

TOWN OF APPLE VALLEY

TOWN ATTORNEY IMPARTIAL ANALYSIS OF BALLOT MEASURE "D"

Measure "D" would amend the Town of Apple Valley General Plan, and amend the Town of Apple Valley Municipal Code by repealing Chapter 9.40 and adding Chapter 9.41 to establish the "Dale Evans Parkway Commercial Specific Plan" for an approximately 30.19 acre site located in the Town of Apple Valley in San Bernardino County, California, located north of Happy Trails Highway (SR-18), at the southeasterly corner of the intersection of Dale Evans Parkway and Thunderbird Road (the "Site").

The Site has a current Town of Apple Valley General Plan designation of Specific Plan (SP) and is currently zoned "Apple Valley Commercial Specific Plan", under Chapter 9.40. Prior to Chapter 9.40, the Site had a General Plan designation of General Commercial (C-G) and was zoned General Commercial (C-G). Applicants proposing commercial developments within the C-G zoning district must follow Chapters 9.35, 9.36 and 9.37 of the Town Development Code and demonstrate the development's consistency with the General Plan.

Measure "D" would (i) amend the General Plan to identify the Site as subject to the "Dale Evans Parkway Commercial Specific Plan" and its site-specific standards and (ii) repeal Chapter 9.40 and add Chapter 9.41 to the Town Development Code thereby eliminating the current "Apple Valley Commercial Specific Plan" and subjecting the Site to the new "Dale Evans Parkway Commercial Specific Plan". To the extent the Specific Plan sets development standards, it would exempt the Site from the regulations and/or requirements of the Development Code. However, any regulation and/or requirement not specifically covered within that Specific Plan will be subject to the Development Code. The new proposed Specific Plan would provide for the development of a commercial retail shopping center according to a Conceptual Site Plan contained within the Specific Plan.

The new proposed Specific Plan establishes uses that are permitted as a matter of right; establishes Site development standards; requires the provision of infrastructure and utilities; establishes a permit review and processing framework; and includes environmental standards to be implemented as outlined within the new proposed Specific Plan.

The new proposed Specific Plan may be amended or repealed only by a majority of the voters, or by the Town Council upon application of the Site owner(s) to further the purposes of the Specific Plan without reducing or eliminating the owner's obligation to fund, construct, or cause to be funded or constructed, the public benefits or environmental standards the Specific Plan requires.

A "yes" vote on Measure "D" will authorize the amendments to the Town's General Plan and Municipal Code as described above.

A "no" vote on Measure "D" will not authorize the amendments to the Town's General Plan and Municipal Code as described above.

The above statement is an impartial analysis of Measure "D". If you desire a copy of the Measure, please call the elections official's office at (760) 240-7000 x7800 and a copy will be mailed at no cost to you.

/s/ JOHN BROWN, TOWN ATTORNEY