



Town Council Agenda Report

Date: September 10, 2019 Item No. 8

To: Honorable Mayor and Town Council

Subject: ZONE CHANGE NO. 2019-001. A REQUEST TO CONSIDER A CHANGE OF ZONE FROM RESIDENTIAL EQUESTRIAN (R-EQ) TO SINGLE FAMILY RESIDENTIAL (R-SF)

From: Douglas Robertson, Town Manager

Submitted by: Carol Miller, Assistant Director of Community Development
Community Development Department

Budgeted Item: Yes No N/A

RECOMMENDED ACTION:

- 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. **Find** the facts presented within the staff report, including the attached Planning Commission staff report for August 7, 2019, support the required Findings for approval of the proposed Specific Plan Amendment.
- C. **Move** to waive the reading of Ordinance No. 515 in its entirety and read by title only.
- D. **Introduce** Ordinance No. 515 approving Zone Change No. 2019-001; and
- E. **Direct** staff to file a Notice of Exemption with the San Bernardino County Clerk of the Board.

SUMMARY:

On August 7, 2019, the Planning Commission adopted Planning Commission Resolution No. 2019-010 with a recommendation that the Town Council amend the Zoning District Map.

ANALYSIS:

The applicant has requested a zone change from Equestrian Residential (R-EQ) to Single Family Residential (R-SF). To eliminate an isolated parcel of R-EQ, Assessor Parcel No. 3112-241-70 was included in the request. The property owner is aware of this inclusion. The parcel known as APN 3112-241-71 currently maintains dual zoning; therefore, the purpose of the request is to eliminate the dual zoning in anticipation of subdividing the property. Eliminating the dual zoning negates the buffer area requirement between the two zoning districts. Both the existing and proposed zoning designations fall under the Single Family Residential (R-SF) General Plan land use designation which makes the request consistent with the General Plan. The main distinction between the two residential designations is animal keeping.

NOTICING:

Zone Change No. 2019-001 was advertised as a Town Council public hearing in the Apple Valley News newspaper on August 30, 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. 515

Planning Commission Staff Report

Planning Commission Resolution No. 2019-010

ORDINANCE NO. 515

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF APPLE VALLEY, CALIFORNIA, AMENDING THE OFFICIAL ZONING MAP BY CHANGING THE ZONING DESIGNATION FROM RESIDENTIAL EQUESTRIAN (R-EQ) TO SINGLE FAMILY RESIDENTIAL (R-SF) AS IDENTIFIED WITHIN THIS ORDINANCE AND AS SHOWN IN EXHIBIT "A".

WHEREAS, the General Plan of the Town of Apple Valley was adopted by the Town Council on August 11, 2009; and

WHEREAS, the Zoning District Map 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 Chapter 9.05, Section 9.05.040 "Adoption of the Official Zoning Districts Map" of Title 9 (Development Code) of the Municipal Code of the Town of Apple Valley by amending the zoning designation for Assessor Parcel Numbers (APNs): 3112-241-70 and -71 as shown on Exhibit "A", and as incorporated herein by reference; and

WHEREAS, Zone Change No. 2019-001 is consistent with the General Plan of the Town of Apple Valley;

WHEREAS, the proposed zone change is consistent with the goals, objectives and policies of the Apple Valley General Plan. The Single Family Residential (R-SF) zoning designation proposed will not significantly change the type or intensity of land use that could be proposed for the site in the future; and

WHEREAS, Zone Change No. 2019-001 is consistent with the Land Use Element goals and policies of the Town's General Plan and shall promote the health, safety, and general welfare of the citizens of the Town of Apple Valley; and

WHEREAS, on August 7, 2019, the Planning Commission of the Town of Apple Valley conducted a duly noticed public hearing on Zone Change No. 2019-001, receiving testimony from the public and adopting Planning Commission Resolution No. 2019-010 forwarding a recommendation to the Council; and

WHEREAS, on September 10, 2019, the Town Council of the Town of Apple Valley conducted a duly noticed and advertised public hearings on Zone Change No. 2019-001, receiving testimony from the public, 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 Specific Plan Amendment, may have a significant effect on the environment, the activity is not subject to CEQA.

