



TOWN OF APPLE VALLEY

TOWN COUNCIL STAFF REPORT

To: Honorable Mayor and Town Council **Date:** January 26, 2016

From: Carol Miller, Principal Planner **Item No:** 11
Planning Department

Subject: AN AMENDMENT TO TITLE 9 "DEVELOPMENT CODE" OF THE TOWN OF APPLE VALLEY MUNICIPAL CODE BY AMENDING TABLE 9.28.030-A(B)(8) AS IT RELATES TO THE KEEPING OF LLAMAS AND ALPACAS AND AMENDING SECTION 9.29.030D AS IT RELATES TO SMALL DOMESTIC ANIMALS

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

RECOMMENDED ACTION:

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. 482 in its entirety and read by title only.

5. **Introduce** Ordinance No. 482, revising Title 9 "Development Code" of the Town of Apple Valley Municipal Code by modifying Table 9.28.030-A(B)(8) as it relates to small domestic animals.
6. **Direct** staff to file a Notice of Exemption.

SUMMARY:

On August 11, 2015, the Town Council initiated a Development Code Amendment regarding small domestic animals, Llamas and Alpacas. On December 2, 2015, the Planning Commission adopted Planning Commission Resolution No. 2015-013 recommending an amendment to the Development Code as it pertains to this issue.

ANALYSIS:

The Planning Commission recommends the following amended language as identified by strike-through text for deletions and underlined text for additions.

Table 9.28.030-A Permitted Uses

TYPE USE	O	R-VLD	R-A	R-LD	R-E	R-E ¾	R-EQ	R-SF	R-M	MHP	M-U	PRD ²
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B. Agricultural and Animal Uses

8. Llama and alpaca		1 pe 4500 sf	1 pe 4500 sf	1 pe 9000 sf	1 pe lot <u>9000 sf</u>	1 pe lot <u>9000 sf</u>	1 pe lot <u>9000 sf</u>	-	-	-	-	P
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9.29.030 Animal Keeping and Agricultural Uses in Residential Districts

D. Small Domestic Animals. Small domestic animals shall be allowed in districts as provided for in Table 9.28.030-A *Permitted Uses*. Small animals consisting of non exotic or wild animals that are commonly sold in pet stores and kept as household pets which are normally maintained in aquariums, terrariums, bird cages or similar enclosures, each of which does not exceed fifty (50) cubic feet. Said enclosures must be kept and maintained within an enclosed building such as domestic mice and rats, hamsters, guinea pigs, turtles, snakes, tropical fish, canaries, parrots, parakeets and other similar animals commonly sold in pet stores and kept as household pets. The maximum number or density limitations for these animal types shall comply with Public Health Regulations.

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 is the blueprint for the community’s future growth. Specific Goals and Objectives are provided within each of the adopted General Plan’s State mandated Elements. Many of these stated Goals and objectives address the community’s desire to maintain a rural lifestyle. This change is consistent with the Goals and Objectives of the adopted General Plan because the Amendment expands the allowances for Llamas and Alpacas characteristic of a rural lifestyle and better defines regulations for small domestic animals which is .

B. The proposed amendment will not be detrimental to the public health, safety or welfare of the Town or its residents.

Comment: The amendment will not be detrimental to the public health, safety or welfare because the proposed Development Code Amendment expands the allowances for Llamas and Alpacas which have already have standards in which they must be keep and better defines the regulations for small domestic animals.

NOTICING:

Development Code Amendment No. 2015-005 was advertised as a public hearing in the Apple Valley News newspaper on January 15, 2016.

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.

FISCAL IMPACT:

Not Applicable

Attachments:

1. Draft Ordinance No. 482
2. Planning Commission Staff Report, including Planning Commission Resolution No. 2015-013
3. Planning Commission Draft Minutes for December 2, 2015

ORDINANCE NO. 482

AN ORDINANCE OF THE TOWN OF APPLE VALLEY, CALIFORNIA, AMENDING TITLE 9 “DEVELOPMENT CODE” OF THE TOWN OF APPLE VALLEY MUNICIPAL CODE, BY AMENDING TABLE 9.28.030-A(B)(8) AS IT RELATES TO THE KEEPING OF LLAMA AND ALPACA AND AMENDING SECTION 9.29.030 (D) AS IT RELATES TO SMALL DOMESTIC ANIMALS

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 Title 9 “Development Code” of the Town of Apple Valley Municipal Code by comprehensively amending Table 9.28.030-A(B)(8) and amending Section 9.29.030 (D); 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 Code Amendment, may have a significant effect on the environment, the activity is not subject to CEQA; and

WHEREAS, on December 2, 2015, the Planning Commission of the Town of Apple Valley conducted a duly noticed public hearing on Development Code Amendment No. 2015-005, receiving testimony from the public and adopting Planning Commission Resolution No. 2015-013 forwarding a recommendation to the Council; and

WHEREAS, on January 26, 2016, the Town Council of the Town of Apple Valley conducted a duly noticed and advertised public hearings on Development Code Amendment No. 2015-005, receiving testimony from the public.

