



# TOWN OF APPLE VALLEY

## TOWN COUNCIL STAFF REPORT

**To:** Honorable Mayor and Town Council **Date:** December 11, 2012

**From:** Lori Lamson  
Community Development Director  
Community Development **Item No:** 17

**Subject:** DEVELOPMENT CODE AMENDMENT NO. 2012-02  
TRASH ENCLOSURE/RECYCLING BIN CRITERIA

**Applicant:** Town of Apple Valley

**Location:** Town-wide

**T.M. Approval:** \_\_\_\_\_ **Budgeted Item:**  Yes  No  N/A

### RECOMMENDED ACTION:

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

**Close the public hearing. Then:**

1. **Determine** that, pursuant to Section 15061(b)(3) of the State Guidelines to Implement the California Environmental Quality Act (CEQA), it can be determined 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 EXEMPT from further CEQA review for Development Code Amendment No. 2012-02.
2. **Find** the facts presented within the staff report, including the attached Planning Commission staff report for October 17, 2012, support the required Findings for approval of the proposed Development Code Amendment and adopt the Findings.
3. **Move** to waive the reading of Ordinance No. 443 in its entirety and read by title only.
4. **Introduce** Ordinance No. 443, approving Development Code Amendment No. 2012-02.
5. **Direct** staff to file a Notice of Determination and Exemption with the San Bernardino County Clerk of the Board of Supervisors.

### BACKGROUND AND ANALYSIS

At the August 28, 2012 Town Council meeting, the Council initiated a Development Code Amendment to amend the trash enclosure standards to accommodate a recycle bin.

On October 25, 2011, the Town adopted Ordinance 424 to implement State Assembly Bill 341 regarding recycling. Assembly Bill 341 is a state-mandated local program that requires jurisdictions, on and after July 1, 2012, to implement a commercial solid waste recycling program.

The bill requires recycle bin for businesses that generate four (4) cubic yards of commercial solid waste per week or multifamily residential dwellings with five (5) or more units. The trash enclosure specifications in the current Development Code does not take into consideration accommodation for recycling bins. The Town's waste hauler, Burrtec Waste Industries offers four (4) dumpster sizes up to 4 cubic yards. Commercial businesses or multi-unit complexes that use dumpsters for trash collection must use dumpsters for the collection of recyclables.

On October 17, 2012, the Planning Commission conducted a public hearing and adopted Planning Commission Resolution No. 2012-07 (attached), recommending the Council approve the attached Ordinance.

It is recommended that Section 9.28.150 be amended as follows:

### **9.28.150 Trash Enclosures**

- A. No person shall keep, place or maintain any garbage container or trash bin on his or her property which is visible from any public street or alley, except upon days designated for collection as set forth in Section 6.20.130 of the Town Municipal Code.
- B. Trash receptacles shall be placed so as to be accessible to the trash hauler on paved access.
- C. No receptacles shall be placed in such a manner as to encroach in required parking spaces or driveways.
- D. Trash enclosures shall be located within multi-family projects in accordance with the Design Standards for multi-family districts, Section 9.31.040 of this Code.
- E. Trash enclosure construction shall be consistent with the standards on file at the Planning Division offices Figures 9.28.150.A and B. The decorative block or stucco used shall be finished to be compatible with surrounding architectural features.
- F. One (1) enclosure per eight (8) dwelling units.
- G. For multi-family complexes with five (5) or more units, the enclosure shall provide recycle bins.
- H. The double bin design may be modified to accommodate a single bin for projects having four (4) or fewer units and requiring only one bin capacity to serve the entire development.
- I. Design modifications to accommodate special circumstances are allowed, however, all deviations from the standard designs and policies must be approved by the Planning Division prior to building permit issuance.

Section 9.35.090 be amended as follows:

### **9.35.090 Trash Enclosures**

Trash/recycling material enclosures shall be in conformance with Figures 9.35.090-A & B as necessary to serve the development project. For businesses that generate four (4) cubic yards of commercial solid waste per week, recycle bins shall be provided. All trash and/or recycling material receptacles shall be continuously contained within enclosures. Garbage containers or trash bins shall not be kept, placed or maintained so as to

be visible from any public street or alley, except on days designated for trash collection, in accordance with Section 6.20.130 of the Town Municipal Code. In addition, the standards cited below shall apply.

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**A. *Size of Trash Enclosures.*** Trash receptacles for commercial and office district uses shall be of sufficient size to accommodate the trash generated by the uses being served, consistent with the Town trash enclosure standards and Figures 9.35.090-A and B.

1. One (1) trash bin per each three (3) commercial establishments or units (or fraction thereof) where the units are 5,000 square feet or less.
2. One (1) trash bin per commercial establishment or unit where they are between 5,001 and 15,000 square feet.
3. Two (2) trash bins per commercial establishment or unit where they are greater than 15,000 square feet.
4. In the M-U district, trash bins for commercial development shall be separate from those for residential development. The requirements for residential trash bins shall be consistent with the requirements of Section 9.31.040 9.28.150 of this Code.

**B. *Screening of Trash Storage Areas.*** ~~All outdoor storage of trash, garbage, refuse, and other items or material intended for discarding or collection shall be screened from public view on three sides by a six (6)-foot high wall of eight (8)-inch block construction, or similar permanent construction using materials used in the primary structure. The fourth side shall be an opaque gate six (6) feet in height made of wood or metal painted to match the surrounding wall, kept in functional order and maintained in good repair at all times. Gates of trash enclosures shall remain closed at all times except when the enclosure is being accessed for refuse disposal or pick-up.~~

~~A covered storage area at least three (3) feet by six (6) feet in size, or other size enclosure depending on the nature and quantity of recyclable materials generated, and accessible for truck loading, shall be incorporated into each trash enclosure for collection of recyclable materials.~~

**C. *Architectural Treatment.*** All trash enclosures visible from streets or public parking areas shall be constructed and finished to be compatible with the architectural details and decor of the primary structure.

**D. *Location.*** Trash enclosures shall not be located in the required front or street side setbacks and shall be located near a driveway that allows access by the trash pick-up vehicles on paved access. No receptacles shall be placed in such a manner as to encroach in required parking spaces or driveways.

**E. *Variations.*** Any variation from these standards shall be approved by the Director. The double bin design may be modified to accommodate a single bin for projects that generate less than four (4) cubic yards of commercial solid waste per week and requiring only one bin capacity to serve the entire development. Design modifications to accommodate special circumstances are allowed, however, all deviations from the standard designs and policies must be approved by the Planning Division prior to building permit issuance.

Based on the format of the Development Code, the trash enclosure standards should be also included in the Industrial zoning district. Unlike the other two chapters shown above, the industrial standards provide an exemption to industrial project that solely use a trash compactor. Therefore, staff is recommending a section be added, and is recommended that Section 9.45.080 be added to read as follows:

**Section 9.45.080 Trash Enclosures**

Trash/recycling material enclosures shall be provided in conformance with Figures 9.45.080-A & B as necessary to serve the development project. For businesses that generate four (4) cubic yards of solid waste per week, recycle bins shall be provided. In addition, the standards cited below shall apply.

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**A. Size of Trash Enclosures.** Trash receptacles for industrial district uses shall be of sufficient size to accommodate the trash generated by the uses being served, consistent with the Town trash enclosure standards and Figures 9.35.090-A and B.

1. One (1) trash bin per each three (3) units where the units are 5,000 square feet or less.
2. One (1) trash bin per unit where they are between 5,001 and 15,000 square feet.
3. Two (2) trash bins per unit where they are greater than 15,000 square feet.

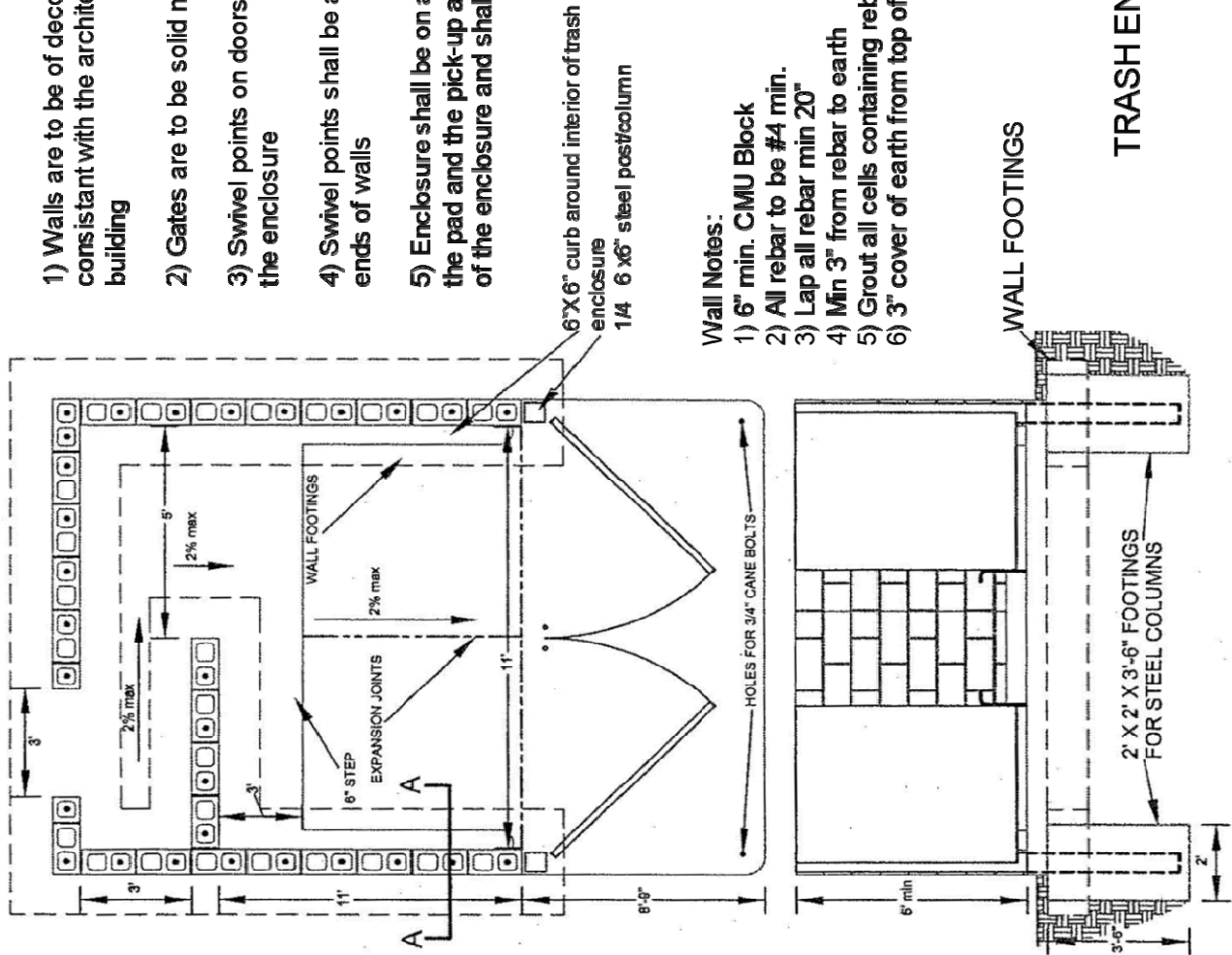
**B. Architectural Treatment.** All trash enclosures visible from streets or public parking areas shall be constructed and finished to be compatible with the architectural details and decor of the primary structure.

**C. Location.** Trash enclosures shall not be located in the required front or street side setbacks and shall be located near a driveway that allows access by the trash pick-up vehicles on paved access. No receptacles shall be placed in such a manner as to encroach in required parking spaces or driveways.

**D. Variations.** Any variation from these standards shall be approved by the Planning Division. Design modifications to accommodate special circumstances are allowed; however, all deviations from the standard designs and policies must be approved by the Planning Division prior to building permit issuance. This Section does not apply to industrial development projects wholly utilizing trash compactors.

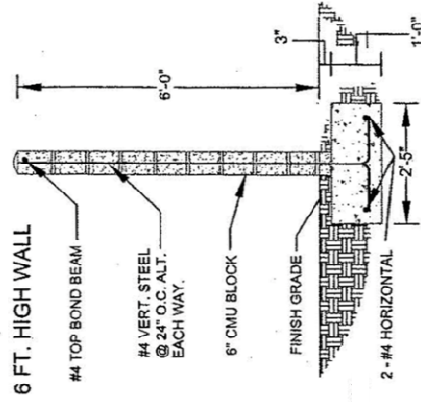
The proposed Amendment deletes the existing trash enclosure design specifications and is being replaced with the specifications shown below. The trash enclosure specification drawing sheets will be included in each of the three (3) land use sections as shown in the attached Ordinance. The text portion within these old specification sheets which identifies the number of bins remains unchanged, but was relocated from the Figure to the actual text of the Code in each section. The proposed Amendment continues to ensure attractive site design and general maintenance, as well as efficiency for collection.

