



AGENDA REQUEST FORM
BOARD OF SUPERVISORS
COUNTY OF INYO

For Clerk's Use Only:
AGENDA NUMBER

- Consent Departmental Correspondence Action Public Hearing
 Scheduled Time 11:00 a.m. Closed Session Informational

FROM: Inyo County Planning Department

FOR THE BOARD MEETING OF: April 10, 2018

SUBJECT: Appeal of the Inyo County Planning Commission's February 28, 2018 Decision to Uphold the Inyo County Planning Director's Determination that mini-storage facilities are not an allowed use in the Central Business (CB) Zone.

SUMMARY:

In December 2017, Mr. Kent Schlick requested a Director's Determination on whether he could develop a property located in Big Pine along Main Street, in the Central Business Zoning District, with a mini-storage facility. The Planning Director provided a determination that this use was incompatible with the Central Business Zone. Mr. Schlick appealed the decision to the Planning Commission, per ICC Section 18.81.030. The Planning Commission denied the appeal and now Mr. Schlick is appealing the Planning Commission decision to your Board.

The Planning Department reviews development proposals against the zoning code to ensure that the County does not unintentionally allow for non-conforming uses. Each zoning district has a set of both outright allowed and conditionally allowed uses (those that require a conditional use permit). The CB zoning code also allows for other such uses as the planning director may deem to be similar and not detrimental to other uses permitted in the zone. In this case, the Planning Director did not find that this use is similar to the permitted uses and that this dissimilarity can be detrimental to the intent and intended character of the CB zone.

ANALYSIS

Reasons for denial of mini-storage units

Mini-storage units are considered a form of storage and/or warehousing facilities and are seen as uses with the potential to have an above average impact on the surrounding communities where they are located. The County's zoning code treats them as such as they are only allowed as a principle permitted use in the two industrial districts (M1 and M2) and the Heavy Commercial (C4) district and as conditional uses in the General Commercial and Retail (C1) and Highway Service and Tourist Commercial (C2) districts. This indicates that there are very specific types of areas where the authors of the zoning code thought were appropriate for these types of facilities. These areas can be characterized as high intensity use areas where industry and more intensive commercial activities can occur. When allowed as conditional uses, as they are allowed for in the C1 and C2 districts, the County has the opportunity to include conditions of approval to lessen the potential impacts on the surrounding area.

Per the Central Business zone 18.44.010 – Intent, the purpose of the zone is:

“to designate areas for a variety of small commercial retail, service, and offices uses, mixed use, as well as multi-family. This zoning district implements the general plan central business district land use designation.”

The general plan Central Business District designation states:

“This designation provides for commercial uses such as small retail sales and personal service shops; offices; food services; travel and transportation services such as hotels/motels and gas stations; entertainment centers; recreation facilities; medical centers and services including convalescent hospitals; multi-family residential uses (including single units that are part of a commercial entity); public and quasi-public uses; and similar and compatible uses in the central areas of communities along main thoroughfares.”

The stated intent and policy related to both the zoning and general plan designations result in small town, main-street, characteristics in which mini-storage units that tend to be metal, utilitarian in nature, and lacking a community center feel, do not necessarily fit in.

All zoning districts are designed to implement a jurisdiction’s general plan. The zoning and general plan designation must also be compatible, for example a residential zoning designation would not be compatible with an industrial general plan designation. In the case of Mr. Schlick’s property that is proposed for the mini-storage facility, the general plan designation is Central Business District (CBD) and it matches the CB zoning. Allowing for the mini-storage use would result in both non-conforming zoning and general plan uses.

It should also be noted that in March 2007, the county’s zoning code was updated to include the CB zone specifically to provide a zoning designation that matches and implements the general plan’s CBD district. At this time, a review of the current zoning that was proposed to be changed to CB was conducted. Heavy Commercial (C4) zoning, which includes allowing for storage and warehousing, was included in this review and within the analysis of C4 storage uses were discussed and deemed to be inappropriate in the proposed CB zone.

At the February 28, 2018 Planning Commission hearing on the appeal, the Planning Commission upheld the Director’s Determination that mini-storage is not a compatible use in the CB zoning district.

