

**TOWN OF  
APPLE VALLEY, CALIFORNIA  
AGENDA MATTER**

**Subject Item:**

**INTRODUCE ORDINANCE No. 405 FOR DEVELOPMENT CODE AMENDMENT 2009-005: A REQUEST TO CONSIDER COMPREHENSIVE AMENDMENTS TO THE DEVELOPMENT CODE TO ADDRESS CHANGES REQUIRED TO ASSURE THE CONSISTENCY OF THE DEVELOPMENT CODE WITH THE GENERAL PLAN ADOPTED IN 2009.**

**INTRODUCE ORDINANCE No. 406 FOR ZONE CHANGE 2009-003: A REQUEST TO CONSIDER CHANGES TO THE ZONING MAP TO ASSURE CONSISTENCY WITH THE GENERAL PLAN MAP ADOPTED IN 2009.**

**Summary Statement:**

(See Page Two)

**Recommended Action:**

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

**Close the public hearing. Then:**

1. **Move** to waive the reading of Ordinance No. 405 and Ordinance No. 406 in their entirety and read by title only.
2. **Introduce** Ordinance No. 405 approving Development Code Amendment 2009-005, consisting of comprehensive amendments to the Development Code; and
3. **Introduce** Ordinance No. 406 approving Zone Change No. 2005-008, amending the Zoning Map consistent with the adopted General Plan land use map, and amending the Zoning Map for Assessor's Parcel Numbers: 441-141-10, -12, -16, -17, -18, -19, -20, -21, -24, -25, -26, -27, -28, -29, -30, -35, -36, -37, -38, -39, -40, -41, -42, -43, -44, -45, -46, -47, -55, -56, -57, -58, and -59 to R-EQ.
4. **Direct** staff to correct any remaining errors and distribute the adopted Development Code.

**Proposed by:** \_\_\_\_\_ **Planning Division** \_\_\_\_\_ **Item Number** \_\_\_\_\_

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

Council Meeting Date: 4/13/2010

## Summary Statement:

The Town Council adopted the Town of Apple Valley General Plan at its meeting of August 11, 2009. At that time, the Town Council directed staff to initiate amendments to the Development Code and Zoning Map to assure consistency between the two documents. At its meeting of July 28, 2009, the Town Council created the Development Code Advisory Committee (DCAC), and appointed its members. The DCAC met through the end of 2009, and reviewed and edited the Development Code at a series of six meetings. When the DCAC had completed its review, it held a joint meeting with the Planning Commission to present its amendments. The Planning Commission then considered the amendments at a public hearing on February 3, 2010. After reviewing the materials and considering public testimony, the Planning Commission recommended on a 4-0-1 vote by the Town Council that the amendments be adopted (Commissioner Hernandez was absent).

## Background and Introduction

As the Town Council is aware, California law requires that the Town's Development Code and Zoning Map be consistent with the adopted General Plan. As the General Plan created new land use designations, and included a number of policies and programs which changed requirements and standards, a comprehensive amendment of the Development Code was undertaken. The Development Code sections which are requested for amendment are as follows:

- 9.03 Specific Plans
- 9.05 Zoning
- 9.07 Nonconforming Uses and Structures
- 9.08 Definitions
- 9.28 Residential Districts
- 9.29 Specific Use Regulations for Residential Districts
- 9.30 Mobile Home Park or Subdivision Standards
- 9.31 Residential Design Standards
- 9.35 Commercial and Office Districts
- 9.36 Specific Use Regulations/Commercial and Office Districts
- 9.37 Commercial and Office Districts Design Standards
- 9.45 Industrial Districts
- 9.46 Specific Use Regulations for Industrial Districts
- 9.56 Specific Plan Districts
- 9.57 Public Facilities District
- 9.65 Airport Overlay Districts
- 9.72 Off-Street Parking and Loading Regulations

All the amended sections are attached to this staff report as Attachment 1. All the amendments are provided in "track changes" – additions are shown in colored text, and underlined; and deletions are shown as struck through text. The primary and most substantive additions are:

1. The addition of the Residential Estate  $\frac{3}{4}$  zone, including permitted uses and development standards. This addition primarily involves Sections 9.28, 9.29 and 9.31 of the Development Code.
2. The addition of the Mixed Use zone, including permitted uses and development standards for both the commercial and residential components of projects on Mixed Use

lands. This addition is primarily contained in Sections 9.28, 9.29 and 9.31 for residential standards; and Sections 9.35, 9.36 and 9.37 for commercial standards.

