

Recording Requested by and  
When Recorded Mail To:

Town of Mammoth Lakes  
Community & Economic Development Department  
P.O. Box 1609  
Mammoth Lakes, CA 93546

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**RESOLUTION NO. PEDC 2021-05**  
**A RESOLUTION OF THE MAMMOTH LAKES PLANNING AND**  
**ECONOMIC DEVELOPMENT COMMISSION ADOPTING A**  
**MITIGATED NEGATIVE DECLARATION AND APPROVING**  
**USE PERMIT 20-001, DESIGN REVIEW 20-002, AND VARIANCE 20-001**  
**FOR THE**  
**MAMMOTH DISPOSAL TRANSFER STATION EXPANSION PROJECT**  
**LOCATED AT 59 COMMERCE DRIVE**  
**(APN: 037-200-050-000 & 037-200-049-000)**

**WHEREAS**, a request for consideration of a Use Permit, Design Review, and Variance were filed by Glen Long, on behalf of Mammoth Disposal Company, for the Mammoth Disposal Transfer Station Expansion Project, in accordance with Chapters 17.68 (Use Permits), 17.72 (Variances), and 17.88 (Design Review) of the Town of Mammoth Lakes Municipal Code, for property located within the Industrial (I) zoning district at 59 Commerce Drive; and

**WHEREAS**, the Planning and Economic Development Commission conducted a noticed public hearing on the application request on July 14, 2021, at which time all those desiring to be heard were heard; and

**WHEREAS**, the Planning and Economic Development Commission considered, without limitation:

1. The staff report to the Planning and Economic Development Commission with exhibits;
2. The General Plan, Municipal Code, Town of Mammoth Lakes Design Guidelines, and associated Land Use Maps;
3. Oral evidence submitted at the hearing;
4. Written evidence submitted at the hearing; and
5. Project plans consisting of: Site Plan Figures 6, 6.A, and 6.B dated January 28, 2021; Civil Engineering Plan sheets C2, C2.1, C.3, C3.1, C4, C4.1, C5, C5.1, C6, C7 dated January 28, 2021; Transfer Building Elevations Figure 7, dated January 20, 2021; Scale House and Canopy Elevations Figure 8, dated January 23, 2021; Preliminary

Landscape Plan Figure 10, dated January 28, 2021; and Exterior Colors, dated received by the Town of Mammoth Lakes December 3, 2020.

6. Mammoth Disposal Transfer Station Expansion Project Draft Initial Study/Mitigated Negative Declaration (IS/MND), Final IS/MND, and associated technical appendices (collectively, the "Initial Study/Mitigated Negative Declaration" or "IS/MND") (State Clearinghouse No. 2021050146), incorporated herein by reference;

**NOW THEREFORE, THE PLANNING AND ECONOMIC DEVELOPMENT COMMISSION OF THE TOWN OF MAMMOTH LAKES DOES RESOLVE, DETERMINE, FIND AND ORDER AS FOLLOWS:**

**SECTION 1. FINDINGS.**

**I. CEQA.**

MND – California Environmental Quality Act Guidelines Section 15074 (Consideration and Adoption of a Negative Declaration or Mitigated Negative Declaration):

- a. **Any advisory body of a public agency making a recommendation to the decision making body shall consider the proposed mitigated negative declaration before making its recommendation.**

The Planning and Economic Development Commission considered the Initial Study/Mitigated Negative Declaration together with all comments received during the public review process, including the Response to Comments and Mitigation Monitoring and Reporting Program, and finds that on the basis of the whole record, there is no substantial evidence that the Project will have a significant effect on the environment.

- b. **Prior to approving a project, the decision making body of the lead agency shall consider the proposed mitigated negative declaration together with any comments received during the public review process. The decision making body shall adopt the proposed mitigated negative declaration only if it finds on the basis of the whole record before it that there is no substantial evidence that the project will have a significant effect on the environment and that the mitigated negative declaration reflects the lead agency's independent judgement and analysis.**

The Planning and Economic Development Commission finds that on the basis of the whole record before it, there is no substantial evidence that the project will have a significant effect on the environment, and the Initial Study/Mitigated Negative Declaration reflects the Town's independent judgment and analysis.

- c. **When adopting a mitigated negative declaration, the lead agency shall specify the location and custodian of the documents or other material which constitute the record of proceedings upon which its decision is based.**

The custodian and location of the documents and other materials which constitute the record of proceedings upon which this decision is based is the Town Clerk at the Town of Mammoth Lakes Offices, 437 Old Mammoth Road, Suite 230, Mammoth Lakes, California 93546.

- d. When adopting a mitigated negative declaration, the lead agency shall also adopt a program for reporting on or monitoring the changes which it has either required in the project or made a condition of approval to mitigate or avoid significant environmental effects.**

A Mitigation Monitoring and Reporting Program (MMRP) for reporting on and monitoring the required mitigation measures has been prepared and will be adopted with the Initial Study/Mitigated Negative Declaration. All mitigation measures included in the MMRP are included in the Conditions of Approval for the Project.

- e. A lead agency shall not adopt a mitigated negative declaration for a project within the boundaries of a comprehensive airport land use plan or, if a comprehensive airport land use plan has not been adopted, for a project within two nautical miles of a public airport or public use airport, without first considering whether the project would expose people residing or working in the project area to excessive noise levels.**

The closest airport to the project site is the Mammoth Yosemite Airport, located approximately 4.8 miles east of the site at 1300 Airport Road. The project site is not located within any airport safety zones established for the Mammoth Yosemite Airport, or within an airport land use plan. Further, based on the distance to the closest airport, project implementation would not result in excessive noise for people residing or working in the project area.

- f. When a non-elected decision making body of a local lead agency adopts a mitigated negative declaration, that adoption may be appealed to the agency's elected decision making body.**

The Planning and Economic Development Commission finds that adoption of the mitigated negative declaration and approval of the proposed project may be appealed to Town Council if the appeal is submitted in writing, and filed with the Town Clerk, on a Town application form, by 5:00 p.m. on the fifteenth day following the date of the review authority's action.

## **II. MUNICIPAL CODE FINDINGS.**

### **A. FINDINGS FOR USE PERMIT (Municipal Code Section 17.68.050)**

- 1. The proposed use is consistent with all applicable sections of the General Plan and Title 17 and is consistent with any applicable Specific Plan;**

The 2007 *Town of Mammoth Lakes General Plan* land use map designates the entire project site Industrial (I). The Industrial land use designation allows a limited variety of light manufacturing and service uses that can be contained

within wholly enclosed structures. The project would construct a new enclosed transfer station building so that the solid waste facility operations would primarily take place within the enclosed structure. The majority of existing bins and containers would be moved indoors or offsite. As shown on the *Transfer Station Facility Site Plan*, the only outdoor collection bins would be located at the southeast corner of the new transfer station building for green waste and construction debris, and the southeast corner of the property for public drop-off of small, non-weight loads, as well as mattress and tire collection.

The proposed use is consistent with Title 17 of the *Town of Mammoth Lakes Municipal Code (Zoning Code)*, because the use is classified as a “Utilities, Major” land use, which can be permitted subject to approval of a Use Permit. The proposed site layout and building design complies with development standards applicable to the Industrial Zoning District, for building height, setbacks, parking, and landscaping. To satisfy snow storage requirements of Municipal Code Section 17.36.110, *Snow Storage*, the applicant will provide a snow management plan which allows for approval of temporary on-site snow storage areas and snow removal schedule as an alternative to providing all required snow storage on-site. The snow management plan is required to be reviewed and approved by the Public Works Director prior to issuance of a building permit for the project (Condition of Approval #55).

Lastly, a Variance is requested to increase the maximum wall and fence height from 8 feet to 10 feet, for facility security and screening purposes. Upon approval of the requested Variance, the project would be consistent with the applicable standards of Municipal Code Section 17.36.040 *Fences and Walls*.

**2. The proposed use and the conditions under which it would be operated or maintained will not be detrimental to the public health and safety nor materially injurious to properties or improvements in the vicinity; and**

The proposed use and the conditions under which it would be operated will not be detrimental to the public health or safety nor materially injurious to properties or improvements in the vicinity because the Initial Study/Mitigated Negative Declaration prepared for the project analyzed potential impacts of the proposed use related to aesthetics, air quality, noise, hazards and hazardous materials, traffic, and other issues. The analyses prepared for each potential impact category concluded that the proposed project would not have environmental effects which would cause substantial adverse effects on human beings, either directly or indirectly, following conformance with the existing regulatory framework and mitigation measures.

**3. The Commission shall make such other findings as deemed necessary to support approval or denial of the proposed use.**

The project site is located within the Mammoth Lakes Business Park adjacent to other industrial uses. The project would primarily expand the existing transfer station facilities at the 59 Commerce Drive Site and relocate Mammoth Disposal’s fleet maintenance facility to the existing 3,050 square foot building at the site. All proposed development would occur within the 59 Commerce Drive Site and would not expand into any adjacent properties. The proposed

improvements to the site including the construction of an enclosed transfer station building, site circulation improvements and improved site screening results in a more desirable public interface as well as improved municipal solid waste disposal services.

**B. FINDINGS FOR DESIGN REVIEW PERMIT** (Municipal Code Section 17.88.060)

**1. The project is consistent with the applicable standards and requirements of the Municipal Code.**

The project is consistent with the applicable standards and requirements of the Municipal Code Title 17 (zoning code) because the proposed use of the site is designated in the zoning code, is a “Utilities, Major” land use, which is a permitted use in the Industrial zoning district with approval of a Use permit. Additionally, the project complies with the development standards applicable to new development in the Industrial (I) zone including standards for building height, setbacks, parking, landscaping, exterior lighting, snow storage, screening, and fence and wall heights (with approval of VAR 20-001).

A Variance is allowed when required findings can be made pursuant to Municipal Code Chapter 17.76, and with approval of the requested Variance, the project complies with the development standards of the Industrial zoning district.

**2. The project is consistent with the General Plan and any applicable specific plan or master plan.**

The proposed project is consistent with the 2007 *Town of Mammoth Lakes General Plan* land use map, which designates the entire project site Industrial (I). The Industrial land use designation allows a limited variety of light manufacturing and service uses that can be contained within wholly enclosed structures. The project would construct a new enclosed transfer station building so that the solid waste facility operations would primarily take place within the enclosed structure.

The project is also consistent with the Neighborhood and District Character Element of the General Plan, which describes the general characteristics envisioned for the Gateway District as including “Industrial uses screened from public view.” The proposed project would include a new perimeter masonry wall to screen the property.

**3. The project is consistent with the Town of Mammoth Lakes Design Guidelines.**

Pursuant to Section 17.88.030 of the Municipal Code, Design Guidelines adopted by the Town Council, provide recommendations to be used in the design review process. They are intended to promote high-quality and thoughtful site and building design. The Design Review process is intended to implement the recommendations of the Town Design Guidelines, and the

design review criteria are intended to encompass the primary design objectives included therein.

In this case, staff finds that since the project is a “Major Utility” land use, the Design Review criteria sufficiently addresses those elements of the Design Guidelines that are applicable to this project, and staff’s analysis of the Design Review criteria below effectively describes the project’s consistency with the Town Design Guidelines.

4. **The project is consistent with the following additional Design Criteria (Zoning Code §17.88.050):**

- a. **The site design and building design elements including the architectural style, size, design quality, use of building materials, and similar elements, combine together in an attractive and visually cohesive manner that is compatible with and complements the desired architectural and/or aesthetic character of the area and a mountain resort community, encourages increased pedestrian activity, and promotes compatibility among neighboring land uses.**

The proposed transfer station building, metal canopy, scale booth and other site improvements are designed to integrate with the surrounding natural environment and with the adjacent industrial uses to the extent feasible.

The primary architectural characteristic of existing development within the industrial district features metal buildings with shed roofs. The proposed building design is similar to other metal buildings in the same zone, with the primary design objective being functionality and minimizing the visual presence of the proposed structures through appropriate massing and an earth tone color palette.

The height of the proposed transfer station building is 34 feet 2 inches, and the metal canopy structure is approximately 25 feet tall. These structures represent the tallest structures proposed at the site and are within the maximum 35-foot height standard. The exterior building colors selected for the project are based on the Mammoth Lakes Design Guidelines Color Handbook recommendations, which incorporates the desired color palette identified for the mountain resort community. The proposed building colors include coordinated body, trim, accent and roof color, and are the specified commercial coating colors available for the metal building components.

The proposed building design and site improvements combine together in a visually cohesive manner that is compatible with the surrounding natural environment and complements the character of properties in the project vicinity.

- b. **The design of streetscapes of streetscapes, including street trees, lighting, and pedestrian furniture, is consistent with the character of commercial districts and nearby residential neighborhoods**

The proposed project is located directly off of Commerce Drive within the fully developed street network of the Industrial zone. In general, the existing

business park does not have pedestrian facilities or pedestrian furniture however, there is an existing multi-use path (MUP) that crosses the intersection of Meridian Boulevard and Commerce Drive. In order to minimize safety hazards for pedestrians and bicyclists crossing that intersection the Town included condition of approval #61, which requires the applicant to install a rectangular rapid-flashing beacon (RRFB) with pedestrian activation to the satisfaction of the Public Works Director.

Therefore, compliance with conditions of approval imposed on the project would ensure that the project would not conflict with policies pertaining to the existing MUP and development of the proposed project would not result in any other impacts to the existing pedestrian facilities.

- c. Parking areas are located, designed and developed to foster and implement the planned mobility system for the area; buffer surrounding land uses; minimize visibility; prevent conflicts between vehicles and pedestrians and cyclists; minimize stormwater run-off and the heat-island effect; and achieve a safe, efficient, and harmonious development.**

Due to the unique drive-thru nature of the use, the paths of travel through the site for public vehicles, commercial and transfer truck routes are illustrated on the site plan to show how the proposed operations would prevent conflicts between vehicles accessing the site. Two driveways would be paved for improved truck access and will allow transfer and commercial (route trucks) to exit the property by driving straight through the designated transfer station truck bay. The project would provide 27 on-site parking spaces, including unloading spaces, which exceeds the Town's parking requirement of 23 spaces.

Parking for seven vehicles including a van accessible parking stall are provided next to the new office building. This parking area is intended to be used as short-term parking for customers to pay bills and/or setup accounts. These customer parking spaces are located away from the primary site circulation routes to prevent vehicle conflicts.

As stated above, condition of approval #61 requires the project applicant to install a rectangular rapid-flashing beacon (RRFB) with pedestrian activation at the Meridian Connector multi-use path crossing at Commerce Drive to minimize safety hazards for pedestrians and bicyclists at this location.

- d. Down-directed and shielded lighting and lighting fixtures are designed to complement buildings, be of appropriate scale, provide adequate light over walkways and parking areas to create a sense of pedestrian safety, minimize light pollution and trespass, and avoid creating glare.**

As shown on the Site Lighting Plan (Figure 6.A. of Attachment C), exterior light fixtures would be installed along the perimeter of the transfer station building and office building. Additionally, two exterior lights on the eastern edge of the site will be relocated to the interior side of the proposed

perimeter wall. The light fixture specifications provided with the Site Lighting Plan illustrate light fixture types that comply with Municipal Code Section 17.36.030, Exterior Lighting. Condition of Approval #15 is included to ensure that the exterior lighting is inspected prior to issuance of a Certificate of Occupancy to ensure all outdoor light fixtures are designed, located, installed, aimed downward or toward structures, and retrofitted, if necessary, in order to prevent glare, light trespass, and light pollution.

- e. Landscaping is designed to conserve water resources, promotes a natural aesthetic, and be compatible with and enhance the architectural character and features of the buildings on site, and help relate the building to the surrounding landscape.**

The existing site condition does not feature any existing native trees, so existing trees will not be removed as a result of project implementation. The landscape plan includes 2,300 square feet of site area (10% of designated required parking) for landscaping concentrated along the Commerce Drive street frontage. The landscape areas incorporate natural stone boulders, shrubs, and six native Jeffrey Pine trees. The proposed location and landscape type promotes a natural aesthetic by utilizing drought tolerant species that are native to this region.

