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**AGENDA ITEM NO.:** 9 (Action Item – Public Hearing)

**PLANNING COMMISSION  
 MEETING DATE:** June 27, 2018

**SUBJECT:** Conditional Use Permit (CUP) 2018-01/ Silver Canyon Storage

**EXECUTIVE SUMMARY**

The applicant has applied for a CUP to place prefabricated, metal containers on their parcel as part of a commercial storage operation, located at 2636 Gerkin Road, in the community of Wilkerson. This is a conditional use under current zoning and requires the Commission’s approval. The parcel is currently vacant, and includes a parking lot and abandoned convenience store.

**PROJECT INFORMATION**

**Supervisory District:** 4

**Project Applicant:** Marty Williams

**Site Address:** 2636 Gerkin Road, Wilkerson, CA 93514

**Community:** Wilkerson, CA

**A.P.N.:** 013-250-12

**General Plan:** Retail Commercial (RC)

**Zoning:** Highway Services and Tourist Commercial (C2)

**Size of Parcel:** 0.5 acres

**SURROUNDING LAND USE:**

<b>Location:</b>	<b>Use:</b>	<b>Gen. Plan Designation</b>	<b>Zoning</b>
Site	Vacant	Retail Commercial (RC)	Highway Services & Tourist Commercial (C-2)
North	Developed	Residential Low Density (RL)	Single Residence/Mobile Home Combined (RMH-0.5)
East	Vacant	NR (LADWP)	Open Space with a 40-acre minimum (OS-40)
South	Developed	Residential Low Density (RL)	Single Residence/Mobile Home Combined (RMH-0.5)



Storage units will be placed at this location



### General Plan Consistency

The goal of this project is to allow the establishment of a business for this parcel in compliance with the County's zoning ordinance. The project is consistent with the General Plan designation for this property of Retail Commercial (RC), as it establishes a commercial business useful to members of the community. Section 5.2.3 Economic Development Issues, provides a list of critical economic development issues given priority in the General Plan. One of these points states that the "County's General Plan policies should promote multiple compatible economic uses of land whenever possible" (pg. 5-5). The proposed project would provide a retail service to local consumer-residents and is zoned for such a retail service under conditional use. Permitting the storage business meets the goal of creating multiple compatible uses of land, in this case a storage business that services a local residential area.

### Zoning Ordinance Consistency

The Highway Services and Tourist Commercial zoning designation allows for warehouses and storage facilities as a conditional use. There is currently no established use and the site remains vacant. The applicant is seeking the use permit to begin commercial operation in compliance with the County's zoning ordinance.

## **ENVIRONMENTAL REVIEW**

Conditional Use Permit 2018-01 Silver Canyon Storage is not an exempted project under CEQA and required and Initial Study be performed to consider possible significant impacts to environmental resources. Temporary sound and visual effects from the project on the human environment were the primary concerns. Both visual and sound impacts are below the level of significance under CEQA and will be handled using best management construction practices. Impacts from an on-site septic tank will be managed by safely dismantling the tank, per the instructions from the Inyo County Environmental Health Department. All possible impacts are either below the level of significance or can be mitigated to a level below significance. Therefore a Mitigated Negative Declaration was prepared for this Initial Study.

The Notice of Availability for the proposed Mitigated Negative Declaration was issued on May 31, 2018 with the Inyo County Recorder's Office. The proposed Mitigated Negative Declaration was publicly noticed in the Inyo County Register on June 2, beginning a 21-day review window. The public hearing

for this permit was noticed on June 9, 2018. Any comments received will be addressed at the Planning Commission meeting on Wednesday, June 27, 2018.

### **TRIBAL CONSULTATION**

California Assembly Bill 52 requires tribal consultation for any projects requiring a negative declaration, mitigated negative declaration, or environmental impact report. Pursuant to Public Resources Code Section 21080.3.1, Tribes have 30-days, after receiving invitations to consult on the proposed environmental document, to request consultation opportunities. Staff mailed consultation invitations on April 26, 2018 to the: Lone Pine Paiute-Shoshone Tribe, Fort Independence Indian Community of Paiutes, Timbisha Shoshone Tribe, Bishop Paiute Tribe and the Big Pine Paiute Tribe of the Owens Valley, Cabazon Band of Mission Indians, Torres Martinez Desert Cahuilla Indians, and the Twenty Nine Palms Band of Mission Indians.

