

COUNTY OF INYO

PLANNING COMMISSION

MINUTES OF August 22, 2018 MEETING

COMMISSIONERS:

FRANK STEWART
CAITLIN MORLEY
TODD VOGEL
SCOTT STONER
SCOTT KEMP

FIRST DISTRICT (CHAIR)
SECOND DISTRICT
THIRD DISTRICT (VICE-CHAIR)
FOURTH DISTRICT
FIFTH DISTRICT

Inyo County Planning Commission
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STAFF:

CATHREEN RICHARDS
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JOHN VALLEJO

PLANNING DIRECTOR
ACTING PUBLIC WORKS DIRECTOR
ACTING COUNTY ADMINISTRATOR
PROJECT COORDINATOR
COUNTY COUNSEL

The Inyo County Planning Commission met in regular session on Wednesday, August 22, 2018, in the Administration Building, in Independence, California. Commissioner Stewart opened the meeting at 10:03 a.m.

These minutes are to be considered for approval by the Planning Commission at their next scheduled meeting.

ITEM 1: **PLEDGE OF ALLEGIANCE** – All recited the Pledge of Allegiance at 10:03.

ITEM 2: **ROLL CALL** - Commissioners: Frank Stewart, Todd Vogel, Caitlin Morley, Scott Kemp and Scott Stoner, were present.

Staff present: Cathreen Richards, Planning Director; Ryan Standridge, Project Coordinator; Tom Schaniel, Associate Planner; and John Vallejo, County Counsel.

Staff absent: Clint Quilter, Acting County Administrator; Michael Errante, Acting Public Works Director.

ITEM 3: **PUBLIC COMMENT PERIOD** – This item provides the opportunity for the public to address the Planning Commission on any planning subject that is not scheduled on the Agenda.

Before opening the Public comment period Chair Stewart announced Item 5 was being pulled from the Agenda. Chair Stewart opened the Public Comment Period at 10:04 A.M. There was no one from the public who wished to comment on any planning subject that was not scheduled on the Agenda. Chair Stewart closed the public comment period at 10:04 A.M.

ITEM 4: **APPROVAL OF MINUTES** – Approval of minutes from the July 25, 2018 Planning Commission Meeting.

MOTION: Moved by Commissioner Todd Vogel and seconded by Commissioner Scott Kemp to approve.

The Motion passed 5-0

ITEM 5: **APPROVAL OF A MITIGATED NEGATIVE DECLARATION/INITIAL STUDY (MND/IS) FOR THE PROPOSED ROUTINE MAINTENANCE STREAMBED ALTERATION AGREEMENT-** Inyo County Public Works Department is proposing to enter into a 10 year Routine Maintenance Agreement (RMA) with the California Department of Fish and Wildlife (CDFW) under the Lake and Streambed Alteration Program (Section 1600 of the CDFW Code). The RMA will cover routine maintenance performed by the Inyo County Road Department that occurs near CDFW jurisdictional waterways. These maintenance activities include shoulder maintenance on paved roads, roadway grading on dirt roads, clearing of drainage ditches, and removal of sediment and debris from culverts. All maintenance work occurs within the previously impacted road Right of Way.

Item was pulled with an undetermined date of return.

ITEM 6: **GPA 2018-02/Inyo County - MHMP**

The County is proposing to amend the Public Safety Element of its General Plan by adding, by reference, the Inyo County Multi-Jurisdictional Hazard Mitigation Plan (MHMP). Incorporating the MHMP into the County's General Plan will provide a more in-depth evaluation of hazards in the County and additional mitigation strategies that result in better tools to help protect the safety of the County's citizens. It will also allow the County to be eligible for consideration for part or all of its local costs on eligible public assistance to be provided by the State share funding through the California Disaster Assistance Act.

Mrs. Kelley Williams, Emergency Services Manager for Inyo County, presented the staff report and Director Richards provided the process to implement the general plan amendment.

Chair Stewart opened the Public Hearing at 10:19 a.m.

No one from the Public wished to speak on GPA 2018-02/Inyo County - MHMP and the hearing closed at 10.19 a.m.

MOTION: Moved by Commissioner Todd Vogel and seconded by Commissioner Caitlin Morley to approve the General plan amendment as presented by staff.

Motion Passed 5 – 0.

ITEM 7:

ZONE RECLASSIFICATION 2018-07/IN ERNEST HOLDINGS LTD.

LIABILITY COMPANY – The applicant is proposing to change the Zoning Designation on its property, located at 225 North Mount Whitney Drive, Lone Pine, CA with Assessor Parcel Number (APN) 005-073-34. Currently, this parcel is zoned Multiple Residential (R2). The applicant is requesting the Zoning Designation of Single Residence or Mobilehome Combined (RMH). The proposed zoning is consistent with the current use on the parcel (a single family residence). The applicant has applied for a Hosted Short-Term rental at this property, which is allowed in the RMH zoning, but not in the R2 zoning. The project is exempt from CEQA.

Mr. Schaniel Associate Planner presented the staff report.

Chair Stewart opened the Public Hearing at 10:25 a.m.

No one from the Public wished to speak on zone reclassification 2018-07/in Ernest Holdings Ltd. Liability Company and the hearing closed at 10.25 a.m.

MOTION: Moved by Commissioner Frank Stewart and seconded by Commissioner Scott Kemp to approve Zone reclassification as presented by staff.

Motion Passed 5 – 0.

ITEM 8:

Non-Hosted Short Term Rental Permit 2018-03/Gleason – The applicant has applied for a Non-Hosted Short Term Rental permit for their residence located at 2483 Sunrise Drive, in the West Bishop neighborhood of unincorporated Inyo County, 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. The project is exempt from CEQA

Mr. Schaniel Associate Planner presented the staff report.

Commissioner Scott Stoner asked staff if the applicant had complaints not short-term rental related.

Mr. Schaniel imparted that none and the applicant worked with staff desist running the short term rental.

Chair Stewart opened the Public Hearing at 10:34 a.m.

Gene Coufal of 2483 Sunrise requested the commissioners consider the twenty letters opposing the short-term rental agreement for Laura Gleason and their neighborhood. Mr. Coufal informed the Commission of CCR that prohibits short-term rentals. Mr. Coufal expressed his concern that the applicant did not meet the hosted requirement that the applicant found a loophole allowing the Non-Hosted a consideration for approval.

Commissioner Stewart asked Mr. Coufal about the street having CCR and Mr. Coufal deferred to Gary Schley that was next to address the Commission.

Gary Schley of 2507 Sunrise read the Commission's 1968 CCR for the Sunrise subdivision. Mr. Schley expressed his consternation to the commission about establishing the ordinance he believed that the petition was not shared with the commissioners. Mr. Schley requested the commissioners to consider the CCR's and the request petition do not allow short-term rental in their neighborhood.

Gary Colbert of 2405 Sunrise conveyed his concern the applicant would continue to ignore the rules if permitted and the lack of fencing on the property. He requested that if the permit is approved that those items be addressed.

Marty Williams of 2434 Sunrise is against the ordinance allowing short-term rentals. Mr. Williams relies on hotels services when traveling. Mr. Williams impressed upon the commission that service should stay in the hospitality field such as hotels and motels not in a residential area.

Sue Butler of 2523 Sunrise requested the commission consider the CCR the prevent short-term rentals. Mrs. Butler sought clarification as to why someone who was operating without a permit and in violation could get past the hosted.

Laura Gleason, the applicant, admitted to operating out of compliance but worked with county staff to cease operation and apply for the proper permits. Ms. Gleason explained to the commissioner that CCR require a board of director and currently there is no one making the CCR not in effect. Ms. Gleason restated that she has met all the requirements required by the ordinance to be considered for short-term non-hosted rentals.

Chair Stewart inquired with Ms. Gleason about having any hardships if additional conditions were put on for approval such as pets, parking, and age limits.