- 5. The project is consistent with any approved tentative map, use permit, variance, or other planning or zoning approval that the project required.**

The proposed project is consistent with the requested Use Permit for the operation of a large-volume transfer station (Major Utility) use and the Variance request to allow an increase in the maximum wall height from 8 feet to 10 feet as described in this Resolution and the associated staff report.

### **C. FINDINGS FOR VARIANCE (Municipal Code Section 17.72.040)**

- 1. There are special circumstances applicable to the property, including size, shape, topography, location, or surroundings, so that the strict application of this Zoning Code deprives the property of privileges enjoyed by other property in the vicinity and under the identical zoning district;**

The Variance is requested to increase the maximum wall height from 8 feet to 10 feet, for facility screening and security purposes. The proposed use of the site is a large-volume solid waste transfer station, which includes an outdoor storage and work area. A solid wall and gate with a minimum height of six feet is required to screen the outdoor storage and work area pursuant to MC§ 17.52.240.A.2 (Outdoor Storage and Work Areas).

The topography of the site is vertically lower than the properties located south and west of the property, which includes a residential area located approximately 850 feet southwest of the Site. Portions of the existing outdoor storage and work areas are visible from the residential neighborhood, so an increase in the height of the wall would further screen the site from that vantage point.



The proposed increase in wall height is also intended to provide greater protection from wildlife and human trespass. The existing facility has encountered human trespass, theft, and wildlife occurrences (mainly bears) in the past. The applicant has suggested that the proposed ten-foot tall wall would be a more effective deterrent for bears and unauthorized persons that may attempt to access the site.

**2. The approval of the variance does not constitute a grant of special privileges inconsistent with the limitations upon other properties in the vicinity and within the same zone;**

The solid waste transfer station is a unique use within the Town and is classified as an essential service. The proposed project would construct a new transfer station building and move the majority of existing bins and containers indoors or offsite. However, the nature of the use still requires certain items to be collected separately from the tipping floor of the indoor facility. Bulky items such as mattresses, tires, yard waste and construction and demolition debris are collected in designated bins at the southeast corner of the transfer station building and at the south east corner of the site. A reduced outdoor storage and work area will continue to exist at the site, which requires adequate screening of those areas.

Since the topography of the site is at a lower elevation than surrounding properties to the south and west, an increased perimeter wall height would provide more effective screening, which would benefit other properties in the vicinity by reducing visibility of the outdoor storage and work areas.

Additionally, comments provided by the Mono County Environmental Health department included an observation that full transfer trailers staged outside could potentially attract bears even when covered. The comment indicated that additional measures may need to be implemented to prevent the attraction of bears. The applicant has suggested that a 10-foot-tall perimeter wall is one measure that would be used to reduce the potential for bears to access the site.

The purpose of the increased wall height is for improved screening and security for the solid waste transfer station operation and does not constitute a grant special privilege.

**3. Granting the variance would not authorize a use or activity which is not otherwise expressly authorized by the zone governing the property for which the application is made;**

Granting the variance would not authorize a use or activity which is not otherwise expressly authorized by the Industrial zoning district because perimeter walls and access gates are permitted throughout the Industrial zoning district and the requested variance does not change the use or operations of the transfer station facility.

**4. Granting the variance would not be detrimental to the public health, safety, or welfare, or injurious to property or improvements in the vicinity and zoning district in which the property is located;**

The variance would not be detrimental to the public health, safety or welfare, or injurious to property or improvements in the vicinity because the 10-foot-tall perimeter wall and access gates are intended to deter unauthorized human access and attraction of wildlife (primarily bears), as well as provide more effective screening of the site.

Due to the surrounding topography being situated at a higher elevation than the project site, the increased wall height will not obstruct any scenic vistas or viewsheds.

**5. The variance is consistent with the General Plan;**

The variance is consistent with the *Neighborhood and District Character* Element of the General Plan, which identifies General Characteristics for the Gateway District including, “Industrial uses screened from public view” and “Viewsheds are preserved.” In this instance, a 10-foot-tall wall does not obstruct viewsheds because the property is at a lower elevation than most of the industrial district as well as The Trails residential neighborhood. The Variance is also consistent with the Land Use Element in that the Industrial land use designation states that uses must conform to screening standards.

**6. The variance is the minimum departure from the requirements of this Zoning Code necessary to grant relief to the applicant, consistent with Subsections A and B, above; and**

The applicant has provided the required screening for the industrial use of the site pursuant to M.C. §17.52.240 however, an additional two feet in height is requested to more effectively screen the use from properties in the vicinity as well as provide a more effective deterrent for bears and unauthorized human access. This request is the minimum departure from the requirements of this zoning code necessary to accomplish the specific design needs of the proposed solid waste transfer station facility.

**7. The approval of the variance is in compliance with the requirements of the California Environmental Quality Act.**

The approval of the Variance is in compliance with the requirements of the California Environmental Quality Act (CEQA) because An Initial Study/Mitigated Negative Declaration (State Clearinghouse No. 2021050146) was prepared for the project, and the analyses provided in the IS/MND found that there would not be a significant effect on the environment as a result of the project with mitigation measures incorporated.

