



Town Council Agenda Report

Date: December 8, 2020 Item No. 22

To: Honorable Mayor and Town Council

Subject: DEVELOPMENT CODE AMENDMENT NO. 2020-008 IS A REQUEST TO MODIFY TITLE 9 "DEVELOPMENT CODE" OF THE TOWN OF APPLE VALLEY MUNICIPAL CODE AS IT RELATES TO PERMITTED LOCATIONS AND OPERATING STANDARDS OF LARGE AND SMALL RECYCLING COLLECTION FACILITIES

From: Douglas Robertson, Town Manager

Submitted by: Pam Cupp, Senior Planner
Planning Department

Budgeted Item: Yes No N/A

RECOMMENDED ACTION

- A. **Determine** that, pursuant to Section 15061(b)(3) of the State Guidelines to Implement the California Environmental Quality Act (CEQA), the project is exempt from environmental review because 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. **Find** the facts presented within the staff report, including the attached Planning Commission Resolution No. 2020-006 adopted October 7, 2020, support the required Findings for approval of the proposed Development Code Amendment and adopt the Findings.
- C. **Move** to waive the reading of Ordinance No.541 in its entirety and read by title only.
- D. **Introduce** Ordinance No.541 approving Development Code Amendment No. 2020-008; and
- E. **Direct** staff to file a Notice of Exemption with the San Bernardino County Clerk of the Board.

SUMMARY

At its April 14, 2020 meeting, the Town Council initiated a Development Code Amendment to address recycling facilities. Items to be considered include permitted locations and operating standards. On October 7, 2020, the Planning Commission reviewed the modifications proposed under Development Code Amendment No. 2020-008. Upon presentation of the staff report and subsequent Commission discussion, Planning Commission Resolution No. 2020-006 was unanimously approved recommending the Town Council modify the Development Code.

ANALYSIS

As requested by Council, the Planning Commission has completed its review of all development standards relating to large and small recycling facilities. Development Code sections regulating recycling facilities have not been amended since the original Code was adopted. The modifications recommended by the Planning Commission will strengthen the development standards and performance standards of recycling facilities. This is important because today's Development Code only addresses definitions of the types of recycling facilities, zoning requirements, screening and separation requirements. This can make denying a permit difficult for staff where it can be seen that a recycling collection facility may not be in the most appropriate location.

Based on existing and prior recycling and collection centers, it is apparent that such facilities can attract elements that result in secondary effects upon neighboring properties. Such secondary effects may include, loitering, blight, illegal dumping or windblown trash, traffic impediments that endanger drivers and pedestrians, and other, similar, types of public nuisances. The Planning Commission believes the proposed modifications will help reduce such secondary effects by implementing specialized requirements aimed at preventing (or abating) public nuisances. The Planning Commission is recommending the following modifications:

- State certification will be required of all operators.
- Design and location requirements have been strengthened.
- The host business for a small collection facility shall bear responsibility in maintaining the site in a debris free manner.
- A Special Use Permit shall be required for all Small Collection Facilities.
- Small collection facilities must be located within a convenience zone and only one (1) small collection facility shall be permitted per convenience zone.
- A Conditional Use Permit shall be required for all Large Collection Facilities.
- Large collection facilities shall no longer be permitted within the General Commercial (C-G), Regional Commercial (C-R) or Mixed Use (M-U) zoning designations, but could be permitted within the Service Commercial (C-R), Village Commercial (C-V) or Planned Industrial (I-P) zones.
- Large Collection facilities would be required to maintain a minimum setback of 500 feet from residential zones or uses.
- Recycling centers and recycling plants would now be allowed within the Planned Industrial (I-P) zone, subject to a Conditional Use Permit.

A complete strike-thru/underline version of the proposed changes can be reviewed within the attached Planning Commission Agenda Report from its October 7, 2020 meeting.

FINDINGS

An Amendment to the Development Code requires two (2) “Findings”, as listed within Development Code Section 9.06.060. For consideration, the required Findings are listed below, along with a comment addressing each. If there is concurrence with these comments, it may be adopted. If the Council wishes to modify the offered comments, after considering input and public testimony at the public hearing, modifications to the Findings and Code Amendment can be included.

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

Comment: The General Plan is the blueprint for the community’s future growth. Specific Goals and Objectives are provided within each of the adopted General Plan’s State mandated Elements. Many of these stated Goals and Objectives address the community’s desire to establish and maintain high standards for the quality, aesthetic appearance and safety for all new and existing development. The proposed Development Code Amendment will modify the requirements for operating small and large recycling facilities in a manner that will help reduce secondary effects, such as loitering, blight, illegal dumping and windblown trash by implementing specialized requirements aimed at preventing (or abating) public nuisances. This change is consistent with the Goals and Objectives of the adopted General Plan.

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

Comment: The proposed Development Code Amendment will modify the requirements for operating small and large recycling facilities in a manner that will help reduce secondary effects, such as loitering, blight, illegal dumping and windblown trash by implementing specialized requirements aimed at preventing (or abating) public nuisances. Therefore, the Amendment shall not be detrimental to the health, safety or general welfare of the citizens or visitors of the Town of Apple Valley.

NOTICING

Development Code Amendment No. 2020-008 was advertised as a public hearing in the Apple Valley News newspaper on November 27, 2020.

ENVIRONMENTAL REVIEW

It has been 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.