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 change proposed by Zone Change No. 2019-001 is consistent with the Goals and Policies of the Town of Apple Valley adopted General Plan. and

(ii) Find that, the zone change 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. In consideration of the evidence received at the public hearing, and for the reasons discussed by the Council at said hearing, the Town Council of the Town of Apple Valley, California, adopts the Findings and Comments for the Zone Change set forth in the Staff Report, and finds that the change proposed by Zone Change No. 2019-001 is consistent with the Goals and Policies of the Town of Apple Valley adopted General Plan.

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

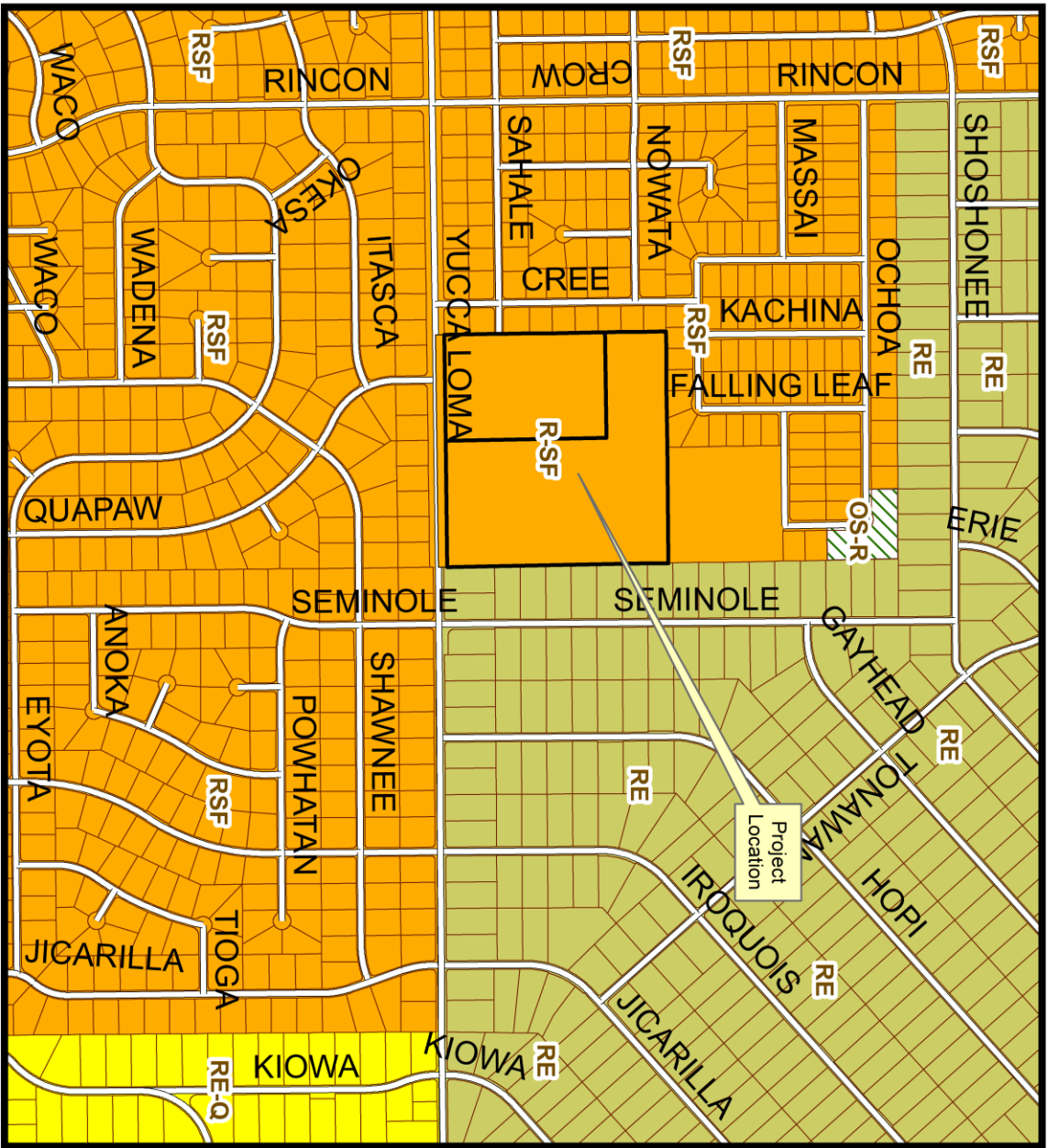
Approved as to form:

Approved as to content:

Mr. Thomas Rice, Town Attorney

Mr. Douglas B. Robertson, Town Manager

EXHIBIT A



Zone Change No. 2019-001

North side of Yucca Loma Road, east of Cree Road
 APNs 3112-241-70 and -71



Legend	
	Project location
	Zoning selection
	(R-E) Estate Residential (1 unit to 2.5 gross acres)
	(R-EQ) Equation Residential (1 unit to 0.9 net acre)
	(R-SF) Single Family Residential (1 to 4 to 9 net acres)
	OS-R Open Space Recreation
	RE-Q

Date: 7/31/2019



Planning Commission Agenda Report

DATE: August 7, 2019 Item No. 2

SUBJECT: ZONE CHANGE NO. 2019-001

APPLICANT: Christopher Connors
High Desert Church

PROPOSAL: Zone Change No. 2019-001: A request to consider a zone change for two (2) parcels from Equestrian Residential (R-EQ) to Single Family Residential (R-SF).

LOCATION: North side of Yucca Loma Road, east of Cree Road. APN 3112-241-70 and -71.

GENERAL PLAN DESIGNATION: Single Family Residential (R-SF)

EXISTING ZONING: Equestrian Residential (R-EQ)

ENVIRONMENTAL DETERMINATION: The zone change which is consistent with the General Plan 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, may have a significant effect on the environment, the activity is not subject to CEQA.

PREPARED BY: Carol Miller, Assistant Director of Community Development

RECOMMENDATION: Adopt Planning Commission Resolution No. 2019-010

PROJECT SITE AND DESCRIPTION:

- A. Project Size
The subject area encompasses two (2) parcels consisting of approximately twelve (12) and thirty-five (35) acres.
- B. Site Characteristics
Both parcels are undeveloped and contain native vegetation. The subject area is surrounded by single family residential.
- C. General Plan Designations
Project Site - Single Family Residential (R-SF)
North - Single Family Residential (R-SF)

South - Single Family Residential (R-SF)
East - Estate Residential (R-E)
West - Single Family Residential (R-SF)

D. Surrounding Zoning

Project Site - Equestrian Residential (R-EQ) and Single Family Residential (R-SF)
North - Single Family Residential (R-SF)
South - Single Family Residential (R-SF)
East - Estate Residential (R-E)
West - Single Family Residential (R-SF)

DISCUSSION

Both applicants have requested a zone change from Equestrian Residential (R-EQ) to Single Family Residential (R-SF). Both zoning designations fall under the Single Family Residential (R-SF) General Plan land use designation which makes the request consistent with the General Plan. The main distinction between the two designations is animal keeping.

The owner of APN 3112-241-71 initiated the request to eliminate the dual zoning that currently exists on the property in anticipation of subdividing the property. Eliminating the dual zoning negates the buffer area requirement between the two zoning districts. The smaller parcel has also been included and supported by the property owner to eliminate what would be a remaining small island of R-EQ or a spot zoning situation.

FINDINGS:

In considering any zone change, the Council and Commission are required by the Municipal Code to make special Findings. The following are the Findings for an amendment to the Zoning Districts Map as required under Section 9.06.060 and a comment to address each. If the Commission wishes to modify the offered comments, after considering input and public testimony at the public hearing, modifications to the Findings can be included into the information forwarded to the Council for consideration.

1. The proposed Amendment is consistent with the General Plan; and

Comment: The General Plan is the blueprint for the community's future growth. To express this vision, a General Plan identifies a range of goals and policies that establish a basis by which public decisions are made. A component of the General Plan is the Land Use Element, which includes a map that illustrates the boundaries of existing and planned land uses in the Town. The land use map illustrates many different land use designations, which describe the types of uses and development densities/intensities that can be accommodated. In this instance the proposed Single Family Residential (R-SF) zoning is consistent with the underlying General Plan designation and is consistent with the predominant zoning within the area.

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

Comment: The proposed zoning is consistent with the underlying General Plan designation and is consistent with the predominant zoning within the area, and therefore will not be detrimental to the public health, safety or welfare of the Town or its residents.

