



**CITY OF TWENTYNINE PALMS
STAFF REPORT**
6136 Adobe Road
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: January 29, 2008
RE: PC 07-109 - An application from Lori Parker of Pioneer Feed for a grading and stockpile permit, to permit the stockpiling of 50,000 cubic yards of earth on 1.67 acres, at 75850 Baseline Road, APN 0624-221-13, Section 35, T1N, R9E.

RECOMMENDATION: Conduct the Public Hearing, adopt Resolution 08-01, and approve the Temporary Use Permit, subject to compliance with City standards for grading and stockpiling.

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| <p align="center">Attachments</p> <ol style="list-style-type: none"> 1. Conditions of Approval 2. Resolution 08-01 3. Parcel Map 4. Aerial Photo 5. Site Plan |
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BACKGROUND: This item was continued from the January 15, 2008 meeting. Pursuant to Section 19.32 (Temporary Use Permits) of the Twentynine Palms Development Code, and Appendix 33 (Grading and Excavation) of the Uniform Building Code, the City of Twentynine Palms may approve a Temporary Use Permit to allow the permitting of the grading and stockpiling operation.

Surrounding Land Use, General Plan and Zoning Designations

	Use	General Plan	Zoning
Site	Vacant	CI (Community Industrial)	CI (Community Industrial)
North	Residential	CI (Community Industrial)	CI (Community Industrial)
South	Industrial	CI (Community Industrial)	CI (Community Industrial)
East	Industrial	CI (Community Industrial)	CI (Community Industrial)
West	Vacant	CI (Community Industrial)	CI (Community Industrial)

The project, a temporary stockpile (storage) of 50,000 cubic yards of earth on 1.67 acres (220' by 330'), is consistent with the General Plan and Zoning Ordinance. The remainder of the 9.71 acre site will remain undisturbed. The project, stockpiling of earth, can be conducted in a manner consistent with the City Codes and Ordinances and the California Building Codes.

CEQA

Section 21084 of the Public Resources Code established a list of classes of projects which have been determined by the State of California not to have a significant effect on the environment and which are, therefore, exempt from the provisions of CEQA.

Pursuant to Section 15332 of the CEQA Guidelines, Class 32 consists of projects characterized as in-fill development meeting the conditions described in this section, which are exempt from further review under state law.

- (a) The project is consistent with the applicable general plan designation and all applicable general plan policies as well as with applicable zoning designation and regulations.

- (b) The proposed development occurs within city limits on a project site of no more than five acres substantially surrounded by urban uses.
- (c) The project site has no value as habitat for endangered, rare or threatened species.
- (d) Approval of the project would not result in any significant effects relating to traffic, noise, air quality, or water quality.
- (e) The site can be adequately served by all required utilities and public services.

This section of CEQA Exemptions is intended to promote infill development within urbanized areas. The class consists of environmentally benign in-fill projects which are consistent with local general plan and zoning requirements. This class is not intended to be applied to projects which would result in any significant traffic, noise, air quality, or water quality effects. Based upon this information, staff recommends that the Planning Commission direct staff to file a Notice of Exemption for the project.

Temporary Use Permit

Pursuant to Section 19.32 of the Development Code, the Planning Commission is authorized to approve, conditionally approve, or deny applications for Temporary Use Permits for stockpiling.

Findings

Prior to approving a Temporary Use Permit the Planning Commission shall make the following findings:

- A. The operation will not jeopardize, endanger, or otherwise constitute a risk to public health, safety, or welfare; and
- B. The proposed site will accommodate the temporary use without being materially detrimental to the use and enjoyment of other properties in the vicinity; and
- C. The proposed site is adequately served by streets or highways having sufficient width and improvements to accommodate the traffic that the temporary use will or could reasonably be expected to generate; and
- D. Adequate temporary parking will be available either on-site or at an acceptable alternate location.

Public Notification

As required by law, owners of property within 300 feet of the subject site have been notified of this proposal. Staff has received no comment regarding the requested Temporary Use Permit.

Approval Authority

The Planning Commission is the Approval Authority for this project. Therefore, the Planning Commission must determine if the required Findings can be made, and if so, approve the request.