FISCAL IMPACT

None

ATTACHMENTS:

1. Ordinance No. 541
2. Planning Commission Resolution No. 2020-006
3. October 7, 2020 Planning Commission Agenda Report

ORDINANCE NO. 541

AN ORDINANCE OF THE TOWN OF APPLE VALLEY, CALIFORNIA, AMENDING TITLE 9 "DEVELOPMENT CODE" OF THE TOWN OF APPLE VALLEY MUNICIPAL CODE, BY MODIFYING SECTION 9.36.180 "RECYCLING FACILITIES", TABLE 9.35.030-A "PERMITTED USES" OF CHAPTER 9.35 "COMMERCIAL AND OFFICE DISTRICTS" AND TABLE 9.45.030-A "PERMITTED USES" OF CHAPTER 9.45 "INDUSTRIAL DISTRICTS" AS IT RELATES TO ENTITLEMENTS, LOCATIONS, DESIGN AND OPERATING STANDARDS OF RECYCLING FACILITIES

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

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, On April 14, 2020, the Town Council initiated a Development Code Amendment, directing staff to work with the Planning Commission to modify the development standards relating to recycling facilities;

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, On October 7, 2020, the Planning Commission of the Town of Apple Valley conducted a duly noticed public hearing on Development Code Amendment No. 2020-008, inviting testimony from the public and adopting Planning Commission Resolution No. 2020-006 forwarding a recommendation to the Council; and

WHEREAS, Specific changes are proposed to Title 9 "Development Code" of the Town of Apple Valley Municipal Code by modifying Section 9.36.180 "Recycling Facilities", Table 9.35.030-A "Permitted Uses" of Chapter 9.35 "Commercial And Office Districts" and Table 9.45.030-A "Permitted Uses" of Chapter 9.45 "Industrial Districts" as it relates to entitlements, locations, design and operating standards of recycling facilities; and

WHEREAS, Development Code Amendment No. 2020-008 is consistent with the Town's General Plan and Title 9 "Development Code" of the Municipal Code of the Town of Apple Valley and shall promote the health, safety, and general welfare of the citizens of the Town of Apple Valley; and

WHEREAS, The 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; and

WHEREAS, On November 27, 2020, Development Code Amendment No. 2020-008 was duly noticed in the Apple Valley News, a newspaper of general circulation within the Town of Apple Valley; and

WHEREAS, On December 8, 2020, the Town Council of the Town of Apple Valley conducted a duly noticed and advertised public hearing on Development Code Amendment No. 2020-008, receiving testimony from the public and

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

Section 1. Find that the changes proposed by Development Code Amendment No. 2020-008 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. 2020-008 will have a significant effect on the environment and, therefore, the Amendment is EXEMPT from further environmental review.

Section 3. Modify Paragraph B of Development Code Section 9.36.180 “Recycling Facilities” as follows:

“B. **Applicability.** Recycling facilities **shall be certified by the State of California** and are subject to review in all commercial districts according to Table 9.35.030-A, Permitted Uses.”

Section 4. Add new paragraph C, modify the first paragraph of renumbered paragraph D and replace Subsections D1, D2 and D3 of Development Code Section 9.36.180 “Recycling Facilities” as follows:

“C. **Site Clean-up Required.** The operator and the host business of any recycling collection or processing facility shall, on a daily basis, remove any and all recyclable materials or solid wastes that have accumulated or are deposited outside the containers, bins, or enclosures intended as receptacles for these materials.

D. **Development Standards.** The review authority may relax or impose stricter standards at their discretion upon a finding that such modifications are reasonably necessary to implement the general intent of this chapter and the purposes of the Development Code. The criteria and standards for recycling facilities are as follows:

1. **Reverse Vending Machines.** Reverse vending machines located completely within a commercial or industrial building need not comply with the following criteria and standards. Such machines outside of a building shall be a permitted as an accessory use and shall comply with the following criteria:
 - a. Machines shall be established in conjunction with a commercial use or community service facility that is in compliance with this Development Code and the building and fire codes of the Town.
 - b. Only one (1) machine or group of machines shall be permitted per commercial development.
 - c. Machines shall be located within thirty (30) feet of the entrance to the commercial structure on a surfaced site and shall not obstruct pedestrian or vehicular circulation.
 - d. Machines shall be setback a minimum of 100 feet from any residential use or zoning designation.
 - e. Machines shall not occupy parking spaces required by the primary use.
 - f. Machines shall occupy no more than fifty (50) square feet of floor space per installation, including any protective enclosure, and shall be no more than eight (8) feet in height.
 - g. Machines shall be constructed and maintained with durable, waterproof and rustproof material. The color of the machine shall be compatible with the colors utilized on the site upon which it is located.
 - h. Machines shall be clearly marked to identify the type of material to be deposited, operating instructions, and the identity and phone number of the operator or responsible person to call if the machine is inoperative.
 - i. Machines shall have a sign area of a maximum of four (4) square feet per machine, exclusive of operating instructions.
 - j. Machines shall be maintained in a clean, sanitary, and litter-free condition on a daily basis.
 - k. Operating hours shall be consistent with the primary commercial use.
 - l. Machines shall be illuminated to insure comfortable and safe operation if the operating hours are between dusk and dawn.
 - m. Machines shall maintain an adequate on-site refuse container for disposal of nonhazardous waste.
2. **Small Collection Facilities.** Small collection facilities shall comply with the standards of the zoning district in which they are located and the following criteria:
 - a. Facilities shall be established in conjunction with a commercial use or community service facility that is in compliance with this Development Code and the building and fire codes of the Town.

- b. Facilities shall be no larger than 500 square feet and located within a convenience zone.
- c. No more than one (1) small collection facility shall be permitted in each convenience zone. A "convenience zone" is the area within a one-half mile radius of a supermarket as defined within PRC 14509.4 and PRC 14562.5. In the event two or more permit applications are received for a convenience zone which does not possess a recycling facility, the development services director or his/her designee, in his/her discretion, may choose to allow a second facility based on other factors such as convenience of use for pedestrian and vehicular traffic safety, aesthetic and site compatibility.
- d. Facilities shall be located upon a paved surface. When located within a parking lot, the facility may occupy no more than five (5) parking spaces, not including space that will be periodically needed for removal of materials or exchange of containers.
- e. All previously approved or required drive aisles and vehicular circulation areas and access drives shall be maintained clear and unobstructed at all times.
- f. Facilities shall not obstruct pedestrian or vehicular traffic and must comply with the minimum front and street side yard setbacks for the zoning designation, and be set back at least ten (10) feet from any other property line.
- g. Facilities shall not be visible from the public right-of-way.
- h. Recycling facilities shall be designed in a manner consistent with the architecture of the host business and are encouraged to use existing planters and site features when choosing a location.
- i. The hours of operation shall be 9:00 a.m. to 7:00 p.m. or consistent with the primary commercial use on the site.
- j. Facilities shall accept only glass, metals, plastic containers, papers and reusable items.
- k. Collection of scrap metal, solid wastes, yard wastes, or hazardous wastes as defined within Municipal Code Section 6.20.010 shall be prohibited.
- l. Facilities shall use no power-driven processing equipment except reverse vending machines.
- m. Facilities shall use containers that are:
 - 1. Constructed and maintained with durable waterproof and rustproof material;
 - 2. Covered when the site is not attended;
 - 3. Secured from unauthorized entry or removal of material; and
 - 4. Of sufficient capacity to accommodate materials collected and the collection schedule.
- n. All recyclable material shall be stored in containers or in the mobile unit vehicle and shall not be left outside of containers when the attendant is not present.

