Agenda

County of Inyo Planning Commission

Board of Supervisors Room
Inyo County Administrative Center
Independence, California

FRANK STEWART	**FIRST DISTRICT (CHAIR)**	Inyo County Planning Commission
CAITLIN (KATE) J. MORLEY	**SECOND DISTRICT**	Post Office Drawer L
TODD VOGEL	**THIRD DISTRICT(VICE CHAIR)**	Independence, CA 93526
SCOTT STONER	**FOURTH DISTRICT**	(760) 878-0263
SCOTT KEMP	**FIFTH DISTRICT**	(760) 872-2712 FAX
		inyoplanning@inyocounty.us
CATHREEN RICHARDS	PLANNING DIRECTOR	
PAULA RIESEN	PROJECT COORDINATOR	
MICHAEL ERRANTE	PUBLIC WORKS DIRECTOR	
CLINT QUILTER	COUNTY ADMINISTRATOR	
JOHN VALLEJO	ASSISTANT COUNTY COUNSEL	

Items will be heard in the order listed on the agenda unless the Planning Commission rearranges the order or the items are continued. Estimated start times are indicated for each item. The times are approximate and no item will be discussed before its listed time.
Lunch Break will be given at the Planning Commission's convenience.
The Planning Commission Chairperson will announce when public testimony can be given for items on the Agenda. The Commission will consider testimony on both the project and related environmental documents.
The applicant or any interested person may appeal all final decisions of the Planning Commission to the Board of Supervisors. Appeals must be filed in writing to the Inyo County Board of Supervisors within 15 calendar days per ICC Chapter 15 [California Environmental Quality Act (CEQA) Procedures] and Chapter 18 (Zoning), and 10 calendar days per ICC Chapter 16 (Subdivisions), of the action by the Planning Commission. If an appeal is filed, there is a fee of $300.00. Appeals and accompanying fees must be delivered to the Clerk of the Board Office at County Administrative Center Independence, California. If you challenge in court any finding, determination or decision made pursuant to a public hearing on a matter contained in this agenda, you may be limited to raising only those issues you or someone else raised at the public hearing, or in written correspondence delivered to the Inyo County Planning Commission at, or prior to, the public hearing.
Public Notice: In Compliance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting please contact the Planning Department at (760) 878-0263 (28 CFR 35.102-3.104 ADA Title II). Notification 72 hours prior to the meeting will enable the County to make reasonable arrangements to ensure accessibility to this meeting. Should you because of a disability require appropriate alternative formatting of this agenda, please notify the Planning Department 2 hours prior to the meeting to enable the County to make the agenda available in a reasonable alternative format (Government Code Section 54954.2).

April 24, 2019

10:00 A.M.

1. **PLEDGE OF ALLEGIANCE.**

2. **ROLL CALL** – Roll Call to be taken by staff.

3. **PUBLIC COMMENT PERIOD** – This is the opportunity for anyone in the audience to address the Planning Commission on any planning subject that is not scheduled on the Agenda.

Action

4. **APPROVAL OF MINUTES** – Approval of minutes from the February 27, 2018 Planning Commission Meeting.

Action Item Public Hearing

5. **NON-HOSTED SHORT-TERM RENTAL PERMIT NO. 2018-07/JELLISON** -The applicant has applied for a Non-hosted Short-Term Vacation Rental permit, located at 2476 and 2478 Dixon Lane, 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

Action Item Public Hearing

6. **NON-HOSTED SHORT-TERM RENTAL PERMIT NO. 2018-15/DAVIDSON** -The applicant has applied for a Non-hosted Short-Term Vacation Rental permit, located at 260 S Mount Whitney, in Lone Pine. 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

Action Public Hearing

7. **CONDITIONAL USE PERMIT (CUP) 2019-04/SIGN DEVELOPMENT INC-** The applicant has applied for a CUP for a new business and digital fuel station sign that is replacing an existing business and analog fuel station sign. This use permit is part of a larger project that consists of refreshing the signage at the Independence Shell Station, which is located at 350 S. Edwards Street in the community of Independence. The sign is proposed to be electronic in nature, with digital displays that display pricing for various grades of fuel. The Inyo County Code requires that electronic signs in the Central Business (CB) zoning, which is the zoning of this property, obtain a conditional use permit. This project is categorically exempt from the requirements of the California Environmental Quality Act under under CEQA Guidelines 15301, Existing Facilities – Class 1.

