

**CITY OF TWENTYNINE PALMS
CITY COUNCIL
ORDINANCE NO. 304**

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TWENTYNINE PALMS, CALIFORNIA, ADOPTING A DEVELOPMENT CODE AMENDMENT AMENDING CHAPTER 19.34 TEMPORARY USE PERMITS OF THE CITY OF TWENTYNINE PALMS DEVELOPMENT CODE.

WHEREAS, the City of Twentynine Palms General Plan was adopted by the City Council on April 24, 2012; and

WHEREAS, the City of Twentynine Palms Development Code was adopted by the City Council on July 26, 2016; and

WHEREAS, on March 07, 2023, the Planning Commission held a study session regarding regulations for Film Permits; and

WHEREAS, on April 18, 2023, the Planning Commission of the City of Twentynine Palms conducted a duly noticed and advertised Public Hearing on the Development Code Amendment adding Chapter 19.35, Film Permits; and

WHEREAS, the Planning Commission decision was to separate out Film Permit regulations from Temporary Use Permits; and

WHEREAS, in so doing, Chapter 19.34, Temporary Use Permits must be revised to reflect this change; and

WHEREAS, on May 31, 2023, the Development Code Amendment for Chapter 19.34 was duly noticed in the Desert Trail, a newspaper of general circulation within the City of Twentynine Palms; and

WHEREAS, on June 13, 2023, the City Council of the City of Twentynine Palms conducted a duly noticed and advertised Public Hearing on the Development Code Amendment as reflected in "Exhibit A" in accordance with the California Government Code Section 65350 et. seq. and California Government Code Section 65853 et. seq., required by law for this amendment; and

WHEREAS, a Public Hearing was held by the City Council on June 13, 2023, at which time the Council introduced Ordinance No. 304, amending Chapter 19.34 Temporary Use Permits of the Development Code, and

WHEREAS, on June 13, 2023, at the above noted Public Hearing for the Development Code Amendment, the City Council of the City of Twentynine Palms considered the potential environmental impacts that may occur with the adoption of the proposed Development Code Amendment and recommended that in accordance with the California Environmental Quality Act (CEQA) Guidelines Section, the proposed zoning text amendment has been reviewed for its potential to impact the environment. Pursuant to Section 15061(b)(3) of the State Guidelines to Implement the California Environmental Quality Act, the activity is covered by the common-sense exemption that CEQA applies only to projects which 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 not subject to CEQA; and

WHEREAS, the City Council found that on the basis of the whole record before it, including any public comments received, there is no substantial evidence that the Development Code Amendment would have a significant effect on the environment and that the proposed CEQA determination reflected the City Council's independent judgment and analysis; and

WHEREAS, the City Council, in its review of the proposed Development Code Amendment, makes the following findings:

- A. That the Zone Change or Development Code Amendment is consistent with the intent of the goals and policies of the General Plan.

The Development Code Amendment is consistent with the following policies of the General Plan:

Goal LU-1 – Encourage orderly growth and development as envisioned by community residents.

Goal LU-10 - Promote a high quality of life for Twentynine Palms residents by developing and sustaining a strong and diverse local economy.

- B. The Zone Change or Development Code Amendment prescribes reasonable controls and standards to ensure compatibility with other established uses.

The Development Code Amendment is to amend Chapter 19.34 Temporary Use Permit and Standards, removing the language regarding Film Permits.

- C. The Zone Change or Development Code Amendment provides reasonable property development rights while protecting environmentally sensitive land uses and species.

The Development Code Amendment is to amend Chapter 19.34 Temporary Use Permit and Standards, removing the language regarding Film Permits

- D. The Zone Change or Development Code Amendment ensures protection of the general health, safety and welfare of the community.

The Development Code Amendment is to amend Chapter 19.34 Temporary Use Permit and Standards, removing the language regarding Film Permits

NOW, THEREFORE, the City Council of the City of Twentynine Palms, California, takes the following actions:

Section 1. Based upon the review of the proposed amendment of the Development Code, Chapter 19.34 Temporary Use Permits, the City Council finds that the proposed amendment does not have the potential to have an adverse impact on the environment and, in accordance with the California Environmental Quality Act (CEQA) Guidelines Section 15061(b)(3), the activity is covered by the common-sense exemption that CEQA applies only to projects which 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 not subject to CEQA.

Section 2. The City Council finds that the proposed amendment is consistent with the City's adopted General Plan Goals and Policies as the proposal will support the implementation of the General Plan and State law.

Section 3. The City Council approve and adopt the "Findings" required for approval of the Development Code update as set forth above.

Section 4. The City Council of the City of Twentynine Palms amend the Development Code as reflected in Exhibit "A."

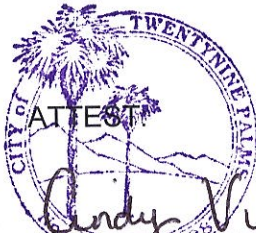
Section 5. Notice of Adoption. The City Clerk of the City of Twentynine Palms shall certify to the adoption of this Ordinance and cause publication to occur in a newspaper of general circulation and published and circulated in the City in a manner permitted by Section 36933 of the Government Code of the State of California.

Section 6. Introduction Date. Ordinance No. 304 was introduced by Council action on the 13th day of June 2023.

Section 7. Effective Date. Ordinance No. 304 becomes effective thirty (30) days after the second reading by City Council.

Section 8. 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.

PASSED, APPROVED, AND ADOPTED this 27th day of June 2023.



Cindy Villescas
Cindy Villescas CMC, City Clerk

McArthur Wright
McArthur Wright, Mayor

APPROVED AS TO FORM:

A. Patrick Munoz
A. Patrick Munoz, City Attorney

I hereby certify that the foregoing is a true copy of Ordinance No. 304, introduced on the 13th day of June 2023 and duly adopted by the City Council of the City of Twentynine Palms in a meeting held on 27th day of June 2023, in Twentynine Palms, California by the following vote, to wit.

AYES: COUNCILMEMBER: BILDERAIN, KLINK, MINTZ, SCOTT, WRIGHT
NOES: COUNCILMEMBER:
ABSENT: COUNCILMEMBER:
ABSTAIN: COUNCILMEMBER:

Cindy Villescas
Cindy Villescas CMC, City Clerk