



**CITY OF TWENTYNINE PALMS**  
**STAFF REPORT**  
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Twentynine Palms, CA 92277  
(760) 367-6799, Fax (760) 367-5400  
*Commdev@ci.twentynine-palms.ca.us*

**To:** Planning Commission  
**From:** Community Development Director  
**Date:** December 4, 2007  
**RE:** PC 07-32 - An application by the City of Twentynine Palms to create a Special Equestrian District (SED #1). The proposed district is bounded by Mesquite Springs Road on the west, Amboy Road on the south, Adobe Road on the east, and Valle Vista Road on the north. Section 8 and Section 17, T1N, R9E, Zone CG, RL-1, RL-2.5, RS-2, RM, CS, CN and Public.

**RECOMMENDATION:** Conduct the Public Hearing, consider public comment, adopt the Mitigated Negative Declaration, and "No Effect" Finding, adopt the resolution and recommend that the City Council establish Special Equestrian District #1.

**BACKGROUND:** Residents of the area have requested that the City formally establish a Special Equestrian District (SED #1) to protect continued equestrian uses in the area. The proposed project encompasses approximately two square miles.

The proposed establishment of this district would not impact the underlying general plan land use designations or zoning. No change to the general plan or zoning are proposed. A special overlay district, Special Equestrian District #1, would be added to the General Plan map.

**CEQA Environmental Review**

Pursuant to the California Environmental Quality Act (CEQA), the project was routed to the following agencies and departments for public review and comment:

San Bernardino County Clerk  
Twentynine Palms Water District  
County Sheriff's Department  
County Department of Solid Waste Mgmt.  
County Assessor's Office  
San Bernardino Associated Governments  
Southern California Edison Company  
Verizon  
Burrtec  
Morongo Basin Ambulance  
Regional Water Quality Control Board  
California Department of Fish & Game

- | Attachments   |
|---|
| 1. Resolution   |
| 2. Locator Map  |
| 3. Jan. 7, 1992 Planning Commission minutes                           |
| 4. May 1, 2007 Planning Commission Staff Report                       |
| 5. June 13, 2007 Planning Commission Equestrian Area Task Force notes |
| 6. Mitigated Negative Declaration                                     |
| 7. Correspondence   |

City Engineer  
Twentynine Palms Fire Department  
County Environmental Health Division  
County Flood Control District  
County Recorder  
Morongo Unified School District  
Southern California Gas Co.  
Adelphia  
Morongo Basin Transit Authority  
Mojave Air Quality Management District  
Division of Mines and Geology  
Joshua Tree National Park

MCARS-2C (Two offices)  
County Surveyors Office  
City Attorney

State Clearinghouse  
US Fish and Wildlife Service  
Property owners (Notice only)

Input from these agencies has been reviewed and, where appropriate, incorporated into the Conditions of Approval for the project. Based on the findings of the Initial Study, a Mitigated Negative Declaration is recommended.

A number of Mitigation Measures were proposed as part of the document. The Planning Commission may adopt, modify or delete these measures, according to its own discretion:

- Provide a 20' wide equestrian easement with trail on section and half-section line streets; and
- Properties developed in the district shall include white double rail horse fencing.

### **Surrounding Land Use, General Plan and Zoning Designations**

The proposed project area encompasses approximately two square miles. The project includes parcels zoned CG, RL-1, RL-2.5, RS-2, RM, CS, CN and Public. No changes to the general plan land use or underlying zoning are proposed.

### **Municipal Code**

When the City of Twentynine Palms incorporated, the City adopted the rule of law in effect at the time of incorporation, which was the San Bernardino County Code. Ordinance 100 amended the City's Municipal Code and established Section 8.16 (Horses), a new section of the Municipal Code. Section 8.16 created the following exceptions to the San Bernardino County Code Section 83.0250 (c)(2), Horse Raising.