The Twenty-Nine Palms Band of Mission Indians notified the Inyo Planning Department that there were no known tribal resources in the area. They requested to be notified if any cultural resources were located during construction.

The Big Pine Paiute Tribe has also requested consultation and is currently working with Inyo Planning staff at this time.

### **RECOMMENDATION**

Planning Department staff recommends the approval of Conditional Use Permit No. 2018-01/ Silver Canyon Storage, with the following Findings and Conditions of Approval:

### **FINDINGS:**

1. The proposed Conditional Use Permit is an Initial Study with Mitigated Negative Declaration under CEQA guidelines and the provisions of the California Environmental Quality Act have been satisfied.  
*[Evidence: Pursuant to 14 California Code Regulatory Sections 15000 et seq., the County has performed an Initial Study with a Mitigated Negative Declaration in order to “consult with other County departments, agencies, groups, and individuals, which may provide information and assistance to the Planning Department during this phase of environmental review” (Inyo County Code Section 15.28.030). This document contains the necessary “project description, evaluation of environmental impacts that may be conducted using an environmental checklist supported by sufficient explanations, discussion of any potentially significant impacts and mitigation measures” (Inyo County Code Section 15.28.040).*
2. The proposed Conditional Use Permit is consistent with the Inyo County General Plan Land Use Designation of Retail Commercial (RC).  
*[Evidence: The proposed project is consistent with the goals and policies of the General Plan’s Land Use Goal LU-3 to “provide commercial land uses that adequately serve the existing and anticipated future needs of the community and surrounding environs” (pg. 4-18). The General Plan designation is Retail Commercial, which “provides for retail and wholesale commercial uses, service uses, offices...and similar compatible uses” (pg. 4-18). The proposed storage units would provide a retail service for suburban consumers in the community.]*
3. The proposed Conditional Use Permit is consistent with the Inyo County Zoning Ordinance, which permits “warehouses and storage facilities” as a conditional use.

*[Evidence: Highway Services and Tourist Commercial; Section 18.48.030(G) allows for warehousing and storage facilities as a conditional use. The proposed project is therefore consistent with the C2 zoning designation for this property.]*

4. The proposed Conditional Use Permit is necessary or desirable.  
*[Evidence: The proposed project would create a needed retail service to local residents, via a local business, that generates economic activity within the County. It is therefore a desirable use.]*
5. The proposed Conditional Use Permit is properly related to other uses and transportation and service facilities in the vicinity.  
*[Evidence: The proposed conditional use permit is to make the current unused space compliant the County's Zoning Code. The location is well situated relative to transportation facilities, such as US 395 and local County maintained roads. These facilities will not experience added capacity pressure due to the proposed project. Pre-existing driveway aprons, parking availability, and the modest size of the residential neighborhood will not create added impacts on transportation or service facilities in the vicinity.]*
6. The proposed Conditional Use Permit would not under all the circumstances of this case, affect adversely the health or safety of persons living or working in the vicinity or be materially detrimental to the public welfare.  
*[The conditional use permit is being proposed to make the project compliant with the County's Zoning Code. It will likely decrease the level of use from the previous business, since there are fewer daily visitors expected at the storage facility than the convenience store. This means fewer impacts from noise and traffic on the general public. In addition, the County has identified a septic tank to be decommissioned as an element of the proposed project. This will avoid impacts to soils, water, and other resources that could affect public health and welfare.]*
7. Operating requirements necessitate the Conditional Use Permit for the site.  
*[Evidence: Use of the property for the purposes of the proposed project requires a conditional use permit per Inyo County Code Section 18.48.030. Therefore, the conditional use permit is necessary for the continued operations at the site.]*

## **CONDITIONS OF APPROVAL**

1. Hold Harmless  
The applicant/developer shall defend, indemnify and hold harmless Inyo County agents, officers, and employees from any claim, action or proceeding against the County or its agents, officers, or employees to attack, set aside, void or annul an approval of the county, its advisory agencies, its appeals board, or legislative body concerning Conditional Use Permit No. 2018-01/ Silver Canyon Storage. The County reserves the right to prepare its own defense.
2. Compliance with County Code  
The applicant/developer shall conform to all applicable provisions of Inyo County Code. If the use provided by this conditional use permit is not established within one year of the approval date it will be become void.
3. Additional Building Requirements  
The project will follow all building requirements as set by the Inyo County Building and Safety Department. The applicant will work with and get all necessary permits from the Building and Safety Department regarding all structures placed on the lot.