Action Item Public Hearing

8. **CONDITIONAL USE PERMIT (CUP) 2019-05/SIGN DEVELOPMENT INC-**The applicant has applied for a CUP for a new business and digital fuel station sign that is replacing an existing business and analog fuel station sign. This use permit is part of a larger project that consists of refreshing the signage at the Lone Pine Shell Station (co-located with the Lone Pine Carl's Jr. Restaurant), which is located at 401 N. Main Street in the community of Lone Pine. The sign is proposed to be electronic in nature, with digital displays that display pricing for various grades of fuel. The Inyo County Code requires that electronic signs in the Central Business (CB) zoning, which is the zoning of this property, obtain a conditional use permit. This project is categorically exempt from the requirements of the California Environmental Quality Act under under CEQA Guidelines 15301, Existing Facilities – Class 1.

Action Item Public Hearing

9. **ZONE TEXT AMENDMENT (ZTA) 2019-01/INYO COUNTY – COMMERCIAL CANNABIS** - The County of Inyo is proposing to amend sections of the County Zoning Ordinance, set forth in Title 18 of the Inyo County Code, to amend and add definitions and to adjust a procedural requirement related to Commercial Cannabis Activities. This project is Exempt from CEQA under the General Rule.

Workshop

10. **SHORT TERM RENTAL UPDATE** - Staff will hold a Workshop with the Planning Commission on the status of short-term rentals in Inyo County, approximately one year after accepting applications.

COMMISSIONERS' REPORT/COMMENTS

Commissioners to give their report/comments to staff.

PLANNING DIRECTOR'S REPORT

Planning Director, Cathreen Richards, will update the Commission on various topics.

CORRESPONDENCE – INFORMATIONAL

COUNTY OF INYO

PLANNING COMMISSION

MINUTES OF FEBRUARY 27, 2019 MEETING

COMMISSIONERS:		
FRANK STEWART	FIRST DISTRICT (CHAIR)	Inyo County Planning Commission
CAITLIN (KATE) J. MORLEY	SECOND DISTRICT	Post Office Drawer L
TODD VOGEL	THIRD DISTRICT (VICE)	Independence, CA 93526
SCOTT STONER	FOURTH DISTRICT	(760) 878-0263
SCOTT KEMP	FIFTH DISTRICT	(760) 872-0712 FAX

STAFF:	
CATHREEN RICHARDS	PLANNING DIRECTOR
JOHN VALLEJO	COUNTY COUNSEL
TOM SCHANIEL	ASSOCIATE PLANNER
RYAN STANDRIDGE	ASSISTANT PLANNER
PAULA RIESEN	PROJECT COORDINATOR

The Inyo County Planning Commission met in regular session on Wednesday, February 27, 2019, in the Administration Building, in Independence, California. Commissioner Stewart opened the meeting at 10:00 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 9:59 a.m.

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

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

Staff absent: Clint Quilter, County Administrator; Michael Errante, 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.

Chair Stewart opened the Public Comment Period at 10:00 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 10:00 A.M.

ITEM 4: **APPROVAL OF MINUTES (Action Item)** – Approval of Minutes from November 28, 2018, meeting of the Planning Commission.

MOTION: Moved by Commissioner Todd Vogel and seconded by Commissioner Caitlin Morley to approve the Minutes from November 28, 2018.

The Motion passed 5-0.

ITEM 5: **APPROVAL OF MINUTES (Action Item)** – Approval of Minutes from January 23, 2019, meeting of the Planning Commission.

MOTION: Moved by Commissioner Todd Vogel and seconded by Commissioner Scott Stoner to approve the Minutes from January 23, 2019.

The Motion passed 5-0.

ITEM 6: **NOMINATION & ELECTION OF VICE CHAIR PERSON – (Action Item) – Chair Frank Stewart opened Nomination & Election at 10:01.** Frank Stewart nominated Todd Vogel for Vice Chairperson.

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

The Motion passed 5-0.

