

**TOWN OF
APPLE VALLEY, CALIFORNIA**

AGENDA MATTER

Subject Item:

A REQUEST TO CONSIDER AN AMENDMENT TO TITLE 9 “DEVELOPMENT CODE” OF THE TOWN OF APPLE VALLEY MUNICIPAL CODE BY AMENDING SECTIONS 9.28 “RESIDENTIAL DISTRICTS”, 9.37 “COMMERCIAL AND OFFICE DISTRICTS DESIGN STANDARDS” AND 9.47 “INDUSTRIAL DESIGN STANDARDS” OF THE CODE BY ESTABLISHING STORM WATER RUNOFF PROVISIONS FOR ALL NEW AND EXISTING DEVELOPMENT WITHIN THE TOWN OF APPLE VALLEY.

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), 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.
2. **Find** the facts presented within the staff report support the required Findings for approval of an amendment to the Development Code, and adopt the Findings.
3. **Find** that the proposed Town Council Ordinance is consistent with the Goals and Objectives of the adopted Town of Apple Valley General Plan and that it is necessary to preserve the health, safety and general welfare of the citizens of Apple Valley.
4. **Move** to waive the reading of Ordinance No. 407 in its entirety and read by title only.
5. **Introduce** Ordinance No. 407, amending Title 9 “Development Code” of the Town of Apple Valley Municipal Code of the Town of Apple Valley Municipal Code by amending Sections 9.28 “Residential Districts”, 9.37 “Commercial and Office Districts Design Standards” and 9.47 “Industrial Design Standards” of the Code by establishing storm water runoff provisions for all new and existing development within the Town of Apple Valley.
6. **Direct** staff to file a Notice of Exemption.

Proposed by: Planning Division

Item Number _____

Town Manager Approval: _____ **Budgeted Item** Yes No N/A

Town Council Meeting: April 27, 2010

Summary Statement:

At its meeting of February 9, 2010, the Town Council initiated a Development Code Amendment to incorporate storm water runoff provisions into the Development Code. The Town's existing storm water runoff guidelines were initially adopted in 2000 with Town Council Resolution No. 2000-50. Incorporating storm water runoff language into the Development Code will provide additional leverage for implementation of the requirements.

The guidelines adopted within Town Council Resolution No. 2000-50 have been refined to include a provision that requires all proposed development to capture, retain and infiltrate 100 percent of a 100-year, one (1) hour storm event within seventy-two (72) hours of the conclusion of a rainfall event. In addition, the requirement that turf be included within all retention/detention basins has been removed. On March 17, 2010, the Planning Commission conducted a public hearing and adopted Planning Commission Resolution No. 2010-002 (attached), recommending the Council approve the attached Ordinance.

REQUIRED FINDINGS

An amendment to the Development Code requires that the Town Council address two required "Findings", as listed within Development Code Section 9.06.060. The required Findings are listed below, along with a comment addressing each, for Council consideration and approval. The Council may modify the offered comments after considering input and public testimony at the public hearing.

Required "Findings":

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

Comment: The General Plan provides the basic framework for land development within the Town of Apple Valley. The Development Code furthers the intent and guidance of the General Plan by establishing the land uses permitted within the various land use districts, as well as the procedures and processes which fulfill the Plan's Goals and Policies. Storm water management has been identified as an environmental constraint to housing development. Development Code Amendment No. 2010-003 establishes enforceable storm water runoff regulations to improve the existing constraint. General Plan Policy 1.C identifies a preferred development standard for natural drainage channels, which is included within this Code Amendment.

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

Comment: Amending the Code as proposed will modify the Town's Development Code by establishing storm water runoff provisions for all new and existing development within the Town of Apple Valley. Adopting storm water run off provisions will minimize damage caused by storm water runoff; therefore, Development Code

Amendment No. 2010-003 will not be detrimental to the public health, safety or welfare.

NOTICING

Development Code Amendment No. 2010-003 was advertised as a public hearing in the Apple Valley News newspaper on April 16, 2010 as required under Development Code Section 9.13.030 "Notice of Public Hearings".

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. As with the proposed amendment which 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

Following receipt of public input and discussion by the Council, it is recommended that the Council move to approve the attached Ordinance to amend Title 9 "Development Code" of the Town of Apple Valley Municipal Code, amending Sections 9.28 "Residential Districts", 9.37 "Commercial And Office Districts Design Standards" And 9.47 "Industrial Design Standards" of the Code by establishing storm water runoff provisions for all new and existing development within the Town of Apple Valley.

Attachments:

Planning Commission staff report dated March 17, 2010

Planning Commission Resolution No. 2010-002

Minute Excerpt from Planning Commission meeting of March 17, 2010

Draft Ordinance



TOWN OF APPLE VALLEY PLANNING COMMISSION

STAFF REPORT

AGENDA DATE:	March 17, 2010
CASE NUMBER:	Development Code Amendment No. 2010-003
APPLICANT:	Town of Apple Valley
PROPOSAL:	A request to consider an amendment to Title 9 "Development Code" of the Town of Apple Valley Municipal Code amending Sections 9.28 "Residential Districts", 9.37 "Commercial and Office Districts Design Standards" and 9.47 "Industrial Design Standards" of the Code by establishing storm water runoff provisions for all new and existing development within the Town of Apple Valley.
LOCATION:	Town-wide
EXISTING GENERAL PLAN DESIGNATIONS:	All Land Use Designations.
EXISTING ZONING:	All Zoning Designations.
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.
PROJECT PLANNER:	Ms. Pam Cupp, Associate Planner
RECOMMENDATION:	Adopt Planning Commission Resolution No. 2010-002

BACKGROUND AND ANALYSIS

On February 9, 2010, the Town Council initiated a Development Code Amendment to incorporate storm water runoff provisions into the Code. The Town's existing storm water runoff guidelines were initially adopted in 2000 with Resolution 2000-50. The purpose of this original resolution was two-fold. The first purpose was that developers could be provided with simple guidelines for addressing their on-site and pass-through storm water. Since the majority of the Town does not have a formal underground storm water drainage system, questions frequently arose from developers seeking guidance as to how to design their storm water systems. Secondly, the resolution was to prevent future development from violating California Drainage Law, which primarily states that one property may not divert water from its original course so as to negatively impact a downstream property.

These existing storm water guidelines are being proposed as an amendment to the Development Code and have been updated to refine a few of the principles in the Resolution 2000-50. Inclusion of these regulations in the Development Code provides additional leverage in implementation of the requirements. A few exceptions were brought to staff's attention by developers during the past few years. These revised guidelines will allow staff to better enforce these principles for all future development.

Listed below are items recommended to be changed and the suggested corrective language followed by a separate analysis of each issue. Within this material, additions are noted in underlined and deletions are noted in ~~strike through~~.

It is recommended that Subsection 9.28.100 "Drainage" of Section 9.28 "Residential Districts" of the Town of Apple Valley Development code be amended as follows:

9.28.100 DRAINAGE FACILITIES AND STORM WATER RUNOFF

Obstructions, diversions, bridging or confining of the existing drainage channels through which surface water, in time of storms, naturally flows upon and across any lot shall not be made in such a manner as to cause damage to other properties. All residential projects, including but not limited to, subdivisions and in-fill developments, shall comply with the following:

- A.* Peak storm water pass-through runoff from a property proposed for development shall be at least 10% less than what the runoff was from the property prior to development, or as determined by the Town Engineer.

 - 1.* The methodology used to determine compliance with this guideline shall be in conformance with the procedures contained in the County of San Bernardino Hydrology Manual. The design storm event shall be a 100-year storm.
- B.* All proposed development shall capture, retain and infiltrate 100% of a 100-year 1 hour storm event that falls on the site, or as determined by the Town Engineer.
- C.* The planned storm water runoff occurring after development shall be in such a manner that no increase in potential adverse impacts to downstream properties will occur.
- D.* The preferred methods of handling storm runoff will be through the use of common area retention basins, detention basins, storm water chambers, and/or dry wells. For new subdivisions, individual lot retention/detention basins shall not be allowed.
- E.* In situations where, in the opinion of the Town Engineer, channels are required to handle the storm runoff, such channels shall be constructed in an aesthetically pleasing manner with the use of plants (if feasible) and stone linings. The use of common concrete channels shall be avoided.
- F.* Where feasible, retention/detention basins shall be designed as dual use facilities.

- G. Retention/detention basins less than 1 acre in size shall not be greater than 4 feet in depth, unless otherwise approved by the Planning Commission under a Development Permit or other applicable land entitlement.
- H. Retention/detention basins greater than 1 acre in size shall not be greater than 8 feet in depth, unless otherwise approved by the Planning Commission under a Development Permit or other applicable land entitlement.
- I. The basin depths given above may be deviated from if such deviation serves a recreational purpose (i.e. construction of a golf course).
- J. The maximum slope within any retention/detention basins shall be 4:1.
- K. Retention/detention basins shall be completely landscaped in accordance with Section 9.75 “Water Conservation/Landscaping Regulations of this Code. For any tentative subdivision map, conceptual landscaping plans shall be included with the tentative map application. Said landscaping plans will be forwarded to the Planning Commission at the same time the tentative subdivision map is being reviewed.
- L. Landscape assessment districts shall be formed to provide the ongoing maintenance of common retention/detention basins.
- M. Dry wells constructed in parking areas or, within public or private street rights-of-way, shall be constructed with an “interceptor well” per Town standards.
- N. All retention basins shall include dry wells or other approved devices to help facilitate the rapid removal of storm water, and be able to infiltrate the design volume within seventy-two (72) hours of the conclusion of a rainfall event.