CITY OF TWENTYNINE PALMS

CONDITIONS OF APPROVAL

PC 07-109

Applicant Name: Lori Parker

Project Description: Temporary Use Permit to Stockpile 50,000 Cubic Yards of Earth

Location/Parcel Number: 0621-231-10 & 11

Approved: January 29, 2008

Expires: January 28, 2009

The following Standard Conditions of Approval shall be applicable to all subdivisions in the City. Additionally, site specific Conditions will be applicable as necessary to protect the public health, safety and welfare.

Planning Division

- P1. The applicant shall defend, at its sole expense (with attorneys approved by the City), and indemnify the City against any claim, action, or proceeding brought by any third party against the City, its agents, officers or employees resulting from or relating to this approval. The applicant shall reimburse the City, its agents, officers or employees for any judgment, court costs and attorney's fees which the City, its agents, officers or employees may be required to pay as a result of such claim, action, or proceeding. The City may, at its sole discretion, participate at its own expense in the defense of any such action, but such participation shall not relieve the applicant of its obligations under this condition.
- P2. Stockpiling activities shall be undertaken per the approved site plan.
- P3. Within ten days of approval, the applicant shall submit to the Planning Division a signed copy of the Conditions of Approval, verifying that he/she understands each Condition and agreeing to adhere to each of the Conditions of Approval.
- P4. The project shall conform to the CI (Community Industrial) Zone standards for front, side and rear yard-building setbacks as follows:
- | | |
|----------------|-----------------|
| Front: | 25 feet minimum |
| Street side: | 15 feet minimum |
| Interior side: | 10 feet minimum |
| Rear: | 10 feet minimum |
- P5. A copy of the final grading plan shall be submitted to the Building and Safety Division for review and approval.
- A. All on-site cut and fill slopes shall be limited to a maximum slope ratio of 2 to 1 and a maximum vertical height of thirty (30) feet. Setbacks from top and bottom of slopes shall be a minimum of one-half the slope height.
- B. Slopes shall provide erosion control.
- P6. Hours of operation shall be limited to 7am to 4pm.
- P7. The project shall include walls, fences, and lighting necessary to reduce possible detrimental effects to surrounding properties and to protect the public health, safety, and welfare of the City.
- P8. The applicant shall provide for the issuance of a cash performance bond deposited with the City to defray the City's costs of cleaning up the property in the event the Permittee fails to do so.
- P9. The applicant shall provide an Additional Insured Endorsement of public liability insurance, naming the City of Twentynine Palms as an additional named insured, and which includes coverage for the effective dates of the Permit with a minimum limit of liability of one million dollars (\$1,000,000) per claim or occurrence.

Building and Safety Division

- B1. An engineered grading report, including soils engineering and engineering geology, shall be filed with, and approved by, the Building Official prior to issuance of permits for grading in excess of 1,000 cubic yards.
- B2. Grading and drainage plans are to be submitted to, and approved by, the Building Official prior to permit issuance.
- B3. The applicant/developer shall submit plans and obtain building permits for all structures and walls. No work is to be done prior to approvals and permit issuance.
- B4. A pre-construction permit and inspection are required prior to any land disturbing activity to verify requirements for erosion control, flood hazard, native plant protection and desert tortoise habitat.
- B5. Erosion control plans shall be submitted to, and approved by, the City Engineer and/or Building Official prior to issuance of permits.
- B6. All cross-lot drainage requires easements and may require improvements at the time of development.
- B7. Prior to any construction activity, the applicant shall check with the State of California Water Resources Control Board to determine if a general construction activity storm water permit is required.
- B8. All grading and stockpiling operations shall be subject to Appendix 33 of the California Building Code.

Engineering Division

- E1. All existing roadways affected or damaged by this Temporary Use Permit shall be required and restored to their previous condition. Photos and maps showing the project location shall be submitted prior to construction.

The undersigned applicant verifies that he/she has read the Conditions of Approval, understands each Condition, and agrees to adhere to the Conditions of Approval.

_____ Applicant/Developer

_____ Date

CITY OF TWENTYNINE PALMS
PLANNING COMMISSION
RESOLUTION NO. 08-01

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF TWENTYNINE PALMS, CALIFORNIA, APPROVING PC 07-109 AN APPLICATION BY LORI PARKER FOR A TEMPORARY USE PERMIT IN THE CI (COMMUNITY INDUSTRIAL) ZONE, TO ALLOW STOCKPILING OF 50,000 CUBIC YARDS OF EARTH AT 75850 BASELINE ROAD, CI ZONE, APN 0624-221-13 T1N, R9E, SECTION 35.