**SECTION 2. PLANNING AND ECONOMIC DEVELOPMENT COMMISSION ACTIONS.**

The Planning and Economic Development Commission hereby takes the following actions:

1. Adopts Mitigated Negative Declaration (State Clearinghouse #202105146) pursuant to the California Environmental Quality Act (CEQA) Guidelines;

2. Approves Use Permit #20-001, Design Review #20-002, and Variance #20-001 subject to the conditions as recommended by staff (SEE EXHIBIT “A”); and
3. Directs Staff to file a Notice of Determination.

**PASSED AND ADOPTED** this 14<sup>th</sup> day of July 2021, by the following vote, to wit:

AYES:

NAYS:

ABSENT:

ABSTAIN:

RECUSED:

ATTEST:

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Sandra Moberly,  
Community and Economic Development  
Director

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Michael Vanderhurst  
Chair of the Mammoth Lakes Planning  
and Economic Development  
Commission

**NOTE:** This action is subject to Chapter 17.104 of the Municipal Code, which specifies time limits for legal challenges.

**OWNER/APPLICANT:**

I, Glen Long, District General Manager for Mammoth Disposal Company, am the authorized signatory, and I do hereby attest that I have read, and agree to, the conditions of approval stipulated within this Resolution.

\_\_\_\_\_  
Glen Long, District General Manager  
Mammoth Disposal Company  
(Notary Required)

Date: \_\_\_\_\_

**CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT**

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document, to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California     }  
County of Mono

On \_\_\_\_\_ before me, \_\_\_\_\_  
personally appeared \_\_\_\_\_  
who proved to me on the basis of satisfactory evidence to be the persons whose  
name(s) is subscribed to the within instrument and acknowledged to me that he  
executed the same in his authorized capacity (ies), and that by his signature(s) on  
the instrument the person(s), or the entity upon behalf of which the person(s) acted,  
executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of  
California that the foregoing paragraph is true and correct.

**WITNESS my hand and official seal.**

\_\_\_\_\_  
Signature of Notary

**EXHIBIT “A”**  
**Resolution No. PEDC 2021-05**  
**Case No. UPA 20-001, DR 20-002, VAR 20-001**  
**PLANNING DIVISION CONDITIONS**

**STANDARD PLANNING CONDITIONS**

1. This approval authorizes the Mammoth Disposal Transfer Station Expansion Project, which consists of 1) expansion of the existing transfer station at the 59 Commerce Drive Site, 2) relocate the buy-back/recycling center (currently at the 59 Commerce Drive Site) to the 264 Commerce Drive Site, and 3) relocate the fleet maintenance operations (currently at the 264 Commerce Drive Site) to the 59 Commerce Drive Site. The approved site improvements include: Construction of a 9,600 square-foot transfer station building, construction of an approximately 1,855 square foot office building (and demolition of the existing office building), installation of a 2,250 square-foot metal canopy structure, installation of truck scales and a 200 square-foot scale house, new underground stormwater management infrastructure, new pavement and site circulation areas, and construction of a 10-foot tall perimeter wall with access gates.
2. The approved site and building plans including : Site Plan Figures 6, 6.A, and 6.B dated January 28, 2021; Civil Engineering Plan sheets C2, C2.1, C.3, C3.1, C4, C4.1, C5, C5.1, C6, C7 dated January 28, 2021; Transfer Building Elevations Figure 7, dated January 20, 2021; Scale House and Canopy Elevations Figure 8, dated January 23, 2021; Preliminary Landscape Plan Figure 10, dated January 28, 2021; and Exterior Colors, dated received by the Town of Mammoth Lakes December 3, 2020, shall be adhered to and maintained for the duration of the permit.
3. This permit and all rights hereunder shall automatically terminate unless the site preparation or construction has been commenced within two years after the issuance of this permit and such work is diligently carried on until completion, or an extension of time has been granted in accordance with Municipal Code §17.60.060.B.
4. All new improvements constructed on the site shall be in compliance with all Town of Mammoth Lakes, County of Mono, Mammoth Community Water District, the Mammoth Lakes Fire Protection District, the CRWQCB Lahontan District, Great Basin Air Pollution Control District, OSHA, State of California and United States of America laws, statutes, ordinances, regulations, directives, orders, and the like applicable thereto and in force at the time thereof. Any violation of the above may constitute grounds for revocation under Chapter 17.128 of the Mammoth Lakes Municipal Code.
5. This resolution of approval, as conditioned herein, shall be recorded for the subject property by the Mono County Recorder’s Office to commence the approved use on the property or the issuance of any building permits for new or remodeled structures.
6. The site shall be maintained in a neat, clean and orderly manner. All improvements shall be maintained in a condition of good repair and appearance. Equipment and materials inappropriate to the site and its use shall not be stored within outdoor areas on the site.