It is recommended that Subsection “B. Drainage Facilities and Storm Water Runoff” be added to Subsection 9.37.030 “Grading” of Section 9.37 “Commercial and Office Districts Design Standards” as follows:

B. Drainage Facilities and Storm Water Runoff

Obstructions, diversions, bridging or confining of the existing drainage channels through which surface water in time of storms naturally flows upon and across any lot shall not be made in such a manner as to cause damage to other properties. All commercial projects including, but not limited to, subdivisions and in-fill developments shall comply with the following:

- 1. Peak storm water pass-through runoff from a property proposed for development shall be at least 10% less than what the runoff was from the property prior to development, or as determined by the Town Engineer.
 - a. The methodology used to determine compliance with this guideline shall be in conformance with the procedures contained in the County of San Bernardino Hydrology Manual. The design storm event shall be a 100-year storm.
- 2. All proposed development shall capture, retain and infiltrate 100% of a 100-year 1 hour storm event that falls on the site, or as determined by the Town Engineer.
- 3. The planned storm water runoff occurring after development shall be in such a manner that no increase in potential adverse impacts to downstream properties will occur.
- 4. The preferred methods of handling storm runoff will be through the use of common area retention basins, detention basins, storm water chambers, and/or dry wells. For new subdivisions, individual lot retention/detention basins shall not be allowed.
- 5. In situations where, in the opinion of the Town Engineer, channels are required to handle the storm runoff, such channels shall be constructed in an aesthetically pleasing manner with the use of plants (if feasible) and stone linings. The use of common concrete channels shall be avoided.
- 6. Where feasible, retention/detention basins shall be designed as dual use facilities.

7. Retention/detention basins less than 1 acre in size shall not be greater than 4 feet in depth, unless otherwise approved by the Planning Commission under a Development Permit or other applicable land entitlement.
8. Retention/detention basins greater than 1 acre in size shall not be greater than 8 feet in depth, unless otherwise approved by the Planning Commission under a Development Permit or other applicable land entitlement.
9. The basin depths given above may be deviated from if such deviation serves a recreational purpose (i.e. construction of a golf course).
10. The maximum slope within any retention/detention basins shall be 4:1.
11. Retention/detention basins shall be completely landscaped in accordance with Section 9.75 "Water Conservation/Landscaping Regulations of this Code. For any tentative subdivision map, conceptual landscaping plans shall be included with the tentative map application. Said landscaping plans will be forwarded to the Planning Commission at the same time the tentative subdivision map is being reviewed.
12. Landscape assessment districts shall be formed to provide the ongoing maintenance of common retention/detention basins.
13. Dry wells constructed in parking areas or, within public or private street rights-of-way, shall be constructed with an "interceptor well" per Town standards.
14. All retention basins shall include dry wells, or other approved devices, to help facilitate the rapid removal of storm water, and be able to infiltrate the design volume within seventy-two (72) hours of the conclusion of a rainfall event.

It is recommended that Subsection 9.47.030 "Grading" of Section 9.47 "Industrial Design Standards" be amended as follows:

9.47.030 Grading

A. General

1. Site grading and disturbance shall be minimized.
2. The site plan shall be designed to integrate the development into existing topography and natural vegetation as much as possible.
3. Grading for building pads shall follow the contours of the existing landform. Mass grading, which can alter the integrity of the natural landform, shall be avoided.
4. Terraces shall be used if more than six (6) of height is required in front or street side setback areas.
5. Transitions at top and toe of manufactured or cut and fill slopes shall be rounded.
6. Individual parcels shall be graded in such a way as to direct runoff away from buildings and into drainage facilities.
7. Grading and the use of berming within the streetscape shall be coordinated with development pad location and landscaping to screen parking or loading areas.
- ~~8. Drainage facilities shall be provided as required by the Town Engineer.~~

B. Drainage Facilities and Storm Water Runoff

Obstructions, diversions, bridging or confining of the existing drainage channels through which surface water in time of storms naturally flows upon and across any lot shall not be made in such a manner as to cause damage to other properties. All industrial projects including, but not limited to, subdivisions and in-fill developments, shall comply with the following:

1. Peak storm water pass-through runoff from a property proposed for development shall be at least 10% less than what the runoff was from the property prior to development, or as determined by the Town Engineer.
 - a. The methodology used to determine compliance with this guideline shall be in conformance with the procedures contained in the County of San Bernardino Hydrology Manual. The design storm event shall be a 100-year storm.
2. All proposed development shall capture, retain and infiltrate 100% of a 100-year 1 hour storm event that falls on the site, or as determined by the Town Engineer.
3. The planned storm water runoff occurring after development shall be in such a manner that no increase in potential adverse impacts to downstream properties will occur.
4. The preferred methods of handling storm runoff will be through the use of common area retention basins, detention basins, storm water chambers, and/or dry wells. For new subdivisions, individual lot retention/detention basins shall not be allowed.
5. In situations where, in the opinion of the Town Engineer, channels are required to handle the storm runoff, such channels shall be constructed in an aesthetically pleasing manner with the use of plants (if feasible) and stone linings. The use of common concrete channels shall be avoided.
6. Where feasible, retention/detention basins shall be designed as dual use facilities.
7. Retention/detention basins less than 1 acre in size shall not be greater than 4 feet in depth, unless otherwise approved by the Planning Commission under a Development Permit or other applicable land entitlement.
8. Retention/detention basins greater than 1 acre in size shall not be greater than 8 feet in depth, unless otherwise approved by the Planning Commission under a Development Permit or other applicable land entitlement.
9. The basin depths given above may be deviated from if such deviation serves a recreational purpose (i.e. construction of a golf course).
10. The maximum slope within any retention/detention basins shall be 4:1.
11. Retention/detention basins shall be completely landscaped in accordance with Section 9.75 "Water Conservation/Landscaping Regulations of this Code. For any tentative subdivision map, conceptual landscaping plans shall be included with the tentative map application. Said landscaping plans will be forwarded to the Planning Commission at the same time the tentative subdivision map is being reviewed.
12. Landscape assessment districts shall be formed to provide the ongoing maintenance of common retention/detention basins.
13. Dry wells constructed in parking areas or, within public or private street rights-of-ways, shall be constructed with an "interceptor well" per Town standards.
14. All retention basins shall include dry wells or other approved devices, to help facilitate the rapid removal of storm water, and be able to infiltrate the design volume within seventy-two (72) hours of the conclusion of a rainfall event.

