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AGENDA ITEM NO. 7 (Action Item – Public Hearing)

PLANNING COMMISSION
MEETING DATE: May 23, 2018

SUBJECT: Zone Text Amendment (ZTA) No. 2018-01/Inyo County-Mini-storage allowed in the Central Business Zone as a Conditional Use.

EXECUTIVE SUMMARY

Staff has drafted a proposed ordinance to update the Inyo County Zoning Code's Title 18.44 Central Business Zone to allow for mini-storage facilities as a Conditional Use.

PROJECT INFORMATION

Supervisory District: County-wide

Applicants: Inyo County

Landowners: Multiple

Address/

Community: County-wide

A.P.N.: County-wide

Existing General Plan: Central Business District

Existing Zoning: Central Business

Surrounding Land Use: Various

Recommended Action: **Adopt the attached Resolution, recommending that the Board of Supervisors:**

- 1.) Find the proposed project exempt from the requirements of the California Environmental Quality Act.
- 2.) Make certain Findings with respect to, and approve, Zone Text Amendment ZTA/2018-01

Alternatives:

- 1.) Recommend modifications to the proposal.
- 2.) Recommend denial. This is not recommended as the Board of Supervisors directed staff to update the Central Business zone to include mini-storage as a conditional use.
- 3.) Continue the public hearing to a future date, and provide specific direction to staff regarding additional information and analysis needed.

Project Planner:

Cathreen Richards

BACKGROUND

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 Inyo County Code (ICC) Section 18.81.030. The Planning Commission denied the appeal upholding the Director Determination. Mr. Schlick then appealed the Planning Commission decision to the Board of Supervisors.

On April 10, 2018 the Board of Supervisors held a public hearing and considered the denial of Mr. Schlick's appeal to the Planning Commission. After public comment and deliberation, the Board denied the appeal and directed staff to add mini-storage facilities as a conditional use in the Central Business 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 ICC 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.

ANALYSIS

At the Board's direction, staff has provided a Draft Ordinance to include mini-storage facilities as a conditional use in the Central Business Zone. Since this inclusion will not be an outright permitted use, and requires a discretionary action by the Planning Commission, (approval of a conditional use permit), future projects can be conditioned to meet the intended characteristics of the Central Business Zone, as well as, alleviate the potential impacts of them on the surrounding areas that they may be placed.

General Plan Consistency

The General Plan's Land Use Policy No. LU-3.9 Central Business District Standards sets forth requirements for both use and design as follows:

- a. Commercial facilities and uses should be compatible in use, character and size to the trade area they are intended to serve.
- b. The commercial uses should be concentrated rather than scattered along the roadside.
- c. Adequate off street parking, close enough to encourage pedestrian traffic, should be present. When the amount of on-site parking is not sufficient, means should be found to secure additional convenient off-street parking space.
- d. High priority shall be given to maintaining traffic safety and a safe circulation pattern.
- e. Adequate water supplies and sewage treatment facilities shall be required. Certain commercial developments may need to provide on-site secondary level treatment of the generated sewage or connect to an existing sewage treatment plant depending on the amount of sewage generated and the density of development.

Since mini-storage facilities are proposed to only be allowed by ICC 18.44 Central Business as a conditional use, the standards per LU-3.9 can be applied as conditions of approval and with these conditions the mini-storage use will be consistent with the General Plan.

Zoning Ordinance Consistency

Zone Text Amendment 2018-01 is consistent with the ICC as allowing for mini-storage facilities as a conditional use will require discretionary approvals by the Inyo County Planning Commission that results in the ability to condition future projects in a way that will cause them to be consistent with the requirements of the Central Business zone.

Development Standards

Staff proposes no changes to the existing development standards in the Central Business Zone. These standards are appropriate for new commercial development and the ability to condition mini-storage facilities during the conditional use permit process will cause any future development of them to be consistent with the intended design of the Central Business Zone.

