



Starlite), and Multiple Residential 2-Units (R2) and Open Space (OS).

**Surrounding Land Use:** Various

**Recommended Action:** **Approve a Resolution Recommending that the Board of Supervisors:**

**1.) Find the proposed project exempt from the requirements of the California Environmental Quality by 15301 – Existing Facilities Class 1.**

**2.) Make certain Findings with respect to, and approve, Zone Text Amendment ZTA/2024-01**

**Alternatives:**

- 1.) Recommend modifications to the proposal.
- 2.) Recommend denial.
- 3.) Continue the public hearing to a future date, and provide specific direction to staff regarding additional information and analysis needed.

## **BACKGROUND**

A short-term rental in the context of the county zoning code means the rental of certain residentially zoned properties for 30-days or less. It does not include lodging businesses (motels, hotels, bed and breakfast etc.) or residential rentals located on commercially zoned properties. The code allows for hosted short-term rentals in the: Open Space (OS), Rural Residential (RR), Rural Residential Starlite (RR Starlite), One Family Residential (R1) and Multiple Family 2-Units (R2) zones, with a permit. The only residential zone they are not allowed in is the Multiple Family 3-Units and above (R3) zone. Not allowing for short-term rentals in the R3 zone was a purposeful decision made by the Board when the ordinance was being developed to help protect affordable long-term rental opportunities, as apartments and mobile home parks allowed in the R3 zone.

The Board of Supervisors adopted the County's short-term rental ordinance in 2018. It was then updated in 2020, primarily to eliminate the non-hosted permit type. Currently, there are 26 non-hosted short-term rental permits (these are no longer allowed, but the 26 are grandfathered) and 64-hosted short-term rental permits (hosted short-term rental permits require the owner or a manager to be on the property during a short-term rental stay). There are 4,612-dwelling units available for short-term rental permits (those that meet the zoning requirements) and 90 total short-term rental permits, representing just under 2-percent of the available units in the County.

In June, October and November of 2022, and March 2023 staff held a series of short-term rental workshops to the Board of Supervisors. At the November 29, 2022 meeting, a 45-day moratorium was placed on short-term rental permits. On January 10th, 2023, an additional moratorium was placed on short-term rentals for 10-months and 15-days - until November 25, 2023 and another extension was approved on November 7, 2023 to end on November 25, 2024. During this time, staff continued to receive inquiries (about one/two a week) from the public interested in obtaining hosted short-term rental permits.

The Board requested that staff continue to work on updates to the short-term rental ordinance, specifically on the enforcement section, short-term rental areas, caps, and time limits. Geographic areas were identified and used to prepare percentages of available units for short-term rental permit evaluations (maps attached). These include, from highest to lowest percentage:

<b>Area</b>	<b>Available units</b>	<b>Hosted</b>	<b>Non-hosted</b>	<b>Total Permits</b>	<b>Pct.</b>
Starlite	76	4	1	5	6.6
Lone Pine_ Alabama Hills_ Pangborn, Granite View	701	25	10	35	5.0
North County	183	4	3	7	3.8
McLaren_ Milovich_ Desiderata	271	6	2	8	2.9
Aspendell_ Mountain View	155	2	2	4	2.6
Sunrise_ Sunset	499	5	2	7	1.4
South_ Southeast County	571	5	1	6	1.1
Big Pine/ Glacier/ Birch Creek	600	4	1	5	0.8
Dixon/Meadow_ Brockman_ Early Pond	611	5	2	7	1.1
South of Line Street_ Poleta	375	2	1	3	0.8
Independence/ Oak Creek	291	1	1	2	0.7
Wilkerson Bishop Creek, Chipmonk, Rossi	279	1	0	1	0.3
<b>Total</b>	<b>4,612</b>	<b>64</b>	<b>26</b>	<b>90</b>	<b>1.9</b>

Starlite and the Lone Pine area appear to be the most favored areas for short-term rentals, with the North County and McLaren/ Milovich/Desiderata areas next. The area including Lone Pine and the Alabama Hills has by far the highest number of short-term rental permits (35). The next highest number of permits is the McLaren, Milovich, Desiderata area with (8).

On January 9, 2024, the Board provided direction to staff to prepare an ordinance updating the short-term rental ordinance to address: short-term rental areas, caps, and

time limits, eliminating outdoors fires, adding a proof of insurance requirement and enhancing the code enforcement section.

## STAFF ANALYSIS

### *Short-term Rental Areas*

Short-term rental areas have been developed based on geographic locations to base the total number of hosted short-term rental permits that will be allowed. These areas are shown on the attached maps and are used in the previous and following tables.

### *Caps*

A 5-percent cap on short-term rentals was suggested to the Board by staff in case they wished to impose a cap. A table showing how many short-term rental permits would be allowed with a 5-percent cap was provided to the Board. Staff also created tables with 3-percent and 2-percent caps. The Board decided to go with the 3-percent cap on short-term rental per area as indicated on the following table:

Area	Available units	3% of available	Total Permits	Additional allowed @ 3%
Starlite	76	2	5	-3
Aspendell/Mountain View	155	5	4	1
Lone Pine	701	21	35	-14
North County	183	5	7	-2
McLaren_Milovich_Desiderata	271	8	8	0
Sunrise/Sunset	499	15	7	8
South_Southeast County	571	17	6	11
Big Pine	600	18	5	13
Dixon/Meadow_Brockman_Early Pond	611	18	7	11
South of Line Street_Poleta	375	11	3	8
Independence	291	9	2	7
Wilkerson_Bishop Creek_Chipmonk Rossi	279	8	1	7
Total	4,612	137	90	47

The negative numbers indicated how many permits over the cap these areas will already have, if the cap is imposed, or the number that would have to be relinquished or revoked before new permits could be granted.

Staff also recommended that one cap be used for all areas to:

- Keep the implementation of the short-term rental ordinance less complicated; and,
- Keep the percentages even and fair throughout the County so as not to cause limitations or benefits for property owners in some areas and not in others.

These changes are included in the proposed code update.

### ***Unused permits***

In certain areas these caps will make getting a new hosted short-term rental permit impossible. This applies to areas that have already met the cap, such as Starlite and the Lone Pine area, or reach the cap after it is imposed. Because of this, an update addressing unused permits is also being included in the proposed code update. A proxy to monitor short-term rental permit use will be a check on Transient Occupancy Tax (TOT) payments. If a short-term rental permit holder has not paid TOT for a full year without an apparent hardship, or reason, staff would consider it an unused permit and require that it be relinquished. This will necessitate an annual review of permit use based on TOT to be conducted on new short-term rental permits and this is reflected in the proposed code updates.

### ***Time Limits***

Along with the caps, the Board expressed a lot of interest in limiting the time of a hosted short-term rental permit, so that they do not remain active forever without a renewal cycle and mechanism. This time limit can only be applied to new permits granted after the ordinance update and not to permits granted prior. The update proposes that all new short-term rental permits are three-year permits. A renewal application will be required for another three-year permit term and at a minimum the application requirements, include:

- A check to ensure verifiable violation complaints have not been received on the short-term rental.
- Verification from the Building and Safety Department that no building code violations have been sited on the property or the building the short-term rental is permitted for.
- Verification from the Environmental Health Department that no well, septic, or other health and safety violations have been found on the property or the building the short-term rental is permitted for.

### ***Additional Changes***

The proposed updates also include:

- prohibiting outdoor fires.
- adding a requirement to show proof of insurance.
- changing the enforcement process to assigning the Planning Commission as the revocation hearings board from the Planning Director having the authority to revoke, and changing the requirement from the permit holder to address nuisance

complaints within 45-90 minutes and contact the Planning Department within twenty-four hours of the complaint: to the permit holder being responsible for contacting the tenant to correct the problem and provide a written report to the Planning Department within three-days. This change is proposed because most short-term rental nuisance violations happen on the weekends when county staff is not available to verify complaints.

## **RECOMMENDATIONS**

Staff recommends the Planning Commission make certain findings and approve a resolution (attached) recommending the Board of Supervisors consider ZTA 2024-01, make certain findings, and adopt the proposed ordinance (attached), amending the ICC to include Chapter 18.73 Short-term Rental of Residential Property.

### **Recommended Findings**

1. This proposed ordinance is covered by CEQA Exemption Class 1 Existing Facilities (15301).

[Evidence: projects subsequent to this ordinance will be pursuant to CEQA Guidelines Section 15301 Existing Facilities Class 1, as Short-term Rentals are defined as a means to provide transient lodging in an existing residential dwelling unit in the One Family Residential, Rural Residential, Rural Residential-Starlite, Multiple Family 2-Units, and Open Space Zones, and will involve negligible or no expansion of an existing use. Proposals such as these fall into the Categorical Exemption Class 1 Existing Facilities (15301).]

2. Based on substantial evidence in the record, the proposed Zoning text Amendment is consistent with the Goals and Policies of the Inyo County General Plan.

[Evidence: The County's General Plan states, in Policy No. LU-2.17, that the County shall encourage home occupations (small scale commercial activities and uses). Such commercial activities and uses located in residential areas shall be permitted only when they do not negatively impact the residential character of the neighborhood in which the activity takes place. The proposed new language directly addresses potential negative impacts to the residential character of the neighborhood in which the activity takes place, by restricting the number of allowed short-term rental in an area and restricting outdoor fires. The changes also enhance enforcement capabilities, which mitigates nuisances that, in turn, helps to protect residential characteristics.]

3. Based on substantial evidence in the record, the proposed Zone Text Amendment is consistent with Title 18 (Zoning Ordinance of Inyo County Code).

[Evidence: The updates to Chapter 18.73 Short Term Rental of Residential Property maintain the consistency with the descriptions of 18.12 Open Space, 18.21 Rural Residential, 18.22 Rural Residential Starlite, 18.30 One family residential 18.33 and, Multiple Residential 2-units as it does not change the intent or purpose of the use descriptions as described within Title 18. Chapter 18.73 provides for the conditions in which Short-term Rentals may operate, and the restrictions of the use. The character of residential neighborhoods will not be directly affected by these amendments and therefore the amendments will not affect the intent of Title 18 to direct certain types of land uses to specific areas within the County.]