Ms. Gleason explained that animals and children are not allowed due to the liability with the ponds in the yard. Also, Ms. Gleason explained that due to her personal preference she does not rent to anyone under 45.

Chair Stewart closed the Public hearing at 10:49 and opened the discussion to the commissioners. Chair Stewart conveyed concern over the CCR. Counselor Vallejo advised the commission that general enforcement of CCR's is not the county's responsibility. CCR's are a private court process that does not involve the county.

Chair Stewart asked for clarification of the ordinance's requirement of a hosted before allowing a non-hosted. Staff explained that it was a last minute addition by the board to prevent potential home buyers buying up property and only providing short-term rentals that taking away from long-term housing for renters.

Chair Stewart if there were any conditions in place for a violator. Staff explained that before 2006 there was nothing until a dispute taken before the board that resulted in establishing an ordinance.

Commissioner Stoner inquired about the applicant's violation timeline of when the applicant stopped the activity. Staff restated the time it took to become compliant to the existing ordinance before adoption.

Commissioner Vogel recognized that Ms. Gleason could have up to 6 guests occupying the rental. Commissioner Vogel asked if staff could include a condition requiring no more than 6 people be present on the property and parking required in the garage.

Chair Stewart asked the director for clarification of the procedure before the ordinance being in place and how the applicant handled the violation. Director Richards informed the commission of the Board of Supervisors decision in 2006 that established short-term rentals as a violation until the board adopted the ordinance that went into effect in April.

Commissioner Vogel asked if there was a maximum of visitor that is not staying.

Chair Stewart asked the applicant if she would be willing to accept additional conditions of parking, and a limit of three occupants but a total 6 people allowed on the property. Ms. Gleason was given a chance to express concern with the parking requirement on larger vehicles that may not fit in the garage. She voiced concern of enforcing no day visitors. Director Richards informed the commission that the ordinance does not address visitors and if the restriction of visitors is included as a condition of approval it would become an enforcement issue and without enforcement staff it would put a strain on current planning staff.

Commissioner Kemp expressed his agreement with Commissioner Vogel, and Stewart adding conditions of approval to allow for the short-term rental.

Commissioner Stoner requested clarification of the validity of CCR. Counselor Vallejo explained that the issue is a collateral issue that does not relate to the county. Counsel Vallejo referred to Ordinance 18.81.100 to assist the commissioner with the determination.

Chair Stewart briefly mention the adoption process and stated he had not received the petition. However, explained that knowing the potential strain on the staff of adding a condition of no dogs he would vote for approval of short-term rental.

Commissioner Morley acknowledged the neighborhood opposition to the Short-term rental and recognized the amount public outreach taken into consideration in developing the ordinance.

Director Richards clarified for the record that the petition was handed out at the commission meeting when delivered.

Commissioner Stoner requested clarification on where the owner lived. Laura Gleason explained that she and her mother own the two properties they are doing the hosted and non-hosted. Currently, Laura lives in San Luis Obispo, and her mother lives in one of the local homes. Laura mentioned that her mother is available 24hrs seven days a week as well as Owens Valley Cleaning Service.

MOTION: Moved by Commissioner Frank Stewart and seconded by Commissioner Scott Kemp to approve with the addition of no dogs allowed to the conditions of approval.

Motion passed 3-2

COMMISSIONERS' REPORT/COMMENTS –

None

DIRECTOR'S REPORT-

Director Richards announced the Zone Text Amendment on accessory building requirements approval at the board last Tuesday. The Forest Plan has been completed and would go before the board August 28. Also, Director Richards reminded the Commissioners would have short-term rentals on next month agenda

ADJOURNMENT –

With no further business, Commissioner Stewart made a motion to adjourn the meeting at 11:35a.m., and for the Commission to reconvene at the September 26th meeting, at 10:00 a.m. in the Board of Supervisors Room, Administrative Center, Independence, California.

Motion by Commissioner Vogel to Adjourn.

Seconded by Commissioner Stoner.

Motion passed 5-0.

Prepared by:
Ryan Smith-Standridge
Inyo County Planning Department