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AGENDA ITEM NO.: 7 (Action Item – Public Hearing)

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

SUBJECT: Non-Hosted Short-Term Rental Permit
No. 2019-02/Kolker

EXECUTIVE SUMMARY

The applicant has applied for a Non-hosted Short-Term Rental permit, located at 3504 Ranch Road, 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: 1
Project Applicant: Katherine & Patrick Kolker
Site Address: 3504 Ranch Road
Community: Bishop, CA
A.P.N.: 011-050-05
General Plan: Residential Low Density (RL)
Zoning: R-1 -10,000 (R-1 10,000)
Size of Parcel: Approximately 0.44-Acres

SURROUNDING LAND USE:

Location:	Use:	Gen. Plan Designation	Zoning
Site	Residential	Residential Low Density (RL)	One Family Residential – 10,000 square foot minimum (R1-10,000)
North	Residential	Residential Low Density (RL)	One Family Residential – 10,000 square foot minimum (R1-10,000)
East	Agriculture	Agriculture (A)	Open Space -40 Acre Minimum
South	Residential	Residential Low Density (RL)	One Family Residential – 10,000 square foot minimum (R1-10,000)square foot minimum (R1-10,000)
West	Residential	Residential Rural High Density (RRH)	One Family Residential – 10,000 square foot minimum (R1-10,000)

Staff Recommended Action: 1.) Approve the Non-Hosted Short-Term Rental Permit 2019-02/Kolker

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: 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 3504 Ranch Road in Bishop. There is a primary residence with an Accessory Dwelling unit which the applicant would like to rent 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

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, and 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 developed residential parcels to the north, south, and west with agriculture directly east of parcel. The residence is in the Bishop community.

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 Residential Low Density (RL) as it does not change the size or density of the residential development currently on the site as designated by the General Plan.

Zoning Ordinance Consistency

The applicant's residence is zoned R-1 One Family Residential (R1-10,000), which is defined as an eligible zoning area for short term rentals with a short term rental permit. The current use will not change and therefore remains consistent with the current zoning designation.

ENVIRONMENTAL REVIEW

Short-Term Rental Permit 2019-02/Kolker 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 2019-02/Kolker, subject to the Conditions of Approval:

Recommended Findings for NH-STR 2019-02/Kolker:

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 single family dwellings within urban type areas. The applicant's proposal to rent the primary dwelling unit is consistent with Inyo County's General Plan designation for Residential Low Density, , which allows for 2.0 to 4.5 dwelling units per acre. The applicant's proposal is to have one primary and one accessory dwelling unit on the parcel, and is consistent with Inyo County's General Plan designation for this property and in accordance with Government Code Section 65852.2.(a)(8) An accessory dwelling unit that conforms to this subdivision shall be deemed to be an accessory use or an accessory building and shall not be considered to exceed the allowable density for the lot upon which it is located, and shall be deemed to be a residential use that is consistent with the existing general plan and zoning designations for the lot.]
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) with a conditional use permit. The applicant's property is zoned One Family Residential and is therefore consistent with Inyo County's zoning ordinance upon receiving the conditional use permit.]
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 regulated 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 applicant's residence.]
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. 2019-02/Kolker. The County reserves the right to prepare its own defense.
2. The applicant shall conform to all applicable provisions of Inyo County Code, failure to do so could cause the revocation of the permit. 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.

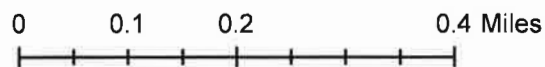
SUMMARY

Staff recommends that the Planning Commission make certain findings with respect to and approve Non-Hosted Short-Term Rental Permit No. 2019-02/Kolker and find it exempt from CEQA.

EXHIBITS

- A. Vicinity Map
- B. Site plan
- C. Rules

NHSTR-2019-02/Kolker Vicinity Map



Google Maps 3504 Ranch Rd - Parcel Map for Non-Hosted Short Term Rental



House Rules and Regulations

3504 Ranch Road
Bishop, CA 93514

Property Owners:

Katherine & Patrick Kolker
(760) 920-3005 (760) 920-8189

Emergency Contact

*If Katie and/or Pat are not available
Rob Barker (family friend in the neighborhood)
(760) 937-1949

1. Only two (2) renters are allowed per guestroom. This number does not include children three (3) years and under.
2. A maximum of one vehicle per guestroom is allowed - all guests must park in the driveway leading up to the home. Please do not park on the street or anywhere other than the driveway.
3. Outdoor amplified sound is prohibited. Please keep noise to a minimum as to not disturb our neighbors.
4. Quiet hours are from 9:00pm to 7:00am. Kindly turn porch light off before going to bed for the night.
5. Please use provided trash bins and recycling storage containers located along the side of the main house.
6. Pets are not allowed.
7. Outdoor fires are not permitted.
8. Please, absolutely NO SMOKING in or around the property.

Thank you!

Tax Registration Certificate #: