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AGENDA ITEM NO.: 6 (Action Item – Public Hearing)

**PLANNING COMMISSION
 MEETING DATE:** May 29, 2019

SUBJECT: Non-Hosted Short-Term Rental Permit No. 2019-01/Ormande & Cummings

EXECUTIVE SUMMARY

The applicant has applied for a non-hosted short term vacation rental permit, located at 301 Laws Ave., in Keeler. 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: 5

Project Applicant: Sharon Cummings/Anthony Ormande

Site Address: 301 Laws Ave., Keeler, CA 93530

Community: Keeler, CA

A.P.N.: 031-054-08

General Plan: Residential Low Density (RL)

Zoning: Single Residence OR Mobile Home combined (RMH)

Size of Parcel: 0.41 acres

SURROUNDING LAND USE:

Location:	Use:	Gen. Plan Designation	Zoning
Site	Developed	Residential Low Density (RL)	Single Residence/Mobile home combined-10,000 ft ² min (RMH)
North	Developed	Residential Low Density (RL)	Single Residence/Mobile home combined-10,000 ft ² min (RMH)
East	undeveloped	Residential Low Density (RL)	Single Residence/Mobile home combined-10,000 ft ² min (RMH)
South	Developed	Residential Medium-High Density (RMH)	Single Residence/Mobile home combined-5,800 ft ² min (RMH)

West	Undeveloped	Residential Low Density (RL)	Single Residence/Mobile home combined-10,000 ft ² min (RMH)
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Staff Recommended Action: 1.) Approve the Non-Hosted Short-Term Vacation Rental Permit 2019-01/Ormande & Cummings

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 120 N. Laws Ave., in Keeler. This is a primary residence where the applicants live full time. The applicants have also applied for Non-Hosted Short-Term Vacation Rental for an adjacent property, located at 301 Laws Ave., which has an approximately 800 ft² single modular house. 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 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 vacant land to the east, north and west, which are privately owned, as well as developed residential parcels to the south. The residence is located southeast of Lone Pine, in Keeler.

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 the 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 Low Density (RL) 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 Single Residence OR Mobile home combined (RMH), 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 2019-01/Ormande & Cummings 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 short-term rental was being submitted. These residents were notified following approval of the Hosted Short Term Rental permit and no complaints were filed. Inyo County staff noticed these residents regarding the public hearing date. Public notification of the hearing date was published in the Inyo Register on May 4, 2019.

RECOMMENDATION

Planning Department staff recommends the approval of Non-Hosted Short-Term Vacation Rental Permit 2019-01/Ormande & Cummings, with the following Findings and Conditions of Approval:

FINDINGS:

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 Residential Low Density (RL).
[Evidence: The proposed project is consistent with the goals and policies of the General Plan's Land Use designation of Residential Low Density, which allows for 2 – 4.5 dwelling units per acre. The applicant's proposal is to have one dwelling unit for rent on a 0.41 acre 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 Single Residence or Mobile Home Combined 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. This will avoid burdens to Inyo County maintained roads, in this case Laws Ave. in Keeler.]

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 Public Health Department evaluated the application for sewer, septic, and water issues and found no problems with the application. The rental unit, a ~ 800 ft² single modular house, 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. Hold Harmless

The applicant 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. 2019-01/ Ormande & Cummings. The County reserves the right to prepare its own defense.

2. Compliance with County Code

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 become void.

Rules and Regulations

For

301 Laws Ave

Keeler, CA 93530

1. Only 2 renters are allowed per guestroom.
2. Only 2 vehicles shall be allowed. The off street parking is provided in front of the house on the driveway.
3. No outdoor amplified sounds are allowed
4. Quiet hours are from 9:00 p.m. – 7:00 a.m.
5. Pets are not allowed, unless prior consent ,they shall be secure at all times while on the property. No continual barking or nuisance is allowed
6. The trash can is located in the Kitchen and bathroom, a large trash can is outside on the northern side of the house off of the porch.
7. Outdoor fire area is provided on the concrete patio, only a small bar-b-q is provided. The fire must be out by 9:00 p.m.
8. The transient occupancy tax and fee's are included in the rental agreement
9. Contact Sharon Cummings or Anthony Oermondefor other questions. (760) 382-8382

