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AGENDA ITEM NO.: 8 (Action Item – Public Hearing)
PLANNING COMMISSION MEETING DATE: January 23, 2019
SUBJECT: Non-Hosted Short Term Rental (NH-STR)
2018-17/Wilson

EXECUTIVE SUMMARY

The applicant has applied for a Non-Hosted Short Term Rental permit for his residence located at 200 Sierra Summit Drive, in the community of Aspendell, California. A Non-Hosted Short Term Rental permit is required before an applicant can begin renting a residence for periods of 30 days or less. The requirements for this permit are specified in Inyo County Code Chapter 18.73.

PROJECT INFORMATION

Supervisory District: 1

Project Applicant: Andrew Wilson

Property Owner: Andrew and Laura Wilson

Site Address: 200 Sierra Summit Drive

Community: Aspendell (Bishop), California

A.P.N.: 014-370-03

General Plan: Residential Very Low Density (RVL)

Zoning: One Family Residence – three quarter acre minimum (RR-0.75)

Size of Parcel: 0.87 Acres

Surrounding Land Use:

Location:	Use:	Gen. Plan Designation	Zoning
Site	Single Family Residential	Residential Very Low Density (RVL)	One Family Residences-three-quarter-acre minimum (R1-0.75)
North	Open Space	Open Space and Recreation (OSR)	Open Space-40-acre minimum (OS-40)
East	Open Space	Open Space and Recreation (OSR)	Open Space-40-acre minimum (OS-40)
South	Single Family Residential	Residential Very Low Density (RVL)	One Family Residences-three-quarter-acre minimum (R1-0.75)
West	Single Family Residential	Residential Very Low Density (RVL)	One Family Residences-three-quarter-acre minimum (R1-0.75)

Staff Recommended Action: **Make certain Findings with respect to and Approve Non-Hosted Short Term Rental Permit 2018-017/Wilson, subject to the Conditions of Approval as recommended in this staff report.**

Alternatives:

- 1.) Deny the Non-Hosted Short Term Rental Permit.
- 2.) Approve the Non-Hosted Short Term Rental Permit with additional Conditions of Approval.
- 3.) Continue the public hearing to a future date, and provide specific direction to staff regarding what additional information and analysis is needed.

Project Planner:

Tom Schaniel, Associate Planner

STAFF ANALYSIS

Background and Overview

The applicant has applied for a Non-Hosted Short Term Rental (NH-STR) Permit to operate a short term rental at the project property. The proposed non-hosted rental is the primary residence on the property. The term non-hosted means that the renters will solely occupy the residence during the time of the rental (there is no host within the residence at the time the property is being rented).

Section 18.73.030 d. of the Inyo County Code (ICC) requires that the possessor of a NH-STR Permit must also possess a permit for a hosted rental. To meet this requirement, the applicant has already obtained a permit for a Hosted Short Term Rental (H-STR), at the same residence at 200 Sierra Summit Drive. This property is owned by the applicant and his wife, Andrew and Laura Wilson.

The proposed application for a NH-STR Permit aligns with ICC Section 18.73-*Short-Term Rental of Residential Property*, which allows for the rental of dwelling units where

the owner of the dwelling unit does not concurrently occupy the dwelling unit with the transient lodger. The application for this non-hosted rental has been reviewed by staff and meets the requirements of the ICC Section 18.73. Included with this staff report is a copy of a site plan showing parking and emergency access requirements (Attachment B). Also attached is a copy of the “House Rules” that demonstrate requirements for compliance with ICC Section 18.73 (Attachment C). Per ICC Section 18.73.060 approval of NH-STR permits is at the discretion of the Inyo County Planning Commission, and the Commission must give final approval in order to issue the NH-STR Permit.

The project property is surrounded by other similar residential properties to the south and west, with undeveloped Forest Service land to the north and east. Other residential properties in the area range from approximately 0.79 acres to 1.0 acre. The property is located at the norther most edge in the edge of the community of Aspendell, Inyo County. A Vicinity Map is provided (Attachment A). Also photos of the property are included with the site map (Attachment B).

General Plan Consistency

This application and hearing is to consider approving a NH-STR permit for the applicant to rent residential space on a short term basis in compliance with County code. The project is consistent with Short-Term Rental Ordinance, which was added as Chapter 18.73 of the Inyo County Code, following approval by the Inyo County Board of Supervisors on February 20, 2018. This use will not conflict with the General Plan designation of Residential Very Low Density (RVL) as it does not change the size or density of the residential development currently on the site and in the General Plan.

Zoning Ordinance Consistency

The One Family Residence (R1) zoning designation allows for applications for short term rental permits per section 18.73 if the ICC. The use of the property is still considered to be residential in nature and therefore remains consistent with the current zoning.

Noticing and Review

Planning Staff routed the application for the NH-STR Permit to the Assessor’s office, the Building and Safety Department and the Environmental Health Department. These departments responded that they had no substantive comments on the project.

