm water runoff, with any possible overflow directed to the street as approved by the Town Engineer.
- EC21. In the event that an applicant/developer chooses to seek Council approval of the Final Map prior to completion of the required improvements, an "Agreement for Construction of Improvements" shall be required. In accordance with the California Labor Code, any such Agreement will contain a statement advising the developer that certain types of improvements will constitute a public project as defined in California Labor Code, Sections 1720, and following, and shall be performed as a public work, including, without limitation, compliance with all prevailing wage requirements.

Building and Safety Division Conditions of Approval

- B1. An engineered grading report, including soils engineering and engineering geology, shall be filed with and approved by the Building Official prior to recordation of final map.
- B2. Grading and drainage plans are to be submitted to, and approved by the Building Official prior to permit issuance.
- B3. Submit plans and obtain building permits for all structures and walls.
- B4. A pre-construction permit and inspection are required prior to any land disturbing activity to verify requirements for erosion control, flood hazard and native plant protection.
- B5. Erosion control plans are to be submitted and approved by the Building Official prior to issuance of permits.
- B6. All utilities are required to be placed underground in compliance with Town Ordinance No. 89.
- B7. All cross lot drainage requires easements and may require improvements at the time of development.

Public Works Division Conditions of Approval

Prior to Map Recordation:

- PW1. A sewer feasibility study is required to determine how public sewer collection can be provided by the Town of Apple Valley. Contact the Apple Valley Public Works Department (760-240-7000, ext. 7500) to determine procedure and costs associated with completing said study.
- PW2. Sewage disposal shall be by connection to the Town of Apple Valley sewer system. Financial arrangements, plans and improvement agreements must be approved by the Town of Apple Valley Public Works Department.
- PW3. Buy-in fees will be required prior to building permit/recordation. Contact the Public Works Department for costs associated with said fees.
- PW4. Water purveyor shall be Apple Valley Ranchos Water Company.

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 Tentative Parcel Map, the owner shall contact the Fire District for verification of current fire protection development requirements.
- FD2. All combustible vegetation, such as dead shrubbery and dry grasses, shall be removed from each building site a minimum distance of thirty (30) feet from any combustible building material, including the finished structure. This does not apply to single specimens of trees, ornamental shrubbery, or similar plants, which are used as ground cover if they do not form a means of transmitting fire. California Public Resources Code, Sec. 4291

FD3. 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 four (4)-inch numbers visible from the street, and during the hours of darkness the numbers shall be internally illuminated. Where buildings setbacks exceed seventy-five (75) feet from the roadway, additional contrasting four (4)-inch numbers shall be displayed at the property entrance. Apple Valley Fire Protection District, Ordinance 41

FD4. 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. Apple Valley Fire Protection District, Ordinance 42

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 500 GPM @ 20 psi Residual Pressure

Duration 1 Hour

Hydrant Spacing: 660 Feet

*If blank, flow to be determined by calculation when additional construction information is received. Install per A.V.F.P.D. Standard Series #101.

C. A total of three (3) fire hydrant(s) will be required. It is the responsibility of the owner/developer to provide all new fire hydrants with blue dot, reflective pavement markers set into street, and curb identification per A.V.F.P.D. Standard. Install per A.V.F.P.D. Standard Series #101.

FD5. An approved fire sprinkler system shall be installed throughout any building: 5,000 square feet or greater, including garage and enclosed areas under roof, or other per California Building Code requirements. Apple Valley Fire Protection District Ordinance 41

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.

FD8. The developer shall submit a map showing complete street names within the development, to be approved by the Fire District prior to final map.

End of Conditions