- o. Facilities shall be maintained in a clean and sanitary manner free of litter and any other undesirable material.
 - p. Noise levels shall not exceed sixty-five (65) dba as measured at the property lines of adjacent residential uses or districts.
 - q. Facilities shall not be located within 100 feet of any residential use or district.
 - r. Collection containers shall be clearly marked to identify the type of material that may be deposited, to identify the name and phone number of the operator of the facility, the hours of operation, and to display a notice that no material shall be left outside the recycling enclosure or containers.
 - s. A “No Loitering” sign shall be posted. Other signs may be provided as follows:
 - 1. Recycling facilities may have identification signs with a maximum area of fifteen (15) percent per side of a structure or sixteen (16) square feet, whichever is larger. In the case of a wheeled facility, the side shall be measured from the ground to the top of the container.
 - 2. Signs shall be compatible with existing signs at the location.
 - 3. Directional signs, with no advertising message, may be installed with the approval of the Director if necessary to facilitate traffic circulation or if the facility is not visible from the public right-of-way.
 - t. The recycling facility shall not harm or interfere with the required landscaping on the site.
 - u. No additional parking spaces shall be required for customers of a small collection facility located within the established parking lot of the primary use. One space will be provided for the attendant, if necessary.
 - v. An area for mobile recycling units shall be clearly marked to prohibit other vehicular parking during the hours when the mobile unit is scheduled to be present.
 - w. Occupation of parking spaces by the recycling facility and by the attendant shall not reduce the available parking spaces below the minimum number required by the primary use unless a parking study shows that existing parking capacity is not fully utilized during the time that the recycling facility will be on the site. The approval for shared parking will be reconsidered after eighteen (18) months;
 - q. Facilities shall maintain an adequate on-site refuse container for disposal of non-hazardous waste.
3. **Large Collection Facilities.** Large collection facilities shall comply with the standards of the zoning district in which they are located and the following criteria:
- a. Large collection facilities occupy over 500 square feet and shall be setback a minimum of 500 feet from any residential uses or districts.
 - b. The facility shall be screened from the public right-of-way by operating within an enclosed building, or within an area enclosed by a six (6)-foot high solid

- decorative masonry wall. Only truck trailers and overseas containers may be visible above the wall.
- c. Structure setbacks and landscape requirements shall be as required in the zoning district in which the facility is located.
 - d. All exterior storage of material shall be in sturdy containers that are covered, secured and maintained in good condition. Storage containers for flammable materials shall be in containers constructed of nonflammable materials.
 - e. The site shall be maintained clean, sanitary and free of litter and any other undesirable materials, and shall be cleaned of loose debris on a daily basis.
 - f. Enough space shall be provided on-site for six (6) vehicles to circulate and drop off recyclable materials.
 - g. Four (4) parking spaces for employees plus one (1) space for each commercial vehicle operated by the facility shall be provided on-site.
 - h. Noise levels shall not exceed sixty-five (65) dba at the property lines.
 - i. If the facility is within 500 feet of a residential use or district, it shall not operate between 7:00 p.m. and 7:00 a.m.
 - j. Containers provided for the after hours donation of recyclable materials shall be of sturdy, rust proof construction, shall have sufficient capacity to accommodate the materials collected, and shall be secure from unauthorized entry or removal of materials; such containers shall be located at least ten (10) feet from any building.
 - k. Donation areas shall be kept free of litter and any other undesirable material and the containers shall be clearly marked to identify the type of material that may be deposited. The facility shall display a notice stating that no material may be left outside the recycling containers.
 - l. The facility shall be clearly marked with the name and phone number of the operator and the hours of operation. Identification and informational signs shall comply with the provisions of the zoning district in which it is located. Directional signs, with no advertising message, may be installed with the approval of the Director if necessary to facilitate traffic circulation or if the facility is not visible from the public right-of-way.
 - m. Power-driven processing, including aluminum foil and can compacting, bailing, plastic shredding, or other light processing activities necessary for efficient temporary storage and shipment of material, may be approved through the applicable review process.
 - n. The facility shall maintain an adequate on-site refuse container for disposal of non-hazardous waste.

Section 5. Modify Development Code Paragraph 21 of Table 9.35.030-A “Permitted Uses” of Chapter 9.35 “Commercial and Office Districts” as follows:

TYPE OF USE ⁽¹⁾	DISTRICT ⁽¹⁾					
	O-P	C-G	C-S	C-R	C-V	M-U
21. Recycling facilities for reusable domestic materials						
a. Reverse vending machines	-	P	P	P	P	P
b. Small Collection Facility Recycling Collection Point less than 500 sq ft	-	SUP	SUP	SUP	SUP	SUP
c. Large Collection Facility Recycling Collection Point over 500 sq ft	-	-	CUP	-	CUP	-
d. Recycling Center	-	-	CUP	-	-	-

Section 6. Modify Development Code Paragraph 9 of Table 9.45.030-A "Permitted Uses" of Chapter 9.45 "Industrial Districts" as follows:

TYPE OF USE ⁽¹⁾	I-P ⁽²⁾	I-RE ^(2,3)
9. Recycling facilities for reusable domestic materials (Subject to Section 9.36.180):		
a. Reverse vending machines	P	P
b. Small Collection Facility Recycling Collection Point less than 500 sq ft	SUP	-
c. Large Collection Facility Recycling Collection Point over 500 sq ft Recycling	CUP	-
d. Recycling Centers	CUP	-
e. Yard waste composting facilities, outdoors	-	-
f. Recycling Plants	CUP	-

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.