3. The addition of the Public Facilities zone including permitted uses and development standards, which are contained in a new Section, 9.57.
4. The modification of the Mobile Home Park zone, to add permitted uses and limited development standards, in Section 9.30.
5. The deletion of the General Industrial and Light Industrial zones, which no longer occur in the General Plan. These deletions occur primarily in Sections 9.45 and 9.46.
6. The addition of provisions for homeless shelters, transitional housing and supportive housing mandated by the Housing Element as a result of changes in State law. These changes occur throughout the Development Code, but particularly in Section 9.08 (Definitions), and Sections 9.28, 9.29 and 9.31, which address residential standards.
7. The addition of text throughout the Code to reflect policies and programs of the Land Use Element relating to roadway standards, the Deep Creek and Mountain Vista neighborhoods, and the High Desert Corridor. These changes have been made throughout the Development Code.

#### Planning Commission Discussion and Request

At its public hearing, one of the items discussed was the Mixed Use designation. Commissioner Kallen felt that the Mixed Use designation should allow for either high density residential or commercial development. Commissioner Tinsley felt the requirement that both residential and commercial must be part of a Mixed Use project should remain, in order to give the development community an opportunity to propose true Mixed Use projects for the Town to consider. In addition, the residential component of Mixed Use lands was used to identify lands for affordable housing to meet the Town's Regional Housing Needs Assessment in the Housing Element. As the Town Council is aware, the Mixed Use designation established in the General Plan requires that both residential and commercial components be included within a Mixed Use project. Changing that requirement would require a General Plan Amendment. The Planning Commission concluded its discussion by requesting that the Town Council consider whether it wishes to proceed with a General Plan Amendment to change the definition of the Mixed Use land use category to allow either residential or commercial development, and eliminate the requirement for both residential and commercial development in each Mixed Use project.

#### Zoning Map Amendments

Attachment 2 of this staff report provides the Town Council with a paper version of the Zoning Map. A clear overlay has been provided which shows all of the proposed changes to the Map which are necessary to make it consistent with the General Plan land use map. The overlay also depicts the pre-zoning, also consistent with the General Plan, of lands within Annexations No. 2008-001, and 2008-002, which will be undertaken subsequent to this approval.

In addition to the Map changes described above, the Planning Commission considered a request for a parcel-specific change in zoning designation. The request was made by petition of several land owners located south of Zuni and west of Wichita (please see Attachment 4). The residents requested that their lots, which are currently zoned R-SF, Residential Single Family, be changed to R-EQ, Residential Equestrian, so that they would be allowed to keep horses. R-SF and R-EQ lands are both consistent with the R-SF General Plan land use designation, so no General Plan Amendment would be required. The Planning Commission considered the request, and recommends that these lands be changed to R-EQ.

#### **Environmental Review**

Town staff and the Planning Commission considered the project under the provisions and requirements of the California Environmental Quality Act (CEQA). The amendments proposed do not have a direct impact on the environment. The development of lands within the Town pursuant to these changes, has the potential to impact the environment. The changes, however, are entirely and wholly consistent with the General Plan, and will result in development consistent with the level of development analyzed in the General Plan Environmental Impact Report (SCH #2008091077). The impacts of this potential development have, therefore, been analyzed, and impacts have been mitigated to the greatest extent possible. With regards to the impacts associated with air quality, land use and traffic, the Town Council determined that, although these impacts cannot be reduced to a less than significant level, the benefits associated with the build-out of the General Plan outweigh the potential impacts, and the Town Council adopted Findings and a Statement of Overriding Considerations. The Development Code Amendment and Zoning Map Amendment do not require additional environmental review.

