



**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.:** 6(Action Item – Public Hearing)

**PLANNING COMMISSION  
 MEETING DATE:** August 28, 2019

**SUBJECT:** Non-Hosted Short-Term Rental Permit  
 No. 2019-03/Kemp

**EXECUTIVE SUMMARY**

The applicant has applied for a Non-hosted Short Term Rental permit, located at 222 Rosedale, Independence. 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:** 1  
**Project Applicant:** Scott & Mary Kemp  
**Site Address:** 222 Rosedale  
**Community:** Independence, CA  
**A.P.N.:** 002-071-26  
**General Plan:** Residential Medium Density (RM)  
**Zoning:** Single Residence or Mobile home Combined 5,800 sq. ft. minimum (RMH-5,800)  
**Size of Parcel:** .24 acres

**SURROUNDING LAND USE:**

<b>Location:</b>	<b>Use:</b>	<b>Gen. Plan Designation</b>	<b>Zoning</b>
Site	Developed	Residential Medium Density (RM)	Single Residence or Mobile home Combined 5,800 sq. ft. minimum (RMH-5,800)
North	Undeveloped	Residential Medium Density (RM)	Single Residence or Mobile home Combined 5,800 sq. ft. minimum (RMH-5,800)
East	Developed	Public Service Facilities (PF)	Public Districts (P)
West	Developed	Residential Medium Density	Single Residence or Mobile home

		(RM)	Combined 5,800 sq. ft. minimum (RMH-5,800)
South	Developed	Residential Medium Density (RM)	Single Residence or Mobile home Combined 5,800 sq. ft. minimum (RMH-5,800)

**Staff Recommended Action:** 1.) Approve the Non-Hosted Short-Term Rental Permit 2019-03/Kemp

**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.

**Assistant Planner:** Ryan Standridge

**STAFF ANALYSIS**

Background and Overview

The applicant has applied for and received a Hosted Short-Term Rental Permit from the Inyo Planning Department, for the residence located at 244 Rosedale in Independence as required by section 18.73.03d of the Inyo County Code. The applicant is requesting the 222 Rosedale residence be rented as a Non-hosted rental. This structure 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 Rental Permit aligns with Inyo County Code Section 18.73-*Short-Term Rental of Residential Property*, which allows for the rental of a residential dwelling unit 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 Rental Permit.

The residence is in a location surrounded by residential uses in the Single Residence and Mobilehome Combined (RMH) zone, as well as elementary school zoned Public District (P) to the west. The residence is located in Independence.

General Plan Consistency

The goal of this review is to allow the applicant to rent residential space for 30-days or less 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 Residential Medium Density (RM) as it does not

change the size or density of the residential development currently on the site and complies with the General Plan.

#### Zoning Ordinance Consistency

The applicant's residence is zoned Single Residence and Mobilehome Combined (RMH), which is defined as an eligible zoning area for short term rentals. The proposed use will not change the density or the residential use of property 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 2019-03/Kemp 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.

### **RECOMMENDATION**

Find the proposed project is exempt from the requirements of the California Environmental Quality Act; make the findings specified below; and, approve Non-Hosted Short-Term Rental Permit 2019-03/Kemp, subject to the Conditions of Approval:

#### Recommended Findings for NH-STR 2019-03/Kemp:

1. The proposed Non-Hosted Short-Term 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 with no new development or change in density 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 Medium Density (RM).  
*[Evidence: The proposed project is consistent with the goals and policies of the General Plan's Land Use designation of Residential Medium Density, which allows for 4.6 to 7.5 dwellings unit per 1 acre. The applicant's proposal to rent the primary dwelling unit that is on a .24 acre parcel, is consistent with Inyo County's General Plan designation for this property.]*

3. 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 Single Residence and Mobile Home Combined and the applicant is applying for a conditional use permit, and is therefore consistent with Inyo County’s zoning ordinance.]*
4. 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 regulates transient occupancy. The proposed non-hosted 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 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 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 rental location.]*
6. 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.  
*[The proposed Non-Hosted Short-Term Rental Permit does not adversely affect public health or safety of persons living in the vicinity. The Inyo County Public Health Department evaluated the application for sewer, septic, and water issues and found no problems with the application. The rental unit 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 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. 2019-03/Kemp. 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 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 with respect to and approve Non-Hosted Short-Term Rental Permit No. 2019-03/Kemp and find it exempt from CEQA.

### **EXHIBITS**

- A. Vicinity Map
- B. Site Plan
- C. Photos
- D. Rules