**ATTACHMENTS**

Maps – current permits by area, caps by area

Resolution

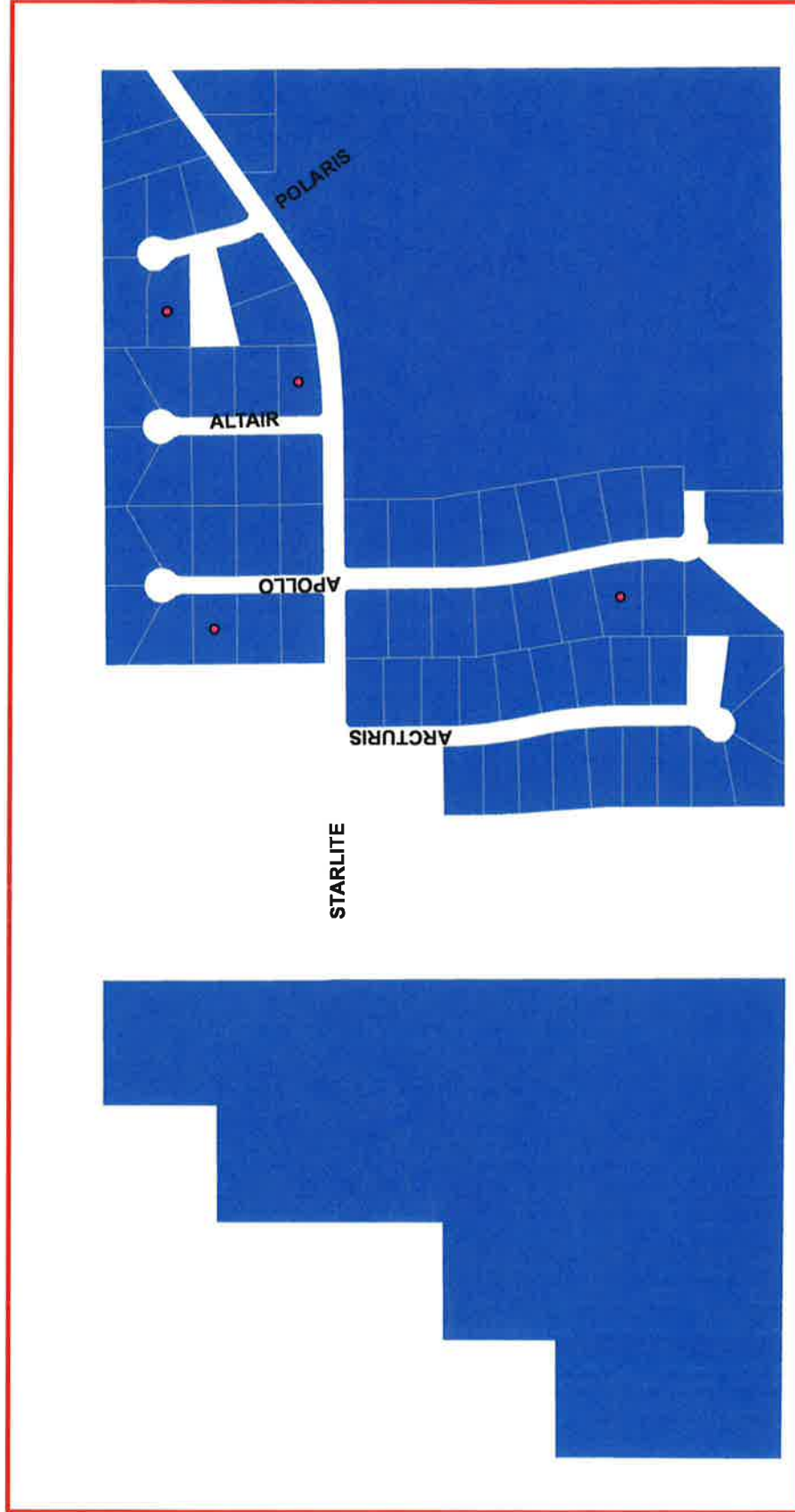
Draft Ordinance

## **Maps - Areas and Permits**



# Starlite

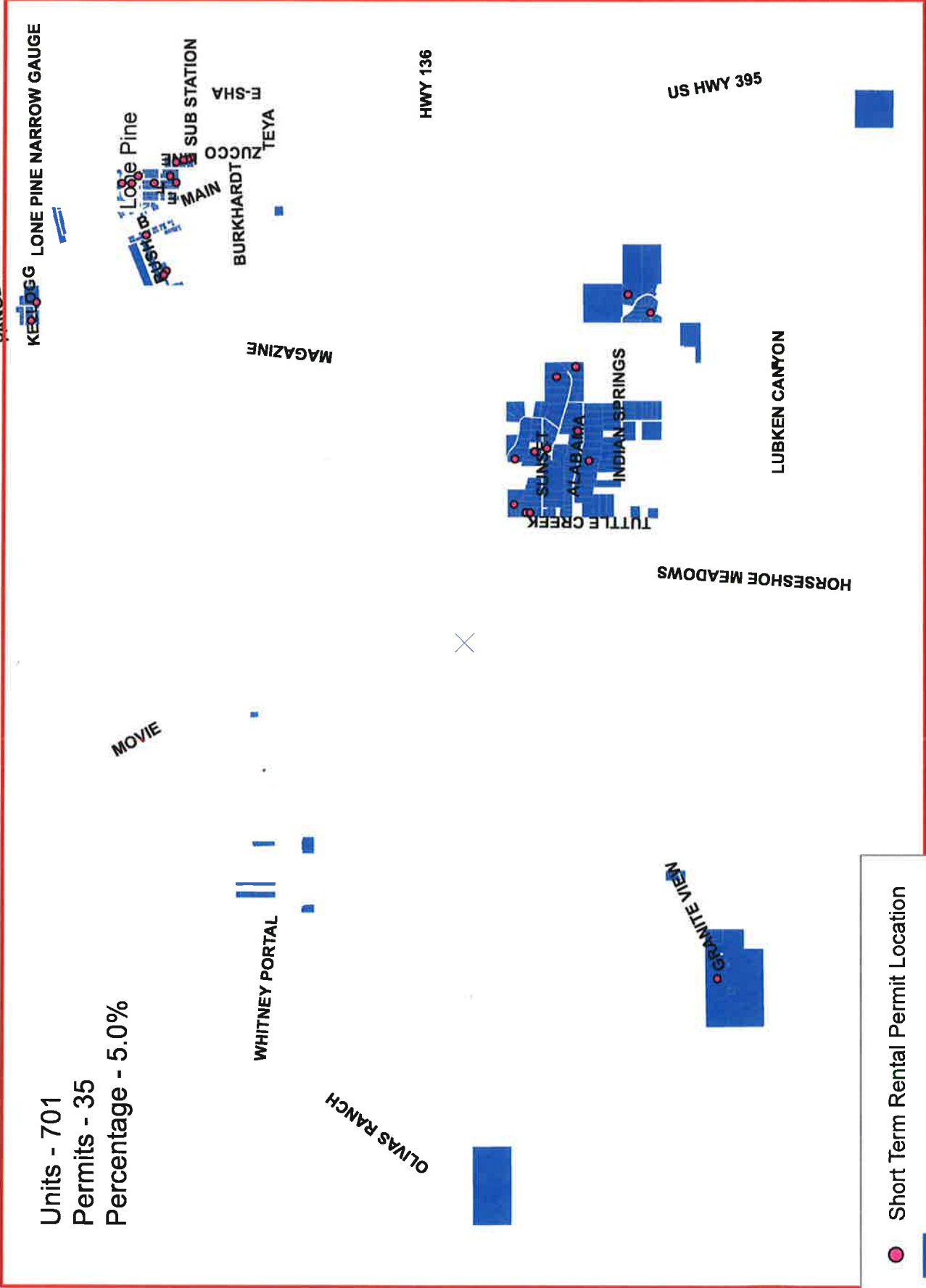
Units - 76  
Permits - 5  
Percentage - 6.6%



- Short Term Rental Permit Location
- Parcels with Units Counted

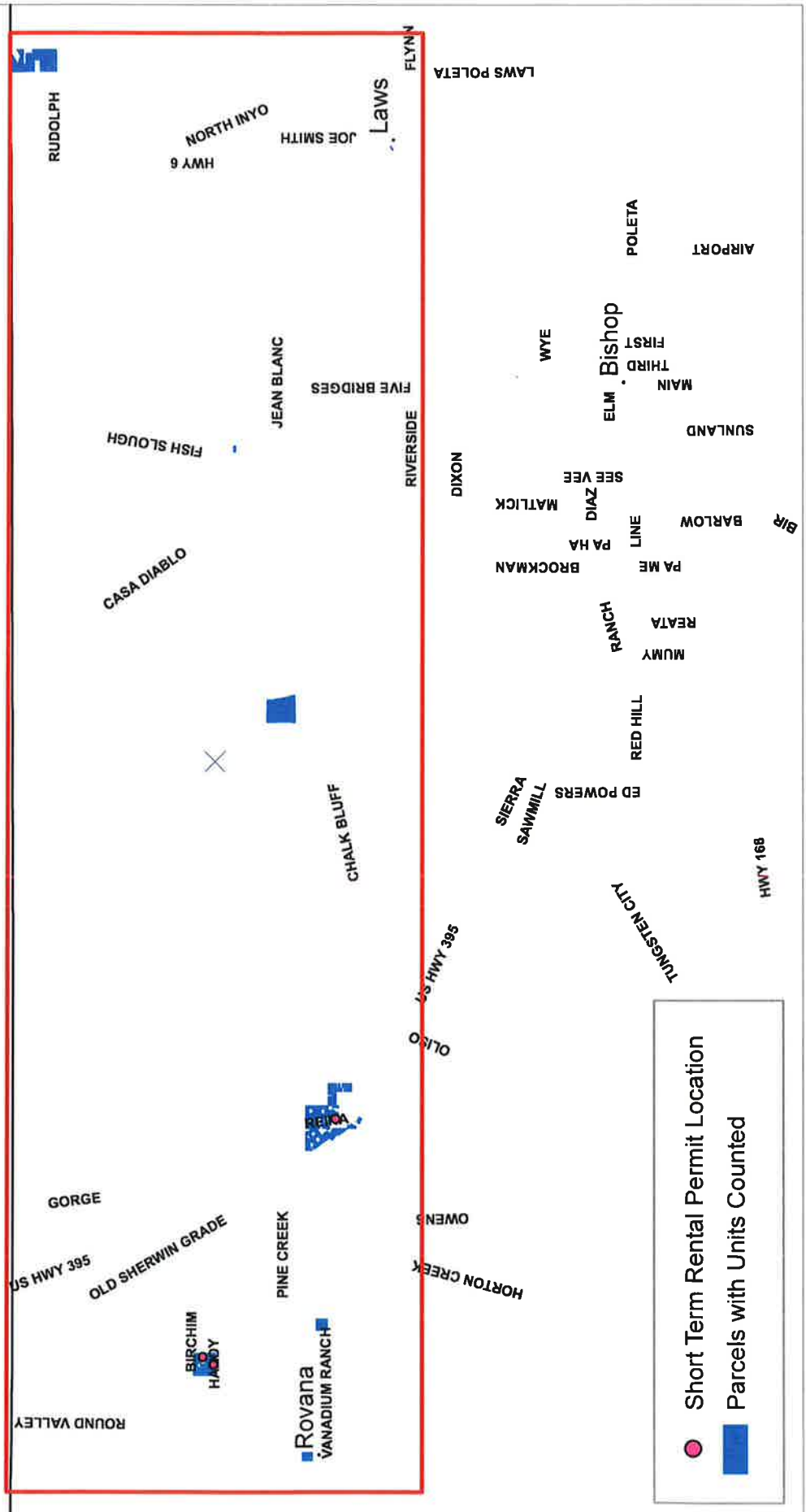
Lone Pine, Alabama Hills, Pangborn, Granite View

Units - 701  
Permits - 35  
Percentage - 5.0%



Units - 183  
 Permits - 7  
 Percent - 3.8%

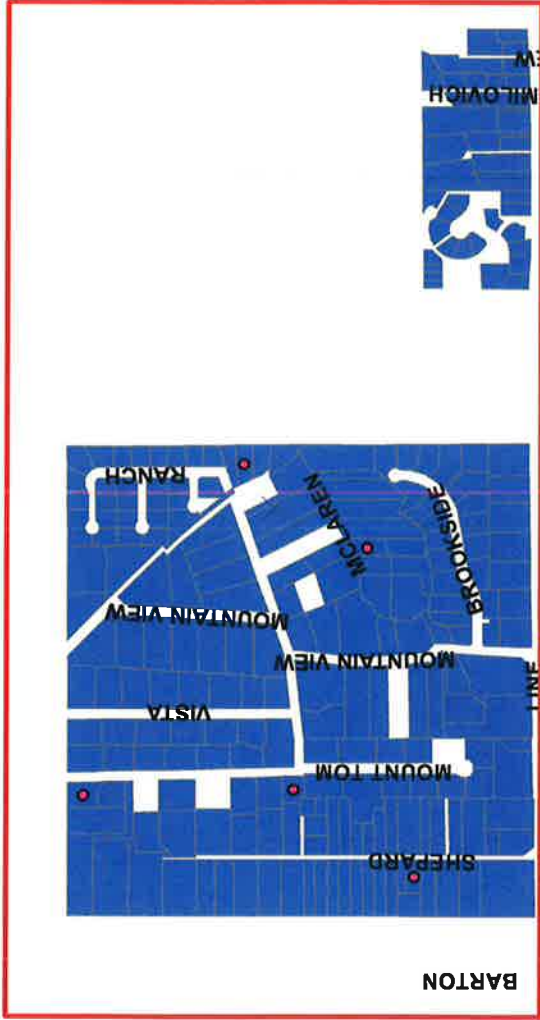
North County



● Short Term Rental Permit Location  
 ■ Parcels with Units Counted

McLaren, Milovich, Desiderata

Units - 271  
Permits - 8  
Percentage - 2.9%

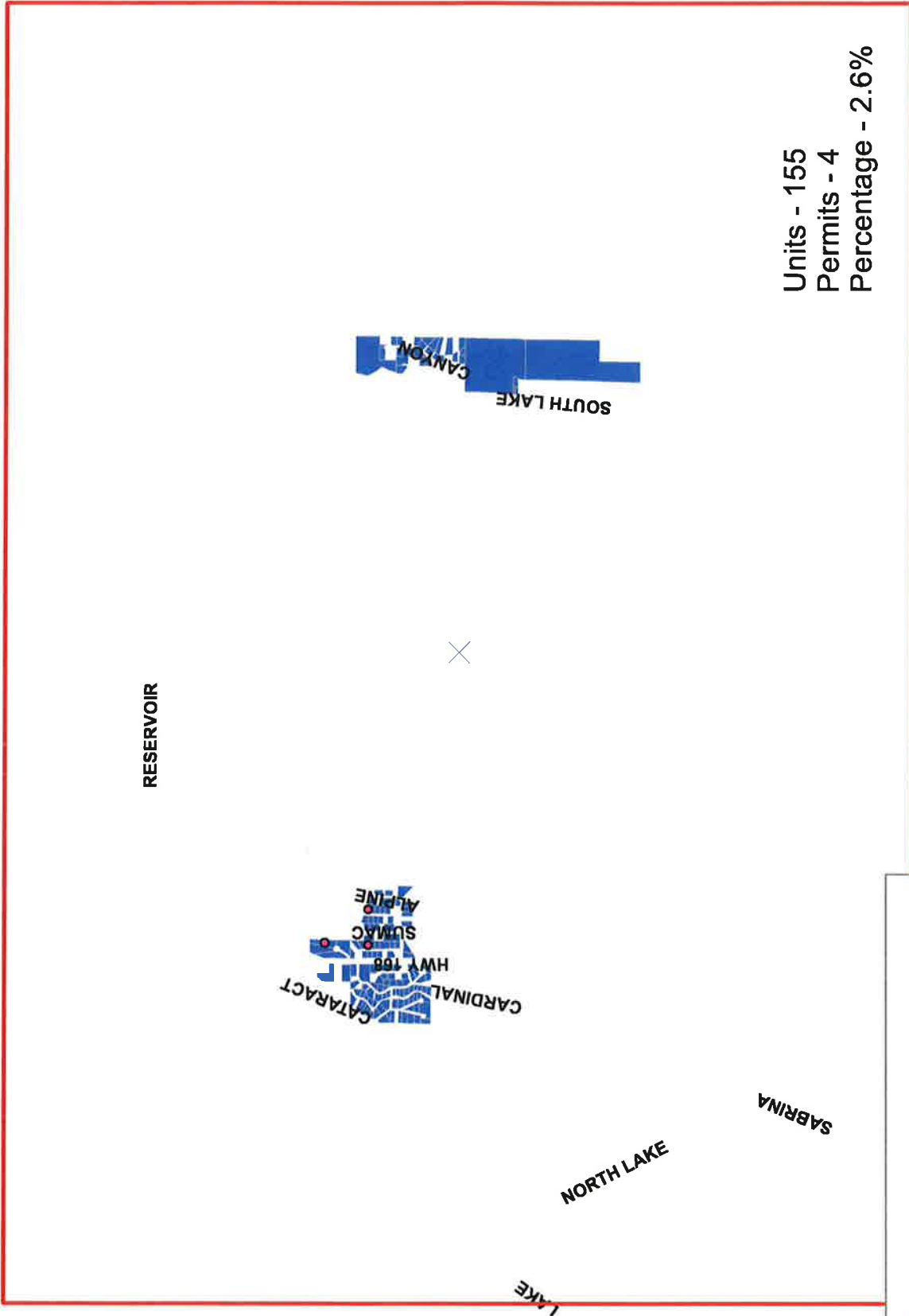


SEWAYE  
DIAZ  
WINUBA  
TIBEC  
BARLOW  
BROCKMAN  
MILOVICH  
GRANDVIEW  
BIRCH MEADOW  
CEDAR PINON  
LAUREL  
WILDROSE  
PA HA  
BILLY WILLIAMS  
PA ME  
MESQUITE  
INDIAN CREEK  
TUMBLEWEED  
REATA  
MUMY  
HIGHLAND  
SUNSET  
FAIRVIEW  
WATTERSON

RED HILL  
HWY 168

● Short Term Rental Permit Location  
■ Parcels with Units Counted

Aspendell, Mountain View



Units - 155  
Permits - 4  
Percentage - 2.6%

● Short Term Rental Permit Location  
■ Parcels with Units Counted

LINE Sunrise, Sunset

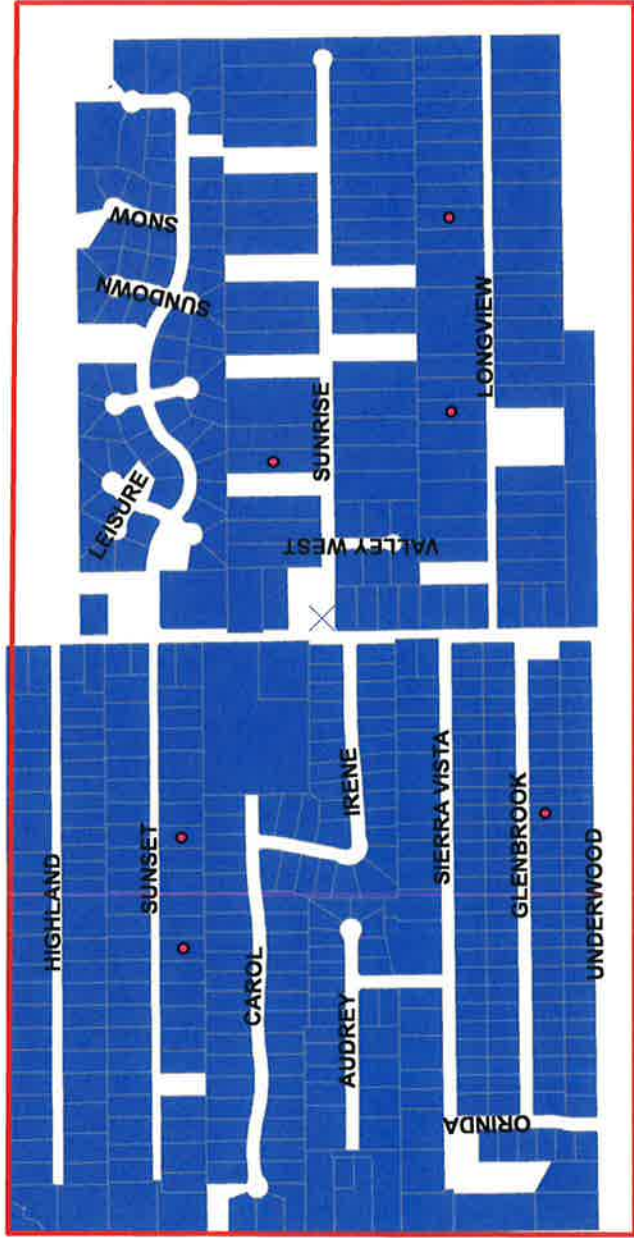
MEADOW BIRCH  
 BIRCH MESQUITE  
 GRANDVIEW BIRCH  
 CEDAR CEDAR  
 PINON LAUREL  
 WILDROSE  
 MORNINGSIDE  
 TUMBLEWEED  
 MESQUITE

BILLY WILLIAMS  
 PA HA

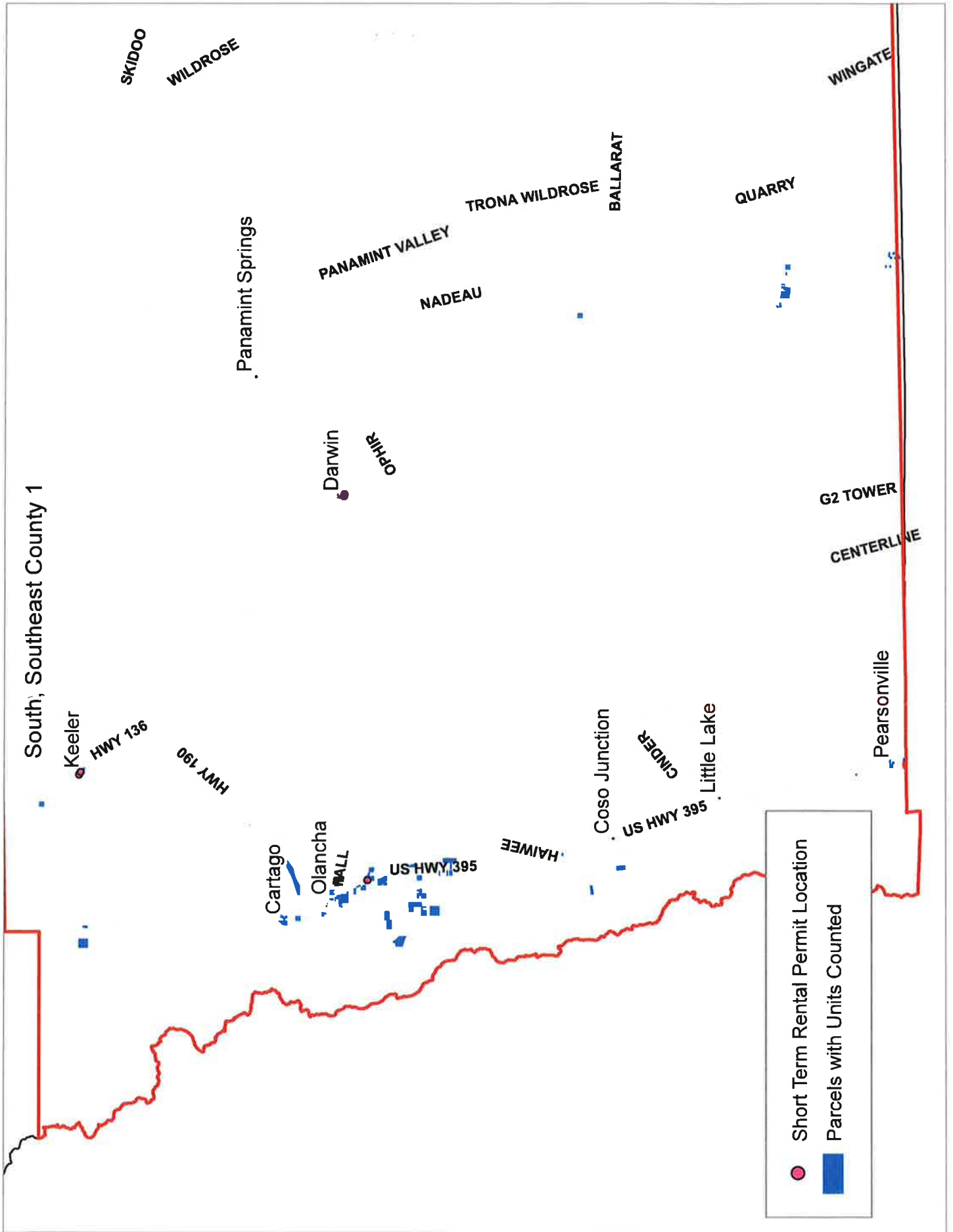
BARLOW

● Short Term Rental Permit Location  
 ■ Parcels with Units Counted

Units - 499  
 Permits - 7  
 Percentage - 1.4%



SCHOBER



South, Southeast County 2

HWY 127

HWY 190 . Death Valley Junction

PETRO

ASH MEADOWS

HWY 178

HWY 178

Shoshone

Tecopa

OLD SPANISH TRAIL

AVE A

AVE C

AVE E Charleston View

FAITH

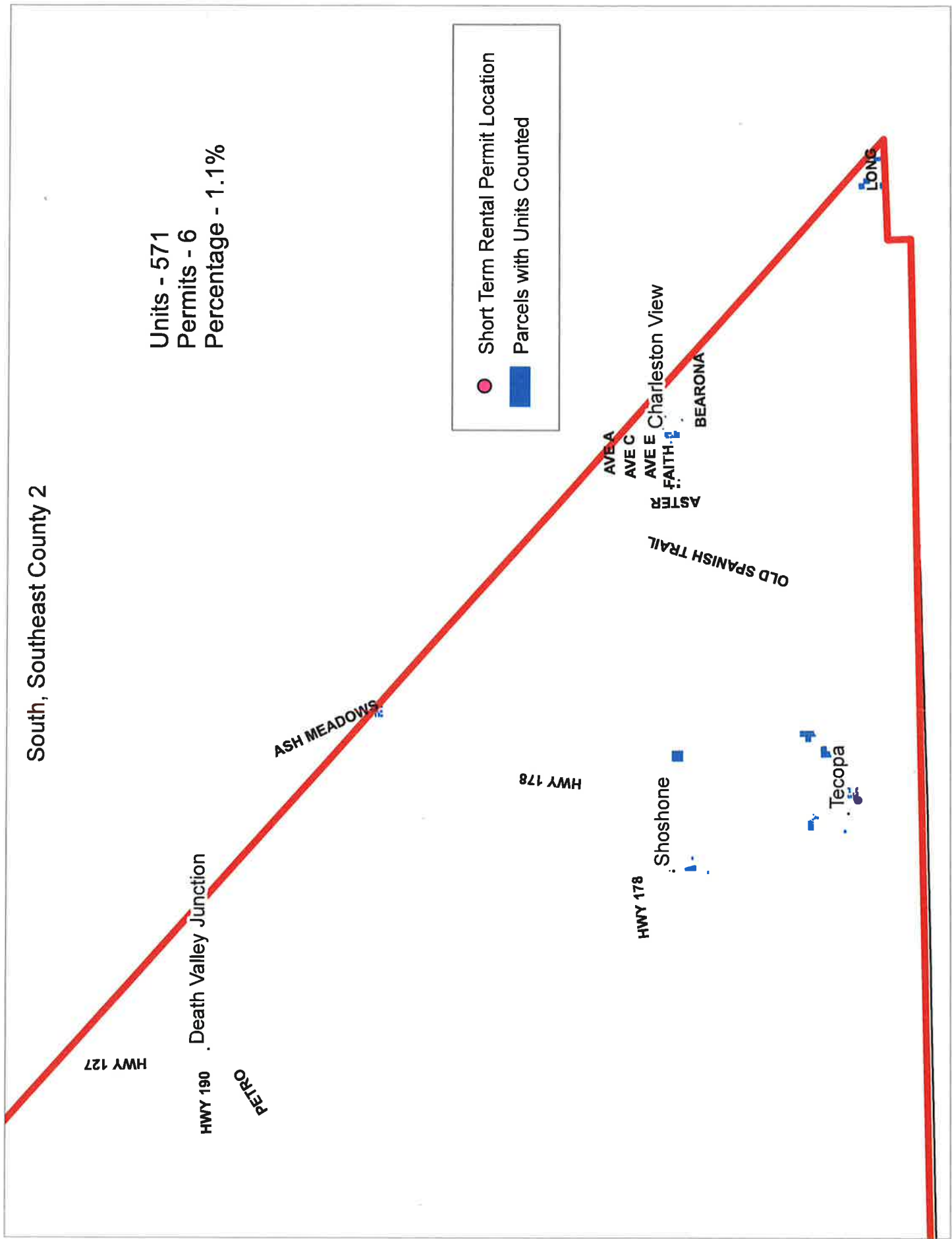
ASTR

BEARONA

LONG

Units - 571  
Permits - 6  
Percentage - 1.1%

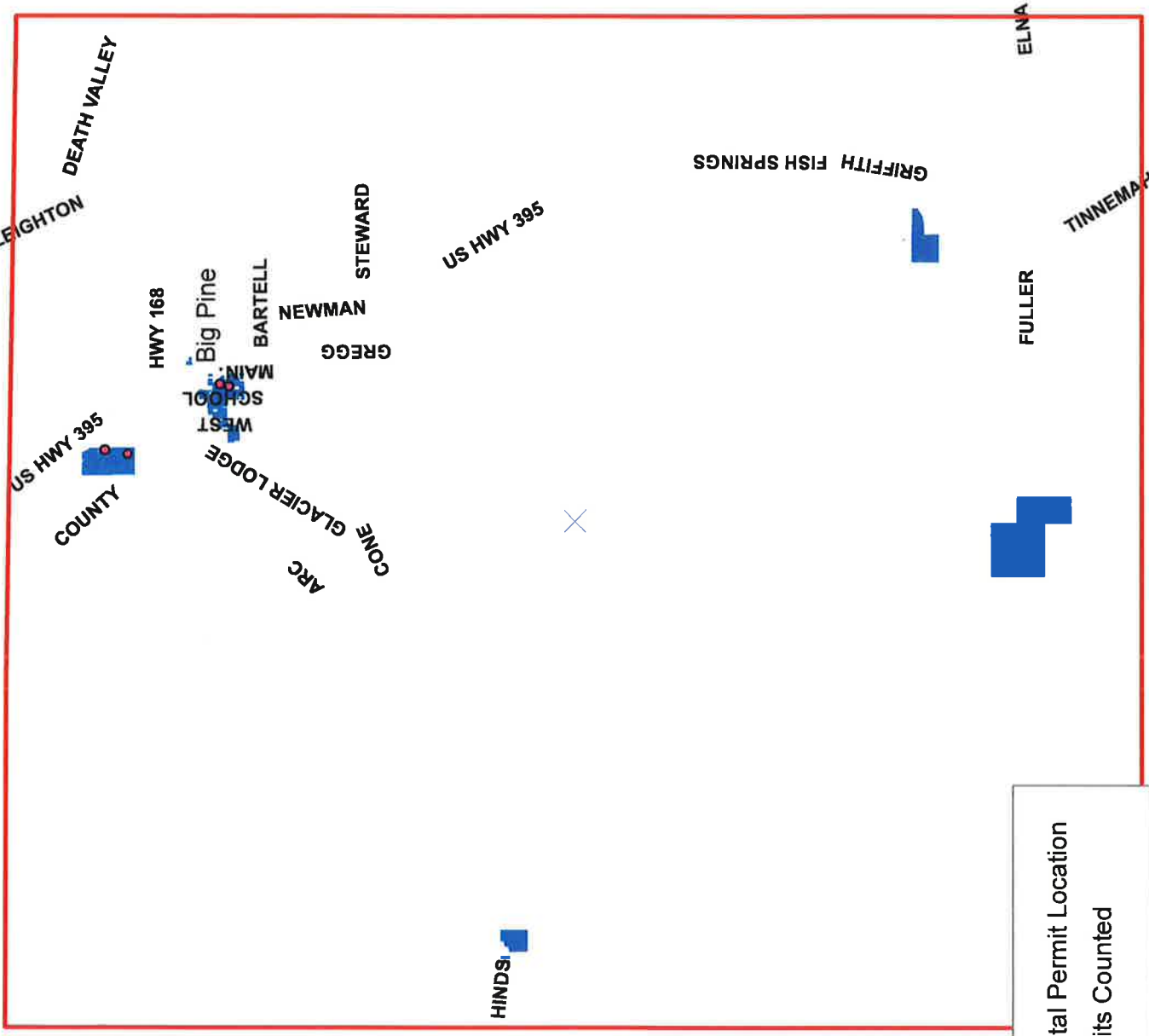
Short Term Rental Permit Location  
Parcels with Units Counted





