



# LAND USE SERVICES DEPARTMENT PLANNING COMMISSION STAFF REPORT

**HEARING DATE: December 18, 2014**

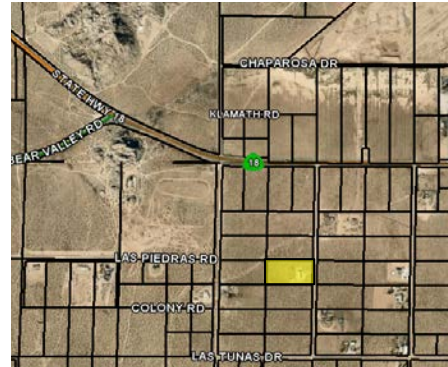
**AGENDA ITEM # 3**

Project Description

Vicinity Map



**APN:** 0435-021-07  
**Applicant:** Kasey Crabb DeGraw (Wildlife Adventure Time)  
**Community:** Apple Valley/1<sup>st</sup> Supervisorial District  
**Location:** West side of Manzana Drive, approximately 1320 feet south of Highway 18  
**Project No:** P201400262/CUP  
**Staff:** Tracy Creason  
**Rep:** Same as applicant  
**Proposal:** Conditional Use Permit to establish an exotic animal menagerie for Wildlife Adventure Time, a traveling educational program, on a portion of 5 acres



9 Hearing Notices Sent On: December 5, 2014

Report Prepared By: Tracy Creason

**SITE INFORMATION**

**Parcel Size:** 5 acres  
**Terrain:** Generally flat, with elevations between approximately 3,037 and 3,042 feet above mean sea level  
**Vegetation:** Disturbed, developed parcel with minimal installed landscaping

**SURROUNDING LAND DESCRIPTION:**

AREA	EXISTING LAND USE	LAND USE ZONING DISTRICT / OVERLAYS
Site	Single Family Residence (SFR)	AV/RL-5 (Apple Valley Sphere/Rural Living, 5-acre minimum parcel size)/FS2
North	Vacant; Scattered SFR	AV/RL-5 (Apple Valley Sphere/Rural Living, 5-acre minimum parcel size)/FS2
South	Vacant; Scattered SFR	AV/RL-5 (Apple Valley Sphere/Rural Living, 5-acre minimum parcel size)/FS2
East	Vacant; Scattered SFR	AV/RL-5 (Apple Valley Sphere/Rural Living, 5-acre minimum parcel size)/FS2
West	Vacant; Scattered SFR	AV/RL-5 (Apple Valley Sphere/Rural Living, 5-acre minimum parcel size)/FS2

	<u>AGENCY</u>	<u>COMMENT</u>
City Sphere of Influence:	Town of Apple Valley	None received
Water Service:	Existing On-site well	EHS to approve
Sewer/Septic Service	Existing On-site septic	EHS to approve

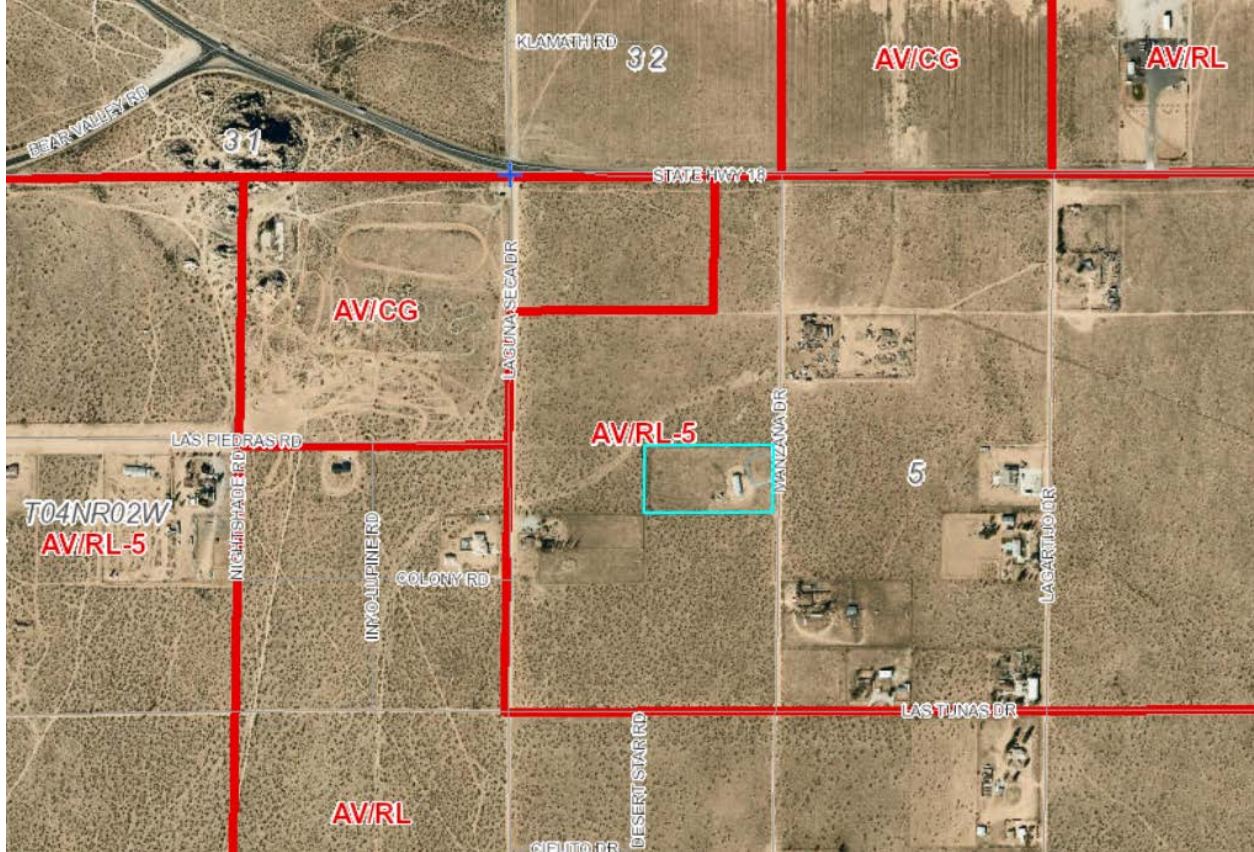
**STAFF RECOMMENDATION:** That the Planning Commission **ADOPT** the proposed Findings, **APPROVE** the Conditional Use Permit subject to the attached Conditions of Approval, and **FILE** a Notice of Exemption.

