



# TOWN OF APPLE VALLEY TOWN COUNCIL STAFF REPORT

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**To:** Honorable Mayor and Town Council                      **Date:** November 12, 2013

**From:** Pam Cupp, Associate Planner                      **Item No:** 8  
Planning Department

**Subject:** A REQUEST TO REVISE TITLE 9 “DEVELOPMENT CODE” OF THE TOWN OF APPLE VALLEY MUNICIPAL CODE BY AMENDING SUBSECTION “B” OF TABLE 9.28.030-A “PERMITTED USES” WITHIN SECTION 9.28, “RESIDENTIAL DISTRICTS” AS IT RELATES TO PERMITTED USES WITHIN RESIDENTIAL DISTRICTS THAT REQUIRE ANIMAL KEEPING PERMITS IN THE TOWN OF APPLE VALLEY

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

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## **RECOMMENDED ACTION:**

**Move to open the public hearing and take testimony.**

**Close the public hearing. Then:**

1. **Determine** that, pursuant to Section 15061(b)(3) of the State Guidelines to Implement the California Environmental Quality Act (CEQA), the project is exempt from environmental review because the activity is covered by the general rule that CEQA applies only to projects that have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question, the proposed Code Amendment, may have a significant effect on the environment, the activity is not subject to CEQA.
2. **Find** the facts presented within the staff report support the required Findings for approval of an amendment to the Development Code, and adopt the Findings.
3. **Find** that the proposed Town Council Ordinance is consistent with the Goals and Objectives of the adopted Town of Apple Valley General Plan and that it is necessary to preserve the health, safety and general welfare of the citizens of Apple Valley.
4. **Move** to waive the reading of Ordinance No. 454 in its entirety and read by title only.
5. **Introduce** Ordinance No. 454, revising Title 9 "Development Code" of the Town of Apple Valley Municipal Code by amending Subsection “B” of Table 9.28.030-A “Permitted Uses” within Section 9.28 “Residential Districts” as it relates to permitted uses within residential districts that require Animal Keeping Permits in the Town of Apple Valley.
6. **Direct** staff to file a Notice of Exemption.

## **SUMMARY STATEMENT:**

At the March 26, 2013 Town Council meeting, the Council authorized the implementation of "Operation Cat Nip", which is a pilot program for the trap-neuter-return (TNR) of feral cats within the community. The goal of the TNR program is to reduce the numbers of cats impounded and euthanized annually at the Town's Municipal Shelter. This amendment will add "support to feral cat colonies" a permitted use that requires an approved Animal Keeping Permit. In addition to "Operation Cat Nip", Development Code Amendment No. 2013-002 is necessary to address recently implemented Animal Services functions that were previously the responsibility of the County of San Bernardino. Certain animal keeping activities now require review and approval of an Animal Keeping Permit by Animal Services. It is recommended that the need for Animal Keeping Permits be identified within Table 9.28.030-A "Permitted Uses" of the Development Code.

At the May 15, 2013 Planning Commission meeting, following staff's presentation and subsequent Commission discussion, the Planning Commission approved Development Code Amendment 2013-002 and adopted Planning Commission Resolution No. 2013-04.

Listed below is the suggested corrective language. Within this material, additions are noted in **bold underlined**. It is recommended that Subsection "B" of Table 9.28.030-A "Permitted Uses" within Section 9.28 "Residential Districts" of the Town of Apple Valley Development Code be amended as follows:

**Table 9.28.030-A Permitted Uses**

TYPE OF USE	R-VLD	R-A	R-LD	R-E	R-E ¾	R-EQ	R-SF	R-M	MHP	M-U	PRD <sup>2</sup>
<b>B. Agricultural and Animal Uses</b>											
1. 4-H or FFA animal raising and/or keeping <sup>13</sup>	P	P	P	P	P	P	P	-	-	-	SUP
2. All types of horticulture <sup>4</sup>	P	P	P	P	P	P	P	-	-	-	CUP
3. Keeping of bee hives	1 hive per 13500 sf	1 hive per 13500 sf	1 hive per 13500 sf	-	-	-	-	-	-	-	-
4. Equestrian Stables, commercial <sup>13</sup>	CUP	CUP	CUP	CUP	CUP	CUP	-	-	-	-	-
5. Equestrian Stables, private	P	P	P	P	P	P	-	-	-	-	-
6. Horses and other equine	1 per 9000 sf	1 per 9000 sf	1 per 9000 sf	1 per 9000 sf	1 per 9000 sf	1 per 9000 sf	-	-	-	-	P
7. Farm cattle and other bovine	1 per 9000 sf	1 per 9000 sf	1 per 9000 sf	1 per lot	1 per lot	1 per lot	-	-	-	-	-
8. Llamas and alpaca	1 per 4500 sf	1 per 4500 sf	1 per 9000 sf	1 per lot	1 per lot	1 per lot	-	-	-	-	P
9. Sheep, goats and other ovine	1 per 3000 sf	1 per 3000 sf	1 per 4500 sf	2 per lot	2 per lot	2 per lot	-	-	-	-	P
10. Dogs and cats as follows: Up to 1 dog or 1 cat Up to 4 dogs <sup>6, 7, 12</sup> Up to 4 cats <sup>7, 12</sup>	<del>P</del> P P	<del>P</del> P P	<del>P</del> P P	<del>P</del> P P	<del>P</del> P P	<del>P</del> P P	<del>P</del> P P	P <sup>5</sup> - - -	P <sup>5</sup> - - -	P <sup>5</sup> - - -	- P -
11. Small domestic animals kept as household pets	P	P	P	P	P	P	P	P	P	P	P
12. Exotic Animals	SUP	SUP	SUP 2 max	SUP 2 max	SUP 2 max	SUP 2 max	-	-	-	-	P
13. Exotic Birds	SUP	SUP	SUP 2 max	SUP 2 max	SUP 2 max	SUP 2 max	-	-	-	-	P
14. Poultry and other fowl <sup>8</sup>	P	P	1 per 1800 sf	5 max + 1 male	5 max + 1 male	5 max + 1 male	5 max + 1 male	-	-	-	P
15. Racing and/or Homing Pigeons <sup>11</sup>	P	P	P	P	P	P	P	-	-	-	-