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

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. 2015-005 is 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. 2015-005 will have a significant effect on the environment and, therefore, the Amendment is EXEMPT from further environmental review.

Section 3. Amend the Development Code Table 9.28.030-A Subsection B.8 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
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B. Agricultural and Animal Uses

8. Llamas and alpaca	1 per 4500 sf	1 per 4500 sf	1 per 9000 sf	1 per 9000 sf	1 per 9000 sf	1 per 9000 sf	-	-	-	-	P
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Section 4. Amend Section 9.29.030 *Animal Keeping and Agricultural Uses in Residential Districts*, Subsection D *Small Domestic Animals* to read as follows:

D. *Small Domestic Animals.* Small domestic animals shall be allowed in districts as provided for in Table 9.28.030-A *Permitted Uses*. Small animals consisting of non exotic or wild animals that are commonly sold in pet stores and kept as household pets which are normally maintained in aquariums, terrariums, bird cages or similar enclosures, each of which does not exceed fifty (50) cubic feet. Said enclosures must be kept and maintained within an enclosed building The maximum number or density limitations for these animal types shall comply with Public Health Regulations.

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.

Adopted by the Town Council and signed by the Mayor and attested to by the Town Clerk this 9th day of February, 2016.

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



Get a Slice of the Apple.

Agenda Item No. 3

TOWN OF APPLE VALLEY PLANNING COMMISSION

Staff Report

AGENDA DATE:	December 2, 2015
CASE NUMBER:	Development Code Amendment No. 2015-005
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 by amending Table 9.28.030-A(B)(8) as it relates to the keeping of Llama and Alpaca and amending Section 9.29.030 (D) as it related to small domestic animals.
LOCATION:	Town-wide
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:	Carol Miller, Principal Planner
RECOMMENDATION:	Adopt Planning Commission Resolution No. 2015-013

BACKGROUND

On August 11, 2015, the Town Council initiated a Development Code Amendment regarding small domestic animals, Llama and Alpacas.

DISCUSSION

The Town's Animal Services Department requested changes to the Development Code with respect to the keeping of small domestic animals and the keeping of Llamas and Alpacas.

Currently, the Development Code allows one (1) Alpaca per lot within the Residential Equestrian (R-EQ) and Residential Estate (R-E). Given the potential uses for Alpaca (wool & pack animal); it is conceivable that an owner would require more than one. Staff is recommending that consideration be given to amend the Code to allow Llama & Alpaca similar to that of a horse or other equine.

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
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B. Agricultural and Animal Uses

8. Llamas and alpaca	1 per 450 sf	1 per 450 sf	1 per 900 sf	1 per 9000 sf	1 per 9000 sf	1 per 9000 sf	-	-	-	-	P
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Currently the Development Code allows small domestic animals as a permitted use within all residential land use districts. A small domestic animal is defined in the Development Code as follows:

Small Domestic Animals. Small domestic animals shall be allowed in districts as provided for in Table 9.28.030-A *Permitted Uses*. Small animals shall consist of non exotic or wild animals such as domestic mice and rats, hamsters, guinea pigs, turtles, snakes, tropical fish, canaries, parrots, parakeets and other similar animals commonly sold in pet stores and kept as household pets.

Animal Services is requesting an amendment to the Development Code that establishes some regulations regarding small domestic animals where there are currently none beyond defining a small domestic animal. By referencing the public health regulation, this establishes not only the condition of the animals living environment but the area in which they require without outright specifying maximum number of each animal. The public health regulations are the same regulation pet stores are subject to.

9.29.030 Animal Keeping and Agricultural Uses in Residential Districts

D. *Small Domestic Animals.* Small domestic animals shall be allowed in districts as provided for in Table 9.28.030-A *Permitted Uses*. Small animals consisting of non exotic or wild animals that are commonly sold in pet stores and kept as household pets which are normally maintained in aquariums, terrariums, bird cages or similar enclosures, each of which does not exceed fifty (50) cubic feet. Said enclosures must be kept and maintained within an enclosed building such as domestic mice and rats, hamsters, guinea pigs, turtles, snakes, tropical fish, canaries, parrots, parakeets and other similar animals commonly sold in pet stores and kept as household pets. The maximum number or density limitations for these animal types shall comply with Public Health Regulations.

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 is the blueprint for the community's future growth. Specific Goals and Objectives are provided within each of the adopted General Plan's State mandated Elements. Many of these stated Goals and objectives address the community's desire to maintain a rural lifestyle. This change is consistent with the Goals and Objectives of the adopted General Plan because the Amendment expands the allowances for Llamas and Alpacas characteristic of a rural lifestyle and better defines regulations for small domestic animals which is .

