

**CHAPTER 10 ARTICLE 100
HILLSIDE MANAGEMENT**

**CHAPTER 10
ENVIRONMENTAL MANAGEMENT**

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Section 100.01 Intent and Purpose

The intent and purpose of this Article is to implement the goals and policies of the General Plan and the various elements contained therein as they relate to development and resource management in hillside areas within the City of Palmdale. The provisions contained herein will allow for orderly and sensitive development in hillside areas in conjunction with the preservation of natural open space on steeper terrain. The following specific goals and policies reflect those contained in the General Plan and provide the purpose and intent for this Article.

- A. To allow for development patterns in hillside areas that minimize erosion and geologic hazards and that provide for the protection of the public health, safety and welfare.
- B. To provide for density of development that respects and is reflective of the natural terrain.
- C. To encourage grading techniques that blend with the natural terrain, minimize earth moving activity, minimize visual impacts of large cut and fill slopes and provide for the preservation of unique and significant natural landforms.
- D. To encourage retention of natural drainage patterns and the preservation of significant riparian areas, both of which are commonly located in hillside areas.
- E. To reduce water use in slope replanting and retention by encouraging grading design that minimizes manufactured slopes.

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- F. To allow density transfers where appropriate to facilitate development in more developable locations while retaining significant natural slopes and areas of environmental sensitivity.
- G. To substantially retain the integrity and natural grade elevations of the significant natural ridgelines and prominent landforms that, in aggregate, form the City's skyline backdrop. Natural landforms and features forming this backdrop include Ritter Ridge, Portal Ridge, Verde Ridge, the Ana Verde Hills, the Sierra Pelona mountains, and secondary ridges associated with the San Andreas Rift Zone and the lower foothills of the San Gabriel mountains.

Section 100.02 Applicability

This Article establishes specific submittal requirements, review standards, and processing procedures for projects within hillside areas as defined herein. Development applications proposed on a parcel or parcels containing slope areas that fall within the definition of a hillside area shall comply with all procedures, standards, and findings contained in this Article. Because this Article contains provisions that address a variety of site and project characteristics, the extent that a specific section will impact a project will vary.

Although directed primarily towards minimizing the impacts of residential development, specific provisions of this Article which address grading and slope revegetation will apply to all types of development in hillside areas, including, but not limited to, commercial, industrial, and public, quasi-public, or institutional uses.

Section 100.03 Definition of Hillside Area and Slope Steepness

- A. A hillside area is defined as any property in the City of Palmdale that contains slope areas of ten (10) percent or greater.

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- B. The steepness of a slope is defined as the ratio of the change in elevation (rise) to the horizontal distance (run) over which that change in elevation occurs. The percent of steepness of any given slope is determined by dividing the rise by the run on the natural slope of land, multiplied by 100.

Section 100.04 Exemptions From Hillside Area Definition

Parcels containing only individual minor topographic features or drainage courses that contain slopes greater than ten (10) percent may not be considered a hillside area and will not be required to follow procedures set forth in this Article if said feature, or features, fall under one of the following categories:

- A. The feature or features contain a vertical height no greater than fifty (50) feet and a horizontal dimension no greater than two hundred (200) feet in any direction as measured from the 10 percent slope line. In the case of multiple isolated landforms on the same property, said isolated landforms shall be physically separate topographic features that are clearly not a component of a significant ridgeline or any other prominent landform that contains slopes greater than ten (10) percent.
- B. Properties only containing slopes of ten (10) percent or greater associated with minor drainage courses not indicated on the United States Geological Survey (U.S.G.S.) maps as intermittent or perennial streams.
- C. Previously created manufactured slopes.

Section 100.05 Definitions

For the purposes of this Article, the following words and phrases are defined as follows. Any word, phrase or term which is not defined in this Article but which is defined in Article 16 of this Ordinance shall mean the same as the definition contained in Article 16.

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Contour Grading - A grading technique which utilizes curvilinear, horizontal, and vertical undulations in order to simulate the characteristics of natural topography.

Cross Lot Drainage - A drainage system that conveys site run-off towards the rear lot line where it is captured in a drainage channel, pipe, or similar structure and directed across lot lines to an approved point of discharge, or detention or retention.

Daylight Grading - A grading technique which designates an existing natural contour as the transition line between a manufactured pad for development and an adjacent natural slope face and which eliminates the need for fill slopes along the exposed edges of the development pad.

Density Transfer - An increase in density on one portion of a property to a level that may exceed the underlying General Plan designation of that portion of the property while maintaining a gross density over the entire property that is consistent with the underlying General Plan designation.

Hillside Area - Any property containing slope areas of ten (10) percent or greater.

Horizontal and Vertical Building Envelopes - The maximum width and height of a structure based on minimum setback requirements and maximum building height limitations for the zone within which the project is located. These envelopes may be utilized to evaluate visual impacts when specific architectural plans are not provided for subdivision review.

Landform Grading - A design concept which utilizes grading techniques that stress the preservation of significant topographic features, the selective placement of development, variations to slope gradients, transitional slopes, and the sculpture-like shaping of manufactured slopes in a manner that replicates the shapes and characteristics of natural landforms.

Manufactured Slope - A man made slope created by grading that consists wholly of cut or filled material.

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Mass Grading - A grading technique in which all lots, building pads and streets are generally graded over the entire area resulting in the disruption of the majority of the on-site natural grade and vegetation and, often resulting in, but not required to result in, a successive pad/terrace configuration.

Prominent Landform - A hill, portion of a ridge, canyon or similar features which possess a high level of visibility from existing and undeveloped areas within the City of Palmdale's Sphere of Influence and form a component of the City's natural skyline backdrop. Included within this definition would be landforms associated with the San Andreas Rift Zone and the lower foothills of the San Gabriel mountains.

Significant Ridgeline - A long, conspicuous, continuous elevated landform that forms a part of the natural backdrop and skyline to the City of Palmdale. Said landform may consist of one or more ridge features each of varying elevations dependent on the characteristics of the ridgeline being evaluated. Distinct natural ridgelines forming a portion of the City's skyline backdrop to the City include Ritter Ridge, Portal Ridge, Verde Ridge, and the Sierra Pelona mountains.

Slope Face - The slopes located directly below, and leading up to, the crest of a significant ridgeline or prominent landform.

Slope Steepness - The relationship (the ratio) between the change in elevation (rise) and the horizontal distance (run) over which that change in elevation occurs. The percent of steepness of any given slope is determined by dividing the rise by the run on the natural slope of land, multiplied by 100.

Subdivision Development Plan - Specific development plans for an approved tentative map, including plot plans, building elevations, grading plans and landscape plans applicable to individual lots within said tentative map.

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Section 100.06 Exclusions

This Article shall not be applicable to the following activities and types of projects:

- A. Construction of a single dwelling unit on a parcel of land legally established prior to adoption of this Article regardless of the slope steepness on the property.

- B. Any application for a final, tentative, or parcel map, planned development, site plan review, or conditional use permit which was submitted and deemed complete prior to adoption of this Article, or any time extension to a previously approved project, shall be exempt from the provisions of this Article unless the Director of Planning, Planning Commission, or City Council finds that changes to the project constitute a major modification to the original project approval. Modifications considered major would include, but not be limited to, the following:
 - 1. An increase in the number of developable lots.
 - 2. A reduction of lot sizes below the minimum lot size established for the zone or below a size previously approved by the Planning Commission.
 - 3. An increase to the vertical height or horizontal width of manufactured slopes that, in the opinion of the Director of Planning, alters the plan to a level that may be inconsistent with the original Planning Commission approval.
 - 4. An increase to building bulk or site/lot coverage that, in the opinion of the Director of Planning, alters the approved plan to a level that may be inconsistent with the original Planning Commission approval.
 - 5. A combination of minor alterations that represent substantive, cumulative changes to the project, or other similar modifications to the previously approved project that significantly change the design or character of the project as determined by the Director of Planning.

