



Town Council Agenda Report

Date: September 24, 2019 Item No. 2
To: Honorable Mayor and Town Council
Subject: SECOND READING OF ORDINANCE 515 OF THE TOWN OF APPLE VALLEY, CALIFORNIA, RELATING TO ZONE CHANGE NO. 2019-001. A REQUEST TO CONSIDER A CHANGE OF ZONE FROM RESIDENTIAL EQUESTRIAN (R-EQ) TO SINGLE FAMILY RESIDENTIAL (R-SF)
From: Douglas Robertson, Town Manager
Submitted by: Carol Miller, Assistant Director of Community Development
Community Development Department

Budgeted Item: Yes No N/A

RECOMMENDED ACTION:

Adopt Ordinance No. 515

SUMMARY:

At its September 10, 2019 meeting, the Town Council reviewed and introduced Ordinance No. 515, which amends the Zoning Map by changing the zoning designation for Assessor Parcel Numbers (APNs): 3112-241-70 and -71 from Equestrian Residential (R-EQ) to Single Family Residential (R-SF). Ordinance No. 515 has been scheduled for adoption at the September 24, 2019 Town Council Meeting.

Fiscal Impact:

Not Applicable

Attachments:

Ordinance No. 515

ORDINANCE NO. 515

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF APPLE VALLEY, CALIFORNIA, AMENDING THE OFFICIAL ZONING MAP BY CHANGING THE ZONING DESIGNATION FROM RESIDENTIAL EQUESTRIAN (R-EQ) TO SINGLE FAMILY RESIDENTIAL (R-SF) AS IDENTIFIED WITHIN THIS ORDINANCE AND AS SHOWN ON SHOWN IN EXHIBIT "A".

WHEREAS, the General Plan of the Town of Apple Valley was adopted by the Town Council on August 11, 2009; and

WHEREAS, the Zoning District Map of the Town of Apple Valley has been previously modified by the Town Council on the recommendation of the Planning Commission; and

WHEREAS, specific changes are proposed to Chapter 9.05, Section 9.05.040 "Adoption of the Official Zoning Districts Map" of Title 9 (Development Code) of the Municipal Code of the Town of Apple Valley by amending the zoning designation for Assessor Parcel Numbers (APNs): 3112-241-70 and -71 as shown on Exhibit "A", and as incorporated herein by reference; and

WHEREAS, Zone Change No. 2019-001 is consistent with the General Plan of the Town of Apple Valley;

WHEREAS, the proposed zone change is consistent with the goals, objectives and policies of the Apple Valley General Plan. The Single Family Residential (R-SF) zoning designation proposed will not significantly change the type or intensity of land use that could be proposed for the site in the future; and

WHEREAS, Zone Change No. 2019-001 is consistent with the Land Use Element goals and policies of the Town's General Plan and shall promote the health, safety, and general welfare of the citizens of the Town of Apple Valley; and

WHEREAS, on August 7, 2019, the Planning Commission of the Town of Apple Valley conducted a duly noticed public hearing on Zone Change No. 2019-001, receiving testimony from the public and adopting Planning Commission Resolution No. 2019-010 forwarding a recommendation to the Council; and

WHEREAS, on September 10, 2019, the Town Council of the Town of Apple Valley conducted a duly noticed and advertised public hearings on Zone Change No. 2019-001, receiving testimony from the public, and

WHEREAS, 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 Specific Plan Amendment, may have a significant effect on the environment, the activity is not subject to CEQA.

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

Section 1. Findings.

(i) Find that the change proposed by Zone Change No. 2019-001 is consistent with the Goals and Policies of the Town of Apple Valley adopted General Plan. and

(ii) Find that, the zone change does not constitute a change in build out potential. Further, 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 Amendment, may have a significant effect on the environment, the activity is not subject to CEQA.

Section 2. In consideration of the evidence received at the public hearing, and for the reasons discussed by the Council at said hearing, the Town Council of the Town of Apple Valley, California, adopts the Findings and Comments for the Zone Change set forth in the Staff Report, and finds that the change proposed by Zone Change No. 2019-001 is consistent with the Goals and Policies of the Town of Apple Valley adopted General Plan.

Section 3. 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 4. Effective Date. This Ordinance shall become effective thirty (30) days after the date of its adoption.

Section 5. 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 provisions of this Ordinance are declared to be severable.

Approved and Adopted by the Town Council and signed by the Mayor and attested to by the Town Clerk this 24th day of September, 2019.