Big Pine, Glacier, Birch Creek

Units - 600  
Permits - 5  
Percentage - 0.8%



Short Term Rental Permit Location  
Parcels with Units Counted

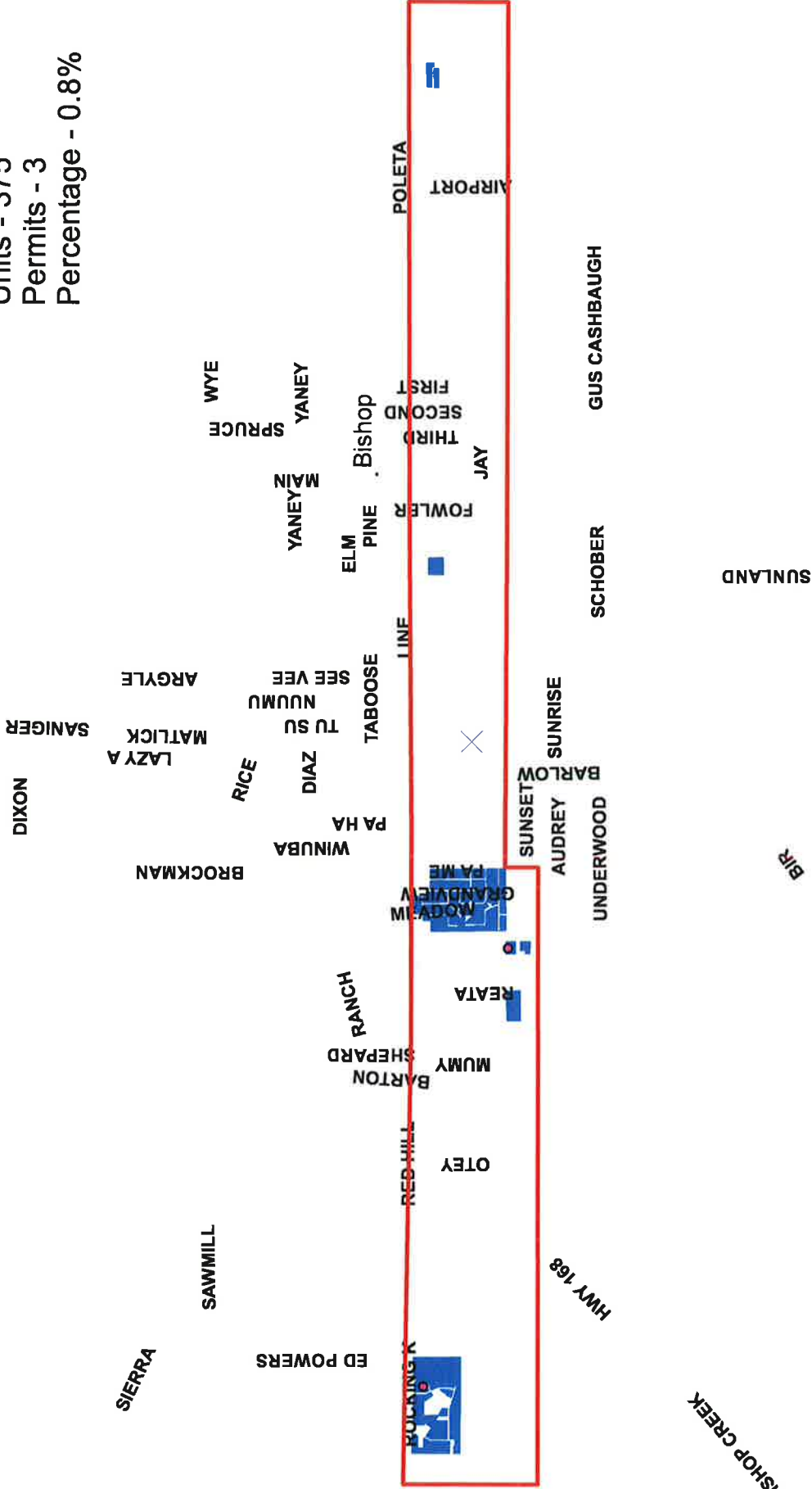


South of Line Street, Poleta

RIVERSIDE

HWY 6

Units - 375  
Permits - 3  
Percentage - 0.8%



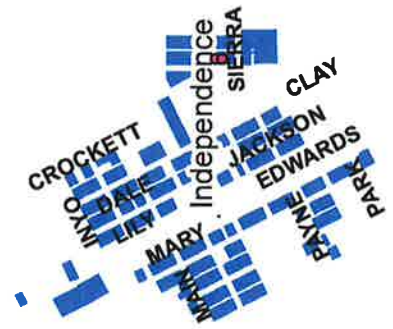
● Short Term Rental Permit Location  
■ Parcels with Units Counted

LOS ANGELES AQUEDUCT

MARKET

MAZOURKA CANYON

Independence, Oak Creek



UNION VALLEY

US HWY 395



FORT INDEPENDENCE

MILLER

OAK CREEK

SCHABBELE

DUSTY  
WILLOW

OAK CREEK

FISH HATCHERY

Units - 291  
Permits - 2  
Percentage - 0.7%

● Short Term Rental Permit Location

■ Parcels with Units Counted

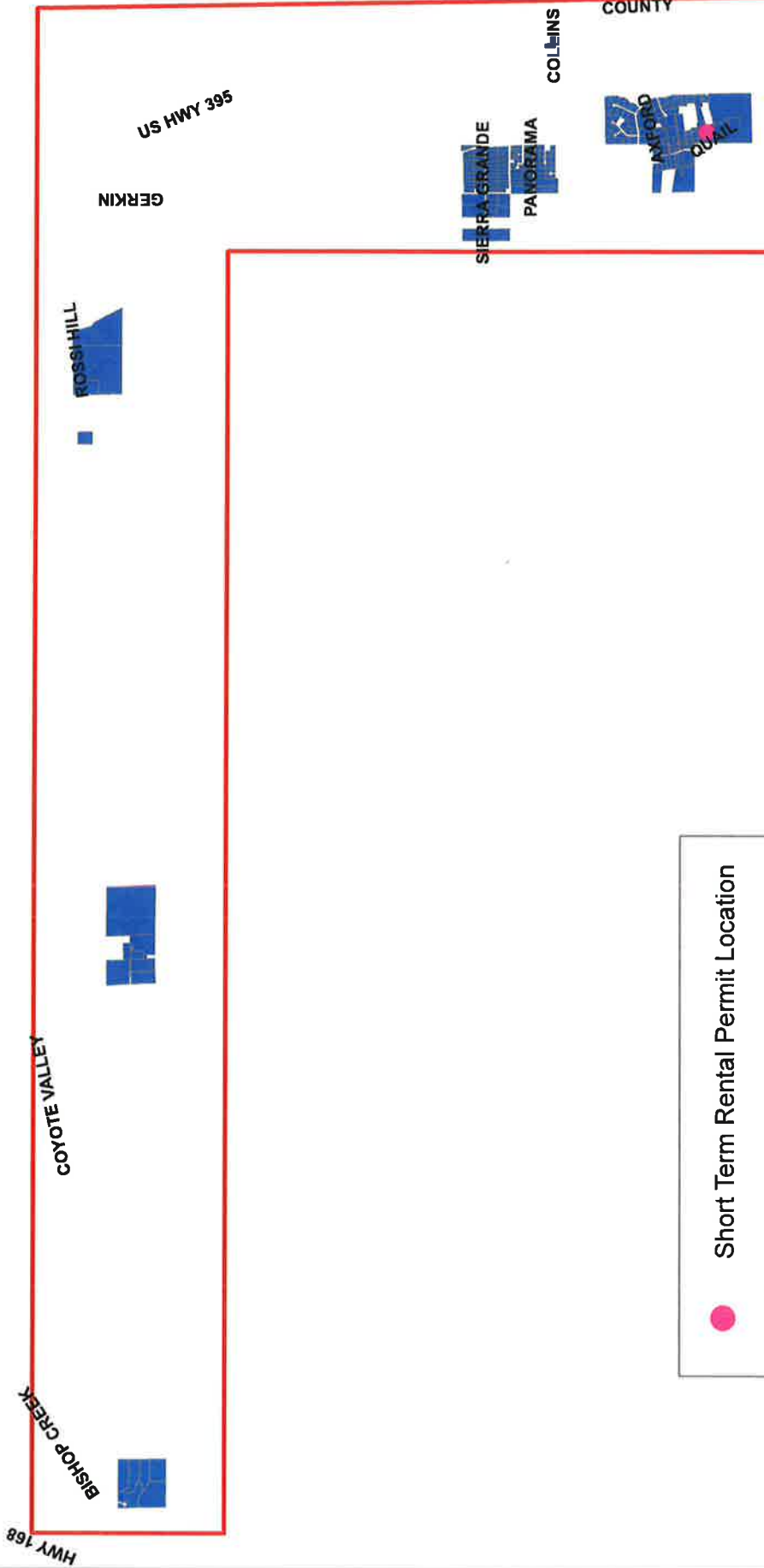
# Wilkerson, Bishop Creek, Chipmonk Canyon, Rossi Hill