In accordance with Section 86.08.010 of the Development Code, the action taken by the Planning Commission may be appealed to the Board of Supervisors within 10 calendar days after the Planning Commission hearing.

# VICINITY MAP



# AERIAL VIEW AND LAND USE ZONING DISTRICT MAP







## **BACKGROUND:**

On June 17, 2014, Kasey Crabb DeGraw filed a Conditional Use Permit (CUP) to establish an exotic animal menagerie for Wildlife Adventure Time, a traveling educational program (Project). The Applicant is pre-approved by the California Department of Fish and Wildlife (CDFW) for five restricted species – hedgehog, coatimundi, serval, turkey vulture, and spider monkey. The Project is to maintain up to 15 exotic animals in enclosures on a portion of a 5-acre parcel on which the Applicant's residence is located. The property will not be open to the public. Other enclosures shown on the site plan are intended to house domestic animals, such as miniature pigs and pygmy goats. The property is located in unincorporated Apple Valley, on the west side of Manzana Drive, approximately ¼ mile south of Highway 18.

## **ANALYSIS: CONDITIONAL USE PERMIT**

Public Notification: The CUP application was accepted September 17, 2014, and Project notifications were mailed to nine surrounding property owners. Staff received two responses, one asking to be notified of the Project decision and the other expressing concern that this proposed use does not comply with the zoning. On December 5, 2014, the Planning Division sent a Notice of Hearing to surrounding property owners within 300 feet of the site. The Notice of Hearing was published in two newspapers of general circulation – The Sun and The Daily Press. As of the date of the writing of this staff report, no verbal or written comments have been received.

General Plan Consistency: Animal keeping is an allowed use in the AV/RL-5 land use zoning district; therefore, the project's land use is consistent with the General Plan map for the area. The Project requires a CUP because the animals proposed to be kept are classified as exotic. Among other stated purposes, the General Plan states that the purpose of the RL land use zoning district is to identify areas where rural residences may be established and where associated related animal uses may be permitted.

Aesthetics/Visual: The current visual character of the site is typical of rural residential development in the general area. The proposed Project will add animal enclosures behind the existing residence. Landscaping appropriate to this desert setting will be installed along the northern property line, between the enclosures and the adjacent property.

Proposed lighting at the enclosures must comply with the Glare and Outdoor Lighting requirements within the Desert Region, which includes shielding to prevent light trespass and protect the night sky.

Biological Resources: Even though the site is within an area known to contain habitat to support Desert Tortoise and Mohave ground squirrel, it contains no native vegetation, is developed with a residential use, and is surrounded by a chainlink fence.

Noise: The animals proposed to be housed in the menagerie – hedgehog, coatimundi, serval, turkey vulture, and spider monkey – are not noisy. Due to the parcel sizes in the area, the minimum 50 foot separation from and the installation of landscaping along the nearest property line, noise will be minimal.

Transportation/Traffic: The animals will be transported in compliance with CDFW regulations by the Applicant and her husband in one of their personal vehicles. There

are no employees. A menagerie is defined in the Development Code as 'a private collection of three or more wild, exotic or dangerous animals that are raised, bred, trained and/or maintained without any public display or exhibition on the site.' The applicant confirms that no public display is intended for the site.

Waste: The animal enclosures will be on natural substrate. Removal of waste from the enclosures will occur daily, and removal of waste from the site will occur weekly as residential trash. Consultation with CDFW, County Preventive Veterinary Services, County Solid Waste Management, and the Lahontan Region of the State Regional Water Quality Control Board resulted in no expressed concerns about the animal waste associated with the menagerie.

**ENVIRONMENTAL REVIEW:**

Planning Staff determined that the Project proposal was exempt from the California Environmental Quality Act (CEQA) as a minor alteration to an existing facility. Therefore, Staff recommends the filing of a Notice of Exemption.

**RECOMENDATION:** That the Planning Commission:

- A. **ADOPT** the Findings for approval of a Conditional Use Permit as contained in the Staff Report;
- B. **APPROVE** the Conditional Use Permit to establish an exotic animal menagerie for Wildlife Adventure Time, a traveling educational program, for up to 15 exotic animals on a portion of 5 acres subject to the conditions of approval contained in the Staff Report;
- C. **FILE** a Notice of Exemption.

**ATTACHMENTS:**

- Exhibit A: Findings
- Exhibit B: Conditions of Approval
- Exhibit C: Correspondence

# Exhibit A

## Findings

### **Findings per Development Code Section 85.06.040**

Per Development Code Section 85.06.040, the following are the required findings that the reviewing authority must determine to be true before approving any Conditional Use Permit. The project's consistency with each finding is described:

1. The site for the proposed use is adequate in terms of shape and size to accommodate the proposed use and all landscaping, loading areas, open spaces, parking areas, setbacks, walls and fences, yards, and other required features pertaining to the application.