- 1) Walls are to be of decorative block, masonry, or similar materials consistent with the architecture, color and accent materials of the primary building
- 2) Gates are to be solid metal construction
- 3) Swivel points on doors shall be located outside of the opening area of the enclosure
- 4) Swivel points shall be attached to concrete filled steel posts/columns at ends of walls
- 5) Enclosure shall be on a level pad at ground level. The area between the pad and the pick-up area shall be a paved area 4" deep for the width of the enclosure and shall not exceed a grade of 2%



**Wall Notes:**

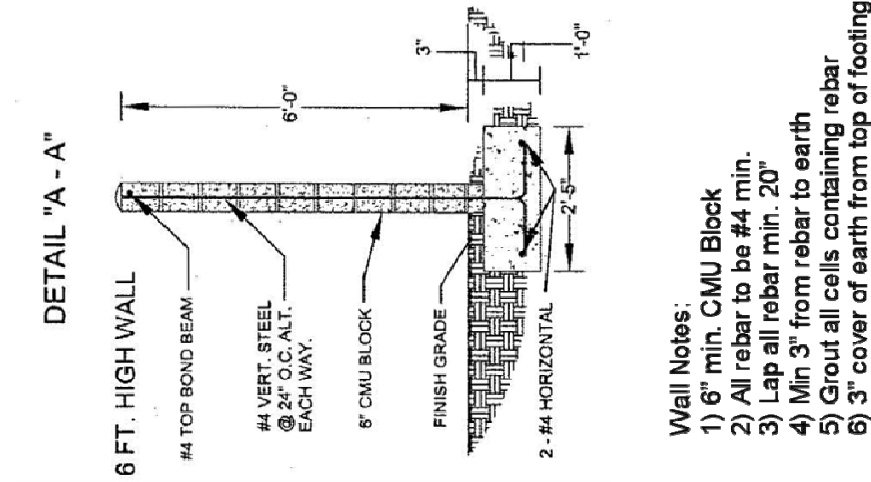
- 1) 6" min. CMU Block
- 2) All rebar to be #4 min.
- 3) Lap all rebar min 20"
- 4) Min 3" from rebar to earth
- 5) Grout all cells containing rebar
- 6) 3" cover of earth from top of footing



**DETAIL "A-A"**

**TRASH ENCLOSURE STANDARD DETAILS**

*Figure 9.28.150-4*

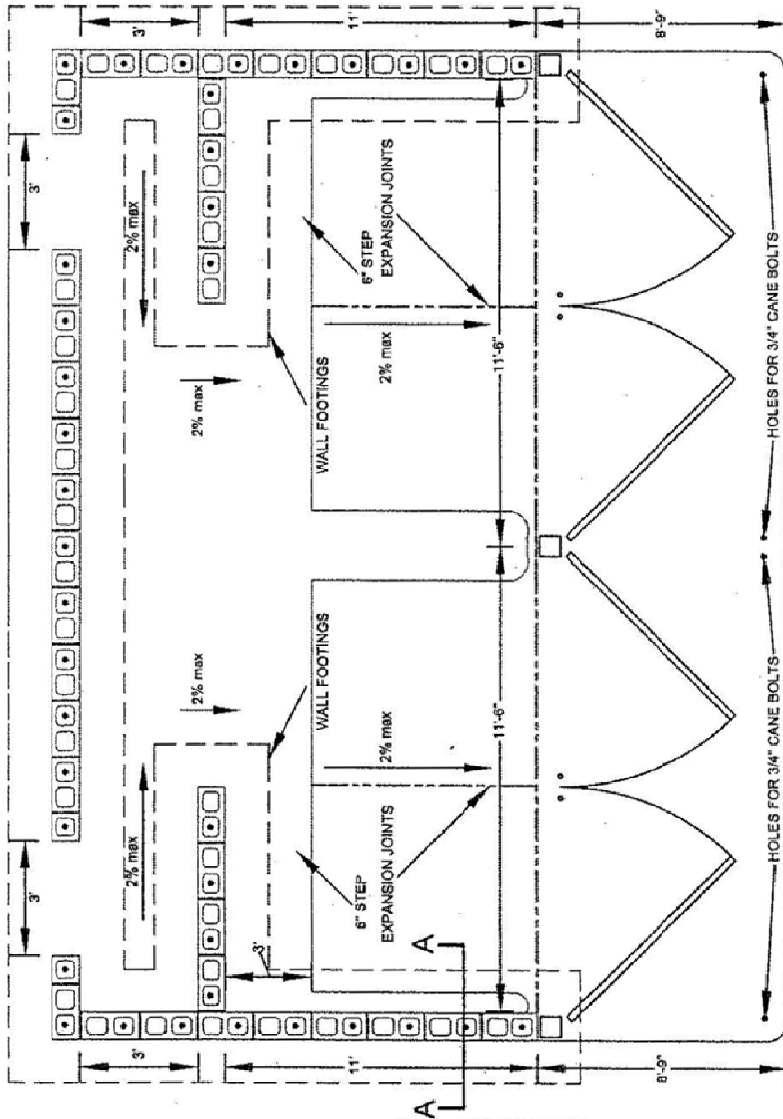


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**TRASH ENCLOSURE  
STANDARD DETAILS**

*Figure 9.28.150-B*



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### **REQUIRED FINDINGS**

The following are the Findings for an amendment to the Development Code, as required under Section 9.06.060 and a comment to address each:

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

Comment: The General Plan requires that the quality in architectural design is maintained in order to enhance the visual environment of the Town and to protect the economic value of existing structures and provides the basic framework for land development within the Town of Apple Valley. Development Code Amendment No. 2012-02 ensure compliance with recycling and that the trash enclosures are architecturally compatible to the structure it serves.

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

Comment: Development Code Amendment No. 2012-02 modifies the Town's Development Code trash enclosure standards and requires recycling for multi-family development, commercial and industrial development which will not be detrimental to public health, safety or welfare.

### **NOTICING**

Development Code Amendment No. 2012-02 was advertised as a public hearing in the Apple Valley News newspaper on November 30, 2012 as required under Development Code Section 9.13.030 "Notice of Public Hearings".

### **ENVIRONMENTAL REVIEW**

Staff has determined that the Development Code Amendment 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. As with the proposed amendment that will only result in a minor change to the Code, 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.

### **RECOMMENDATION**

At its meeting of October 17, 2012, the Planning Commission adopted Planning Commission Resolution No. 2012-07, forwarding a recommendation that the Town Council approve the Development Code Amendment. Further, the Planning Commission Resolution recommends that the Council adopt the Findings.

### **FISCAL IMPACT**

Not Applicable

**ATTACHMENTS**

1. Ordinance No. 2012-
2. Draft Minute excerpts from the October 17, 2012 Planning Commission meeting
3. Planning Commission Resolution No. 2012-07
4. Planning Commission staff report



**ORDINANCE No. 443**

**AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF APPLE VALLEY, CALIFORNIA, DETERMINING THAT DEVELOPMENT CODE AMENDMENT No. 2012-02 IS EXEMPT FROM FURTHER ENVIRONMENTAL REVIEW AND AMEND TITLE 9 "DEVELOPMENT CODE" OF THE TOWN OF APPLE VALLEY MUNICIPAL CODE, BY AMENDING SECTIONS 9.28.150 "TRASH ENCLOSURES" AND 9.35.090 "TRASH ENCLOSURES", AND ESTABLISH SECTION 9.45.080 "TRASH ENCLOSURES" IN REGARDS TO THE TRASH ENCLOSURE SPECIFICATIONS.**

The Town Council of the Town of Apple Valley, State of California, does hereby ordain as follows:

**Section 1. Recitals.**

(i) 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

(ii) 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

(iii) Specific changes are proposed to Title 9 "Development Code" of the Town of Apple Valley Municipal Code by amending Sections 9.28.150 and 9.35.090 and adding Section 9.45.080; and

(iv) On November 30, 2012, Development Code Amendment No. 2012-02 was duly noticed in the Apple Valley News, a newspaper of general circulation within the Town of Apple Valley; and

(v) Based upon the State Guidelines to Implement the California Environmental Quality Act (CEQA), it can be seen with certainty that Development Code Amendment will not have a direct, adverse impact upon the environment and, therefore, is EXEMPT from further environmental review; and

(vi) On October 17, 2012, the Planning Commission of the Town of Apple Valley conducted a duly noticed and advertised public hearing on Development Code Amendment No. 2012-02, receiving testimony from the public; and

(vii) Development Code Amendment No. 2012-02 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 2. Findings.**

(i) Find that the changes proposed by Development Code Amendment No. 2012-02 are consistent with the Goals and Policies of the Town of Apple Valley adopted General Plan.

(ii) Find that, based upon the State Guidelines to Implement the California

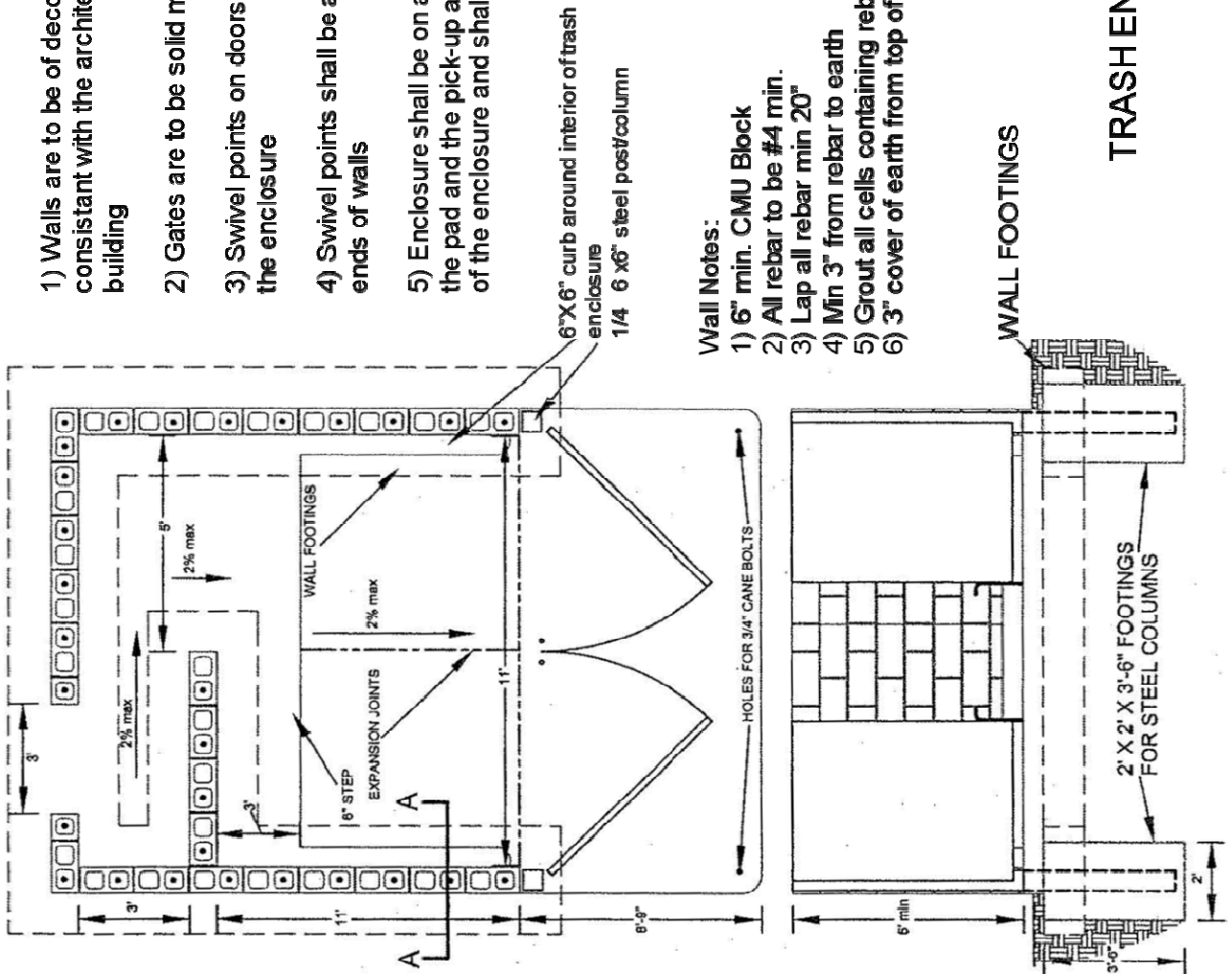
Environmental Quality Act (CEQA), it can be seen with certainty that the proposed Development Code Amendment No. 2012-02 is not anticipated to have a direct, adverse impact upon the environment and, therefore, is EXEMPT from further environmental review.