ENVIRONMENTAL REVIEW

Pursuant to the California Environmental Quality Act (CEQA), the proposal is covered by the General Rule 15061(b)(3) that CEQA applies only to projects which have the potential for causing a significant effect on the environment. 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, the activity is not subject to CEQA. This project is a proposal to allow for mini-storage facilities as a conditional use in the Central Business zone and includes no development proposal. Projects subsequent to this ordinance will require discretionary approval and therefore will be required to include a CEQA evaluation at the time of development.

RECOMMENDATIONS

Staff recommends adoption of the attached Resolution recommending the Board of Supervisors consider the ZTA 2018-01, make certain findings, and adopt the proposed ordinance (attached), amending the ICC to include:

Recommended Findings

1. The proposed ordinance is covered by the General Rule 15061(b)(3)
[Evidence: the proposed ordinance is covered by the General Rule 15061(b)(3) that states CEQA applies only to projects which have the potential for causing a significant effect on the environment. 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, the activity is not subject to CEQA. Amending the language to include mini-storage facilities as a conditional use in the Central Business Zone will not have a significant effect on the environment as the adoption does not include the approval of any development. And, projects applied for subsequent to this ordinance will require discretionary approval by the Inyo County Planning Commission and will be required to include a CEQA evaluation.]
2. Based on substantial evidence in the record, the proposed Zoning Ordinance Amendment is consistent with the Goals and Policies of the Inyo County General Plan.
[Evidence: Since mini-storage facilities will only be allowed by ICC 18.44 Central Business as a conditional use, the standards per LU-3.9 can be applied as conditions of approval and with these conditions this use will be consistent with the General Plan.]

3. Based on substantial evidence in the record, the proposed Zoning Ordinance to amend ICC 18.44 is consistent with Title 18 (Zoning Ordinance) of the Inyo County Code.

[Evidence: Zone Text Amendment 2018-01 is consistent with the Inyo County Zoning code as allowing for mini-storage facilities as a Conditional Use will require discretionary approvals by the Inyo County Planning Commission that will result in the ability to condition future projects in a way that will cause them to be consistent with the requirements of the Central Business zone.]

ATTACHMENTS

- A. Resolution
- B. Draft proposed ordinance.

RESOLUTION NO.

A RESOLUTION OF THE PLANNING COMMISSION OF THE COUNTY OF INYO, STATE OF CALIFORNIA, RECOMMENDING THAT THE BOARD OF SUPERVISORS FIND THE PROPOSED PROJECT IS EXEMPT FROM THE REQUIREMENTS OF THE CALIFORNIA ENVIRONMENTAL QUALITY ACT, AND TO MAKE CERTAIN FINDINGS WITH RESPECT TO AND RECOMMEND THE INYO COUNTY BOARD OF SUPERVISORS APPROVE ZONE TEXT AMENDMENT NO. 2018-01 INYO COUNTY

WHEREAS, the Inyo County Board of Supervisors, through Inyo County Code (ICC) Section 15.12.040, has designated the Planning Commission to serve as the Environmental Review Board pursuant to Section 15022 of the California Environmental Quality Act (CEQA) Guidelines, which is responsible for the environmental review of all County projects

WHEREAS, Pursuant to the California Environmental Quality Act (CEQA), the proposed ordinance is covered by the General Rule 15061(b)(3) that CEQA applies only to projects which have the potential for causing a significant effect on the environment. 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, the activity is not subject to CEQA

WHEREAS, ZTA 2018-01 does not approve a development project or future development projects and subsequent to this ordinance projects proposed pursuant to it will be subject to CEQA as Conditional Use Permits require discretionary approvals by the Inyo County Planning Commission

WHEREAS, the Inyo County Planning Commission held a public hearing on May 23, 2018, to review and consider a request for approval of Zone Text Amendment No. 2018-01, and considered the staff report for the project and all oral and written comments regarding the proposal

WHEREAS, ICC Section 18.03.020 in part states that it is necessary for the zoning ordinance to be consistent with the General Plan

WHEREAS, General Plan Land Use Policy No. LU-3.9 Central Business District Standards sets forth requirements for use and design and since mini-storage facilities will only be allowed by ICC 18.44 Central Business as a Conditional Use the standards per LU-3.9 can be applied as conditions of approval and therefore is consistent with the General Plan

WHEREAS, ZTA 2018-01 is consistent with the Inyo County Zoning code as allowing for mini-storage facilities as a Conditional Use will require discretionary approvals by the Inyo County Planning Commission that results in the ability to condition future projects

in a way that will cause them to be consistent with the requirements of the ICC 18.44 the Central Business zone.