*Project Consistency:* The Project site is approximately 5 acres. The subject site is adequate in shape and size to provide all required features pertaining to the proposed exotic animal menagerie in compliance with applicable development standards, including all required setbacks and fences. No loading areas, open spaces, parking areas or yards are required as the residents of the existing residence will be the only people at the site.

2. The site for the proposed use has adequate access, which means that the site design incorporates appropriate street and highway characteristics to serve the proposed use.

*Project Consistency:* The proposed Project provides for adequate site access. The Project site will be accessed from the existing circular residential driveway on Manzana Drive. Surrounding development contains widely scattered low density rural residential uses so traffic volumes on area roadways are light.

3. The proposed use will not have a substantial adverse effect on abutting property or the allowed use of the abutting property, which means that the use will not generate excessive noise, traffic, vibration, or other disturbance. In addition, the use will not substantially interfere with the present or future ability to use solar energy systems.

*Project Consistency:* Animal keeping is an allowed use in the AV/RL-5 land use zoning district. The Project requires a CUP because the animals proposed to be kept are classified as exotic. The use will not generate excessive noise, traffic, vibration, or other disturbance. The animals proposed are not noisy. The enclosures are appropriately distanced from property lines. Landscaping along the nearest property line to the enclosures is required as a Condition of Approval. When buffered by desert vegetation typical of the area, the enclosures are not anticipated to produce a significant effect on the aesthetics of adjacent properties. The Project will not generate any additional traffic since the residents of the existing residence will be the only people at the site.



4. The proposed use and manner of development are consistent with the goals, maps, policies, and standards of the General Plan and any applicable community or specific plan.

*Project Consistency:* Animal keeping is an allowed use in the AV/RL-5 land use zoning district; therefore, the project's land use is consistent with the General Plan map for the area. The Project requires a CUP because the animals proposed to be kept are classified as exotic. Among other stated purposes, the General Plan states that the purpose of the RL land use zoning district is to identify areas where rural residences may be established and where associated related animal uses may be permitted.

The Sphere Standards Overlays were created to allow specific development standards that more closely conform to city or town development standards within their sphere of influence. The Town of Apple Valley sphere standards, designated with AV/, are the same as the County standards relative to animal keeping.

5. There is supporting infrastructure, existing or available, consistent with the intensity of development, to accommodate the proposed development without significantly lowering service levels.

*Project Consistency:* During operation, the Project will place negligible requirements on local infrastructure, and will not significantly affect existing service levels. The Project will generate an insignificant number of vehicle trips that would easily be accommodated by existing local roadways. All needed infrastructure exists on site to serve the existing single family residence.

6. The lawful conditions stated in the approval are deemed reasonable and necessary to protect the public health, safety, and general welfare.

*Project Consistency:* The project's Conditions of Approval largely reflect standard County conditions refined over time and designed to protect the public health, safety, and general welfare. These conditions are based on established legal requirements and are applicable to all similar projects. Consequently, they are considered reasonable and necessary to protect the public health, safety, and general welfare.

7. The design of the site has considered the potential for the use of solar energy systems and passive or natural heating and cooling opportunities.

*Project Consistency:* The Project is an exotic animal menagerie to provide traveling, educational programs. The 2,280-square foot residence and the proposed animal enclosures would occupy a very small portion of the 5-acre

parcel, allowing ample space for the use of solar energy systems and passive or natural heating and cooling opportunities.

8. There are no circumstances that would result in standards or conditions not being able to adequately mitigate environmental impacts.

*Project Consistency:* Per Section 15303 of CEQA Guidelines, the project is exempt because it involves the construction and location of limited numbers of new small facilities or structures and installation of small new equipment; it has been determined not to have a significant effect on the environment. Therefore, if the project is approved, a Notice of Exemption will be filed. The County exercised independent judgment in making this determination.

## **EXHIBIT B**

### **Conditions of Approval**

# CONDITIONS OF APPROVAL

## GENERAL REQUIREMENTS

### Conditions of Operation and Procedure

*[Not subject to Condition Compliance Release Form (CCRF) signatures]*

#### LAND USE SERVICES – Planning Division 760.995.8140

1. Project Description. The County conditionally approves the Conditional Use Permit (CUP) to establish an exotic animal menagerie for Wildlife Adventure Time, a traveling educational program, for up to 15 exotic animals on a portion of 5 acres in compliance with the San Bernardino County Code (SBCC), California Building Codes (CBC), the California Fire Code (CFC), the following conditions of approval, the approved site plan, and all other required and approved reports and displays (e.g. elevations).

The developer shall provide a copy of the approved conditions and the site plan to every current and future project tenant, lessee, and property owner to facilitate compliance with these Conditions of Approval and continuous use requirements for the Project Site with APN: 0435-021-07 and Project Number: P201400262.