7. Storage of construction materials and equipment off-site shall not be permitted without a permit issued by the Community and Economic Development Department of the Town. Any public or private property altered, damaged or destroyed by site preparation, grading, construction or use shall be restored to its pre-existing condition by the permittee.
8. All conditions of this permit shall be met or secured prior to final occupancy approval of any tenant improvements or new structures.
9. All uses are subject to review by the Building Official of the Town of Mammoth Lakes and must conform to occupancy ratings of the structures to obtain occupancy.
10. Town staff shall have the right to enter the subject property to verify compliance with these conditions. The holder of any permit associated with this project shall make the premises available to Town staff during regular business hours and shall, upon request make records and documents available to Town staff as necessary to evidence compliance with the terms and conditions of the permit.
11. Prior to the issuance of a building permit, the applicant shall pay all applicable fees as prescribed by ordinance and/or resolution and pay any fees due on the project processing account.
12. The approved site and building plans shall be adhered to and maintained for the duration of the permit.
13. This action may be appealed to the Town Council within fifteen (15) calendar days from the date of Planning and Economic Development Commission approval in accordance with Municipal Code Chapter 17.104.
14. The applicant shall defend, indemnify, and hold harmless the Town and its agents, officers, and employees from any claim, action, or proceeding against the Town and its agents, officers, or employees to attack, set aside, void, or annul, an approval of the Town, advisory agency, appeal board, or legislative body concerning this approval. The Town shall promptly notify the applicant of any claim, action, or proceeding and shall cooperate fully in the defense.
15. All exterior lighting, including any existing light fixtures, shall comply with Chapter 17.36.030 *Exterior Lighting* of the Town of Mammoth Lakes Municipal Code. Exterior light fixtures having a total of over 400 lumens of output shall be equipped with shields that extend below the horizontal plane of the light source to direct the light downward onto the structure or surrounding grounds. This shall be verified prior to issuance of a certificate of occupancy.
16. All propane tanks serving the property shall be painted tan pursuant to Municipal Code Section 17.36.080.B.
17. A valid building permit and a permit from the Mammoth Lakes Fire Protection District are required before any construction can begin on-site.
18. Proposed water and sewer connections require a Connection Permit from Mammoth Community Water District. Prior to the Town authorizing any construction, the applicant shall obtain water and sewer permits from Mammoth Community Water district and pay applicable fees to the District.
19. New or changed improvements, exterior illumination, elevations, designs, materials, or colors shall conform to the adopted Design Guidelines of the Town of Mammoth Lakes and will require review and approval from the Town of Mammoth Lakes Community and Economic Development Department or

Planning and Economic Development Commission pursuant to Municipal Code Chapter 17.88 *Design Review*.

20. A certificate of occupancy is required for all future tenant improvements within the subject structures. Tenant improvements shall identify occupancy separation requirements, disabled access requirements and compliance with all applicable building, electrical, plumbing, and fire code requirements.
21. Zoning entitlement conditions of approval shall be printed verbatim on all of the working drawing sets used for issuance of building permits (architectural, structural, electrical, mechanical, and plumbing) and shall be referenced in the index.

### **SPECIAL PLANNING CONDITIONS**

22. The project shall comply with all of the mitigation measures identified in the Mammoth Disposal Transfer Station Project Mitigated Negative Declaration, Mitigation Monitoring and Reporting Program (MMRP).
23. The applicant shall obtain the required Solid Waste Facilities Permit (SWFP) prior to beginning the expanded solid waste facility operations. The applicant shall ensure waste is removed for disposal within the 48 hour regulatory timeframe.
24. The applicant shall apply for a Secondary Source Permit from the Great Basin Unified Air Pollution Control District (GBUAPCD) prior to issuance of a Building or Grading Permit.
25. The project proponent shall have an asbestos survey conducted by a certified asbestos contractor prior to demolishing the existing 1,200 square foot office building. An asbestos demolition notification and appropriate fee must be submitted to the District at least 10 business days prior to the start of demolition per District Rule 309 - Asbestos Removal and Demolition fees and Rule 1002 - National Emission Standards for Hazardous Air Pollutants: Asbestos.
26. Public use areas illustrated on the Work Sequencing Plan, which will remain open during construction activities, shall be maintained in a safe and usable condition with Mammoth Disposal staff supervision.
27. Prior to issuance of a certificate of occupancy for the project, all required vehicle parking spaces shall be striped. A minimum of 27 parking spaces, including the proposed unloading spaces shall be striped.
28. Prior to issuance of a Certificate of Occupancy, all required landscaping and irrigation improvements shall be completed. Deferral of the construction of any landscaping and/or irrigation improvements shall be at the sole discretion of the Community and Economic Development Director.
29. All walls visible from off-site shall be made of a solid textured masonry material and shall be a tan or similar earth tone color. A wall cap shall be incorporated at the top of all new walls.
30. The proposed access gates shall be coated in a brown or black color and shall incorporate screening panels in order to provide perimeter screening for the site.
31. Roof vents, exhaust, pipes, and flues shall be combined and/or collected together on slopes of roof out of public view to the greatest extent possible. Any reflective metal shall be painted a matte color to match the roof.



32. A key box shall be provided with an individual master key that provides access to the facility. This shall be reviewed and approved by the Mammoth Lakes Fire Protection District prior to building permit issuance.
33. A Sign Permit will be required prior to installation of new business identification signs. All signs shall comply with Municipal Code Chapter 17.48 (Signs) and the Town's Design Guidelines.