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- C. Modification of or addition to an existing single family dwelling and accessory buildings on an existing parcel created prior to the date of adoption of this Article. This exemption shall not include an increase in the number of units/lots or change in use.
- D. Any parcel involving a sanitary landfill operation, landfill related gas recovery and collection systems and ancillary electrical power generating and transfer station facilities as well as equipment storage, administrative facilities and ancillary improvements related to a landfill.
- E. Fire breaks and fire roads required by the Los Angeles County Fire Department.
- F. Recreation trails for pedestrian, equestrian, or multi-use purposes.
- G. The construction of public improvements initiated by a public or quasi-public agency including, but not limited to, drainage channels, retention basins, water tanks and pumping stations, provided that such facilities are landscaped and bermed so as to minimize visual impacts.
- H. Lot line adjustments.
- I. Specific Plans conditionally approved prior to the effective date of adoption of this Article.

Section 100.07 Required Approval for Projects in Hillside Areas

No tentative map, conditional use permit, site plan review or other discretionary approval shall be granted for a project in a hillside area unless the person or entity authorized to grant approval therefor affirmatively finds, in addition to the required findings for the underlying discretionary approval, that the project satisfies the findings set forth in Section 100.18 and otherwise complies with the provisions of this Article.

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Section 100.08 Processing Procedures and Submittal Requirements for Projects in Hillside Areas

- A. At the time an applicant applies for a tentative map, conditional use permit, site plan review or other discretionary approval of a project in a hillside area, the applicant shall submit the items and information listed in paragraph C of this section to the Planning Department. This list is not exclusive and additional information or studies may be required for review of the project pursuant to the California Environmental Quality Act (CEQA) and other laws. The Director of Planning, at his or her discretion, may modify or eliminate one or several of the submittal requirements listed in paragraph C upon review of specific projects.
- B. In the event it is uncertain whether or not a parcel or parcels of land falls within a hillside area, as defined in the Article, the applicant shall submit a slope map and related topographic information to determine the applicability of this Article to the project area. The decision as to the applicability of this Article to a parcel or parcels of land shall be made by the Director of Planning.
- C. Application submittals for development projects in hillside areas may include, but are not limited to, the items listed below. Additional information or studies may be required if deemed necessary under California Environmental Quality Act (CEQA) review procedures.

- 1. Slope map and analysis

The topographic exhibits and analysis shall be prepared as set forth below.

- a. Slope map

The slope map shall be prepared by a registered civil engineer or land surveyor. Said map shall provide the following information:

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(i) The map shall be based on contour intervals no greater than ten (10) feet except where steep terrain warrants contour intervals greater than ten (10) feet.

(ii) Slope bands in the ranges of 0-10 percent, 10-25 percent, 25-50 percent, and over 50 percent shall be identified in clearly distinguishable graphic representations (ie, shading, pattern, numerical highlighting within clearly defined slope category boundaries, etc.) on the slope map.

(iii) Individual contours shall be clearly indicated on the slope map or said map shall be augmented by a clear mylar overlay, of the same scale as the slope map, which clearly indicates all individual contours. The slope and topographic overlay maps shall extend off-site a sufficient distance to incorporate the topography of all abutting properties as it relates to the proposed site.

b. Slope analysis

(i) The slope analysis shall specifically identify and calculate the slope percentages for each individual topographic feature. Horizontal runs used to calculate slopes shall be limited to each individual feature.

(ii) Total land area within each category shall be indicated on a table to be provided on the map face.

2. Preliminary grading plan

a. A preliminary grading plan prepared by a registered civil engineer indicating the height and width of all manufactured slopes, proposed drainage patterns, methods of storm water detention/retention, and identification of areas to remain in a natural state shall be clearly shown. Off-site contours for adjacent,

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unimproved areas within fifty (50) feet of the project's boundaries shall be provided. When adjacent property is improved, pad elevations, street grades, wall sections, and any approved or existing improvements immediately adjacent to the subject property, shall also be shown.

- b. One (1) colored copy of said preliminary grading plan showing all cut and fill areas.

3. Cross sections/preliminary cut and fill

No less than two (2) cross sections which completely traverse the property at appropriately spaced intervals in locations where topographic variation is greatest. Said exhibits shall be prepared by a registered civil engineer. The cross sections shall clearly depict the vertical variation between natural and finished grade.

4. Visual impact analysis

The purpose of these exhibits is to replicate how the project will appear if it were to be constructed as conceptually proposed. The study shall include, but not be limited to, panoramic photographs of the project site with an overlay of scaled rendering(s) of the conceptual project designed to depict project appearance when viewed from the Antelope Valley within the sphere of influence of the City of Palmdale or adjacent valleys, as determined by the Director of Planning. In addition to the Planning Department's guidelines for the preparation of visual studies, specific requirements for the visual study will be established by the City during preliminary or formal application review.

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5. Building envelopes

Horizontal and vertical building envelopes or plot plans/building elevations may be required for subdivisions where visual impacts are being evaluated.

6. Pedestrian circulation/trails plan

For projects in which hillside street sections as specified in Section 100.15 are proposed, the necessity for sidewalks or alternative pedestrian circulation systems shall be considered during project review. A pedestrian circulation and trail plan may be required if alternatives to standard sidewalks are proposed.

D. Standards for exhibits

Completeness and accuracy of the above specified plans, studies and other submittal requirements will be determined by the Director of Planning, City Engineer, or their designees in accordance with Section 65943 of the California Government Code. All studies shall be in conformance with the current City guidelines for each individual study or report.

Section 100.09 Slope Density Standards

A. Slope density table

Except as otherwise provided in other portions of this Article, no development project shall be approved unless the density of the proposed project complies with the following slope density ratios, as interpreted and applied by succeeding paragraphs of this section:

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Slope Category	Allowable Density	Equivalent Number of Units Per Acre
0-10 percent	Upper Limit of the Applicable General Plan Density Range	Same
10-25 percent	.57 du/ac	1 unit/1-3/4 acres
25-50 percent	.40 du/ac	1 unit/2-1/2 acres
Greater than 50 percent	.025 du/ac	1 unit/40 acres

- A. The overall number of units allowed on a property shall be based on the summation of the total number of units allowed within each slope category. All areas within the project boundary shall be included in one of the established categories.
- B. Should slope density calculations allow more units than the underlying General Plan designation, the General Plan designation shall take precedence and is the basis for determining the permitted number of units on a property. In all other cases, the slope density table shall be utilized for calculating allowable density and represents implementation of General Plan policies pertaining to hillside development.
- C. The slope density standards are intended to establish the maximum number of units permitted on a specific property. How and where those units will be placed on the property shall be based on standards and criteria contained in this Article. It is not required that units be allocated within a property based on the location of individual slope categories, although the underlying premise of this Article is to encourage development on flatter, more developable areas.

