



**Planning Department**  
**168 North Edwards Street**  
**Post Office Drawer L**  
**Independence, California 93526**

**Phone: (760) 878-0263**  
**FAX: (760) 872-2712**  
**E-Mail: [inyoplanning@inyocounty.us](mailto:inyoplanning@inyocounty.us)**

**AGENDA ITEM NO.:** 5 (Action Item – Public Hearing)

**PLANNING COMMISSION  
 MEETING DATE:** January 23, 2018

**SUBJECT:** Non-Hosted Short-Term Rental Permit  
 No. 2018-02/Moberly

**EXECUTIVE SUMMARY**

The applicant has applied for a Non-hosted Short Term Vacation Rental permit, located at 324 McLaren Lane, in Bishop. This permit is required for the applicant to begin renting residential space for periods of 30-days or less, and to achieve compliance with Inyo County Code Chapter 18.73.

**PROJECT INFORMATION**

**Supervisory District:** 3  
**Project Applicant:** Kim Moberly  
**Site Address:** 324 McLaren Lane, Bishop, CA 93514  
**Community:** Bishop, CA  
**A.P.N.:** 011-080-12  
**General Plan:** Residential Rural High (RRH)  
**Zoning:** One Family Residences – 1 acre minimum (R1-1.0)  
**Size of Parcel:** .48 acre (6098sq.ft.)

**SURROUNDING LAND USE:**

<b>Location:</b>	<b>Use:</b>	<b>Gen. Plan Designation</b>	<b>Zoning</b>
Site	Developed	Residential Rural High (RRH)	One Family Residences – 1 acre minimum (R1-1.0)
North	Developed	Residential Rural High (RRH)	One Family Residences – 1 acre minimum (R1-1.0)
East	Developed	Residential Rural High (RRH)	One Family Residences – 1 acre minimum (R1-1.0)
West	Developed	Residential Rural High (RRH)	One Family Residences – 1 acre minimum (R1-1.0)

South	Developed	Residential Rural High (RRH)	One Family Residences – 1 acre minimum (R1-1.0)

**Staff Recommended Action:** 1.) Approve the Non-Hosted Short-Term Vacation Rental Permit 2018-02/Moberly

**Alternatives:**

- 1.) Deny the Non-Hosted Short-Term Vacation Rental Permit
- 2.) Approve the Non-Hosted Short-Term Vacation 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:** Steve Karamitros

**STAFF ANALYSIS**

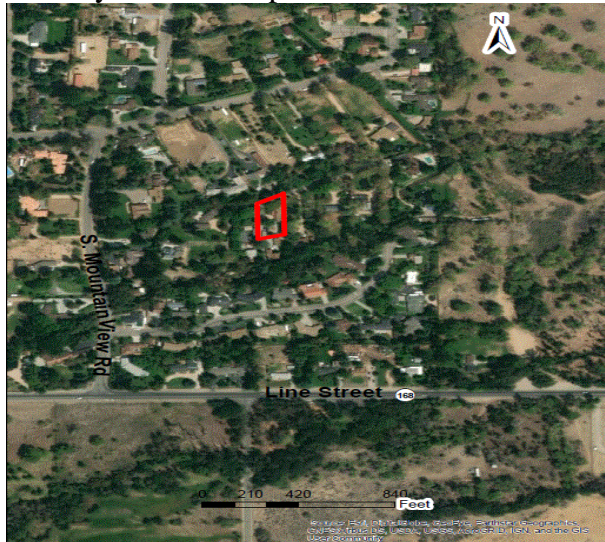
Background and Overview

The applicant has applied for and received a Hosted Short-Term Vacation Rental Permit from the Inyo Planning Department, for the residence located at 324 McLaren Lane in Bishop. There is a primary residence and a 600 ft<sup>2</sup> accessory dwelling on the property, which the applicant would like to rent as a non-hosted vacation rental. The accessory dwelling was built in compliance with the standards set by the Inyo County Building and Safety Department and the Inyo County Environmental Health Department.

The proposed application for a Non-Hosted Short-Term Vacation Rental Permit aligns with Inyo County Code 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 met the requirements of the Inyo County Planning Department and, per County Code Section 18.73.060, now requires that the Inyo County Planning Commission give final approval in order to issue the Non-Hosted Short-Term Vacation Rental Permit.