HWY 168  
SAND CANYON

BARLOW

SUNLAND

WARM SPRINGS



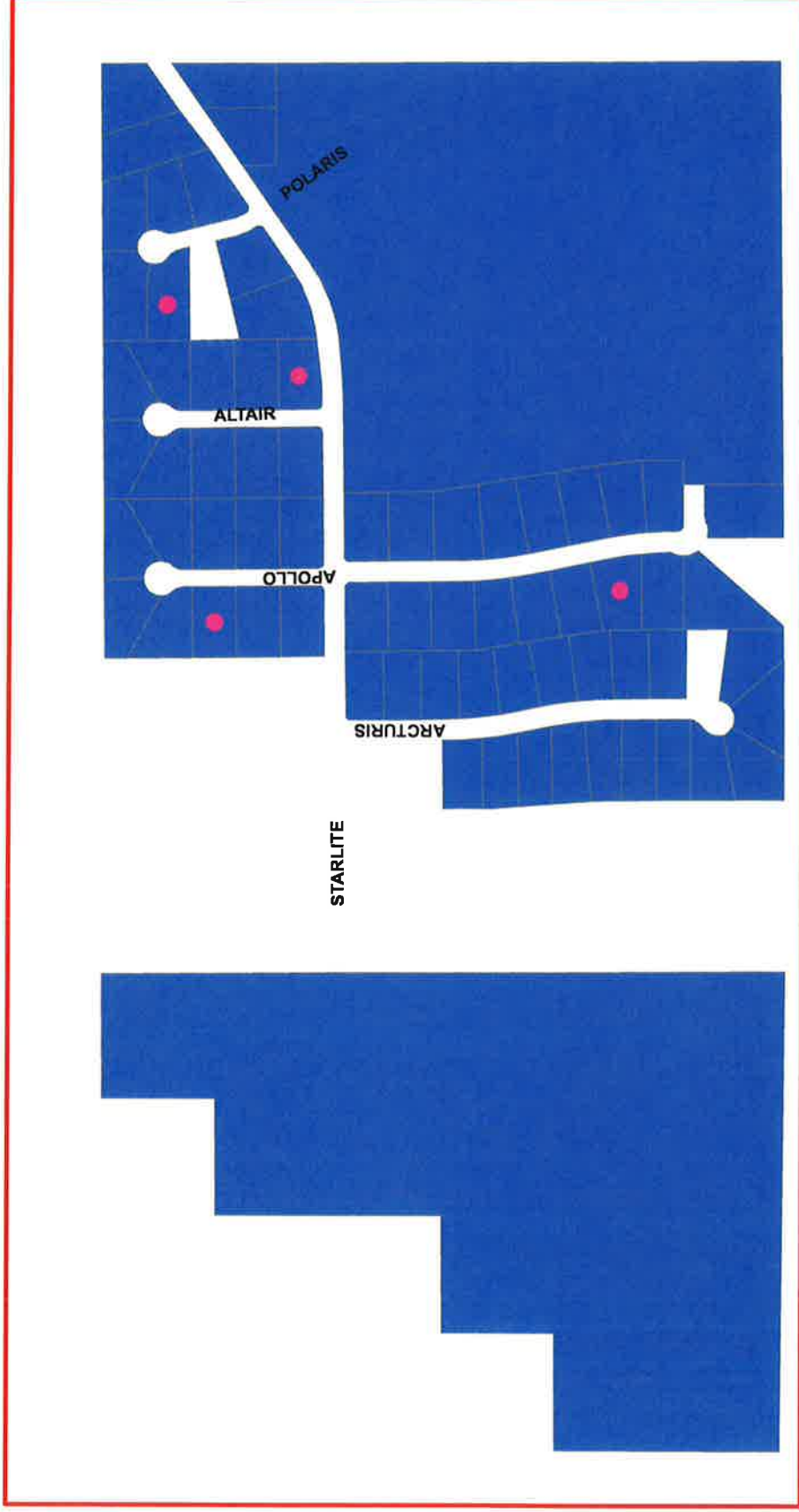
Short Term Rental Permit Location

Parcels with Units Counted

Units - 279  
Permits - 1  
Percentage - 0.3%

## **Maps - Areas with Caps**

## Starlite



### Caps

**5-percent: 4 total permits, 5 current  
Allows no additional permits, 1 over**

**3-percent: 2 total permits  
Allows no additional permits, 3 over**

**2-percent: 2 total permits  
Allows no additional permits, 3 over**

# Lone Pine - Alabama Hills - Pangborn - Granite View



## Caps

**5-percent: 35 total permits, 35 current**  
Allows no additional permits

**3-percent: 21 total permits**  
Allows no additional permits, 14 over

**2-percent: 14 total permits**  
Allows no additional permits, 21 over



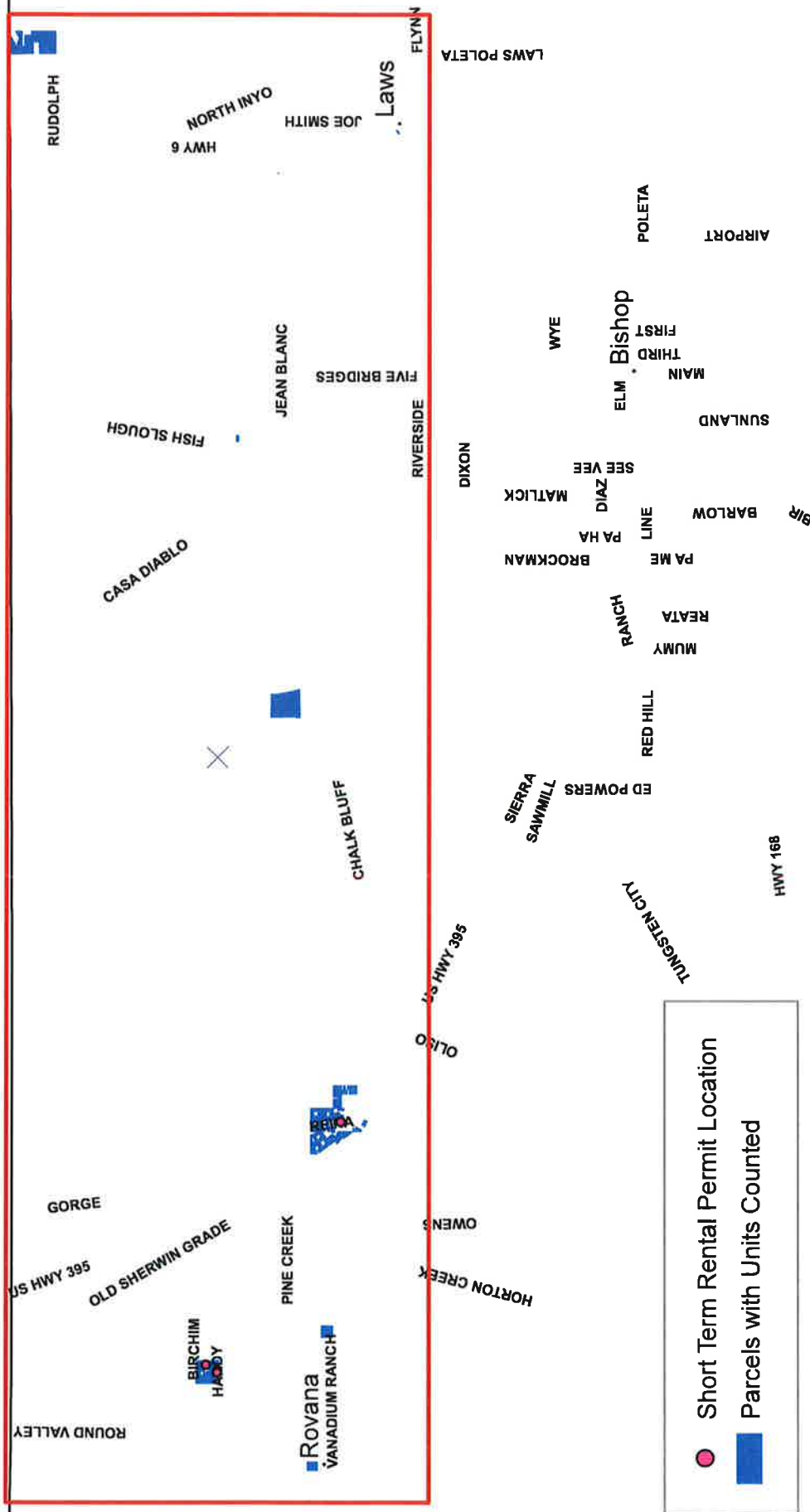
**Caps**

5-percent: 9 total permits, 7 current  
Allows 2 additional permits

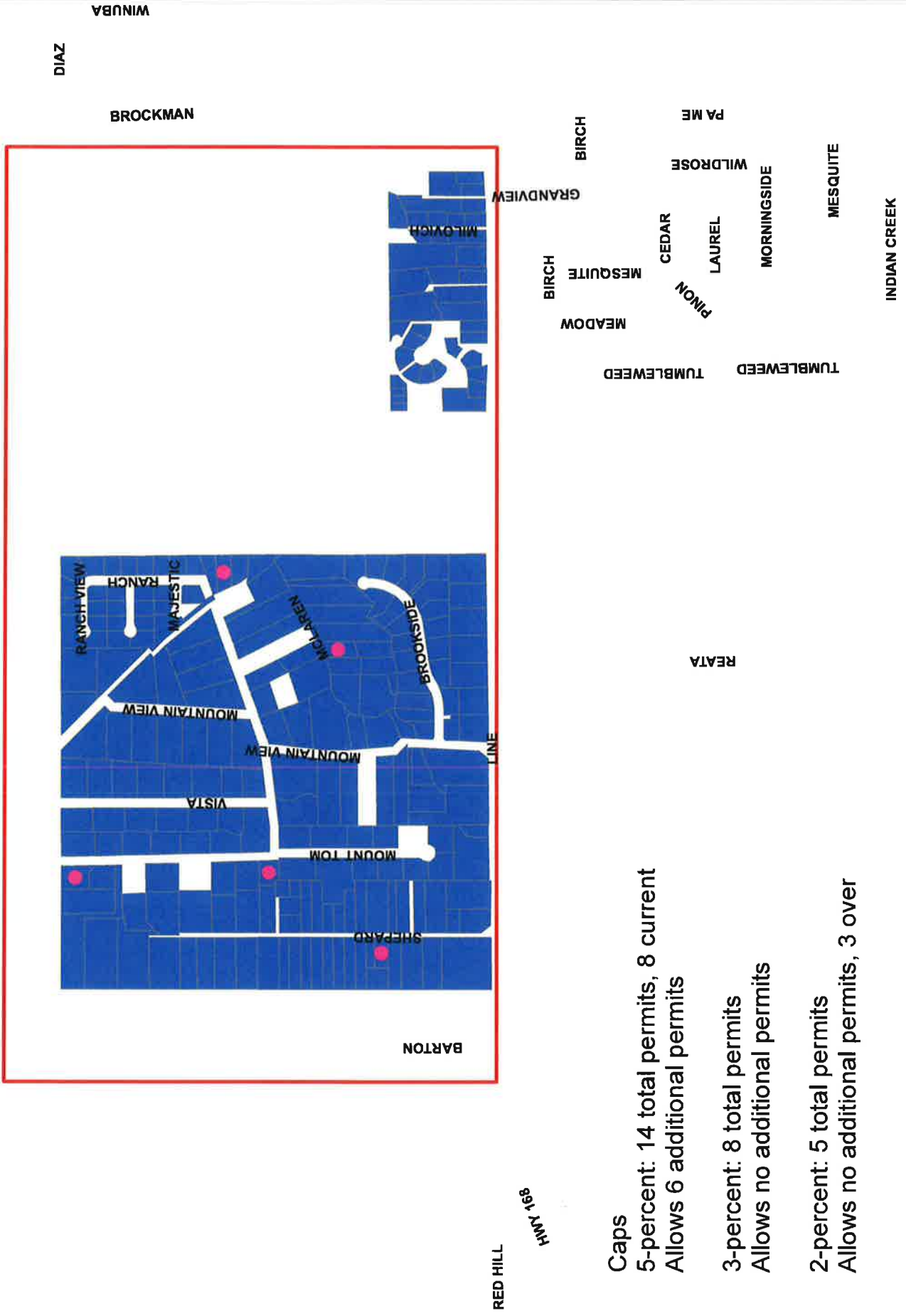
3-percent: 5 total permits  
Allows no additional permits, 2 over

2-percent: 4 total permits  
Allows no additional permits, 3 over

**North County**



# McLaren, Milovich, Desiderata



- Caps**
- 5-percent: 14 total permits, 8 current**
- Allows 6 additional permits**
- 3-percent: 8 total permits**
- Allows no additional permits**
- 2-percent: 5 total permits**
- Allows no additional permits, 3 over**