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- D. Fractional remainders resulting from area calculations multiplied by slope density ratios for individual slope categories shall be included when determining the total number of units possible in a particular category. Any fractional remainders resulting from the summation of allowable density from all categories shall be rounded down when determining the total number of units allowed on a property.
- E. No industrial development shall be allowed on natural slopes of fifteen (15) percent and greater.

Section 100.10 Construction on Slopes Greater than Fifty (50) Percent

No construction or grading shall be permitted in areas containing slopes of fifty (50) percent or greater except under the following circumstances:

- A. Development is proposed on isolated peninsula shaped fingers of fifty (50) percent slope within an otherwise developable area of lesser slopes; or
- B. The grading involves the filling of small ravines or drainage courses not shown on the U.S.G.S maps as intermittent or perennial streams which contain ancillary slopes of fifty (50) percent or greater if said ravine or drainage course is not deemed a significant biological area, (as determined by the biological study for the project) and if measures to convey surface water, are proposed to the satisfaction of the City Engineer; or
- C. The grading involves the construction of roads if the fifty (50) percent slope area is an isolated landform as defined in Section 100.04, or if no other reasonable alternatives are available and all hillside street design criteria are met as specified in Section 100.15.

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Section 100.11 Density Transfers

Density transfers, wherein permissible densities on steeper portions of a property are transferred to portions of the property that require less grading and are less steeply sloped, less ecologically sensitive, and less visually prominent, may be permitted if the proposed transfer complies with the provisions of this Section and Article. The purpose of this section is to establish criteria that address the positive benefits and potential negative impacts created by density transfers. Primary consideration shall be given to established neighborhoods that may be negatively impacted if a project proposing density transfer creates an incompatible interface caused by land uses of significantly different densities and physical characteristics typically associated with those densities. Buffering techniques and physical location are critical factors in minimizing potential impacts.

A. Density transfer procedures

Any proposal to transfer density shall be in full compliance with this Article and any other provisions contained in the Zoning Ordinance.

B. Density transfer review criteria

A transfer of density shall be found suitable for a particular site only if the proposed density transfer complies with the following standards:

1. Design of the density transfer minimizes impacts on adjacent areas;
2. The physical location is suitable for a project proposing density transfer. If available, natural physical features shall be utilized to visually and physically separate higher density housing from nearby areas that are developed at lower densities.
3. On sites where physical separation utilizing natural features is not feasible, buffering techniques shall be utilized to ensure that density transfer does not result in negative impacts upon existing neighborhoods

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of a lower density or rural development pattern. Appropriate buffering techniques may include, but are not limited to:

- a. Incorporation of larger lot sizes/patterns which are consistent with the immediately adjacent neighborhoods.
- b. Utilization of architectural styling, fence details, landscape and lot patterns, or similar features that are compatible with those found in adjacent areas.
- c. Establishment of buffer areas of appropriate size to ensure that transition of densities is gradual in order to minimize incompatible mixing of development types associated with various intensities of development.

Section 100.12 Development Proposed on Significant Ridgelines and Prominent Landforms Forming the City's Skyline Backdrop

A. Purpose and intent

This Section is intended to assure that the physical characteristics of the significant natural ridgelines and prominent landforms on the perimeter of the City, as defined in Section 100.05, are retained as a skyline backdrop to the City, and that any development on physical features encompassing these landforms will integrate with, rather than significantly modify existing topography. The goal of this Section is to encourage site planning techniques that ensure integration of development with physical features such as natural bowls, broad plateaus, valleys, and similar natural landforms. Implementation of this Section will ensure that the natural form and elevations of the City's skyline backdrop will be retained.

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B. Requirements

All applications for development proposed in these areas shall be subject to the standards and procedures set forth below.

1. Visual impact study

- a. A visual impact study will be required for projects located on the crest or slope face of prominent landforms and ridgelines that are physical components of the topographic features generally described in Section 100.05 and which form an integral part of the City's natural skyline backdrop. Applicability of this Section may be determined by the Director of Planning during preliminary conceptual review or during application review. In cases of dispute, the Planning Commission shall have final decision making authority on applicability of this Section.
- b. The above criteria for requiring a visual impact study are not all inclusive and do not preclude the requirement of alternative visual studies for unique circumstances as determined necessary by the Director of Planning.

2. Review standards

The criteria listed below shall be utilized in evaluating projects located on the crest or slope face of significant ridgelines or prominent landforms forming the City's skyline backdrop.

- a. All development proposed on prominent landforms or significant ridgelines as defined herein shall be designed to substantially retain the natural contour elevations of these features as viewed from vantage points on the valley floor within the Sphere of Influence of the City of Palmdale or from smaller adjacent valleys.

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- b. Grading to substantially re-shape prominent landforms and ridgelines that form a component of the City's skyline backdrop shall be prohibited.
- c. Dwellings constructed near the crest of a ridgeline or prominent landform shall utilize architectural, grading, and landscaping elements that serve to integrate the structure with the landform upon which it is constructed. In determining whether a project complies with this requirement, a project must be found consistent with the following criteria:
 - (i) On steep natural grades, foundations and floor plans should be designed with multi-levels to change elevations with natural contours.
 - (ii) Roof planes should be angled in the direction of the natural slope. The main building mass, including gabled sections of roof structures, should face away from lower lying areas.
 - (iii) Roof lines should undulate to replicate the natural contours of the land.
 - (iv) Building colors should emphasize blending with the surrounding natural terrain.
 - (v) Utilize daylight grading techniques where appropriate to reduce disruption of natural topography and vegetation.
 - (vi) Structural setbacks from the edge of natural slopes should be utilized to reduce visual prominence of structures.
 - (vii) Berming and tree massing near the landform crest should be utilized to blend in with the natural landforms and to screen view of the structure from lower lying areas.

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Section 100.13 Grading Standards

A. Purpose and intent

The standards contained in this Section are established to ensure that grading techniques are utilized which reduce erosion potential, minimize visual impacts, promote use of development patterns and street designs that follow natural contours, and minimize length and width of manufactured slopes.

B. Grading standards

Except as otherwise permitted pursuant to Section 100.14, no project in a hillside area shall be permitted unless the project, or the project as modified with conditions, complies with the following standards.

1. The maximum height for manufactured slopes shall be thirty (30) feet except as specified in this Section 100.14.
2. Manufactured fill slopes adjacent to primary and secondary arterials shall be no steeper than 3:1 within landscape assessment areas and public right-of-ways, and shall not exceed ten (10) feet in height unless the slope is lower in elevation than the roadway.
3. Where a proposed subdivision containing average net lot sizes exceeding twenty thousand (20,000) square feet, lot grading should be limited to building pad and related functional yard area. Flat pad grading of the entire lot is prohibited. The grading plan submitted for project review shall clearly delineate graded and natural portions of proposed lots.
4. Grading on the perimeter of the site shall not be designed with perimeter downslopes to property lines unless a homeowners association, slope maintenance district, or similar entity is established for maintenance of said downslopes. Exemptions to this requirement may be made for downslopes to property lines that are 4:1 or less. For interior slopes

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between lots, manufactured building pads shall be designed with up-slopes to property lines.

5. Subdivision development plans shall indicate a minimum twenty (20) foot setback from the rear dwelling wall to the top or toe of a manufactured slope or retaining wall. The only exception to this standard would be in the case of a terraced rear yard where multiple levels of functional yard space are provided.
6. Manufactured slopes greater than eight (8) feet in height shall be rounded at the top and at the toe of slope to simulate natural topography. The radius of the rounded slope shall be calculated by dividing the overall height of the slope by three (H/3).
7. Manufactured slopes in excess of two hundred (200) feet in length and greater than eight (8) feet in height shall be designed with horizontal curvature that simulates the horizontal surface variations of natural contours.
8. Dwellings proposed on ungraded lots with natural grades of ten (10) percent and greater should follow natural contours, utilizing such techniques as stepped foundations and split level floor plans.
9. For projects on property defined in Section 100.03 as a hillside area, and where it can be clearly established that reduced setbacks will enhance preservation of natural terrain and reduced grading, front setbacks may be reduced to ten (10) feet as applied to the main portion of the dwelling. The garage setbacks shall remain at twenty (20) feet except for a side loaded garage where a minimum driveway depth of twenty (20) feet from right-of-way edge shall be provided.
10. Cross lot drainage may be utilized to reduce grading if an overall design and method of maintenance is established to the satisfaction of the City Engineer and Director of Planning. Terrace drains shall be subject to

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maintenance by private homeowners associations or individual property owners.

11. Any continuous manufactured slope within a subdivision with a slope steepness of 3:1 or steeper, a vertical height of thirty (30) feet or greater where so allowed under Section 100.14, and which abuts five (5) or more lots, shall require the creation of a Homeowners Association or other maintenance entity with provision for the collection of fees or assessments designated specifically to pay costs associated with the maintenance of these slopes, as well as to create easements or homeowners association lots for maintenance of all slopes falling under this category. The slope maintenance entity, rather than individual property owners, will be responsible for maintenance of said slopes. The tentative tract map shall be designed in a manner that provides access to said slopes by accessible easements and which avoids the necessity of gaining access to the slopes through individual lots. No fences shall be permitted between lots within the slope easement areas. Slope easement areas may be included as lot area for purposes of calculating lot size. Habitable structures shall not be permitted within common slope easement areas.

Section 100.14 Landform Grading

A. Purpose and intent

Landform grading, as defined in Section 100.05, provides an alternative grading technique that may be utilized where unique topographic conditions exist that warrant a non-traditional and creative approach to grading a site.

B. Authorization for landform grading

The height and slope steepness limitations and other applicable standards for manufactured slopes established under Section 100.13 may be modified under

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an approved landform grading plan, if the proposed project is found to incorporate the following design elements:

1. Variation to slope gradients utilizing compound slopes and state of the art grading techniques with maximum slope steepness to be determined by the City Engineer as specified in the Uniform Building Code. An example of this technique would be slope transitions varying from 4:1 to 1:1 punctuated by slopes of varying steepness.
2. Variation to pad sizes and shapes that correspond to variable topography.
3. The artful utilization of contour and daylight grading to achieve a subtle transition between natural landforms and man-made slopes.
4. Use of drainage and landscape elements such as clustering of trees and shrubs typical of concentrations found in nature, incorporation of rock elements into man-made culverts and downdrains, and angling and naturalized coloration of concrete drainage elements to reduce visibility.
5. The preservation of natural open spaces as part of the overall grading concept.

C. Determination of compliance with landform grading

Conformance with landform grading provisions shall be determined during project review. It will be the responsibility of the applicant to provide the City with exhibits necessary to establish compliance with mandated design characteristics of landform grading. No modification to the grading standards may be granted unless this determination is made.

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Section 100.15 Hillside Street Standards

- A. Except as otherwise provided in Paragraph B of this Section, streets within any project proposed in a hillside area as defined in this Article shall be designed and constructed in accordance with the standards listed below:
1. Proposed streets in hillside areas shall be aligned parallel to the natural contours of the land where feasible.
 2. Bridges and oversized culverts, if recommended as a biological mitigation measure, may be required when streets cross drainage ways and ravines that serve as important wildlife corridors.
 3. Streets oriented along the top of a significant ridgeline shall be strongly discouraged.
 4. Standard street sections may be modified in hillside areas where streets are proposed on natural grades of fifteen (15) percent or greater, if approved by the City Engineer and Traffic/Transportation Engineer. Said modifications may include the following:
 - a. Secondary arterials in hillside areas: Right-of-way width may be reduced to forty-four (44) feet and curb to curb width reduced to thirty-six (36) feet.
 - b. Local streets in hillside areas: Right-of-way width may be reduced to forty (40) feet and curb to curb width reduced to thirty-two (32) feet. A six (6) foot wide public utilities easement must be provided outside of the right-of-way.
 - c. Cul-de-sacs in hillside areas: Right-of-way width may be reduced to thirty-four (34) feet and curb to curb width to twenty-eight (28) feet. The cul-de-sac radius for hillside streets may be reduced to thirty-two (32) feet.

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- d. Any street with a curb to curb width of less than thirty-six (36) feet may have parking prohibited on one side. Any cul-de-sac with a radius of less than forty (40) feet may result in restricted on-street parking as determined by the City Traffic Engineer.
 - 5. Split level, one-way streets may be permissible in areas of steep terrain when deemed acceptable by the City during project review.
 - 6. Street lighting shall be designed to minimize visual impacts and retain rural character while conforming to acceptable safety standards.
 - 7. Street grades shall not exceed the following except as may be modified by the Planning Commission pursuant to Section 16.12.030(H) of the Palmdale Municipal Code.
 - a. Primary Arterials: eight (8) percent
 - b. Secondary Arterials: ten (10) percent
 - c. Local Streets: fifteen (15) percent, except for limited distance that may exceed fifteen (15) percent if approved by the City Engineer and the Los Angeles County Fire Department.
- B. Modifications to these standards may be made by the Planning Commission or City Council if it can be found that such modifications further the purpose and intent of this ordinance by reducing grading and overall visual impacts while retaining acceptable traffic safety and street design characteristics as determined by the City Engineer.

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Section 100.16 Landscape and Erosion Control Standards

- A. The grading plan shall preserve natural terrain and vegetation to the maximum extent feasible by utilizing creative design concepts as permitted by standards established in this Article. However, it is recognized that grading in some areas may involve considerable surface disruption and removal of natural vegetation. Where this occurs, and manufactured slopes are created, the following standards and submittal requirements shall apply:
1. With formal application: Conceptual landscape plans indicating both temporary and permanent slope plantings shall be submitted to the Planning Department. Included on said plans shall be a conceptual plant pallet and description of the irrigation system to be utilized.
 2. Prior to grading permit issuance: A manufactured slope re-vegetation report analyzing existing soil conditions, proposed soil amendments, and plant suitability for review and approval by the City Landscape Architect.

Section 100.17 Slope Maintenance

- A. Developer maintained slope areas

The developer shall be responsible for slope re-vegetation including compliance with all provisions of Article 70 (Excavation and Grading) of the Uniform Building Code (UBC), as adopted by the City of Palmdale, prior to the transfer of perpetual maintenance responsibilities of said slopes to individual property owners, a homeowner's association, or other slope maintenance entity. A performance bond for an amount to be established by the Public Works Department shall be posted with the City in order to ensure that the ultimate establishment of all re-vegetation is completed.

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B. Commonly maintained slopes

Projects containing slopes requiring homeowners association maintenance will be subject to comprehensive Conditions, Covenants and Restrictions (CC&R's) which include slope maintenance provisions. Said CC&R's shall be subject to review and approval by the Director of Planning and City Attorney prior to recordation of a final map for the project.

C. Erosion control standards

Erosion control measures meeting the current specifications of the City Engineering Design Standards and Uniform Building Code that are in effect on the date when the formal application for the project is submitted shall be provided.

Section 100.18 Hillside Development Findings

No project in a hillside development area shall be approved by the Planning Commission or City Council unless it is found to conform to all of the following findings based on criteria and standards set forth in this Article:

- A. The density, grading, and design standards contained in this Article have been complied with in the overall design of the project.
- B. The project design and site layout retains and utilizes natural contours of the site to the maximum extent feasible.
- C. The project design incorporates drought tolerant landscape materials, water conserving irrigation techniques and erosion control measures in a manner that eliminates both short and long term erosion hazards while providing for aesthetic and effective re-vegetation of these slope areas.

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- D. Development is sited in a manner that substantially retains the visual qualities and natural elevations of the significant ridgelines and prominent landforms forming the City's skyline backdrop, as defined in this Article, and preserves those portions of the ridgelines visible from the Antelope Valley floor, or adjacent valleys, as a scenic skyline backdrop to the City.
- E. The impacts on adjacent neighborhoods of an established character are minimized when density transfer is proposed by employing design elements and locational characteristics consistent with criteria contained in Section 100.11.

Section 100.19 Variances to the Hillside Management Ordinance

No variance from the provisions of this Article shall be allowed unless it is approved pursuant to provisions of Article 23 of the Zoning Ordinance.

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ARTICLE 101 TRANSPORTATION DEMAND MANAGEMENT

Section 101.01 Applicability of Requirements

- A. This Article shall not apply to:
1. Projects for which a certificate of occupancy/final inspection has been issued prior to the effective date of this Section.
 2. Projects for which a building permit has been issued and which were approved prior to the effective date of this Section without a condition that they comply with the requirements of the CMP and any local implementing ordinance.
 3. Projects which are specifically exempt from these requirements by the provisions of an approved vesting tentative map, specific plan or development agreement.
- B. The gross square footage of all additions made to an existing building after the effective date of this Section shall be aggregated for purposes of determining whether the thresholds contained in Section 101.02 of this Article have been met; however, existing square footage shall be exempt from these requirements.

Section 101.02 Definitions *(Zoning Ordinance Amendment 95-1 adopted by City Council June 14, 1995.)*

For the purposes of this Article, the following words and phrases are defined as follows. Any word, phrase or term which is not defined in this Article but which is defined in Article 16 of this Ordinance shall mean the same as the definition contained in Article 16.

Alternative Transportation shall mean the use of modes of transportation other than single passenger motor **Vehicle**, including but not limited to **Carpools, Vanpools, Buspools**, public transit, walking, and bicycling.

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Applicable Development shall mean any **Development** project that is determined to meet or exceed the project size threshold criteria contained in Section 101.03 (TDM Development Standards).

Buspool shall mean a **Vehicle** carrying sixteen or more passengers commuting on a regular basis to and from work with a fixed route, according to a fixed schedule.

California Environmental Quality Act (CEQA) shall mean the statute found in Public Resources Code Section 21000 et. seq. that requires all jurisdictions in the State of California to evaluate the extent of environmental degradation posed by proposed development.

Carpool shall mean a **Vehicle** carrying two to six persons commuting together to and from work on a regular basis.

Developer shall mean the builder who is responsible for the planning, design and construction of an **Applicable Development** project. A developer may be responsible for implementing the provisions of this Ordinance as determined by the **Property Owner**.

Employee Parking Area shall mean the portion of total required parking at a development used by on-site employees.

Non-Residential Development shall mean any **Development** which is designated, used or intended to be used for any purpose other than a **Residence** or **Residences**.

Preferential Parking shall mean parking spaces designated or assigned, through use of a sign or painted space markings for **Carpool** and **Vanpool Vehicles** carrying commute passengers on a regular basis that are provided in a location more

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convenient to a place of employment than parking spaces provided for single occupant **Vehicles**.

Property Owner shall mean the legal owner of a **Development** who serves as the lessor to a **Tenant**. The **Property Owner** shall be responsible for complying with the provisions of the ordinance either directly or by delegating such responsibility as appropriate to a **Tenant** and/or his agent.

South Coast Air Quality Management District (SCAQMD) shall mean the regional authority appointed by the California State Legislature to meet federal standards and otherwise improve air quality in the South Coast Air Basin (the non-desert portions of Los Angeles, Orange, Riverside, and San Bernardino Counties).

Transit Operator shall mean the Antelope Valley Transit Authority (AVTA) which serves as the local and regional public transportation provider in the Antelope Valley.

Transportation Demand Management (TDM) shall mean the alteration of travel behavior -- usually on the part of commuters -- through programs of incentives, services, and policies. TDM addresses alternatives to single occupant **Vehicles** such as carpooling and vanpooling, and changes in work schedules that move trips out of the peak period or eliminate them altogether (as is the case in telecommuting or compressed work weeks).

Trip Reduction shall mean reduction in the number of work-related trips made by single occupant **Vehicles**.

Vanpool shall mean a **Vehicle** carrying seven or more persons commuting together to and from work on a regular basis, usually in a Vehicle with a seating arrangement designed to carry seven to fifteen adult passengers, and on a prepaid subscription basis.

Vehicle shall mean any motorized form of transportation, including but not limited to automobiles, vans, buses and motorcycles.

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Section 101.03 Development Standards

- A. Prior to approval of any development project, the applicant shall make provision for, at a minimum, all of the following applicable transportation demand management and trip reduction measures. All facilities and improvements constructed or otherwise required shall be maintained in a state of good repair. The property owner shall be responsible for complying with the provisions of this Article either directly or by delegating such responsibility as may be appropriate to a tenant or to an agent.
- B. All development shall provide the following to the satisfaction of the City:
1. Sidewalks or other designated pathways following direct and safe routes from the external pedestrian circulation system to each building in the development. Developments with fewer than four (4) dwellings are exempt from this provision.
 2. If determined necessary by the City, bus stop improvements must be provided. The City will consult with the Transit Operator in determining appropriate improvements.
- C. Non-residential development of 25,000 square feet or more shall comply with Section 116.02(2) above and shall provide a bulletin board, display case, or kiosk displaying transportation information located where the greatest number of employees are likely to see it, to the satisfaction of the City. In the event that such structure is placed outdoors, the design and location shall be subject to review and approval by the Director of Planning. Information in or on such structure shall include, but is not limited to, the following:
1. Current maps, routes and schedules for public transportation serving the site.
 2. Telephone numbers for transportation information, including numbers for the regional ridesharing agency and local transit operators.

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3. Ridesharing promotional material supplied by commuter-oriented organizations.
 4. Bicycle route and facility information, including regional/local bicycle maps and bicycle safety information.
 5. A listing of facilities available at the site for carpoolers, vanpoolers, bicyclists, transit riders and pedestrians.
 6. For non-residential developments of 50,000 square feet or more, a statement that preferential carpool/vanpool spaces for employees are available and a description of the procedures for obtaining such spaces.
- D. Non-residential development of 50,000 square feet or more shall comply with Sections 101.02.B. and 101.02.C. above and shall comply with all of the following measures to the satisfaction of the City:
1. Not less than ten (10) percent of the employee parking area shall be identified as a preferential carpool/vanpool parking area on the site plan submitted with an application for a building permit. This preferential carpool/vanpool parking area shall be located as close as is practical to the employee entrance(s), and shall be reserved for use by potential carpool/vanpool vehicles, without displacing handicapped and customer parking needs. A statement that preferential carpool/vanpool spaces for employees are available and a description of the procedures for obtaining such spaces shall be included on the required transportation information board. To the extent possible, spaces will be signed or striped as demand warrants, even if demand exceeds the ten (10) percent of the employee parking area designated on the site plan. At least one space for projects of 50,000 square feet to 100,000 square feet, and two spaces for projects over 100,000 square feet, shall be signed or striped for carpool/vanpool vehicles.