16. Ostriches, emus, rheas, kivis or other ratite	1 per 9000 sf	1 per 3000 sf	1 per 9000 sf	-	-	-	-	-	-	-	-
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TYPE OF USE	R-VLD	R-A	R-LD	R-E	R-E ¾	R-EQ	R-SF	R-M	MHP	M-U	PRD <sup>2</sup>
17. Pigs or other swine	P	P	1 per 9000 sf	1 per lot	-	-	-	-	-	-	-
18. Rabbits	P	P	1 per 1800 sf	Total of 6	Total of 6	Total of 6	Total of 6	-	-	-	P
19. Kennels, non-commercial <sup>13</sup>	CUP	CUP	CUP	CUP	CUP	CUP	-	-	-	-	-
20. Sale of agricultural products	P	P	P	-	-	-	-	-	-	-	P

1. CUP: Conditional Use Permit  
P: Permitted Uses  
SUP: Special Use Permit  
(-): Denotes uses are prohibited
2. Uses permitted in a PRD development shall be consistent with the approved PRD. Uses not prescribed by an approved PRD shall be prohibited.
3. Requires Planning Commission approval of a Development Permit.
4. These uses are permitted subject to compliance with the provisions of Chapter 9.19, Home Occupation Permits, of this Code.
5. Keeping of two (2) pets consisting of one (1) dog or one (1) cat, or any combination thereof **and support to feral cat colonies consisting of one (1) or more feral cats**, requires an Animal Keeping Permit and that all animals be spayed or neutered. Pot belly pigs are not permitted.
6. Female or neutered male pot belly pigs (not to exceed four {4}) are permitted in accordance with Section 9.29.030 of the Apple Valley Municipal Code.
7. Excess of four (4), not to exceed a combined total of eight (8) dogs and cats **and support to feral cat colonies consisting of one (1) or more feral cats**, requires an Animal Keeping Permit and that all animals be spayed or neutered.
8. Except peafowl are permitted only in R-A.
9. Requires a Home Occupation Permit.
10. Only permitted when located within 1/8 mile of the affiliated school.
11. Homing and/or racing pigeons are permitted subject to compliance with the provisions of Section 9.29.030 “Animal Keeping and Agricultural Uses in Residential Districts” of this Code.
12. Single-Family Residences within the R-M Zoning District shall be subject to the same maximum number of dogs and cats as a single-family residence within the R-SF Zoning.
13. **Use requires an Animal Keeping Permit.**

**FINDINGS:**

Prior to the approval of any Amendment to the Development Code, the Council, based upon the advice of the Planning Commission, must make specific "Findings" as listed within the Code. Code Section 9.06.060, "Required Findings", of Chapter 9.06, "Amendments to Zoning Provisions", specifies that two (2) Findings must be made in a positive manner to approve an Amendment. These Findings, along with a comment to address each, are presented below.

- A. The proposed amendment is consistent with the General Plan; and,

Comment: The General Plan provides the basic framework for land development within the Town of Apple Valley, with the Development Code furthering the intent and guidance of the General Plan by establishing the land uses permitted within the various land use districts, as well as the procedures the specific land use processes which fulfill the Plan's Goals and Policies. The Development Code contains specific animal keeping provisions for residential zones. Development Code Amendment No. 2013-002 strengthens the enforceability of the animal keeping guidelines by ensuring specific animal uses become subject to Animal Keeping Permits, which are monitored and maintained by the Animal Services Division.

- B. The proposed amendment will not be detrimental to the public health, safety or welfare of the Town or its residents.

