

**TOWN OF  
APPLE VALLEY, CALIFORNIA**

**AGENDA MATTER**

**Subject Item:**

**GENERAL PLAN AMENDMENT NO. 2007-008 AND ZONE CHANGE NO. 2007-005 TO CHANGE THE CURRENT LAND USE DESIGNATION FROM SINGLE-FAMILY RESIDENTIAL (R-SF, 1 DU 0.4 TO 0.9 NET ACRES) TO MEDIUM DENSITY RESIDENTIAL (R-M, TWO (2) TO TWENTY (20) DWELLING UNITS PER ACRE); AND A CORRESPONDING REZONING CLASSIFICATION FROM RESIDENTIAL EQUESTRIAN (R-EQ, 1 DU PER 0.4 TO 0.9 NET ACRES) TO A RESIDENTIAL MULTI-FAMILY (R-M, TWO (2) TO TWENTY (20) DWELLING UNITS PER ACRE) ZONING CLASSIFICATION. THE PROJECT IS LOCATED AT THE SOUTHWEST CORNER OF OTTAWA AND NOMWAKET ROADS; APN(s) 3087-401-02, -03, -04, -05.**

**Summary Statement:**

At the October 28, 2008 meeting, the Town Council reviewed and introduced Ordinance No. 389, which amends that portion of Title 9 (Development Code) of the Town of Apple Valley Municipal Code, Section 9.05.040 "Adoption of the Official Zoning Map" subsection "B" by approving the conforming rezoning from Residential Equestrian (R-EQ) to a Zoning designation of Residential Multi-Family (R-M). As part of the requirements to adopt any new Ordinance, Ordinance No. 389 has been scheduled for adoption at the November 18, 2008 Town Council meeting.

**Recommended Action:**

Adopt Ordinance No. 389.

**Proposed by:** Planning Division

**Item Number** \_\_\_\_\_

**Town Manager Approval:** \_\_\_\_\_ **Budgeted Item**  Yes  No  N/A

**ORDINANCE NO. 389**

**AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF APPLE VALLEY, CALIFORNIA, AMENDING THE OFFICIAL ZONING MAP BY CHANGING THE ZONING DESIGNATION OF RESIDENTIAL EQUESTRIAN (R-EQ (R-SF, 1 DU 0.4 TO 0.9 NET ACRES) TO A RESIDENTIAL MULTI-FAMILY (R-M TWO (2) TO TWENTY (20) DWELLING UNITS PER ACRE) ZONING CLASSIFICATION FOR THE APPROXIMATELY ELEVEN (11)-ACRE SITE LOCATED AT THE SOUTHWEST CORNER OF OTTAWA AND NOMWAKET ROADS; APN(s) 3087-401-02, -03, -04, -05.**

**WHEREAS**, Title 9 (Development Code) of the Municipal Code of the Town of Apple Valley was adopted by the Town Council on October 24, 2000; 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 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 of a property from Residential Equestrian (R-EQ) to a Zoning designation of Residential Multi-Family (R-M); and

**WHEREAS**, on October 3, 2008 Zone Change No. 2007-005 was duly noticed in the Apple Valley News, a newspaper of general circulation within the Town of Apple Valley; and

**WHEREAS**, based upon the State Guidelines to Implement the California Environmental Quality Act (CEQA), the proposed Zone Change will not have a significant effect on the environment; therefore, a Negative Declaration has been prepared in compliance with the California Environmental Quality Act (CEQA) and State Guidelines for the Implementation of CEQA; and

**WHEREAS**, the Town Council finds on the basis of the whole record before it (including the initial study and any comments received) that there is not substantial evidence that the project will have a significant effect on the environment and that the Negative Declaration reflects the Town Council's independent judgment and analysis; and

**WHEREAS**, the Town Council hereby finds that the Negative Declaration reflects its independent judgment. A copy of the Initial Study and Negative Declaration, may be obtained at: Town of Apple Valley, Planning Division, 14955 Dale Evans Pkwy., Apple Valley, CA 92307; and

**WHEREAS**, proposed Zone Change 2007-005 is consistent with General Plan Amendment No. 2007-008 and is consistent with Town of Apple Valley General Plan and 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; and

**WHEREAS**, the Town Council conducted a duly noticed public hearing on October 28, 2008, and heard all testimony of any person wishing to speak on the issue and considered the written recommendation of the Planning Commission on the matter.

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

**Section 1.** Based upon the information contained within the Initial Study prepared in conformance with the State Guidelines to Implement the California Environmental Quality Act (CEQA), Zone Change No. 2007-005 is not anticipated to have a significant impact upon the environment and, therefore, the Town Council of the Town of Apple Valley adopts a Negative Declaration for Zone Change No. 2007-005.

**Section 2.** Zone Change No. 2007-005 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.

**Section 3.** 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, finds that the change proposed by Zone Change No. 2007-005 is consistent with the Goals and Policies of the Town of Apple Valley adopted General Plan and consistent with the General Plan Amendment No. 2007-008, as adopted by Ordinance No. 389.

**Section 4.** The Town Council does hereby amend that certain portion of Title 9 (Development Code) of the Town of Apple Valley Municipal Code, Section 9.05.040 "Adoption of the Official Zoning Map" subsection "B" by amending the boundaries identified on the Official Zoning Map of the Town of Apple Valley by changing the zoning designation on Assessor Parcel Numbers 3087-401-02, -03, -04, -05 from Residential Equestrian (R-EQ) to a Zoning designation of Residential Multi-Family (R-M) as shown on the attached Exhibit "B" and incorporated herewith by reference.

**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 18th day of November, 2008.

ATTEST:

\_\_\_\_\_  
Honorable Timothy Jasper, Mayor

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Ms. La Vonda M. Pearson, Town Clerk

Approved as to form:

Approved as to content:

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Mr. John Brown, Town Attorney

\_\_\_\_\_  
Mr. Frank Robinson, Town Manager

Exhibit "B"

General Plan Amendment No. 2007-008  
 Zone Change No. 2007-005  
 Conditional Use Permit No. 2007-013

PROPOSED ZONING MAP (Exhibit B)