2. Project Location. The project site is located on the west side of Manzana Drive, approximately 1320 feet south of Highway 18 in an unincorporated portion of Apple Valley.
3. Revisions. Any proposed change to the approved use/activity on the site; or any increase in the developed area of the site or any expansion or modification to the approved facilities, including changes to structures, building locations, elevations, signs, parking allocation, landscaping, lighting, allowable number of occupants (clients and/or employees); or a proposed change in the conditions of approval, including operational restrictions from those shown either on the approved site plan and/or in the conditions of approval shall require that an additional land use application (e.g. Revision to an Approved Action) be approved by the County. The developer shall prepare, submit with fees, and obtain approval of the application prior to implementing any such revision or modification. (SBCC §86.06.070)
4. Continuous Effect/Revocation. All Conditions of Approval applied to this project shall be effective continuously throughout the operative life of the project for the approved use. Failure of the property owner, tenant, applicant, developer or any operator to comply with any or all of the conditions at any time may result in a public hearing and revocation of the approved land use, provided adequate notice, time and opportunity is provided to the property owner or other party to correct the non-complying situation.
5. Developer Defined. The term “developer” as used in these conditions of approval for this project and for any development of this project site, includes all of the following: the applicant, the property owner, the subdivider and any lessee, tenant or sub-tenant, operator and/or any other agent or other interested party of the subject project and/or project site and/or any heir or any other successor in interest in the project site or project land use by sale or by lease of all or of a portion of the project site or project land uses and/or any other right given to conduct any land use in any or all of the project structures or any area on the project site.
6. Indemnification. In compliance with SBCC §81.01.070, the developer shall agree to defend, indemnify and hold harmless the County or its “indemnities” (herein collectively the County’s elected officials, appointed officials [including Planning Commissioners], Zoning Administrator, agents, officers, employees, volunteers, advisory agencies or committees, appeal boards or legislative body) from any claim, action or proceeding against the County or its indemnitees to attack, set aside, void or annul an approval of the County by an indemnitee concerning the map or permit or any other action relating to or arising out of County approval, including the acts, errors or omissions of any person and for any costs or expenses incurred by the indemnitees on account of any claim, except where such indemnification is prohibited by law. In the alternative, the developer may agree to relinquish such approval.

Any Condition of Approval imposed in compliance with the County Development Code or County General Plan shall include a requirement that the County acts reasonably to promptly notify the developer of any claim, action, or

proceeding and that the County cooperates fully in the defense. The developer shall reimburse the County and its indemnitees for all expenses resulting from such actions, including any court costs and attorney's fees, which the County or its indemnitees may be required by a court to pay as a result of such action.

The County may, at its sole discretion, participate at its own expense in the defense of any such action, but such participation shall not relieve the developer of their obligations under this condition to reimburse the County or its indemnitees for all such expenses.

This indemnification provision shall apply regardless of the existence or degree of fault of indemnitees. The developer's indemnification obligation applies to the indemnitee's "passive" negligence but does not apply to the indemnitee's "sole" or "active" negligence" or "willful misconduct" within the meaning of Civil Code Section 2782.

7. Expiration. This project permit approval shall expire and become void if it is not "exercised" within three years of the effective date of this approval, unless an extension of time is granted. The permit is deemed exercised when either:
- the permittee has commenced actual construction or alteration under a validly issued Building Permit, or
  - the permittee has substantially commenced the approved land use or activity on the project site, for those portions of the project not requiring a Building Permit. [SBCC §86.06.060]

Occupancy of completed structures and operation of the approved exercised land use remains valid continuously for the life of the project and the approval runs with the land, unless one of the following occurs:

- Building and Safety does not issue construction permits for all or part of the project or the construction permits expire before the completion of the structure and the final inspection approval.
- The County determines the land use to be abandoned or non-conforming.
- The County determines that the land use is not operating in compliance with these conditions of approval, the County Code, or other applicable laws, ordinances or regulations. In these cases, the land use may be subject to a revocation hearing and possible termination.

**PLEASE NOTE:** This will be the ONLY notice given of the expiration date. The developer is responsible for initiation of any Extension of Time application.

8. Extension of Time. County staff may grant extensions of time to the expiration date (listed above or as otherwise extended) in increments each not to exceed an additional three years beyond the current expiration date. The developer may file an application to request consideration of an extension of time with appropriate fees no less than 30 days before the expiration date. County staff may grant extensions of time based on a review of the Time application, which must include a justification of the delay in construction and a plan of action for completion. The granting of such an extension request is a discretionary action that may be subject to additional or revised conditions of approval or site plan modifications. (SBCC §86.06.060)
9. Development Impact Fees. Additional fees may be required prior to issuance of development permits. Fees shall be paid as specified in adopted fee ordinances.
10. Project Account. The Job Costing System (JCS) account number is P201400262. This is an actual cost project with a deposit account to which hourly charges are assessed. The developer shall maintain a positive account balance at all times. A minimum balance of \$1000 must be in the project account at the time the Condition Compliance Review is initiated. Sufficient funds must remain in the account to cover the charges during each compliance review. All fees required for processing shall be paid in full prior to final inspection, occupancy and operation of the approved use. There shall be sufficient funds remaining in the account to properly fund file closure and any other required post-occupancy review and inspection (e.g. landscape performance).
11. Condition Compliance. In order to obtain construction permits for grading, building, final inspection, and/or tenant occupancy for each approved building, the developer shall process a Condition Compliance Release Form (CCRF) for each respective building and/or phase of the development through the Planning Division in accordance with the

directions stated in the Approval letter. The Planning Division shall release their holds on each phase of development by providing to County Building and Safety the following:

- Grading Permits: a copy of the signed CCRF for grading/land disturbance and two “red” stamped and signed approved copies of the grading plans.
- Building Permits: a copy of the signed CCRF for building permits and three “red” stamped and signed approved copies of the final approved site plan.
- Final Occupancy: a copy of the signed CCRF for final inspection of each respective building or use of the land, after an on-site compliance inspection by the Planning Division.

