

ORDINANCE 1251

AN ORDINANCE OF THE BOARD OF SUPERVISORS OF THE COUNTY OF INYO, STATE OF CALIFORNIA, AMENDING INYO COUNTY CODE SECTIONS 18.73.010, 18.73.020, 18.73.030; 18.73.060, AND 18.73.080; AMENDING INYO COUNTY CODE SUBSECTIONS 18.73.040.A.9, 18.73.040.A.10, 18.73.070.A, AND 18.73.070.B; AND ADDING SUBSECTION 18.73.070.C TO THE INYO COUNTY CODE.

WHEREAS, the Inyo County Board of Supervisors adopted Ordinance 1224 allowing for the short-term rental (30-days or less) of residentially zoned property; and

WHEREAS, after a year of implementing the short-term rental of residential property ordinance planning department staff reviewed short-term rental activities and presented them to the Inyo County Board of Supervisors at three separate workshops where they were discussed; and

WHEREAS, planning staff proposed various changes to the short-term rental of residential properties ordinance regarding stricter penalties for violations, changes to permitting requirements and definitions; and

WHEREAS, the Inyo County Board of Supervisors, as a policy decision, requested that planning department staff add the Multiple Residential, 2-units (R2) zone to the zoning districts that allow for short-term rentals and to remove the non-hosted permit, effectively disallowing the use in the future and to keep certain changes proposed by planning staff; and

WHEREAS, the Inyo County Planning Commission met to discuss the proposed changes to the ordinance with regard to consistency with Inyo County zoning code, General Plan and the California Environmental Quality Act and concurred with county staff recommendations.

NOW, THEREFORE, the Board of Supervisors, County of Inyo, ordains as follows:

SECTION I. Section 18.73.010 of the Inyo County Code is amended in its entirety to read as follows:

“18.73.010 Definitions.

For purposes of this chapter, the following definitions apply:

“Designated representative” means a person or persons designated by the owner to represent them as a ‘host’ during the duration of the transient renter(s) stay.

“Guestroom” means any bedroom or other separate area of a dwelling unit utilized as a sleeping area for short-term renters.

“Hosted rental” means a short-term rental of a room(s) within a dwelling where the owner or a designated representative of the owner resides on the parcel where the rental occurs, during the duration of the transient renter(s) stay.

“Owner” shall mean a record owner of the property who is responsible for submitting the application for approval and conducting hosted short-term rental activities pursuant to this chapter. “Owner” shall further include any person or entity with any direct or indirect ownership interest in the subject property, unless the interest is solely a security, lien, or encumbrance.

“Short-term rental” means to provide transient lodging in a dwelling unit, for compensation, for a period of thirty consecutive calendar days or less. “Short-term rental” does not include transient lodging in county-approved hotels and motels.”

SECTION II. Section 18.73.020 of the Inyo County Code is amended in its entirety to read as follows:

“18.73.020 Short-term rentals prohibited.

The short-term rental of residential property is a prohibited use in every zoning district in the county, with the exception of those permitted pursuant to this chapter. A violation of this Chapter is a Misdemeanor.”

SECTION III. Section 18.73.030 of the Inyo County Code is amended in its entirety to read as follows:

“18.73.030 Short-term rentals—General requirements.

Short-term rentals may be permitted on properties zoned open space (OS); rural residential (RR); rural residential Starlite; one-family residential (R1); single residence mobile home combined (RMH), and Multiple Residential 2-Units (R2) subject to the following requirements and limitations:

- A. No person shall undertake, maintain, authorize, aide, facilitate, or advertise any short-term rental activity that does not comply with the provisions of this code.”
- B. All short-term rentals shall be hosted rentals.”
- C. Each short-term rental shall have an owner or designated representative readily available to handle any questions or complaints during all short-term rental activities. Any change to the contact information for the owner or owner’s designated representative shall immediately be provided in writing to the Inyo County planning department, to neighboring properties within three hundred feet of the short-term vacation rental, and on any postings required by this chapter.”
- D. Only two hosted rentals per parcel may be permitted, except in the R2 zone, where only one hosted rental per parcel may be permitted, and any such short-term rental in an R2 zone shall only be permitted in a dwelling unit that is concurrently occupied by a primary resident(s).