Comment: Development Code Amendment No. 2013-002 will modify the Town's Development Code to include Animal Keeping Permits as a requirement for certain animal related activities within residential zoning districts. Animal Services will maintain and monitor permit holders, which will significantly reduce the potential for any negative impacts to surrounding residents; therefore, Development Code Amendment No. 2013-002 will not be detrimental to the public health, safety or welfare.

**NOTICING:**

Development Code Amendment No. 2013-002 was advertised as a public hearing in the Apple Valley News newspaper on November 1, 2013 as required under Development Code Section 9.13.030 "Notice of Public Hearings".

**RECOMMENDATION:**

Following receipt of public input and discussion by the Council, it is recommended that the Council move to introduce Ordinance No.454 revising Title 9 "Development Code" of the Town of Apple Valley Municipal Code by amending Subsection "B" of Table 9.29.030-A "Permitted Uses" within Section 9.28 "Residential Districts" as it relates to Animal Keeping Permits within the community.

**ATTACHMENTS:**

1. Draft Ordinance No. 454
2. Planning Commission Staff Report and Minutes for May 15, 2013
3. Planning Commission Resolution No. 2013-04

**ORDINANCE NO. 454**

**AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF APPLE VALLEY, CALIFORNIA, REVISING TITLE 9 “DEVELOPMENT CODE” OF THE TOWN OF APPLE VALLEY MUNICIPAL CODE BY AMENDING TABLE 9.28.050-A “PERMITTED USES” AS IT RELATES TO PERMITTED USES WITHIN RESIDENTIAL DISTRICTS THAT REQUIRE ANIMAL KEEPING PERMITS IN THE TOWN OF APPLE VALLEY.**

The Town Council of the Town of Apple Valley, State of California, does ordain as follows:

**Section 1. Recitals**

(i) Title 9 “Development Code” of the Municipal Code of the Town of Apple Valley was adopted by the Town Council on April 27, 2010; and

(ii) Title 9 “Development Code” of the Municipal Code of the Town of Apple Valley has been previously modified by the Town Council on the recommendation of the Planning Commission; and

(iii) specific changes are proposed to Subsection “B” of Table 9.28.030-A “Permitted Uses” within Section 9.28 “Residential Districts”, as it relates to the use of Animal Keeping Permits within the Town of Apple Valley; and

(iv) On November 1, 2013, Development Code Amendment No. 2013-002 was duly noticed in the Apple Valley News, a newspaper of general circulation within the Town of Apple Valley; and

(v) The project is not subject to the California Environmental Quality Act (CEQA) pursuant to Section 15061(b)(3) of the State Guidelines to Implement CEQA, which states that the activity is covered by the general rule that CEQA applies only to projects that have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question, the proposed Code Amendment, may have a significant effect on the environment, the activity is not subject to CEQA; and

(vi) On May 15, 2013, the Planning Commission of the Town of Apple Valley conducted a duly noticed and advertised public hearing on Development Code Amendment No. 2013-002, inviting testimony from the public and adopted Planning Commission Resolution No. 2013-04 recommending adoption of this Ordinance; and

(viii) Development Code Amendment No. 2013-002 is consistent with Title 9 “Development Code” of the Municipal Code of the Town of Apple Valley and shall promote the health, safety, and general welfare of the citizens of the Town of Apple Valley.

**Section 2. Findings**

(i) Find that the changes proposed by Development Code Amendment No. 2013-002 are consistent with the Goals and Policies of the Town of Apple Valley adopted General Plan.

(ii) Pursuant to the State Guidelines to Implement the California Environmental Quality Act (CEQA), specifically Section 15061(b)(3), the activity is covered by the general rule that CEQA applies only to projects that have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment; the activity is exempt from, and not subject to, CEQA.

**Section 3.** Amend Subsection "B" of Table 9.28.030-A "Permitted Uses" within Section 9.28 "Residential Districts", of the Town of Apple Valley Development Code to read as follows:



**"Table 9.28.030-A Permitted Uses**

TYPE OF USE	R-VLD	R-A	R-LD	R-E	R-E ¾	R-EQ	R-SF	R-M	MHP	M-U	PRD <sup>2</sup>
<b>B. Agricultural and Animal Uses</b>											
1. 4-H or FFA animal raising and/or keeping <sup>13</sup>	P	P	P	P	P	P	P	-	-	-	SUP
2. All types of horticulture <sup>4</sup>	P	P	P	P	P	P	P	-	-	-	CUP
3. Keeping of bee hives	1 hive per 13500 sf	1 hive per 13500 sf	1 hive per 13500 sf	-	-	-	-	-	-	-	-
4. Equestrian Stables, commercial <sup>13</sup>	CUP	CUP	CUP	CUP	CUP	CUP	-	-	-	-	-
5. Equestrian Stables, private	P	P	P	P	P	P	-	-	-	-	-
6. Horses and other equine	1 per 9000 sf	1 per 9000 sf	1 per 9000 sf	1 per 9000 sf	1 per 9000 sf	1 per 9000 sf	-	-	-	-	P
7. Farm cattle and other bovine	1 per 9000 sf	1 per 9000 sf	1 per 9000 sf	1 per lot	1 per lot	1 per lot	-	-	-	-	-
8. Llamas and alpaca	1 per 4500 sf	1 per 4500 sf	1 per 9000 sf	1 per lot	1 per lot	1 per lot	-	-	-	-	P
9. Sheep, goats and other ovine	1 per 3000 sf	1 per 3000 sf	1 per 4500 sf	2 per lot	2 per lot	2 per lot	-	-	-	-	P
10. Dogs and cats as follows: Up to 1 dog or 1 cat Up to 4 dogs <sup>6,7,12</sup> Up to 4 cats <sup>7,12</sup>	P P P	P P P	P P P	P P P	P P P	P P P	P P P	P <sup>5</sup> - - -	P <sup>5</sup> - - -	P <sup>5</sup> - - -	- P -
11. Small domestic animals kept as household pets	P	P	P	P	P	P	P	P	P	P	P
12. Exotic Animals	SUP	SUP	SUP 2 max	SUP 2 max	SUP 2 max	SUP 2 max	-	-	-	-	P
13. Exotic Birds	SUP	SUP	SUP 2 max	SUP 2 max	SUP 2 max	SUP 2 max	-	-	-	-	P
14. Poultry and other fowl <sup>8</sup>	P	P	1 per 1800 sf	5 max + 1 male	5 max + 1 male	5 max + 1 male	5 max + 1 male	-	-	-	P
15. Racing and/or Homing Pigeons <sup>11</sup>	P	P	P	P	P	P	P	-	-	-	-
16. Ostriches, emus, rheas, kivis or other ratite	1 per 9000 sf	1 per 3000 sf	1 per 9000 sf	-	-	-	-	-	-	-	-

TYPE OF USE	R-VLD	R-A	R-LD	R-E	R-E ¾	R-EQ	R-SF	R-M	MHP	M-U	PRD <sup>2</sup>
17. Pigs or other swine	P	P	1 per 9000 sf	1 per lot	-	-	-	-	-	-	-
18. Rabbits	P	P	1 per 1800 sf	Total of 6	Total of 6	Total of 6	Total of 6	-	-	-	P
19. Kennels, non-commercial <sup>13</sup>	CUP	CUP	CUP	CUP	CUP	CUP	-	-	-	-	-
20. Sale of agricultural products	P	P	P	-	-	-	-	-	-	-	P

1. CUP: Conditional Use Permit  
P: Permitted Uses  
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(-): Denotes uses are prohibited
2. Uses permitted in a PRD development shall be consistent with the approved PRD. Uses not prescribed by an approved PRD shall be prohibited.
3. Requires Planning Commission approval of a Development Permit.
4. These uses are permitted subject to compliance with the provisions of Chapter 9.19, Home Occupation Permits, of this Code.
5. Keeping of two (2) pets consisting of one (1) dog or one (1) cat, or any combination thereof and support to feral cat colonies consisting of one (1) or more feral cats, requires an Animal Keeping Permit and that all animals be spayed or neutered. Pot belly pigs are not permitted.
6. Female or neutered male pot belly pigs (not to exceed four {4}) are permitted in accordance with Section 9.29.030 of the Apple Valley Municipal Code.
7. Excess of four (4), not to exceed a combined total of eight (8) dogs and cats and support to feral cat colonies consisting of one (1) or more feral cats, requires an Animal Keeping Permit and that all animals be spayed or neutered.
8. Except peafowl are permitted only in R-A.
9. Requires a Home Occupation Permit.
10. Only permitted when located within 1/8 mile of the affiliated school.
11. Homing and/or racing pigeons are permitted subject to compliance with the provisions of Section 9.29.030 "Animal Keeping and Agricultural Uses in Residential Districts" of this Code.
12. Single-Family Residences within the R-M Zoning District shall be subject to the same maximum number of dogs and cats as a single-family residence within the R-SF Zoning.
13. Use requires an Animal Keeping Permit."

**Section 5.** Invalidation. The amendment by this Ordinance of Title 9 “Development Code” of the Town of Apple Valley Municipal Code as previously in effect, or of any other prior enactment, shall not be construed to invalidate any entitlement exercised or proceeding taken pursuant to such Title or other enactment while the same was in effect.

**Section 6.** Notice of Adoption. The Town Clerk of the Town of Apple Valley shall certify to the adoption of this ordinance and cause publication to occur in a newspaper of general circulation and published and circulated in the Town in a manner permitted under Section 36933 of the Government Code of the State of California.

**Section 7.** Effective Date. The Ordinance shall become effective thirty (30) days after the date of its adoption.

**Section 8.** Severability. If any provision of this Ordinance, or the application thereof, to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications and, to this end, the provision of the Ordinance are declared to be severable.

**APPROVED** and **ADOPTED** by the Town Council and signed by the Mayor and attested by the Town Clerk this 10<sup>th</sup> day of December, 2013.

