

INITIATIVE ORDINANCE NO. 06-01

AN INITIATIVE ORDINANCE OF THE TOWN OF APPLE VALLEY REAFFIRMING AND CLARIFYING THE INTENT OF PRIOR INITIATIVE MEASURE N TO PRESERVE THE DENSITY OF SINGLE FAMILY RESIDENTIAL DEVELOPMENT IN THE TOWN

The people of the Town of Apple Valley do ordain as follows:

Section 1: Findings

A. The unique rural and equestrian character of the Town of Apple Valley and the quality of life of its residents depend on maintaining the development standards for single family homes. The Land Use Element of the Town of Apple Valley General Plan generally both restricts the density of single family development to no more than two units per net acre, and requires a minimum lot size of 18,000 square feet. These provisions not only preserve this unique character and quality of life, but also protect the available water supply, prevent uncontrollable traffic congestion, and avoid school overcrowding.

B. On November 2, 1999, the voters of the Town of Apple Valley passed "Measure N," with the intent of preserving the two unit per net acre maximum density and 18,000 square foot minimum lot size requirement for single family residential development in Apple Valley. However, serious questions have been raised whether Measure N may have had the unintended effect of preventing any change to the Land Use Element, or any General Plan amendment to change the land use designation of any property in the Town of Apple Valley, unless such a change or amendment is approved by the voters.

C. This Initiative Measure reaffirms the intent of Measure N to preserve the existing maximum densities and minimum lot size requirements for single family residential developments in the Town of Apple Valley, while clarifying that the Apple Valley Town Council retains the authority to change the land use designations of lands within the Town, and take final action on other local land use regulatory matters.

Section 2: Purpose

The purpose of this Initiative Measure is to clarify the intent of Measure N, as follows:

A. To limit General Plan single family land use designations within the Town of Apple Valley to densities no greater than two (2) units per net acre;

B. To prevent the Town Council from modifying the maximum density or minimum lot size requirement set forth in any of the single family residential designations in the Land Use Element of the Town of Apple Valley General Plan without a vote of the Apple Valley electorate, until December 31, 2020;

C. To prevent the Town Council from adopting any new General Plan single family residential land use designation with a density greater than two (2) units per net acre without a vote of the Apple Valley electorate, until December 31, 2020;

D. To reaffirm and readopt Section 2.C of Measure N (which, until December 31, 2020, requires voter approval for any change to the 2-unit per net acre maximum density and 18,000 square foot minimum lot size requirement for the Single-Family Residential R-SF land use designation in the Land Use Element of the Town of Apple Valley General Plan);

E. To repeal Section 2.A of Measure N (which readopted, until December 31, 2020, the Goals and Policies of the Land Use Element of the Town of Apple Valley General Plan as adopted on September 10, 1991) and Section 2.B of Measure N (which readopted, until December 31, 2020, the land use designations, Land Use Policy Map, and the Equestrian Neighborhood Map of the Land Use Element of the Town of Apple Valley General Plan as adopted on September 1, 1991 and as amended through January 1, 1999); and

F. To reaffirm and readopt Section 4 of Measure N, which provides that landowners may, through normal Town of Apple Valley procedures, request any zone change consistent with the Land Use Element of the Town of Apple Valley General Plan.

Section 3: General Plan Amendments

In order to clarify and implement the intent of Measure N to preserve single family residential density limits in Apple Valley, and to achieve the purposes set forth in Section 2 of this Initiative Measure, Goal LU-10, and Policies LU-10.1, LU-10.2, LU-10.3, LU-10.4 and LU-10.5 are hereby added to the Land Use Element of the Town of Apple Valley General Plan, as follows:

"Goal LU-10: The Town shall preserve the existing maximum allowable densities for single family residential development, in order to maintain the unique character and quality of life in Apple Valley.

Policy LU-10.1: Until December 31, 2020, the Town Council shall not amend the maximum allowable building intensity limits for single family development in the Very Low Density (R-VLD), Low Density (R-LD), Estate Residential (R-E), Single Family Residential (R-SF) or Community Reserve (RC) land use designations in the Land Use Element in effect as of January 1, 2006, or in the Equestrian Residential (R-EQ) Zoning District in the Town's Development Code in effect as of January 1, 2006, or in the Land Use Element regulations in effect as of January 1, 2006 governing Specific Plans, unless such amendment is approved by the voters of the Town.

Policy LU-10.2: Until December 31, 2020, the Town Council shall not amend the minimum lot size requirements for single family development in the Very Low Density

(R-VLD), Low Density (R-LD), Estate Residential (R-E), Single Family Residential (R-SF) or Community Reserve (RC) land use designations in the Land Use Element in effect as of January 1, 2006, or in the Equestrian Residential (R-EQ) Zoning District in the Town's Development Code in effect as of January 1, 2006, or in the Land Use Element regulations in effect as of January 1, 2006 governing Specific Plans, unless such amendment is approved by the voters of the Town.

Policy LU-10.3: Until December 31, 2020, the Town Council shall not amend the Land Use Element or any other Element of the General Plan to establish any new single family residential land use designation with a maximum allowable building intensity in excess of two (2) units per net acre, unless such amendment is approved by the voters of the Town.

Policy LU-10.4: Except as set forth in Policies LU-10.1, LU-10.2 and LU-10.3, the Town Council retains the authority, in accordance with California law, to exercise all land use regulatory and approval authority with respect to lands and uses within the Town, including but not limited to adopting General Plan amendments to change the land use designation of any land in the Town.

Policy LU-10.5: Owners of land within the Town retain the right to request and apply for land use designation changes and zone changes for their properties, in accordance with the Town's procedures and regulations."

Section 4: Effective Date

This Ordinance shall take effect ten (10) days following the date on which the Town Council of the Town of Apple Valley declares that this Initiative Ordinance was adopted by a majority of the voters voting on the measure at the special municipal election held on June 6, 2006 .

Section 5: Severability

Should any portion of this Initiative Ordinance be found unlawful or invalid by a court of competent jurisdiction, the remaining portions of the Initiative Ordinance shall remain in full force and effect.

Section 6: Amendment or Repeal

This Initiative Ordinance may be amended or repealed only by a majority of the voters of the Town of Apple Valley voting on the matter at a special or general municipal election.