

ORDINANCE NO. 397

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF APPLE VALLEY, CALIFORNIA, AMENDING TITLE 9 "DEVELOPMENT CODE" OF THE TOWN OF APPLE VALLEY MUNICIPAL CODE, BY AMENDING CHAPTERS 9.16 "CONDITIONAL AND SPECIAL USE PERMITS" AND 9.17 "DEVELOPMENT PERMITS" OF THE DEVELOPMENT CODE AS IT RELATES TO PROVIDING ADMINISTRATIVE AUTHORITY TO APPROVE EXTENSIONS OF TIME FOR CONDITIONAL/SPECIAL USE PERMITS AND DEVELOPMENT PERMITS.

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 October 24, 2000; 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 to Title 9 "Development Code" of the Town of Apple Valley Municipal Code include amending Chapters 9.16 "CUP/SUP" and "DP".

(iv) On June 5, 2009, Development Code Amendment No. 2009-001 was duly noticed in the Apple Valley News, a newspaper of general circulation within the Town of Apple Valley.

(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 6, 2009, the Planning Commission of the Town of Apple Valley conducted a duly noticed and advertised the public hearing on Development Code Amendment No. 2009-001, receiving testimony from the public and adopted Planning Commission Resolution No. 2009-002 recommending adoption of this Ordinance; and

(vii) Development Code Amendment No. 2009-001 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. 2009-001 are consistent with the Goals and Policies of the Town of Apple Valley adopted General Plan.

(ii) Find that, based upon the State Guidelines to Implement the California Environmental Quality Act (CEQA), the project is exempt from further environmental review. Section 15061(b)(3), 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.

Section 3 Add subsection C “Automatic Extension of a Major/Minor Conditional Use Permit or Special Use Permit” to Section 9.16.100 “Lapse of Permits/Expiration” of Chapter 9.16 Conditional Use Permit and Special Use Permits of Title 9 “Development Code” to read as follows:

9.16.100 Lapse of Permits/Expiration (*Amended Ord. 309*)

C. Automatic Time Extension of a Major/Minor Conditional Use Permit or Special Use Permit. The Community Development Director may grant an automatic Extension of Time to an approved Conditional/Special Use Permit, as provided by this Section. The use permit shall be extended beyond the applicable expiration date to twenty-four (24) months, as specified, for any Major/Minor Conditional Use Permit or Special Use Permit.

Section 4. Add subsection B, sequentially renumber existing text as subsection A and amend subsection A Section 9.17.110 of Chapter 9.17 Development Permits of Title 9 “Development Code” to read as follows:

9.17.110 Extension of Time

- A. The original review authority (Planning Division, Director or Commission) may, upon an application being filed sixty (60) days prior to expiration and for good cause, grant a time extension not to exceed two (2) years. Applications shall be made on a form to be provided by the Planning Division. Upon granting of an extension, the Planning Division, Director, Commission or Council when appropriate, shall ensure that the previously approved project is consistent with all current Development Code provisions and that the findings for approval of a Development in compliance with Section 9.17.080, *Required Findings*, of this Chapter, can be made. The Community Development Director may grant an automatic Extension of Time to an approved Development Permit as provided by in 9.17.110 (2) below.
- B. Automatic Extension of a Development Permit. The Development Permit shall be extended beyond the applicable expiration date to thirty six (36) months, as specified, for any Development Permit. This extension is in

addition to any other extension of the expiration date provided for in this Chapter.

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. Ordinance No. 397 shall become effective thirty (30) days after the date of its adoption.

Section 8. Severability. If any provision of Ordinance No. 397, 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 Ordinance No. 397 are declared to be severable.

Adopted by the Town Council and signed by the Mayor and attested by the Town Clerk this 14th day of July, 2009.

Honorable Rick Roelle, Mayor

ATTEST:

Ms. La Vonda M-Pearson, Town Clerk

Approved as to form:

Approved as to content:

Mr. John Brown, Town Attorney

Mr. Frank Robinson, Town Manager