\_\_\_\_\_  
Curt Emick, Mayor

**ATTEST:**

\_\_\_\_\_  
La Vonda M-Pearson, Town Clerk

**APPROVED AS TO FORM:**

**APPROVED AS TO CONTENT:**

\_\_\_\_\_  
Mr. John Brown, Town Attorney

\_\_\_\_\_  
Mr. Frank Robinson, Town Manager



Get a Slice of the Apple.

Agenda Item No. 2

## TOWN OF APPLE VALLEY PLANNING COMMISSION

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### STAFF REPORT

<b>AGENDA DATE:</b>	May 15, 2013
<b>CASE NUMBER:</b>	Development Code Amendment No. 2013-002
<b>APPLICANT:</b>	Town of Apple Valley
<b>PROPOSAL:</b>	A request to consider an amendment to Title 9 “Development Code” of the Town of Apple Valley Municipal Code amending subsection “B” of Table 9.28.050-A “Permitted Uses” within Section 9.28, “Residential Districts” as it relates to Animal Keeping Permits within the community.
<b>LOCATION:</b>	Town-wide
<b>EXISTING GENERAL PLAN DESIGNATIONS:</b>	All Residential and Mixed-Use Land Use Designations.
<b>EXISTING ZONING:</b>	All Residential and Mixed-Use Zoning Designations.
<b>ENVIRONMENTAL DETERMINATION:</b>	Staff has determined that the project is not subject to the California Environmental Quality Act (CEQA) pursuant to Section 15061(b)(3) of the State Guidelines to Implement CEQA, which states that the activity is covered by the general rule that CEQA applies only to projects that have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question, the proposed Code Amendment, may have a significant effect on the environment, the activity is not subject to CEQA.
<b>PROJECT PLANNER:</b>	Ms. Pam Cupp, Associate Planner
<b>RECOMMENDATION:</b>	Adopt Planning Commission Resolution No. 2013-04

**BACKGROUND AND ANALYSIS:**

As Animal Services modifies existing animal keeping procedures and/or implements new programs, it becomes necessary to amend the Development Code to ensure consistency throughout the Municipal Code. Proposed Development Code Amendment No. 2013-002 will address Animal Services programs recently put into operation. The proposed amendment will not change any existing permitted uses; however, the amendment will clarify existing permitted uses that now require the review and approval of Animal Keeping Permits.

The Town of Apple Valley has entered into a contract with the County of San Bernardino to provide specific animal related services. Effective January 1, 2013, animals from the High Desert/Victor Valley unincorporated regions of San Bernardino County are sheltered at the Town of Apple Valley Municipal Animal Shelter. Additionally, the Town's Animal Services Department will now conduct inspections and issue permits for all animal related activities previously governed by the County. Activities within residential zones that were once permitted now require review and approval of an Animal Keeping Permit by Animal Services. It is recommended that the animal activities requiring review and approval of be identified within Table 9.28.050-A "Permitted Uses" of the Development Code.

At the March 26, 2013 Town Council meeting, the Council authorized the implementation of "Operation Cat Nip", which is a pilot program for the trap-neuter-return (TNR) of feral cats within the community. The goal of the TNR program is to reduce the numbers of cats impounded and euthanized annually at the Town's Municipal Shelter. The program will focus upon specific areas within the community that have reported problematic cat populations. Once it has been determined that there is an established cat colony, a property owner with an approved Animal Keeping Permit will receive assistance with trapping the cats, vaccination, sterilization and return of the cats to the location of the initial trapping. To ensure the Town's ability to prevail should the program be challenged, cat colonies must be formally recognized as permitted within all residential zones.

Listed below is the suggested corrective language. Within this material, additions are noted in **bold underlined**. It is recommended that Subsection "B" of Table 9.28.050-A "Permitted Uses" within Section 9.28 "Residential Districts" of the Town of Apple Valley Development Code be amended as follows:

**Table 9.28.030-A Permitted Uses**

TYPE OF USE	R-VLD	R-A	R-LD	R-E	R-E ¾	R-EQ	R-SF	R-M	MHP	M-U	PRD <sup>2</sup>	
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3. Keeping of bee hives	1 hive per 13500 sf	1 hive per 13500 sf	1 hive per 13500 sf	-	-	-	-	-	-	-	-	
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24. Homing and/or racing pigeons are permitted subject to compliance with the provisions of Section 9.29.030 "Animal Keeping and Agricultural Uses in Residential Districts" of this Code.

25. Single-Family Residences within the R-M Zoning District shall be subject to the same maximum number of dogs and cats as a single-family residence within the R-SF Zoning.

26. **Use requires an Animal Keeping Permit.**

**FINDINGS:**

An amendment to the Development Code requires that the Planning Commission address two (2) required “Findings”, as listed within Development Code Section 9.06.060. For Commission consideration, the required Findings are listed below, along with a comment addressing each. If the Commission concurs with these comments, they may be adopted and forwarded to the Council for its consideration of the Development Code Amendment. If the Commission wishes modifications to the offered comments, after considering input and public testimony at the public hearing, modifications to the Findings and Code Amendment recommendations can be included into the information forwarded to the Council for consideration.