## Aspendell - Mountain View

### Caps

5-percent: 8 total permits, 4 current

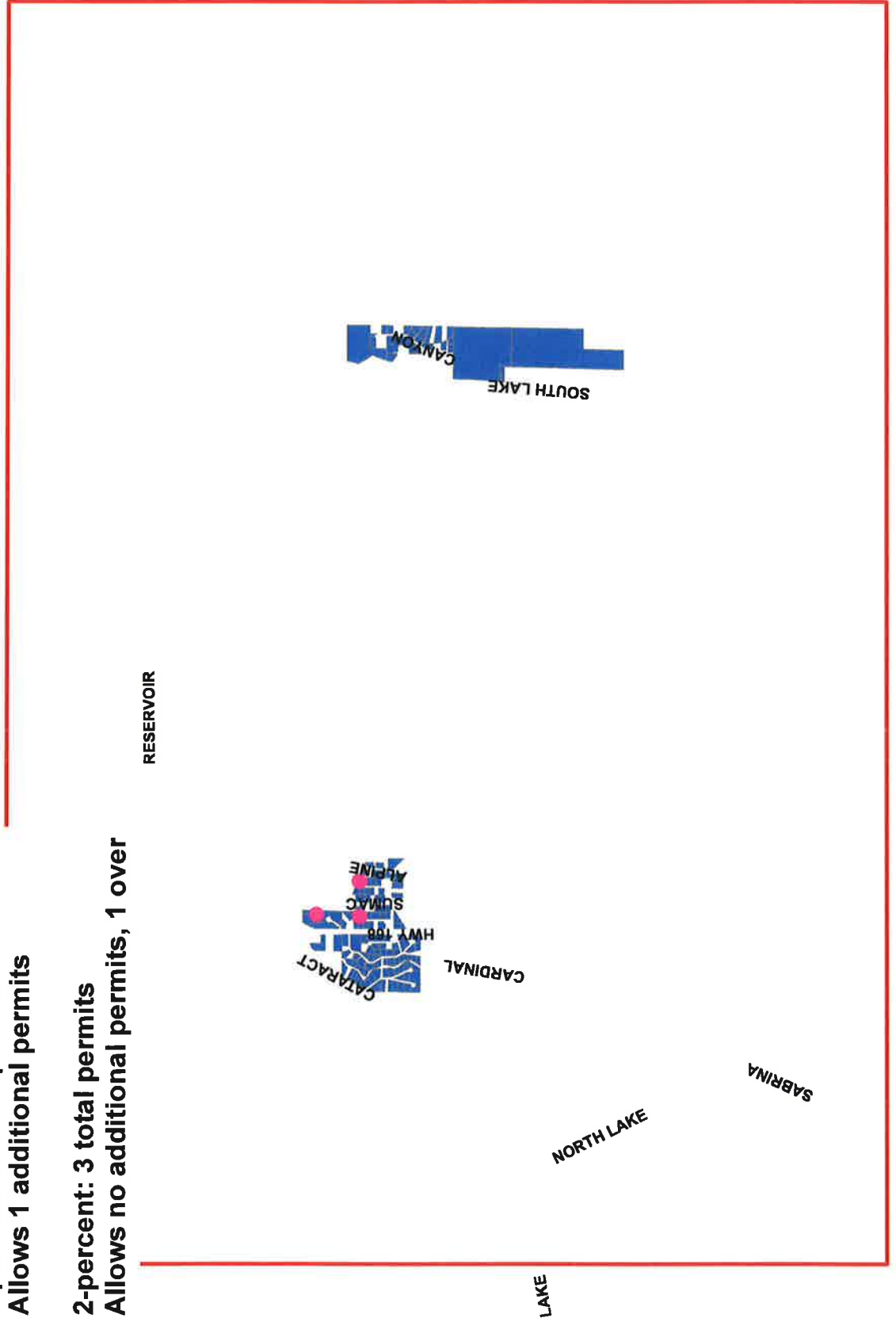
Allows 4 additional permits

3-percent: 5 total permits

Allows 1 additional permits

2-percent: 3 total permits

Allows no additional permits, 1 over



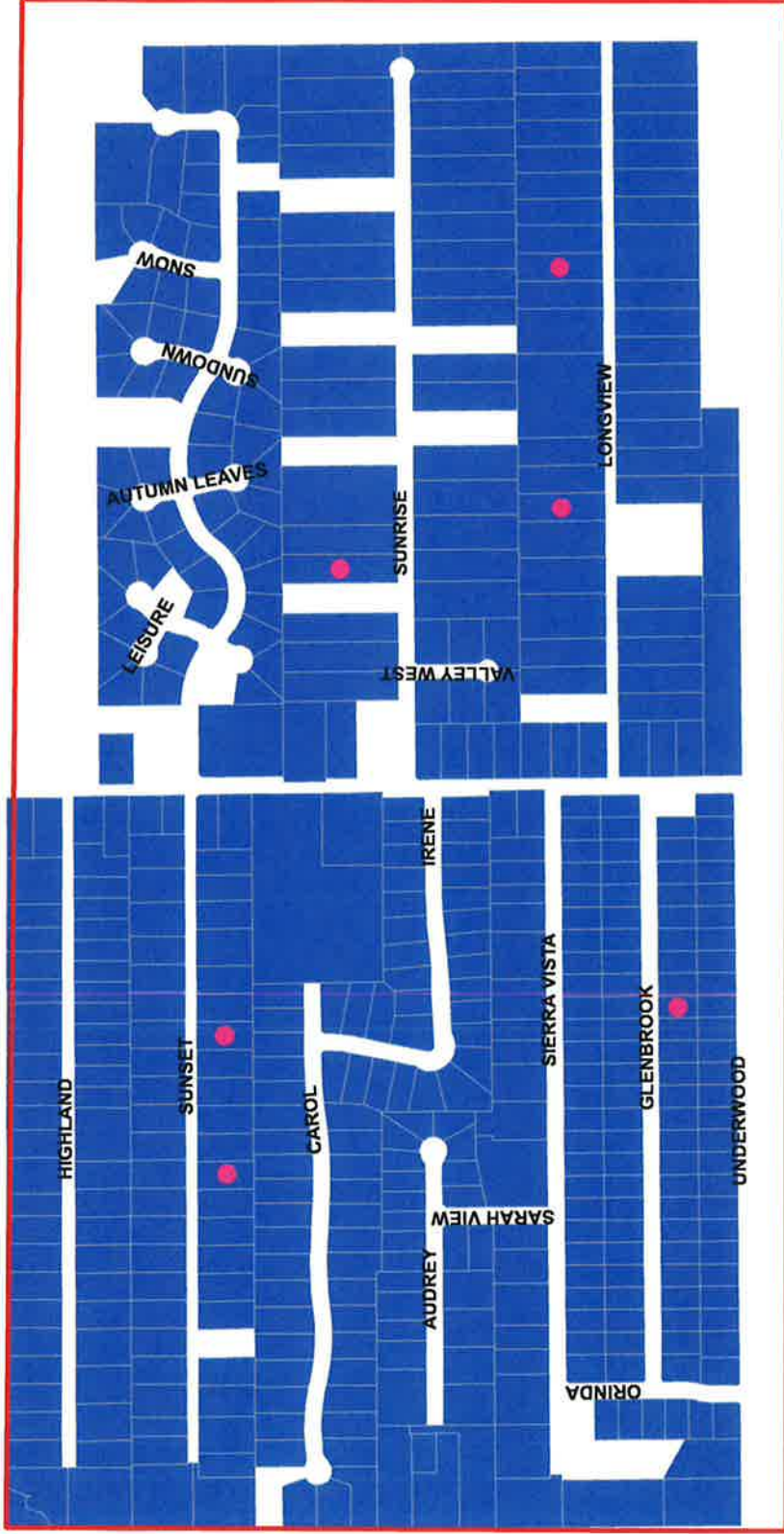
MESQUITE

PA ME

INDIAN CREEK

PA HA

### Sunrise - Sunset



### Caps

5-percent: 25 total permits, 7 current  
Allows 18 additional permits

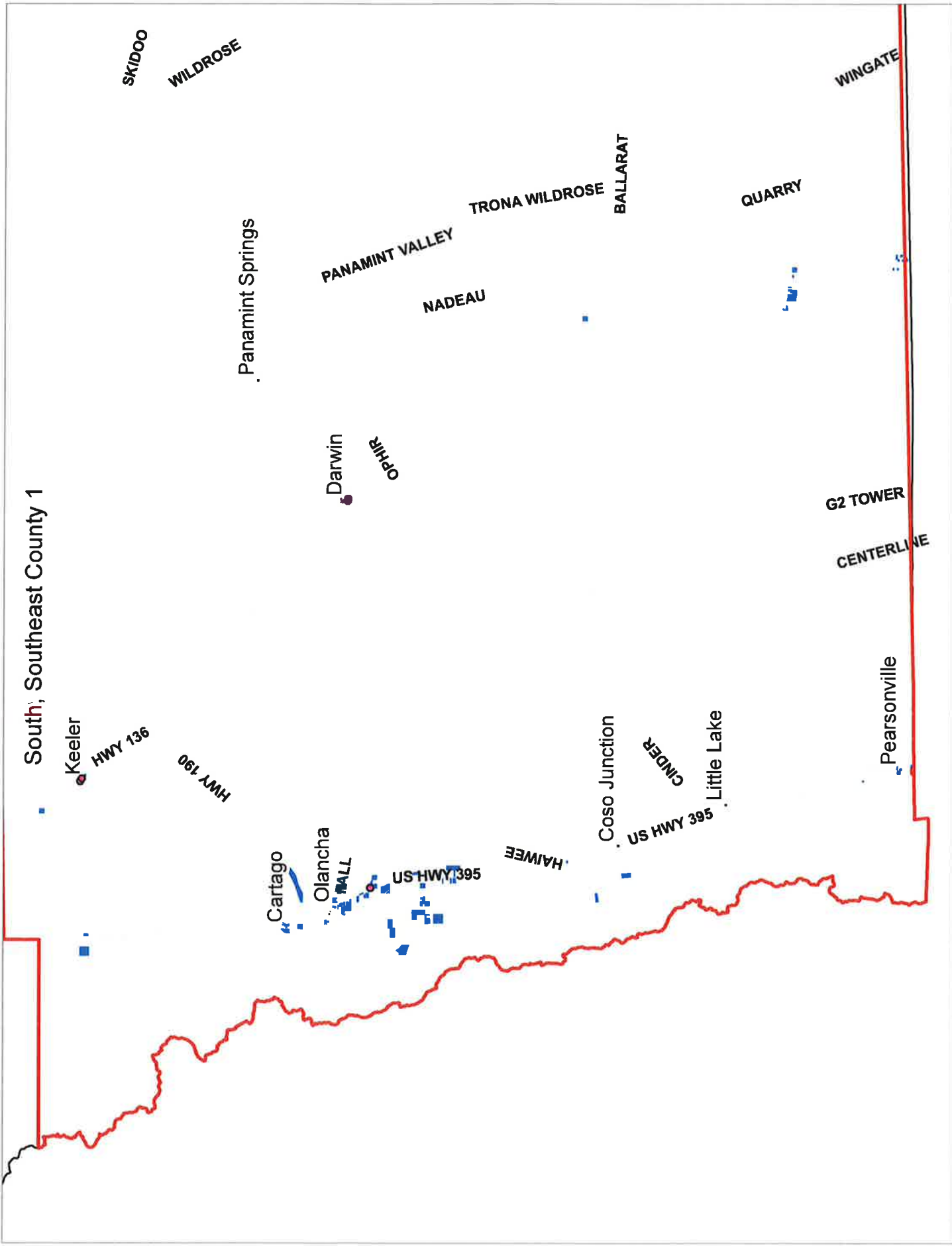
3-percent: 15 total permits  
Allows 8 additional permits

2-percent: 10 total permits  
Allows 3 additional permits

SCHOBER

BARLOW

SUNLAND INDIAN RESERVATION



South, Southeast County 2

HWY 127

HWY 190 Death Valley Junction

PETRO

ASH MEADOWS

HWY 178

HWY 178

Shoshone

Tecopa

Caps

5-percent: 29 total permits, 6 current  
Allows 23 additional permits

3-percent: 17 total permits  
Allows 11 additional permits

2-percent: 11 total permits Allows 5  
additional permits

AVE A

AVE C

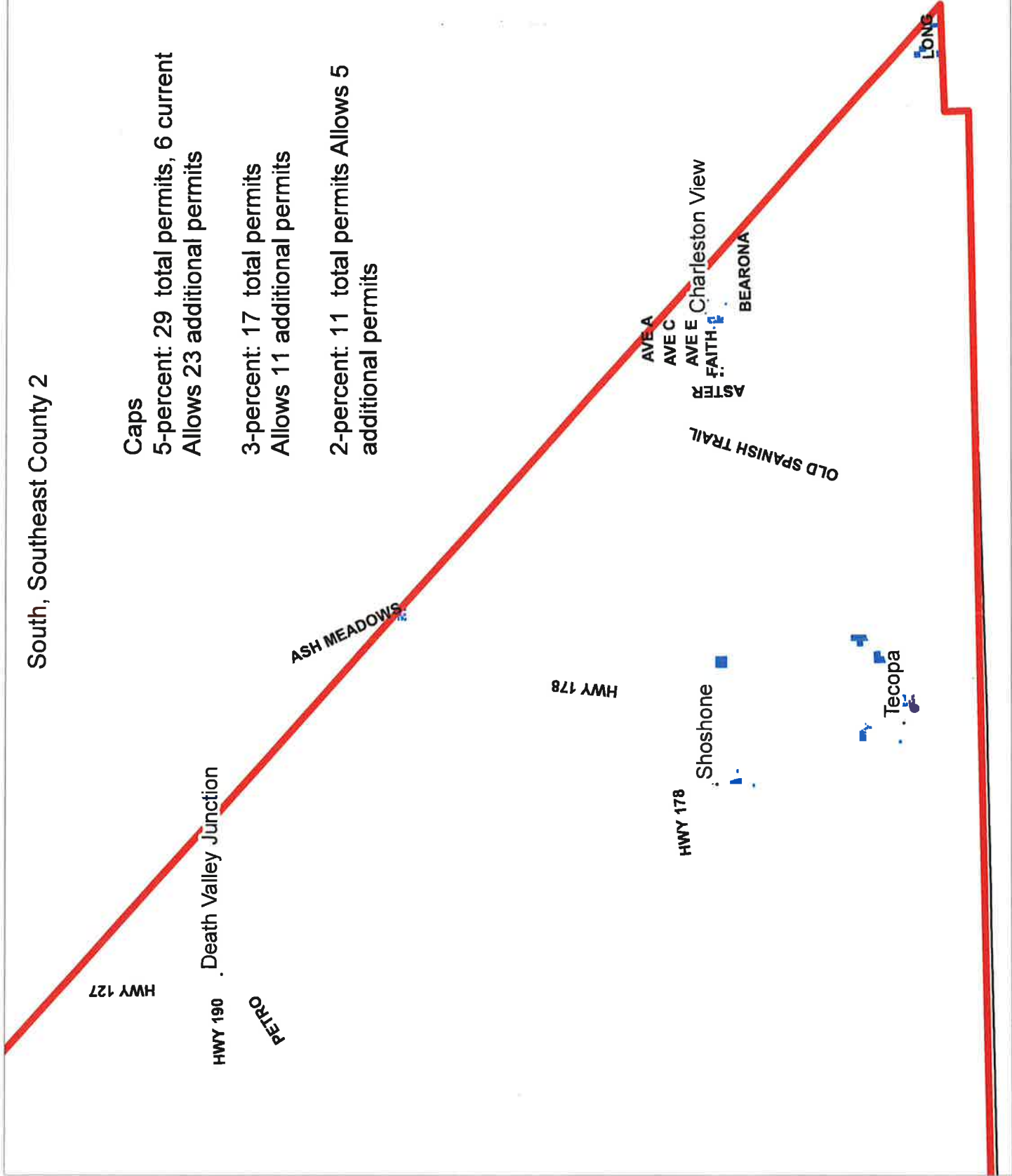
AVE E Charleston View

FAITH

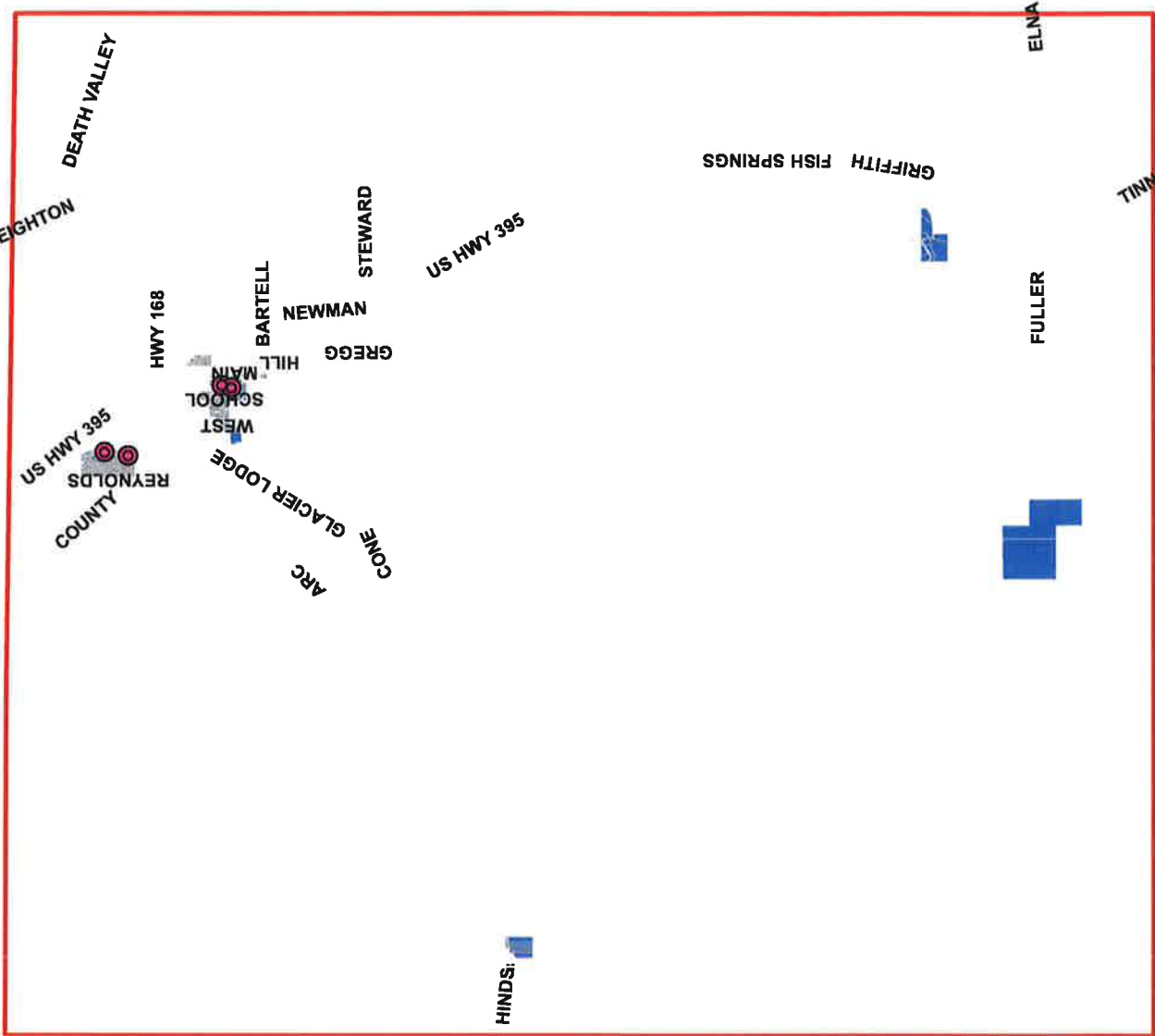
BEARONA

OLD SPANISH TRAIL

LONE



**Big Pine - Glacier - Birch Creek**



- Caps**
- 5-percent: 30 total permits, 5 current**  
**Allows 25 additional permits**
- 3-percent: 18 total permits**  
**Allows 12 additional permits**
- 2-percent: 12 total permits**  
**Allows 7 additional permits**