The Clerk of the Board of Supervisors received an appeal of the Planning Commission’s decision from Mr. Kent Schlick on March 7, 2018. The appeal was also received by the Planning Department on March 7, 2018

DEPARTMENTAL RECOMMENDATION:

Request the Board of Supervisors:

1. Conduct a public hearing to consider the appeal submitted by Mr. Kent Schlick on March 7, 2018 of the Planning Commission decision to uphold the the Planning Director’s Determination that mini-storage is not a compatible use in the CB zoning district.
2. Deny the appeal and affirm the February 28, 2018 Planning Commission decision to to uphold the the Planning Director’s Determination that mini-storage is not a compatible use in the CB zoning district.

ALTERNATIVES:

1. Deny the appeal and affirm the February 28, 2018 Planning Commission decision to uphold the the Planning Director's Determination that mini-storage is not a compatible use in the CB zoning district and direct staff to investigate the possibility of ammeding the CB zone to allow for mini-storage as a conditional use. This alternative would also require a general plan amendment to the CBD.
2. Approve the appeal by Mr. Kent Schlick, effectively allowing for mini-storage facilities to be allowed on the County's entire CB zone. With this alternative, staff recommends the Board also direct staff to update the zoning code to include mini-storage as a principle permitted use. This alternative would also require a general plan amendment to the CBD.
3. Continue the public hearing and give specific direction to staff as to what further information or research is needed by Supervisors on this issue.


OTHER AGENCY INVOLVEMENT:

Inyo County Building & Safety

FINANCING:

General fund resources are utilized to review and update the County's Zoning Code.

APPROVALS

COUNTY COUNSEL:	AGREEMENTS, CONTRACTS AND ORDINANCES AND CLOSED SESSION AND RELATED ITEMS <i>(Must be reviewed and approved by county counsel prior to submission to the board clerk.)</i> Approved:  Date <u>03/15/18</u>
AUDITOR/CONTROLLER:	ACCOUNTING/FINANCE AND RELATED ITEMS <i>(Must be reviewed and approved by the auditor-controller prior to submission to the board clerk.)</i> Approved: _____ Date _____
PERSONNEL DIRECTOR:	PERSONNEL AND RELATED ITEMS <i>(Must be reviewed and approved by the director of personnel services prior to submission to the board clerk.)</i> Approved: _____ Date _____

DEPARTMENT HEAD SIGNATURE:
(Not to be signed until all approvals are received)



Date: 3/20/18

Attachments:

- Director Determination letter to Mr. Kent Schlick.
- February 28, 2018, Planning Commission Packet.



Inyo County Planning Department
168 North Edwards Street
Post Office Drawer L
Independence, California 93526

Phone: (760) 878-0263
(760) 872-2706
FAX: (760) 872-2712
E-Mail: InyoPlanning@inyocounty.us

December 14, 2017

Mr. Kent Schlick
PO Box 788
Big Pine, CA 93513

Re: Zoning Confirmation for Mr. Kent Schlick – 160 N Main St, Big Pine, CA 93513.

Mr. Schlick,

The zoning for the above referenced property (APN: 003-155-16) located in Big Pine, is zoned as Central Business (CB.) You inquired about the potential of a mini-storage business on the parcel and after extensive review of the Inyo County Code I regret to inform you that such a use may **not** be considered permitted.

The review of the Inyo County Code, Title 18 Zoning; Chapter 18.44 CB District – Central Business, could not produce any similarities between the listed permitted or conditional uses and your proposed business to satisfy the requirement of “similar use”. A mini-storage facility is also not compliant with intent and purpose of the CB designation which is to designate areas for a variety of small commercial retail, service, and offices uses, mixed use, as well as multi-family residential uses. The Central Business zoning designation was established to correspond with the General Plan designation of Central Business District that also does not provide a similar use to a mini-storage facility as it focuses on small retail activities for central areas of communities and main streets.

This determination is based on the information provided and the codes, policies, and regulations currently in effect. If the information provided is inaccurate, or changes are enacted to existing code, policies, and/or regulations, this determination may become invalid.

Thank you for your inquiry. If you have any questions or would like additional information, please call me at (760) 878-0447 or email me at crichards@inyocounty.us

Sincerely,

Cathreen Richards
Inyo County Planning Director



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AGENDA ITEM NO.: 9 (Action Item)

PLANNING COMMISSION MEETING DATE: February 28, 2018

SUBJECT: Appeal No. 2018-01 (Schlick)

EXECUTIVE SUMMARY

In December 2017 Mr. Kent Schlick requested a Director Determination on whether he could develop a property located in Big Pine along Main Street, in the Central Business Zoning District, with a mini-storage facility. The Planning Director provided a determination that this use was incompatible with the Central Business Zone. Mr. Schlick has appealed the decision to the Planning Commission, per ICC Section 18.81.030. Staff recommends denial of the appeal.

PROJECT INFORMATION

Supervisory District: 4

Recommended Action: Find that the intent and current uses of the Central Business Zone do not include mini-storage facilities and deny Appeal No. 2017-01/Schlick

Applicant: Kent Schlick

Landowners: Kent Schlick

Address/ PO Box 788, Big Pine, CA 93513 – 160 Main Street

Community: Big Pine

A.P.N.: 003-155-16

Existing General Plan: Central Business District

Existing Zoning: Central Business (CB)

Surrounding Land Use: Commercial office, post office and residential

Alternatives:

- 1.) Find that mini-storage units are a compatible use to the other uses listed in the Central Business Zone, deny the director's decision and condition the use with design standards to cause the development to be similar to the surrounding development characteristics and compatible with the intent of the Central Business zone.
- 2.) Find that mini-storage units are a compatible use to the other uses listed in the Central Business Zone and deny the director's decision without other conditions.
- 3.) Continue the item to a future date, and provide specific direction to staff regarding additional information and analysis needed.

Project Planner:

Cathreen Richards, Planning Director

BACKGROUND

Mr. Kent Schlick approached the Planning Department in December 2017 about a potential project. This project was to place mini-storage units on a vacant piece of land that fronts Main Street (Highway 395) in Big Pine with a zoning designation of Central Business (CB). Staff informed Mr. Schlick that this is not an outright or conditionally allowed use in the CB zoning district. Mr. Schlick disagreed with this answer and requested a Director's Determination. A Determination was prepared and put in a letter (attached) to Mr. Schlick on December 14, 2017 that indicated mini-storage units are not a 'similar use' to the other outright or conditionally allowed uses in the CB zone. Mr. Schlick is now appealing the Director's Decision to your Planning Commission.

STAFF ANALYSIS

The Planning Department reviews development proposals against the zoning code to ensure that the County does not unintentionally allow for non-conforming uses. Each zoning district has a set of both outright allowed and conditionally allowed uses (those that require a conditional use permit). The CB zoning code (attached) also allows for other such uses as the planning director may deem to be similar and not detrimental to other uses permitted in the zone. In this case the Planning Director did not find that this use is similar to the permitted uses and that this dissimilarity can be detrimental to the intent and intended character of the CB zone.

Reasons for denial of mini-storage units

Mini-storage units are considered a form of storage and/or warehousing facilities and are seen as uses with the potential to have an above average impact on the surrounding communities where they are located. The County's zoning code treats them as such as they are only allowed as a principle permitted use in the two industrial districts (M1 and

M2) and the Heavy Commercial (C4) district and as conditional uses in the General Commercial and Retail (C1) and Highway Service and Tourist Commercial (C2) districts. This indicates that there are very specific types of areas where the authors of the zoning code thought were appropriate for these types of facilities. These areas can be characterized as high intensity use areas where industry and more intensive commercial activities can occur. When allowed as conditional uses as they are allowed for in the C1 and C2 districts, the county has the opportunity to include conditions of approval to lessen the potential impacts on the surrounding area. Per the Central Business zone 18.44.010 – Intent, the purpose of the zone is:

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APPEAL

Mr. Schlick is appealing the denial of his request to the Planning Commission. ICC Section 18.81.300 regarding appeals states the following:

The planning commission or board of supervisors, at the conclusion of the hearing on any appeal filed pursuant to this title, may sustain, modify or overrule the action of the planning director or planning commission in the matter, or may refer any such matter back to the planning director or planning commission.

ENVIRONMENTAL REVIEW

Enforcement of the Zoning Ordinance is exempt from the requirements of the California Environmental Quality Act (CEQA) per the CEQA Guidelines (California Code of

Regulations, Section 15268). Furthermore, Guidelines Section 15270 indicates that CEQA does not apply to projects that are disapproved.

RECOMMENDATION

Find that the intent and current uses of the Central Business Zone do not include mini-storage facilities and deny Appeal No. 2018-01/Schlick

ATTACHMENTS

- Letter with Director's Decision
- Copy of Inyo County Code 18.44 Central Business



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This determination is based on the information provided and the codes, policies, and regulations currently in effect. If the information provided is inaccurate, or changes are enacted to existing code, policies, and/or regulations, this determination may become invalid.

