

Mono County Community Development Department

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Date: November 21, 2019

To: Mono County Planning Commission

From: Kelly Karl, Assistant Planner

Re: Commission Interpretation of industrial outdoor storage as a similar to and not more obnoxious than other permitted uses in the Sierra Business Park Specific Plan

RECOMMENDATION

It is recommended that the Planning Commission take the following action:

1. Find that the proposed industrial outdoor storage use is similar to and not more obnoxious than uses currently permitted in the Sierra Business Park Specific Plan as provided for in General Plan Section 01.040.

BACKGROUND

The proposed project parcels located in the Sierra Business Park (SBP), directly across from the Mammoth Yosemite Airport at 294 Industrial Circle (APN 037-260-036) and 312 Industrial Circle (APN 037-260-037), are currently undeveloped, and have a Specific Plan land use designation (Figure 1). The Sierra Business Park Specific Plan (SP) was approved in December 2000 and most recently amended in June 2014. The SP established development standards and specified the types of allowable industrial uses within the SBP.

The Town of Mammoth Lakes (Town) submitted a request for review under Government Code Section 65402 to the Mono County Community Development Department on November 1, 2019. Pursuant to Section 65402, the acquisition of real property by a city that is located within an unincorporated territory must be reviewed by the relevant planning agency for conformity with an adopted General Plan prior to acquisition. The planning agency is required to render its report determining the conformity of the proposed acquisition with the Mono County General Plan within forty (40) days of submittal. In this case, the Planning Commission is requested to render the determination in order to consider an interpretation that the proposed use is similar to and not more obnoxious than other permitted uses. Full text of Government Code Section 65402 is available at the following link:

https://leginfo.ca.gov/faces/codes_displaySection.xhtml?lawCode=GOV§ionNum=65402

PROJECT

An interpretation of similar use is needed for industrial outdoor storage of recyclable materials and equipment. Industrial outdoor storage is currently not included in the listed of permitted uses in the SP; however, similar uses currently in the SP include “storage, mini-storage and warehousing for boats, recreational vehicles, automobiles, etc.,” and “manufacture and storage of building, construction, and plumbing parts and equipment.”

The Town proposes to purchase two parcels in the SBP as part of an effort to develop an integrated solid waste management program. The existing Mammoth Disposal site in Mammoth Lakes will be undergoing planned construction of a transfer station and the site will be very constrained with limited storage capacity (especially in winter). The SBP parcels will be used to store recyclable materials and equipment, including empty commercial collection bins (trash and recycling), residential carts,

compactors, bear-proof recycling/trash containers including fully enclosed Conex containers (i.e, cargo containers) used to store recyclable materials, vehicle parking, and limited storage of fully enclosed semi-trailers pending delivery of recycled materials (e.g., cardboard, mattresses, etc.). The site area will meet the fencing/screening standards in the SP and will be paved in compliance with SP standards (e.g., dry well, oil/water separator, etc.).

This proposal requires the interpretation of the Planning Commission, consistent with General Regulations 2.1 & 2.2 in the SBP SP (full text below) and General Plan policy 01.040 (full text below) which allows the Commission to interpret development regulations.

SBP SP - General Regulations - 2. Code Consistency

“1. The development standards herein shall regulate all development in the Sierra Business Park. In case of a conflict between this Specific Plan and the Mono County General Plan, relevance to the project, the Mono County General Plan shall prevail.”

“2. Any details or issues not covered by the development guidelines or regulations of this Specific Plan shall be subject to the regulations or standards set forth in applicable sections of the Mono County General Plan, Grading Ordinances, and other adopted ordinances of the County.”

General Plan Policy 01.040

“Unless otherwise provided, any ambiguity concerning the content or application of the Land Development Regulations shall be resolved by the Planning Commission (§03.030, Interpretation of "Similar Uses") or, on appeal therefrom, by the Board of Supervisors.”

FIGURE 1: PROJECT LOCATION



GENERAL PLAN CONSISTENCY

The project is consistent with General Plan Land Use Designation policies, Countywide Land Use policies, and Mammoth Vicinity Area Plan policies contained in the Mono County General Plan Land Use Element.