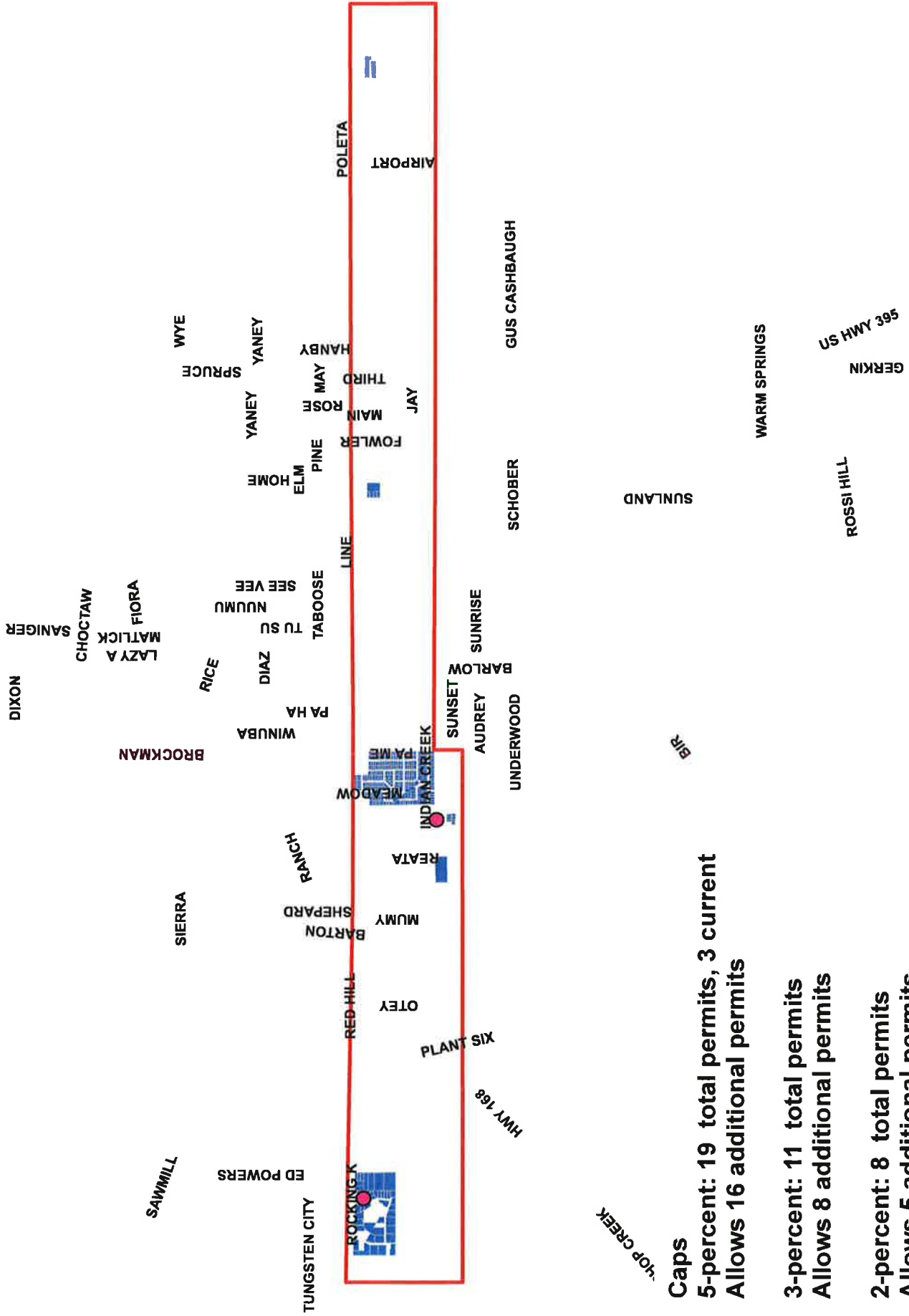




# South of Line Street - Poleta

HWY 6

RIVERSIDE

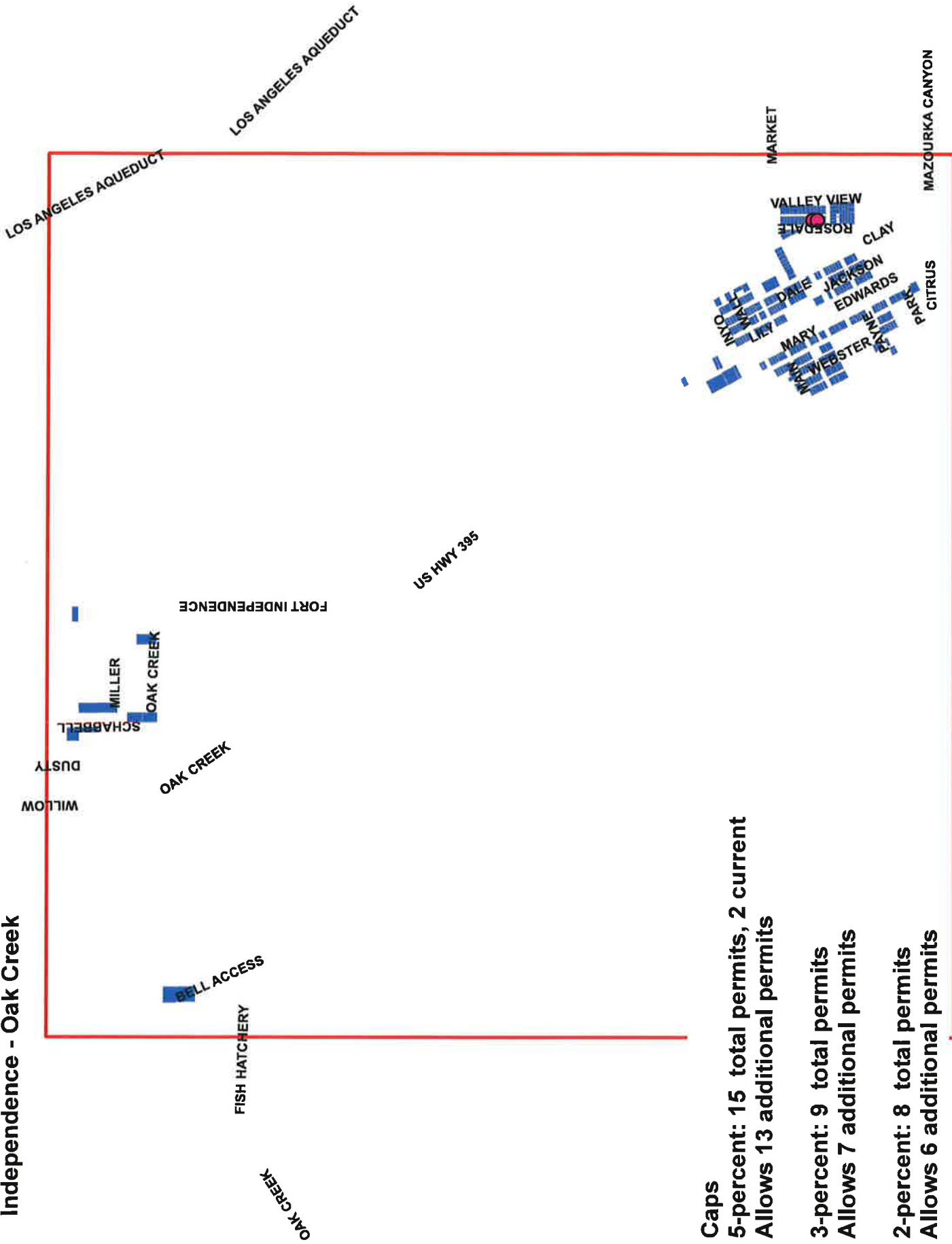


**Caps**  
**5-percent: 19 total permits, 3 current**  
**Allows 16 additional permits**

**3-percent: 11 total permits**  
**Allows 8 additional permits**

**2-percent: 8 total permits**  
**Allows 5 additional permits**

# Independence - Oak Creek



- Caps**
- 5-percent: 15 total permits, 2 current**  
Allows 13 additional permits
- 3-percent: 9 total permits**  
Allows 7 additional permits
- 2-percent: 8 total permits**  
Allows 6 additional permits

**Wilkinson - Bishop Creek - Chipmonk Canyon - Rossi Hill**

HWY 168

BISHOP CREEK

SAND CANYON

BLIR

BARLOW

SUNLAND

AIRPORT

WARM SPRINGS

COYOTE VALLEY

HWY 168

ROSS HILL

GERKIN

US HWY 395

SIERRA GRANDE

COLLINS

COUNTY



KEOUGH HOT SPRINGS

**Cap**

**5-percent: 14 total permits, 1 current**

**Allows 13 additional permits**

**3-percent: 8 total permits**

**Allows 7 additional permits**

**2-percent: 6 total permits**

**Allows 5 additional permits**

**RESOLUTION NO.**

**A RESOLUTION OF THE PLANNING COMMISSION OF THE COUNTY OF INYO, STATE OF CALIFORNIA, RECOMMENDING THAT THE BOARD OF SUPERVISORS FIND THE PROPOSED PROJECT IS EXEMPT FROM THE REQUIREMENTS OF THE CALIFORNIA ENVIRONMENTAL QUALITY ACT, MAKE CERTAIN FINDINGS WITH RESPECT TO AND APPROVE ZONE TEXT AMENDMENT NO. 2024-01 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 covered by the 15301 Class 1, Existing Facilities as Short-term Rentals are defined as a means to provide transient lodging in an existing residential dwelling unit in the One Family Residential, Rural Residential, Rural Residential-Starlite, Multiple Family 2-Units, and Open Space Zones, and will involve negligible or no expansion of an existing use; and

WHEREAS, the Inyo County Planning Commission held a public hearing February 28, 2024, to review and consider a request for approval of Zone Text Amendment No. 2024-01, and considered the staff report for the project and all oral and written comments regarding the proposal; and

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

WHEREAS, ZTA 2024-01 is consistent with the Inyo County General Plan as it will not result in higher densities than what is already established in the Inyo County General Plan; and

WHEREAS, ZTA 2024-01 is consistent with the Inyo County Zoning Code as it will not allow for new uses beyond what is already established in the Inyo County Zoning Code under the current Short-term Rental Ordinance, or residential zones.

NOW, THEREFORE, BE IT HEREBY RESOLVED, that based on all of the written and oral comment and input received at the February 28, 2024, 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. The This proposed ordinance is covered by CEQA Exemption Class 1 Existing Facilities (15301). Projects subsequent to this ordinance will be subject to CEQA Guidelines Section 15301 Existing Facilities Class 1, as Short-term Rentals are defined as a means to provide transient lodging in an existing residential dwelling unit in the One Family Residential, Rural Residential, Rural Residential-Starlite, Multiple Family 2-Units, and Open Space Zones, and will involve negligible or no expansion of an existing use. Proposals such as these fall into the Categorical Exemption Class 1 Existing Facilities (15301).
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 as it is consistent with all associated land use designations and policies set forth in the Land Use Element of the General Plan as the use will not increase the set densities on any land use designation or otherwise allow uses contrary to the Land Use Element. It also is consistent with Economic Development Goal ED-1 that states: *Promote increased capacity to serve tourists within the County's established urbanized areas, and in those areas with tourist attractions.*
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 as short-term rental activities are allowed pursuant to Chapter 18.73 of the Inyo County and the proposed changes will not expand or increase these already allowed uses.

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

## RECOMMENDED ACTIONS

1. Approve ZTA 2024-01 based on all of the information in the public record and on the recommendation of the Planning Commission.
2. Certify that ZTA 2024-01 is Exempt from CEQA pursuant to 15061(b)(3) of the CEQA Guidelines.

PASSED AND ADOPTED this February 28, 2024, by the following vote of the Inyo County Planning Commission:

AYES:

NOES:

ABSTAIN:

ABSENT:

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Todd Vogel, Chair  
Inyo County Planning Commission

ATTEST:  
Cathreen Richards, Planning Director

By \_\_\_\_\_  
Sally Faircloth, Secretary of the Commission

## ORDINANCE

AN ORDINANCE OF THE BOARD OF SUPERVISORS OF THE COUNTY OF INYO, STATE OF CALIFORNIA, AMENDING INYO COUNTY CODE CHAPTER 18.73, SECTIONS 18.73.030, 18.73.040A, 18.73.070, 18.73.080 OF THE INYO COUNTY CODE.

**WHEREAS**, on February 20, 2018, 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 two years 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; and

**WHEREAS**, on February 11, 2020, the Board requested that staff amend the ordinance to remove the non-hosted short-term rental permit and allow for non-hosted short-term rentals to be allowed in the multiple family two-units zone; and

**WHEREAS**, the Inyo County Board of Supervisors adopted Ordinance 1251 amending the short-term rental of residential property ordinance; and

**WHEREAS**, after another two years 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; and

**WHEREAS**, in the years between 2020-2022, Inyo County found that it has shortage of long-term rental opportunities; and

**WHEREAS**, on October 25, 2022, the Inyo County Board of Supervisors, as a policy decision, requested that planning department create short-term rental areas, and caps for those areas, to better manage the number of short-term rentals in the County to help remedy the long-term rental shortage; and

**WHEREAS**, on November 29, 2022, the Inyo County Board of Supervisors placed a 45-day moratorium on short-term rental permits; and

**WHEREAS**, on January 10, 2023 and again on November 7, 2023 the Inyo County Board of Supervisors extended the moratorium, which will expire on November 25, 2024, to give staff time to update the short-term rental ordinance pertaining to areas, caps, time limits, insurance, outside fires and enforcement; and

**WHEREAS**, staff prepared a draft ordinance reflecting the Board of Supervisors' request; 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; concurred with county staff recommendations; and approved a resolution recommending the Board adopt the updates.

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

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

“18.73.030 General Requirements.

Short-term rentals may be permitted on properties zoned open space (OS); rural residential (RR); rural residential Starlite; one-family residential (R-1); and multiple residential two-units (R-2) subject to the following requirements and limitations.

A. Limitation on the number of short-term rental permits issued. The number of annual short-term rental permits issued by the county under this Chapter shall be limited by a number derived of 3-percent of available dwelling units per Area as follows:

1. Area 1 - North County shall be comprised of: All of T6S., R31E., T6S., R32E., & T6S., R33E., M.D.B.M. Except Sections 31, 32, 33, 34, 35, 36 in T6S., R31E., T6S., R32E., & T6S., R33E., M.D.B.M. Also except Sections 1, 12, 13, 24 & 25 in T6S., R33E., M.D.B.M.

5 permits.

2. Area 2 - Dixon, Meadow Creek, Early Pond, Brockman shall be comprised of: Sections 35 & 36 in T.6S., R32E., M.D.B.M. The northwest quarter of Section 2, and Lot 2 of the northwest quarter of the northeast quarter of Section 2, T.7S. R32E., M.D.B.M. Including the north half of the northeast quarter of the northwest quarter of Section 1, T7S., R32E., M.D.B.M.

18 permits.

3. Area 3 - McLaren\_Milovich\_Desiderata shall be comprised of: The southeast quarter of Section 3, T7S., R32E., M.D.B.M. including the east half of the southwest quarter of Section 3, T7S., R32E., M.D.B.M. The south half of Section 2 excluding the area east of Brockman Lane and south of West Line Street, T7S., R32E., M.D.B.M.

8 permits.

4. Area 4 - South of Line Street\_Poleta shall be comprised of: The north half including the north half of the south half of Sections 7, 8 & 9, T7S., R33E., M.D.B.M. The north half including the north half of the south half of Sections 8, 9, 10, 11 & 12, T7S., R32E., M.D.B.M. Except for the southeast quarter of Section 11, and the southwest quarter of Section 12, T7S., R32E., M.D.B.M.