NOTICING

Zone Change No. 2019-001 was advertised as a public hearing in the Apple Valley News newspaper on July 26, 2019.

ENVIRONMENTAL REVIEW

Staff finds the proposed zone change which is consistent with the General Plan 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. In this instance, the proposed Single Family Residential (R-SF) zoning is consistent with the General Plan designation and therefore, already analyzed within the certified General Plan EIR. Therefore, 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. 2019-010, forwarding a recommendation that the Town Council amend the Zoning District Map.

Prepared by:

Carol Miller
Assistant Director of Community Development

ATTACHMENTS:

1. Planning Commission Resolution No. 2019-010
2. Zoning Map -Existing
3. Zoning Map - Proposed

PLANNING COMMISSION RESOLUTION NO. 2019-010

A RESOLUTION OF THE PLANNING COMMISSION OF THE TOWN OF APPLE VALLEY, CALIFORNIA, RECOMMENDING THAT THE TOWN COUNCIL APPROVE ZONE CHANGE NO. 2019-001 AMENDING THE LAND USE DESIGNATION

WHEREAS, the General Plan of the Town of Apple Valley was adopted by the Town Council on August 11, 2009; and

WHEREAS, the General Plan of the Town of Apple Valley has been previously modified by the Town Council on the recommendation of the Planning Commission; and

WHEREAS, Zone Change No. 2019-001 is consistent with the General Plan of the Town of Apple Valley;

WHEREAS, the proposed zone change is consistent with the goals, objectives and policies of the Apple Valley General Plan. The Single Family Residential (R-SF) zoning designation proposed will not significantly change the type or intensity of land use that could be proposed for the site in the future; and

WHEREAS, Zone Change No. 2019-001 is consistent with the Land Use Element goals and policies of the Town's General Plan and shall promote the health, safety, and general welfare of the citizens of the Town of Apple Valley; and

WHEREAS, On July 26, 2019, Zone Change No. 2019-001 was duly noticed in the Apple Valley News, a newspaper of general circulation within the Town of Apple Valley; 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 Zone Change, may have a significant effect on the environment, the activity is not subject to CEQA; and

WHEREAS, On August 7, 2019, the Planning Commission of the Town of Apple Valley conducted a duly noticed and advertised public hearing on Zone Change No. 2019-001, receiving testimony from the public and adopted Planning Commission Resolution No. 2019-010 recommending adoption; and

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, finds and determines as follows and recommends that the Town Council make the following findings and take the following actions:

Section 1. In consideration of the evidence received 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, finds that the change proposed under Zone Change No. 2019-001 is consistent with the Goals and Policies of the Town of Apple Valley adopted General Plan.

Section 2. Based upon the facts presented within the staff analysis, public testimony and pursuant to Government Code Section 65863(b), the Planning Commission of the Town of Apple Valley, California, finds that the proposed land use designation is consistent with the General Plan goals and policies.

Section 3. Find that the changes proposed by Zone Change No. 2019-001 is consistent with the Goals and Policies of the Town of Apple Valley adopted General Plan.

Section 4. Pursuant to Section 15061(b)(3) of the State Guidelines to Implement the California Environmental Quality Act (CEQA), it can be determined that the Zone Change 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 Zone Change, that there is no possibility that the proposal will have a significant effect on the environment and, therefore, is EXEMPT from further environmental review.

Approved and Adopted by the Planning Commission of the Town of Apple Valley this 7th day of August 2019.

Jason Lamoreaux, Chairman

ATTEST:

I, Maribel Hernandez, 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 7th day of August 2019 by the following vote, to-wit:

- AYES:
- NOES:
- ABSENT:
- ABSTAIN:

Ms. Maribel Hernandez, Planning Commission Secretary

EXISTING ZONING

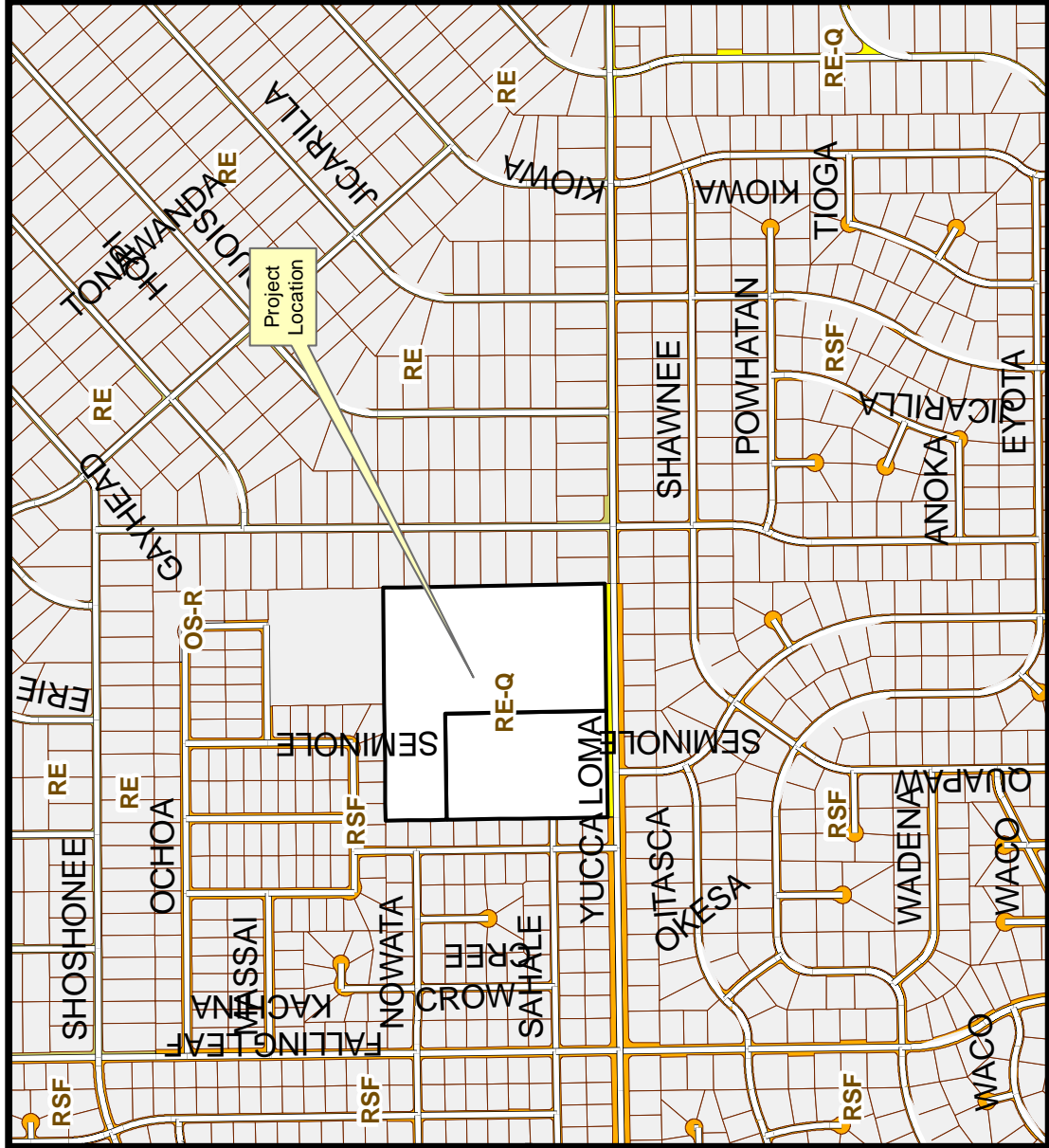
Zone Change No. 2019-001

North side of Yucca Loma
Road, east of Cree Road
APNs 3112-241-70 and -71



Legend	
	Project Location
	R-E Estate Residential (1 a/cr to 2.5 gross acres)
	R-EQ1 Equine Residential (1 a/cr to 0.5 net acre)
	R-SP Single Family Residential (10,000 sq ft to 0.3 net acre)
	OS-R Open Space Recreation

Date: 7/31/2019



PROPOSED ZONING

Zone Change No. 2019-001

North side of Yucca Loma Road, east of Cree Road
 APNs 3112-241-70 and -71



Legend

	Project Location
	Zoning Subdivision
	RE (E)
	RE (E)D
	RSF (S)
	OS-R
	Open Space Reservation

Date: 7/31/2019

