

**TOWN OF
APPLE VALLEY, CALIFORNIA**

AGENDA MATTER

Subject Item:

ADOPT ORDINANCE No. 414, AMENDING THE OFFICIAL ZONING MAP BY CHANGING THE ZONING DESIGNATION FROM MULTI-FAMILY RESIDENTIAL (R-M; 4 TO 20 DU/NET ACRES) TO MOBILE HOME PARK (MHP; 5 TO 15 DU/ACRES) FOR THE VACANT 4.69 ACRE PROJECT SITE LOCATED ON THE NORTHERLY ADJACENT PROPERTY OF AN EXISTING MOBILE HOME PARK APPROXIMATELY 1,000 FEET NORTHWEST FROM THE INTERSECTION OF NISQUALLY AND QUINNAULT ROADS; APN 3087-372-06.

Summary Statement:

At its meeting of September 14, 2010, the Town Council reviewed and introduced Ordinance No. 414, amending the official zoning map by changing the zoning designation from Multi-Family Residential (R-M; 4 to 20 du/net acres) to Mobile Home Park (MHP; 5 to 15 du/acres) for the vacant 4.69 acre project site located on the northerly adjacent property of an existing mobile home park approximately 1,000 feet northwest from the intersection of Nisqually and Quinnault Road, APN 3087-372-06. As part of the requirements to adopt a new Ordinance, Ordinance No. 414 has been scheduled for adoption at the September 28, 2010 Town Council meeting.

Recommended Action:

Adopt Ordinance No. 414

Proposed by: Planning Division

Item Number _____

Town Manager Approval: _____

Budget Item Yes No N/A

Town Council Meeting: September 28, 2010

ORDINANCE NO. 414

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF APPLE VALLEY, CALIFORNIA, AMENDING THE OFFICIAL ZONING MAP BY CHANGING THE ZONING DESIGNATION FROM MULTI-FAMILY RESIDENTIAL (R-M; 4 TO 20 DU/NET ACRES) TO MOBILE HOME PARK (MHP; 5 TO 15 DU/ACRES) FOR THE VACANT 4.69 ACRE PROJECT SITE LOCATED ON THE NORTHERLY ADJACENT PROPERTY OF AN EXISTING MOBILE HOME PARK APPROXIMATELY 1,000 FEET NORTHWEST FROM THE INTERSECTION OF NISQUALLY AND QUINNAULT ROADS; APN 3087-372-06.

WHEREAS, Title 9 (Development Code) of the Municipal Code of the Town of Apple Valley was adopted by the Town Council on April 27, 2010; 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 Multi-Family Residential (R-M, 4 to 20 du/net acres) to Mobile Home Park (MHP, 5 to 15 du/net acres); Assessor Parcel Number 3087-372-06.; and

WHEREAS, on August 13, 2010 Zone Change No. 2010-001 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), a Mitigated 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, Mitigation Monitoring Program on file with the Economic and Community Development Department and any comments received) that there is not substantial evidence that the project will have a significant effect on the environment and that the Mitigated Negative Declaration reflects the Town Council's independent judgment and analysis, and

WHEREAS, the Town Council hereby finds that the Mitigated Negative Declaration includes a mitigation monitoring program, and

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

WHEREAS, proposed Zone Change 2010-001 (Exhibit A) is consistent with General Plan Amendment No. 2010-001 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.

WHEREAS, the Town Council conducted a duly noticed public hearing on September 14, 2010, 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. 2010-001 is not anticipated to have a significant impact upon the environment with the mitigation measures and, therefore, the Town Council of the Town of Apple Valley adopts a Mitigated Negative Declaration for Zone Change No. 2010-001, and the Mitigation Monitoring Program.

Section 2. Zone Change No. 2010-001 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. 2010-001 is consistent with the Goals and Policies of the Town of Apple Valley adopted General Plan.

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, APN 3087-372-06 from Multi-Family Residential (R-M, 4 to 20 du/net acres) to Mobile Home Park (MHP, 5 to 15 du/net acres), as shown on the attached Exhibit "A" 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 28th day of September, 2010.

Honorable Peter Allan, Mayor

ATTEST:

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

General Plan Amendment No. 2010-001
Zone Change No. 2010-001
Conditional Use Permit No. 2009-002

Proposed Zoning Designations