12. Additional Permits. The property owner, developer, and land use operator are all responsible to ascertain and comply with all laws, ordinances, regulations and any other requirements of Federal, State, County and Local agencies as are applicable to the development and operation of the approved land use and project site. These include:

- a) FEDERAL: US Fish & Wildlife, Army Corps of Engineers, Federal Aviation Administration
- b) STATE: State Fish & Wildlife, Lahontan RWQCB, Mojave Desert AQMD
- c) COUNTY: Land Use Services – Planning, Building and Safety, Code Enforcement; Public Health – Environmental Health Services; Special Districts; Public Works; County Fire; and Hazardous Materials
- d) LOCAL: Town of Apple Valley

13. Continuous Maintenance. The project property owner shall continually maintain the property so that it is visually attractive and not dangerous to the health, safety and general welfare of both on-site users (e.g. employees) and surrounding properties. The property owner shall ensure that all facets of the development are regularly inspected, maintained and that any defects are timely repaired. Among the elements to be maintained, include but are not limited to:

- Annual maintenance and repair. The developer shall conduct inspections for any structures, fencing/walls, driveways, and signs to assure proper structural, electrical, and mechanical safety.
- Graffiti and debris. The developer shall remove graffiti and debris immediately through weekly maintenance.
- Landscaping. The developer shall maintain landscaping in a continual healthy thriving manner at proper height for required screening. Drought-resistant, fire retardant vegetation shall be used where practicable. Where landscaped areas are irrigated it shall be done in a manner designed to conserve water, minimizing aerial spraying.
- Dust control. The developer shall maintain dust control measures on any undeveloped areas where landscaping has not been provided.
- Erosion control. The developer shall maintain erosion control measures to reduce water runoff, siltation, and promote slope stability.
- External Storage. The developer shall maintain external storage, loading, recycling and trash storage areas in a neat and orderly manner, and fully screened from public view. Outside storage shall not exceed the height of the screening walls.
- Metal Storage Containers. The developer shall NOT place metal storage containers in loading areas or other areas unless specifically approved by this or subsequent land use approvals.
- Screening. The developer shall maintain screening that is visually attractive. All trash areas, loading areas, mechanical equipment (including roof top) shall be screened from public view.
- Signage. The developer shall maintain all on-site signs, including posted area signs (e.g. “No Trespassing”) in a clean readable condition at all times. The developer shall remove all graffiti and repair vandalism on a regular basis. Signs on the site shall be of the size and general location as shown on the approved site plan or subsequently a County-approved sign plan.
- Lighting. The developer shall maintain any lighting so that they operate properly for safety purposes and do not project onto adjoining properties or roadways. Lighting shall adhere to applicable glare and night light rules.
- Parking and on-site circulation. The developer shall maintain all parking and on-site circulation requirements, including surfaces, all markings and traffic/directional signs in an un-faded condition as identified on the approved site plan. Any modification to parking and access layout requires the Planning Division review and approval. The markings and signs shall be clearly defined, un-faded and legible; these include parking spaces, disabled space and access path of travel, directional designations and signs, stop signs, pedestrian crossing, speed humps and “No Parking”, “Carpool”, and “Fire Lane” designations.



- Fire Lanes. The developer shall clearly define and maintain in good condition at all times all markings required by the Fire Department, including "No Parking" designations and "Fire Lane" designations.
14. Performance Standards. The approved land uses shall operate in compliance with the general performance standards listed in SBCC Chapter 83.01, regarding air quality, electrical disturbance, fire hazards (storage of flammable or other hazardous materials), heat, noise, vibration, and the disposal of liquid waste. In addition to these, none of the following shall be perceptible without instruments at any point outside the project boundaries at adjoining property lines:
    - Odors: No offensive or objectionable odor.
    - Emissions: No emission of dirt, dust, fly ash and other forms of particulate matter.
    - Smoke: No smoke of a greater density than that described in No. 2 on the Ringelmann Chart, as published currently by the United States Bureau of Mines, shall be emitted from any project source.
    - Radiation: No dangerous amount of radioactive emissions.
    - Toxic Gases: No emission of toxic, noxious or corrosive fumes of gases.
    - Glare: No intense glare that is not effectively screened from view at any point outside the project boundary.
  15. Clear Sight Triangle. Signs and other structures located within the clear sight triangle, shall comply with the height and location requirements specified by the SBCC or as otherwise required by the County Traffic Division.
  16. Water Conservation. Structures shall incorporate interior and exterior water conservation measures (low-flow plumbing, water efficient landscaping, drip irrigation, minimization of turf areas, etc.) as required by the SBCC.
  17. Construction Hours. Construction will be limited to the hours between 7:00 AM and 7:00 PM, Monday through Saturday in accordance with the SBCC standards. No construction activities are permitted outside of these hours or on Sundays and Federal holidays.
  18. Signs. This conditional approval does not include any sign. Any future signs must comply with and be permitted in accordance with SBCC §83.13, Sign Regulations.

LAND USE SERVICES – Code Enforcement Division 760.995.8140

19. Enforcement. If any County enforcement activities are required to enforce compliance with the Conditions of Approval, the County will charge the property owner for such enforcement activities in accordance with the SBCC Schedule of Fees.
20. Weed Abatement. The Applicant shall comply with San Bernardino County weed abatement regulations [SBCC §23.031-23.043] and periodically clear the site of all non-complying vegetation. This includes removal of all Russian thistle (tumbleweeds).