**Section 3.** Amend Section 9.28.150 of the Code to be amended to read as follows:

**9.28.150 Trash Enclosures**

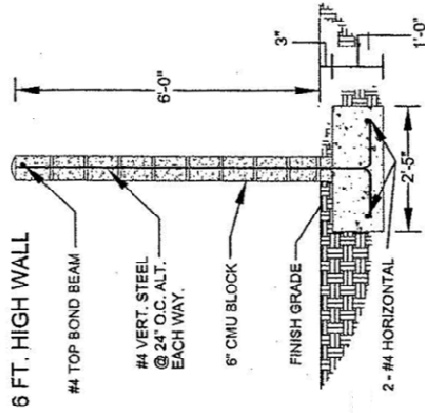
- A. No person shall keep, place or maintain any garbage container or trash bin on his or her property which is visible from any public street or alley, except upon days designated for collection as set forth in Section 6.20.130 of the Town Municipal Code.
- B. Trash receptacles shall be placed so as to be accessible to the trash hauler on paved access.
- C. No receptacles shall be placed in such a manner as to encroach in required parking spaces or driveways.
- D. Trash enclosures shall be located within multi-family projects in accordance with the Design Standards for multi-family districts, Section 9.31.040 of this Code.
- E. Trash enclosure construction shall be consistent with Figures 9.28.150.A and B. The decorative block or stucco used shall be finished to be compatible with surrounding architectural features.
- F. One (1) enclosure per eight (8) dwelling units.
- G. For multi-family complexes with five (5) or more units, the enclosure shall provide recycle bins.
- H. The double bin design may be modified to accommodate a single bin for projects having four (4) or fewer units, and requiring only one bin capacity to serve the entire development.
- I. Design modifications to accommodate special circumstances are allowed, however, all deviations from the standard designs and policies must be approved by the Planning Division prior to building permit issuance.

- 1) Walls are to be of decorative block, masonry, or similar materials consistent with the architecture, color and accent materials of the primary building
- 2) Gates are to be solid metal construction
- 3) Swivel points on doors shall be located outside of the opening area of the enclosure
- 4) Swivel points shall be attached to concrete filled steel posts/columns at ends of walls
- 5) Enclosure shall be on a level pad at ground level. The area between the pad and the pick-up area shall be a paved area 4" deep for the width of the enclosure and shall not exceed a grade of 2%



**Wall Notes:**

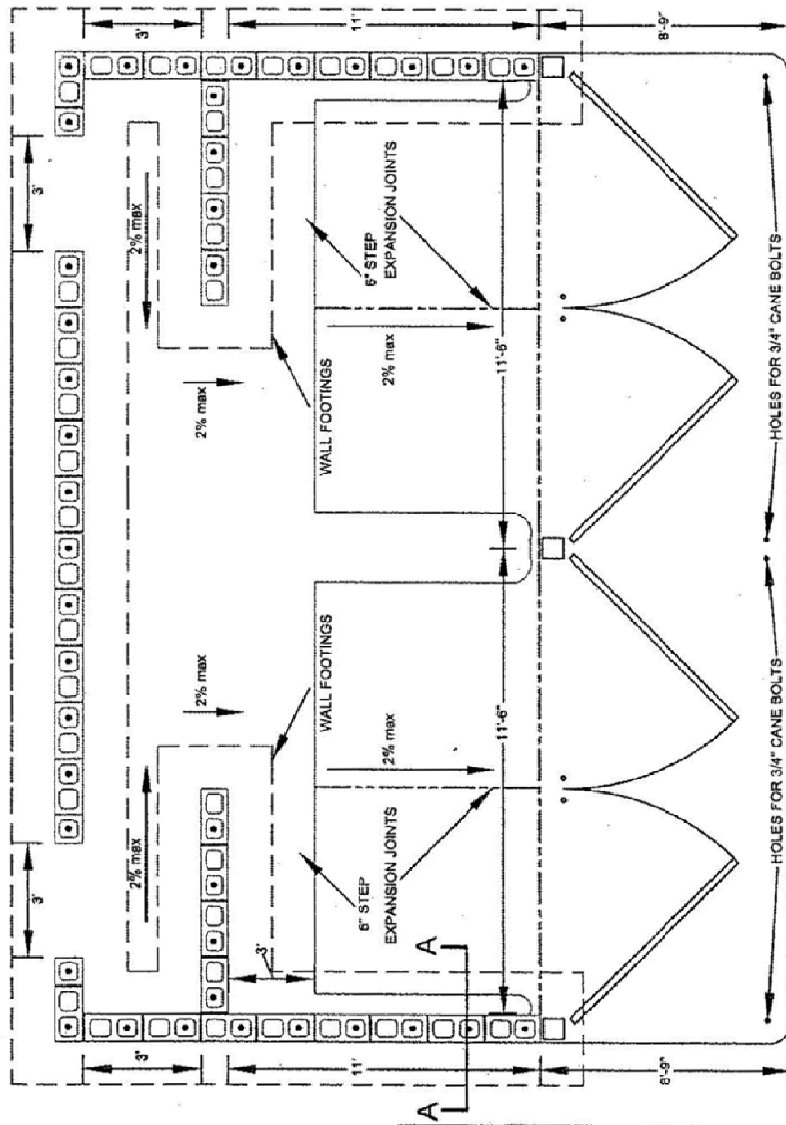
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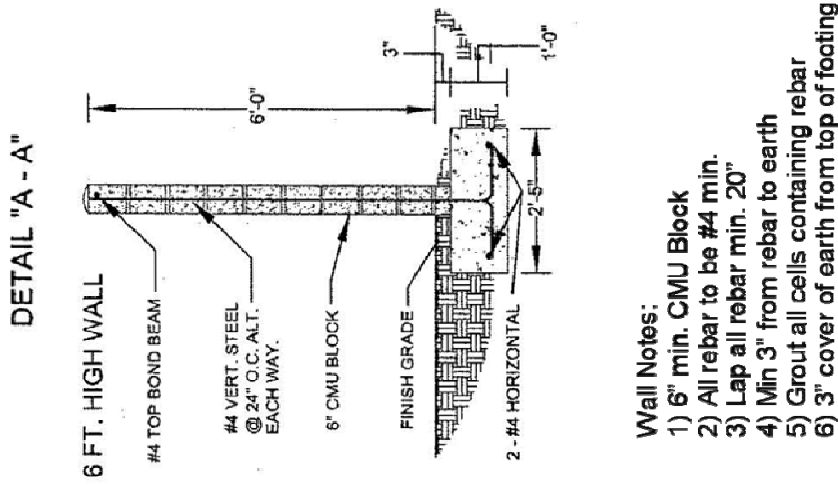
**DETAIL "A-A"**

**TRASH ENCLOSURE STANDARD DETAILS**

*Figure 9.28.150-A*



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**TRASH ENCLOSURE  
STANDARD DETAILS**

*Figure 9.28.150-B*

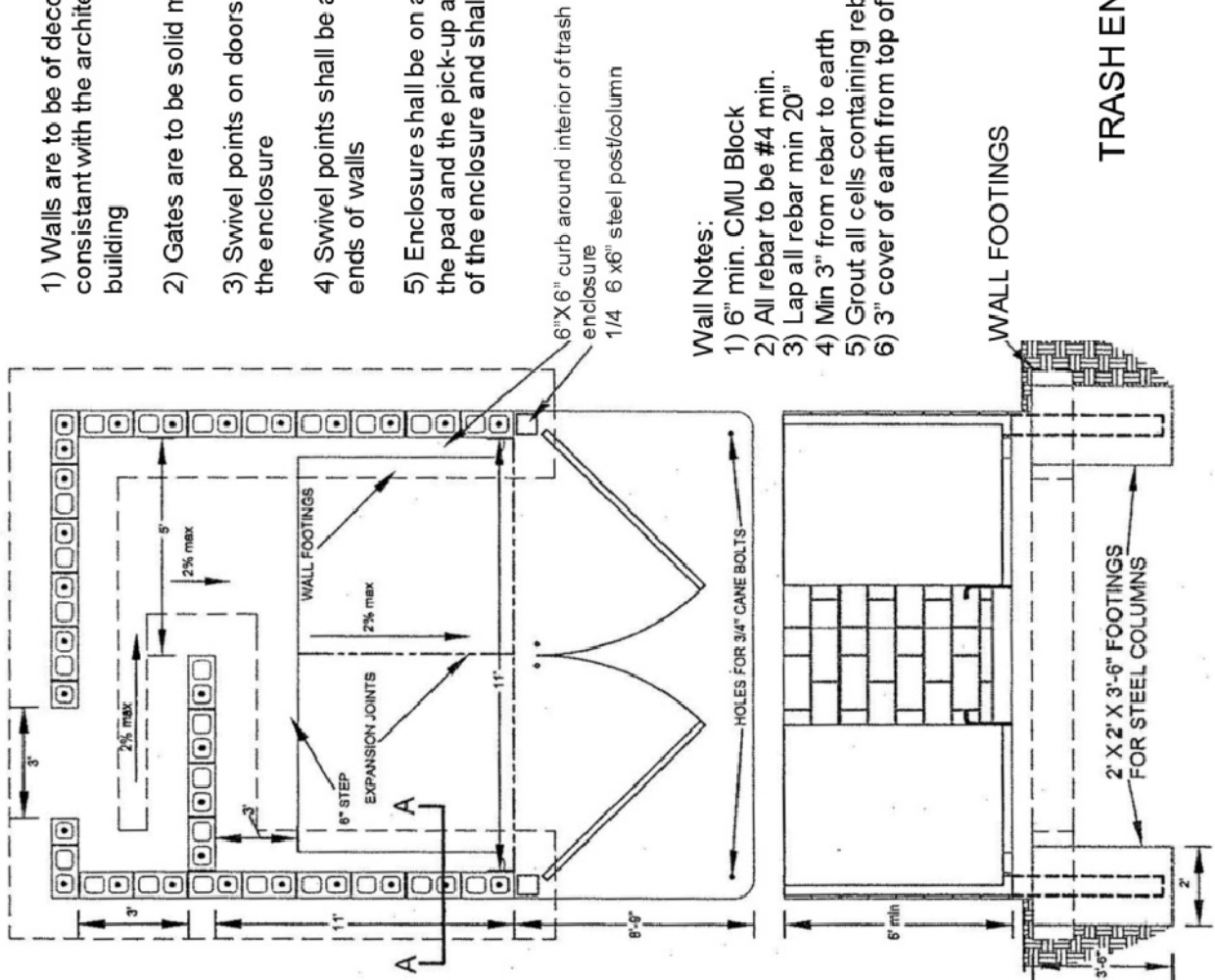
**Section 4.** Amend Section 9.35.090 of the Code to be amended to read as follows:

**9.35.090 Trash Enclosures**

Every new development project shall provide trash/recycling material enclosures in conformance with Figures 9.35.090-A & B as necessary to serve the development project. For businesses that generate four (4) cubic yards of commercial solid waste per week, the enclosure shall accommodate a recycle bin. All trash and/or recycling material receptacles shall be continuously contained within enclosures. Garbage containers or trash bins shall not be kept, placed or maintained so as to be visible from any public street or alley, except on days designated for trash collection, in accordance with Section 6.20.130 of the Town Municipal Code. In addition, the standards cited below shall apply.

- A. *Size of Trash Enclosures.*** Trash receptacles for commercial and office district uses shall be of sufficient size to accommodate the trash generated by the uses being served, consistent with the Town trash enclosure standards and Figures 9.35.090-A and B.
- 1.** One (1) trash bin per each three (3) commercial establishments or units (or fraction thereof) where the units are 5,000 square feet or less.
  - 2.** One (1) trash bin per commercial establishment or unit where they are between 5,001 and 15,000 square feet.
  - 3.** Two (2) trash bins per commercial establishment or unit where they are greater than 15,000 square feet.
  - 4.** In the M-U district, trash bins for commercial development shall be separate from those for residential development. The requirements for residential trash bins shall be consistent with the requirements of Section 9.28.150 of this Code.
- B. *Screening of Trash Storage Areas.*** Gates of trash enclosures shall remain closed at all times except when the enclosure is being accessed for refuse disposal or pick-up.
- C. *Architectural Treatment.*** All trash enclosures visible from streets or public parking areas shall be constructed and finished to be compatible with the architectural details and decor of the primary structure.
- D. *Location.*** Trash enclosures shall not be located in the required front or street side setbacks and shall be located near a driveway that allows access by the trash pick-up vehicles on paved access. No receptacles shall be placed in such a manner as to encroach in required parking spaces or driveways.
- E. *Variations.*** Any variation from these standards shall be approved by the Director. The double bin design may be modified to accommodate a single bin for projects that generate less than four (4) cubic yards of commercial solid waste per week and requiring only one bin capacity to serve the entire development. Design modifications to accommodate special circumstances are allowed, however, all deviations from the standard designs and policies must be approved by the Planning Division prior to building permit issuance.