ATTEST:

Honorable Larry Cusack, Mayor

Ms. La Vonda M. Pearson, Town Clerk

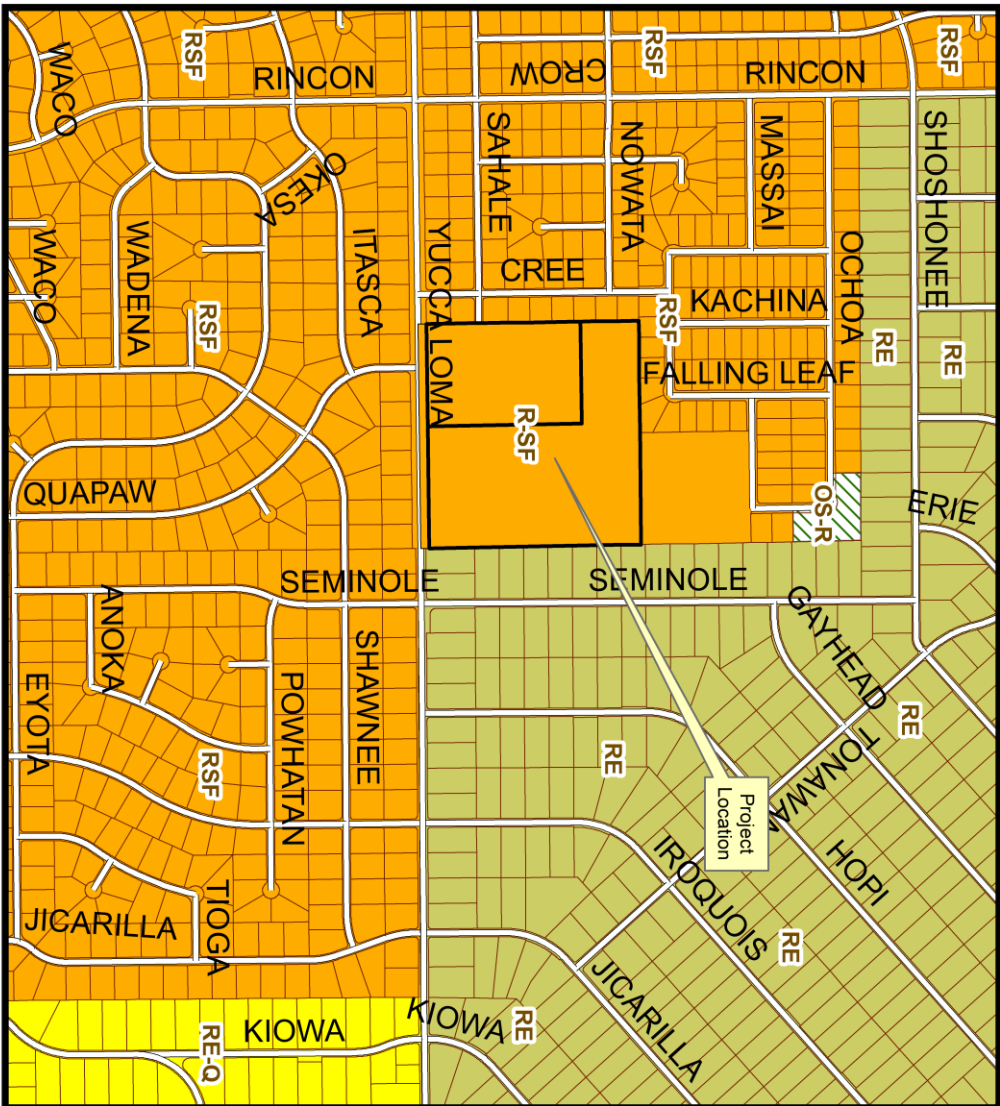
Approved as to form:

Approved as to content:

Mr. Thomas Rice, Town Attorney

Mr. Douglas B. Robertson, Town Manager

EXHIBIT A



Zone Change No. 2019-001

North side of Yucca Loma Road, east of Cree Road
 APNs 3112-241-70 and -71



Legend

	Project Location
	Zoning Addition
	RE-E1 Estate Residential (1.04U to 2.5 gross acres)
	RE-E2 Estate Residential (1.04U to 0.9 net acres)
	RE-E3 Estate Residential (1.04U to 0.9 net acres)
	RE-SF1 Single-Family Residential (1.04U to 0.9 net acres)
	OS-R1 Open Space Residential

Date: 7/31/2019