The General Plan land use designation for this property is Specific Plan (SP). The project is compatible with the purpose and objectives of the SP, which seek to provide for industrial uses while protecting the scenic resources in the region and along the Highway 395 scenic corridor. The proposed outdoor storage use is similar to the existing light industrial uses in the SP.

The proposed project is consistent with Countywide Land Use policies that seek to provide for industrial land use needs that do not create significant environmental impacts and are economically beneficial to the area.

The project is also consistent with the Mammoth Vicinity Area Plan's commitment to maintaining the scenic and environmental integrity of the area while also providing for industrial land use needs in unincorporated areas. The project limits growth to an existing industrial park and protects the scenic quality of the Highway 395 Scenic Corridor by following the Sierra Business Park design guidelines for minimizing visual impacts.

MONO COUNTY LAND USE ELEMENT, COUNTYWIDE LAND USE POLICIES

***GOAL 1.** Maintain and enhance the environmental and economic integrity of Mono County while providing for the land use needs of residents and visitors.*

***Objective 1.A.** Accommodate future growth in a manner that preserves and protects the area's scenic, agricultural, natural, cultural and recreational resources and that is consistent with the capacities of public facilities and services.*

***Policy 1.A.1.** Contain growth in and adjacent to existing community areas.*

***Objective 1.F.** Provide for industrial land uses that are economically beneficial to the area and that are compatible with the environment.*

***Policy 1.F.1.** Provide for local industrial land use needs.*

***Action 1.F.1.a.** Designate a sufficient amount of land in appropriate community areas to meet local industrial land use needs (e.g., wood lots, equipment storage, etc.). Local industrial land use areas should be outside residential areas.*

***Policy 1.F.2.** Provide for light industrial uses (e.g., light manufacturing, assembly work, etc.) that do not create significant environmental impacts.*

***Objective 1.I.** Maintain and enhance the local economy.*

***Policy 1.I.1.** Land use designations shall provide sufficient land for the economic development of community areas.*

***Policy 1.I.2.** Assess the economic costs and benefits of proposed development projects.*

MONO COUNTY LAND USE ELEMENT, MAMMOTH VICINITY

***GOAL 21.** Maintain and enhance the scenic, recreational, and environmental integrity of the Mammoth vicinity.*

***Objective 21.A.** Maintain and enhance scenic resources in the Mammoth vicinity.*

***Policy 21.A.2.** Future development shall be sited and designed in a manner that preserves the scenic vistas presently viewed from US 395.*

Objective 21.B. Provide for the land use needs of both the incorporated and unincorporated areas.

Policy 21.B.1. Contain growth in and adjacent to existing developed areas.

Policy 21.B.2. Provide for industrial land use needs.

Policy 21.B.3. Future development projects shall avoid potential significant environmental impacts or mitigate impacts to a level of non-significance, unless a statement of overriding concerns is made through the EIR process.

SIERRA BUSINESS PARK SPECIFIC PLAN CONSISTENCY

Please click the link below to access the full text of the Sierra Business Park Specific Plan:

<https://www.monocounty.ca.gov/planning/page/sierra-business-park-specific-plan-july-2014>

The proposed use is compatible with the purpose and objectives of the SP that seek to provide for industrial uses while protecting the scenic resources in the region and along the Highway 395 scenic corridor. Outdoor industrial storage is not currently included in the list of permitted uses in the SP; however, outdoor industrial storage is similar to and not more obnoxious than the uses currently approved in the SP. Existing uses similar to industrial outdoor storage include (1) “storage, mini-storage and warehousing for boats, recreational vehicles, automobiles, etc.,” and (2) “manufacture and storage of building, construction, and plumbing parts and equipment.”

FIGURE 2: SP DEVELOPMENT STANDARDS

DEVELOPMENT STANDARDS

1. USES PERMITTED

The following uses are permitted within the Sierra Business Park subject to approval by the Land Development Technical Advisory Committee (LDTAC) and any other applicable development permit.