Approved and Adopted by the Town Council and signed by the Mayor and attested to by the Town Clerk this ___ day of _____, 2021.

Honorable Scott Nassif, Mayor

ATTEST:

Ms. La Vonda M. Pearson, Town Clerk

Approved as to form:

Approved as to content:

Mr. Thomas Rice, Town Attorney

Mr. Douglas B. Robertson, Town Manager

PLANNING COMMISSION RESOLUTION NO. 2020-006

A RESOLUTION OF THE PLANNING COMMISSION OF THE TOWN OF APPLE VALLEY, CALIFORNIA, RECOMMENDING THAT THE TOWN COUNCIL ADOPT DEVELOPMENT CODE AMENDMENT NO. 2020-008 AMENDING TITLE 9 “DEVELOPMENT CODE” OF THE TOWN OF APPLE VALLEY MUNICIPAL CODE, BY MODIFYING SECTION 9.36.180 “RECYCLING FACILITIES”, TABLE 9.35.030-A “PERMITTED USES” OF CHAPTER 9.35 “COMMERCIAL AND OFFICE DISTRICTS” AND TABLE 9.45.030-A “PERMITTED USES” OF CHAPTER 9.45 “INDUSTRIAL DISTRICTS” AS IT RELATES TO ENTITLEMENTS, LOCATIONS, DESIGN AND OPERATING STANDARDS OF RECYCLING FACILITIES

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

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, in 2019, California’s largest operator of beverage container redemption centers shut down all location and created an immediate demand for new recycling collection points;

WHEREAS, a noticeable increase in inquiries to operate small recycling collection facilities have been received and the Development Code does not contain location requirements beyond zoning;

WHEREAS, On April 14, 2020, the Town Council initiated a Development Code Amendment, directing staff to work with the Planning Commission to modify the development standards relating to recycling facilities;

WHEREAS, Specific changes are proposed to Title 9 “Development Code” of the Town of Apple Valley Municipal Code by modifying Section 9.36.180 “Recycling Facilities”, Table 9.35.030-A “Permitted Uses” of Chapter 9.35 “Commercial And Office Districts” and Table 9.45.030-A “Permitted Uses” of Chapter 9.45 “Industrial Districts” as it relates to entitlements, locations, design and operating standards of recycling facilities; and

WHEREAS, on September 25, 2020, Development Code Amendment No. 2020-008 was duly noticed in the Apple Valley News, a newspaper of general circulation within the Town of Apple Valley; and

WHEREAS, 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; and

WHEREAS, on October 7, 2020 the Planning Commission of the Town of Apple Valley conducted a duly noticed and advertised the public hearing on Development Code Amendment No. 2020-008 receiving testimony from the public; and

WHEREAS, Development Code Amendment No. 2020-008 is consistent with the Land Use Element goals and policies of the Town's 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.

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. 2020-008 are consistent with the Goals and Policies of the Town of Apple Valley adopted General Plan and Title 9 "Development Code" of the Municipal Code of the Town of Apple Valley.

Section 2. 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.

Section 3. Modify Paragraph B of Development Code Section 9.36.180 "Recycling Facilities" as follows:

"B. **Applicability.** Recycling facilities **shall be certified by the State of California** and are subject to review in all commercial districts according to Table 9.35.030-A, Permitted Uses."

Section 4. Add new paragraph C, modify the first paragraph of renumbered paragraph D and replace Subsections D1, D2 and D3 of Development Code Section 9.36.180 "Recycling Facilities" as follows:

“C. Site Clean-up Required. The operator and the host business of any recycling collection or processing facility shall, on a daily basis, remove any and all recyclable materials or solid wastes that have accumulated or are deposited outside the containers, bins, or enclosures intended as receptacles for these materials.

D. Development Standards. The review authority may relax or impose stricter standards at their discretion upon a finding that such modifications are reasonably necessary to implement the general intent of this chapter and the purposes of the Development Code. The criteria and standards for recycling facilities are as follows:

1. **Reverse Vending Machines.** Reverse vending machines located completely within a commercial or industrial building need not comply with the following criteria and standards. Such machines outside of a building shall be a permitted as an accessory use and shall comply with the following criteria:
 - a. Machines shall be established in conjunction with a commercial use or community service facility that is in compliance with this Development Code and the building and fire codes of the Town.
 - b. Only one (1) machine or group of machines shall be permitted per commercial development.
 - c. Machines shall be located within thirty (30) feet of the entrance to the commercial structure on a surfaced site and shall not obstruct pedestrian or vehicular circulation.
 - d. Machines shall be setback a minimum of 100 feet from any residential use or zoning designation.
 - e. Machines shall not occupy parking spaces required by the primary use.
 - f. Machines shall occupy no more than fifty (50) square feet of floor space per installation, including any protective enclosure, and shall be no more than eight (8) feet in height.
 - g. Machines shall be constructed and maintained with durable, waterproof and rustproof material. The color of the machine shall be compatible with the colors utilized on the site upon which it is located.
 - h. Machines shall be clearly marked to identify the type of material to be deposited, operating instructions, and the identity and phone number of the operator or responsible person to call if the machine is inoperative.
 - i. Machines shall have a sign area of a maximum of four (4) square feet per machine, exclusive of operating instructions.
 - j. Machines shall be maintained in a clean, sanitary, and litter-free condition on a daily basis.
 - k. Operating hours shall be consistent with the primary commercial use.