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- a. Employee parking shall be calculated as follows: *(Zoning Ordinance Amendment 95-1 adopted by City Council June 14, 1995.)*

Type of Use	Percent of Total Required Parking Devoted to Employees
Commercial	30%
Office/Professional	85%
Industrial/Manufacturing	90%

2. Preferential parking spaces reserved for vanpools must be accessible to vanpool vehicles. When located within a parking structure, a minimum vertical interior clearance of seven (7) feet two (2) inches, with appropriate adjustments for slope changes, shall be provided for those accessways and spaces to be used by such vehicles. Adequate turning radii and parking space dimensions shall also be included in vanpool parking areas. No more than ten (10) percent of the employee parking area shall be required to provide access to vanpool vehicles.

**CHAPTER 10 ARTICLE 102
SURFACE MINING AND RECLAMATION**

ARTICLE 102 SURFACE MINING AND RECLAMATION

Section 102.01 Incorporation of SMARA and State Regulations

The provisions of the California Surface Mining and Reclamation Act of 1975 (P.R.C. Sec. 2710 et seq.), P.R.C. Section 2207, and Title 14, Chapter 8, Section 3500 et seq. of the California Code of Regulations implementing the Act, hereinafter referred to as the State Regulations, as either may be amended from time to time, are made a part of this Article by reference with the same force and effect as if the provisions therein were specifically and fully set out herein, excepting that when the provisions of this Article are more restrictive than conflicting State provisions, this Article shall prevail.

Section 102.02 Definitions

For the purposes of this Article, the following words and phrases are defined as follows. Any word, phrase or term which is not defined in this Article but which is defined in Article 16 of this Ordinance shall mean the same as the definition contained in Article 16.

Exploration or **Prospecting** shall mean the search for minerals by geological, geophysical, geochemical or other techniques, including, but not limited to, sampling, assaying, drilling, or any surface or underground works needed to determine the type, extent, or quantity of minerals present.

Haul Road shall mean a road along which material is transported from the area of excavation to the processing plant or stock pile area of the surface mining operation.

Idle shall mean to curtail for a period of one year or more surface mining operations by more than 90 percent of the operation's previous maximum annual mineral production, with the intent to resume those surface mining operations at a future date. (SMARA, Sec. 2727.1)

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Mined Lands shall include the surface, subsurface, and groundwater of an area in which surface mining operations will be, are being, or have been conducted, including private ways and roads appurtenant to any such area, land excavations, workings, mining waste, and areas in which structures, facilities, equipment, machines, tools, or other materials or property which result from, or are used in, surface mining operations are located.

Minerals shall mean any naturally occurring chemical element or compound, or groups of elements and compounds, formed from inorganic processes and organic substances including, but not limited to, coal, peat, bituminous rock, but excluding geothermal resources, natural gas, and petroleum. For the purpose of this Article, minerals shall also include but not be limited to sand, gravel, cinders, diatomaceous earth, shale, limestone, flagstone, decorative stone, and rip-rap.

Mining Waste shall include the residual of soil, rock, mineral, liquid, vegetation, equipment, machines, tools, or other materials or property directly resulting from, or displaced by, surface mining operations.

Operator shall mean any person who is engaged in surface mining operations or who contracts with others to conduct operations on his behalf, except a person who is engaged in surface mining operations as an employee with wages as his sole compensation.

Overburden shall mean soil, rock, or other materials that lie above a natural mineral deposit or in between deposits, before or after their removal, by surface mining operations.

Permit shall mean any formal authorization from, or approved by, the City, the absence of which would preclude surface mining operations.

Person shall mean any individual, firm, association, corporation, organization, or partnership, or any city, county, district, or the state or any department or agency thereof.

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Reclamation shall mean the process of land treatment that minimizes water degradation, air pollution, damage to aquatic or wildlife habitat, flooding, erosion, and other adverse effects from surface mining operations, including adverse surface effects incidental to underground mines, so that mined lands are reclaimed to a usable condition which is readily adaptable for alternate land uses and create no danger to public health or safety. The process may extend to affected lands surrounding mined lands, and may require backfilling, grading, resoiling, revegetation, soil compaction, stabilization, or other measures.

State Board shall mean the State Mining and Geology Board, in the Department of Conservation, State of California.

State Geologist shall mean the individual holding office as structured in Section 677 of Article 3, Chapter 2 of Division 1 of the Public Resources Code.

Surface Mining Operations shall mean all or any part of the process involved in the mining of minerals on mined lands by removing overburden and mining directly from the mineral deposits, open pit mining of minerals naturally exposed, mining by the auger method, dredging and quarrying, or surface work incident to an underground mine. Surface mining operations shall include, but are not limited to:

1. In-place distillation, retorting or leaching.
2. The production and disposal of mining waste.
3. Prospecting and exploratory activities.
4. Borrow pitting
5. Streambed skimming
6. Segregation and stockpiling of mined materials (and recovery of the same)

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Section 102.03 Applicability of Requirements

A. Requirements for conditional use permits

Unless exempted by provisions of this Article, an approved conditional use permit as provided in Article 22 shall be required for all surface mining operations in all zoning districts in which surface mining is allowed; and shall be required for the expansion or substantial change of operation of any surface mine for which such expansion or changes have not been thereby approved, including any operation which meets the definition of a "non-conforming use" pursuant to Article 29.

B. Requirements for reclamation plans.

A Reclamation Plan shall be required for all surface mining operations in all zoning districts in which surface mining is allowed, as well as for those portions of existing surface mining operations conducted after January 1, 1976, unless a Reclamation Plan was approved by the City prior to that date and the person submitting that plan has accepted responsibility for carrying out the plan. Nothing in this Article shall be construed as requiring the filing of a Reclamation Plan for, or the reclamation of, mined lands on which surface mining operations were conducted legally and in compliance with all applicable City regulations prior to January 1, 1976.

C. Exemptions

A Reclamation Plan shall not be required for any of the following activities:

1. Excavations or grading conducted for farming or onsite construction or for the purpose of restoring land following a flood or natural disaster. (SMARA, Sec. 2714(a)).
2. Prospecting for, or the extraction of, minerals for commercial purposes and the removal of overburden in total amounts of less than 1,000 cubic yards in any one location of one acre or less. (SMARA, Sec. 2714(b)).

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3. Surface mining operations that are required by federal law in order to protect a mining claim, if such operations are conducted solely for that purpose. (SMARA, Sec. 2714(c)).
4. Emergency excavations or grading conducted by the Department of Water Resources (DWR) or the Reclamation Board for flood control purposes.
5. Such other surface mining operations which the State Mining and Geology Board determines to be of an infrequent nature and which involve only minor surface disturbances. (SMARA, Section 2714(d)).

Section 102.04 Contents of Applications for Conditional Use Permits for Surface Mining Operations and Reclamation Plans

- A. In addition to the conditional use permit (CUP) application required in Section 22 of the Palmdale Zoning Ordinance, all applications for a CUP for surface mining operations shall contain the surface mining and reclamation application supplement required by the Planning Department. As many copies of the CUP and surface mining and reclamation application supplement as may be required shall be submitted to the Planning Department.
- B. As many copies of a reclamation plan application as may be required shall be submitted in conjunction with all applications for CUPs for surface mining operations. For surface mining operations that are exempt from a CUP pursuant to this Article, the reclamation plan application shall include information concerning the mining operation that is required for processing the reclamation plan.