### **Findings**

In considering any Development Code or Zoning Map Amendment, the Council is required by the Municipal Code to make specific Findings. The following are the Findings for a Development Code Amendment required under Section 9.06.060 of the Development Code, with a comment to address each:

- A. The proposed amendment is consistent with the General Plan.

*The proposed text and map amendments have been undertaken specifically to address changes required as a result of adoption of the General Plan. As such, both the Development Code text amendments and the Zone Change for the amendments to the map are entirely consistent with the General Plan.*

- B. The proposed amendment will not be detrimental to the public health, safety or welfare of the Town or its residents.

*The proposed changes in Development Code text involve design standards and land use requirements which are currently allowed through the Development Code. No new land uses are proposed. The addition of the Mixed Use, RE-3/4, Public Facilities and Mobile Home Park zones does not introduce any new uses to the Town, or to Annexations No. 2008-001 and 2008-002. The Development Code Amendment and Zone Change will not negatively impact public health, safety or welfare.*

### **Attachments:**

1. Ordinance No. 405 (contains Development Code text as Exhibit "A")
2. Ordinance No. 406 (contains Zoning Map with clear overlay as Exhibit "A" and Zuni Area Map Change Petition and Maps as Exhibit "B")
3. Planning Commission Resolution No. 2010-001

**ORDINANCE NO. 405**

**AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF APPLE VALLEY, CALIFORNIA, ADOPTING COMPREHENSIVE CHANGES TO DEVELOPMENT CODE SECTIONS 9.03, 9.05, 9.07, 9.08, 9.28, 9.29, 9.30, 9.31, 9.35, 9.36, 9.37, 9.45, 9.46, 9.56, 9.57, 9.65, AND 9.72.**

**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;

**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**, The Town Council adopted the Town of Apple Valley General Plan on August 11, 2009; and

**WHEREAS**, The adoption of the General Plan created new land use designations, and resulted in new policies, programs and requirements which must be implemented in the Development Code; and

**WHEREAS**, on March 19, 2010, Development Code Amendment 2009-005 was duly noticed in the Apple Valley News, a newspaper of general circulation within the Town of Apple Valley; and

**WHEREAS**, based upon the California environmental Quality Act (CEQA) and the State Guidelines to Implement CEQA, Development Code Amendment 2009-005 is entirely consistent with the General Plan, and its impacts have been thoroughly analyzed in the General Plan Environmental Impact Report (SCH #2008091077), and no further environmental analysis is required; and

**WHEREAS**, on February 3, 2010, the Planning Commission of the Town of Apple Valley conducted a duly noticed public hearing on Development Code Amendment 2009-005, receiving testimony from the public and adopting Planning Commission Resolution No. 2010-001 forwarding a recommendation to the Council; and

**WHEREAS**, on April 13, 2010 the Town Council of the Town of Apple Valley conducted a duly noticed and advertised public hearing on Development Code Amendment 2009-005, receiving testimony from the public.

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

**Section 1.** The Town Council finds that the adoption of Development Code Amendment 2009-005 is consistent with Title 9 (Development Code) of the Municipal Code of the Town of Apple Valley and will not be detrimental to the health, safety or general welfare of the citizens of the Town of Apple Valley, as described in the Findings contained in the staff report.

**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 approval of the Development Code Amendment set forth in the Staff Report, and finds that Development Code Amendment 2009-005 is consistent with the Goals and Policies of the Town of Apple Valley adopted General Plan as amended.

**Section 3.** The Town Council hereby repeals Development Code Sections 9.03, 9.05, 9.07, 9.08, 9.28, 9.29, 9.30, 9.31, 9.35, 9.36, 9.37, 9.45, 9.46, 9.56, 9.57, 9.65, and 9.72, and replaces them with Sections 9.03, 9.05, 9.07, 9.08, 9.28, 9.29, 9.30, 9.31, 9.35, 9.36, 9.37, 9.45, 9.46, 9.56, 9.57, 9.65, and 9.72 contained in their entirety in Exhibit "A".

