

**TOWN OF
APPLE VALLEY, CALIFORNIA**

AGENDA MATTER

Subject Item:

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF APPLE VALLEY, CALIFORNIA, CREATING A NEW DEVELOPMENT CODE ADVISORY COMMITTEE IN CONNECTION WITH THE COMPREHENSIVE UPDATE OF THE TOWN'S GENERAL PLAN, AND PRESCRIBING THE FUNCTIONS AND DUTIES THEREOF

SUMMARY STATEMENT

At the June 28, 2008 Joint meeting between the General Plan Advisory Committee (GPAC) and the Planning Commission, the two groups concurred that the creation of a Development Code Advisory Committee (DCAC) would be beneficial in reviewing the changes to the Development Code, pursuant to the changes to be adopted in the General Plan. The Planning Commission adopted PC Resolution No. 2008-005 recommending that the Council form a DCAC similar to the formation of the GPAC. At the Joint meeting it was suggested and then adopted into the PC Resolution, that, due to the GPAC's in-depth knowledge of the goals and policies of the General Plan, the committee should include five (5) members of the previously appointed GPAC and two (2) members of the Planning Commission. The DCAC would be an advisory committee of the Planning Commission, similar to the role of the GPAC. The DCAC would recommend changes in the Development Code to the entire Planning Commission for review and approval. The Planning Commission would then make a recommendation to the Council that would be considered for adoption.

As part of the comprehensive General Plan Update, it will be necessary to update the Development Code in order to maintain consistency between both documents. Based on the success of the GPAC, formation of the DCAC would be in the best interest of the Town. The attached resolution would create the DCAC and the functions upon which they would operate. The appropriate time for the Council to appoint the members of the DCAC would be once the General Plan has been adopted by the Council. This would allow each prospective DCAC member to consider the appointment and understand the time-line. The anticipated date of adoption of the General Plan is late May 2009. Unless there is an unforeseen delay, this would mean the DCAC would be appointed by June 2009 and begin meeting in July or August 2009. It is anticipated that the review of the DCAC would take approximately six (6) evening meetings. This would take approximately five (5) to six (6) months.

Recommended Action:

Adopt Resolution No. 2008-61 creating a new Town of Apple Valley Development Code Advisory Committee in connection with the comprehensive update of the Town's General Plan and prescribing the functions and duties of said Committee.

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

Town Manager Approval: _____ **Budgeted Item** Yes No N/A

The scope of the changes required for the Development Code exceed the amount of time originally budgeted in the Terra Nova Professional Services agreement for the comprehensive General Plan Update. New sections for Specific Plans, Mixed Use, Mobile Home Parks and Estate Residential, including both standards and design guidelines for each will need to be added. Also, additional maintenance items will have to be changed within the Development Code. An amendment to the Comprehensive General Plan Update Professional Services Agreement with Terra Nova is provided to you, under a separate item, on this agenda.

In preparing the report for Council's November 18, 2008 meeting, staff has determined that certain matters require Council understanding as noted below:

1. The changes to the Development Code that will be considered by the DCAC are only those items that have been changed in the General Plan Update and require modifications in the Development Code for consistency. All other Development Code Amendments will be handled on a case by case basis, by first obtaining Council initiation of the Development Code Amendment, Planning Commission review, and recommendation and Council review and possible adoption.
2. With the Development Code Advisory Committee solely focused upon modifications to the Development Code that pertain to maintaining consistency with the newly adopted General Plan, a total of six (6) meetings of the DCAC by itself will be required. An additional three (3) hearings before the Planning Commission and Council would also be required (each meeting is anticipated to be approximately four (4) hours in length.).

Establishing the DCAC prior to the adoption of the General Plan so that appointments can be filled as soon as the General Plan is adopted, will allow the consultant and staff to begin preparations of the Development Code changes in a timely manner so that the DCAC and the Planning Commission can maintain an expeditious schedule. This will reduce the amount of time that the Town is without a Development Code that is in compliance with the newly adopted General Plan. Subsequent to receiving this report, any related public comments and Council discussion, staff recommends adoption of the attached resolution forming the Town of Apple Valley Development Code Advisory Committee.

Attachments:

Planning Commission Resolution 2008-005

Draft Resolution No. _____

PLANNING COMMISSION RESOLUTION No. 2008-005

A RESOLUTION OF THE PLANNING COMMISSION OF THE TOWN OF APPLE VALLEY, CALIFORNIA, RECOMMENDING THAT THE TOWN COUNCIL INITIATE A RESOLUTION TO CREATE A DEVELOPMENT CODE ADVISORY COMMITTEE (DCAC) IN CONNECTION WITH THE 2008-2009 COMPREHENSIVE UPDATE OF THE TOWN'S GENERAL PLAN AND UPDATING THE DEVELOPMENT CODE FOR CONSISTENCY WITH THE GENERAL PLAN, AND PRESCRIBING THE FUNCTIONS AND DUTIES OF THE DCAC THEREOF.