A. The proposed amendment is consistent with the General Plan; and,

Comment: The General Plan provides the basic framework for land development within the Town of Apple Valley, with the Development Code furthering the intent and guidance of the General Plan by establishing the land uses permitted within the various land use districts, as well as the procedures the specific land use processes which fulfill the Plan’s Goals and Policies. The Development Code contains specific animal keeping provisions for residential zones. Development Code Amendment No. 2013-003 strengthens the enforceability of the animal keeping guidelines by ensuring specific animal uses become subject to Animal Keeping Permits, which are monitored and maintained by the Animal Services Division.

B. The proposed amendment will not be detrimental to the public health, safety or welfare of the Town or its residents.

Comment: Development Code Amendment No. 2013-002 will modify the Town’s Development Code to include Animal Keeping Permits as a requirement for certain animal related activities within residential zoning districts. Animal Services will maintain and monitor permit holders, which will significantly reduce the potential for any negative impacts to surrounding residents; therefore, Development Code Amendment No. 2013-002 will not be detrimental to the public health, safety or welfare.

**NOTICING:**

Development Code Amendment No. 2013-002 was advertised as a public hearing in the Apple Valley News newspaper on May 3, 2013.

**ENVIRONMENTAL REVIEW:**

Staff has determined that the project is not subject to the California Environmental Quality Act (CEQA) pursuant to Section 15061(b)(3) of the State Guidelines to Implement CEQA, which states that the activity is covered by the general rule that CEQA applies only to projects that have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question, the proposed Code Amendment, may have a significant effect on the environment, the activity is not subject to CEQA.



**RECOMMENDATION:**

Following receipt of public input and discussion by the Commission, it is recommended that the Commission move to approve Planning Commission Resolution No. 2013-04, forwarding a recommendation that the Town Council amend Title 9 "Development Code" of the Town of Apple Valley Municipal Code as outlined within the staff report.

**Prepared By:**

**Reviewed By:**

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Pam Cupp  
Associate Planner

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Lori Lamson  
Assistant Director of Community Development

Attachment: Planning Commission Resolution No. 2013-04

**PLANNING COMMISSION RESOLUTION NO. 2013-04**

**A RESOLUTION OF THE PLANNING COMMISSION OF THE TOWN OF APPLE VALLEY, CALIFORNIA, RECOMMENDING THAT THE TOWN COUNCIL FIND THAT DEVELOPMENT CODE AMENDMENT NO. 2013-002 IS EXEMPT FROM ENVIRONMENTAL REVIEW AND AMEND TITLE 9 "DEVELOPMENT CODE" OF THE TOWN OF APPLE VALLEY MUNICIPAL CODE BY AMENDING TABLE 9.28.050-A "PERMITTED USES" AS IT RELATES TO THE USE OF ANIMAL KEEPING PERMITS WITHIN THE TOWN OF APPLE VALLEY.**

**WHEREAS**, Title 9 "Development Code" of the Municipal Code of the Town of Apple Valley was adopted by the Town Council on April 27, 2010; and

**WHEREAS**, Title 9 "Development Code" of the Municipal Code of the Town of Apple Valley has been previously modified by the Town Council on the recommendation of the Planning Commission; and

**WHEREAS**, on March 26, 2013, the Town Council authorized the implementation of "Operation Cat Nip", which is a pilot program for the trap-neuter-return of feral cats within the community; and

**WHEREAS**, specific changes are proposed to Subsection "B" of Table 9.28.050-A "Permitted Uses" within Section 9.28 "Residential Districts", as it relates to the use of Animal Keeping Permits within the Town of Apple Valley; and

**WHEREAS**, on May 3, 2013, Development Code Amendment No. 2013-002 was duly noticed in the Apple Valley News, a newspaper of general circulation within the Town of Apple Valley; and

**WHEREAS**, pursuant to Section 15061(b)(3) of the State Guidelines to Implement the California Environmental Quality Act (CEQA), it can be determined that the activity is covered by the general rule that CEQA applies only to projects that have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is EXEMPT from further CEQA review; and

**WHEREAS**, on May 15, 2013, the Planning Commission of the Town of Apple Valley conducted a duly noticed and advertised public hearing on Development Code Amendment No. 2013-002, receiving testimony from the public; and

**WHEREAS**, Development Code Amendment No. 2013-002 is consistent with Title 9 "Development Code" of the Municipal Code of the Town of Apple Valley and shall promote the health, safety and general welfare of the citizens of the Town of Apple Valley.