LAND USE SERVICES – Land Development Division – Drainage Section 909.387.8311

21. FEMA Flood Zone. The Project is located within Flood Zone D according to FEMA Panel Number 6550H dated 08/28/2008. Flood hazards are undetermined in this area but possible.
22. Tributary Drainage. Adequate provisions should be made to intercept and conduct the tributary off-site/on-site drainage flows around and through the site in a manner that will not adversely affect adjacent or downstream properties at the time the site is developed.
23. Additional Drainage Requirements. In addition to drainage requirements stated herein, other on-site and/or off-site improvements may be required that cannot be determined from tentative plans at this time and would have to be reviewed after more complete improvement plans and profiles have been submitted to this office.

PUBLIC HEALTH – Environmental Health Services [DEHS] 800.442.2283

24. Noise. Noise level shall be maintained at or below SBCC Standards, §83.01.080. For information, contact DEHS at 800.442.2283.
25. Septic. The septic system shall be maintained so as not to create a public nuisance and shall be serviced by a DEHS permitted pumper. For information, please call DEHS/Wastewater Section at: 1-800-442-2283.
26. Refuse Storage/Removal. All refuse generated at the premises shall at all times be stored in approved containers and shall be placed in a manner so that visual or other impacts and environmental public health nuisances are minimized. All refuse not containing garbage shall be removed from the premises at least one time per week, or as often as necessary to minimize public health nuisances. Refuse containing garbage shall be removed from the premises at least two times per week, or as often as necessary to minimize public health nuisances, by a permitted hauler to an approved solid waste facility in conformance with SBCC Chapter 8, §33.0830 et. seq. For information, call DEHS/LEA at 800.442.2283.

PUBLIC WORKS – Solid Waste Management 909.386.8701

27. Recycling Storage Capacity. The developer shall provide adequate space and storage bins for both refuse and recycling materials. This requirement is to assist the County in compliance with the recycling requirements of AB 2176.
28. Mandatory Commercial Recycling. Beginning July 1, 2012 all businesses defined to include a commercial or public entity that generates four or more cubic yards of commercial solid waste a week or is a multi-family residential dwelling of five or more must arrange for recycling services. The County is required to monitor business recycling and will require the business to provide recycling information. This requirement is to assist the County in compliance with the recycling requirements of AB 341.

APPLE VALLEY FIRE PROTECTION DISTRICT 760.247.7618

29. Fire Jurisdiction. The above referenced project is under the jurisdiction of the Apple Valley Fire Protection District, herein "Fire Department". Prior to any construction occurring on any parcel, the developer shall contact the Fire Department for verification of current fire protection requirements. All new construction shall comply with the current CFC requirements and all applicable statutes, codes, ordinances, and standards of the Fire Department.

**PRIOR TO ISSUANCE OF GRADING PERMITS OR LAND DISTURBING ACTIVITY,  
The Following Shall Be Completed**

PUBLIC WORKS – Surveyor 909.387.8149

30. Monumentation. If any activity on this project will disturb any land survey monumentation, including be not limited to vertical control points (benchmarks), said monumentation shall be located and referenced by or under the direction of a licensed land surveyor or registered civil engineer authorized to practice land surveying prior to commencement of any activity with the potential to disturb said monumentation, and a corner record or record of survey of the references shall be filed with the County Surveyor (Section 8771(b) Business and Professions Code).
31. ROS. A Record of Survey/Corner Record shall be filed in the following instances:
  - a) Legal descriptions or construction staking based upon a field survey of the boundary or building setbacks.
  - b) Monuments set to mark the property lines.
  - c) Pursuant to applicable sections of the Business and Professions Code.

**PRIOR TO ISSUANCE OF BUILDING PERMITS  
The Following Shall Be Completed**

LAND USE SERVICES – Building and Safety Division 760.995.8140

32. Construction Plans. Any building, sign, or structure to be constructed or located on site will require professionally prepared plans for review and approval by the Building and Safety Division.

PUBLIC HEALTH – Environmental Health Services [DEHS] 800.442.2283

33. Water. Water purveyor shall be EHS approved.
34. Water Letter. The Applicant shall procure a verification letter from the water agency with jurisdiction. This letter shall state whether or not water connection and service shall be made available to the Project by the water agency. The letter shall reference Assessor's Parcel Number (APN): 0435-021-07. For projects with current active water connections, a copy of water bill with the project address may suffice. For information, contact the Water Section at 800.442.2283.
35. Water quality/quantity. Source of water shall meet water quality and quantity standards. Test results, which show source meets, water quality and quantity standards shall be submitted to the Division of Environmental Health Services (DEHS). For information, contact the Water Section at 909-387-4655.
36. Sewer. The method of sewage disposal shall be EHS approved onsite wastewater treatment system (OWTS).
37. Sewer Letter. The Applicant shall procure a verification letter from the sewer agency with jurisdiction. This letter shall state whether or not sewer connection and service shall be made available to the Project by the water agency. The letter shall reference APN: 0435-021-07.
38. OWTS. If sewer connection and/or service are unavailable, onsite wastewater treatment system(s) may then be allowed under the following conditions: A soil percolation report has been submitted to DEHS for review and approval (reference number 14-63237). A plot plan showing the location of the septic system may be required by DEHS prior to the issuance of building permits. If the percolation report cannot be approved, the project may require an alternative OWTS. For information, please contact the Wastewater Section at 1-800-442-2283.
39. Septic. Existing septic system can be used if applicant provides certification from a qualified professional (i.e., Professional Engineer (P.E.), Registered Environmental Health Specialist (REHS), C42 contractor, Certified Engineering Geologist (C.E.G.), etc.) that the system functions properly, meets code, and has the capacity required for the proposed project. Applicant shall provide documentation outlining methods used in determining function.
40. Acoustical Study. Submit preliminary acoustical information demonstrating that the proposed project maintains noise levels at or below San Bernardino County Noise Standards, SBCC §83.01.080. The purpose is to evaluate potential future on-site and/or adjacent off-site noise sources. If the preliminary information cannot demonstrate compliance with noise standards, a project specific acoustical analysis shall be required. Submit information/analysis to the DEHS for review and approval. For information and acoustical checklist, contact DEHS at 800.442.2283.