WHEREAS, the Town is in the process of completing a comprehensive update to the adopted General Plan; and

WHEREAS, the General Plan Advisory Committee has completed its assigned task of formulating recommendations to the Land Use Element of the General Plan to assist the Town Council, the Planning Commission, Town Staff and the Town's Consultant;

WHEREAS, the General Plan Advisory Committee was successful in its assigned duties by conducting in depth review of the goals, policies and programs of the Land Use Element of the General Plan; and

WHEREAS, successful implementation of the updated General Plan requires that the details and standards are accurately developed within Title 9, Development Code, of the Municipal Code; and

WHEREAS, the Planning Commission now finds and determines that it is in the best interests of the Town that a citizens advisory body be established and created to assist the Town Council, the Planning Commission, Town Staff and the Town's Consultant in formulating proposed amendments to Title 9 "Development Code" of the Municipal Code; and

WHEREAS, it is recommended that upon the adoption of the update to the General Plan that the Town Council create a Development Code Advisory Committee.

NOW, THEREFORE, BE IT RESOLVED, that in consideration of the success achieved by the General Plan Advisory Committee with its in-depth review of the Land Use Element of the General Plan and its detailed analysis of each request for land use designation changes and providing those recommendations to the Planning Commission, 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 in order to achieve successful implementation of the General Plan, specific details and development standards contained within Title 9, Development Code, of the Municipal Code must be amended to ensure consistency between the General Plan and Development Code.

Section 2. Find that, former members of the General Plan Advisory Committee (GPAC) have an in-depth knowledge of the goals and policies of the General Plan and how this should be implemented into the Development Code.

Section 3. It is recommended that the Council create a Development Code Advisory Committee (DCAC) consisting of two (2) Planning Commissioners and five (5) former GPAC members.

Section 4. Upon the adoption of the 2008-2009 General Plan update, direct staff to bring forth a Town Council Resolution creating a Development Code Advisory Committee, to provide a comprehensive update of the Town's Development Code consistent with the updated General Plan, and prescribing the functions and duties thereof.

APPROVED AND ADOPTED by the Planning Commission of the Town of Apple Valley this 3rd day of September, 2008.

David Hernandez, Chairman

ATTEST:

Patty Hevle, Planning Commission Secretary

RESOLUTION No. 2008-61

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF APPLE VALLEY, CALIFORNIA, CREATING A NEW DEVELOPMENT CODE ADVISORY COMMITTEE IN CONNECTION WITH A COMPREHENSIVE UPDATE OF THE TOWN'S GENERAL PLAN, AND PRESCRIBING THE FUNCTIONS AND DUTIES THEREOF.

WHEREAS, the Town has adopted a General Plan, and from time to time has adopted amendments thereto; and

WHEREAS, the Town Council finds and determines the necessity to further consider and amend the Town's General Plan; and

WHEREAS, the Town is processing a comprehensive General Plan Update, which is scheduled for review by the Planning Commission and Town Council, with an anticipated adoption by the Council in May 2009; and

WHEREAS, State Law requires that the Development Code (Zoning Code) be consistent in content with the General Plan; and

WHEREAS, the Town Council now finds and determines that it is in the best interests of the Town that a citizens advisory body be established and created to assist the Town Council, the Planning Commission, Town Staff and the Town's Consultant in formulating proposed further amendments to the existing Development Code for consistency with the General Plan; and

WHEREAS, to accomplish that purpose, it is desirable to create a new Development Code Advisory Committee;

NOW, THEREFORE, BE IT RESOLVED, ORDERED, FOUND AND DETERMINED by the Town Council of the Town of Apple Valley, California as follows.

1. **Creation.** There is hereby created a new Development Code Advisory Committee ("Committee"), to perform functions, powers and duties hereinafter set forth and such further tasks as the Town Council assigns the Committee in accordance with the provisions of this Resolution.