ITEM 7: **APPROVAL OF THE MITIGATED NEGATIVE DECLARATION FOR THE WALKER CREEK ROAD BRIDGE REPLACEMENT PROJECT** - The Inyo County Planning Commission will consider approval of a Mitigated Negative Declaration/Initial Study (MND/IS) for the proposed Walker Creek Road Bridge Replacement Project, which would involve the replacement of County Bridge 48C0039 with a new bridge and would close the existing bridge to public vehicular traffic. The proposed project would also include the realignment of Walker Creek Road as it approaches the bridge in either direction. The bridge is located approximately 1.5 miles south of Olancha, California.

Ms. Ashley Helms, Engineering Assistant II, presented the staff report.

Chair Stewart opened the Public Hearing at 10:08 a.m.

No one from the public wished to speak the hearing closed at 10:09 a.m.

MOTION: Moved by Commissioner Scott Stoner and seconded by Commissioner Kate Morley to approve the proposed Walker Creek Road Bridge Replacement Project as presented by staff.

The Motion passed 5-0

ITEM 8: **APPROVAL OF THE MITIGATED NEGATIVE DECLARATION FOR THE CARROLL CREEK ROAD BRIDGE REPLACEMENT PROJECT -** The Inyo County Planning Commission will consider approval of a Mitigated Negative Declaration/Initial Study (MND/IS) for the proposed Carroll Creek Road Bridge Replacement Project, which would involve the replacement of County Bridge 48C-0011 with a new bridge and would decommission the existing bridge. The proposed project would also require the realignment of Carroll Creek Road as it approaches the new bridge in either direction. The bridge is located approximately 9 miles south of Lone Pine, California.

Ms. Ashley Helms, Engineering Assistant II, presented the staff report.

Chair Stewart opened the Public Hearing at 10:11 a.m.

No one from the public wished to speak the hearing closed at 10:12 a.m.

MOTION: Moved by Chair Frank Stewart and seconded by Commissioner Scott Stoner to approve the proposed Carroll Creek Road Bridge Replacement Project as presented by staff.

The Motion passed 5-0

ITEM 9: **NON-HOSTED SHORT-TERM RENTAL PERMIT NO. 2018-13/ARY -**The applicant has applied for a Non-hosted Short-Term Vacation Rental permit, located at 650 School Street, in Lone Pine. 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.

Mrs. Standridge, Assistant Planner, presented the staff report.

Chair Stewart opened the Public Hearing at 10:15 a.m.

Mr. Jeff Ray had two questions. First what about the wear and tear on our Roads? Second is this going to make our community better? Also, Mr. Ray asked if there will be bed tax collected. Mrs. Standridge stated there will be bed tax collected.

Next to speak was Earl Wilson stated he did not want short term rentals.

Jessica Ary then got up and spoke that she lives there part-time and she is charging a higher rate and insisting on a two night minimum as to try and keep the quality of customers for her community.

With no additional members of the public wishing to speak the hearing closed at 10:25 a.m.

Chair Stewart stated he does not know of anyone staying in short term rentals. Commissioner Scott Kemp stated that he is happy to have these homes kept up so they

are not falling apart, it makes it better for the kids and helps the community. He does understand the concerns of the public though.

MOTION: Moved by Commissioner Vogel and seconded by Commissioner Kate Morley to approve the **NON-HOSTED SHORT-TERM RENTAL PERMIT NO. 2018-13/ARY** as presented by staff.

The Motion passed 5-0

ITEM 10: **CONDITIONAL USE PERMIT (CUP) 2019-01/SHADE GROWN FARMS -** The applicant has applied for a CUP to operate a commercial cannabis cultivation, under 5,000 square-feet, establishment located at 140 Agate Street in the community of Stewart Valley. The applicant has been approved by the Board of Supervisors for a 'Cannabis Cultivation, under 5,000-square-feet' License. The proposed project location is currently developed with a single-family home; stables; a horseback riding arena; driveways; and, greenhouses. The project is Exempt form CEQA per the General Rule.

Ms. Richards, Planning Director, presented the staff report.

Chair Stewart opened the Public Hearing at 10:29 a.m.

No one from the public wished to speak the hearing closed at 10:12 a.m.

MOTION: **Moved by Chair Stewart and** seconded by Commissioner Scott Kemp to approve the **CONDITIONAL USE PERMIT (CUP) 2019-01/SHADE GROWN FARMS.**

The Motion passed 5-0

ITEM 11: **2018 ANNUAL PROGRESS REPORT** - Presentation of the Inyo County 2018 Annual Progress Report

Mrs. Standridge, Assistant Planner, presented statistics for the Planning Department in the last year.

- Building Permits processed - 395
- New homes - 10
- 81 Planning Permits – 33 were reviewed by the Planning Commission
- Cannabis Permits – 3 and starting to increase

Cathreen Richards, Planning Director asked how many this year compared to last year.

Mrs. Standridge stated there were 19 last year and 33 this year.

Chair Stewart and the commissioners thanked Planning Department for all of work.

Item 12: **DARK SKIES POLICY DEVELOPMENT** – Staff will conduct a workshop with the Planning Commission regarding issues related to night time light pollution and potential regulation of exterior lighting.

Mr. Tom Schaniel, Associate Planner presented staff report. Giving a presentation on what is considered Backlight, Up lights and Glare lights and the limits of Lumens. Mr. Schaniel then introduced Tyson Sparrow, Inyo County Building Inspector who spoke about Lighting zones, Classes of lights and Lighting plans.

Chair Stewart opened the Public Hearing at 11:21 a.m.

April Zerlk was the first member of the public to ask about the Shields on the street lights. She stated that she thought that the BOS had declared Independence Creek a Dark Skies area. She would like an ordinance to promote Dark Skies.

John Lough stated that he strongly supports the down light shields and wants a lighting curfew.

Mary Canada likes the Dark Skies program.

Linda Chaplin has an issue with some of the business exterior lighting, and wants a Dark Skies community.

Susan Guises from Big Pine would like to see a retroactive dark at 8:00 pm night light.

Earl Wilson believes that Independence is a Dark Skies area already.

Calder Reid has been a founding member and yes Independence is a Dark Skies area.

Jeff Ray of Lone Pine was interested to see if Cannabis is being check for Lighting standards. Staff informed him that it is.

Mr. Schaniel concluded his presentation.

With no one else wishing to speak the presentation closed at 11:40 a.m.

Chair Frank Stewart thanked Mr. Schaniel for a great presentation.

COMMISSIONERS' REPORT/COMMENTS –

Commissioner Stewart would like to discuss the method of Zoning Violations.

DIRECTOR'S REPORT -

Cathreen Richards proposed that the March Planning Commission Meeting be cancelled due to lack projects and staff vacations.

ADJOURNMENT –

With no further business, Chair Stewart made a motion to adjourn the meeting at 11:40 a.m., and for the Commission to reconvene at the April 24, 2019 meeting, at 10:00 a.m. in the Board of Supervisors Room, Administrative Center, Independence, California.

Motion by Commisioner Vogel to Adjourn.

Seconded by Commissioner Stoner.

Motion passed 5-0.

Prepared by:
Paula Riesen
Inyo County Planning Department

DRAFT

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AGENDA ITEM NO.: **5**(Action Item – Public Hearing)

PLANNING COMMISSION METTING DATE: **April 24, 2019**

SUBJECT: Non-Hosted Short-Term Rental Permit No. 2018-07/Jellison

EXECUTIVE SUMMARY

The applicant has applied for a Non-hosted Short-Term Vacation Rental permit, located at 2476 Dixon Lane and 2478 Dixon Lane, 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: Robert Jellison

Site Address: 2476 Dixon Lane and 2478 Dixon Lane

Community: Bishop, CA

A.P.N.: 010-081-40

General Plan: Residential Medium Density (RM)

Zoning: RMH Single Residence or Mobilehome 7,200 (RMH-7,200)

Size of Parcel: Approximately 0.35-Acres

SURROUNDING LAND USE:

Location:	Use:	Gen. Plan Designation	Zoning
Site	Residential	Residential Medium- Density (RM)	Single Residence or Mobilehome Combined – 7,200 square foot minimum (RMH-7,200)
North	Agriculture	Natural Resource (NR)	Open Space -40 Acre Minimum
East	Residential	Residential Medium- Density (RM)	Single Residence or Mobilehome Combined – 7,200 square foot minimum (RMH-7,200)

South	Residential	Residential Medium- Density (RM)	Single Residence or Mobilehome Combined – 7,200 square foot minimum (RMH-7,200))
West	Residential	Residential Medium- Density (RM)	Single Residence or Mobilehome Combined – 7,200 square foot minimum (RMH-7,200)

Staff Recommended Action: 1.) Approve the Non-Hosted Short-Term Vacation Rental Permit 2018-07/Jellison

Alternatives:

1.) Deny the Non-Hosted Short-Term Vacation Rental Permit

2.) Approve the Non-Hosted Short-Term Vacation Rental Permit with additional conditions of approval

3.) Continue the public hearing to a future date, and provide specific direction to staff regarding what additional information and analysis is needed.