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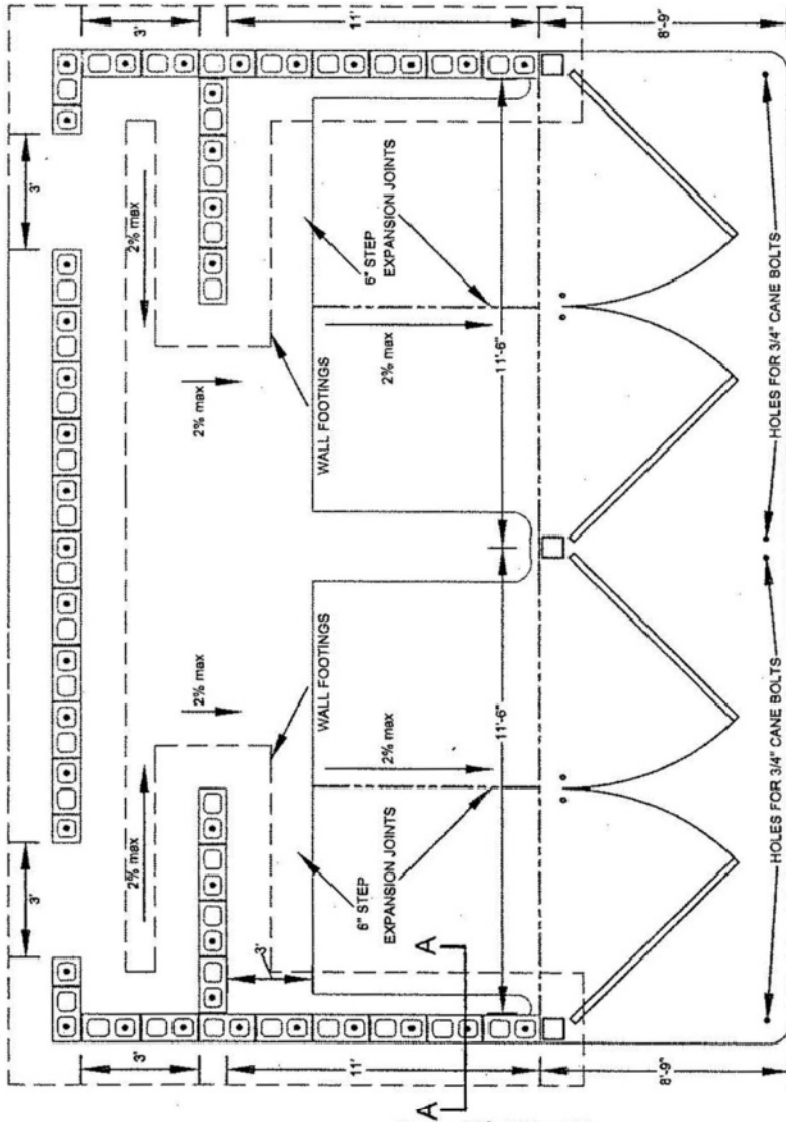
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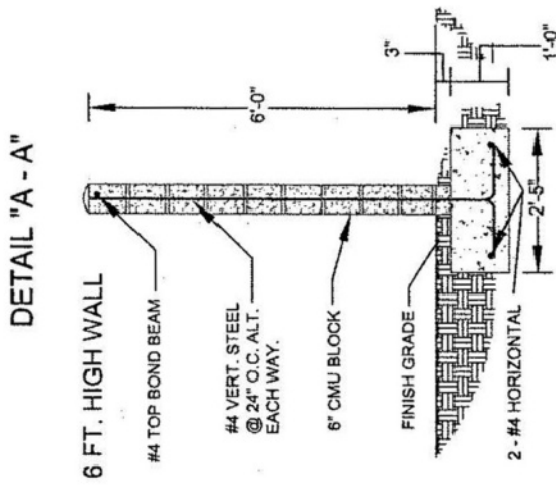
**DETAIL "A-A"**

**TRASH ENCLOSURE STANDARD DETAILS**

Figure 9.35.090-A



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**TRASH ENCLOSURE  
STANDARD DETAILS**

*Figure 9.35.090-B*

**Section 5.** Amend Chapter 9.45 of the Code to add Section 9.45.080 to read as follows:

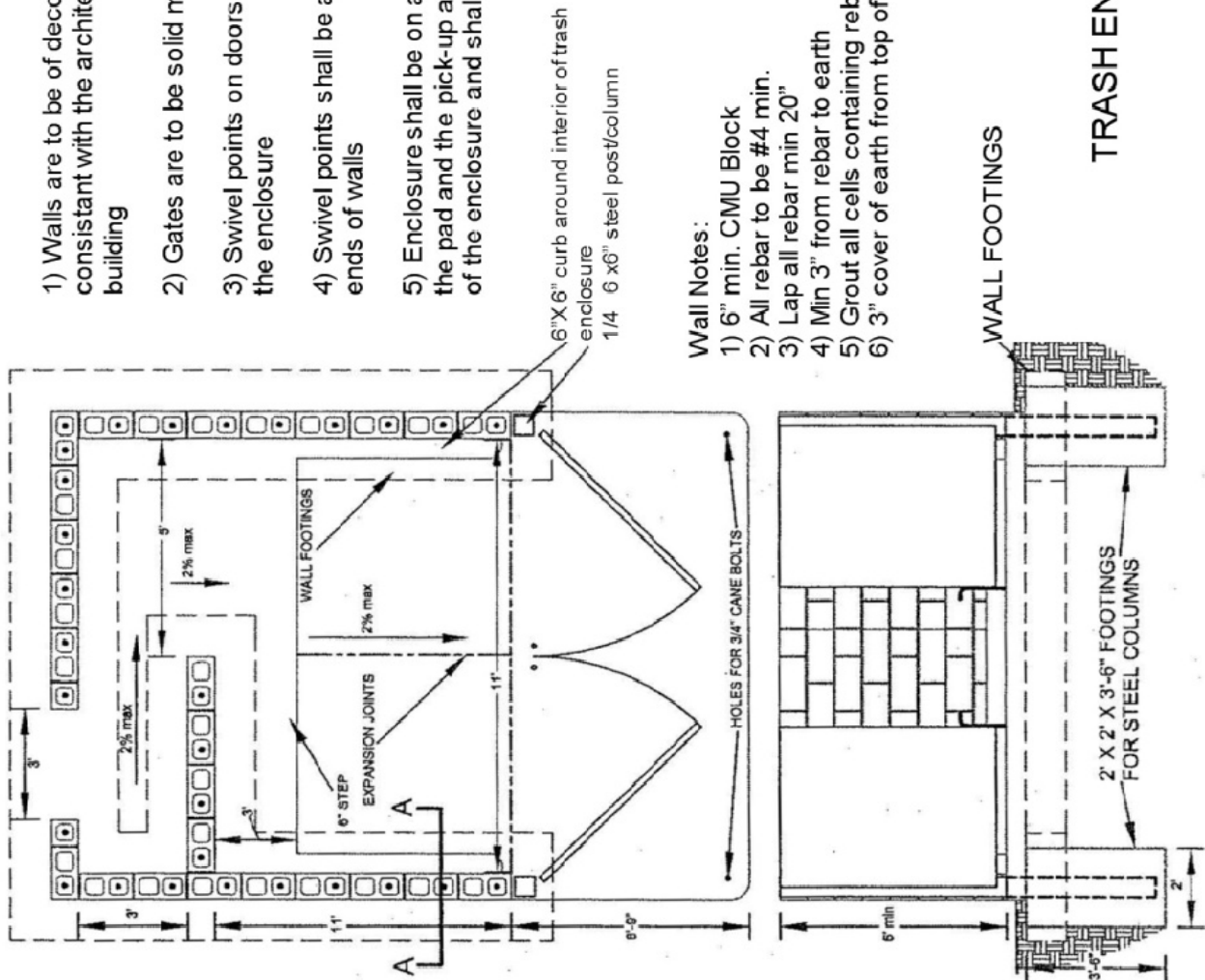
**Section 9.45.080 Trash Enclosures**

Trash/recycling material enclosures shall be provided in conformance with Figures 9.45.080-A & B as necessary to serve the development project. Businesses that generate four (4) cubic yards of solid waste per week, recycle bins shall be provided. In addition, the standards cited below shall apply.

- A. *Size of Trash Enclosures.*** Trash receptacles for commercial and office district uses shall be of sufficient size to accommodate the trash generated by the uses being served, consistent with the Town trash enclosure standards and Figures 9.45.080-A and B.
  - 1.** One (1) trash bin per each three (3) units where the units are 5,000 square feet or less.
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- B. *Architectural Treatment.*** All trash enclosures visible from streets or public parking areas shall be constructed and finished to be compatible with the architectural details and decor of the primary structure.
- C. *Location.*** Trash enclosures shall not be located in the required front or street side setbacks and shall be located near a driveway that allows access by the trash pick-up vehicles on paved access. No receptacles shall be placed in such a manner as to encroach in required parking spaces or driveways.
- D. *Variations.*** Any variation from these standards shall be approved by the Planning Division. Design modifications to accommodate special circumstances are allowed; however, all deviations from the standard designs and policies must be approved by the Planning Division prior to building permit issuance. This Section does not apply to industrial development projects wholly utilizing trash compactors.



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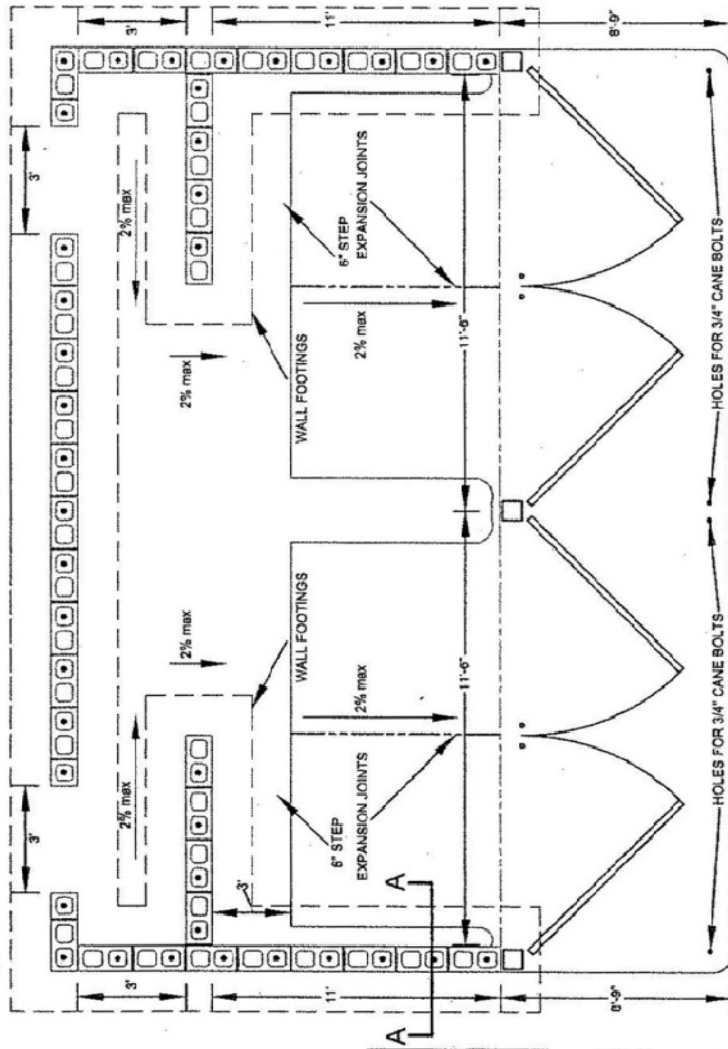
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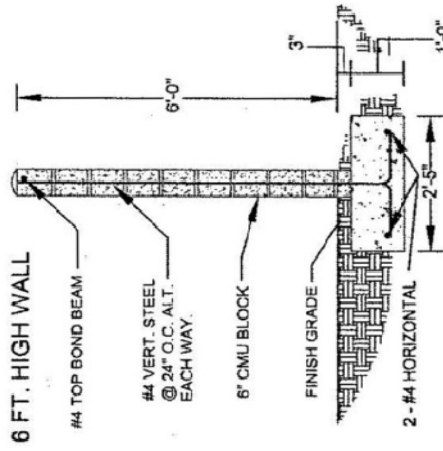
**DETAIL "A-A"**

**TRASH ENCLOSURE STANDARD DETAILS**

*Figure 9.45.080-A*



**DETAIL "A - A"**



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**TRASH ENCLOSURE  
STANDARD DETAILS**

*Figure 9.45.080-B*

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- 4) Swivel points shall be attached to concrete filled steel posts/columns at ends of walls
- 5) Enclosure shall be on a level pad at ground level. The area between the pad and the pick-up area shall be a paved area 4" deep for the width of the enclosure and shall not exceed a grade of 2%

**Section 6. Invalidation.** The amendment by this Ordinance of Title 9 “Development Code” of the Town of Apple Valley Municipal Code as previously in effect, or of any other prior enactment, shall not be construed to invalidate any entitlement exercised or proceeding taken pursuant to such Title or other enactment while the same was in effect.

**Section 7. 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 8. Effective Date.** This Ordinance shall become effective thirty (30) days after the date of its adoption.