The residence is in a location surrounded by similar land uses on every side; zoning of One Family Residence with a 1 acre minimum (R1 – 1.0) and general plan designations of Rural Residential High (RRH). The residence is located in the unincorporated area of Bishop.

### Vicinity location map



### Residential location for non-hosted rental



### General Plan Consistency

The goal of this review is to allow the applicant to rent residential space in compliance with the County’s zoning ordinance. 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 Rural Residential High (RRH) 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 applicant’s residence is zoned One Family Residences (R-1), which is defined as an eligible zoning area for short term rentals. The current use will not change and therefore remains consistent with the current zoning ordinance.

## **ENVIRONMENTAL REVIEW**

As per Section Two of the approved County Ordinance (Chapter 18.73), the Hosted/Non-Hosted Short-Term Rental Permit 2018-02/Moberly 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, with no new development, and can be seen with certainty that there will be no significant effect on the environment.

Residents within 300 feet of the proposed rental were notified that an application for a non-hosted short-term rental was being submitted, and Inyo County staff noticed these residents regarding the public hearing date. Public notification of the hearing date was published in the Inyo Register on January 10, 2018.

The Planning Department has received complaints from three neighbors (signed letter) claiming that the applicant is out of compliance with the zoning ordinance and that they do not wish to see vacation rentals in their neighborhood.

## **RECOMMENDATION**

Find the proposed project exempt from the requirements of the California Environmental Quality Act; make the findings specified below; and, approve Non-Hosted Short-Term Vacation Rental Permit 2018-02/Moberly, subject to the Conditions of Approval:

### Recommended Findings for NH-STR 2018-02/Moberly:

1. The proposed Non-Hosted Short-Term Vacation Rental Permit is exempted from further CEQA review, 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 Vacation Rental Permit is consistent with the Inyo County General Plan Land Use Designation of Rural Residential High (RRH).  
*[Evidence: The proposed project is consistent with the goals and policies of the General Plan's Land Use designation of Rural Residential High, which has a Residential Density of 1 dwelling units per acre. The applicant's proposal is to have one primary and one accessory dwelling unit on a roughly 20,000 ft<sup>2</sup> parcel, which is consistent with Inyo County's General Plan designation for this property.]*
3. The proposed Non-Hosted Short-Term Vacation 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 Residential and is therefore consistent with Inyo County's zoning ordinance.]*

4. The proposed Non-Hosted Short-Term Vacation Rental Permit is necessary or desirable.  
*[Evidence: With the proliferation of Short-Term Vacation 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. In 2006 the Board of Supervisors approved with findings by Inyo County staff related to transient occupancy and issued a finding that stated "one family residential zone districts do not allow for short-term, transient accommodation uses as a primary permitted use, a conditional use or an accessory use; therefore, short-term transient accommodation uses in a one family residence zones is in violation of the - One Family Zone District as set forth in the Inyo County Code Section 18.30." This decision guided the Planning Department's efforts in designing an ordinance for short-term vacation rentals in residentially zoned areas. The proposed non-hosted vacation rental permit application is consistent with the requirements stipulated in the short-term rental ordinance, as adopted by the Board of Supervisors in February 2018. ]*
5. The proposed Non-Hosted Short-Term Vacation Rental Permit is properly related to other uses and transportation and service facilities in the vicinity.  
*[Evidence: The proposed Non-Hosted Short-Term Vacation Rental Permit is properly related to transportation and service facilities and will not adversely affect these facilities. All completed applications for Hosted/Non-Hosted Short-Term Rental Permits require site plans that demonstrate the availability of on-site parking at the applicant's residence.]*
6. The proposed Non-Hosted Short-Term Vacation 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.  
*[The proposed Non-Hosted Short-Term Vacation Rental Permit does not adversely affect public health or safety of persons living in the vicinity. The Inyo County Environmental Health Department evaluated the application for sewer, septic, and water issues and found no problems with the application. The rental unit, a 600 ft<sup>2</sup> accessory dwelling, was evaluated by the County's Building and Safety Department and no problems were identified.]*
7. Operating requirements necessitate the proposed Non-Hosted Short-Term Vacation Rental Permit for the site.  
*[Evidence: Use of the applicant's property for non-hosted short-term rental requires the Non-Hosted Short-Term Vacation 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 Vacation Rental Permit No. 2018-02/Moberly. 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.