**Section 4.** 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 5.** Effective Date. This Ordinance shall become effective thirty (30) days after the date of its adoption.

**Section 6.** 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 13<sup>th</sup> day of April, 2010.

ATTEST:

\_\_\_\_\_  
Honorable Peter Allan, Mayor

\_\_\_\_\_  
Ms. La Vonda M. Pearson, Town Clerk

Approved as to form:

Approved as to content:

\_\_\_\_\_  
Mr. John Brown, Town Attorney

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

# EXHIBIT “A”

## DEVELOPMENT CODE TEXT

**Note: Due to the size of the document, access to the Development Code text can be made on our website at:**

<http://www.applevalley.org/index.aspx?page=155>

**ORDINANCE NO. 2010-406**

**AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF APPLE VALLEY, CALIFORNIA, AMENDING THE OFFICIAL ZONING MAP TO BE CONSISTENT WITH THE GENERAL PLAN ADOPTED ON AUGUST 11, 2009, AND CHANGING THE ZONING DESIGNATION OF ASSESSOR'S PARCEL NUMBERS 441-141-10, -12, -16, -17, -18, -19, -20, -21, -24, -25, -26, -27, -28, -29, -30, -35, -36, -37, -38, -39, -40, -41, -42, -43, -44, -45, -46, -47, -55, -56, -57, -58, and -59 FROM R-SF TO R-EQ.**

**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**, The Town Council adopted the Town of Apple Valley General Plan on August 11, 2009; and

**WHEREAS**, The adoption of the General Plan modified land use designations on specific parcels, which must also be modified on the Zoning Map to comply with California law; and

**WHEREAS**, The Town received a request from the owners of Assessor's Parcel Numbers 441-141-10, -12, -16, -17, -18, -19, -20, -21, -24, -25, -26, -27, -28, -29, -30, -35, -36, -37, -38, -39, -40, -41, -42, -43, -44, -45, -46, -47, -55, -56, -57, -58, and -59 to change their zoning designation from Residential Single Family to Residential Equestrian to allow them to keep horses on their property; and

**WHEREAS**, on March 19, 2010, Zone Change 2009-003 was duly noticed in the Apple Valley News, a newspaper of general circulation within the Town of Apple Valley; and

**WHEREAS**, based upon the California environmental Quality Act (CEQA) and the State Guidelines to Implement CEQA, Zone Change 2009-003 is entirely consistent with the General Plan, and its impacts have been thoroughly analyzed in the General Plan Environmental Impact Report (SCH #2008091077), and no further environmental analysis is required; and

**WHEREAS**, on February 3, 2010, the Planning Commission of the Town of Apple Valley conducted a duly noticed public hearing on Zone Change 2009-003, receiving testimony from the public and adopting Planning Commission Resolution No. 2010-001 forwarding a recommendation to the Council; and

**WHEREAS**, on April 13, 2010 the Town Council of the Town of Apple Valley conducted a duly noticed and advertised public hearing on Zone Change 2009-003, receiving testimony from the public.

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

**Section 1.** Zone Change No. 2009-003 is consistent with Title 9 (Development Code) of the Municipal Code of the Town of Apple Valley, as amended and shall promote the health, safety and general welfare of the citizens of the Town of Apple Valley.



**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 changes proposed by Zone Change No. 2009-003 are consistent with the Goals and Policies of the Town of Apple Valley adopted General Plan.

**Section 3.** The Town Council hereby amends 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 Zoning Map as shown on attached Exhibit "A", and incorporated herein by reference.

**Section 4.** The Town Council hereby amends 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 changing the zoning designation of Assessor's Parcel Numbers 441-141-10, -12, -16, -17, -18, -19, -20, -21, -24, -25, -26, -27, -28, -29, -30, -35, -36, -37, -38, -39, -40, -41, -42, -43, -44, -45, -46, -47, -55, -56, -57, -58, and -59 to R-EQ, Residential Equestrian as shown in Exhibit "B".