#### **(A) EXCEPTION: (1) EQUESTRIAN AREAS;**

A greater number of horses may be kept on property under the following circumstances:

No more than four (4) horses per acre or, fraction thereof (i.e., one horse per quarter acre), with no upper limit, may be kept on any lot or parcel designated an equestrian area as approved by the City Council by Resolution. In considering adoption of such a Resolution, the Planning Commission and City Council shall hold a public hearing, notice of which shall be given pursuant to Section 65090 of the State Government Code.

If an excess of ten (10) horses is requested or kept, a Site Development Plan shall also be required prior to the establishment of the additional horses.

#### **EXCEPTION: (2) NON-EQUESTRIAN AREAS**

No horses may be kept in any area designated as a "non-equestrian area" and any property containing legally existing horses in said area shall have a legal non-conforming status when the property in question has been designated a non-equestrian area by City Council resolution.

## Zoning

The keeping of horses is allowed only as an Accessory Use in areas with Single Family Residential (RS) zoning. Horse keeping is allowed as a Primary Use in Rural Living (RL) and Open Space Residential (OSR) zoning.

## Primary Use

The principal use of a parcel, a residential dwelling in a residential zone is considered a "Primary Use".

## Accessory Use

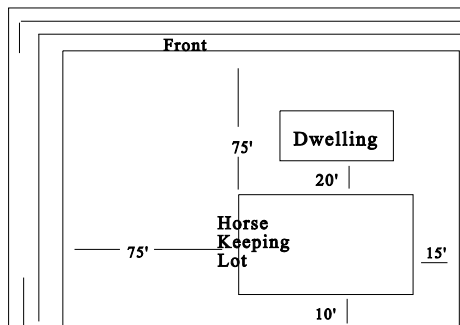
An Accessory Use is a use that is incidental to the Primary Use. This means that you are not allowed to keep horses on an otherwise vacant lot. If you build a horse-keeping facility on a lot which also contains a home, then the keeping of horses here would be considered an "Accessory Use".

## RS - Single Family Residential Zoning

On RS (Single Family Residential) parcels one acre or larger, property owners are allowed one horse per quarter acre, up to a maximum of six horses, in areas not designated as "Non Equestrian Areas". To date, no "Non Equestrian Areas" have been established by the City. The keeping of horses must be an Accessory Use, as described above.

## RL - Rural Living and OSR Open Space Residential

Horse keeping is allowed as a Primary or Accessory Use, one horse per quarter acre, a maximum of six horses per parcel.



## Animal Facilities

All facilities for housing or boarding shall provide a shaded area accessible to all of the horses kept on the property. The shaded area must be inspected and approved by the City's Animal Control Officer and must meet or exceed all State and local laws regulating horse keeping facilities.

Animal enclosures must be at least 20 feet from a dwelling on the same parcel, 75 feet from a front lot line, or side street, 15 feet from an interior lot line, and 10 feet from a rear lot line.

## Commercial Uses

Breeding operations require commercial zoning and approval of a Conditional Use Permit (CUP). The CUP requires Planning Commission approval.

### **Site Characteristics**

The Special Equestrian District ranges in elevation from 1,800 to 1,900 feet above seal level.

### **Traffic and Circulation**

No development is proposed as part of this project. Because creation of the district will not result in the development of more than 50 new residences, a traffic impact analysis was prepared for this project.

### **Biological Resources**

No development is proposed as part of this project, biological resources will not be impacted.

### **Recreation Amenities**

The establishment of the Special Equestrian District may result in expanded recreational opportunities in the future as new development occurs in the area.

### **Community Concerns**

Over 300 notices were sent to property owners regarding both the CEQA environmental review and the public hearing. Interest by the community has been steady. The following topics summarize community concerns about the proposed project.

#### *Taking of Private Property for Public Uses*

Some property owners were concerned that the City of Twentynine Palms was considering taking property in the area. This is simply not the case. No “takings” are proposed. No development is proposed. Furthermore, as development occurs in the area, property owners are required to provide street right of way dedications and either construct or pay for the construction of street improvements adjacent to the development.