- l. Machines shall be illuminated to insure comfortable and safe operation if the operating hours are between dusk and dawn.
 - m. Machines shall maintain an adequate on-site refuse container for disposal of nonhazardous waste.
2. **Small Collection Facilities.** Small collection facilities shall comply with the standards of the zoning district in which they are located and the following criteria:
- a. Facilities shall be established in conjunction with a commercial use or community service facility that is in compliance with this Development Code and the building and fire codes of the Town.
 - b. Facilities shall be no larger than 500 square feet and located within a convenience zone.
 - c. No more than one (1) small collection facility shall be permitted in each convenience zone. A "convenience zone" is the area within a one-half mile radius of a supermarket as defined within PRC 14509.4 and PRC 14562.5. In the event two or more permit applications are received for a convenience zone which does not possess a recycling facility, the development services director or his/her designee, in his/her discretion, may choose to allow a second facility based on other factors such as convenience of use for pedestrian and vehicular traffic safety, aesthetic and site compatibility.
 - d. Facilities shall be located upon a paved surface. When located within a parking lot, the facility may occupy no more than five (5) parking spaces, not including space that will be periodically needed for removal of materials or exchange of containers.
 - e. All previously approved or required drive aisles and vehicular circulation areas and access drives shall be maintained clear and unobstructed at all times.
 - f. Facilities shall not obstruct pedestrian or vehicular traffic and must comply with the minimum front and street side yard setbacks for the zoning designation, and be set back at least ten (10) feet from any other property line.
 - g. Facilities shall not be visible from the public right-of-way.
 - h. Recycling facilities shall be designed in a manner consistent with the architecture of the host business and are encouraged to use existing planters and site features when choosing a location.
 - i. The hours of operation shall be 9:00 a.m. to 7:00 p.m. or consistent with the primary commercial use on the site.
 - j. Facilities shall accept only glass, metals, plastic containers, papers and reusable items.
 - k. Collection of scrap metal, solid wastes, yard wastes, or hazardous wastes as defined within Municipal Code Section 6.20.010 shall be prohibited.
 - l. Facilities shall use no power-driven processing equipment except reverse vending machines.
 - m. Facilities shall use containers that are:

1. Constructed and maintained with durable waterproof and rustproof material;
 2. Covered when the site is not attended;
 3. Secured from unauthorized entry or removal of material; and
 4. Of sufficient capacity to accommodate materials collected and the collection schedule.
- n. All recyclable material shall be stored in containers or in the mobile unit vehicle and shall not be left outside of containers when the attendant is not present.
- o. Facilities shall be maintained in a clean and sanitary manner free of litter and any other undesirable material.
- p. Noise levels shall not exceed sixty-five (65) dba as measured at the property lines of adjacent residential uses or districts.
- q. Facilities shall not be located within 100 feet of any residential use or district.
- r. Collection containers shall be clearly marked to identify the type of material that may be deposited, to identify the name and phone number of the operator of the facility, the hours of operation, and to display a notice that no material shall be left outside the recycling enclosure or containers.
- s. A “No Loitering” sign shall be posted. Other signs may be provided as follows:
1. Recycling facilities may have identification signs with a maximum area of fifteen (15) percent per side of a structure or sixteen (16) square feet, whichever is larger. In the case of a wheeled facility, the side shall be measured from the ground to the top of the container.
 2. Signs shall be compatible with existing signs at the location.
 3. Directional signs, with no advertising message, may be installed with the approval of the Director if necessary to facilitate traffic circulation or if the facility is not visible from the public right-of-way.
- t. The recycling facility shall not harm or interfere with the required landscaping on the site.
- u. No additional parking spaces shall be required for customers of a small collection facility located within the established parking lot of the primary use. One space will be provided for the attendant, if necessary.
- v. An area for mobile recycling units shall be clearly marked to prohibit other vehicular parking during the hours when the mobile unit is scheduled to be present.
- w. Occupation of parking spaces by the recycling facility and by the attendant shall not reduce the available parking spaces below the minimum number required by the primary use unless a parking study shows that existing parking capacity is not fully utilized during the time that the recycling facility will be on the site. The approval for shared parking will be reconsidered after eighteen (18) months;

- q. Facilities shall maintain an adequate on-site refuse container for disposal of non-hazardous waste.
3. **Large Collection Facilities.** Large collection facilities shall comply with the standards of the zoning district in which they are located and the following criteria:
- a. Large collection facilities occupy over 500 square feet and shall be setback a minimum of 500 feet from any residential uses or districts.
 - b. The facility shall be screened from the public right-of-way by operating within an enclosed building, or within an area enclosed by a six (6)-foot high solid decorative masonry wall. Only truck trailers and overseas containers may be visible above the wall.
 - c. Structure setbacks and landscape requirements shall be as required in the zoning district in which the facility is located.
 - d. All exterior storage of material shall be in sturdy containers that are covered, secured and maintained in good condition. Storage containers for flammable materials shall be in containers constructed of nonflammable materials.
 - e. The site shall be maintained clean, sanitary and free of litter and any other undesirable materials, and shall be cleaned of loose debris on a daily basis.
 - f. Enough space shall be provided on-site for six (6) vehicles to circulate and drop off recyclable materials.
 - g. Four (4) parking spaces for employees plus one (1) space for each commercial vehicle operated by the facility shall be provided on-site.
 - h. Noise levels shall not exceed sixty-five (65) dba at the property lines.
 - i. If the facility is within 500 feet of a residential use or district, it shall not operate between 7:00 p.m. and 7:00 a.m.
 - j. Containers provided for the after hours donation of recyclable materials shall be of sturdy, rust proof construction, shall have sufficient capacity to accommodate the materials collected, and shall be secure from unauthorized entry or removal of materials; such containers shall be located at least ten (10) feet from any building.
 - k. Donation areas shall be kept free of litter and any other undesirable material and the containers shall be clearly marked to identify the type of material that may be deposited. The facility shall display a notice stating that no material may be left outside the recycling containers.
 - l. The facility shall be clearly marked with the name and phone number of the operator and the hours of operation. Identification and informational signs shall comply with the provisions of the zoning district in which it is located. Directional signs, with no advertising message, may be installed with the approval of the Director if necessary to facilitate traffic circulation or if the facility is not visible from the public right-of-way.
 - m. Power-driven processing, including aluminum foil and can compacting, bailing, plastic shredding, or other light processing activities necessary for efficient

temporary storage and shipment of material, may be approved through the applicable review process.