- B. The proposed amendment will not be detrimental to the public health, safety or welfare of the Town or its residents.

Comment: The amendment will not be detrimental to the public health, safety or welfare because the proposed Development Code Amendment expands the allowances for Llamas and Alpacas which have already have standards in which they must be keep and better defines the regulations for small domestic animals.

NOTICING

Development Code Amendment No. 2015-005 was advertised as a public hearing in the Apple Valley News newspaper on November 20, 2015.

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. 2015-013, 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:

Carol Miller
Principal Planner

Lori Lamson
Assistant Town Manager

ATTACHMENT:
Planning Commission Resolution No. 2015-013

PLANNING COMMISSION RESOLUTION NO. 2015-013

A RESOLUTION OF THE PLANNING COMMISSION OF THE TOWN OF APPLE VALLEY, CALIFORNIA, RECOMMENDING THAT THE TOWN COUNCIL ADOPT DEVELOPMENT CODE AMENDMENT NO. 2015-005 AMENDING TITLE 9 “DEVELOPMENT CODE” OF THE TOWN OF APPLE VALLEY MUNICIPAL CODE, BY AMENDING TABLE 9.28.030-A(B)(8) AS IT RELATES TO THE KEEPING OF LLAMA AND ALPACA AND AMENDING SECTION 9.29.030 (D) AS IT RELATES TO SMALL DOMESTIC ANIMALS

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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 Title 9 “Development Code” of the Town of Apple Valley Municipal Code by comprehensively amending Table 9.28.030-A(B)(8) and amending Section 9.29.030 (D); and

WHEREAS, on November 20, 2015, Development Code Amendment No. 2015-005 was duly noticed in the Apple Valley News, a newspaper of general circulation within the Town of Apple Valley; and

WHEREAS, 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; and

WHEREAS, on December 2, 2015 the Planning Commission of the Town of Apple Valley conducted a duly noticed and advertised the public hearing on Development Code Amendment No. 2015-005, receiving testimony from the public; and

WHEREAS, Development Code Amendment No. 2015-005 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. 2015-005 are consistent with the Goals and Policies of the Town of Apple Valley adopted General Plan.

Section 2. 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.

Section 3. Amend the Development Code Table 9.28.030-A Subsection B.8 to read as follows:

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<i>B. Agricultural and Animal Uses</i>											
8. Llamas and alpaca	1 per 4500 sf	1 per 450 sf	1 per 900 sf	1 per 9000 sf	1 per 9000 sf	1 per 9000 sf	-	-	-	-	P

Section 4. Amend Section 9.29.030 *Animal Keeping and Agricultural Uses in Residential Districts*, Subsection D *Small Domestic Animals* to read as follows:

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Approved and Adopted by the Planning Commission of the Town of Apple Valley this 2nd day of December, 2015.

Chairman Bruce Kallen

ATTEST:

I, Yvonne Rivera, Secretary to the Planning Commission of the Town of Apple Valley, California, do hereby certify that the foregoing resolution was duly and regularly adopted by the Planning Commission at a regular meeting thereof, held on the 2nd day of December, 2015 by the following vote, to-wit:

AYES:
NOES:
ABSENT:
ABSTAIN:

Ms. Yvonne Rivera, Planning Commission Secretary

**DRAFTMINUTES
EXCERPT
TOWN OF APPLE VALLEY
PLANNING COMMISSION
Regular Meeting**

WEDNESDAY, DECEMBER 2, 2015

- 3. Development Code Amendment No. 2015-005.** A request to consider an amendment to Title 9 “Development Code” of the Town of Apple Valley Municipal Code by amending Table 9.28.030-A(B)(8) as it relates to the keeping of Llama and Alpaca and amending Section 9.29.030 (D) as it relates to small domestic animals.

Applicant: Town of Apple Valley

Location: Town-wide

Chairman Kallen opened the public hearing at 6:46 p.m.

Ms. Carol Miller, Principal Planner, presented the staff report as filed with the Planning Division.

Discussion ensued regarding the keeping of Llamas and Alpacas. Ms. Miller read into the record, the maximum number of animals allowed for R-EQ/R-E lots as outlined in the Development Code.

PUBLIC COMMENT

None.

Chairman Kallen closed the public hearing at 6:55 p.m.

MOTION

Motion by Chairman Kallen, seconded by Commissioner Tinsley that the Planning Commission move to:

1. Approve Planning Commission Resolution No. 2015-013, 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.

ROLL CALL VOTE

Ayes: Commissioner Lamoreaux
Commissioner Shoup
Commissioner Tinsley
Vice-Chairman Qualls
Chairman Kallen

Noes: None

Abstain: None

Absent: None

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