**Section 9. 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 by the Town Clerk this 8th day of January, 2013.

\_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
La Vonda M-Pearson, Town Clerk

Approved as to form:

Approved as to content:

\_\_\_\_\_  
John Brown, Town Attorney

\_\_\_\_\_  
Frank Robinson, Town Manager

**PLANNING COMMISSION RESOLUTION NO. 2012-07**

**A RESOLUTION OF THE PLANNING COMMISSION OF THE TOWN OF APPLE VALLEY, CALIFORNIA, RECOMMENDING THAT THE TOWN COUNCIL AMEND TITLE 9 “DEVELOPMENT CODE” OF THE TOWN OF APPLE VALLEY MUNICIPAL CODE BY AMENDING SECTION 9.28.150 “TRASH ENCLOSURES” AND 9.35.090 “TRASH ENCLOSURES”, AND ESTABLISH SECTION 9.45.080 “TRASH ENCLOSURES” IN REGARDS TO THE TRASH ENCLOSURE SPECIFICATIONS.**

**WHEREAS**, Title 9 “Development Code” of the Municipal Code of the Town of Apple Valley was adopted by the Town Council on April 28, 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 Title 9 “Development Code” of the Town of Apple Valley Municipal Code by amending Section 9.28.150 and 9.35.090 of the Code; and

**WHEREAS**, specific changes are proposed to Title 9 “Development Code” of the Town of Apple Valley Municipal Code by adding Section 9.45.080; and

**WHEREAS**, on October 5, 2012, Development Code Amendment No. 2012-02 was duly noticed in the Apple Valley News, a newspaper of general circulation within the Town of Apple Valley; and

**WHEREAS**, pursuant to Section 15061(b)(3) of the State Guidelines to Implement the California Environmental Quality Act (CEQA), it can be determined 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 EXEMPT from further CEQA review; and

**WHEREAS**, on October 17, 2012, the Planning Commission of the Town of Apple Valley conducted a duly noticed and advertised public hearing on Development Code Amendment No. 2011-05, receiving testimony from the public; and

**WHEREAS**, Development Code Amendment No. 2012-02 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.

**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, does hereby resolve, order and determine as follows and recommends that the Town Council make the following findings and take the following actions:

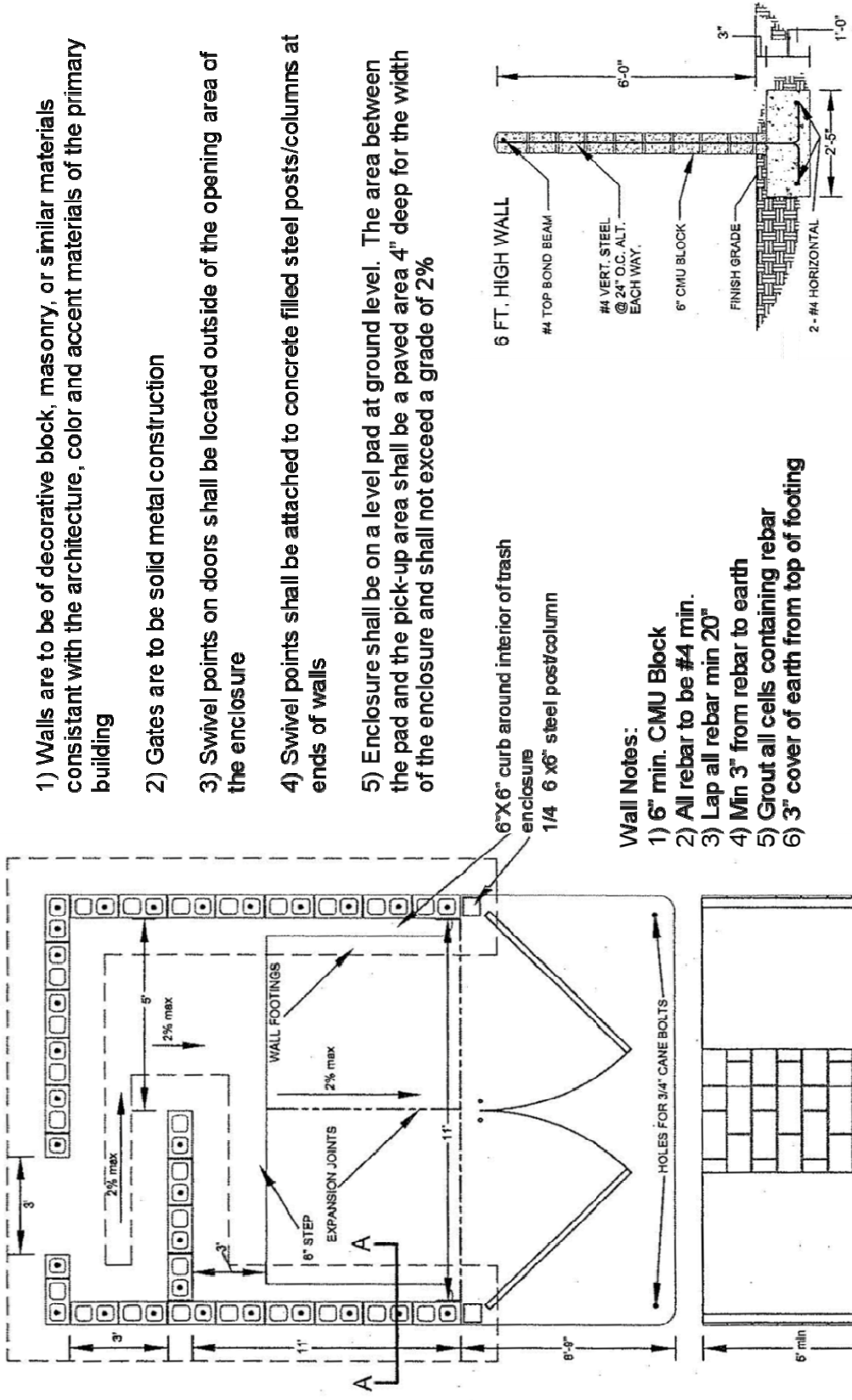
**Section 1.** Find that the changes proposed by Development Code Amendment No. 2012-02 are consistent with the Goals and Policies of the Town of Apple Valley adopted General Plan.

**Section 2.** Pursuant to Section 15061(b)(3) of the State Guidelines to Implement the California Environmental Quality Act (CEQA), it can be determined that the Code Amendment 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 Code Amendment, that there is no possibility that the proposal approved under Development Code Amendment No. 2012-02 will have a significant effect on the environment and, therefore, the Amendment is EXEMPT from further environmental review.

**Section 3.** Amend Section 9.28.150 and 9.35.090 of the Code to be amended to read as follows:

**9.28.150 Trash Enclosures**

- A. No person shall keep, place or maintain any garbage container or trash bin on his or her property which is visible from any public street or alley, except upon days designated for collection as set forth in Section 6.20.130 of the Town Municipal Code.
- B. Trash receptacles shall be placed so as to be accessible to the trash hauler on paved access.
- C. No receptacles shall be placed in such a manner as to encroach in required parking spaces or driveways.
- D. Trash enclosures shall be located within multi-family projects in accordance with the Design Standards for multi-family districts, Section 9.31.040 of this Code.
- E. Trash enclosure construction shall be consistent with Figures 9.28.150.A and B. The decorative block or stucco used shall be finished to be compatible with surrounding architectural features.
- F. One (1) enclosure per eight (8) dwelling units.
- G. Multi-family complexes with five (5) or more units the enclosure shall provide recycle bins.
- H. The double bin design may be modified to accommodate a single bin for projects having four (4) or fewer units and requiring only one bin capacity to serve the entire development.
- I. Design modifications to accommodate special circumstances are allowed, however, all deviations from the standard designs and policies must be approved by the Planning Division prior to building permit issuance.



- 1) Walls are to be of decorative block, masonry, or similar materials consistent with the architecture, color and accent materials of the primary building
- 2) Gates are to be solid metal construction
- 3) Swivel points on doors shall be located outside of the opening area of the enclosure
- 4) Swivel points shall be attached to concrete filled steel posts/columns at ends of walls
- 5) Enclosure shall be on a level pad at ground level. The area between the pad and the pick-up area shall be a paved area 4" deep for the width of the enclosure and shall not exceed a grade of 2%

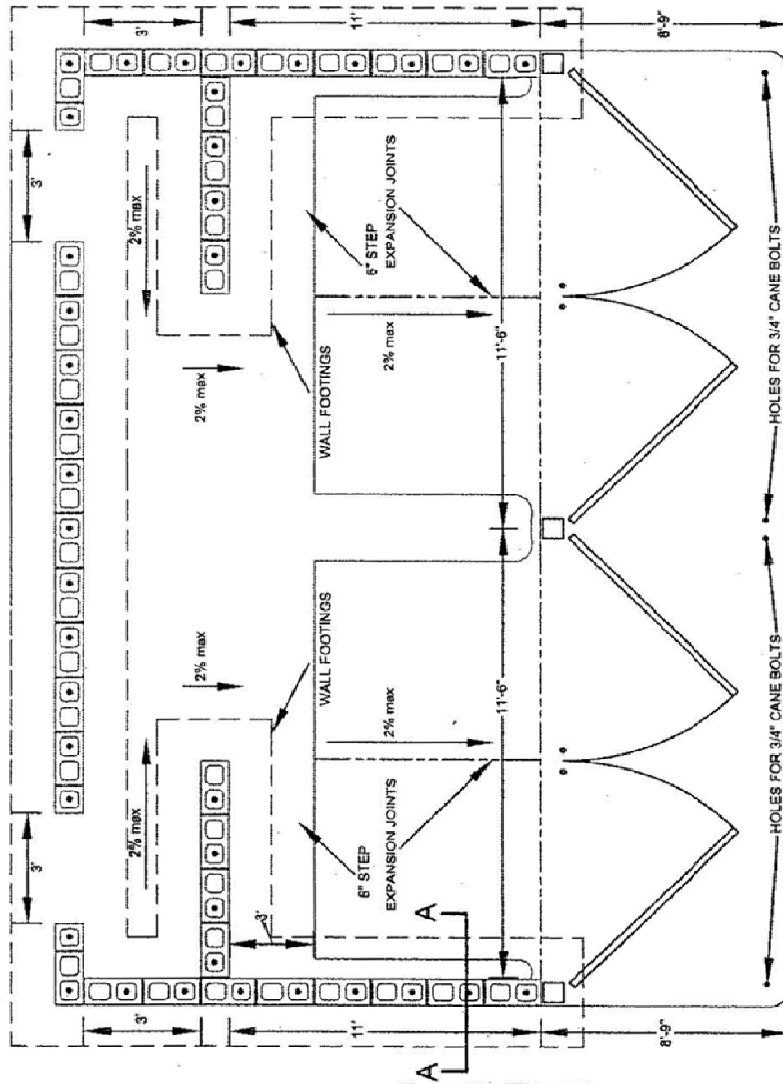
**Wall Notes:**

- 1) 6" min. CMU Block
- 2) All rebar to be #4 min.
- 3) Lap all rebar min 20"
- 4) Min 3" from rebar to earth
- 5) Grout all cells containing rebar
- 6) 3" cover of earth from top of footing

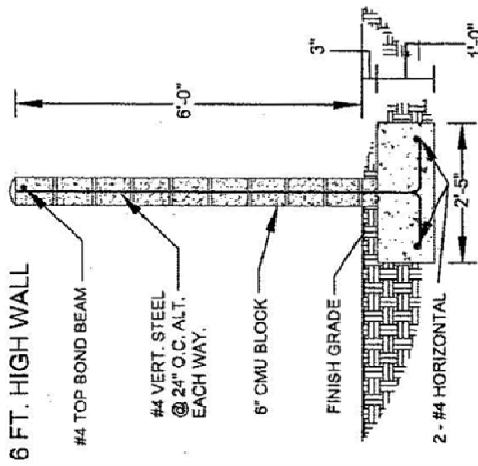
**DETAIL "A-A"**

**TRASH ENCLOSURE STANDARD DETAILS**

*Figure 9.28.150-A*



DETAIL "A - A"



**Wall Notes:**

- 1) 6" min. CMU Block
- 2) All rebar to be #4 min.
- 3) Lap all rebar min. 20"
- 4) Min 3" from rebar to earth
- 5) Grout all cells containing rebar
- 6) 3" cover of earth from top of footing

1) Walls are to be of decorative block, masonry, or similar materials consistent with the architecture, color and accent materials of the primary building

2) Gates are to be solid metal construction

3) Swivel points on doors shall be located outside of the opening area of the enclosure

4) Swivel points shall be attached to concrete filled steel posts/columns at ends of walls

5) Enclosure shall be on a level pad at ground level. The area between the pad and the pick-up area shall be a paved area 4" deep for the width of the enclosure and shall not exceed a grade of 2%