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 provides the basic framework for land development within the Town of Apple Valley, with the Development Code furthering the intent and guidance of the General Plan by establishing the land uses permitted within the various land use districts, as well as the procedures the specific land use processes which fulfill the Plan's Goals and Policies. Storm water management has been identified as an environmental constraint to housing development. Development Code Amendment No. 2010-003 establishes enforceable storm water runoff regulations to improve the existing constraint. General Plan Policy 1.C identifies a preferred development standard for natural drainage channels, which is included within this Code Amendment.

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

Comment: Amending the Code as proposed under Amendment No. 2010-003 will modify the Town's Development Code by establishing storm water runoff provisions for all new and existing development within the Town of Apple Valley. Adopting storm water run off provisions will minimize damages caused by storm water runoff; therefore, Development Code Amendment No. 2010-003 will not be detrimental to the public health, safety or welfare.

NOTICING

Development Code Amendment No. 2010-003 was advertised as a public hearing in the Apple Valley News newspaper on March 5, 2010.

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. 2010-002,

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:

Pam Cupp
Associate Planner
Development

Lori Lamson
Assistant Director of Community

Attachment: Planning Commission Resolution No. 2010-002

PLANNING COMMISSION RESOLUTION NO. 2010-002

A RESOLUTION OF THE PLANNING COMMISSION OF THE TOWN OF APPLE VALLEY, CALIFORNIA, RECOMMENDING THAT THE TOWN COUNCIL FIND THAT DEVELOPMENT CODE AMENDMENT NO. 2010-003 IS EXEMPT FROM ENVIRONMENTAL REVIEW AND AMEND TITLE 9 "DEVELOPMENT CODE" OF THE TOWN OF APPLE VALLEY MUNICIPAL CODE BY AMENDING VARIOUS SECTIONS OF THE CODE AS IT RELATES TO STORM WATER RUNOFF GUIDELINES FOR NEW AND EXISTING DEVELOPMENT WITHIN THE TOWN OF APPLE VALLEY. THE PROPOSED AMENDMENT ADDS STORMWATER RUNOFF GUIDELINES TO CODE SECTIONS 9.28 "RESIDENTIAL DISTRICTS", 9.37 "COMMERCIAL DESIGN STANDARDS" and 9.47 "INDUSTRIAL DESIGN STANDARDS".

WHEREAS, Title 9 "Development Code" of the Municipal Code of the Town of Apple Valley was adopted by the Town Council on October 24, 2000; and

WHEREAS, Title 9 "Development Code" of the Municipal Code of the Town of Apple Valley has been previously modified by the Town Council on the recommendation of the Planning Commission; and

WHEREAS, specific changes are proposed to Title 9 "Development Code" of the Town of Apple Valley Municipal Code by amending various sections of the Code as it relates to storm water runoff guidelines for new and existing development anywhere within the Town of Apple Valley. The proposed amendment adds storm water runoff guidelines to Code sections 9.28 "Residential Districts", 9.37 "Commercial Design Standards" and 9.47 "Industrial Design Standards" ; and

WHEREAS, on March 5, 2010, Development Code Amendment No. 2010-003 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 March 17, 2010, the Planning Commission of the Town of Apple Valley conducted a duly noticed and advertised public hearing on Development Code Amendment No. 2010-003, receiving testimony from the public; and

WHEREAS, Development Code Amendment No. 2010-003 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. 2010-003 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. 2010-003 will have a significant effect on the environment and, therefore, the Amendment is EXEMPT from further environmental review.

Section 3. Amend Subsection 9.28.100 “Drainage” of Section 9.28 “Residential Districts” the Town of Apple Valley Development Code to read as follows:

“9.28.100 Drainage Facilities and Storm Water Runoff

Obstructions, diversions, bridging or confining of the existing drainage channels through which surface water in time of storms naturally flows upon and across any lot shall not be made in such a manner as to cause damage to other properties. All residential projects, including but not limited to, subdivisions and in-fill developments, shall comply with the following:

- A.** Peak storm water pass-through runoff from a property proposed for development shall be at least 10% less than what the runoff was from the property prior to development, or as determined by the Town Engineer.
 - I.** The methodology used to determine compliance with this guideline shall be in conformance with the procedures contained in the County of San Bernardino Hydrology Manual. The design storm event shall be a 100-year storm.
- B.** All proposed development shall capture, retain and infiltrate 100% of a 100-year one (1) hour storm event that falls on the site, or as determined by the Town Engineer.
- C.** The planned storm water runoff occurring after development shall be in such a manner that no increase in potential adverse impacts to downstream properties will occur.
- D.** The preferred methods of handling storm runoff will be through the use of common area retention basins, detention basins, storm water chambers, and/or dry wells. For new subdivisions, individual lot retention/detention basins shall not be allowed.
- E.** In situations where, in the opinion of the Town Engineer, channels are required to handle the storm runoff, such channels shall be constructed in an aesthetically pleasing manner with the use of plants (where feasible) and stone linings. The use of common concrete channels shall be avoided.
- F.** Where feasible, retention/detention basins shall be designed as dual use facilities.
- G.** Retention/detention basins less than one (1) acre in size shall not be greater than four (4) feet in depth, unless otherwise approved by the Planning Commission under a Development Permit or other applicable land entitlement.

- H.* Retention/detention basins greater than one (1) acre in size shall not be greater than eight (8) feet in depth, unless otherwise approved by the Planning Commission under a Development Permit or other applicable land entitlement.
- I.* The basin depths given above may be deviated from if such deviation serves a recreational purpose (i.e. construction of a golf course).
- J.* The maximum slope within any retention/detention basins shall be 4:1.
- K.* Retention/detention basins shall be completely landscaped in accordance with Section 9.75 “Water Conservation/Landscaping Regulations of this Code. For any tentative subdivision map, conceptual landscaping plans shall be included with the tentative map application. Said landscaping plans will be forwarded to the Planning Commission at the same time the tentative subdivision map is being reviewed.
- L.* Landscape assessment districts shall be formed to provide the ongoing maintenance of common retention/detention basins.
- M.* Dry wells constructed in parking areas or, within public or private street rights-of-way, shall be constructed with an “interceptor well” per Town standards.
- N.* All retention basins shall include dry wells or other approved devices, to help facilitate the rapid removal of storm water, and be able to infiltrate the design volume within seventy-two (72) hours of the conclusion of a rainfall event.”

Section 4. Add Subsection “B. Drainage Facilities and Storm Water Runoff” to Subsection 9.37.030 “Grading” of Section 9.37 “Commercial and Office Districts Design Standards” of the Town of Apple Valley Development Code to read as follows:

“B. *Drainage Facilities and Storm Water Runoff*

Obstructions, diversions, bridging or confining of the existing drainage channels through which surface water in time of storms naturally flows upon and across any lot shall not be made in such a manner as to cause damage to other properties. All commercial projects, including but not limited to, subdivisions and in-fill developments, shall comply with the following:

- 1.* Peak storm water pass-through runoff from a property proposed for development shall be at least 10% less than what the runoff was from the property prior to development, as determined by the Town Engineer.
 - a.* The methodology used to determine compliance with this guideline shall be in conformance with the procedures contained in the County of San Bernardino Hydrology Manual. The design storm event shall be a 100-year storm.
- 2.* All proposed development shall capture, retain and infiltrate 100% of a 100-year one (1) hour storm event that falls on the site, or as determined by the Town Engineer.
- 3.* The planned storm water runoff occurring after development shall be in such a manner that no increase in potential adverse impacts to downstream properties will occur.
- 4.* The preferred methods of handling storm runoff will be through the use of common area retention basins, detention basins, storm water chambers, and/or dry wells. For new subdivisions, individual lot retention/detention basins shall not be allowed.
- 5.* In situations where, in the opinion of the Town Engineer, channels are required to handle the storm runoff, such channels shall be constructed in an aesthetically pleasing manner with the use of plants (if feasible) and stone linings. The use of common concrete channels shall be avoided.
- 6.* Where feasible, retention/detention basins shall be designed as dual use facilities.

7. Retention/detention basins less than one (1) acre in size shall not be greater than four (4) feet in depth, unless otherwise approved by the Planning Commission under a Development Permit or other applicable land entitlement.
8. Retention/detention basins greater than one (1) acre in size shall not be greater than eight (8) feet in depth, unless otherwise approved by the Planning Commission under a Development Permit or other applicable land entitlement.
9. The basin depths given above may be deviated from if such deviation serves a recreational purpose (i.e. construction of a golf course).
10. The maximum slope within any retention/detention basins shall be 4:1.
11. Retention/detention basins shall be completely landscaped in accordance with Section 9.75 “Water Conservation/Landscaping Regulations of this Code. For any tentative subdivision map, conceptual landscaping plans shall be included with the tentative map application. Said landscaping plans will be forwarded to the Planning Commission at the same time the tentative subdivision map is being reviewed.
12. Landscape assessment districts shall be formed to provide the ongoing maintenance of common retention/detention basins.
13. Dry wells constructed in parking areas or, within public or private street rights-of-way, shall be constructed with an “interceptor well” per Town standards.
14. All retention basins shall include dry wells or other approved devices, to help facilitate the rapid removal of storm water, and be able to infiltrate the design volume within seventy-two (72) hours of the conclusion of a rainfall event.”

