



TOWN OF APPLE VALLEY

TOWN COUNCIL STAFF REPORT

To: Honorable Mayor and Town Council **Date:** March 13, 2012

From: Lori Lamson **Item No:** 6
Assistant Director of Community Development

Subject: ADOPT ORDINANCE NO. 433 – AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF APPLE VALLEY, CALIFORNIA DETERMINING THAT DEVELOPMENT CODE AMENDMENT NO. 2011-05 IS EXEMPT FROM FURTHER ENVIRONMENTAL REVIEW AND AMEND TITLE 9 “DEVELOPMENT CODE” OF THE TOWN OF APPLE VALLEY MUNICIPAL CODE, BY AMENDING SECTION 9.62.070.C.3 AS IT RELATES TO FLOODPLAIN MANAGEMENT

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

RECOMMENDED ACTION:

Adopt Ordinance No. 433

SUMMARY:

At its February 28, 2012 meeting, the Town Council reviewed and introduced Ordinance No. 433, which amends the Development Code as it relates to Floodplain Management. As part of the requirements to adopt any new Ordinance, Ordinance No. 433 has been scheduled for adoption at the March 13, 2012 Town Council meeting.

FISCAL IMPACT:

Not Applicable

Attachments:

Ordinance No. 433

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AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF APPLE VALLEY, CALIFORNIA, DETERMINING THAT DEVELOPMENT CODE AMENDMENT No. 2011-05 IS EXEMPT FROM FURTHER ENVIRONMENTAL REVIEW AND AMEND TITLE 9 “DEVELOPMENT CODE” OF THE TOWN OF APPLE VALLEY MUNICIPAL CODE, BY AMENDING SECTION 9.62.070.C.3 AS IT RELATES TO FLOODPLAIN MANAGEMENT

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

Section 1. Recitals.

(i) Title 9 (Development Code) of the Municipal Code of the Town of Apple Valley was adopted by the Town Council on April 27, 2010; and

(ii) Title 9 “Development Code” of the Municipal Code of the Town of Apple Valley has been previously modified by the Town Council on the recommendation of the Planning Commission; and

(iii) Specific changes are proposed to Title 9, “Development Code”, of the Town of Apple Valley Municipal Code by amending 9.62.070.C.3 as it relates to floodplain management; and

(iv) On February 17, 2012, Development Code Amendment No. 2011-05 was duly noticed in the Apple Valley News, a newspaper of general circulation within the Town of Apple Valley; and

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

(vi) On January 18, 2012, the Planning Commission of the Town of Apple Valley conducted a duly noticed and advertised public hearing on Development Code Amendment No. 2011-05, receiving testimony from the public; and

(vii) Development Code Amendment No. 2011-05 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. 2011-05 are consistent with the Goals and Policies of the Town of Apple Valley adopted General Plan.

(ii) Find that, based upon the State Guidelines to Implement the California Environmental Quality Act (CEQA), it can be seen with certainty that the proposed Development Code Amendment No. 2011-05 is not anticipated to have a direct, adverse impact upon the

environment and, therefore, is EXEMPT from further environmental review.

Section 3. Section 9.62.070.C.3 be amended to add the following:

9.62.070 ADMINISTRATION

C. ***Duties and Responsibilities of the Flood Plain Administrator.*** The duties and responsibilities of the flood plain administrator shall include, but not be limited to the following:

3. ***Notification of Other Agencies.*** Whenever a watercourse is to be altered or relocated:

c. Base Flood Elevation changes due to physical alterations:

1. Within six (6) month of information becoming available or project completion, whichever comes first, the floodplain administrator shall submit or assure that the permit applicant submits technical or scientific data to FEMA for a Letter of Map Revision (LOMR).

2. All LOMR's for flood control projects are approved prior to the issuance of Building Permits. Building Permits must not be issued based on Conditional Letters of Map Revision (CLMOR's). Approved CLOMR's allow construction of the proposed flood control project and land preparation as specified in the "start of construction" definition.

Such submissions are necessary so that upon confirmation of those physical changes affecting flooding conditions, risk premium rates and floodplain management requirements are based on current data.

d. Changes in corporate boundaries:

1. Notify FEMA in writing whenever the corporate boundaries have been modified by annexation or other means and include a copy of a map of the community clearly delineating the new corporate limits.

Section 4. 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 5. 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 6. Effective Date. This Ordinance shall become effective thirty (30) days after the date of its adoption.

Section 7. Severability. If any provision of this Ordinance, or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications and, to this end, the provisions of this Ordinance are declared to be severable.

ADOPTED by the Town Council and signed by the Mayor and attested by the Town Clerk
this 13th day of March, 2012.

Barb Stanton, Mayor

ATTEST:

La Vonda M-Pearson, Town Clerk

APPROVED AS TO FORM:

John Brown, Town Attorney

APPROVED AS TO CONTENT:

Frank Robinson, Town Manager