



Town Council Agenda Report

Date: August 27, 2019 Item No.6
To: Honorable Mayor and Town Council
Subject: INTRODUCE ORDINANCE NO. 514 AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF APPLE VALLEY, CA REMOVING CHAPTER 2.28 OF THE MUNICIPAL CODE IN ITS ENTIRETY AS IT PERTAINS TO THE EQUESTRIAN ADVISORY COMMITTEE
From: Douglas Robertson, Town Manager
Submitted by: Lori Lamson, Assistant Town Manager
Budgeted Item: Yes No N/A

RECOMMENDED ACTION:

Move to open the public hearing and take testimony. Close the public hearing.

Then:

- A. **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.
- B. **Move** to waive the reading of Ordinance No. 514 in its entirety and read by title only.
- C. **Introduce** Ordinance No. 514 approving removing Chapter 2.28 of the Municipal Code as it relates to the Equestrian Advisory Committee; and
- D. **Direct** staff to file a Notice of Exemption with the San Bernardino County Clerk of the Board.

SUMMARY:

On June 11, 2019, the Town Council discussed the purpose of the Equestrian Advisory Committee and the constraints the Committee has in functioning as a Council appointed committee, subject to municipal regulation, including the Brown Act. Discussion also included the success the equestrian community may have organizing events if they were able to function as a Town supported user group or club, similar to those in other surrounding communities. The Town Council directed staff to agendize a Municipal Code Amendment for Council consideration, eliminating the Equestrian Advisory Committee.

BACKGROUND:

The Equestrian Advisory Committee was established by the Town to advise the Town Council on issues pertaining to equine or equestrian matters. Within the first few years of establishing the committee, numerous development projects, requiring equestrian trails or animal keeping opportunities, were reviewed by the committee as part of the project entitlement process. In order to provide consistent regulations for equine development, the committee created the Multi-Use and Equestrian Trail Standards, adopted by the Town Council in 2005. In addition to the review of development projects and the creation of the Trail Standards, the committee also organized equestrian programs and activities.

After the adoption of the Multi-Use and Equestrian Trail Standards, the number of development projects reviewed by the committee lessened, due to the implementation of the standards and very few requests for a variance from the standards. In 2008 the Committee was involved in the update of the Recreation Trail System map found in the Circulation Element of the General Plan. This map identifies the feeder and lifeline trail system to provide connectivity of the trail system throughout Town. The revised map was part of the Comprehensive General Plan Update adopted by the Town Council in 2009. Within the updated General Plan are policies that pertain to supporting an equestrian community and maintaining a rural character, which includes equestrian users.

The success of the Multi-Use and Equestrian Trail Standards and the update of the General Plan, the Committee's role in development projects came to an end with the adoption of Ordinance No. 469 on July 14, 2015. This ordinance amended the functions of the Equestrian Advisory Committee, removing the responsibility of land use review of all equestrian development, provided that projects comply with the Multi-Use and Equestrian Trail Standards. After the adoption of Ordinance No. 469, the Committee's primary function was equestrian activities and programming.

Since this change in purpose in 2015, the Committee has continued to hold trail rides, programs to encourage equestrian riders and upkeep of the existing trail system. They have recommended improvements to Town facilities for equine use. However, due to the constraints of municipal requirements for a formal advisory committee, such as the Brown Act and fiduciary requirements, the success and participation of this committee has been confined and limiting. Due to these limitations, the Town Council discussions at the June 11, 2019 Town Council meeting, concluded to change the committee from a formal advisory committee, to a community driven user group or club. Similar to other recreational user groups or clubs within the Town (i.e. Little League, Pony League, Youth Football), the Town can continue to support this type of user group or club allowing use of Town owned and maintained facilities. The Town could also be supportive of future events by sponsorships, such as a Rodeo. With the adoption of this Ordinance, the constraints over this group would be eliminated and would allow them the ability to grow and succeed.

NOTICING:

This amendment to the Municipal Code was advertised as a Town Council public hearing in the Apple Valley News newspaper on August 16, 2019.

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:

Ordinance No. 514

Chapter 2.28 "Equestrian Advisory Committee"

ORDINANCE NO. 514

AN ORDINANCE OF THE TOWN OF APPLE VALLEY, CALIFORNIA, AMENDING TITLE 9 “DEVELOPMENT CODE” OF THE TOWN OF APPLE VALLEY MUNICIPAL CODE, BY REMOVING CHAPTER 2.28 OF THE MUNICIPAL CODE IN ITS ENTIRETY AS IT PERTAINS TO THE EQUESTRIAN ADVISORY COMMITTEE

WHEREAS, The Equestrian Advisory Committee was established by the Town to advise the Town Council on issues pertaining to equine or equestrian matters;

WHEREAS, The Equestrian Advisory Committee was instrumental in participating in the formation of the Multi-Use and Equestrian Trails Standards, which is criteria for new development that includes equestrian use;

WHEREAS, On July 14, 2015, Ordinance No. 469 was adopted amending the functions of the Equestrian Advisory Committee, removing the review authority of land use development of all equestrian related projects, provided that the projects comply with the Multi-Use and Equestrian Trails Standards;

WHEREAS, On June 11, 2019, the Town Council discussed the purpose of the Equestrian Advisory Committee and the constraints the Committee has in functioning as a Council appointed committee, subject to municipal regulations, including the Brown Act. Discussion also included the success the equestrian community may have if they were able to function as a Town supported user group or club, similar to those in surrounding communities;

WHEREAS, On June 11, 2019 the Town Council directed staff to initiate Municipal Code Amendment consistent with the Town’s desire to eliminate the Equestrian Advisory Committee, allowing them the independence to function as a user group or club;

WHEREAS, On August 16, 2019, the public hearing for Ordinance No. ____ was duly noticed in the Apple Valley News, a newspaper of general circulation within the Town of Apple Valley; and

WHEREAS, on August 27, 2019, the Town Council of the Town of Apple Valley conducted a duly noticed public hearing for this Ordinance and received public testimony; 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

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

Section 1. Chapter 2.28 “Equestrian Advisory Committee” shall be removed in its entirety from the Town of Apple Valley Municipal Code.

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. 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 4. Effective Date. This Ordinance shall become effective thirty (30) days after the date of its adoption.

Section 5. 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 10th day of September, 2019.

Honorable Larry Cusack, Mayor

ATTEST:

Ms. La Vonda M. Pearson, Town Clerk

Approved as to form:

Approved as to content:

Mr. Thomas Rice, Town Attorney

Mr. Douglas B. Robertson, Town Manager