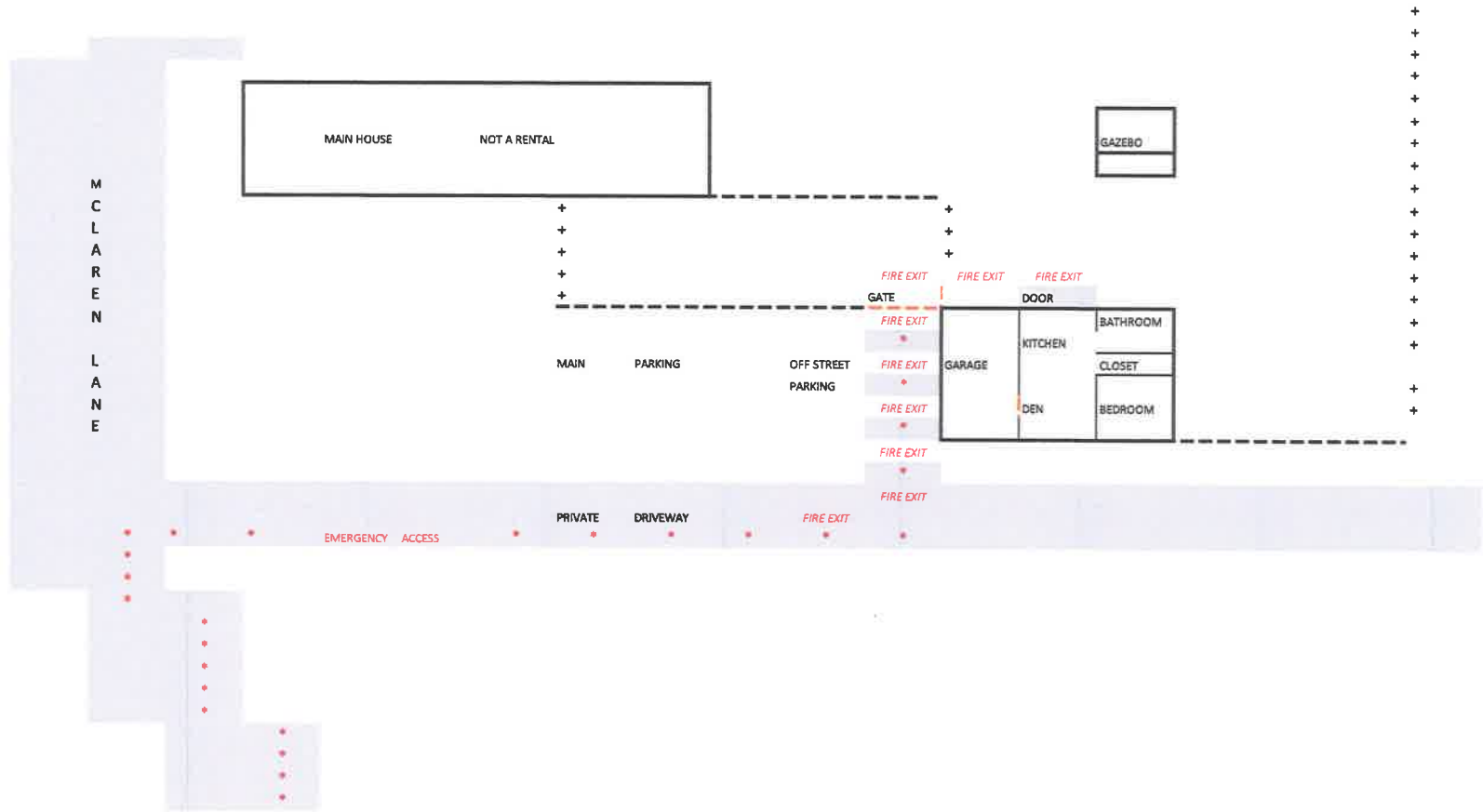
## **SUMMARY**

Staff recommends that the Planning Commission make certain findings to approve the Non-Hosted Short-Term Vacation Rental Permit No. 2018-02/Moberly and find it exempt from CEQA.