**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 13<sup>th</sup> day of April, 2010.

ATTEST:

\_\_\_\_\_  
Honorable Peter Allan, Mayor

\_\_\_\_\_  
Ms. La Vonda M. Pearson, Town Clerk

Approved as to form:

Approved as to content:

\_\_\_\_\_  
Mr. John Brown, Town Attorney

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

# EXHIBIT “A”

## Draft Zoning Map with Overlay of Changes

*(See attachment separate from staff report)*

## EXHIBIT “B”

# Zuni Area Change of Zone Petition & Map

November 01, 2009

Petition for Equestrian Residential Zoning

Name	Parcel	Signature
1. Patricia R. De Montes	0441141160000	
2. Arrian Williams	0441141190000	
3. Adan R. Romo	0441141460000	
4. Curtis & Cynthia Todd	0441141380000	
5. Elvis & Debra Viernes	0441141390000	
6. Maritza Rodriguez (Resident)	0441141370000	
7. Gina & Irineo Navarro	0441141360000	
8. Erich Schmitt (Resident)	0441141120000	
9. Oscar Marron-Flores	0441141450000	
10. Rafael Alvarado	0441141570000	
11. Dennis Reeves	0441141550000	*
12. Dennis Reeves	0441141580000	*
13. Dennis Reeves	0441141590000	*
14. Dennis Reeves	0441141100000	*

\* See the second page

The above-mentioned individuals would like to petition our parcels to be considered as equestrian residential properties in the updated zoning of the town of Apple Valley. Please be advised that houses all around and north of Zuni are already equestrian residential properties, while, **we have bigger lots and there is an empty lot and Winnebago street that serve as buffers from the multi-family complexes west of Zuni.**

Thank you for your time and concern in this matter.

Best regards,

Patricia R. Montes.

RECEIVED  
NOV 16 2009  
Rec'd by Mary Ann Dale  
Community Development

RECEIVED

JAN 26 2010

November 01, 2009

Petition for Equestrian-Residential Zoning

Name

Parcel

Signature

Community Development

- 1. Patricia R. De Montes 0441141160000 Patricia R. De Montes
- 2. Arrian Williams 0441141190000 Arrian Williams
- 3. Adan R. Romo 0441141460000 Adan R. Romo
- 4. Curtis & Cynthia Todd 0441141380000 Cynthia L. Todd
- 5. Elvis & Debra Viernes 0441141390000 Debra Viernes
- 6. Maritza Rodríguez (Resident) 0441141370000 Maritza Rodríguez
- 7. Gina & Irineo Navarro 0441141360000 Gina & Irineo Navarro
- 8. Erich Schmitt (Resident) 0441141120000 Erich Schmitt
- 9. Oscar Marron-Flores 0441141450000 Oscar Marron
- 10. Rafael Alvarado 0441141570000 Rafael Alvarado P.
- 11. Dennis Reeves 0441141550000 \*
- 12. Dennis Reeves 0441141580000 \*
- 13. Dennis Reeves 0441141590000 \*
- 14. Dennis Reeves 0441141100000 \*

\* See the second page

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Thank you for your time and concern in this matter.

Best regards,

Patricia R. Montes.

RECEIVED

NOV 16 2009  
Rec. by May Ann Wab  
Community Development

Petition for Equestrian-Residential Zoning

Name	Parcel	Signature
15. Vincent Martin	0441141260000	<u>Vincent Martin</u>
16. James Lee	0441141400000	<u>James Lee</u>
17. Janice Bearden	0441141280000	<u>Janice Bearden</u>
18. BRIAN DOYLE-0441141300000		<u>Brian Doyle</u>
19. TARYN CHURCH <sup>044114</sup> 1420000		<u>Taryn Church</u>
20. FRANCISCO MENES 0441141410000		<u>Francisco Menes</u>
21. Rebecca Cristobal 0441141560000		<u>Rebecca Cristobal</u>



10/Oct.31. 2009 8:47AM  
Oct.30. 2009 12:40PM

SEARCHLIGHT FUNDING  
SEARCHLIGHT FUNDING

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No.0549 P. 1E 01/01  
No.0644 P. 1