PUBLIC HEALTH – Preventive Veterinary Services (909) 387-6275

41. Code Compliance. The Applicant shall comply with following and provide verification of compliance to Preventive Veterinary Services.
- San Bernardino County Codes, especially Title 3, Division 2, Chapter 1, Section 32.110, which pertains to Animal Menageries, and Title 8
  - California Department of Fish and Wildlife, especially as they pertain to exotic and wild animals
  - USDA, if necessary

LAND USE SERVICES – Planning Division 760.995.8140

42. Elevations. In order to maintain the existing residential views in the area, the developer shall submit exterior elevations of the proposed structures for review and approval by the Planning Division.
43. Landscape Plans. The Applicant shall submit to the Planning Division for review and obtain approval of three sets of a Landscape Documentation Package, prepared by a Certified Landscape Professional in compliance with SBCC §83.10, Landscape Standards. At a minimum, landscaping shall be along the northern property line and along the fence line at the northeast corner of the property. Planting plans shall utilize indigenous plant material, when possible, to minimize water consumption. The required planting plans and irrigation plans shall comply with Regional Landscaping Standards for the Desert Region.

**PRIOR TO FINAL INSPECTION OR OCCUPANCY,  
The Following Shall Be Completed**

LAND USE SERVICES – Building and Safety Division 760.995.8140

44. Planning Sign-off. Prior to occupancy all Planning Division requirements and sign-offs shall be completed.

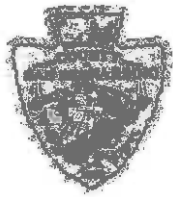
LAND USE SERVICES – Planning Division 760.995.8140

45. Landscaping Installed. All landscaping, dust control measures, all walls/fences, pedestrian walkways, irrigation systems, etc. as delineated on the approved landscape plan shall be installed. The developer shall submit verification as required in SBCC §83.10.100 in the form of a Certificate of Completion prepared by the professional who prepared the plans. Supplemental verification should include photographs.
46. Shield Lights. Any lights used to illuminate the site shall be hooded and designed so as to reflect away from adjoining properties and public thoroughfares.
47. Fees Paid. Prior to final inspection by the Building and Safety Division and/or issuance of a Certificate of Conditional Use by the Planning Division, all fees required under actual cost job number P201400262 shall be paid in full.

END OF CONDITIONS

# EXHIBIT C

## Correspondence



**SAN BERNARDINO COUNTY**  
**LAND USE SERVICES**  
**PLANNING PROJECT NOTICE**  
 15900 Smoke Tree Street, Hesperia, CA 92345

Referral Date:  
 September 17, 2014

**ATTENTION PROPERTY OWNERS**

Page 1 of 2

The development proposal listed below has been filed with County Planning. Please comment in the space below. You may attach additional pages as necessary.

Your comments must be received by Planning no later than **October 01, 2014** to be sure that they are included in the final project action. However, comments will be taken up to the time of the project decision. Please refer to this project by the Applicant's name and the Assessor Parcel Number indicated below. If you have no comment, a reply is not necessary. If you have any questions regarding this proposal, please contact Planner, **TRACY CREASON** at (760) 995-8143, by email at [Tracy.Creason@lus.sbcounty.gov](mailto:Tracy.Creason@lus.sbcounty.gov), or mail your comments to the address above. If you wish, you may also FAX your comments to (760) 995-8167.

**ASSESSOR PARCEL NUMBER:** 0435-021-07 (See map below for more information)  
**PROJECT NUMBER:** P201400262/CUP  
**APPLICANT:** KASEY CRABB DE GRAW  
**LAND USE DISTRICT (ZONING):** AV/RL-5  
**IN THE COMMUNITY OF:** APPLE VALLEY/1ST/ SUPERVISORIAL DISTRICT  
**LOCATED AT:** WEST SIDE OF MANZANA DR., APPROX 1320 FT SOUTH OF HIGHWAY 18  
**PROPOSAL:** Conditional Use Permit to establish an exotic animal menagerie for Wildlife Adventure Time, a traveling educational program, on a portion of 5 acres

If you want to be notified of the project decision, please print your name clearly and legibly on this form and mail it to the address above along with a self-addressed, stamped envelope. All decisions are subject to an appeal period of ten (10) calendar days after an action is taken.