- n. The facility shall maintain an adequate on-site refuse container for disposal of non-hazardous waste.

Section 5. Modify Development Code Paragraph 21 of Table 9.35.030-A “Permitted Uses” of Chapter 9.35 “Commercial and Office Districts” as follows:

TYPE OF USE ⁽¹⁾	DISTRICT ⁽¹⁾					
	O-P	C-G	C-S	C-R	C-V	M-U
21. Recycling facilities for reusable domestic materials						
a. Reverse vending machines	-	P	P	P	P	P
b. Small Collection Facility Recycling Collection Point less than 500 sq ft	-	SUP	SUP	SUP	SUP	SUP
c. Large Collection Facility Recycling Collection Point over 500 sq ft	-	-	CUP	-	CUP	-
d. Recycling Center	-	-	CUP	-	-	-

Section 6. Modify Development Code Paragraph 9 of Table 9.45.030-A “Permitted Uses” of Chapter 9.45 “Industrial Districts” as follows:

TYPE OF USE ⁽¹⁾	I-P ⁽²⁾	I-RE ^(2,3)
9. Recycling facilities for reusable domestic materials (Subject to Section 9.36.180):		
a. Reverse vending machines	P	P

b. Small Collection Facility Recycling Collection Point less than 500 sq ft	SUP	-
c. Large Collection Facility Recycling Collection Point over 500 sq ft Recycling	CUP	-
d. Recycling Centers	CUP	-
e. Yard waste composting facilities, outdoors	-	-
f. Recycling Plants	CUP	-

Approved and Adopted by the Planning Commission of the Town of Apple Valley this 7th day of October 2020.

Chairman Bruce Kallen

ATTEST:

I, Maribel Hernandez, 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 7th day of October 2020, by the following vote, to-wit:

AYES:

NOES:

ABSENT:

ABSTAIN:

Ms. Maribel Hernandez, Planning Commission Secretary



Planning Commission Agenda Report

DATE:	October 7, 2020	Item No. 6
CASE NUMBER:	Development Code Amendment No. 2020-008	
APPLICANT:	Town of Apple Valley	
PROPOSAL:	An amendment to Title 9 "Development Code" of the Town of Apple Valley Municipal Code modifying provisions related to large and small recycling collection facilities.	
LOCATION:	Town wide	
ENVIRONMENTAL DETERMINATION:	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.	
CASE PLANNER:	Pam Cupp, Senior Planner	
RECOMMENDATION:	Adopt Planning Commission Resolution No. 2020-006	

BACKGROUND

At its April 14, 2020 meeting, the Town Council initiated a Development Code amendment to address recycling facilities. Items to be considered include permitted locations and operating standards.

ANALYSIS

In 2019, California's largest operator of beverage container redemption centers announced it was immediately shutting down all locations, stating that reduced payments from the state together with depressed pricing for scrap aluminum and plastic were the cause. Since then, the Town has recently seen a noticeable increase in inquiries and Special Use Permit applications for small recycling facilities. Beyond definitions of the

types of recycling facilities and some screening requirements, there are no locational requirements beyond the zoning designations. This can make denying a permit difficult for staff where it can be seen that a small collection facility may not be in the most appropriate location.

Based on existing and prior recycling and collection centers, it is apparent that such facilities can attract elements that result in secondary effects upon neighboring properties. Such secondary effects may include, loitering, blight, illegal dumping or windblown trash, traffic impediments that endanger drivers and pedestrians, and other, similar, types of public nuisances. Given the increase in applications and requests, staff would like to take this opportunity to amend the existing Development Code regulations that will hopefully address some of the concerns listed above. Further, Development Code sections regulating recycling facilities have not been amended since the original Code was adopted.

Staff believes the proposed modifications will help reduce such secondary effects by implementing specialized requirements for particular locations aimed at preventing (or abating) public nuisances. Staff is recommending the following modifications:

- State certification will be required of all operators.
- Design and location requirements have been enhanced.
- The host business shall bear responsibility in maintaining the site in a debris free manner.
- A Special Use Permit shall be required for all Small Collection Facilities.
- Small collection facilities must be located within a convenience zone and only one (1) small collection facility shall be permitted per convenience zone.
- A Conditional Use Permit shall be required for all Large Collection Facilities.
- Large collection facilities shall no longer be permitted within the General Commercial (C-G), Regional Commercial (C-R) or Mixed Use (M-U) zoning designations, but could be permitted within the Planned Industrial (I-P) zone.
- Large Collection facilities would be required to maintain a minimum setback of 500 feet from residential zones or uses.
- Recycling centers and recycling plants would now be allowed within the Planned Industrial (I-P) zone, subject to a Conditional Use Permit.

Staff has prepared the following modifications for the Commission's consideration. Below are the proposed modifications shown with strike-thru/bold underlined. Sequential numbering appears within Draft Planning Commission Resolution No. 2020-006.

9.36.180 - Recycling Facilities

A. **Purpose.** The purpose of this Section is to increase citizen participation rates in recycling, improve material recovery levels and to reduce landfill dependency through

the convenient location of recycling redemption and processing facilities while protecting the surrounding uses and neighborhood, consistent with the goals, objectives and policies of the Town General Plan.

- B. **Applicability.** Recycling facilities shall be certified by the State of California and are subject to review in all commercial districts according to Table 9.35.030-A, Permitted Uses.

Site Clean-up Required. The operator and the host business of any recycling collection or processing facility shall, on a daily basis, remove any and all recyclable materials or solid wastes that have accumulated or are deposited outside the containers, bins, or enclosures intended as receptacles for these materials.