**TRASH ENCLOSURE  
STANDARD DETAILS**

*Figure 9.28.150-B*

**Section 4.** Amend Section 9.35.090 of the Code to be amended to read as follows:

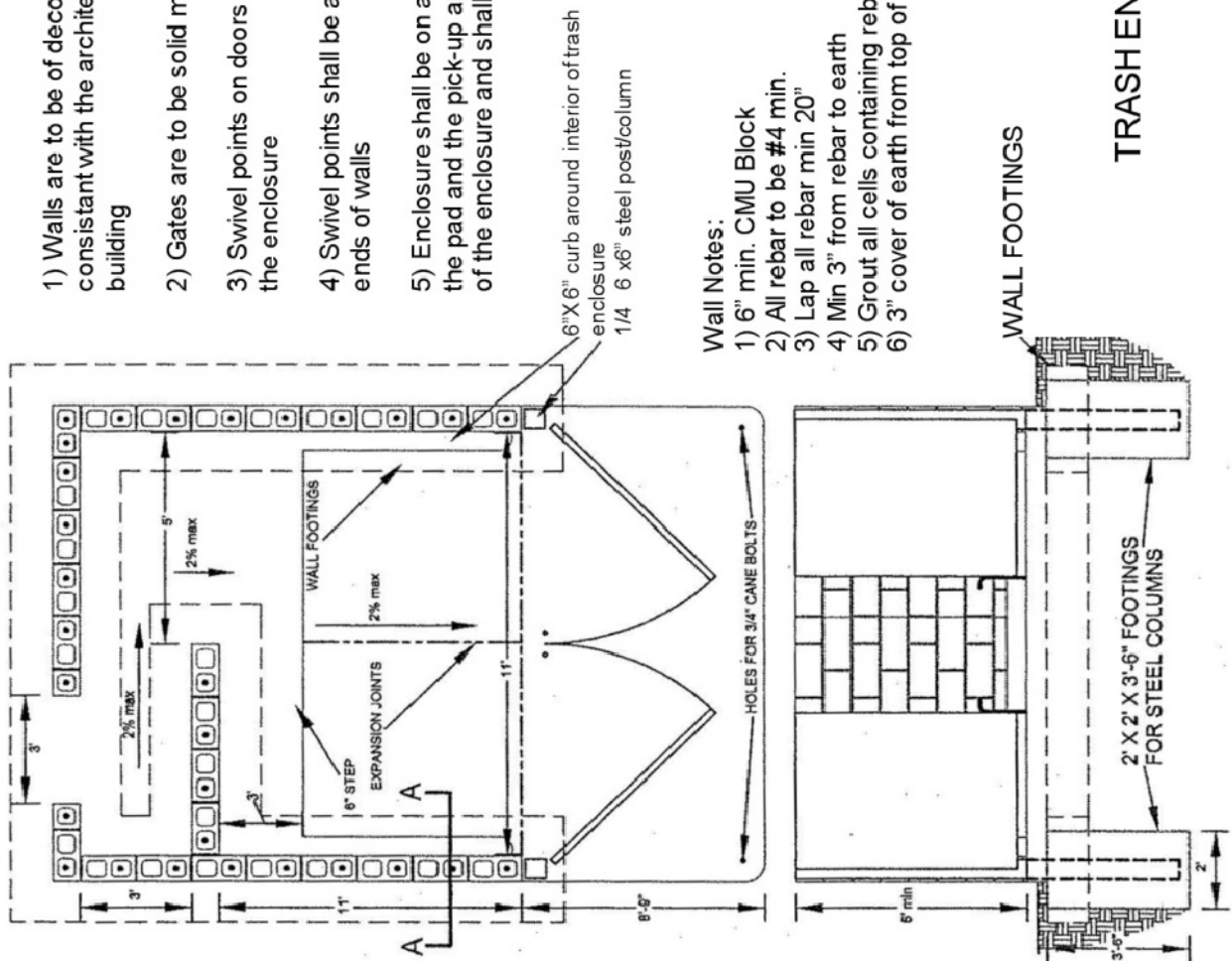
**9.35.090 Trash Enclosures**

Every new development project shall provide trash/recycling material enclosures in conformance with Figures 9.35.090-A & B necessary to serve the development project. Businesses that generate four (4) cubic yards of commercial solid waste per week, the enclosure shall accommodate a recycle bin. All trash and/or recycling material receptacles shall be continuously contained within enclosures. Garbage containers or trash bins shall not be kept, placed or maintained so as to be visible from any public street or alley, except on days designated for trash collection, in accordance with Section 6.20.130 of the Town Municipal Code. In addition, the standards cited below shall apply.

- A. *Size of Trash Enclosures.*** Trash receptacles for commercial and office district uses shall be of sufficient size to accommodate the trash generated by the uses being served, consistent with the Town trash enclosure standards and Figures 9.35.090-A and B.
- 1.** One (1) trash bin per each three (3) commercial establishments or units (or fraction thereof) where the units are 5,000 square feet or less.
  - 2.** One (1) trash bin per commercial establishment or unit where they are between 5,001 and 15,000 square feet.
  - 3.** Two (2) trash bins per commercial establishment or unit where they are greater than 15,000 square feet.
  - 4.** In the M-U district, trash bins for commercial development shall be separate from those for residential development. The requirements for residential trash bins shall be consistent with the requirements of Section 9.28.150 of this Code.
- B. *Architectural Treatment.*** All trash enclosures visible from streets or public parking areas shall be constructed and finished to be compatible with the architectural details and decor of the primary structure.
- C. *Location.*** Trash enclosures shall not be located in the required front or street side setbacks and shall be located near a driveway that allows access by the trash pick-up vehicles on paved access. No receptacles shall be placed in such a manner as to encroach in required parking spaces or driveways.
- D. *Variations.*** Any variation from these standards shall be approved by the Director. The double in design may be modified to accommodate a single bin for projects that generate less than four (4) cubic yards of commercial solid waste per week and requiring only one bin capacity to serve the entire development. Design modifications to accommodate special circumstances are allowed, however, all deviations from the standard designs and policies must be approved by the Planning Division prior to building permit issuance.



- 1) Walls are to be of decorative block, masonry, or similar materials consistent with the architecture, color and accent materials of the primary building
- 2) Gates are to be solid metal construction
- 3) Swivel points on doors shall be located outside of the opening area of the enclosure
- 4) Swivel points shall be attached to concrete filled steel posts/columns at ends of walls
- 5) Enclosure shall be on a level pad at ground level. The area between the pad and the pick-up area shall be a paved area 4" deep for the width of the enclosure and shall not exceed a grade of 2%



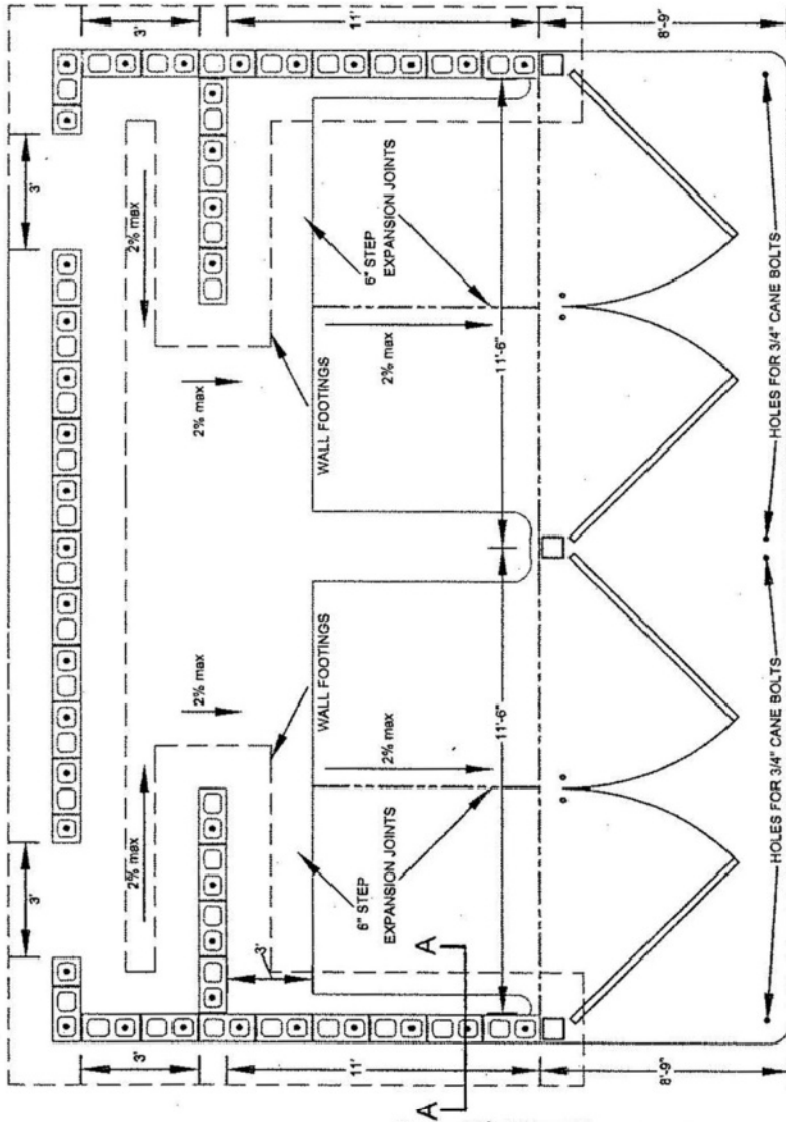
**Wall Notes:**

- 1) 6" min. CMU Block
- 2) All rebar to be #4 min.
- 3) Lap all rebar min 20"
- 4) Min 3" from rebar to earth
- 5) Grout all cells containing rebar
- 6) 3" cover of earth from top of footing

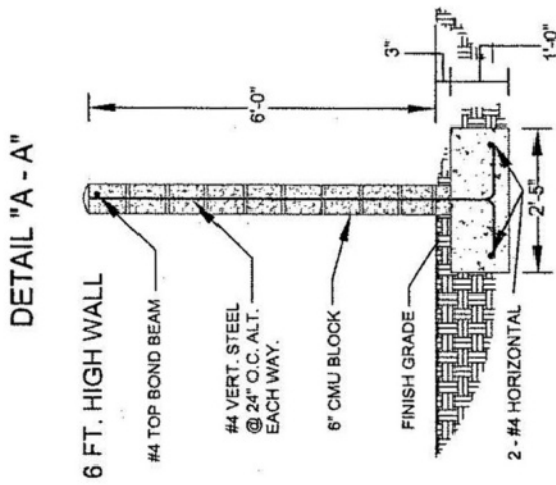
**DETAIL "A-A"**

**TRASH ENCLOSURE STANDARD DETAILS**

Figure 9.35.090-A



- 1) Walls are to be of decorative block, masonry, or similar materials consistent with the architecture, color and accent materials of the primary building
- 2) Gates are to be solid metal construction
- 3) Swivel points on doors shall be located outside of the opening area of the enclosure
- 4) Swivel points shall be attached to concrete filled steel posts/columns at ends of walls
- 5) Enclosure shall be on a level pad at ground level. The area between the pad and the pick-up area shall be a paved area 4" deep for the width of the enclosure and shall not exceed a grade of 2%



**Wall Notes:**

- 1) 6" min. CMU Block
- 2) All rebar to be #4 min.
- 3) Lap all rebar min. 20"
- 4) Min 3" from rebar to earth
- 5) Grout all cells containing rebar
- 6) 3" cover of earth from top of footing

**TRASH ENCLOSURE  
STANDARD DETAILS**

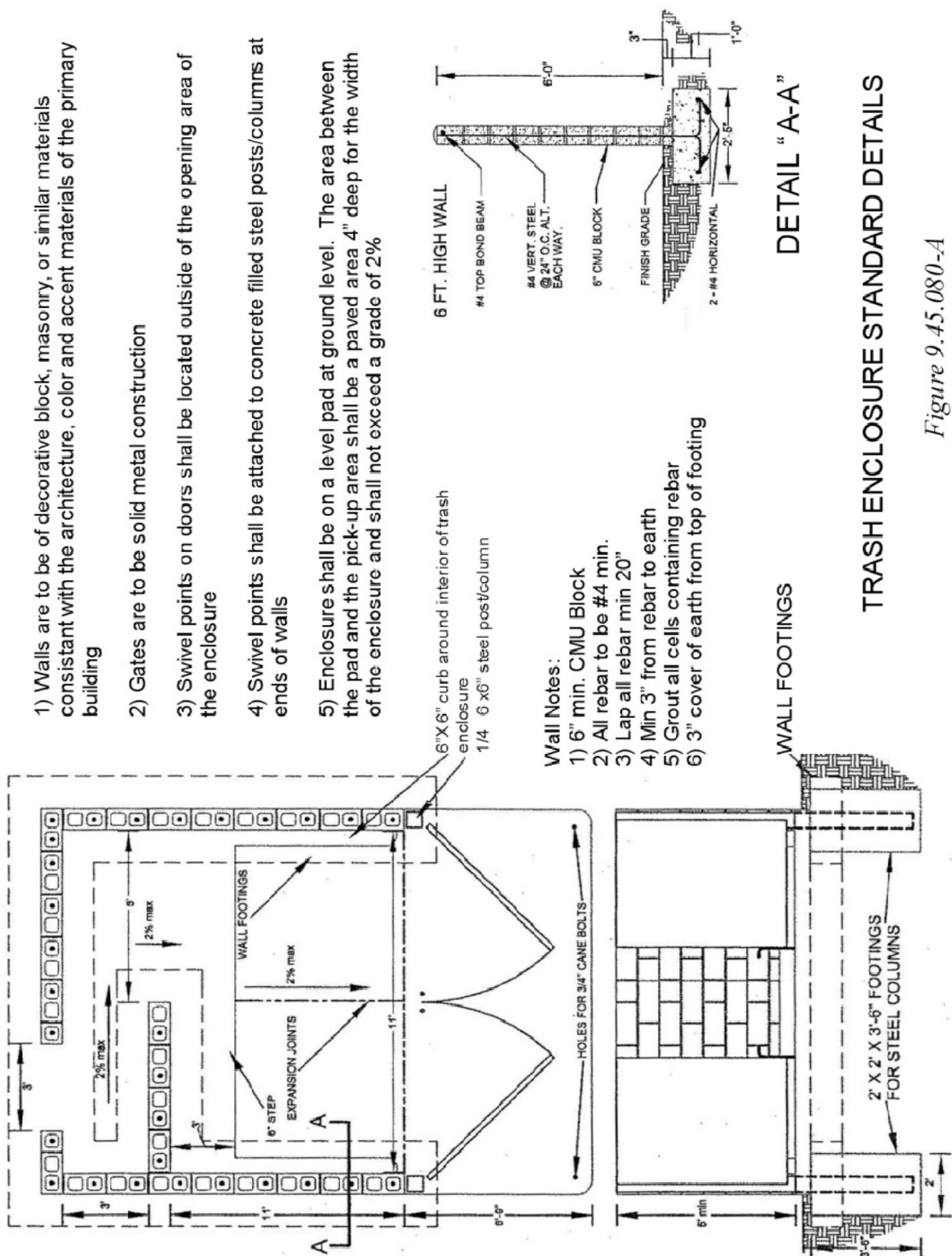
*Figure 9.35.090-B*

**Section 5.** Amend Chapter 9.45 of the Code to add Section 9.45.080 to read as follows:

**Section 9.45.080 Trash Enclosures**

Trash/recycling material enclosures shall be provided in conformance with Figures 9.45.080-A & B necessary to serve the development project. Businesses that generate four (4) cubic yards of solid waste per week, recycle bins shall be provided. In addition, the standards cited below shall apply.