1. Shipping and delivery.
2. Storage, mini-storage and warehousing for boats, recreational vehicles, automobiles, etc.
3. Janitorial services and supplies.
4. Rental agencies for motorized and non-motorized modes of transport, and service in connection therewith.
5. Rental agencies for snow and yard equipment, and service thereof.
6. Rental agencies for industrial and construction equipment, and service thereof.
7. Wholesale lumberyards and wholesale plumbing supplies.
8. Vehicular repair facilities, paint shops and tire recapping facilities.
9. Wholesale nurseries and garden shops.
10. Warehousing, rental, and service outlets for appliances, computers, components, and other similar products.
11. Commercial recreational facilities, equipment storage, rental and repair.
12. Card-lock gas fueling stations.
13. Research laboratories and facilities.
14. Product development and testing facilities.
15. Tooling and small machine shops.
16. Photo-finishing and photographic processing facilities.
17. Blueprinting, reproduction, printing, copying and photoengraving services.
18. Construction industries including general and specialty contractors and their accessory & incidental office uses.
19. Manufacture and storage of building, construction, and plumbing parts and equipment.
20. Motion picture, video, television and recording studios.
21. Firewood storage provided the facilities are screened from view of motorists on Highway 395.

CEQA COMPLIANCE

The project is within the SBP SP, the proposed use is similar to existing permitted uses in the SP, and the SBP SP has a certified Environmental Impact Report from 2000. No further environmental review is necessary.

INTERPRETATION OF “SIMILAR USES” FINDINGS

In accordance with Mono County General Plan, Chapter 1, Section 01.040, “...any ambiguity concerning the content or application of the Land Development Regulations shall be resolved by the Planning Commission (see Section 03.030, Interpretation of "Similar Uses").” In accordance with Chapter 4, Section 04.030 the Planning Commission may interpret “similar uses” after making certain findings.

Section 04.0360, Required Findings:

1. *That the proposed use is consistent with this General Plan and any applicable area plans or specific plans:*

The proposed use is consistent with the General Plan, the Mammoth Vicinity Area Plan, and the SBP SP (see discussion in General Plan Consistency and Sierra Business Park Specific Plan Consistency sections above). The proposed use is compatible with the purpose and objectives of the SBP SP, and outdoor industrial storage is similar to and not more obnoxious than the industrial uses currently permitted in the SP.

2. *That the proposed use is compatible with the intent of the land use designation and is applicable throughout the county in that designation:*

The proposed use is compatible with the intent of the SP as well as the central founding objective of the SBP to provide opportunity for needed industrial services. The interpretation of similar use for the Town’s proposed outdoor industrial storage use would only apply to parcels within the SBP.

3. *That the use is capable of meeting the standards and requirements of that designation;*

The proposed parcels are adequate in size to meet development standards in the SP and the Town’s project description includes compliance with paving and drainage standards in the SP. However, future building plans and overall project design will need to be evaluated for compliance with both the development standards in both the General Plan and the SP.

4. *That the use will be similar to and not be more obnoxious to the general welfare (i.e., health, safety) than the uses listed within the designation.*

The proposed outdoor industrial storage use is consistent with the intent and objective of the SP. The proposed use is similar to and not more obnoxious than other existing industrial uses in the SBP and is not expected to cause significant environmental impacts or be detrimental to surrounding property.

CONCLUSION

If the Planning Commission interprets that the proposed use is similar to and not more obnoxious than existing uses in the SBP, then the Town will receive a report pursuant to Government Code Section 65402 that the proposed land uses on the two subject parcels are consistent with the General Plan and SBP SP. Once the parcels are acquired, building plans will need to be evaluated for compliance with

General Plan and SP development regulations, and a building permit application will need be submitted and accepted for processing at the Land Development and Technical Advisory Committee (LDTAC).

This staff report has been reviewed by the Community Development Director.

ATTACHMENTS

- Town Staff Report & Draft Town Council Resolution