#### *Walls and Fences*

Property owners called to voice concern about the use of block walls and fences. One concern was voiced that block walls are not in keeping with the character or rural residential areas. Staff recommends that a uniform fence standard be adopted in the area to maintain high levels of quality and to establish an equestrian aesthetic unique to the area. One Mitigation Measure (13a) included in the Initial Study suggests that such a standard could include the recommendation that split rail or other type of fence be utilized within the area.

#### *Trail Network*

The Mitigated Negative Declaration included a Mitigation Measure (6a) which would lead the establishment of a twenty foot (20') wide equestrian easement for future use as a trail network. Several property owners voiced concern about being required to dedicate right of way for a trail network when their property is developed. Staff explained that, as development occurs in an area, right of way dedication and street improvements are generally required, even in rural residential areas.

One property owner voiced concern about responsibility for the maintenance and upkeep, including manure removal, of a future trail system, should one be established in the area.

Staff has reviewed equestrian districts established in other jurisdictions. Most have been established in conjunction with an equestrian trail network, which provide for equestrian circulation within a district.

One alternative would be to exclude the establishment of an equestrian trail and circulation system at this time, as many of the roadways within the interior of the district remain unpaved. However, some property owners believe this is an unsatisfactory solution, as the perimeter of the district is paved in its entirety. They are also of the opinion that streets in the area will not be able to remain unpaved in the future.

Staff contacted the Mojave Air Quality Management District regarding unpaved streets. District staff indicated that the district would oppose the creation of any new subdivisions with unpaved streets, as such streets would lead to further declines in regional air quality, as additional vehicles on unpaved roads could exacerbate problems with airborne particulate matter (PM).

Staff recommends that an equestrian trail network be established as part of this district, running both north-south and east-west at half mile increments. Such a network could be established along the following streets, Valley Vista Road, Adobe Road, Amboy Road, Mesquite Springs Road Indian Trail, Mesa Road, Raymond and Bullion Road. Such a trail network could be established within the required right of way and front setback areas would not require the dedication of additional right of way.

If the Planning Commission is of the opinion that the determination of the alignment and related issues of pertaining to the maintenance and upkeep of an equestrian trail is premature, the Commission could direct staff to further study this issue and bring back alternatives.

A street section, including cross section of the equestrian trail, could be referred back to the City Engineer for further consideration.

The Park Master Plan, which is currently in process, will include a recommendation for a City-wide trail network, which will include bicycle, pedestrian and equestrian elements.

### **Approval Process**

The Planning Commission is the Review Authority and the City Council is the Approval Authority for the creation or "Equestrian Areas."

Staff recommends that the Planning Commission, acting in its capacity as Review Authority, make the following findings:

1. The City of Twentynine Palms has historically been an equestrian friendly community.
2. The proposed project is consistent with the General Plan. The proposed project or land use is compatible with the objectives, policies, general land uses and programs specified in the General Plan.
3. The proposed project is consistent with the Development Code. The proposed project or land use is compatible with the objectives, policies, general land uses and programs specified in the Development Code.
4. The proposed project would provide for the protection of equestrian uses within the area.
5. The proposed project would provide for the maintenance and preservation of the low-density rural residential character of the area.
6. The proposed project would enhance the quality of life within Twentynine Palms.

CITY OF TWENTYNINE PALMS  
PLANNING COMMISSION  
RESOLUTION NO. 07-

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF TWENTYNINE PALMS, CALIFORNIA, RECOMMENDING APPROVING PC 07-32, AN APPLICATION BY THE CITY OF TWENTYNINE PALMS FOR THE ESTABLISHMENT OF SPECIAL EQUESTRIAN DISTRICT #1 (SED #1), LOCATED SOUTH OF VALLEY VISTA, EAST OF ADOBE ROAD, NORTH OF AMBOY ROAD AND WEST OF MESQUITE SPRINGS DRIVE, SECTION 8 AND 17, ZONE CG, RL-1, RL-2.5, RS-2, RM, CS, CN AND P.