## **Attachments**

- A. Maps
- B. Comments Received

Site Plan



Christina Rockwell  
3627 Brookside Drive  
Bishop, CA 93514

Inyo County Planning Dept.  
Attn: Steve Karamitros  
Independence, CA 93526



November 6, 2018

RE: Project # NH-STR-2018-06 Moberly

Dear Sir:

I am writing this letter in response to the recent letter I received from Ms. Kim Moberly. She is advising me of her permit application for a hosted short term rental, referenced project number above (also see attached copies). I have consulted with neighbors and there is a general consensus that short term rentals historically have been a nuisance in exclusively residential neighborhoods, and has already been demonstrated in this particular area, including the home named for this project. Inyo County Sheriffs have been contacted on numerous occasions for suspicious activity around the home, unknown persons in the neighborhood, and excessive traffic and noise during County ordained quiet hours. Admittedly I have no personal experience related to this home; I moved here the last week of August this year. I previously lived in Mono County in a quiet residential area (White Mountain Estates) where a home was used as an unhosted short term rental with disastrous results for all nearby homes due to noise, excessive traffic, and trash left behind in the yard and surrounding areas. To say I am disappointed with this practice in my new neighborhood would be an understatement.

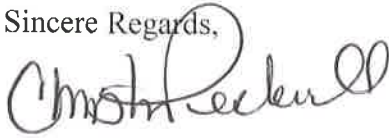
Another important consideration as you review her permit application is I am confident she does not live in the home at 324 McLaren, but instead lives at 2617 Highland Drive in Bishop, about 3-4 miles away in a different neighborhood. I have known Ms. Moberly for 23 years. Neighbors of the McLaren address have confirmed to me while the home is occupied by short term renters (this has already been taking place for a few years) Ms. Moberly is not on the premises, nor any representative of hers. They insist she has never lived in the home on McLaren. While it has only been an observation (and irritation) in the past, I have asked they start documenting "short term rental" type activity and any law enforcement contact noticed at the home going forward during the permit application process so we may bring this information to you and/or the Board of Supervisors.

I have also included the name, address, phone number and signature of residents who may be affected by the approval and subsequent short term rental activity at this address should her permit be approved, and who also are vehemently opposed to this happening. We are prepared to

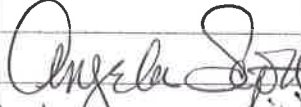




provide statements at the Board of Supervisors meeting if it comes to the agenda. I can be reached anytime at 702-328-0384 should you have any questions.

Sincere Regards,



Christina Rockwell

Resident Name	Address	Phone Number	Signature
Angela Scott	3652 Ranch Road	(760) 937-7182	
Joann Lijek	272 McLaren LN.	(760) 873-8503	
BRITT WEST	3643 Brookside DR	760 873 4705	

## Steven Karamitros

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**From:** InyoPlanning  
**Sent:** Wednesday, December 26, 2018 8:28 AM  
**To:** Steven Karamitros  
**Subject:** FW: 324 McLaren Lane, from Joann Lijek

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From: Joann Lijek [jalijek@yahoo.com]  
Sent: Friday, December 14, 2018 3:16 PM  
To: InyoPlanning  
Subject: 324 McLaren Lane, from Joann Lijek

To whom it may Concern at Planning:

Hi,

I am just writing to say that Ms Moberly had/has people in both of the houses next door (324 McLaren Ln.) since wednesday night (Dec. 12, 2018). There were also people ( 2 adults, 2 children, driving a large white chevy suburban) in the small house from 11/23 through 11/25/2018.

At this point I am wondering if you have approved her application for short term rental without any neighbor notification? Or at least notifying me.

She is committing deliberate fraud by claiming she lives on the property when she most definitely does not and I would go to court and testify to this. That woman (Moberly) has never spent a night at that property that I have witnessed. I would say that it would be an extreme coincidence if that only happened when I was away. No one that I know of can support her claim of living there.

Also, having tenants without a permit, if that is the case, shows she is totally unconcerned with complying with the law, or whether she is bothering her neighbors.

Then there is the matter of her collecting tax from these temporary tenants. If she does not have an approved rental, what is the tax for? I guess I could go to the Franchise Tax Board and see if she has a resale # and pays it as sales tax. Otherwise, if she collects it and pockets it, I would think that is illegal.

There is something else that probably isn't actionable but seems very odd. A man in a silver dodge diesel truck drives in and out of her property 3 times a day, early morning, around noon, and around 4pm. Mostly weekdays. Drives in stays, for a few minutes (lets the truck idle) and drives out, usually at a high rate of speed. Me being a nosy old lady doesn't quite erase the fact that this is weird, certainly not illegal, but annoying due to noise and increased traffic. If it wasn't noticeable, I wouldn't notice.

Well, that is my b..tch p..tch for today. Thank you for Listening or at least pretending to do so. Merry Christmas, Joann Lijek