11 permits.

5. Area 5 – Sunrise\_Sunset shall be comprised of: The southeast quarter of Section 11, and the southwest quarter of Section 12, T7S., R32E., M.D.B.M.

15 permits.



6. Area 6 – Starlite shall be comprised of: The south half of Section 23, including the south half of the north half of Section 23, T7S., R31E., M.D.B.M.  
2 permits.

7. Area 7 - Wilkerson\_Bisop Creek\_Chipmonk\_Rossi Hill shall be comprised of: The south half of the south half, Sections 19, 20, 21, 22, 23 & 24, T7S., R32E., M.D.B.M. The south half of the south half, Sections 19 & 20, T7S., R33E., M.D.B.M. The north half of Sections 25, 26, 27, 28, 29 & 30, T7S., R32E., M.D.B.M. Sections 29 & 32, the east half of Section 31, and Section 30 excluding the southwest quarter, T7S., R33E., M.D.B.M. Section 5, the east half of Section 6, the northeast quarter of Section 7 & the north half of Section 8, T8S., R33E., M.D.B.M.  
8 permits.

8. Area 8 – Aspendell\_Mountain View shall be comprised of: Sections 20, 21, 22, 27, 28 & 29 of T8S., R31E., M.D.B.M.  
5 permits.

9. Area 9 – Big Pine\_Glacier\_Birch Creek shall be comprised of: Sections 8 through 17, 20 through 29, 32 through 36 in T9S., R33E., M.D.B.M. Sections 7 through 10, 15 through 22, 27 through 34 in T9S., R34E., M.D.B.M. Sections 1, 2 & 3, 10 through 15, 22 through 27 in T10S., R33E., M.D.B.M. Sections 3 through 10, 15 through 22, 27 through 30, T10S., R34E., M.D.B.M.  
18 permits.

10. Area 10 – Independence\_Oak Creek shall be comprised of: Sections 7 & 18, T13S., R35E., M.D.B.M. West half of Sections 8 & 17, T13S., R35E., M.D.B.M. The south half of Section 6, and the south half of the west half of Section 5, T13S., R35E., M.D.B.M. The south half of Section 1, and the east half of the east half of the south half of Section 2, T13S., R34E., M.D.B.M.  
9 permits.

11. Area 11 – Lone Pine\_Alabama Hills\_Pangborn\_Granite View shall be comprised of: Sections 21 through 28, 33 through 36 of T15S., R35E., M.D.B.M. excluding the north half of the north half of Sections 21 through 24, T15S., R35E., M.D.B.M. Sections 19 through 22, 27 through 34 of T15S., R36E., M.D.B.M. excluding the north half of the north half of Sections 19 through 22, T15S., R36E., M.D.B.M. Sections 1 through 4 and Sections 9 through 16 of T16S., R35E., M.D.B.M. Sections 3 through 10 and Sections 15 through 18 of T16S., R36E., M.D.B.M.  
21 permits.

12. Area 12 – South\_South East County shall be comprised of: All of the area within the County of Inyo south of the described line: Beginning at a point on the County boundary along the north line of Section 26, T16S., R34E., M.D.B.M. Thence east to the northeast corner of Section 27, T16S., R36E., M.D.B.M. Thence north to the northwest corner of Section 14, T16S., R36E., M.D.B.M. Thence east to the northeast corner of Section 13, T16S., R36E., M.D.B.M. Thence north to the northwest corner of Section 6, T16S.,

R37E., M.D.B.M. Thence east to the northeast corner of T16S., R37E., M.D.B.M. Thence north to the northwest corner of T16S., R38E., M.D.B.M. Thence east to the northeast corner of T16S., R41E., M.D.B.M. Thence south to the northwest corner of T16S., R42E., M.D.B.M. Thence east to the northeast corner of R16S., R43E., M.D.B.M. Thence north to the northwest corner of T16S., R44E., M.D.B.M. Thence east to the northeast corner of Section 1, T16S., R46E., M.D.B.M. Thence south to the northwest corner of Section 6, T28N., R1E., S.B.B.M. Thence east to the County boundary in the northeast corner of T28N., R3E., S.B.B.M.

17 permits.

2. The Inyo County Board of Supervisors, in its discretion, may at any time, determine by resolution, that the number of short-term permits allowed within each regional zone should stay the same, be reduced, or be expanded in order to protect neighborhood character and reduce adverse impacts or to provide economic benefit. Short term rental permits shall be issued on a first-come, first-served basis within the established caps limits outlined in subsection a above.

3. This section is only intended to create a maximum number of short-term rental permits that may be issued within the county. Nothing in this chapter creates a mandate that the county must issue any or all of the permits allowed under this chapter if it is determined that it is in the best interest of the county to issue less than the maximum number, or if the owners or the property do not meet the standards which are established in the application requirements.

4. An annual review of permits obtained after **DATE** will be conducted by the Planning Department to determine if the permits are being used. This will be a review of Transient Occupancy Tax (TOT) payments. If a short-term rental permit holder has not paid TOT for a full year without an apparent hardship, or verifiable reason, planning staff will consider it an unused permit and the permit will automatically be revoked upon mailed notice from the Planning Department.

B. 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.

C. All short-term rentals shall be hosted rentals.

D. 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.

E. 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).

F. An owner shall only be eligible to maintain a permit(s) for short-term rentals on a maximum of one parcel of land.

- G. No more than five guestrooms per dwelling unit may be permitted for short-term rental activity.
- H. 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 thirty days or less shall be considered a violation of this chapter 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 this chapter, or as permitted by Section 1.20.010 of this code, whichever is more, to the maximum extent allowed by the law.
- I. 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.
- J. Only two renters are allowed per guestroom. This number does not include children three years and under.
- K. 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.
- L. Outdoor amplified sound is prohibited.
- M. 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.
- N. 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.
- O. 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.
- P. Outdoor fires are prohibited anywhere on the property during short-term rental stays. .
- Q. 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.

R. An address sign compliant with Chapter 18.75, the county’s sign ordinance, with a clearly legible, from the street, address number shall be included on each short-term rental. (Ord. 1290 § 20, 2022; Ord. 1251 § 3, 2020; Ord. 1224 § 1, 2018.)

S. Any short-term rental permit issued pursuant to this chapter (DATE) is a three-year permit based on a review pursuant to 18.73.060. .

SECTION II. Section 18.73.040 of the Inyo County Code is amended to add Subsection 18.78.040 A.11 as follows:

“18.73.040 A.11 Proof of insurance applicable to short term rental activities on the dwelling in which short-term rentals are permitted.

SECTION III. Chapter 18.73 of the Inyo County Code is amended to add Section 18.73.060 as follows:

“18.73.060 Renewal Process.

A. Any short-term rental permit is a three-year permit, subject to, but not guaranteed, a renewal(s). Except for those permits revoked in accordance with other provisions of this chapter, short-term rental permits shall automatically expire three-years after their issuance, plus the time to conduct a renewal review, unless the Planning Director issues a notice of permit renewal. The renewal review period shall begin [insert month] during the third year of the permit. A short-term rental permit may be renewed in accordance with this section.

B. An application for renewal of a short-term rental permit shall be filed with the planning director in the manner prescribed by the director, at least 45 calendar days before expiration of the permit, along with any applicable renewal fee. If any of the documentation and information supplied by the property owner pursuant to chapter 18.73.040 has changed since the issuance of the first permit, the owner shall submit updated information and documentation with the application for renewal and shall provide any other information the planning director may require. If the owner fails to timely submit the renewal application, any additional information and all associated fees, the short-term rental permit may not be timely renewed, and operations shall be suspended unless/until the renewal is approved.

C. If the renewal application is incomplete, or if the planning director determines that additional information is required, the director will send notice to the owner in accordance with section 18.73.040(B) listing the items or information to be provided. The owner shall have 15 business days from the postmark or, if the applicant consents to email notice, email date of the notice to submit the listed items. If the owner fails to timely provide the items or information listed in a notice, then the renewal application will be denied as incomplete.

D. Upon the time filing of a renewal application and of any missing or supplemental information under section C above, the short-term rentals under the existing permit may continue operating until the director has made a final determination on the application, unless the permit is otherwise revoked or suspended pursuant to this chapter.

E. A permit shall be renewed by the director upon determination that the short-term rental meets the standards for grant of the application under chapters 18.73.030 and 18.73.040 and none of the conditions for denial set forth below are present:

Grounds for Denial:

1. The maximum number of short-term rental permits allowed pursuant to section 18.73.030(A) has been reached at the time the application has been deemed complete by the planning director. This includes a maximum number that has been adjusted by the Board during the term of the short-term rental permit.
2. Any of the circumstances outlined in section 18.73.070(A)(3).
3. The short-term rental has had more than three verifiable violation complaints.
4. The building or property where the short-term rental is located has active violations to any State or County code.
- 5.

F. The planning director shall specify in writing the reason(s) for any denial of the renewal and shall send the written decision to the permittee in accordance with section 18.73.040(B) with an explanation that the decision shall become final in ten calendar days of the postmark or, if the applicant consents to email notice, email date of the decision. unless the owner submits a completed appeal form to the department requesting a hearing, within ten calendar days of the postmarked or emailed decision.

SECTION IV. Section 18.73.070 of the Inyo County Code is amended in its entirety to read as follows:

“18.73.070 Permit Modification and Revocation.

A. The planning director may initiate proceedings to revoke or modify a short-term rental permit as follows:

1. Basis for Initiation. The planning director shall have the sole authority to determine if the violation(s) or complaint(s) stemming from a short-term rental are severe enough to merit the initiation of modification or revocation proceedings. There is no minimum number of complaints or violations that must occur before the Planning Director may begin modification or revocation proceedings. A single violation or complaint, if deemed to be serious enough, may be the basis for modification or revocation proceedings.
2. Notice and Hearing. Upon determination by the Planning Director to begin proceedings under this section, the Planning Director shall schedule a hearing before the Planning Commission. A notice of the hearing shall be mailed via first class US mail to the owner at the address provided in the short-term rental application. The notice shall specify the reason(s) for the modification or revocation and the term(s) of the short-term rental permit that the operator has violated. The notice shall also designate a time and place for the hearing before the Planning Commission. The hearing shall occur no sooner than fifteen and no later than forty-five calendar days following the mailing date of the notice.
  - i. Parties may, at their election, consent in writing to receipt of documents via email.
3. Conduct of Hearing



- i. Both parties shall be provided the opportunity to present oral evidence at the hearing via direct and cross examination.
- ii. Parties are encouraged to submit to the Planning Commission written briefing summarizing their arguments and evidence prior to the hearing. Any party who provides briefing or evidence to the Planning Commission prior to the hearing must also simultaneously serve such documents on the other party to the hearing. Written briefing or evidence must be submitted 48 hours prior to the hearing.
- iii. Failure to appear at the hearing shall constitute a waiver of any objections or claims advanced by either party.
- iv. The Planning Director shall bear the burden of proving by a preponderance of the evidence that the short-term rental has been operated in violation of the permit.
- v. The rules of evidence shall not apply to the hearing; provided, however, that the Chair of the Planning Commission may refuse to receive any evidence if its probative value is substantially outweighed by a danger of unfair prejudice, confusing the issues, undue delay, wasting time, or needlessly presenting cumulative evidence.
- vi. All parties to the hearing may be represented by an attorney.
- vii. At the conclusion of the hearing, the Planning Commission shall vote on the issue of revocation. The decision shall be based on a majority of the Commissioners who are present. Should the Planning Commission vote to revoke the short-term rental permit, the Planning Commission shall make one or more of the following findings:
  1. The approval of the short-term rental permit was obtained by fraud or through the provision of false information;
  2. The short-term rental activity has been or is being conducted in violation of this chapter or other applicable law;
  3. The conditions of approval have been or are being violated;
  4. The short-term rental activity is occurring in a manner that constitutes a public nuisance as defined in Section 22.08.010 of this Code;
  5. Ownership of more than one parcel on which short-term rentals are permitted, non-payment of property taxes for the parcel on which the short-term rental is located, or non-payment of Transient Occupancy Tax shall in itself be an automatic revocation of all of the owner's short-term rental permit(s).
4. Notice of Decision. A written notice of the Planning Commission's decision shall be prepared and mailed to the owner at the address specified in the application for approval within 30 business days of the close of the hearing. The notice shall contain a statement of the basis for the decision and the facts upon which the decision was made as well as 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 this chapter, or as permitted by Section 1.20.010 of this code, whichever is more, to the maximum extent allowed by law.
5. Award of monetary penalties. The Planning Director may request that the Planning Commission impose financial penalties on the operator of the short-term rental. If the Planning Director requests financial penalties, the Notice of Hearing shall include a statement to that effect and the Planning Director shall provide to the operator all evidence on which he or she will base the request and the precise amount sought at least 5 business days prior to the hearing. Any

penalties awarded by the Planning Commission shall not exceed \$5,000. For each subsequent permit revocation for the same operator, the maximum possible penalty shall increase by \$5,000.

B. **Warning Letters.** The planning director or his or her designee may, in lieu of commencing formal revocation proceedings, send the operator of the short-term rental a warning letter informing the operator of any complaints or violations pertaining to the short-term rental and demanding immediate correction. The planning director is not obligated to send any warning letters prior to commencing revocation proceedings. The planning director shall have sole discretion to determine whether a complaint or violation merits a warning letter or the initiation of formal modification / revocation proceedings.

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

“18.73.080 **Violation and Complaint.**

Nuisance 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 and the house rules posted on site and sent to property owners within 300-feet of the short-term rental. The owner, or designated representative of short-term rentals shall be responsible for contacting the tenant to correct the problem, including visiting the site if necessary, to ensure that the issue is been corrected. The owner or owner’s designated representative must provide a written report to the Inyo County Planning Department within three-days of being informed of the complaint. This report must detail the actions that the operator took to respond to the complaint and the changes, procedures, or rules that the operator has implemented to ensure that complaints of a similar nature do not arise again. Failure to respond to complaints or provide the required written report to the Planning Department shall be considered a violation of this section, and shall be subject to the provisions of 18.73.070.

**SECTION VI.** **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 VII.** **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 XXXX by the following vote of the Inyo County Board of Supervisors:

- AYES:
- NOES:
- ABSTAIN:
- ABSENT:

\_\_\_\_\_  
Chairperson

ATTEST:     Nate Greenberg  
                  Clerk to the Board

By: \_\_\_\_\_  
      Darcy Ellis, Assistant