Project Planner: Ryan Standridge

STAFF ANALYSIS

Background and Overview

The applicant has applied for and received a Hosted Short-Term Vacation Rental Permit from the Inyo Planning Department, for the residence located at 2476 Dixon Lane and 2478 Dixon Lane in Bishop. There is a primary residence with an Accessory Dwelling unit which the applicant would like to rent as a non-hosted vacation 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 Vacation 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 Vacation Rental Permit.

The residence is in a location surrounded by developed residential parcels to the north, south east and west. 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 Medium Density (RM) as it does not change the size or density of the residential development currently on the site and in the General Plan.

Zoning Ordinance Consistency

The applicant's residence is zoned RMH Single Residence or Mobilehome (RMH-5,800), which is defined as an eligible zoning area for short term rentals. The current use will not change and therefore remains consistent with the current zoning ordinance.

ENVIRONMENTAL REVIEW

As per Section Two of the approved County Ordinance (Chapter 18.73), the Hosted/Non-Hosted Short- Term Rental Permit 2018-07/Jellison 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 isexempt from the requirements of the California Environmental Quality Act; make the findings specified below; and, approve Non-Hosted Short-Term Vacation Rental Permit 2018-07/Jellison, subject to the Conditions of Approval:

Recommended Findings for NH-STR 2018-07/Jellison:

1. The proposed Non-Hosted Short-Term Vacation Rental Permit is exempted from further CEQA review, and the provisions of the California Environmental Quality Act have been satisfied.
   [*Evidence: Pursuant to Section 15061(b)(3) (general rule) of the CEQA guidelines, the proposed permit application constitutes an extension of residential use 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 Vacation 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 Medium Density, designation of Residential Medium Density, which allows for 4.6 to 7.5 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 Vacation Rental Permit is consistent with the Inyo County Zoning Ordinance.
   [*Evidence: The approved ordinance of Short-Term Rentals (Transient Occupancy – a rental for 30-Days or less), as adopted by the Board of Supervisors on February 20, 2018, allows for the short-term rental of residential dwellings in the Zoning Districts of: One Family Residential (R1), Single Residence and Mobile Home Combined (RMH), Rural Residential (RR), Rural Residential Starlite Estates (RR- Starlite), and the Open Space Zone (OS) with a conditional use permit. The applicant's property is zoned Single Residence and Mobile Home Combined and is therefore consistent with Inyo County's zoning ordinance upon receiving the conditional use permit.*]

4. The proposed Non-Hosted Short-Term Vacation Rental Permit is necessary or desirable.
   [*Evidence: With the proliferation of Short-Term Vacation Rentals through on-line hosts, such as Air B&B, etc., the Board of Supervisors found it necessary and desirable to create an ordinance that regulated transient occupancy. The proposed non-hosted vacation rental permit application is consistent with the requirements stipulated in the short-term rental ordinance, as adopted by the Board of Supervisors in February 2018.*]

5. The proposed Non-Hosted Short-Term Vacation Rental Permit is properly related to other uses and transportation and service facilities in the vicinity.
   [*Evidence: The proposed Non-Hosted Short-Term Vacation Rental Permit is properly related to transportation and service facilities and will not adversely affect these facilities. All completed applications for Hosted/Non-Hosted Short-Term Rental Permits require site plans that demonstrate the availability of on-site parking at the applicant's residence.*]

6. The proposed Non-Hosted Short-Term Vacation Rental Permit would not under all the circumstances of this case, affect adversely the health or safety of persons living or working in the vicinity or be materially detrimental to the public welfare.
   [*The proposed Non-Hosted Short-Term Vacation Rental Permit does not adversely affect public health or safety of persons living in the vicinity. The Inyo County Public Health Department evaluated the application for sewer, septic, and water issues and found no problems with the application. The rental unit, was evaluated by the County's Building and Safety Department and no problems were identified.*]

7. Operating requirements necessitate the proposed Non-Hosted Short-Term Vacation Rental Permit for the site.
   [*Evidence: Use of the applicant's property for non-hosted short-term rental requires the Non-Hosted Short-Term Vacation Rental Permit, as per Chapter 18.73 of the Inyo County Code.*]

CONDITIONS OF APPROVAL

1. 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 Vacation Rental Permit No. 2018-07/Jellison. 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 Vacation Rental Permit is not established within one year of the approval date it will be become void.

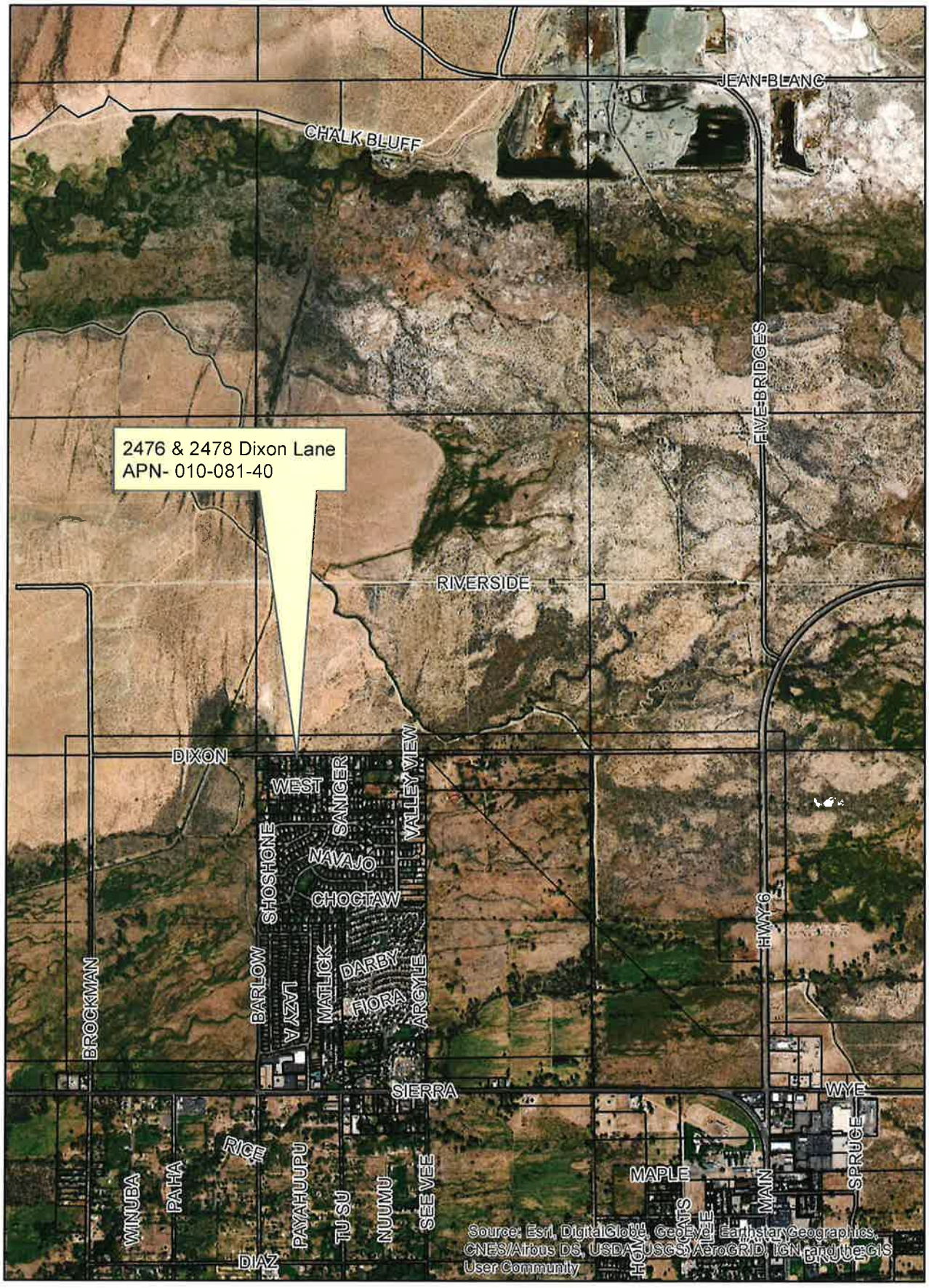
SUMMARY

Staff recommends that the Planning Commission make certain findings with respect to and approve Non-Hosted Short-Term Vacation Rental Permit No. 2018-07/Jellison and find it exempt from CEQA.

