



Town Council Agenda Report

Date: September 10, 2019 Item No. 4
To: Honorable Mayor and Town Council
Subject: SECOND READING OF ORDINANCE NO. 514 AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF APPLE VALLEY, CALIFORNIA, REMOVING CHAPTER 2.28 OF TITLE 2 OF THE APPLE VALLEY 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
Community Development Department
Budgeted Item: Yes No N/A

RECOMMENDED ACTION:

Adopt Ordinance No. 512

SUMMARY:

At its August 27, 2019 meeting, the Town Council reviewed and introduced Ordinance No. 514 which removes Chapter 2.28 of the Municipal Code pertaining to disbanding the Equestrian Advisory Committee. As part of the requirements to adopt any new ordinance, Ordinance No. 514 has been scheduled for adoption at the September 10, 2019 Town Council Meeting.

Fiscal Impact:

Not Applicable

Attachments:

Ordinance 514

ORDINANCE NO. 514

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF APPLE VALLEY, CALIFORNIA, REMOVING CHAPTER 2.28 OF TITLE 2 OF THE APPLE VALLEY 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. 514 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.

APPROVED and **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