## **ENGINEERING DIVISION CONDITIONS**

### **STANDARD CONDITIONS / GENERAL REQUIREMENTS:**

34. All new utility lines within, adjacent to, or serving the site shall be placed underground.
35. The site grading design and all building construction shall conform to State and federal disabled access regulations.
36. Paved access is required to a maintained street. Street and traffic signs shall meet the California Manual of Uniform Traffic Control Devices (MUTCD).
37. All driveways shall be constructed in accordance with the driveway standards of the Town.
38. The project shall comply with the Guidelines for Erosion Control in the Mammoth area. This shall include submittal of a Report of Waste Discharge, if applicable.
39. All export shall be taken to, and all import shall be taken from a permitted site, which shall be identified at grading permit issuance. The applicant shall prepare a haul route, subject to the approval of the Public Works Director prior to the import or export of material for the site.
40. Landscaping and irrigation systems within the public right of way, adjacent to the project area and within the project shall be maintained by property owner, with the exception of benefit assessment district areas.
41. All easements and dedications shall be in a form and content acceptable to the Public Works Director.
42. All grading and public improvements shall be consistent with the Town of Mammoth Lakes Standard Plans for Public Works.
43. Rights of way and improvements (including off-site) to transition traffic and drainage flows from proposed to existing shall be required as necessary.

### **THE FOLLOWING CONDITIONS SHALL BE COMPLETED PRIOR TO ISSUANCE OF AN ENCROACHMENT, GRADING, OR IMPROVEMENT PERMIT:**

44. Construction of water and sewer improvements shall require water and sewer permits from the Mammoth Community Water District.
45. An application for an engineered grading permit shall be submitted to the Engineering Services Division of the Public Works Department in accordance Chapter 12.08 of the Municipal Code. No change to the existing conditions of the site, including site grading, drainage interruption, land clearing, etc. shall be commenced until grading and drainage plans have been approved by the Public Works Director. Grading plans shall include all mitigating measures and best management practices to prevent erosion and to protect existing trees, which shall be constructed prior to work commencing for any and all site improvements.

46. An encroachment permit or a letter of exemption shall be obtained from the Engineering Services Division of the Town prior to construction within the Town right of way in accordance Chapter 12.04 of the Municipal Code.
47. No work within Town right of way shall be commenced until a traffic control plan has been approved by the engineering services division of the Town.
48. Temporary and permanent erosion control plans shall be included with the grading, improvement, and building plans. Continuous water spraying or other approved methods shall be used during grading operations to control fugitive dust. Drop inlet filters and other temporary Best Management Practices shall be employed to filter nuisance water from storm drain inlets affected by construction, on-site and off-site. Groundwater pollution from urban run-off water generated by the project shall be mitigated using best management practices (BMPs), per the requirements of the California Regional Water Quality Control Board, Lahontan District, and as indicated in the "New Development and Redevelopment Guidelines". The applicant shall apply for and obtain all required permits, written clearances or exemptions from the Lahontan District prior to any grading. All BMPs shall be shown on the erosion control plans. If the Town inspector determines that the BMPs in place are not adequate, then additional BMPs shall be installed at the discretion of the Town inspector or a revised erosion control plan shall be prepared for approval by the engineering services division. Gravel bags shall be used in lieu of sand bags. All permanent erosion control measures shall be irrigated for at least one season. Permanent BMPs shall include sediment traps upstream of infiltrators and oil water separators for parking areas consistent with the General Plan.
49. A Construction Staging and Management Plan shall be submitted to and approved by the Public Works Director prior to grading or building permit issuance. Said plan shall include provisions related to the parking of construction worker vehicles, construction equipment, construction materials, and specific limitations restricting access into non-developed portions of the site and the storage of materials within these areas. The staging plan and the final access roadway improvements shall all be approved by the Mammoth Lakes Fire Protection District prior to grading permit issuance. An approved copy of the plan shall be maintained on-site at all times and available to all contractors, subcontractors, their employees and the Town. The staging plan shall address hours of work, and special approval for work outside hours allowed. The plan shall also contain provisions for interrupting utility services to neighboring properties and sufficient noticing to affected residents and property owners.
50. On the cover sheet of the grading plans and in a very conspicuous location place the following note: "The conditions of approval for the approved Use Permit UPA 20-001, Design Review DR 20-002, and Variance VAR 20-001, contained in the resolution recorded at the County Recorder's Office of Mono County as Document No. 2021xxxxx, shall be made a part of these plans and the grading permit and all conditions and requirements therein shall be adhered to by the contractor, his sub-contractors and any person performing any work on the project." This note shall also be included within the construction staging and management plan.
51. Prior to combustible materials being placed on-site, an all-weather access road shall be constructed serving all exterior portions of the structure to the satisfaction of MLFPD.

52. Existing Town streets that require construction or reconstruction, shall remain open for traffic at all times, with adequate detours and traffic control, during actual construction. A form of security listed in Government Code Section 66499(a) and acceptable to the Town shall be posted to cover the cost of grading and paving prior to approval by staff.
53. The grading plan and building permit plans shall indicate all snow storage areas and drainage facilities.
54. All easements shall be shown on the grading and building permit plans.

**THE FOLLOWING CONDITIONS SHALL BE COMPLETED PRIOR TO ISSUANCE OF BUILDING PERMITS:**

55. A snow removal/storage management plan for the hauling of snow in accordance with Municipal Code Section 17.36.110.B(3)(a) shall be submitted by the applicant and approved by the Community and Economic Development Department and Public Works Department prior to first building permit issuance. The plan shall be in the form of a recorded document mutually agreed to between the property owner and the Town and shall describe features such as, but not limited to, location of snow storage areas, the method of snow hauling, frequency of pick-ups, pick-up areas, haul routes, hours of hauling operations, and snow deposit areas. The plan shall also include methods to address potential cornice and ice falling onto pedestrian and vehicular areas and methods to address hazardous snow and ice build-up on pedestrian pathways and sidewalks. Approved methods to address hazardous snow and ice build-up include plowing, application of cindering, and potential of heat-traced pavement.