- E. An owner shall only be eligible to maintain a permit(s) for short-term rentals on a maximum of one parcel of land.
- F. No more than five guestrooms per dwelling unit may be permitted for short-term rental activity.
- G. Issuance of a hosted short-term rental permit, pursuant to this chapter, is separately required for each dwelling unit in which a short-term rental will occur. Failure to obtain a hosted short-term rental permit prior to renting a residentially zoned property for 30-days or less shall be considered a violation of Chapter 18.73 and subject to legal action and/or enforcement proceedings including but not limited to an administrative penalty of no less than the dollar amount of the nightly rental rate of the property for each day the short-term rental is advertised and/or operated in violation of 18.73, or as permitted by Section 1.20.010 of this Code, whichever is more, to the maximum extent allowed by the law.
- H. Short-term rentals shall not be permitted in dwelling units that are not compliant with applicable building and safety and/or environmental health requirements, or in non-habitable structures, tents, travel trailers, RVs, treehouses, yurts, or other provisions or structures not intended for primary occupancy.
- I. Only two renters are allowed per guestroom. This number does not include children three years and under.
- J. A maximum of one vehicle per guestroom shall be allowed, and the owner shall provide off-street parking for all such allowed vehicles, that the renter(s) shall utilize. The owner shall ensure that the parking limitations are included in short-term rental agreements and in all related advertisements.
- K. Outdoor amplified sound is prohibited.
- L. Quiet hours shall be from nine p.m. to seven a.m. The host shall ensure that the quiet hours are included in rental agreements and in all advertisements.
- M. Pets, if allowed by owner, shall be secured on the property at all times. Continual barking or other nuisances created by unattended pets are prohibited.
- N. Trash bins and recycling storage containers shall be required for all permitted short-term rentals and such bins and containers shall not be stored within public view.
- O. Outdoor fire areas are only permitted in compliance with applicable state and local laws and shall not be utilized by short-term renters during quiet hours.
- P. Short-term rental activity is subject to, and the owner shall comply with, Inyo County Code Chapter 3.20 Transient Occupancy Tax. The owner shall include the transient occupancy tax registration certificate number on all short-term rental agreements, and in any related advertisements.

Q. An address sign compliant with the County's sign ordinance 18.75 with a clearly legible, from the street, address number shall be included on each short-term rental."

SECTION IV. Subsections 18.73.040.A.9 and 18.73.040.A.10 of the Inyo County Code are amended in their entirety to read as follows:

"9. A deposit for the cost of the county mailing notice of permit applications received and granted to property owners and neighbors of proposed and approved short-term rentals within three hundred feet of the subject property;

10. A planning department issued neighborhood acknowledgement form signed by each resident within three hundred feet of the proposed hosted rental. If the applicant is unable to obtain the required signatures, the applicant shall provide proof of his or her reasonable attempts to gather those signatures. The applicant shall also include and share a copy of the short-term rental rules with each resident contacted."

SECTION V. Section 18.73.060 of the Inyo County Code is amended in its entirety to read as follows:

"RESERVED"

SECTION VI. Subsection 18.73.070.A of the Inyo County Code is amended in its entirety to read as follows:

"A. Every short-term rental permit will be reviewed annually by the Planning Director. This review shall include any complaints that may have been submitted on the short-term rental and site visits if deemed necessary to fully evaluate complaints and to initiate a modification proceeding as deemed appropriate given all of the facts and circumstances of a given parcel on which short term rental activity is permitted."

SECTION VII. Subsection 18.73.070.B is amended in its entirety to read as follows:

"B. The planning director may revoke or modify a short-term rental permit as follows:

1. Notice and Hearing. Notice shall be mailed to the owner at the address specified in the approval application. The notice shall specify the reason(s) for the modification or revocation and shall designate a time and place of an administrative hearing with the planning director no sooner than six and no later than thirty weekdays, excluding holidays, following the mailing date of the notice.