Section 5. Amend Subsection 9.47.030 “Grading” of Chapter 9.47 “Industrial Design Standards” of the Town of Apple Valley Development Code to read as follows:

“9.47.030 GRADING

A. General

1. Site grading and disturbance shall be minimized.
2. The site plan shall be designed to integrate the development into existing topography and natural vegetation as much as possible.
3. Grading for building pads shall follow the contours of the existing landform. Mass grading, which can alter the integrity of the natural landform, shall be avoided.
4. Terraces shall be used if more than six (6) of height is required in front or street side setback areas.
5. Transitions at top and toe of manufactured or cut and fill slopes shall be rounded.
6. Individual parcels shall be graded in such a way as to direct runoff away from buildings and into drainage facilities.
7. Grading and the use of berming within the streetscape shall be coordinated with development pad location and landscaping to screen parking or loading areas.

B. Drainage Facilities and Storm Water Runoff

Obstructions, diversions, bridging or confining of the existing drainage channels through which surface water in time of storms naturally flows upon and across any lot shall not be made in such a manner as to cause damage to other properties. All industrial projects, including but not limited to, subdivisions and in-fill developments, shall comply with the following:

- 1.* Peak storm water pass-through runoff from a property proposed for development shall be at least 10% less than what the runoff was from the property prior to development, or as determined by the Town Engineer.
 - a.* The methodology used to determine compliance with this guideline shall be in conformance with the procedures contained in the County of San Bernardino Hydrology Manual. The design storm event shall be a 100-year storm.
- 2.* All proposed development shall capture, retain and infiltrate 100% of a 100-year one (1) hour storm event that falls on the site, or as determined by the Town Engineer.
- 3.* The planned storm water runoff occurring after development shall be in such a manner that no increase in potential adverse impacts to downstream properties will occur.
- 4.* The preferred methods of handling storm runoff will be through the use of common area retention basins, detention basins, storm water chambers, and/or dry wells. For new subdivisions, individual lot retention/detention basins shall not be allowed.
- 5.* In situations where, in the opinion of the Town Engineer, channels are required to handle the storm runoff, such channels shall be constructed in an aesthetically pleasing manner with the use of plants (if feasible) and stone linings. The use of common concrete channels shall be avoided.
- 6.* Where feasible, retention/detention basins shall be designed as dual use facilities.
- 7.* Retention/detention basins less than one (1) acre in size shall not be greater than four (4) feet in depth, unless otherwise approved by the Planning Commission under a Development Permit or other applicable land entitlement.
- 8.* Retention/detention basins greater than one (1) acre in size shall not be greater than eight (8) feet in depth, unless otherwise approved by the Planning Commission under a Development Permit or other applicable land entitlement.
- 9.* The basin depths given above may be deviated from if such deviation serves a recreational purpose (i.e. construction of a golf course).
- 10.* The maximum slope within any retention/detention basins shall be 4:1.
- 11.* Retention/detention basins shall be completely landscaped in accordance with Section 9.75 “Water Conservation/Landscaping Regulations of this Code. For any tentative subdivision map, conceptual landscaping plans shall be included with the tentative map application. Said landscaping plans will be forwarded to the Planning Commission at the same time the tentative subdivision map is being reviewed.
- 12.* Landscape assessment districts shall be formed to provide the ongoing maintenance of common retention/detention basins.
- 13.* Dry wells constructed in parking areas or, within public or private street rights-of-way, shall be constructed with an “interceptor well” per Town standards.
- 14.* All retention basins shall include dry wells or other approved devices, to help facilitate the rapid removal of storm water, and be able to infiltrate the design volume within seventy-two (72) hours of the conclusion of a rainfall event.”

Approved and Adopted by the Planning Commission of the Town of Apple Valley this 17th day of March, 2010.

Bruce Kallen, Chairman

ATTEST:

I, Patty Hevle, Secretary to the Planning Commission of the Town of Apple Valley, California, do hereby certify that the foregoing Planning Commission Resolution No. 2010-002 was duly and regularly adopted by the Planning Commission at a regular meeting thereof, held on the 17th day of March, 2010, by the following vote, to-wit:

AYES:

NOES:

ABSENT:

ABSTAIN:

Patty Hevle, Planning Commission Secretary

MINUTES EXCERPT

TOWN OF APPLE VALLEY PLANNING COMMISSION Regular Meeting Wednesday, March 17, 2010

CALL TO ORDER

At 6:00 p.m., the regular meeting of the Planning Commission of the Town of Apple Valley for March 17, 2010, was called to order by Chairman Kallen.

ROLL CALL

PLANNING COMMISSION

Roll call was taken with the following members present: Commissioner Larry Cusack, Commissioner John Putko, Vice-Chairman B.R. "Bob" Tinsley, Chairman Bruce Kallen. Absent: Commissioner David Hernandez

STAFF PRESENT

Lori Lamson, Assistant Director of Community Development; Pam Cupp, Associate Planner; and Patty Hevle, Planning Commission Secretary.

3. **Development Code Amendment No. 2010-003.**
Applicant: Town of Apple Valley
Location: Town-wide.

Chairman Kallen opened the public hearing at 6:05 p.m.

Ms. Pam Cupp, Associate Planner, presented the staff report as filed by the Planning Division.

Chairman Kallen requested to know if this Amendment would be included in the new Development Code.

Ms. Lamson responded that this Amendment would be brought to Council as an amendment to the new Development Code.