- A. *Size of Trash Enclosures.*** Trash receptacles for commercial and office district uses shall be of sufficient size to accommodate the trash generated by the uses being served, consistent with the Town trash enclosure standards and Figures 9.45.080-A and B.
- 1.** One (1) trash bin per each three (3) units where the units are 5,000 square feet or less.
  - 2.** One (1) trash bin per unit where they are between 5,001 and 15,000 square feet.
  - 3.** Two (2) trash bins per unit where they are greater than 15,000 square feet.
- B. *Architectural Treatment.*** All trash enclosures visible from streets or public parking areas shall be constructed and finished to be compatible with the architectural details and decor of the primary structure.
- C. *Location.*** Trash enclosures shall not be located in the required front or street side setbacks and shall be located near a driveway that allows access by the trash pick-up vehicles on paved access. No receptacles shall be placed in such a manner as to encroach in required parking spaces or driveways.
- D. *Variations.*** Any variation from these standards shall be approved by the Planning Division. Design modifications to accommodate special circumstances are allowed; however, all deviations from the standard designs and policies must be approved by the Planning Division prior to building permit issuance. This Section does not apply to industrial development projects wholly utilizing trash compactors.



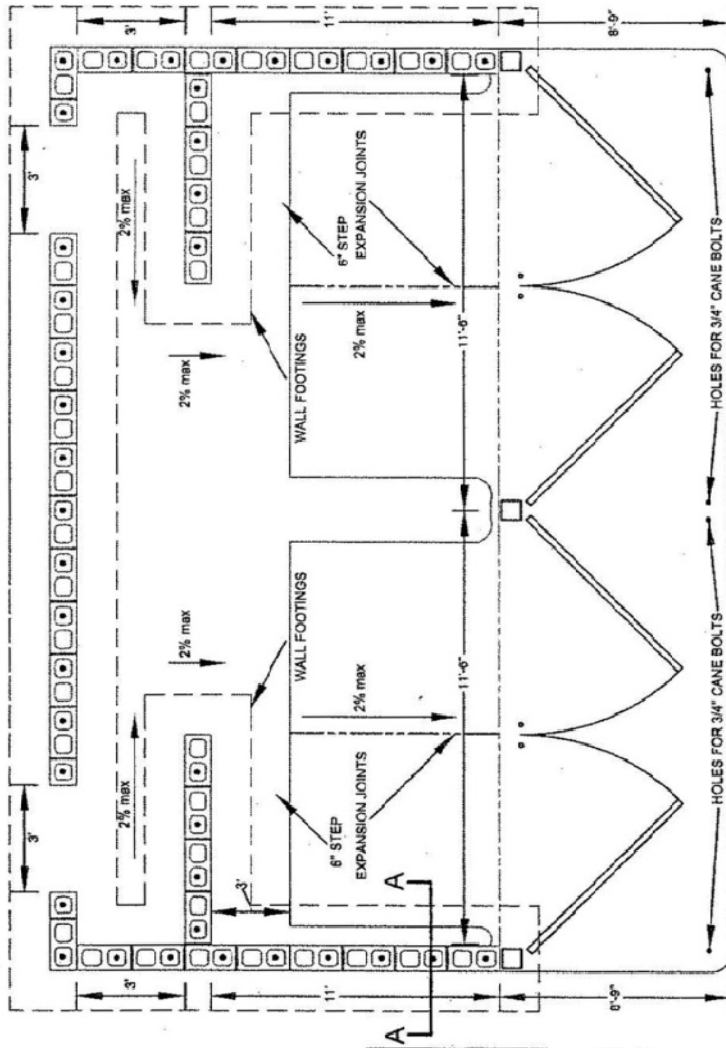
- 1) Walls are to be of decorative block, masonry, or similar materials consistent with the architecture, color and accent materials of the primary building
- 2) Gates are to be solid metal construction
- 3) Swivel points on doors shall be located outside of the opening area of the enclosure
- 4) Swivel points shall be attached to concrete filled steel posts/columns at ends of walls
- 5) Enclosure shall be on a level pad at ground level. The area between the pad and the pick-up area shall be a paved area 4" deep for the width of the enclosure and shall not exceed a grade of 2%

**Wall Notes:**

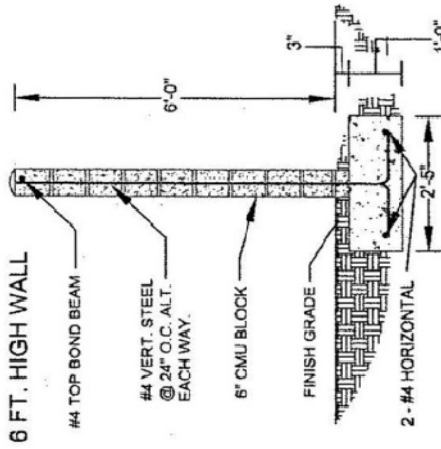
- 1) 6" min. CMU Block
- 2) All rebar to be #4 min.
- 3) Lap all rebar min 20"
- 4) Min 3" from rebar to earth
- 5) Grout all cells containing rebar
- 6) 3" cover of earth from top of footing

**TRASH ENCLOSURE STANDARD DETAILS**

Figure 9.45.080-A



DETAIL "A - A"



Wall Notes:

- 1) 6" min. CMU Block
- 2) All rebar to be #4 min.
- 3) Lap all rebar min. 20"
- 4) Min 3" from rebar to earth
- 5) Grout all cells containing rebar
- 6) 3" cover of earth from top of footing

TRASH ENCLOSURE  
STANDARD DETAILS

Figure 9.45.080-B

- 1) Walls are to be of decorative block, masonry, or similar materials consistent with the architecture, color and accent materials of the primary building
- 2) Gates are to be solid metal construction
- 3) Swivel points on doors shall be located outside of the opening area of the enclosure
- 4) Swivel points shall be attached to concrete filled steel posts/columns at ends of walls
- 5) Enclosure shall be on a level pad at ground level. The area between the pad and the pick-up area shall be a paved area 4" deep for the width of the enclosure and shall not exceed a grade of 2%

Approved and Adopted by the Planning Commission of the Town of Apple Valley this 17th day of October, 2012.

---

Chairman Jason Lamoreaux

ATTEST:

I, Debra Thomas, 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 17th day of October, 2012 by the following vote, to-wit:

AYES:

NOES:

ABSENT:

ABSTAIN:

---

Ms. Debra Thomas, Planning Commission Secretary



Get a Slice of the Apple.

Agenda Item No. 3

## TOWN OF APPLE VALLEY PLANNING COMMISSION

### Staff Report

<b>AGENDA DATE:</b>	October 17, 2012
<b>CASE NUMBER:</b>	Development Code Amendment No. 2012-02
<b>APPLICANT:</b>	Town of Apple Valley
<b>PROPOSAL:</b>	A request to consider an amendment to Title 9 "Development Code" of the Town of Apple Valley Municipal Code amending Sections 9.28.150 "Trash Enclosures" and 9.35.090 "Trash Enclosures", and establishing Section 9.45.080 "Trash Enclosures" in regards to revising the trash enclosure specifications to accommodate a recycle bin.
<b>LOCATION:</b>	Town Wide
<b>EXISTING GENERAL PLAN DESIGNATIONS:</b>	All Land Use designations
<b>EXISTING ZONING:</b>	All Zoning designations
<b>ENVIRONMENTAL DETERMINATION:</b>	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.
<b>PROJECT PLANNER:</b>	Ms. Carol Miller, Senior Planner
<b>RECOMMENDATION:</b>	Adopt Planning Commission Resolution No. 2012-07

#### **Background and Analysis**

At the August 28, 2012 Town Council meeting, the Council initiated a Development Code Amendment to amend the trash enclosure standards to accommodate a recycle bin.

On October 25, 2011, the Town adopted Ordinance 424 to implement State Assembly Bill 341 regarding recycling. Assembly Bill 341 is a state-mandated local program that requires jurisdictions, on and after July 1, 2012, to implement a commercial solid waste recycling program.

The bill requires recycle bin for businesses that generate four (4) cubic yards of commercial solid waste per week or multifamily residential dwellings with five (5) or more units. The trash enclosure specifications in the current Development Code does not take into consideration accommodation for recycling bins. The Town's waste hauler, Burrtec Waste Industries offers four (4) dumpster sizes up to 4 cubic yards. Commercial businesses or multi-unit complexes that use dumpsters for trash collection must use dumpsters for the collection of recyclables.

Staff is recommending Section 9.28.150 be amended as follows:

**9.28.150 Trash Enclosures**

- A. No person shall keep, place or maintain any garbage container or trash bin on his or her property which is visible from any public street or alley, except upon days designated for collection as set forth in Section 6.20.130 of the Town Municipal Code.
- B. Trash receptacles shall be placed so as to be accessible to the trash hauler on paved access.
- C. No receptacles shall be placed in such a manner as to encroach in required parking spaces or driveways.
- D. Trash enclosures shall be located within multi-family projects in accordance with the Design Standards for multi-family districts, Section 9.31.040 of this Code.
- E. Trash enclosure construction shall be consistent with ~~the standards on file at the Planning Division offices~~ Figures 9.28.150.A and B. The decorative block or stucco used shall be finished to be compatible with surrounding architectural features.
- F. One (1) enclosure per eight (8) dwelling units.
- G. Multi-family complexes with five (5) or more units the enclosure shall provide recycle bins.
- H. The double bin design may be modified to accommodate a single bin for projects having four (4) or fewer units and requiring only one bin capacity to serve the entire development.
- I. Design modifications to accommodate special circumstances are allowed, however, all deviations from the standard designs and policies must be approved by the Planning Division prior to building permit issuance.

Staff is recommending Section 9.35.090 be amended as follows:

**9.35.090 Trash Enclosures**

Trash/recycling material enclosures shall be in conformance with Figures 9.35.090-A & B necessary to serve the development project. Businesses that generate four (4) cubic yards of commercial solid waste per week, recycle bins shall be provided. All trash and/or recycling material receptacles shall be continuously contained within enclosures. Garbage containers or trash bins shall not be kept, placed or maintained so as to be visible from any public street or alley, except on days designated for trash collection, in accordance with Section 6.20.130 of the Town Municipal Code. In addition, the standards cited below shall apply.

- A. **Size of Trash Enclosures.** Trash receptacles for commercial and office district uses shall be of sufficient size to accommodate the trash generated by the uses being served, consistent with the Town trash enclosure standards and Figures 9.35.090-A and B.
  - I. One (1) trash bin per each three (3) commercial establishments or units (or fraction thereof) where the units are 5,000 square feet or less.



2. One (1) trash bin per commercial establishment or unit where they are between 5,001 and 15,000 square feet.
3. Two (2) trash bins per commercial establishment or unit where they are greater than 15,000 square feet.
4. In the M-U district, trash bins for commercial development shall be separate from those for residential development. The requirements for residential trash bins shall be consistent with the requirements of Section ~~9.31.040~~ 9.28.150 of this Code.

~~**B. Screening of Trash Storage Areas.** All outdoor storage of trash, garbage, refuse, and other items or material intended for discarding or collection shall be screened from public view on three sides by a six (6) foot high wall of eight (8) inch block construction, or similar permanent construction using materials used in the primary structure. The fourth side shall be an opaque gate six (6) feet in height made of wood or metal painted to match the surrounding wall, kept in functional order and maintained in good repair at all times. Gates of trash enclosures shall remain closed at all times except when the enclosure is being accessed for refuse disposal or pick up.~~

~~A covered storage area at least three (3) feet by six (6) feet in size, or other size enclosure depending on the nature and quantity of recyclable materials generated, and accessible for truck loading, shall be incorporated into each trash enclosure for collection of recyclable materials.~~

~~**C.B. Architectural Treatment.** All trash enclosures visible from streets or public parking areas shall be constructed and finished to be compatible with the architectural details and decor of the primary structure.~~

~~**D.C. Location.** Trash enclosures shall not be located in the required front or street side setbacks and shall be located near a driveway that allows access by the trash pick-up vehicles on paved access. No receptacles shall be placed in such a manner as to encroach in required parking spaces or driveways.~~

~~**E.D. Variations.** Any variation from these standards shall be approved by the Director. The double in design may be modified to accommodate a single bin for projects that generate less than four (4) cubic yards of commercial solid waste per week and requiring only one bin capacity to serve the entire development. Design modifications to accommodate special circumstances are allowed, however, all deviations from the standard designs and policies must be approved by the Planning Division prior to building permit issuance.~~

Based on the format of the Development Code, the trash enclosure standards should be also included in the Industrial zoning district. Unlike the other two chapters shown above, the industrial standards provide an exemption to industrial project that solely use a trash compactor. Therefore, staff is recommending a section be added, and is recommended that Section 9.45.080 be added to read as follows:

**Section 9.45.080 Trash Enclosures**

Trash/recycling material enclosures shall be provided in conformance with Figures 9.45.080-A & B necessary to serve the development project. Businesses that generate four (4) cubic yards of solid waste per week, recycle bins shall be provided. In addition, the standards cited below shall apply.