**PRIOR TO ISSUANCE OF A TEMPORARY, CONDITIONAL, OR FINAL CERTIFICATE OCCUPANCY, THE FOLLOWING CONDITIONS SHALL BE COMPLETED:**

56. All required landscaping and irrigation improvements shall be constructed prior to issuance of a temporary, conditional or final certificate of occupancy for the project. A form of security listed in Government Code Section 66499(a) and acceptable to the Town shall be posted with the Town to the satisfaction of the Community and Economic Development Department for any required landscaping and irrigation improvements to be deferred and a schedule shall be submitted to the town for the construction of the deferred improvements. Deferral of the construction of any landscaping and irrigation improvements shall be at the sole discretion of the director of the Community and Economic Development Department.
57. Address numbers shall be placed on all new and existing structures in such a manner as to be plainly visible and legible from the access roadway or street, consistent with Municipal Code Chapter 16.32.
58. All required grading, public and private street and drainage improvements shall be completed, all "punchlist" items completed to the satisfaction of the Public Works Director, the as-built plans submitted, reviewed and approved and the required warranty security posted prior the issuance of a certificate of occupancy for the project.
59. Projects subject to a building permit shall have all required on and off-site improvements completed and approved prior to final inspection of any buildings or structures. The installation of any on or off-site improvements shall be sufficiently completed so as to assure protection from storm or drainage run off, a safe and

drivable access for fire and safety, and the ordinary and intended use of buildings or structures. The Building Official, with the concurrence of the Public Works Director, may approve any plan or approve a change to an approved plan, which complies with the intent of this policy.

60. All deferred survey monumentation shall be completed, or surety posted, prior to the issuance of a temporary, conditional or final certificate of occupancy for the project.

### **SPECIAL ENGINEERING CONDITIONS**

61. Prior to issuance of a Certificate of Occupancy, the Applicant shall coordinate with the Public Works Department to install a rectangular rapid-flashing beacon (RRFB) with pedestrian activation at the Meridian Boulevard connector multi-use path crossing. All costs associated with completion of this requirement shall be the responsibility of the applicant.

### **MITIGATION MEASURES – (MMRP)**

62. CUL-1: **Workers Environmental Awareness Program.** Prior to ground disturbing activities, the Project Applicant shall prepare and implement a Workers Environmental Awareness Program (WEAP) training to address cultural resources issues anticipated at the project site for review and approval by the Public Works Director. The WEAP shall include information of the laws and regulations that protect cultural resources, the penalties for a disregard of those laws and regulations, what to do if cultural resources are unexpectedly uncovered during construction, and contact information for a qualified archaeologist, defined as an archaeologist who meets the Secretary of the Interior's Professional Qualification Standards for archaeology, who shall be contacted in the case of unanticipated discoveries. The WEAP shall also include project specific information regarding the potential for and types of prehistoric and historic resources that may potentially be encountered.
63. CUL-2: **Archaeological and Native American Monitoring.** A qualified archaeologist, defined as an archaeologist who meets the Secretary of the Interior's Professional Qualification Standards for archaeology, and qualified Native American monitor shall be retained to perform all mitigation measures related to prehistoric and historic cultural and tribal cultural resources for the project. An archaeologist and Native American monitor shall be present to monitor all initial ground disturbing activities associated with the project, including but not limited to: removal of building asphalt, pot-holing or auguring, grubbing, weed abatement, boring/grading of soils, drilling/trenching for utilities, excavations associated with development, etc. The monitors shall complete monitoring logs on a daily basis. The logs shall provide descriptions of the daily activities, including construction activities, locations, soil, and any cultural materials identified. In addition, the monitors are required to provide insurance certificates, including liability insurance, for any archaeological resource(s) encountered during grading and excavation activities pertinent to the provisions outlined in the California Environmental Quality Act, California Public Resources Code Division 13, Section 21083.2 (a) through (k).

If, during initial ground disturbance, the monitors determine that the ground disturbing activities have little or no potential to impact cultural resources, and/or the monitors determine that ground disturbances would occur within previously disturbed and non-native soils, the qualified archaeologist may recommend that monitoring may be reduced or eliminated. This decision shall be made in consultation with the Native American monitor and the Town of Mammoth Lakes. The final decision to reduce or eliminate monitoring shall be at the discretion of the Town of Mammoth Lakes. If cultural resources are encountered during ground disturbing activities, work in the immediate area shall halt, the qualified archaeologist shall immediately notify the Public Works Director, and the find shall be evaluated for significance under the California Environmental Quality Act and National Historic Preservation Act (NHPA). Consultation with the Native American monitor, the Native American Heritage Commission, and data/artifact recovery, if deemed appropriate, shall be conducted. The qualified archaeologist and monitors may reduce or stop monitoring dependent upon observed conditions.

64. TRA-1: Prior to issuance of a grading permit, the project Applicant shall prepare a Traffic Management Plan (TMP) for approval by the Town's Traffic Engineer. The TMP shall specify that one lane of travel in each direction on Commerce Drive must always be maintained during project construction activities. The TMP shall include measures such as construction signage, limitations on timing for lane closures to avoid peak hours of truck traffic, temporary striping plans, and, if necessary, use of construction flag person(s) to direct traffic during heavy equipment use. The TMP shall be incorporated into project specifications for verification prior to final plan approval.