- C. **Development Standards.** The review authority may relax or impose stricter standards at their discretion upon a finding that such modifications are reasonably necessary to implement the general intent of this chapter and the purposes of the Development Code. The criteria and standards for recycling facilities are as follows:

1. **Reverse Vending Machines.** Reverse vending machines located completely within a commercial or industrial building need not comply with the following criteria and standards. Such machines outside of a building shall be a permitted as an accessory use and shall comply with the standards of the zoning district in which they are located and the following criteria:

- a. Machines shall be established in conjunction with a commercial use or community service facility that is in compliance with this Development Code and the building and fire codes of the Town.
- b. Only one (1) machine or group of machines shall be permitted per commercial development.
- c. Machines shall be located within thirty (30) feet of the entrance to the commercial structure on a surfaced site and shall not obstruct pedestrian or vehicular circulation.

Machines shall be setback a minimum of 100 feet from any residential use or zoning designation.

Machines shall not occupy parking spaces required by the primary use.

- c. Machines shall occupy no more than fifty (50) square feet of floor space per installation, including any protective enclosure, and shall be no more than eight (8) feet in height.
- d. Machines shall be constructed and maintained with durable, waterproof and rustproof material. The color of the machine shall be compatible with the colors utilized on the site upon which it is located.
- e. Machines shall be clearly marked to identify the type of material to be deposited, operating instructions, and the identity and phone number of the operator or responsible person to call if the machine is inoperative.

- f. Machines shall have a sign area of a maximum of four (4) square feet per machine, exclusive of operating instructions.
 - g. Machines shall be maintained in a clean, sanitary, and litter-free condition on a daily basis.
 - h. Operating hours shall be consistent with the primary commercial use.
 - i. Machines shall be illuminated to insure comfortable and safe operation if the operating hours are between dusk and dawn.
 - j. Machines shall maintain an adequate on-site refuse container for disposal of nonhazardous waste.
2. **Small Collection Facilities.** Small collection facilities shall comply with the standards of the zoning district in which they are located and the following criteria:
- a. Facilities shall be established in conjunction with a commercial use or community service facility that is in compliance with this Development Code and the building and fire codes of the Town.
 - b. Facilities shall be no larger than 500 square feet and **located within a convenience zone.**

No more than one (1) small collection facility shall be permitted in each convenience zone. A "convenience zone" is the area within a one-half mile radius of a supermarket as defined within PRC 14509.4 and PRC 14562.5. In the event two or more permit applications are received for a convenience zone which does not possess a recycling facility, the development services director or his/her designee, in his/her discretion, may choose to allow a second facility based on other factors such as convenience of use for pedestrian and vehicular traffic safety, aesthetic and site compatibility.

Facilities shall be located upon a paved surface. When located within a parking lot, the facility may occupy no more than five (5) parking spaces, not including space that will be periodically needed for removal of materials or exchange of containers.

All previously approved or required drive aisles and vehicular circulation areas and access drives shall be maintained clear and unobstructed at all times.

- c. Facilities shall not obstruct pedestrian or vehicular traffic **and must comply with the minimum front and street side yard setbacks for the zoning designation, and be set back at least ten (10) feet from any other property line.**

Facilities shall not be visible from the public right-of-way.

Recycling facilities shall be designed in a manner consistent with the architecture of the host business and are encouraged to use existing planters and site features when choosing a location.

The hours of operation shall be 9:00 a.m. to 7:00 p.m. or consistent with the primary commercial use on the site.

- d. Facilities shall accept only glass, metals, plastic containers, papers and reusable items.

Collection of scrap metal, solid wastes, yard wastes, or hazardous wastes as defined within Municipal Code Section 6.20.010 shall be prohibited.

- e. Facilities shall use no power-driven processing equipment except reverse vending machines.
- f. Facilities shall use containers that are:
1. Constructed and maintained with durable waterproof and rustproof material;
 2. Covered when the site is not attended;
 3. Secured from unauthorized entry or removal of material; and
 4. Of sufficient capacity to accommodate materials collected and the collection schedule.
- g. All recyclable material shall be stored in containers or in the mobile unit vehicle and shall not be left outside of containers when the attendant is not present.
- h. Facilities shall be maintained in a clean and sanitary manner free of litter and any other undesirable material.
- i. Noise levels shall not exceed sixty-five (65) dba as measured at the property lines of adjacent residential uses or districts.
- j. Facilities shall not be located within 100 feet of any residential use or district.
- k. Collection containers shall be clearly marked to identify the type of material that may be deposited, to identify the name and phone number of the operator of the facility, the hours of operation, and to display a notice that no material shall be left outside the recycling enclosure or containers.
- l. **A “No Loitering” sign shall be posted.** Other signs may be provided as follows:
1. Recycling facilities may have identification signs with a maximum area of fifteen (15) percent per side of a structure or sixteen (16) square feet, whichever is larger. In the case of a wheeled facility, the side shall be measured from the ground to the top of the container.
 2. Signs shall be compatible with existing signs at the location.
 3. Directional signs, with no advertising message, may be installed with the approval of the Director if necessary to facilitate traffic circulation or if the facility is not visible from the public right-of-way.
- m. The recycling facility shall not harm or interfere with the required landscaping on the site.

- n. No additional parking spaces shall be required for customers of a small collection facility located within the established parking lot of the primary use. One space will be provided for the attendant, if necessary.
 - o. An area for mobile recycling units shall be clearly marked to prohibit other vehicular parking during the hours when the mobile unit is scheduled to be present.
 - p. Occupation of parking spaces by the recycling facility and by the attendant shall not reduce the available parking spaces below the minimum number required by the primary use unless ~~the following conditions exist:~~
 - 1.—A a parking study shows that existing parking capacity is not fully utilized during the time that the recycling facility will be on the site. ~~;~~ ~~or~~ The approval **for shared parking** will be reconsidered after eighteen (18) months;
 - q. Facilities shall maintain an adequate on-site refuse container for disposal of non-hazardous waste.
3. **Large Collection Facilities.** Large collection facilities shall comply with the standards of the zoning district in which they are located and the following criteria:
- a. Large collection facilities **occupy over 500 square feet and shall be setback a minimum of 500 feet from any** ~~not be located adjacent to~~ residential uses or districts.
 - b. The facility shall be screened from the public right-of-way by operating within an enclosed building, or within an area enclosed by a six (6)-foot high solid decorative masonry wall. Only truck trailers and overseas containers may be visible above the wall.
 - c. Structure setbacks and landscape requirements shall be as required in the zoning district in which the facility is located.
 - d. All exterior storage of material shall be in sturdy containers that are covered, secured and maintained in good condition. Storage containers for flammable materials shall be in containers constructed of nonflammable materials.
 - e. The site shall be maintained clean, sanitary and free of litter and any other undesirable materials, and shall be cleaned of loose debris on a daily basis.
 - f. Enough space shall be provided on-site for six (6) vehicles to circulate and drop off recyclable materials.
 - g. Four (4) parking spaces for employees plus one (1) space for each commercial vehicle operated by the facility shall be provided on-site.
 - h. Noise levels shall not exceed sixty-five (65) dba at the property lines.
 - i. If the facility is within 500 feet of a residential use or district, it shall not operate between 7:00 p.m. and 7:00 a.m.
 - j. Containers provided for the after hours donation of recyclable materials shall be of sturdy, rust proof construction, shall have sufficient capacity to accommodate the materials collected, and shall be secure from unauthorized

