



# TOWN OF APPLE VALLEY

## TOWN COUNCIL STAFF REPORT

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**To:** Honorable Mayor and Town Council

**Date:** May 26, 2015

**From:** Carol Miller, Principal Planner  
Planning Department

**Item No:** 3

**Subject:** ADOPT ORDINANCE NO. 468 – AN ORDINANCE OF THE TOWN OF APPLE VALLEY AMENDING THE JESS RANCH PLANNED UNIT DEVELOPMENT RELATING TO THE FUTURE DEVELOPMENT OF LOT NOS. 69 THRU 204 AND LOT NOS. 210 THRU 219 WITHIN TRACT MAP 14484 (JESS RANCH LAKES RV RESORT)

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

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### RECOMMENDED ACTION:

Adopt Ordinance No. 468.

### SUMMARY:

At its April 14, 2015 meeting, the Town Council reviewed and introduced Ordinance No. 468 which amends portions of Sections 2.5 and 3.4 of the Jess Ranch Planned Unit Development as it relates to the future development of Lot Nos. 69 thru 204 and Lot Nos. 210 thru 219 within recorded Tract Map No. 14484 from Recreation Vehicle (RV) lot development to Single-Family Residential.

### FISCAL IMPACT:

Not Applicable

### ATTACHMENTS:

Ordinance No. 468

**ORDINANCE NO. 468**

**AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF APPLE VALLEY, CALIFORNIA, DETERMINING THAT SPECIFIC PLAN NO. 2012-01 AMENDMENT NO. 1, IS EXEMPT FROM FURTHER ENVIRONMENTAL REVIEW AND AMENDING SECTIONS 2.5 and 3.4 OF THE JESS RANCH PLANNED UNIT DEVELOPMENT**

**WHEREAS**, The Jess Ranch Planned Unit Development was approved by the County of San Bernardino in 1981 with subsequent amendments by the Town of Apple Valley in 1990 (Amendment No. 1), 1994 (Amendment No. 2), and 1998 (Amendment No. 3); and

**WHEREAS**, specific changes are proposed to the Jess Ranch Planned Unit Development by amending Sections 2.5 and 3.4(D) as it relates to the future development of Lot Nos. 69 thru 204 and Lot Nos. 210 thru 219 within recorded Tract Map No. 14484 from Recreation Vehicle (RV) lot development to Single-Family Residential; and

**WHEREAS**, on April 4, 2015, Specific Plan No. 2012-01 Amendment No. 1 was duly noticed in the Apple Valley News, a newspaper of general circulation within the Town of Apple Valley; and

**WHEREAS**, based upon the State Guidelines to Implement the California Environmental Quality Act (CEQA), the amendment currently proposed is consistent with the adopted Planned Unit Development and 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; and

**WHEREAS**, on March 18, 2015, the Planning Commission of the Town of Apple Valley conducted a duly noticed and advertised public hearing on Specific Plan No. 2012-01, Amendment No. 1 (TM No. 14484), receiving testimony from the public; and

**WHEREAS**, Specific Plan No. 2012-01 Amendment No. 1 is consistent with 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; and

**WHEREAS**, the revised Conditions of Approval for Tract Map No. 14484 (DP 209) assists in accommodating the two (2) development types within the same development.

**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 changes proposed by Specific Plan No. 2012-01 Amendment No. 1 are consistent with the Goals and Policies of the Town of Apple Valley adopted General Plan and Jess Ranch Planned Unit Development.

(ii) Find that the amendment currently proposed is consistent with the adopted Planned Unit Development and 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.** Amending Section 2.5 (Commercial Recreation) in its entirety to read as follows:

Phase “Y” (TM 14484), currently zoned Medium Density Residential, shall have placed upon it a Commercial Recreation overlay to allow for Lot Nos. 1 through 68 and Lot Nos. 220 through 227 to be developed and used as RV lots in accordance with Section 3.4 Subsection D (Jess Ranch Lakes Recreational Vehicle Resort – Tract Map No. 14484).

**Section 3.** Amend Section 3.4.D (Medium Density Residential Areas) by amending the heading of Subsection “D” to read as follows:

D. Jess Ranch Lakes Recreational Vehicle Resort – Tract Map No. 14484 (Lot Nos. 1 thru 68 and Lot Nos. 220 through 227).

**Section 4. Invalidation.** The amendment by this Ordinance of the Jess Ranch Planned Unit Development 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 5. 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 6. Effective Date.** This Ordinance shall become effective thirty (30) days after the date of its adoption.

**Section 7. 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 by the Town Clerk this 26<sup>TH</sup> day of May, 2015.

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Larry Cusack, Mayor

**ATTEST:**

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La Vonda M-Pearson, Town Clerk

**APPROVED AS TO FORM:**

**APPROVED AS TO CONTENT:**

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John Brown, Town Attorney

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Frank Robinson, Town Manager