The owner shall be provided the opportunity to present written and oral evidence at the hearing. Failure to appear at the hearing shall constitute a waiver of any objections to the proposed modification or revocation.

a. Following the hearing, the planning director may revoke or modify the approval upon making one or more of the following findings:

- i. The approval was obtained by fraud;
- ii. The short-term rental activity has been or is being conducted in violation of this chapter or other applicable law;
- iii. The conditions of approval have been or are being violated;

- iv. The short-term rental activity constitutes a public nuisance.
- v. The parcel on which the short term rental violation has occurred has three or more violations in a year, which shall be an automatic revocation.
- vi. Ownership of more than one parcel on which short-term rentals are permitted shall in itself be an automatic revocation of all of the owner's short-term permits, except for the permit(s) originally granted.

2. Notice of Decision. A written notice of the planning director's decision shall be prepared and mailed to the owner at the address specified in the application for approval, or as may have otherwise been formally changed by the owner. The notice shall contain a statement directing the owner to immediately cease using the property for short-term rentals, and that failure to cease such use may be subject to further legal action and/or enforcement proceedings including but not limited to an administrative penalty of no less than the dollar amount of the nightly rental rate of the property for each day the short-term rental is advertised and/or operated in violation of 18.73, or as permitted by Section 1.20.010 of this Code, whichever is more, to the maximum extent allowed by law."

SECTION VII. Subsection 18.73.070.C of the Inyo County Code is added to read as follows:

"C. Appeal. The decision of the planning director to modify or revoke a short-term rental application may be appealed to the Planning Commission consistent with Chapter 18.81 of this code."

SECTION IX. Section 18.73.080 of the Inyo County Code is amended in its entirety to read as follows:

"A. Initial complaints regarding short-term rental activity on a parcel permitted pursuant to this chapter will generally be directed to the owner or owner's designated representative identified in the short-term rental permit. The owner, or designated representative of short-term rentals shall be responsible for contacting the tenant to correct the problem within ninety minutes, or within forty-five minutes if during quiet hours, including visiting the site if necessary, to ensure that the issue has been corrected. The owner or owner's designated representative shall report any such complaints, and their resolutions or attempted resolutions, to the Inyo County planning department within twenty-four hours of the occurrence. Failure to respond to complaints or report them to the planning department within twenty-four hours of the occurrence shall be considered a violation of this section, and may constitute cause for revocation or modification of the short-term rental permit. Occupants of surrounding properties shall be apprised of this complaint procedure.

B. The county may enforce the provisions of this chapter in accordance with Title 22 of this code."

SECTION X. Severability

If any section, subsection, sentence, clause, or phrase of this ordinance is for any reason held to be invalid or unconstitutional by a decision of any court of competent jurisdiction, such a decision shall not affect the validity of the remaining portions of this ordinance. The Board of Supervisors hereby declares that it would have passed this ordinance, and each and every

section, subsection, sentence, clause, or phrase not declared invalid or unconstitutional without regard to whether any portion of this ordinance would be subsequently declared invalid or unconstitutional.

SECTION XI. Effective date.

This Ordinance shall take effect and be in full force and effect thirty (30) days after its adoption. Before the expiration of fifteen (15) days from the adoption thereof, a summary of this Ordinance shall be published once in a newspaper of general circulation printed and published in the County of Inyo, State of California in accordance with Government Code Section 25124(b). The Clerk of the Board is hereby instructed and ordered to so publish a summary of this Ordinance together with the names of the Board voting for and against same.


PASSED AND ADOPTED this 11th day of February, 2020 by the following vote of the Inyo County Board of Supervisors:

AYES: -5- Supervisors Griffiths, Kingsley, Pucci, Tillemans, Totheroh

NOES: -0-

ABSTAIN: -0-

ABSENT: -0-


Chairperson

ATTEST: Clint Quilter
Clerk to the Board

By: 
Darcy Ellis, Assistant

RESOLUTION NO. 2020-01

A RESOLUTION OF THE PLANNING COMMISSION OF THE COUNTY OF INYO, STATE OF CALIFORNIA, RECOMMENDING THAT THE BOARD OF SUPERVISORS CERTIFY THE PROPOSED PROJECT IS EXEMPT FROM THE REQUIREMENTS OF THE CALIFORNIA ENVIRONMENTAL QUALITY ACT, AND TO MAKE CERTAIN FINDINGS WITH RESPECT TO AND RECOMMEND THE INYO COUNTY BOARD OF SUPERVISORS APPROVE ZONE TEXT AMENDMENT NO. 2020-01 INYO COUNTY