Since there was no one in the audience requesting to speak to this item, Chairman Kallen closed the public hearing at 6:08 p.m.

MOTION:

Motion by Vice-Chairman Tinsley, seconded by Commissioner Putko, that the Planning Commission move to approve Planning Commission Resolution No. 2010-002, 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.

ROLL CALL VOTE:

Ayes: Commissioner Cusack
 Commissioner Putko
 Vice-Chairman Tinsley
 Chairman Kallen
Noes: None
Abstain: None
Absent: Commissioner Hernandez
The motion carried by a 4-0-0-1 vote

ORDINANCE NO. _____

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF APPLE VALLEY, CALIFORNIA, AMENDING TITLE 9 “DEVELOPMENT CODE” OF THE TOWN OF APPLE VALLEY MUNICIPAL CODE, BY AMENDING SECTIONS 9.28 “RESIDENTIAL DISTRICTS”, 9.37 “COMMERCIAL AND OFFICE DISTRICTS DESIGN STANDARDS” AND 9.47 “INDUSTRIAL DESIGN STANDARDS” OF THE CODE BY ESTABLISHING STORM WATER RUNOFF PROVISIONS FOR ALL NEW AND EXISTING DEVELOPMENT WITHIN THE TOWN OF APPLE VALLEY..

The Town Council of the Town of Apple Valley, State of California, does 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 October 24, 2000; 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 to Title 9 “Development Code” of the Town of Apple Valley Municipal Code include amending Sections 9.28 “Residential Districts”, 9.37 “Commercial and Office Districts Design Standards” and 9.47 “Industrial Design Standards” of the Code by establishing storm water runoff provisions for all new and existing development within the Town of Apple Valley; and

(iv) On April 16, 2010, Development Code Amendment No. 2010-003 was duly noticed in the Apple valley News, a newspaper of general circulation within the Town of Apple Valley; and

(v) 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

(vi) On March 17, 2010, the Planning Commission of the Town of Apple Valley conducted a duly noticed and advertised public hearing on Development Code Amendment No. 2010-003 and adopted Planning Commission Resolution No. 2010-002 recommending adoption of this Ordinance; and

(viii) Development Code Amendment No. 2010-003 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. 2010-003 are consistent with the Goals and Policies of the Town of Apple Valley adopted General Plan.

(ii) Pursuant to the State Guidelines to Implement the California Environmental Quality Act (CEQA), specifically Section 15061(b)(3), 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, and not subject to, CEQA.

Section 3. Amend Subsection 9.28.100 “Drainage” of Section 9.28 “Residential Districts” the Town of Apple Valley Development Code to read as follows:

“9.28.100 Drainage Facilities and Storm Water Runoff

Obstructions, diversions, bridging or confining of the existing drainage channels through which surface water in time of storms naturally flows upon and across any lot shall not be made in such a manner as to cause damage to other properties. All residential projects, including but not limited to, subdivisions and in-fill developments, shall comply with the following:

- A.** Peak storm water pass-through runoff from a property proposed for development shall be at least 10% less than what the runoff was from the property prior to development, or as determined by the Town Engineer.
 - I.** The methodology used to determine compliance with this guideline shall be in conformance with the procedures contained in the County of San Bernardino Hydrology Manual. The design storm event shall be a 100-year storm.
- B.** All proposed development shall capture, retain and infiltrate 100% of a 100-year one (1) hour storm event that falls on the site, or as determined by the Town Engineer.
- C.** The planned storm water runoff occurring after development shall be in such a manner that no increase in potential adverse impacts to downstream properties will occur.
- D.** The preferred methods of handling storm runoff will be through the use of common area retention basins, detention basins, storm water chambers, and/or dry wells. For new subdivisions, individual lot retention/detention basins shall not be allowed.
- E.** In situations where, in the opinion of the Town Engineer, channels are required to handle the storm runoff, such channels shall be constructed in an aesthetically pleasing manner with the use of plants (where feasible) and stone linings. The use of common concrete channels shall be avoided.
- F.** Where feasible, retention/detention basins shall be designed as dual use facilities.
- G.** Retention/detention basins less than one (1) acre in size shall not be greater than four (4) feet in depth, unless otherwise approved by the Planning Commission under a Development Permit or other applicable land entitlement.
- H.** Retention/detention basins greater than one (1) acre in size shall not be greater than eight (8) feet in depth, unless otherwise approved by the Planning Commission under a Development Permit or other applicable land entitlement.
- I.** The basin depths given above may be deviated from if such deviation serves a recreational purpose (i.e. construction of a golf course).
- J.** The maximum slope within any retention/detention basins shall be 4:1.

- K. Retention/detention basins shall be completely landscaped in accordance with Section 9.75 “Water Conservation/Landscaping Regulations of this Code. For any tentative subdivision map, conceptual landscaping plans shall be included with the tentative map application. Said landscaping plans will be forwarded to the Planning Commission at the same time the tentative subdivision map is being reviewed.
- L. Landscape assessment districts shall be formed to provide the ongoing maintenance of common retention/detention basins.
- M. Dry wells constructed in parking areas or, within public or private street rights-of-way, shall be constructed with an “interceptor well” per Town standards.
- N. All retention basins shall include dry wells or other approved devices, to help facilitate the rapid removal of storm water, and be able to infiltrate the design volume within seventy-two (72) hours of the conclusion of a rainfall event.”