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- C. Applications shall include the necessary environmental review information prescribed by the Planning Department.

Section 102.05 Processing

- A. The Planning Department will review the application package for completeness and shall, within 30 days after receipt, either accept the application as complete for the purpose of initiating permit processing or return the application as incomplete with an explanation of where the application is deficient. Resubmittal of the revised application shall start a new review timeframe.
- B. Within thirty (30) days of acceptance of an application for a CUP for surface mining operations and/or a Reclamation Plan as complete, the Planning Department shall notify the Director of the Department of Conservation of the filing of the application(s) (SMARA, Sec. 2774(e)). Whenever mining operations are proposed in the 100-year flood plain of any stream, as shown in Zone A of the Flood Insurance Rate Maps issued by the Federal Emergency Management Agency, and within one mile, upstream or downstream, of any state highway bridge, the Planning Department shall also notify the State Department of Transportation that an application has been received (SMARA, Sec. 2770.5).
- C. The Planning Department shall process the application(s) through environmental review pursuant to the California Environmental Quality Act (CEQA) and the City's Local CEQA Guidelines.
- D. Subsequent to the appropriate environmental review, the Planning Department shall prepare a staff report with recommendations for consideration by the Planning Commission, which incorporates input from any other affected department or agency.
- E. The Planning Commission shall hold at least one noticed public hearing on the conditional use permit and/or reclamation plan.

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- F. Prior to final approval of a reclamation plan, financial assurance (as provided in this Article), or any amendments to a reclamation plan, the Planning Commission shall certify to the Director of the Department of Conservation that the reclamation plan complies with the applicable requirements of the state regulations and submit the plan, assurances, or amendment to said Director for review (SMARA, Sec. 2774(c)). The Planning Commission may conceptually approve the reclamation plan before submittal to the Director of the Department of Conservation.

- G. If a conditional use permit is being processed concurrently with the reclamation plan, the Planning Commission may also conceptually approve the CUP at this time. However, the Planning Commission may defer action on the CUP until taking final action on the reclamation plan. If necessary to comply with permit processing deadlines, the Planning Commission may conditionally approve the CUP with the condition that the Planning Department shall not release the mining operation for occupancy until financial assurances have been reviewed by the Director of the Department of Conservation and final action has been taken on the reclamation plan.

- H. The Director of the Department of Conservation shall have forty-five (45) days to prepare written comments on the reclamation plan (SMARA, Sec. 2774(d)). The Planning Commission shall evaluate written comments received from the State during the 45-day comment period. Staff shall prepare a written response describing the disposition of the major issues raised by the State for the Planning Commission's approval. In particular, when the City's position is at variance with the recommendations and objections raised in the State's comments, the written response shall address, in detail, why specific comments and suggestions were not accepted (SMARA, Sec. 2774(d)). Copies of any written comments received and responses prepared by the Planning Commission shall be promptly forwarded to the operator.

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- I. The Planning Commission shall then take final action to approve, conditionally approve, or deny the conditional use permit and/or reclamation plan. The Planning Commission's action shall be final, subject to appeal as provided in the Section 20.11.
- J. The Planning Department shall forward a copy of each approved conditional use permit for mining operations and/or approved reclamation plan to the Director of the Department of Conservation.
- K. Annual Reports - Surface mining operators shall forward an annual status report to the Director of the Department of Conservation and the City Planning Department on a date established by the Director of the Department of Conservation upon forms furnished by the State Mining and Geology Board (P.R.C. Sec. 2207 (a)-(g)).
- L. A copy of the final approved reclamation plan shall be kept on-site at all times.

Section 102.06 Performance Standards for Reclamation Plans

- A. All new or revised reclamation plans shall conform to minimum statewide performance standards required pursuant to California Code of Regulations 3700 et. seq. (Reclamation Standards) and SMARA Sec. 2773, as adopted by the State Mining and Geology Board, including but not limited to wildlife habitat, backfilling, regrading, slope stability, recontouring, erosion control, revegetation, drainage, agricultural land reclamation, equipment removal, stream protection, topsoil salvage, tailing and mine waste management and maintenance.
- B. The City of Palmdale may impose additional performance standards developed either in review of individual projects, as warranted, or through the formulation and adoption of City-wide performance standards on any new reclamation plan or modification to a previously approved reclamation plan.

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Section 102.07 Phasing of Reclamation

- A. Phasing of Reclamation - Reclamation activities shall be phased with respect to the phasing of the mining operation and shall be initiated at the earliest possible time on those portions of the mined lands that will not be subject to further disturbance (SMARA, Sec. 2772(f)); (see also, Sec. 77.07.022. Interim Management Plans).

- B. Interim reclamation may also be required for mined lands that have been disturbed and will be disturbed again in future operations if it is determined to be necessary to ensure the success of final reclamation or for health and safety purposes. Reclamation may be done on an annual basis, or in stages compatible with continuing operations, or on completion of all excavation, removal, or fill as approved by the City. Each phase of reclamation shall be specifically described in the reclamation plan and shall include: the approximate length of time for completion of each phase; all reclamation activities required; criteria for measuring completion of specific reclamation activities; and estimated costs as provided in Sec. 77.07.020 (Financial Assurances For Reclamation Plans). The City shall approve the reclamation schedule.

Section 102.08 Findings for Approval

In addition to the findings for approval conditional use permits contained in Section 22, approval for surface mining operations shall include a finding that the project complies with the provisions of State law and regulation.

- A. For reclamation plans, the following findings shall be made by the reviewing authority prior to approval:
 - 1. The reclamation plan complies with Sections 2772, 2773, and 2773.1 of SMARA and any other applicable provisions;

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2. The reclamation plan complies with applicable requirements of Title 14, Chapter 8, Section 3500 et seq. of the California Code of Regulations.
3. The reclamation plan and potential use of reclaimed land pursuant to the Plan are consistent with this Article and the City's General Plan.
4. Through implementation of the reclamation plan, all significant adverse impacts on lands to be reclaimed as a result of the surface mining operations are mitigated to the maximum extent feasible.
5. The land and/or resources to be reclaimed will be restored to a condition that is compatible with the surrounding environment.
6. That the Reclamation Plan and potential use of reclaimed land pursuant to the Plan are consistent with any applicable air quality and/or water quality resource plan and/or that suitable off-site development will compensate for related disturbances to resource values existing after reclamation is completed.
7. The reclamation plan will restore the mined lands to a usable condition which is adaptable for alternative land uses consistent with the General Plan and any other applicable plan or element.
8. A written response to the Director of the Department of Conservation has been prepared, describing the disposition of major issues raised by the Director. Where the City's position is at variance with the recommendations and objections raised by the Director, said response shall address, in detail, why specific comments and suggestions were not accepted. (SMARA, Sec. 2772(d)).