WHEREAS, the Inyo County Board of Supervisors, through Inyo County Code (ICC) Section 15.12.040, has designated the Planning Commission to serve as the Environmental Review Board pursuant to Section 15022 of the California Environmental Quality Act (CEQA) Guidelines, which is responsible for the environmental review of all County projects; and

WHEREAS, Pursuant to the California Environmental Quality Act (CEQA), the proposed ordinance is exempt from CEQA by “Categorical Exemption, Class 1 Existing Facilities” found in 14 CCR section 15301 that applies to the operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing public or private structures, facilities, mechanical equipment, or topographical features, involving negligible or no expansion of use beyond that existing at the time of the lead agency’s determination. . . . The Zone Text Amendment proposes to change certain permitting requirements, adds the multiple residential, 2-unit zone as allowed for short-term rentals and disallows non-hosted short term rentals of residential property; these changes are to an already allowed use in specific zoning districts of the County and will cause a reduction of potential impacts to residential neighborhoods; and therefore, the activity is exempt from CEQA; and

WHEREAS, the Inyo County Planning Commission held a public hearing on January 22 , 2020, to review and consider a request for approval of Zone Text Amendment No. 2020-01, and considered the staff report for the project and all oral and written comments regarding the proposal; and

WHEREAS, ICC Section 18.03.020 in part states that it is necessary for the zoning ordinance to be consistent with the General Plan; and

WHEREAS, the approval of ZTA 2020-01 results in updates to penalties for violations, permitting requirements and changes to allowed activities related to the short-term rental of residential properties, which does not cause new use types to what is already allowed based on General Plan designations and use permits will continue to be required for all short-term rental of residential property activities; and

WHEREAS, ZTA 2020-01 is consistent with the Inyo County Zoning code as it will result updates to penalties for violations, adds multiple residential as an allowed zone for

short-term rentals, includes specific permitting requirements and certain allowed activities related to short-term rental of residential properties, and will not cause new use types to what is already established in the Inyo County Zoning Code and use permits will continue to be required for all for all short-term rental of residential property activities.

NOW, THEREFORE, BE IT HEREBY RESOLVED, that based on all of the written and oral comment and input received at the January 22, 2020 public hearing, including the Planning Department Staff Report, the Planning Commission makes the following findings regarding the proposal and hereby recommends that the Board of Supervisors adopt the following findings for the proposed project:

RECOMMENDED FINDINGS

1. ZTA 2020-01/Short-term Rentals is exempt from CEQA by “Categorical Exemption, Class 1 Existing Facilities” found in 14 CCR section 15301 that applies to the operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing public or private structures, facilities, mechanical equipment, or topographical features, involving negligible or no expansion of use beyond that existing at the time of the lead agency’s determination. . . . The Zone Text Amendment proposes to change penalties for violations, certain permitting requirements and disallows non-hosted short term rentals of residential property to an already allowed use in specific zoning districts of the County; these changes will cause a reduction of potential impacts to residential neighborhoods; and therefore, the activity is exempt from CEQA.
2. Based on substantial evidence in the record, the proposed Zoning Ordinance Amendment is consistent with the Goals and Policies of the Inyo County General Plan.
3. Based on substantial evidence in the record, the proposed Zoning Ordinance Amendment is consistent with Title 18 (Zoning Ordinance) of the Inyo County Code.

BE IT FURTHER RESOLVED that the Planning Commission recommends that the Board of Supervisors take the following actions:

RECOMMENDED ACTIONS

1. Approve the Amendments to Title 18 regarding Short-term Rental activities based on all of the information in the public record and on the recommendation of the Planning Commission.

PASSED AND ADOPTED this 22nd day of January, 2020 by the following vote of the Inyo County Planning Commission:

AYES:
NOES:
ABSTAIN:
ABSENT:


Chairperson
Inyo County Planning Commission

ATTEST:
Cathreen Richards, Planning Director

By 
Paula Riesen, Secretary of the Commission