**NOW, THEREFORE, BE IT RESOLVED** that in consideration of the evidence presented at the public hearing, and for the reasons discussed by the Commissioners at said hearing, the Planning Commission of the Town of Apple Valley, California, does hereby resolve, order and determine as follows and recommends that the Town Council make the following findings and take the following actions:

**Section 1.** Find that the changes proposed by Development Code Amendment No. 2013-002 are consistent with the Goals and Policies of the Town of Apple Valley adopted General Plan.

**Section 2.** Pursuant to Section 15061(b)(3) of the State Guidelines to Implement the California Environmental Quality Act (CEQA), it can be determined that the Code amendment is covered by the general rule that CEQA applies only to projects that have the potential for causing a significant effect on the environment. Where it can be seen with certainty, as with the proposed Code Amendment, that there is no possibility that the proposal approved under Development Code Amendment No. 2013-002 will have a significant effect on the environment and, therefore, the Amendment is EXEMPT from further environmental review.

**Section 3.** Amend Paragraphs B1 and B4; Footnotes 5 and 7; and insert new Footnote 13 on Table 9.28.050-A "Permitted Uses" within Section 9.28 "Residential Districts", of the Town of Apple Valley Development Code to read as follows:

**“Table 9.28.030-A Permitted Uses**

<b>TYPE OF USE</b>	<b>R-VLD</b>	<b>R-A</b>	<b>R-LD</b>	<b>R-E</b>	<b>R-E ¾</b>	<b>R-EQ</b>	<b>R-SF</b>	<b>R-M</b>	<b>MHP</b>	<b>M-U</b>	<b>PRD<sup>2</sup></b>
<b>B. Agricultural and Animal Uses</b>											
1. 4-H or FFA animal raising and/or keeping <sup>13</sup>	P	P	P	P	P	P	P	-	-	-	SUP
2. All types of horticulture <sup>4</sup>	P	P	P	P	P	P	P	-	-	-	CUP
3. Keeping of bee hives	1 hive per 13500 sf	1 hive per 13500 sf	1 hive per 13500 sf	-	-	-	-	-	-	-	-
4. Equestrian Stables, commercial <sup>13</sup>	CUP	CUP	CUP	CUP	CUP	CUP	-	-	-	-	-
5. Equestrian Stables, private	P	P	P	P	P	P	-	-	-	-	-
6. Horses and other equine	1 per 9000 sf	1 per 9000 sf	1 per 9000 sf	1 per 9000 sf	1 per 9000 sf	1 per 9000 sf	-	-	-	-	P
7. Farm cattle and other bovine	1 per 9000 sf	1 per 9000 sf	1 per 9000 sf	1 per lot	1 per lot	1 per lot	-	-	-	-	-
8. Llamas and alpaca	1 per 4500 sf	1 per 4500 sf	1 per 9000 sf	1 per lot	1 per lot	1 per lot	-	-	-	-	P
9. Sheep, goats and other ovine	1 per 3000 sf	1 per 3000 sf	1 per 4500 sf	2 per lot	2 per lot	2 per lot	-	-	-	-	P
10. Dogs and cats as follows: Up to 1 dog or 1 cat Up to 4 dogs <sup>6, 7, 12</sup> Up to 4 cats <sup>7, 12</sup>	P P P	P P P	P P P	P P P	P P P	P P P	P P P	P <sup>5</sup> - - -	P <sup>5</sup> - - -	P <sup>5</sup> - - -	- P -
11. Small domestic animals kept as household pets	P	P	P	P	P	P	P	P	P	P	P
12. Exotic Animals	SUP	SUP	SUP 2 max	SUP 2 max	SUP 2 max	SUP 2 max	-	-	-	-	P
13. Exotic Birds	SUP	SUP	SUP 2 max	SUP 2 max	SUP 2 max	SUP 2 max	-	-	-	-	P
14. Poultry and other fowl <sup>8</sup>	P	P	1 per 1800 sf	5 max + 1 male	5 max + 1 male	5 max + 1 male	5 max + 1 male	-	-	-	P
15. Racing and/or Homing Pigeons <sup>11</sup>	P	P	P	P	P	P	P	-	-	-	-
16. Ostriches, emus, rheas, kivis or other ratite	1 per 9000 sf	1 per 3000 sf	1 per 9000 sf	-	-	-	-	-	-	-	-

TYPE OF USE	R-VLD	R-A	R-LD	R-E	R-E ¾	R-EQ	R-SF	R-M	MHP	M-U	PRD <sup>2</sup>
17. Pigs or other swine	P	P	1 per 9000 sf	1 per lot	-	-	-	-	-	-	-
18. Rabbits	P	P	1 per 1800 sf	Total of 6	Total of 6	Total of 6	Total of 6	-	-	-	P
19. Kennels, non-commercial <sup>13</sup>	CUP	CUP	CUP	CUP	CUP	CUP	-	-	-	-	-
20. Sale of agricultural products	P	P	P	-	-	-	-	-	-	-	P

1. CUP: Conditional Use Permit

P: Permitted Uses

SUP: Special Use Permit

(-): Denotes uses are prohibited

2. Uses permitted in a PRD development shall be consistent with the approved PRD. Uses not prescribed by an approved PRD shall be prohibited.

