

**TOWN OF
APPLE VALLEY, CALIFORNIA**

AGENDA MATTER

Subject Item:

ADOPT ORDINANCE NO. 407 - 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.

Summary Statement:

At its meeting of April 27, 2010, the Town Council reviewed and introduced Ordinance No. 407, 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. As part of the requirements to adopt a new Ordinance, Ordinance No. 407 has been scheduled for adoption at the May 11, 2010 Town Council meeting.

Recommended Action:

Adopt Ordinance No. 407

Proposed by: Planning Division

Item Number _____

Town Manager Approval: _____

Budget Item Yes No N/A

Town Council Meeting: May 11, 2010

ORDINANCE NO. 407

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.
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."

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 11th day of May, 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