**A. Size of Trash Enclosures.** Trash receptacles for industrial district uses shall be of sufficient size to accommodate the trash generated by the uses being served, consistent with the Town trash enclosure standards and Figures 9.35.090-A and B.

1. One (1) trash bin per each three (3) units where the units are 5,000 square feet or less.
2. One (1) trash bin per unit where they are between 5,001 and 15,000 square feet.

3. Two (2) trash bins per unit where they are greater than 15,000 square feet.

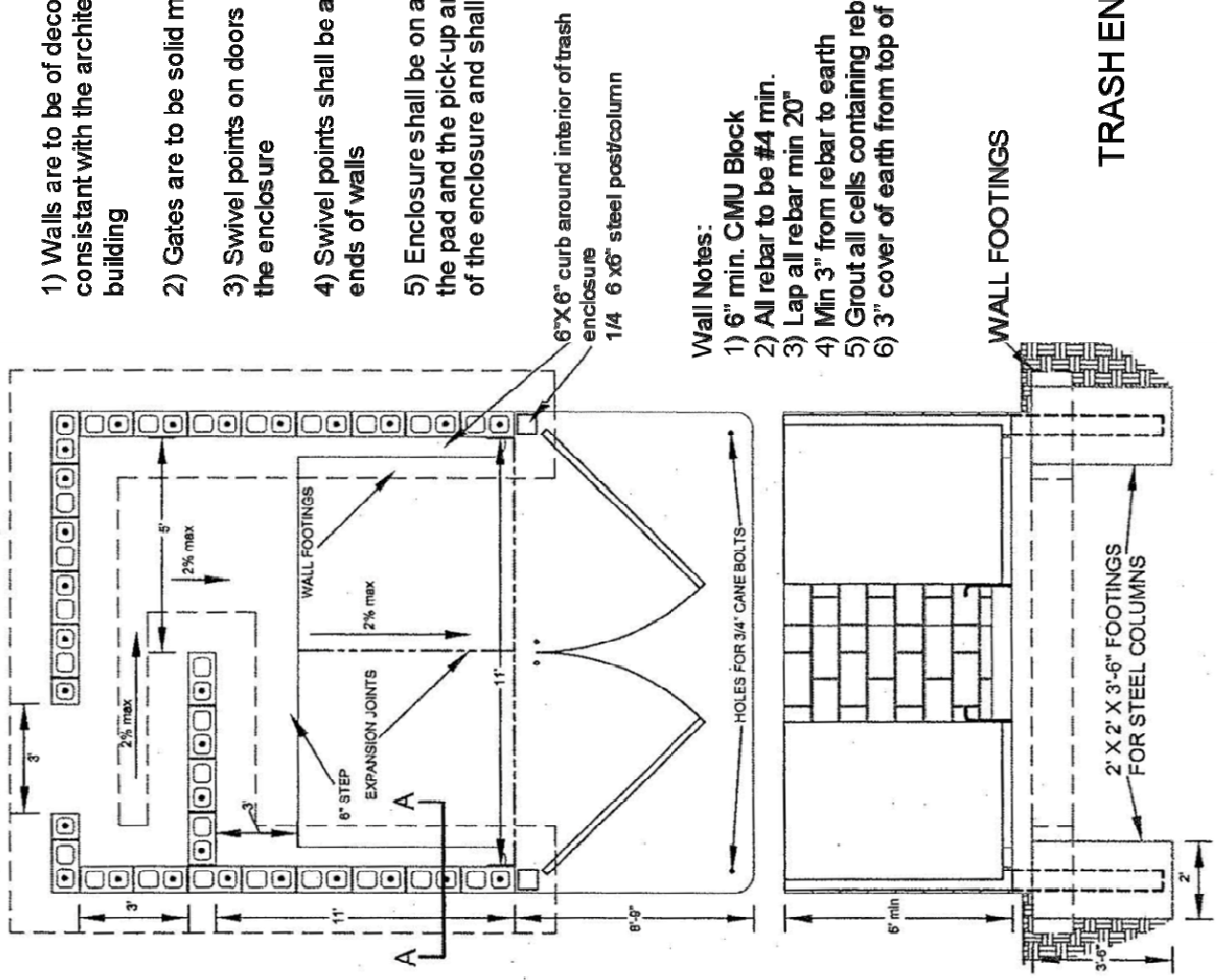
***B. Architectural Treatment.*** All trash enclosures visible from streets or public parking areas shall be constructed and finished to be compatible with the architectural details and decor of the primary structure.

***C. Location.*** Trash enclosures shall not be located in the required front or street side setbacks and shall be located near a driveway that allows access by the trash pick-up vehicles on paved access. No receptacles shall be placed in such a manner as to encroach in required parking spaces or driveways.

***D. Variations.*** Any variation from these standards shall be approved by the Planning Division. Design modifications to accommodate special circumstances are allowed; however, all deviations from the standard designs and policies must be approved by the Planning Division prior to building permit issuance. This Section does not apply to industrial development projects wholly utilizing trash compactors.

The proposed Amendment deletes the existing trash enclosure design specifications and is being replaced with the specifications shown below. The trash enclosure specification drawing sheets will be included in each of the three (3) land use sections as shown in the Planning Commission resolution. The text portion within these old specification sheets which identifies the number of bins remains unchanged, but is relocated from the Figure to the actual text of the Code in each section. The proposed Amendment continues to ensure attractive site design and general maintenance, as well as efficiency for collection. Staff is recommending the following trash enclosure design specifications:

- 1) Walls are to be of decorative block, masonry, or similar materials consistent with the architecture, color and accent materials of the primary building
- 2) Gates are to be solid metal construction
- 3) Swivel points on doors shall be located outside of the opening area of the enclosure
- 4) Swivel points shall be attached to concrete filled steel posts/columns at ends of walls
- 5) Enclosure shall be on a level pad at ground level. The area between the pad and the pick-up area shall be a paved area 4" deep for the width of the enclosure and shall not exceed a grade of 2%



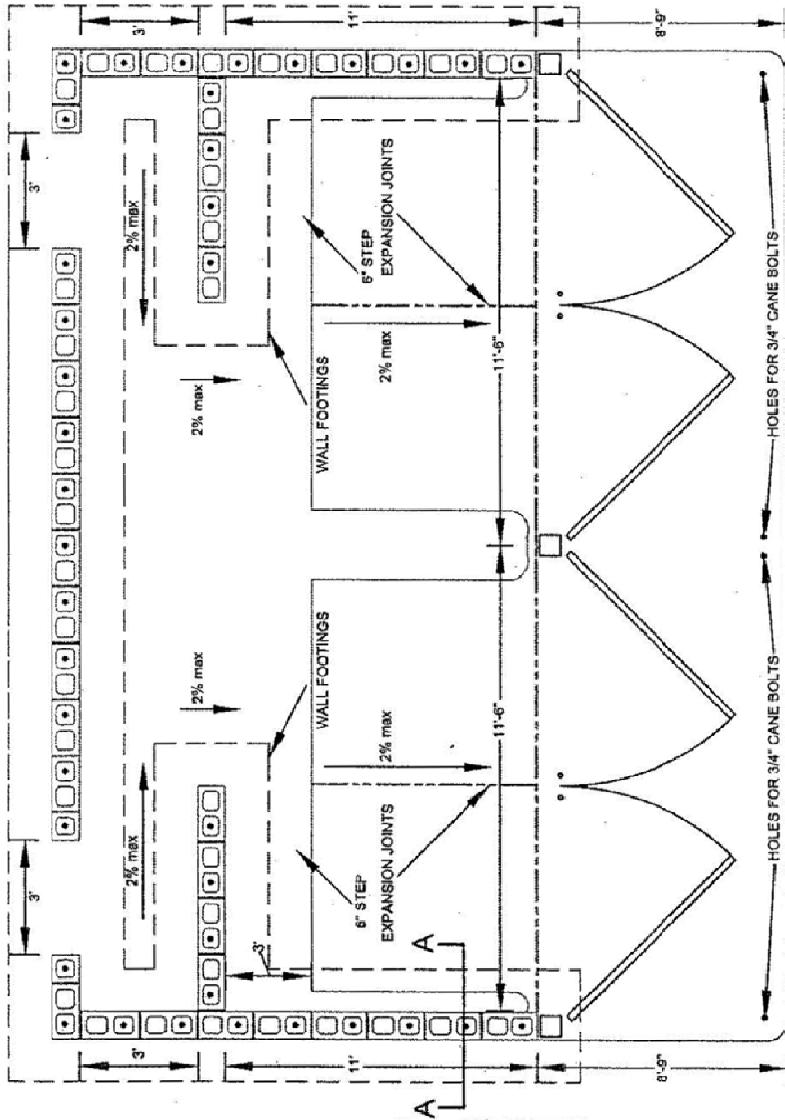
**Wall Notes:**

- 1) 6" min. CMU Block
- 2) All rebar to be #4 min.
- 3) Lap all rebar min 20"
- 4) Min 3" from rebar to earth
- 5) Grout all cells containing rebar
- 6) 3" cover of earth from top of footing

**DETAIL "A-A"**

**TRASH ENCLOSURE STANDARD DETAILS**

*Figure 9.28.150-A*



1) Walls are to be of decorative block, masonry, or similar materials consistent with the architecture, color and accent materials of the primary building

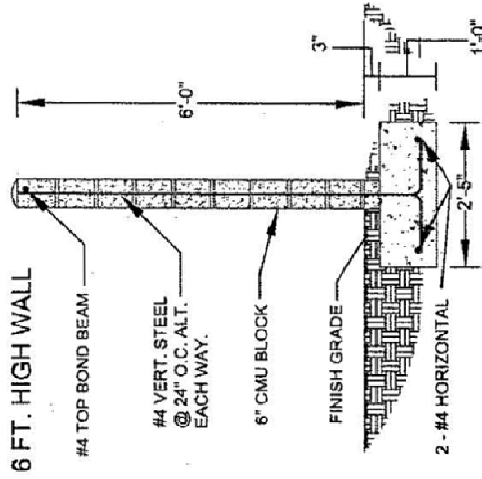
2) Gates are to be solid metal construction

3) Swivel points on doors shall be located outside of the opening area of the enclosure

4) Swivel points shall be attached to concrete filled steel posts/columns at ends of walls

5) Enclosure shall be on a level pad at ground level. The area between the pad and the pick-up area shall be a paved area 4" deep for the width of the enclosure and shall not exceed a grade of 2%

**DETAIL "A - A"**



**Wall Notes:**

- 1) 6" min. CMU Block
- 2) All rebar to be #4 min.
- 3) Lap all rebar min. 20"
- 4) Min 3" from rebar to earth
- 5) Grout all cells containing rebar
- 6) 3" cover of earth from top of footing

**TRASH ENCLOSURE  
STANDARD DETAILS**

*Figure 9.28.150-B*

## **FINDINGS:**

An amendment to the Development Code requires that the Planning Commission address two (2) required "Findings", as listed within Development Code Section 9.06.060. For Commission consideration, the required Findings are listed below, along with a comment addressing each. If the Commission concurs with these comments, it may be adopted and forward its recommendation to the Council for consideration of the Development Code Amendment. If the Commission wishes to modify the offered comments, after considering input and public testimony at the public hearing, modifications to the Findings and Code Amendment recommendations can be included into the information forwarded to the Council for consideration.

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

Comment: The General Plan requires that the quality in architectural design is maintained in order to enhance the visual environment of the Town and to protect the economic value of existing structures and provides the basic framework for land development within the Town of Apple Valley. Development Code Amendment No. 2012-02 ensure compliance with recycling and that the trash enclosures are architecturally compatible to the structure it serves.

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

Comment: Development Code Amendment No. 2012-02 modifies the Town's Development Code trash enclosure standards and requires recycling for multi-family development, commercial and industrial development which will not be detrimental to public health, safety or welfare.

## **NOTICING**

Development Code Amendment No. 2012-02 was advertised as a public hearing in the Apple Valley News newspaper on October 5, 2012.

## **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.

## **RECOMMENDATION**

Following receipt of public input and discussion by the Commission, it is recommended that the Commission move to approve Planning Commission Resolution No. 2012-07, forwarding a recommendation that the Town Council amend Title 9 "Development Code" of the Town of Apple Valley Municipal Code, as outlined within the staff report.

**Prepared By:**

**Reviewed By:**

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Carol Miller  
Senior Planner

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Lori Lamson  
Community Development Director

**ATTACHMENT:**

1. Planning Commission Resolution No. 2012-07