Section 4. Add Subsection “B. Drainage Facilities and Storm Water Runoff” to Subsection 9.37.030 “Grading” of Section 9.37 “Commercial and Office Districts Design Standards” of the Town of Apple Valley Development Code to read as follows:

“B. *Drainage Facilities and Storm Water Runoff*

Obstructions, diversions, bridging or confining of the existing drainage channels through which surface water in time of storms naturally flows upon and across any lot shall not be made in such a manner as to cause damage to other properties. All commercial projects, including but not limited to, subdivisions and in-fill developments, shall comply with the following:

- 1. Peak storm water pass-through runoff from a property proposed for development shall be at least 10% less than what the runoff was from the property prior to development, as determined by the Town Engineer.
 - a. The methodology used to determine compliance with this guideline shall be in conformance with the procedures contained in the County of San Bernardino Hydrology Manual. The design storm event shall be a 100-year storm.
- 2. All proposed development shall capture, retain and infiltrate 100% of a 100-year one (1) hour storm event that falls on the site, or as determined by the Town Engineer.
- 3. The planned storm water runoff occurring after development shall be in such a manner that no increase in potential adverse impacts to downstream properties will occur.
- 4. The preferred methods of handling storm runoff will be through the use of common area retention basins, detention basins, storm water chambers, and/or dry wells. For new subdivisions, individual lot retention/detention basins shall not be allowed.
- 5. In situations where, in the opinion of the Town Engineer, channels are required to handle the storm runoff, such channels shall be constructed in an aesthetically pleasing manner with the use of plants (if feasible) and stone linings. The use of common concrete channels shall be avoided.
- 6. Where feasible, retention/detention basins shall be designed as dual use facilities.
- 7. Retention/detention basins less than one (1) acre in size shall not be greater than four (4) feet in depth, unless otherwise approved by the Planning Commission under a Development Permit or other applicable land entitlement.
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9. The basin depths given above may be deviated from if such deviation serves a recreational purpose (i.e. construction of a golf course).
10. The maximum slope within any retention/detention basins shall be 4:1.
11. Retention/detention basins shall be completely landscaped in accordance with Section 9.75 “Water Conservation/Landscaping Regulations of this Code. For any tentative subdivision map, conceptual landscaping plans shall be included with the tentative map application. Said landscaping plans will be forwarded to the Planning Commission at the same time the tentative subdivision map is being reviewed.
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13. Dry wells constructed in parking areas or, within public or private street rights-of-way, shall be constructed with an “interceptor well” per Town standards.
14. All retention basins shall include dry wells or other approved devices, to help facilitate the rapid removal of storm water, and be able to infiltrate the design volume within seventy-two (72) hours of the conclusion of a rainfall event.”

Section 5. Amend Subsection 9.47.030 “Grading” of Chapter 9.47 “Industrial Design Standards” of the Town of Apple Valley Development Code to read as follows:

“9.47.030 GRADING

A. General

1. Site grading and disturbance shall be minimized.
2. The site plan shall be designed to integrate the development into existing topography and natural vegetation as much as possible.
3. Grading for building pads shall follow the contours of the existing landform. Mass grading, which can alter the integrity of the natural landform, shall be avoided.
4. Terraces shall be used if more than six (6) of height is required in front or street side setback areas.
5. Transitions at top and toe of manufactured or cut and fill slopes shall be rounded.
6. Individual parcels shall be graded in such a way as to direct runoff away from buildings and into drainage facilities.
7. Grading and the use of berming within the streetscape shall be coordinated with development pad location and landscaping to screen parking or loading areas.

B. Drainage Facilities and Storm Water Runoff

Obstructions, diversions, bridging or confining of the existing drainage channels through which surface water in time of storms naturally flows upon and across any lot shall not be made in such a manner as to cause damage to other properties. All industrial projects, including but not limited to, subdivisions and in-fill developments, shall comply with the following:

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3. The planned storm water runoff occurring after development shall be in such a manner that no increase in potential adverse impacts to downstream properties will occur.
4. The preferred methods of handling storm runoff will be through the use of common area retention basins, detention basins, storm water chambers, and/or dry wells. For new subdivisions, individual lot retention/detention basins shall not be allowed.
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14. All retention basins shall include dry wells or other approved devices, to help facilitate the rapid removal of storm water, and be able to infiltrate the design volume within seventy-two (72) hours of the conclusion of a rainfall event."

Section 8. 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 9. 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 10. Effective Date. The Ordinance shall become effective thirty (30) days after the date of its adoption.

Section 11. 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 provision of the Ordinance are declared to be severable.

Adopted by the Town Council and signed by the Mayor and attested by the Town Clerk this 27th day of April, 2010.

Honorable Peter Allan, Mayor

ATTEST:

Ms. La Vonda M-Pearson, Town Clerk

Approved as to form:

Approved as to content:

Mr. John Brown, Town Attorney

Mr. Frank Robinson, Town Manager