3. **Membership.** Membership of the Committee shall be as follows:

a. The Committee shall be composed of five (5) members of the previously appointed General Plan Advisory Committee and two (2) members of the existing Planning Commission appointed by at least three affirmative votes of the Town Council; based upon nomination by any member of the Town Council. Subject to the provisions of the Municipal Code Section 2.06.010, Committee members shall serve at the pleasure of the Town Council until the next election of one or more members of the Town Council. Upon dissolution of the Committee by the Town Council, all appointments shall terminate as of the effective date of such dissolution.

b. Members of the Committee shall be selected from among former members of the General Plan Advisory Committee and the Planning Commission.

c. Vacancies shall be filled in the same manner prescribed in subsection a, above.

d. A member shall be automatically terminated from membership on the Committee upon three (3) consecutive unexcused absences or unexcused absence from more than twenty-five percent (25%) of the meetings during any fiscal year, as prescribed in Section 2.06.010 of the Municipal Code.

e. Any Committee member may be removed from office at any time, with or without cause, by three affirmative votes of the Town Council, as prescribed in Section 2.06.010 of the Municipal Code.

f. The term of any member of the Committee will be automatically extended pending the selection and qualification of his or her successor.

4. Functions, Powers and Duties. The Committee shall have the general power and duty to act in an advisory capacity to the Planning Commission, Town Staff and Town Consultants on matters pertaining to the update of the Development Code related to providing consistency with the adoption of comprehensive update of the Town's General Plan. In addition to this general power and duty, the Committee shall have the following particular powers and duties:

a. To assist the Planning Commission in ascertaining community attitudes and issues, as related to the update of the Development Code related to providing consistency with the adoption of comprehensive update of the Town's General Plan;

b. To make recommendations to and respond to formal requests made by the Town Council and/or Planning Commission, with such formal requests being approved at Town Council or Planning Commission meetings as appropriate regarding contents of the update of the Development Code related to providing consistency with the adoption of comprehensive update of the Town's General Plan;

c. To hold such public meetings as may be directed by the Town Council or requested by the Town Staff and Consultant regarding the proposed amendment;

d. To carry out such other functions as may be assigned to the Committee by the Town Council.

e. The functions and duties of the Committee shall not be construed as preempting or otherwise interfering with the functions, duties or responsibilities of the Planning Commission or of the Town Council or other commissions, boards, committees or officers which are empowered or mandated by law or ordinance or other regulation to act upon or make recommendations to the Town Council concerning matters such as adoption, or applications to amend the Development Code or Zoning Map or applications for permits, approvals or other entitlements, the enactment or repeal or amendment of Town ordinances, resolutions or regulations or taking such other actions as are mandated, prescribed or permitted by law.

5. Meetings.

a. Within sixty (60) days following the appointment of its initial seven (7) members, the Committee shall meet to organize and elect officers by a majority vote of all members of the Committee. The Committee shall by such majority move to choose one of its members as chairperson and one as vice-chairperson. Vacancy in either such position occurring may be filled as in the first instance, and a new chairperson or vice-chairperson may be chosen at any time by such majority vote. Following selection of a chairperson and/or vice-chairperson, in each instance, the Committee shall inform the Town Council thereof.

b. The Committee shall adopt rules of proceeding compatible with and consistent with, as applicable, the Planning Commission's rules of proceeding, which include regular meetings at whatever interval of time that the Committee determines or the Town Council directs as expedient for the completion of the Committee's assigned functions and tasks.

c. Special meetings may be called by the chairperson or by a majority of the Committee, and the written notice and call thereof, which sets forth the time and place of and business to be conducted at the meeting, shall be given to all members at least twenty-four (24) hours prior to the special meeting. All regular and special meetings shall be held, and the noticing and agendaing thereof, shall be in compliance with the requirements of the Ralph M. Brown Act of the State of California.

d. Meetings shall be open to the public as required by law.

e. A majority of the Committee members shall constitute a quorum for the transaction of business, and a majority vote of a quorum shall be required to pass a motion or other enactment, but a lesser number may adjourn from time to time to a day certain.

6. **Staffing.** The Town Manager may appoint appropriate staff and provide such compensation for their services as may be authorized by the Town Council and/or by the annual Town budget of expenditures to support the Committee in the performance of its duties and responsibilities. Said staffing shall be provided in the discretion of the Town Manager, considering the issues being addressed by the Committee.

7. **Compensation of Members.** No direct compensation shall be paid to Committee members; however, members shall be reimbursed for actual and necessary expenses, including travel expenses, incurred in the discharge of their duties as members of the Committee, as may be authorized in advance by the Town Council.

8. **Rules, Records and Number of Meetings.** The rules of proceedings to be adopted by the Committee for the transaction of its business shall be maintained, together with its resolutions, recommendations, transactions, findings, determinations and minutes, as a public record, and the Committee shall hold at least one regular meeting quarterly. Minutes of the meetings of the Committee shall be filed with the Town Clerk.

APPROVED AND ADOPTED by the Town Council of the Town of Apple Valley this 18th day of November, 2008.

Timothy Jasper, Mayor

ATTEST:

La Vonda M-Pearson, Town Clerk