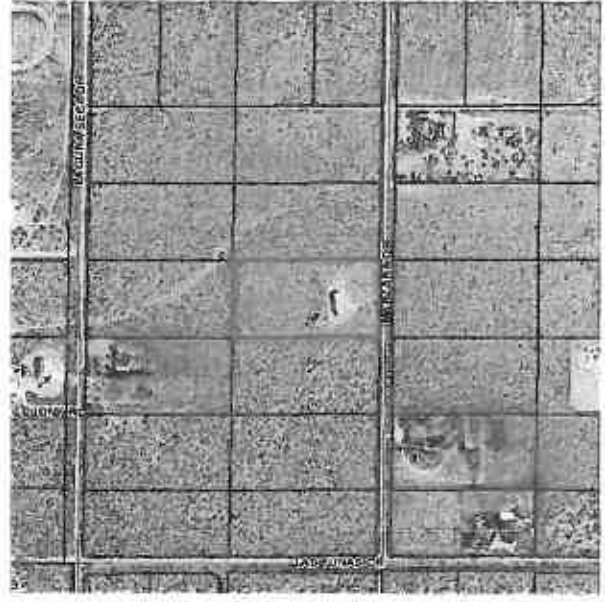
Comments (If you need additional space, please attach additional pages):

1. If allowed this proposal pass then the courts need change zoning.  
 2. If don't change zoning then I disagree this proposal. anything have to fit this zoning.  
 HONG CHENG

*[Handwritten Signature]*

9/22/2014

VICINITY MAP



SIGNATURE DATE AGENCY

IF THIS DECISION IS CHALLENGED IN COURT, SUCH CHALLENGE MAY BE LIMITED TO ONLY THOSE ISSUES RAISED IN WRITING AND DELIVERED TO LAND USE SERVICES BEFORE THE PROJECT DECISION IS MADE.

IF A PUBLIC HEARING IS HELD ON THE PROPOSAL, YOU OR SOMEONE ELSE MUST HAVE RAISED THOSE ISSUES AT THE PUBLIC HEARING OR IN WRITTEN CORRESPONDENCE DELIVERED TO THE HEARING BODY AT, OR PRIOR TO, THE HEARING. DUE TO TIME CONSTRAINTS AND THE NUMBER OF PERSONS WISHING TO GIVE ORAL TESTIMONY, TIME RESTRICTIONS MAY BE PLACED ON ORAL TESTIMONY AT ANY PUBLIC HEARING ABOUT THIS PROPOSAL. YOU MAY WISH TO MAKE YOUR COMMENTS IN WRITING TO ASSURE THAT YOU ARE ABLE TO EXPRESS YOURSELF ADEQUATELY.

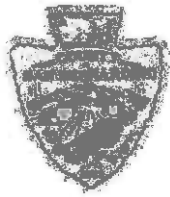
1610 S. Grove Ave. #B  
 Ontario, Ca 91761  
 HONG CHENG



PARCEL MAP



043501514	043502101	043502102	043502103	043502104	043502201	043502202	043502203
	043502116		043502105		043502216		043502205
	043502115		043502106		043502215		043502206
043501525	043502114		043502107		043502214		043502207
043501528	043502113		043502108		043502213		043502208
043501531	043502112		043502109		043502212		043502209
043501533	043502111		043502110		043502211		043502210
043501621	043501749	043501750	043501701	043501707	043501708	043501708	043501708



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LAND USE SERVICES  
PLANNING PROJECT NOTICE**  
15900 Smoke Tree Street, Hesperia, CA 92345

Referral Date:  
September 17, 2014

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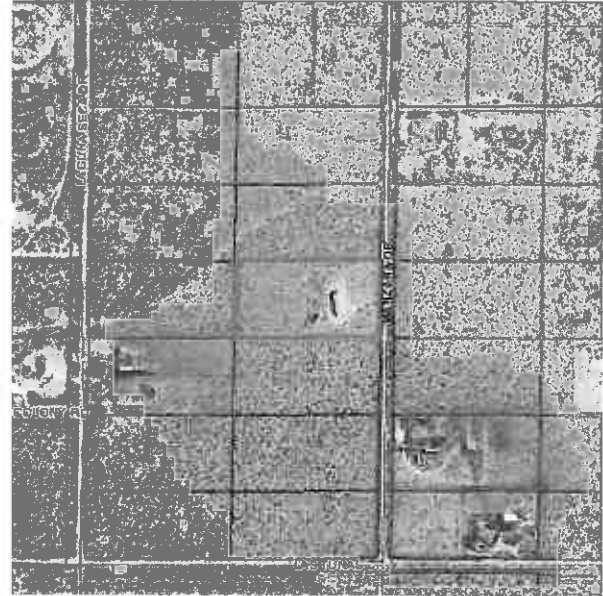
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Comments (If you need additional space, please attach additional pages):

VICINITY MAP



**RECEIVED**  
SEP 22 2014  
**PLANNING DIVISION**



Ms. Judy I. Dyerly  
12127 Edgeworth Ave.  
Waltier, CA 90604-3723

*James N. Dyerly*  
SIGNATURE **JAMES N. DYERLY** DATE **9-22-14** AGENCY

IF THIS DECISION IS CHALLENGED IN COURT, SUCH CHALLENGE MAY BE LIMITED TO ONLY THOSE ISSUES RAISED IN WRITING AND DELIVERED TO LAND USE SERVICES BEFORE THE PROJECT DECISION IS MADE.

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*Judith Dyerly*  
**JUDITH DYERLY** 9-22-14

PARCEL MAP



043501614	043502101	043502102	043502103	043502104	043502201	043502202	043502203
LAGUNA BECA DR	043502116		043502105		043502216		043502205
LAGUNA BECA DR	043502115		043502106		043502215		043502206
LAGUNA BECA DR	043502114		043502107		043502214		043502207
LAGUNA BECA DR	043502113		043502108		043502213		043502208
LAGUNA BECA DR	043502112		043502109		043502212		043502209
LAGUNA BECA DR	043502111		043502110		043502211		043502210
LAGUNA BECA DR	LAGUNA BECA DR		LAGUNA BECA DR		LAGUNA BECA DR		LAGUNA BECA DR
043501821	043501749	043501750	043501701		043501707	043501706	043501708