- entry or removal of materials; such containers shall be located at least ten (10) feet from any building.
- k. Donation areas shall be kept free of litter and any other undesirable material and the containers shall be clearly marked to identify the type of material that may be deposited. The facility shall display a notice stating that no material may be left outside the recycling containers.
 - l. The facility shall be clearly marked with the name and phone number of the operator and the hours of operation. Identification and informational signs shall comply with the provisions of the zoning district in which it is located. Directional signs, with no advertising message, may be installed with the approval of the Director if necessary to facilitate traffic circulation or if the facility is not visible from the public right-of-way.
 - m. Power-driven processing, including aluminum foil and can compacting, bailing, plastic shredding, or other light processing activities necessary for efficient temporary storage and shipment of material, may be approved through the applicable review process.
 - n. The facility shall maintain an adequate on-site refuse container for disposal of non-hazardous waste.

Table 9.35.030-A Permitted Uses (Amended Ord. 520)
(See Chapter 9.36 for applicable Specific Use Standards)

TYPE OF USE ⁽¹⁾	DISTRICT ⁽¹⁾					
	O-P	C-G	C-S	C-R	C-V	M-U
21. Recycling facilities for reusable domestic materials						
a. Reverse vending machines	-	P	P	P	P	P
b. <u>Small Collection Facility</u> Recycling Collection Point less than 500 sq ft	-	<u>SUP</u>	<u>SUP</u>	<u>SUP</u>	<u>SUP</u>	<u>SUP</u>
c. <u>Large Collection Facility</u> Recycling Collection Point over 500 sq ft	-	= SUP	<u>CUP</u> SUP	= SUP	<u>CUP</u> SUP	= SUP
d. Recycling Center	-	-	CUP	-	-	-

- (1) All uses shall be conducted within a completely enclosed building unless the use is specifically permitted in this Chapter as an outdoor use or the outdoor use is specifically approved through a Conditional Use Permit or Special Use Permit.
- CUP: Conditional Use Permit
P: Permitted Uses
SUP: Special Use Permit
“-“ Denotes uses are prohibited

Table 9.45.030-A Permitted Uses
(See Chapter 9.46 for Specific Use Regulations)

TYPE OF USE ⁽¹⁾	I-P ⁽²⁾	I-RE ^(2,3)
9. Recycling facilities for reusable domestic materials <u>(Subject to Section 9.36.180):</u>		
a. Reverse vending machines	P	P
b. <u>Small Collection Facility</u> Recycling Collection Point less than 500 sq ft	<u>SUP</u>	-
c. <u>Large Collection Facility</u> Recycling Collection Point over 500 sq ft Recycling	<u>CUP</u> <u>SUP</u>	-
d. Recycling Centers	<u>CUP</u>	-
e. Yard waste composting facilities, outdoors	-	-
f. Recycling Plants	<u>CUP</u>	-

- (1) All uses shall be conducted within a completely enclosed building unless the use is specifically permitted in this Chapter as an outdoor use or is specifically approved through a Conditional Use Permit or Special Use Permit.
- (2) CUP: Conditional Use Permit
P: Permitted uses
SUP: Special Use Permit
SM: Surface mining permit, requires Town Council review
"-": denotes uses are prohibited
- (3) Industrial activities other than mining or mineral extraction are permitted only after the site has been mined and the land reclaimed. Vacant land not previously used for mining may be used on an interim basis with approval of a Conditional Use Permit provided that such use does not preclude, in any way, future mining or mineral extraction operations.

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, they may be adopted and forwarded to the Council for its consideration of the Development Code Amendment. If the Commission wishes modifications to 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 is the blueprint for the community’s future growth. Specific Goals and Objectives are provided within each of the adopted General Plan’s State mandated Elements. Many of these stated Goals and Objectives address the community’s desire to establish and maintain high standards for the quality, aesthetic appearance and safety for all new and existing development. The proposed Development Code Amendment will modify the requirements for operating small and large recycling facilities in a manner that will help reduce secondary effects, such as loitering, blight, illegal dumping and windblown trash by implementing specialized requirements aimed at preventing (or abating) public nuisances. This change is consistent with the Goals and Objectives of the adopted General Plan.

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

Comment: The proposed Development Code Amendment will modify the requirements for operating small and large recycling facilities in a manner that will help reduce secondary effects, such as loitering, blight, illegal dumping and windblown trash by implementing specialized requirements aimed at preventing (or abating) public nuisances. Therefore, the Amendment shall not be detrimental to the health, safety or general welfare of the citizens or visitors of the Town of Apple Valley.

NOTICING

Development Code Amendment No. 2020-008 was advertised as a public hearing in the Apple Valley News newspaper on September 25, 2020.

ENVIRONMENTAL REVIEW

Development Code Amendment No. 2020-008 will modify and enhance the requirements necessary to operate a small or large recycling facility. As proposed, this amendment will not promote development beyond that anticipated within the Environmental Impact Report prepared for the Town’s General Plan.

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. 2020-006 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.