

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COACHELLA, CALIFORNIA, AMENDING SUBSECTION (A) AND (C) OF SECTION 17.32.020 OF TITLE 17 (ZONING) OF THE COACHELLA MUNICIPAL CODE TO REGULATE HEAVY INDUSTRIAL USES WITHIN THE CITY'S M-H (HEAVY INDUSTRIAL) ZONE. CITY INITIATED.

WHEREAS, the Coachella Zoning Ordinance currently allows heavy industrial uses in the M-H (Heavy Manufacturing having community-wide impacts without any discretionary reviews and this has resulted in environmental effects to area outside of the project boundaries of heavy industrial sites in the M-H zone which is not in keeping with the City's General Plan goals and policies; and,

WHEREAS, the City Council believes that the regulation of heavy industrial uses merit additional scrutiny and consideration by the Planning Commission in order to impose reasonable land use conditions of approval upon these uses, the City Council finds that this will provide the added scrutiny needed to address the negative impacts posed by these conditional uses; and,

WHEREAS, the Planning Commission conducted a properly noticed public hearing on September 21, 2022 at which members of the public were afforded an opportunity to comment upon this Ordinance, the recommendations of staff and public testimony; and,

WHEREAS, after such hearing, the Planning Commission recommended by a _____ vote that the City Council approve this Ordinance; and,

WHEREAS, the City Council conducted a properly noticed public hearing on _____, 2022 at which members of the public were afforded an opportunity to comment on this Ordinance, the recommendations of staff and public testimony.

NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF COACHELLA, CALIFORNIA, DOES ORDAIN AS FOLLOWS:

SECTION 1. Subsections (A) and (C) of Section 17.32.020 of Chapter 17.32 of Title 17 of the Coachella Municipal Code are hereby amended to read as follows (deleted text in ~~striketrough~~; added text in underlined text):

"17.32.020 - Permitted uses.

The following uses are permitted in the M-H zone, subject to all provisions of this chapter:

A. Primary Uses.

1. All uses permitted by Section 17.30.020 of the M-S zone except emergency shelters:

2. Blacksmith shop:

3. ~~Cotton gins, oil mills, vegetable oil plants:~~

3.4. Exterminating or disinfecting service firm;

- 4.5. Glass manufacture;
- 5.6. Hemp products manufacture;
- 7. ~~Heavy metals fabrication;~~
- 8. ~~Oil cloth or linoleum manufacture;~~
- 9. ~~Oil Paint, oil, shellac, turpentine, or varnish manufacture;~~
- 6.10. Paper, pulp manufacture;
- 7.11. Plastic manufacture;
- 8.12. Planing mills;
- 13. ~~Poultry dressing and packaging;~~
- 9.14. Railroad yards, repair shops;
- 10.15. Salt works;
- 16. ~~Slaughterhouses;~~
- 17. ~~Soap manufacture;~~
- 11.18. Stone monument works; and
- 12.19. Wire and wire products manufacture.

....

C. Conditional Uses. The following uses, including expansions of floor area and expansions of footprint of existing structures for the following uses, may be permitted in the M-H zone subject to obtaining a conditional use permit pursuant to Chapter 17.74.

- 1. Acid manufacture

....

- 29. Cotton gins, oil mills, vegetable oil plants;
- 30. Heavy metals fabrication;
- 31. Oil cloth or linoleum manufacture;
- 32. Oil Paint, oil, shellac, turpentine, or varnish manufacture;
- 33. Poultry dressing and packaging;
- 34. Slaughterhouses;
- 35. Food Waste Processing and Manufacturing;

36. Soap manufacture; “

SECTION 2. Effective Date. This ordinance shall take effect thirty (30) days after its adoption.

SECTION 3. Severability. If any section, subsection, subdivision, paragraph, sentence, clause or phrase of this ordinance, or any part thereof is for any reason held to be unconstitutional, such decision shall not affect the validity of the remaining portion of this ordinance or any part thereof. The City Council hereby declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause or phrase thereof, irrespective of the fact that any one or more section, subsection, subdivision, paragraph, sentence, clause or phrase be declared unconstitutional.

SECTION 4. Certification. The City Clerk shall certify the passage of this ordinance and shall cause the same to be entered in the book of original ordinances of said City; shall make a minute passage and adoption thereof in the records of the meeting at which time the same is passed and adopted; and shall, within fifteen (15) days after the passage and adoption thereof, cause the same to be published as required by law, in a local newspaper of general circulation and which is hereby designated for that purpose.

SECTION 5. CEQA. The City Council finds that this Ordinance is not subject to the California Environmental Quality Act (CEQA) because it does not qualify as a “project” under CEQA. The State CEQA Guidelines provide that “[a]n activity is not subject to CEQA if ... the activity is not a project as defined in Section 15378.” (State CEQA Guidelines, § 15060(c).) Here, Zone Text Amendment 2022-1132 does not qualify as a “project” as defined in State CEQA Guidelines section 15378 for at least two different reasons.

First, Section 15378 defines a project as an activity that “has a potential for resulting in either a direct physical change in the environment, or a reasonably foreseeable indirect physical change in the environment.” (State CEQA Guidelines, § 15378(a).) Here, Zone Ordinance Amendment No. 2022-07 will not result in any construction or development, and it will not have any effect that would physically change the environment. Accordingly, the Zone Ordinance Amendment No. 2022-07 is not a “project” subject to CEQA. (State CEQA Guidelines, § 15060(c).) Any future proposed uses within existing development in the M-H Zone would be subject to the requirements of the M-H Zone and those uses that require Conditional Use Permit would be subject to any review requirements under CEQA and supported by written findings. Any future development in the M-H Zone conjunction with planned uses are subject to review under CEQA regardless if uses are permitted by right or conditionally permitted. The City Council authority, pursuant to C.M.C. Section 17.02.030, is for the careful consideration to the suitability of each and every zone for the regulations applicable to it, and that these regulations are found to best serve the above purposes. The City Council further finds that the Zoning regulations are in the public interest, and that due and careful consideration has been given to the relationship between these regulations and the general plan of the City, and the established plans in the unincorporated area of the County of Riverside. The Planning Commission pursuant to C.M.C. Section 17.70.020 shall advise and recommend to the city council with respect jurisdiction over amendment to change the text of the Zoning ordinance.

Second, Section 15378 explicitly excludes from its definition of “project” the following: “organizational or administrative activities of governments that will not result in direct or indirect physical changes in the environment.” (State CEQA Guidelines, § 15378(b)(5).) The Zone Ordinance Amendment No. 2022-07 constitutes organizational or administrative activity that will not result in a physical change in the environment, and it therefore is not subject to CEQA. (Ibid.) The Zoning ordinance amendment would simply change existing allowable uses in the M-H Zone to either a category of permitted uses or conditionally permitted uses which is within the authority provided to the City Council and the Planning Commission to determine the suitability of each and every zone for the regulations applicable to it. All land uses in the M-H zone would continue to be allowable uses under this Zoning Ordinance Amendment and would not prohibit any uses, but would allow the Planning Commission and the City Council to make findings for uses that would be conditionally permitted and therefore provide sufficient and adequate safeguards and conditions to ensure that the conditional use will be operated and maintained in a manner not detrimental to the public health, safety and welfare, or harmful to neighboring property and improvements as intended.

Even if Zone Ordinance Amendment No. 2022-07 is considered a “project” subject to CEQA, it is categorically exempt pursuant to State CEQA Guidelines Section 15320 (Class 20). Class 20 consists of “changes in the organization or reorganization of local governmental agencies where the changes do not change the geographical area in which previously existing powers are exercised. Examples include but are not limited to: (a) establishment of a subsidiary district; (b) consolidation of two or more districts having identical powers; and (c) merger with a city of a district lying entirely within the boundaries of the city.” Zone Text Amendment 2022-1132 is limited to amending Chapter 17.32 of Title 17 of the Coachella Municipal Code to clarify an existing administrative process used by the Planning Commission.

Further, the Zone Ordinance Amendment No. 2022-07 is exempt from CEQA under the “common sense exemption” set forth in State CEQA Guidelines section 15061(b)(3), which provides that an activity is not subject to CEQA “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.” Here, as noted above, the Zone Ordinance Amendment No. 2022-07 merely constitutes organizational or administrative activities that will not result in direct or indirect physical changes in the environment. The Zone Ordinance Amendment No. 2022-07 is thus not subject to CEQA. (State CEQA Guidelines, § 15061(b)(3).)

ORDINANCE PASSED AND APPROVED on this ____ day of _____, 2022.

Steven Hernandez, Mayor

ATTEST:

Angela M. Zepeda, City Clerk

APPROVED AS TO FORM:

Carlos Campos, City Attorney

I, Angela M. Zepeda, City Clerk, City of Coachella, California, certify that the foregoing Ordinance was adopted by the City Council at a regular meeting of the City Council held on the ___th of _____, 2022, and was adopted by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Angela M. Zepeda, City Clerk