NOW, THEREFORE, BE IT HEREBY RESOLVED, that based on all of the written and oral comment and input received at May 23, 2018, hearing, including the Planning Department Staff Report, the Planning Commission makes the following findings regarding the proposal and hereby recommends that the Board of Supervisors adopt the following findings for the proposed project:

RECOMMENDED FINDINGS

1. The proposed ordinance is covered by the General Rule 15061(b)(3) that states CEQA applies only to projects which have the potential for causing a significant effect on the environment. 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, the activity is not subject to CEQA. Projects subsequent to this ordinance will require discretionary approval and therefore will be required to include a CEQA evaluation.
2. Based on substantial evidence in the record, the proposed Zoning Ordinance Amendment is consistent with the Goals and Policies of the Inyo County General Plan.
3. Based on substantial evidence in the record, the proposed Zoning Ordinance Amendment is consistent with Title 18 (Zoning Ordinance) of the Inyo County Code.

BE IT FURTHER RESOLVED that the Planning Commission recommends that the Board of Supervisors take the following actions:

RECOMMENDED ACTIONS

1. Approve the Amendment to the Central Business (CB) Zone based on all of the information in the public record and on the recommendation of the Planning Commission.

PASSED AND ADOPTED this 23rd day of May, 2018, by the following vote of the Inyo County Planning Commission:

AYES:
NOES:
ABSTAIN:
ABSENT:

Frank Stewart, Chair

Inyo County Planning Commission

ATTEST:

Cathreen Richards, Planning Director

By _____
Ryan Standridge,
Secretary of the Commission

ORDINANCE NO. _____

AN ORDINANCE OF THE BOARD OF SUPERVISORS OF THE COUNTY OF INYO, STATE OF CALIFORNIA, AMENDING SECTIONS 18.06 AND 18.44.030 OF THE INYO COUNTY CODE

The Board of Supervisors of the County of Inyo ordains as follows:

SECTION ONE. Section 18.06 Definitions, is amended to add 18.06.381 as follows:

18.06.381 “Mini-storage facility” or self-storage, means any real property designed and used for the purpose of renting or leasing individual storage space to occupants who shall have access to such facility for the purpose of storing and removing personal property. Outdoor storage is not included as a mini-storage use.

SECTION TWO. Section 18.44.030 Central Business – Conditional Uses, is amended to add subsection K as follows:

“K. Mini-storage facilities.

SECTION THREE. Severability

If any section, subsection, sentence, clause, or phrase of this ordinance is for any reason held to be invalid or unconstitutional by a decision of any court of competent jurisdiction, such a decision shall not affect the validity of the remaining portions of this ordinance. The Board of Supervisors hereby declares that it would have passed this ordinance, and each and every section, subsection, sentence, clause, or phrase not declared invalid or unconstitutional without regard to whether any portion of this ordinance would be subsequently declared invalid or unconstitutional.

SECTION FOUR. Effective date.

This Ordinance shall take effect and be in full force and effect thirty (30) days after its adoption. Before the expiration of fifteen (15) days from the adoption thereof, a summary of this Ordinance shall be published once in a newspaper of general circulation printed and published in the County of Inyo, State of California in accordance with Government Code Section 25124(b). The Clerk of the Board is hereby instructed and ordered to so publish a summary of this Ordinance together with the names of the Board voting for and against same.

PASSED AND ADOPTED this 12th day of June, 2018 by the following vote of the Inyo County Board of Supervisors:

AYES:

NOES:

ABSTAIN:

ABSENT:

Dan Totheroh, Chairperson

ATTEST: Kevin Carrunchio
Clerk to the Board

By: _____
Darcy Ellis, Assistant

DRAFT