



TOWN OF APPLE VALLEY

TOWN COUNCIL STAFF REPORT

To: Honorable Mayor and Town Council Date: February 14, 2012

From: Lori Lamson Item No: 13
Assistant Director of Community Development
Planning Department

Subject: DEVELOPMENT CODE AMENDMENT NO. 2011-002
A REQUEST TO REVISE TITLE 9 "DEVELOPMENT CODE" OF THE TOWN OF APPLE VALLEY MUNICIPAL CODE BY AMENDING SUBSECTION "B" OF TABLE 9.28.050-A "PERMITTED USES" WITHIN CHAPTER 9.28, "RESIDENTIAL DISTRICTS", OF THE CODE BY REVISING THE REGULATIONS RELATED TO ANIMAL KEEPING PERMITS AND PEA FOWL

T.M. Approval: _____

Budgeted Item: Yes No N/A

RECOMMENDED ACTION:

That the Town Council 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. 432 in its entirety and read by title only.

5. **Introduce** Ordinance No. 432, revising Title 9 "Development Code" of the Town of Apple Valley Municipal Code by amending Subsection "B" of Table 9.28.050-A "Permitted Uses" within Chapter 9.28, "Residential Districts", of the Code by revising the regulations related to Animal Keeping Permits and peafowl.
6. **Direct** staff to file a Notice of Exemption.

SUMMARY:

Within multi-family zones, the Development Code permits the keeping of either one (1) dog or one (1) cat per dwelling unit. The purpose of this Amendment is to add a provision to the Code that will offer residents within all multi-family zones the opportunity to apply for an Animal Keeping Permit that will allow two (2) pets consisting of one (1) dog and one (1) cat or any combination thereof. Additionally, this Amendment will remove an erroneous footnote that refers to the keeping of peafowl as an exotic bird.

A strike-through/underlined version of the proposed Code modification is within the attached Planning Commission staff report from the November 2, 2011, public hearing for Development Code Amendment 2011-002. Also attached is Planning Commission Resolution No. 2011-005 which recommends Council approval of this action.

BACKGROUND:

On September 27, 2011, at the request of the Planning Commission, the Town Council initiated a Development Code Amendment to revise regulations relating to Animal Keeping Permits as outlined within Development Code Table 9.28.030-A "Permitted Uses" of Chapter 9.28 "Residential Districts".

Development Code Amendment No. 2011-002 was advertised as a public hearing in the Apple Valley News newspaper on February 3, 2012 as required under Development Code Section 9.13.030 "Notice of Public Hearings".

1. **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 permits residents within single-family zones to keep additional dogs

or cats with the approval of an Animal Keeping Permit, which are monitored and maintained by the Animal Services Division. This Amendment will extend a similar process to residents within multi-family zones also.

- 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. 2011-002 will modify the Town's Development Code by establishing a procedure that will allow all residents to keep up to two (2) dogs or two (2) cats or any combination thereof. Animal Services will maintain and monitor the program which will eliminate any negative impact to surrounding residents; therefore, Development Code Amendment No. 2011-002 will not be detrimental to the public health, safety or welfare.

FISCAL IMPACT:

Not applicable

Attachments:

Draft Ordinance No. 432

Planning Commission Staff Report and Minutes for November 2, 2011

Planning Commission Resolution No. 2011-005

ORDINANCE NO. 432

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 SUBSECTION “B” OF TABLE 9.28.050-A “PERMITTED USES” WITHIN CHAPTER 9.28, “RESIDENTIAL DISTRICTS”, OF THE CODE BY REVISING THE REGULATIONS RELATED TO ANIMAL KEEPING PERMITS AND PEAFAWL.