November 01, 2009

Petition for Equestrian-Residential Zoning  
Parcel Signature

Name	Parcel	Signature
1. Patricia R. De Montes	0441141160000	_____
2. Arrian Williams	0441141190000	_____
3. Adan R. Romo	0441141460000	_____
4. Curtis & Cynthia Todd	0441141280000	_____
5. Elvis & Debra Viernes	0441141390000	_____
6. Maritza Rodriguez (Resident)	0441141370000	_____
7. Gina & Irineo Navarro	0441141260000	_____
8. Brian Schmitt (Resident)	0441141120000	_____
9. Oscar Marron-Flores	0441141450000	_____
10. Rafael Alvarado	0441141570000	<i>[Signature]</i>
11. Dennis Reeves	0441141550000	<i>[Signature]</i>
12. Dennis Reeves	0441141580000	<i>[Signature]</i>
13. Dennis Reeves	0441141590000	<i>[Signature]</i>
14. Dennis Reeves	0441141100000	<i>[Signature]</i>

The above-mentioned individuals would like to petition our parcels to be considered as equestrian residential properties in the updated zoning of the town of Apple Valley. Please be advised that houses all around and north of Zuni are already equestrian residential properties, while, we have bigger lots and there is an empty lot and Winnebago street that serve as buffers from the multi-family complexes west of Zuni.

Thank you for your time and concern in this matter.