WHEREAS, the City of Twentynine Palms has historically been an equestrian friendly community; and

WHEREAS, Section 8.63 of the Municipal Code includes the procedure for the establishment of "Equestrian Areas" and

WHEREAS, on July 17, 2007, the Planning Commission conducted a study session on the establishment of a special equestrian district, in the area bound by Valley Vista Road, Adobe Road, Amboy Road and Mesquite Springs Road, Section 8 and 17; and

WHEREAS, Pursuant to the California Environmental Quality Act (CEQA), a Mitigated Negative Declaration, with No Effect Determination and related finding was prepared and the project was routed to public agencies, departments, and all affected property owners within the project area and within 300 feet of the project area for public review and comment; and

WHEREAS, public hearing notice was published in a newspaper of record and notice was mailed to all property owners located within 300 feet of the project site; and

WHEREAS, a public hearing was held by the Planning Commission on December 4, 2007; and

WHEREAS, the Planning Commission, acting as the Review Authority, made all of the following findings:

1. The City of Twentynine Palms has historically been an equestrian friendly community.
2. The proposed project is consistent with the General Plan. The proposed project or land use is compatible with the objectives, policies, general land uses and programs specified in the General Plan.
3. The proposed project is consistent with the Development Code. The proposed project or land use is compatible with the objectives, policies, general land uses and programs specified in the Development Code.
4. The proposed project would provide for the protection of equestrian uses within the area.
5. The proposed project would provide for the maintenance and preservation of the low-density rural residential character of the area.
6. The proposed project would enhance the quality of life within the City of Twentynine Palms.

NOW, THEREFORE, BE IT RESOLVED that the Planning Commission of the City of Twentynine Palms recommends that the City Council adopt the Mitigated Negative Declaration, and No Impact Determination pursuant to the California Environmental Quality Act (CEQA) and approve the establishment of Special Equestrian District #1.

APPROVED AND ADOPTED THIS 4TH DAY OF DECEMBER, 2007

AYES: COMMISSIONERS:

NOES: COMMISSIONERS:

ABSENT: COMMISSIONERS:

\_\_\_\_\_

Daniel Mintz, Chairman

ATTEST:

Charlene L. Sherwood, City Clerk

I hereby certify that the foregoing is a true copy of Resolution No. \_\_\_\_\_ duly adopted by the Planning Commission of the City of Twentynine Palms in a meeting held on the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in Twentynine Palms, California.  
Dated this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

\_\_\_\_\_  
Charlene L. Sherwood, City Clerk



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**To:** Planning Commission  
**From:** Community Development Director  
**Date:** December 4, 2007  
**RE:** Review of Planning Commission Priorities 2007-2008

**RECOMMENDATION:** Review, discuss and provide direction to staff.

**BACKGROUND:** On September 30, 2007, the Planning Commission conducted a study session to determine the priorities of the Planning Commission as they pertain to the advance planning activities of the City.

Advance planning, which is also referred to as long range planning, are those planning activities which are not specific to an individual development project, but are related to the establishment, implementation and modification of codes, ordinances and policies.

At that meeting the Planning Commission established the following First and Second Tier priorities:

First Tier

1. Downtown Economic Revitalization Specific Plan
2. Circulation Element
3. Big Box Zoning
4. Planned Development District
5. Review of Land Use and Zoning

Second Tier

6. View Protection
7. Preservation of Night Sky
8. Garage Requirements for Residential Uses
9. Development Code Definitions
10. Animal Codes

Presently, two staff members of the Community Development Department are engaged in the Planning activities of the City. The Community Development Director devotes approximately 50% of his time to planning and land use. The Development Technician devotes approximately 75% of her time to planning and land use. Because of the legal requirements contained in the State Permit Streamline Act, the majority of planning staff time is devoted to current planning which is the processing of development projects.

The City is currently undertaking a Classification Study. The Mid-Year Budget Review is also underway. Staff is hopeful that these efforts will result in the allocation of additional staffing resources in the next fiscal year.