3. Requires Planning Commission approval of a Development Permit.

4. These uses are permitted subject to compliance with the provisions of Chapter 9.19, Home Occupation Permits, of this Code.

5. Keeping of two (2) pets consisting of one (1) dog or one (1) cat, or any combination thereof, and support to feral cat colonies consisting of one (1) or more feral cats, requires an Animal Keeping Permit and that all animals be spayed or neutered. Pot belly pigs are not permitted.

6. Female or neutered male pot belly pigs (not to exceed four {4}) are permitted in accordance with Section 9.29.030 of the Apple Valley Municipal Code.

7. Excess of four (4), not to exceed a combined total of eight (8) dogs and cats and support to feral cat colonies consisting of one (1) or more feral cats, requires an Animal Keeping Permit and that all animals be spayed or neutered.

8. Except peafowl are permitted only in R-A.

9. Requires a Home Occupation Permit.

10. Only permitted when located within 1/8 mile of the affiliated school.

11. Homing and/or racing pigeons are permitted subject to compliance with the provisions of Section 9.29.030 “Animal Keeping and Agricultural Uses in Residential Districts” of this Code.

12. Single-Family Residences within the R-M Zoning District shall be subject to the same maximum number of dogs and cats as a single-family residence within the R-SF Zoning.

13. Use requires an Animal Keeping Permit.

Approved and Adopted by the Planning Commission of the Town of Apple Valley this 15th day of May, 2013.

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Chairman

ATTEST:

I, Debra Thomas, Secretary to the Planning Commission of the Town of Apple Valley, California, do hereby certify that the foregoing Planning Commission Resolution No. 2013-04 was duly and regularly adopted by the Planning Commission at a regular meeting thereof, held on the 15th day of May, 2013, by the following vote, to-wit:

AYES:

NOES:

ABSENT:

ABSTAIN:

\_\_\_\_\_  
Debra Thomas, Planning Commission Secretary

**MINUTES  
EXCERPT**

**TOWN OF APPLE VALLEY  
PLANNING COMMISSION  
Regular Meeting**

**Wednesday, May 15, 2013**

**CALL TO ORDER**

At 6:00 p.m., the Regular Meeting of the Planning Commission of the Town of Apple Valley for May 15, 2013, was called to order by Chairman Lamoreaux.

**ROLL CALL**

**Planning Commission**

Roll call was taken with the following members present: Commissioner Bruce Kallen, Commissioner Doug Qualls, Commissioner Mark Shoup, and Chairman Jason Lamoreaux. Absent: Commissioner B.R. "Bob" Tinsley

**STAFF PRESENT**

Lori Lamson, Community Development Director, Carol Miller, Senior Planner, Douglas Fenn, Senior Planner, Pam Cupp, Associate Planner, Haviva Shane, Town Attorney, and Debra Thomas, Planning Commission Secretary.

**PUBLIC HEARING ITEM**

1. **Development Code Amendment No. 2013-002.** A request to consider an amendment to Title 9 "Development Code" of the Town of Apple Valley Municipal Code amending subsection "B" of Table 9.28.050-A "Permitted Uses" within Section 9.28, "Residential Districts" as it relates to Animal Keeping Permits within the community.  
**Applicant:** Town of Apple Valley  
**Location:** Town-wide

Chairman Lamoreaux opened the public hearing at 6:40 p.m.

Ms. Pam Cupp, Associate Planner, presented the staff report as filed by the Planning Division.

Ms. Cupp informed the Commission that Staff would like to suggest a language change as follows: "and cat colonies" would be deleted and replaced with "and providing support to feral cat colonies" under Table 9.28.030-A Permitted Uses, Footnotes 5 and 7.

Discussion ensued between Staff and the Commission to assist them in understanding the definition of feral cat colony.

Commissioner Shoup requested staff define the term “feral cat colony” in the Development Code and under Table 9.28.030-A Permitted Uses, Type of Use Item No. 10, would like the dash (“-“) replaced with “N/A”.

**PUBLIC COMMENTS**

None.

Chairman Lamoreaux closed the public hearing at 7:00 p.m.

**MOTION:**

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

1. Approve Planning Commission Resolution No. 2013-04, forwarding a recommendation that the Town Council amend Title 9 “Development Code” of the Town of Apple Valley Municipal Code as outlined within the staff report.
2. Amend language in the Development Code to define feral cat colonies as one or more feral cats.
3. Amend Table 9.28.030-A Permitted Uses, Type of Use Item No. 10 to change all dashes with “P”, Permitted Use.

**ROLL CALL VOTE:**

Ayes: Commissioner Qualls  
Commissioner Shoup  
Vice-Chairman Kallen  
Chairman Lamoreaux  
Noes: None  
Abstain: None  
Absent: Commissioner Tinsley  
The motion carried by a 4-0-0-1 vote