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 9.28.050-A “Permitted Uses” within Chapter 9.28 “Residential Districts”, as it relates to the use of Animal Keeping Permits and peafowl within the Town of Apple Valley; and

(iv) On February 3, 2012, Development Code Amendment No. 2011-005 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 November 2, 2011, the Planning Commission of the Town of Apple Valley conducted a duly noticed and advertised public hearing on Development Code Amendment No. 2011-002, inviting testimony from the public and adopted Planning Commission Resolution No. 2011-005 recommending adoption of this Ordinance; and

(viii) Development Code Amendment No. 2011-002 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. 2011-002 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 9.28.050-A “Permitted Uses” within Chapter 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 ¼	R-EQ	R-SF	R-M	MHP	M-U	PRD ²
B. Agricultural and Animal Uses											
1. 4-H or FFA animal raising and/or keeping	P	P	P	P	P	P	P	-	-	-	SUP
2. All types of horticulture ⁴	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	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 ^{6, 7, 12} Up to 4 cats ^{7, 12}	P P	P P	P P	P P	P P	P P	P P	P ⁵ -	P ⁵ -	P ⁵ -	P 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 ⁸	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 ¹¹	P	P	P	P	P	P	P	-	-	-	-

TYPE OF USE	R-VLD	R-A	R-LD	R-E	R-E ¾	R-EQ	R-SF	R-M	MHP	M-U	PRD ²
16. Ostriches, emus, rheas, kivis or other ratite	1 per 9000 sf	1 per 3000 sf	1 per 9000 sf	-	-	-	-	-	-	-	-
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	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 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, 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."

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.

ADOPTED by the Town Council and signed by the Mayor and attested by the Town Clerk this 28TH day of February, 2012.

Honorable Barb Stanton, 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



TOWN OF APPLE VALLEY PLANNING COMMISSION

Staff Report

AGENDA DATE:	November 2, 2011
CASE NUMBER:	Development Code Amendment No. 2011-002
APPLICANT:	Town of Apple Valley
PROPOSAL:	A request to consider an amendment to Title 9 “Development Code” of the Town of Apple Valley Municipal Code amending Paragraph 10 of Subsection “B” of Table 9.28.050-A “Permitted Uses” within Section 9.28, “Residential Districts”, of the Code by revising the regulations related to Animal Keeping Permits and peafowl.
LOCATION:	Town-wide
EXISTING GENERAL PLAN DESIGNATIONS:	All Residential and Mixed-Use Land Use Designations.
EXISTING ZONING:	All Residential and Mixed-Use Zoning Designations.
ENVIRONMENTAL DETERMINATION:	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.
PROJECT PLANNER:	Ms. Pam Cupp, Associate Planner
RECOMMENDATION:	Adopt Planning Commission Resolution No. 2011-005

BACKGROUND AND ANALYSIS

At the September 7, 2011 Planning Commission meeting, the Commission reviewed and discussed potential ambiguities within Development Code Section 9.28 "Residential Districts" Table 9.28.030-A "Permitted Uses." Animal Services staff members were concerned whether or not Animal Keeping Permits were allowed to be issued within the multi-family zones. Additionally, it was determined there is an error in the table footnotes with regard to the keeping of peafowl.

By consensus, the Commission determined that, in the interim, Animal Services may continue to issue Animal Keeping Permits within the multi-family zones. Although the Development Code only permits one (1) dog or one (1) cat within multi-family zones, the Animal Keeping Permit allows residents to keep two (2) pets consisting of one (1) dog and one (1) cat or any combination thereof. It was further determined that the issuance of Animal Keeping Permits within the multi-family zones should be specifically identified as a permitted use within the Development Code. At its September 27, 2011 meeting, the Town Council initiated the recommended Code Amendment.

Listed below are items recommended to be changed and the suggested corrective language. Within this material, additions are noted in **bold underlined** and deletions are noted in ~~strike through~~. Included are clean-up items required for table consistency.