The Planning Commission Hearing for NH-STR 2018-17/Wilson was advertised in the Inyo Register on January 12, 2019 and notices were mailed to properties within 300-feet of the project location. Staff has received no comments from the public.

ENVIRONMENTAL REVIEW

As per Section Two of the approved County Ordinance (Chapter 18.73), NH-STR permit was reviewed for compliance with the California Environmental Quality Act (CEQA), the CEQA guidelines, and the County’s environmental procedures, and was found to be exempt pursuant to Section 15061(b)(3) (general rule) of the CEQA guidelines, as it constitutes an extension of residential use on an already developed property, with no new

development proposed, and can be seen with certainty that there will be no significant effect on the environment.

RECOMMENDATION

Planning Department staff recommends the approval of Non-Hosted Short Term Rental Permit No. 2018-17/Wilson, with the following Findings and Conditions of Approval:

FINDINGS

1. The proposed Non-Hosted Short Term Rental Permit is exempt under CEQA Guidelines 15061(b)(3), general rule, and the provisions of the California Environmental Quality Act have been satisfied.
[Evidence: Pursuant to Section 15061(b)(3) (general rule) of the CEQA guidelines, the proposed permit application constitutes an extension of residential use and can be seen with certainty that there will be no significant effect on the environment.]
2. The proposed Non-Hosted Short Term Rental Permit is consistent with the Inyo County General Plan Land Use designation of Residential Very Low Density (RVL).
3. *[Evidence: The proposed project is consistent with the goals and policies of the General Plan's Land Use designation of Residential Very Low Density, which allows for 2 dwelling units per acre. An existing accessory dwelling unit will be utilized as the short term rental on a 0.87 acre parcel, which is consistent with Inyo County's General Plan designation for this property.]*
4. The proposed Non-Hosted Short-Term Rental Permit is consistent with the Inyo County Zoning Ordinance.
[Evidence: The approved ordinance of Short-Term Rentals (Transient Occupancy – a rental for 30-Days or less), as adopted by the Board of Supervisors on February 20, 2018, allows for the short-term rental of residential dwellings in the Zoning Districts of: One Family Residential (R1), Single Residence and Mobile Home Combined (RMH), Rural Residential (RR), Rural Residential Starlite Estates (RR-Starlite), and the Open Space Zone (OS). The applicant's property is zoned Rural Residential-Starlit (RR-Starlit) and is therefore consistent with Inyo County's zoning ordinance.]
5. The proposed Non-Hosted Short Term Rental Permit is necessary or desirable.
[Evidence: With the proliferation of Short-Term Rentals through on-line hosts, such as Air B&B, etc., the Board of Supervisors found it necessary and desirable to create an ordinance that regulated transient occupancy. Prior to February 2018, short term rentals were considered not-allowed, because no portion of the code explicitly allowed for short term rentals. The Planning Department, with direction from the Planning Commission and the Board of Supervisors went through a public process to develop the current short term rental ordinance, ICC 18.73, which was approved by the Board of Supervisors in February of 2018. The

proposed non-hosted vacation rental permit application is consistent with the requirements stipulated by this ordinance.]

6. The proposed Non-Hosted Short Term Rental Permit is properly related to other uses and transportation and service facilities in the vicinity.

[Evidence: The proposed Non-Hosted Short Term Rental permit will have no impact to transportation and service facilities beyond what is allowed for the current allowed uses, including owner occupied residence or long term rental. During the development of the short term rental ordinance, the public raised concerns about parking on the streets from short term renters impacting neighborhoods. ICC Section 18.73.030 j. allows for a maximum of one vehicle per guestroom and that the owners shall provide an off-street parking space for each potential vehicle. The applicant has provided a site plan that shows 8 off-street parking places (3 more than required) to address this requirement (5 guest rooms are available).]

7. The proposed Non-Hosted Short Term Rental 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.

[Evidence: The proposed Non-Hosted Short-Term Rental Permit does not adversely affect public health or safety of persons living in the vicinity. The project provides no impact beyond what is permitted for the current allowed uses, including owner occupied residence or long term rental. The Inyo County Environmental Health Department evaluated the application for sewer, septic, and water issues and found no problems with the application. The residence's file was reviewed by the County's Building and Safety Department and no problems were identified.]

8. Operating requirements necessitate the Non-Hosted Short Term Rental Permit for the site.

[Evidence: Use of the applicant's property for non-hosted short-term rental requires the Non-Hosted Short-Term Rental Permit, as per Chapter 18.73 of the Inyo County Code.]

CONDITIONS OF APPROVAL

1. The applicant, landowner, and/or operator 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 Non-Hosted Short Term Rental Permit No. 2018-17/Wilson. The County reserves the right to prepare its own defense.
2. The applicant shall conform to all applicable provisions of Inyo County Code. If the use provided by this Non-Hosted Short-Term Vacation Rental Permit is not established within one year of the approval date it will be become void.

Attachments

- A. Vicinity Map
- B. Site/Parking Plan and Photograph
- C. House Rules