Thank you for your inquiry. If you have any questions or would like additional information, please call me at (760) 878-0447 or email me at crichards@inyocounty.us

Sincerely,

A handwritten signature in blue ink, appearing to read "Cathreen Richards".

Cathreen Richards
Inyo County Planning Director

Inyo County Code

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[Title 18 ZONING](#)

Chapter 18.44 CB DISTRICT—CENTRAL BUSINESS

18.44.010 Intent.

The purpose of the CBD zoning district is to designate areas for a variety of small commercial retail, service, and offices uses, mixed use, as well as multi-family. This zoning district implements the general plan central business district land use designation. (Ord. 1128 § 3, 2007.)

18.44.020 Permitted uses.

The following principle uses are permitted in the CB district, plus such other uses as the planning director may deem to be similar and not detrimental to other uses permitted in this zone, subject to Section 18.81.020:

- A. Auto repair business;
- B. Church/community assembly;
- C. General hospital/medical services;
- D. Libraries and museums;
- E. Banks and financial services;
- F. Business support services;
- G. Indoor entertainment;
- H. Eating/drinking establishments;
- I. Food and beverage sales, including liquor;
- J. Hotels and motels (including bed and breakfasts);
- K. Office—Business, professional, and medical;
- L. Personal services;
- M. Retail sales/rentals;
- N. Specialized education and training;
- O. Bus and transit shelters;
- P. Parking lots/park and ride lots;
- Q. Gas stations;
- R. Public and quasi-public buildings;
- S. Mixed use. (Ord. 1128 § 3, 2007.)

18.44.030 Conditional uses.

The following are conditional uses in the CB district, and shall be permitted only if approved by the planning commission:

- A. Public utility facility or substation, not including any service yard or repair shop;
- B. Mortuary;

C. Combination signs, electronic signs, informational kiosks and directory boards, off-site directional signs, off-site advertising signs not exceeding fifty square feet in sign area, tall wall signs, and three-dimensional signs in compliance with the provisions of Chapter 18.75 and subject to the requirements of Section 18.44.050;

D. Multiple-family dwellings;

E. A detached residential dwelling unit, if it is for occupancy by the owner or lessee of the business premises on the same parcel, or by a caretaker or watchman;

F. Child care;

G. Any permitted use when combined with or involving any outdoor display of goods, outdoor seating, or outdoor business activity. (Ord. 1128 § 3, 2007.)

18.44.040 Accessory uses.

The following are accessory uses permitted in the CB district:

A. Emergency housing, in conformance with the policies stated in the housing element of the Inyo County general plan;

B. Signs and advertising for permitted, accessory or conditional uses in compliance with the provisions of Chapter 18.75 and subject to the requirements of Section 18.44.050. (Ord. 1128 § 3, 2007.)

18.44.050 Development standards.

The following are minimum standards for development in the CB zone, except as otherwise provided in this title or as modified for conditional uses:

A. Maximum height of buildings:

1. Principle buildings: three stories or forty feet,
2. Accessory buildings: two stories or twenty-five feet;

B. Minimum parcel size, ten thousand square feet;

C. Parcel width: fifty feet;

D. Front yard: zero;

E. Rear yard: zero;

F. Side yard: zero;

G. Density:

1. 7.6—24.0 dwelling units/acre,
2. Maximum floor area ratio: 1.0;

H. Off-Street Parking Required. One parking space for each four hundred square feet of usable floor area, or as determined by planning director. Parking will be located on-site, except as approved by the planning director;

I. Residential Adjacency Exceptions. Where a parcel abuts a residentially zoned parcel and no public right-of-way for a street or alleyway lies between the central business and residentially zoned parcels, the following standards apply to the lot line that is common to the central business and residentially zoned parcels:

1. Rear Yard Setback: same as is required for residential parcel,
2. Side Yard Setback: same as is required for residential parcel,
3. Building Height: average of what is required for residential parcel and what is required of commercial parcel;

J. Existing Parcel Size. Notwithstanding subsection B of this section, parcels with an area of less than ten thousand square feet that exist on creation of this Chapter 18.44 comply with the minimum parcel size standard of this chapter. (Ord. 1128 § 3, 2007.)

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