WHEREAS, on December 20, 2008, an application was received from Lori Parker for approval of a Temporary Use Permit for stockpiling of 50,000 cubic yards of earth; and

WHEREAS, pursuant to Section 19.32.050 of the Development Code, the applicant seeks a Temporary Use Permit for stockpiling of earth in the CI (Community Industrial) zone; and

WHEREAS, a cash performance bond shall be provided, in an amount appropriate to guarantee removal and/or conversion of the sales office and attendant facilities; and

WHEREAS, the land use, stockpiling of earth, is consistent with the General Plan and Zoning Ordinance; and

WHEREAS, Pursuant to Section 21084 of the Public Resources Code established a list of classes of projects which have been determined by the State of California not to have a significant effect on the environment and which are, therefore, exempt from the provisions of CEQA; and

WHEREAS, Pursuant to Section 15332 of the CEQA Guidelines, Class 32 consists of projects characterized as in-fill development meeting the conditions described in this section, which are exempt from further review under state law, and include the following findings:

- (a) The project is consistent with the applicable general plan designation and all applicable general plan policies as well as with applicable zoning designation and regulations.
- (b) The proposed development occurs within city limits on a project site of no more than five acres substantially surrounded by urban uses.
- (c) The project site has no value as habitat for endangered, rare or threatened species.
- (d) Approval of the project would not result in any significant effects relating to traffic, noise, air quality, or water quality.
- (e) The site can be adequately served by all required utilities and public services.

WHEREAS, the project is therefore exempt from further environmental review under state law; and

WHEREAS, public hearing notice was published in a newspaper of record and the notice was also 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 January 15, and 29, 2008; and

WHEREAS, the Planning Commission finds that:

- A. The operation will not jeopardize, endanger, or otherwise constitute a risk to public health, safety, or welfare; and
- B. The proposed site will accommodate the temporary use without being materially detrimental to the use and enjoyment of other properties in the vicinity; and
- C. The proposed site is adequately served by streets or highways having sufficient width and improvements to accommodate the traffic that the temporary use will or could reasonably be expected to generate; and
- D. Adequate temporary parking will be available either on-site or at an acceptable alternate location.

NOW, THEREFORE, BE IT RESOLVED that the Planning Commission of the City of Twentynine Palms hereby approves a Temporary Use Permit (PC #07-109) to stockpile 50,000 cubic yards of earth on site, subject to the attached conditions.

APPROVED AND ADOPTED THIS 29th DAY OF January, 2008

AYES: COMMISSIONERS:

NOES: COMMISSIONERS:

ABSENT: COMMISSIONERS:

Chairman

ATTEST:

Charlene L. Sherwood, City Clerk

I hereby certify that the foregoing is a true copy of Resolution No. 08-01 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



Notice of Exemption
City of Twentynine Palms
Community Development Department
6136 Adobe Road
Twentynine Palms, CA 92277
(760) 367-6799 ! Fax (760) 367-4890

- To: County of San Bernardino Clerk of the Board of Supervisors
385 North Arrowhead Avenue 2nd Floor
San Bernardino, CA 92415-0130
- Office of Planning and Research
1400 Tenth Street, Room 121
Sacramento, CA 95814

Project Title: Lori Parker – Stockpile permit

Project Location : 75850 Baseline Road
APN 0624-221-13, Section 35, T1N, R9E

Project Location (city and county): Twentynine Palms, San Bernardino County

Description of nature, purpose and beneficiaries of Project:

An application from Lori Parker of Pioneer Feed for a grading and stockpile permit, to permit the stockpiling of 50,000 cubic yards of earth on 1.67 acres.

Public Agency approving Project: Twentynine Palms Planning Commission

Name of Person Carrying Out Project: Lori Parker

Exempt Status (check one):

- Ministerial (Sec. 15073)
 Declared Emergency [Sec. 15071 (a)]
 Emergency Project [Sec. 15071 (b) and (c)]
 Categorical Class 32/Sec. 15332

Reason(s) Project is Exempt: The proposed development occurs within city limits on a project site of no more than five acres substantially surrounded by urban uses.

**For information, contact Alex Meyerhoff, Community Development Director,
City of Twentynine Palms. (760) 367-6799**

Signature

1-29-08
Date

Community Development Director
Title