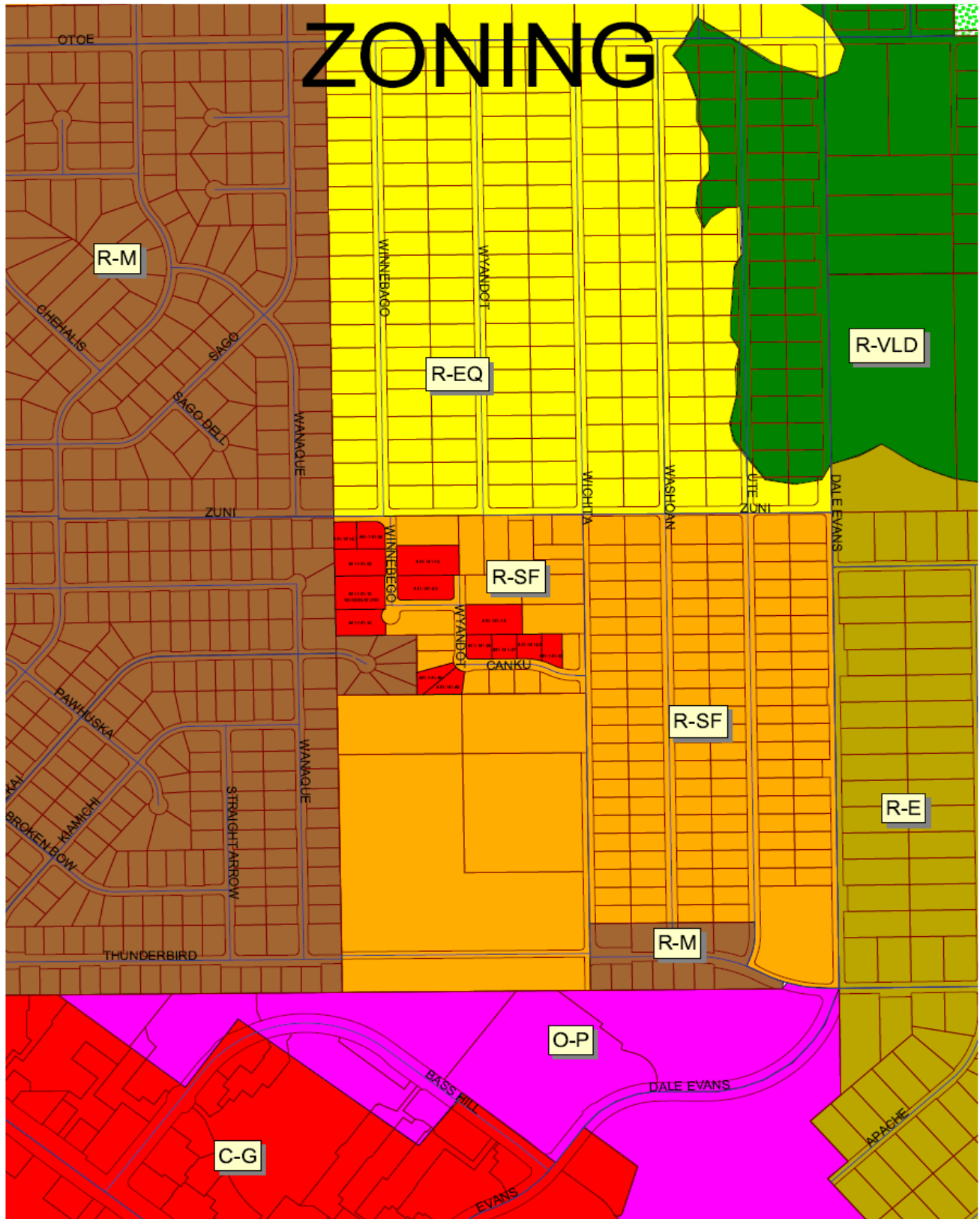
Best regards,

Patricia R. Montes.