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 ²	
B. Agricultural and Animal Uses												
1. 4-H or FFA animal raising and/or keeping	P	P	P	P	P	P	P	-	-	-	SUP	
2. All types of horticulture ⁴	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	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 ^{6, 7, 12} Up to 4 cats ^{7, 12}	P P P	P P P	P P P	P P P	P P P	P P P	P P P	P P P	P ⁵ - -	P ⁵ - -	P ⁵ - -	- P P 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 ⁸	SUP	SUP	SUP 2 max	SUP 2 max	SUP 2 max	SUP 2 max	-	-	-	-	P	
14. Poultry and other fowl ⁸	P	P	1 per 1800 sf	5 max + 1 male	5 max + 1 male	5 max + 1 male	5 max + 1 male	-	-	-	P	

TYPE OF USE	R-VLD	R-A	R-LD	R-E	R-E ¾	R-EQ	R-SF	R-M	MHP	M-U	PRD ²
15. Racing and/or Homing Pigeons ¹¹	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	-	-	-	-	-	-	-	-
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	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. **Excess of one (1), not to exceed a combined total of two (2) dogs and cats, requires an Animal Keeping Permit and that all animals be spayed or neutered.** Maximum permitted per unit. Pot belly pigs are not permitted in the RM district.
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, requires an Animal ~~Keeping Control~~ 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.

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 permits residents within single-family zones to keep additional dogs or cats with the approval of an Animal Keeping Permit, which are monitored and maintained by the Animal Services Division. This amendment will extend a similar process to residents within multi-family zones also.

- 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. 2011-002 will modify the Town’s Development Code by establishing a procedure that will allow all residents to keep up to two (2) dogs or two (2) cats or any combination thereof. Animal Services will maintain and monitor the program which will eliminate any negative impact to surrounding residents; therefore, Development Code Amendment No. 2011-002 will not be detrimental to the public health, safety or welfare.

NOTICING

Development Code Amendment No. 2011-002 was advertised as a public hearing in the Apple Valley News newspaper on October 21, 2011.

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. 2011-005, 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:

Pam Cupp
Associate Planner

Lori Lamson
Assistant Director of Community Development

Attachment: Planning Commission Resolution No. 2011-005

PLANNING COMMISSION RESOLUTION NO. 2011-005

A RESOLUTION OF THE PLANNING COMMISSION OF THE TOWN OF APPLE VALLEY, CALIFORNIA, RECOMMENDING THAT THE TOWN COUNCIL FIND THAT DEVELOPMENT CODE AMENDMENT NO. 2011-002 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 AND PEAFAWL 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, 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 and peafowl within the Town of Apple Valley; and

WHEREAS, on October 21, 2011, Development Code Amendment No. 2011-002 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 November 2, 2011, the Planning Commission of the Town of Apple Valley conducted a duly noticed and advertised public hearing on Development Code Amendment No. 2011-002, receiving testimony from the public; and

WHEREAS, Development Code Amendment No. 2011-002 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. 2011-002 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. 2011-002 will have a significant effect on the environment and, therefore, the Amendment is EXEMPT from further environmental review.

Section 3. Amend Subsection “B” of 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

TYPE OF USE	R-VLD	R-A	R-LD	R-E	R-E ¾	R-EQ	R-SF	R-M	MHP	M-U	PRD ²
B. Agricultural and Animal Uses											
1. 4-H or FFA animal raising and/or keeping	P	P	P	P	P	P	P	-	-	-	SUP
2. All types of horticulture ⁴	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	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 ^{6, 7, 12} Up to 4 cats ^{7, 12}	P P	P P	P P	P P	P P	P P	P P	P ⁵ -	P ⁵ -	P ⁵ -	P 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 ⁸	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 ¹¹	P	P	P	P	P	P	P	-	-	-	-

TYPE OF USE	R-VLD	R-A	R-LD	R-E	R-E ¾	R-EQ	R-SF	R-M	MHP	M-U	PRD ²
16. Ostriches, emus, rheas, kivis or other ratite	1 per 9000 sf	1 per 3000 sf	1 per 9000 sf	-	-	-	-	-	-	-	-
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	CUP	CUP	CUP	CUP	CUP	CUP	-	-	-	-	-
20. Sale of agricultural products	P	P	P	-	-	-	-	-	-	-	P