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Section 102.09 Financial Assurances for Reclamation Plans

- A. In order to ensure that reclamation will proceed in accordance with the approved reclamation plan, the City shall require as a condition of approval one or more forms of security which will be released upon satisfactory performance. The applicant shall post security in the form of a corporate surety bond, trust fund, irrevocable letter of credit from an accredited financial institution, a certificate of time deposit as part of an approved trust fund, or other method acceptable to the City and the Department of Conservation as specified in statewide regulations adopted by the Mining and Geology Board. Financial assurances shall be made payable to the City of Palmdale and the Department of Conservation (SMARA, Sec. 2773.1(a)(4)).
- B. Financial assurances shall be required to ensure compliance with elements of the reclamation plan including but not limited to revegetation and landscaping requirements; restoration of wildlife habitat; protection of archaeological sites; restoration of water bodies and water quality; slope stability and erosion and drainage control, disposal of hazardous materials; and other mitigation measures. Financial assurances for such elements of the reclamation plan shall be monitored by the Planning Department.
- C. Financial assurances shall not be released until written notification has been made by the Planning Director to the mining operator and the Director of the Department of Conservation that reclamation has been completed in accordance with the approved reclamation plan (SMARA, Sec. 2773.1(c)).
- D. The amount of financial assurances shall be based upon the estimated costs of reclamation for each year or phase stipulated in the Reclamation Plan, including any irrigation and maintenance of reclaimed areas as may be required. Cost estimates shall be prepared by a licensed engineer and/or other qualified professionals retained by the operator; such estimates shall be approved by the Planning Director. Financial assurances may be based upon estimates including but not necessarily limited to the volume of earth moved (cubic yards) for each year or phase of reclamation. Financial assurances to ensure compliance with

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revegetation, restoration of wildlife habitat, and any other applicable element of the reclamation plan shall be based upon cost estimates that include but may not be limited to labor, equipment, materials, mobilization of equipment, administration, and reasonable profit by a commercial operator other than the permittee.

- E. In projecting the costs of financial assurances, it shall be assumed without prejudice or insinuation that the surface mining operation could be abandoned by an operator and, consequently, the City or State may need to contract with a third-party commercial company for mobilization and reclamation of the site.
- F. Where reclamation is accomplished in annual increments, the amount of financial assurances required for any one year shall be adjusted annually and shall be adequate to cover the full estimated costs for reclamation of any land projected to be in a disturbed condition from mining operations by the end of the following year. The estimated costs shall be the amount required to complete the reclamation on all areas that will not be subject to further disturbance, and to provide interim reclamation, as necessary, for any partially excavated areas in accordance with the reclamation plan. Financial assurances for each year shall be released upon successful completion of reclamation (including any maintenance required) of all areas that will not be subject to further disturbance and upon the operator filing additional financial assurances for the succeeding year. Financial assurances for all subsequent years of the operation shall be handled in the same manner.
- G. Financial assurances for reclamation that is accomplished in multiple-year phases shall be handled in the same manner as described for annual reclamation.
- H. If a change of ownership occurs, the existing financial assurance remains in force until a replacement financial assurance is approved by the lead agency.

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Section 102.10 Inspections

- A. The Planning Department shall arrange for inspection of a surface mining operation within six (6) months of receipt of the annual report required in Sec. 77.07.016(h), to determine whether the surface mining operation is in compliance with the reclamation plan and the state regulations (SMARA, Sec. 2774(b)).

- B. In no event shall less than one inspection be conducted in any calendar year. Said inspections may be made by a state-registered geologist, state-registered civil engineer, state-licensed landscape architect, state-registered forester, or other qualified specialist who has not been employed by the mining operation in any capacity during the previous twelve (12) months, as selected by the Planning Department. All inspections shall be conducted using a form provided by the State Mining and Geology Board. The Planning Department shall notify the Director of the Department of Conservation within thirty (30) days of completion of the inspection that the inspection has been conducted and shall forward a copy of said inspection notice and any supporting documentation to the mining operator. The operator shall be solely responsible for the reasonable cost of such inspection.

Section 102.11 Interim Management Plans

(See also, Section 102.07. Phasing of Reclamation)

- A. Within ninety (90) days of a surface mining operation becoming idle, as defined in this Article, the operator shall submit to the Planning Department an interim management plan (SMARA, Sec. 2770(h)). The interim management plan shall fully comply with the requirements of SMARA, Sec. 2770(h) and shall provide measures the operator will implement to maintain the site in compliance with SMARA, including, but not limited to, all conditions of the conditional use permit and/or Reclamation Plan approval. The interim management plan shall be processed as a minor amendment to the reclamation plan and shall not be considered a project for the purposes of environmental review (SMARA, Sec. 2770(h)).

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- B. The Director of the Department of Conservation shall have forty-five (45) days to prepare written comments on the interim management plan, if she/he so chooses.
- C. Financial assurances for idle operations shall be continued as addressed in the reclamation plan or as otherwise approved through the idle mine's interim management plan.
- D. Within sixty (60) days of receipt of the interim management plan, or a longer period mutually agreed upon by the Planning Department and the operator, the Planning Director shall review and approve or deny the plan in accordance with this Article. The operator shall have thirty (30) days or a longer period mutually agreed upon by the operator and the Planning Director to submit a revised plan. The Planning Director shall approve or deny the revised interim management plan within sixty (60) days of receipt. If the Planning Director denies the revised interim management plan, the operator may appeal that action to the Planning Commission.
- E. The interim management plan may remain in effect for a period not to exceed five (5) years, at which time the Planning Commission may renew the plan for another period not to exceed five (5) years or require the surface mining operator to commence reclamation in accordance with its approved reclamation plan.

Section 102.12 Time Limit for Commencement of a Conditional Use Permit for Surface Mining Operations

The time limit for commencing a surface mining operation that is permitted pursuant to this Section shall be as specified in the conditions of approval for the approved conditional use permit.

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Section 102.13 Modifications to Reclamation Plans

- A. Requests for modifications of approved reclamation plans shall be processed in the same manner as original applications for reclamation plan reviews unless they are determined to be minor modifications. Applications for minor modifications may be submitted in connection with the following, as long as it is not incompatible with existing conditions and/or plans.
- B. To allow the minor recontouring of final topography, providing slope stability is maintained and substantiated; effecting no more than 10% of the site.
- C. To allow minor modification or addition of site access.
- D. To allow a minor substitution in the Reclamation Plan, provided it does not substantially alter the intended end use described in the approved Reclamation Plan.
- E. To allow minor technological and/or administrative changes in methods used to achieve reclamation.
- F. To allow measures to be taken which will ensure and/or maintain public safety (e.g. fences, gates, signs, or hazard removal) provided it does not substantially alter the intended end use described in the approved Reclamation Plan.
- G. To allow minor modifications to a previously approved phasing plan.
- H. To allow interim management plans.

Section 102.14 Violations and Penalties

If the Planning Department, based upon an annual inspection or otherwise confirmed by an inspection of the mining operation, determines that a surface mining operation is not in compliance with this Article, the applicable permit and/or the Reclamation Plan, the

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SURFACE MINING AND RECLAMATION**

City may follow the administrative procedures set forth in SMARA, Sections 2774.1 and 2774.2 concerning violations and penalties, including penalties assessed for late reporting pursuant to P.R.C. Section 2207; however, such remedy is in addition to all of the provisions and remedies of this Code, State law, and any law cognizable at common law or in equity, and nothing in this Article shall be interpreted or construed to supersede or limit any and all other remedies, whether administrative, civil or criminal. *(Zoning Ordinance Amendment 97-2, adopted by City Council June 11, 1997.)*

Section 102.15 Fees

The City shall establish such fees as it deems necessary to cover the reasonable costs incurred in implementing this Article and the State Regulations, including but not limited to processing of applications, annual reports, inspections, monitoring, enforcement and compliance.