Received Time Oct.30. 9:48AM

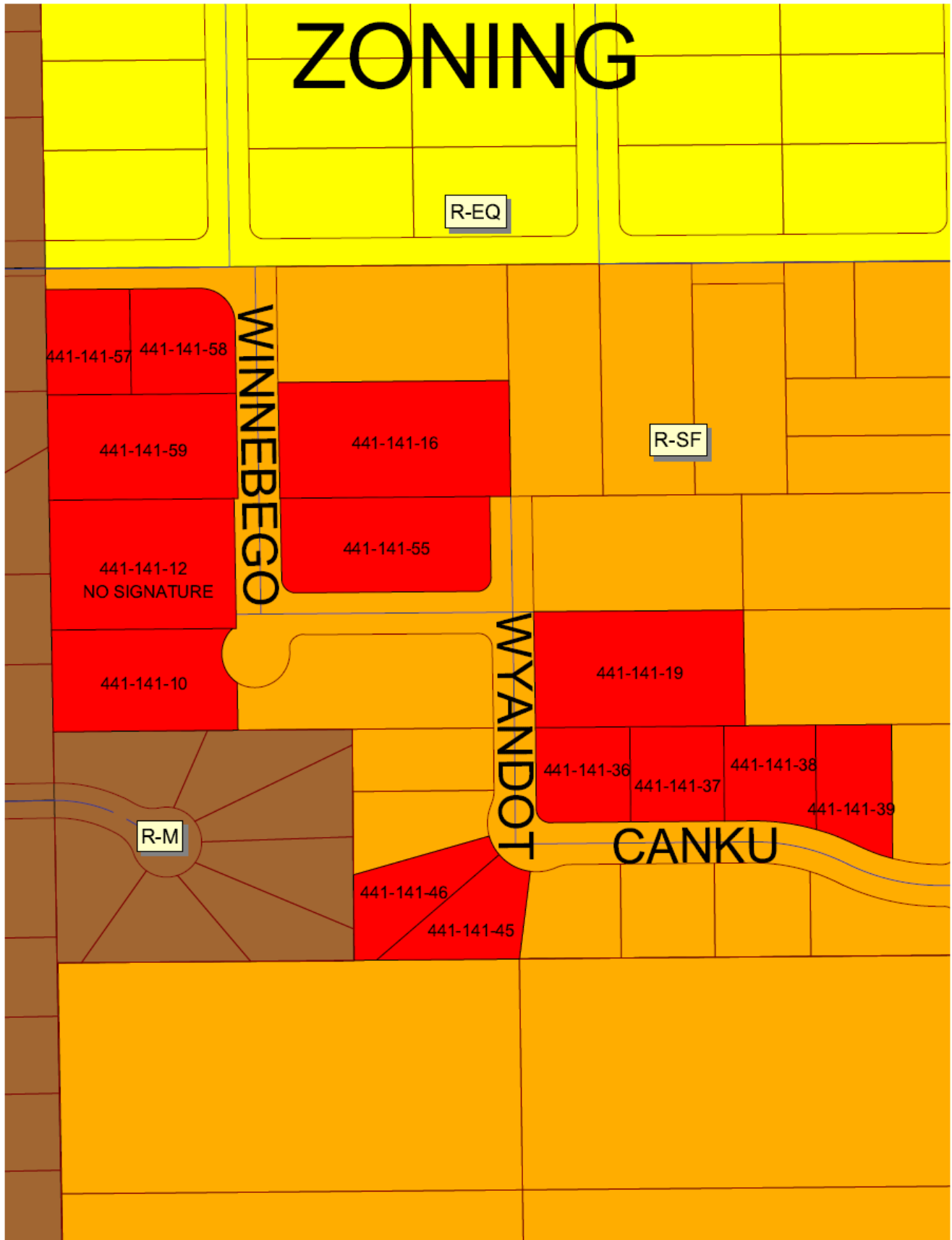
Received Time Oct.30. 3:06PM

# ZONING





# ZONING



**PLANNING COMMISSION RESOLUTION NO. 2010-001**

**A RESOLUTION OF THE PLANNING COMMISSION OF THE TOWN OF APPLE VALLEY, CALIFORNIA, RECOMMENDING THAT THE TOWN COUNCIL ADOPT DEVELOPMENT CODE AMENDMENT 2009-005 AND ZONE CHANGE 2009-003.**

**WHEREAS**, the Town adopted its comprehensive General Plan update on August 11, 2009; and

**WHEREAS**, the General Plan Goals, Policies, Programs and Land Use designations require amendment of the Development Code to assure consistency of the Development Code, as required by State law; and

**WHEREAS**, on January 15, 2010, the Town gave public notice as required under Government Code Section 66451.3 by advertising in the Apple Valley News of the holding of a public hearing at which the project would be considered; and

**WHEREAS**, on February 3, 2010, the Planning Commission held a noticed public hearing at which interested persons had an opportunity to testify in support of, or opposition to, the Development Code Amendment and Zone Change, and at which time the Planning Commission considered the Development Code Amendment and Zone Change; and

**WHEREAS**, the Planning Commission reviewed the Development Code Amendment and Zone Change under the provisions of the California Environmental Quality Act, and determined that the Development Code Amendment and Zone Change, being entirely consistent with the adopted General Plan Update, was reviewed in the General Plan Environmental Impact Report, SCH #2008091077, and that the analysis and conclusions of that document apply to the Development Code Amendment and Zone Change, and no further environmental analysis is required.

**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, that the Town Council of the Town of Apple Valley, California, finds that Development Code Amendment 2009-005 and Zone Change 2009-003 are consistent with the Goals and Policies of the Town of Apple Valley.

**Section 2.** Based upon the facts presented within the staff analysis, public testimony and pursuant to Government Code Section 65863(b), the Town Council of the Town of Apple Valley, California, finds that the proposed Development Code Amendment and Zone Change are necessary for the orderly and consistent development in Town and the Annexation areas.

**Section 3.** The Development Code Amendment and Zone Change were analyzed in the General Plan Environmental Impact Report (SCH #2008091077), and no additional environmental analysis is required.

**Section 4.** Amend the Development Code as shown in Attachments A (Development Code text changes) and amend the Zoning Map as shown in Attachment B (Zoning Map with Overlay), and Attachment C (Zuni Road lands).

Approved and Adopted by the Planning Commission of the Town of Apple Valley this 3<sup>rd</sup> day of February, 2010.

\_\_\_\_\_  
Chairman

ATTEST:

I, Patty Hevle, 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 3<sup>rd</sup> day of February, 2010 by the following vote, to-wit:

AYES:  
NOES:  
ABSENT:  
ABSTAIN:

\_\_\_\_\_  
Ms. Patty Hevle, Planning Commission Secretary