13. CUP: Conditional Use Permit

P: Permitted Uses

SUP: Special Use Permit

(-): Denotes uses are prohibited

14. Uses permitted in a PRD development shall be consistent with the approved PRD. Uses not prescribed by an approved PRD shall be prohibited.
15. Requires Planning Commission approval of a Development Permit.
16. These uses are permitted subject to compliance with the provisions of Chapter 9.19, Home Occupation Permits, of this Code.
17. Keeping of two (2) pets consisting of one (1) dog or one (1) cat, or any combination thereof requires an Animal Keeping Permit and that all animals be spayed or neutered. Pot belly pigs are not permitted.
18. 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.
19. Excess of four (4), not to exceed a combined total of eight (8) dogs and cats, requires an Animal Keeping Permit and that all animals be spayed or neutered.
20. Except peafowl are permitted only in R-A.
21. Requires a Home Occupation Permit.
22. Only permitted when located within 1/8 mile of the affiliated school.
23. 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.
24. 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."

Approved and Adopted by the Planning Commission of the Town of Apple Valley this 2nd day of November, 2011.

B.R. Tinsley, 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. 2011-005 was duly and regularly adopted by the Planning Commission at a regular meeting thereof, held on the 2nd day of November, 2011, 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
November 2, 2011**

CALL TO ORDER

At 6:02 p.m., the Regular Meeting of the Planning Commission of the Town of Apple Valley for November 2, 2011, was called to order by Chairman Tinsley.

ROLL CALL

Planning Commission

Roll call was taken with the following members present: Commissioner David Hernandez, Commissioner Jason Lamoreaux, Commissioner Mark Shoup, Vice-Chairman Larry Cusack and Chairman B.R. "Bob" Tinsley.

PUBLIC HEARING ITEMS

- 2. Development Code Amendment No. 2011-002.** A request to consider an amendment to Title 9 "Development Code" of the Town of Apple Valley Municipal code, amending paragraph 10 of Subsection "B" of Table 9.28.050-A "permitted Uses" within Section 9.28 "Residential Districts", by revising the regulations related to Animal Keeping Permits and peafowl.
- Applicant: Town of Apple Valley**
Location: Town-wide

Chairman Tinsley opened the public hearing at 6:07 p.m.

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

Commissioner Shoup asked several questions regarding the ambiguity of using the words "and" or "or"

Ms. Cupp explained the reasons for the use of the word "or" in this section. She clarified that it was the consensus of the Planning Commission to allow Animal Services to continue to issue the permits and update the Code to reflect that decision.

Discussion ensued regarding the wording in this section as it pertained to both single-family residents and multi-family.

Ms. Haviva Shane, Town Attorney, commented on the footnote in Section 5 as it related to the Animal Keeping Permit.

Ms. Lori Lamson, Assistant Director of Community Development, noted the modifications made to the existing table, which appear on page 2-3, as it relates to the number of animals allowed for single-family residential zones.

Commissioner Shoup requested to know who makes the determination as to the number of animals that are permitted.

Ms. Cupp stated that Animal Services would make that determination.

Commissioner Hernandez expressed concern regarding the wording in footnote 5 which appears on page 2-10. He recommended a modification be made to the footnote so it reads identical to the wording in the report on page 2-2, footnote 2 which reads, two(2) pets consisting of one (1) dog and one (1) cat or any combination thereof.

It was the consensus of the Planning Commission to modify the verbiage in footnote 5 to read: "two (2) pets consisting of one (1) dog and one (1) cat or any combination thereof".

Chairman Tinsley closed the public hearing at 6:15 p.m.

MOTION:

Motion by Commissioner Hernandez, seconded by Vice-Chairman Cusack, that the Planning Commission move to:

1. Adopt Planning Commission Resolution No. 2011-005, as amended, and approve Development Code Amendment No. 2011-002.

ROLL CALL VOTE:

Ayes: Commissioner Hernandez
Commissioner Lamoreaux
Commissioner Shoup
Vice-Chairman Cusack
Chairman Tinsley

Noes: None

Abstain: None

Absent: None

The motion carried by a 5-0-0-0 vote