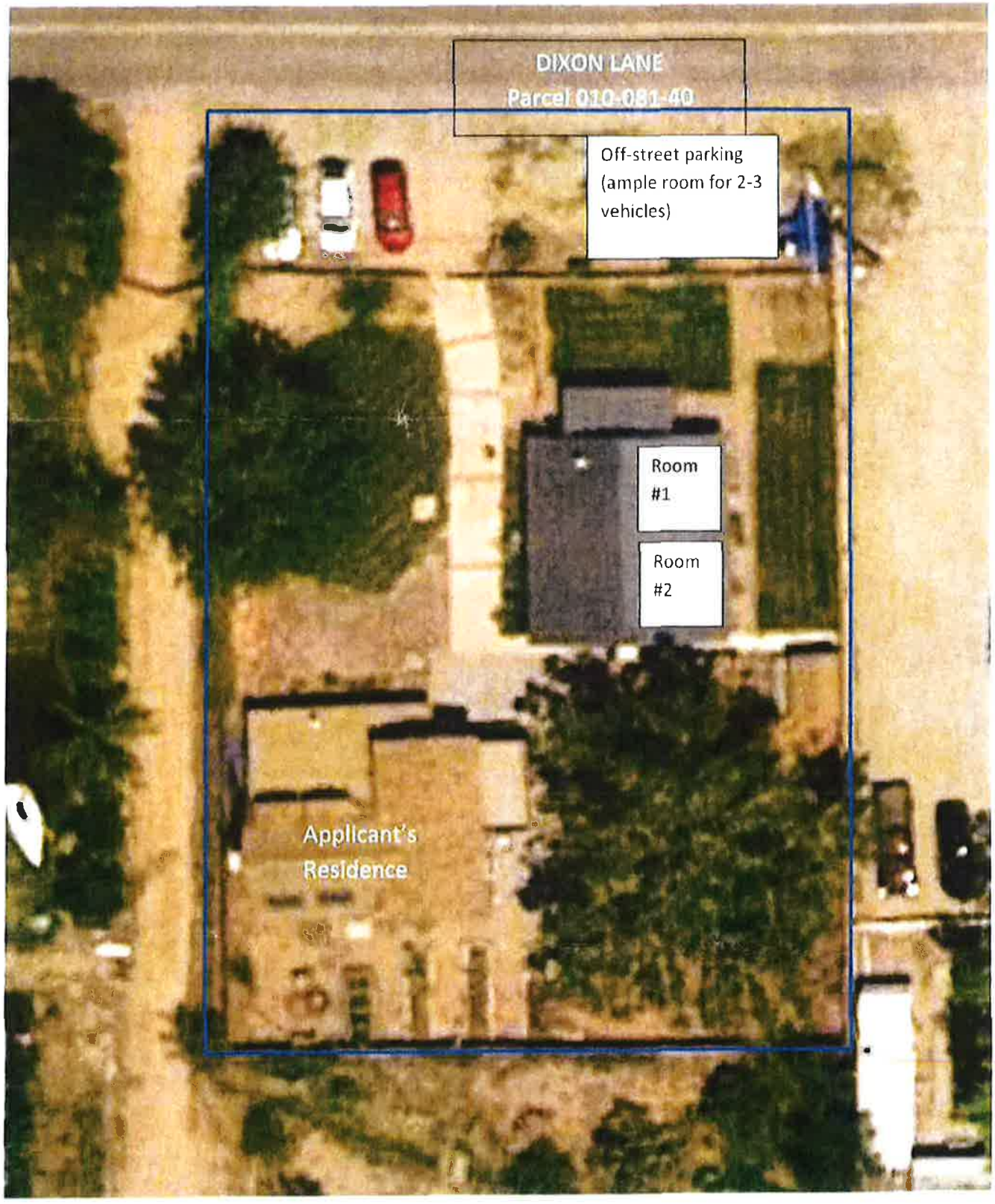
EXHIBITS

A. Vicinity Map
B. Site plan
C. Rules

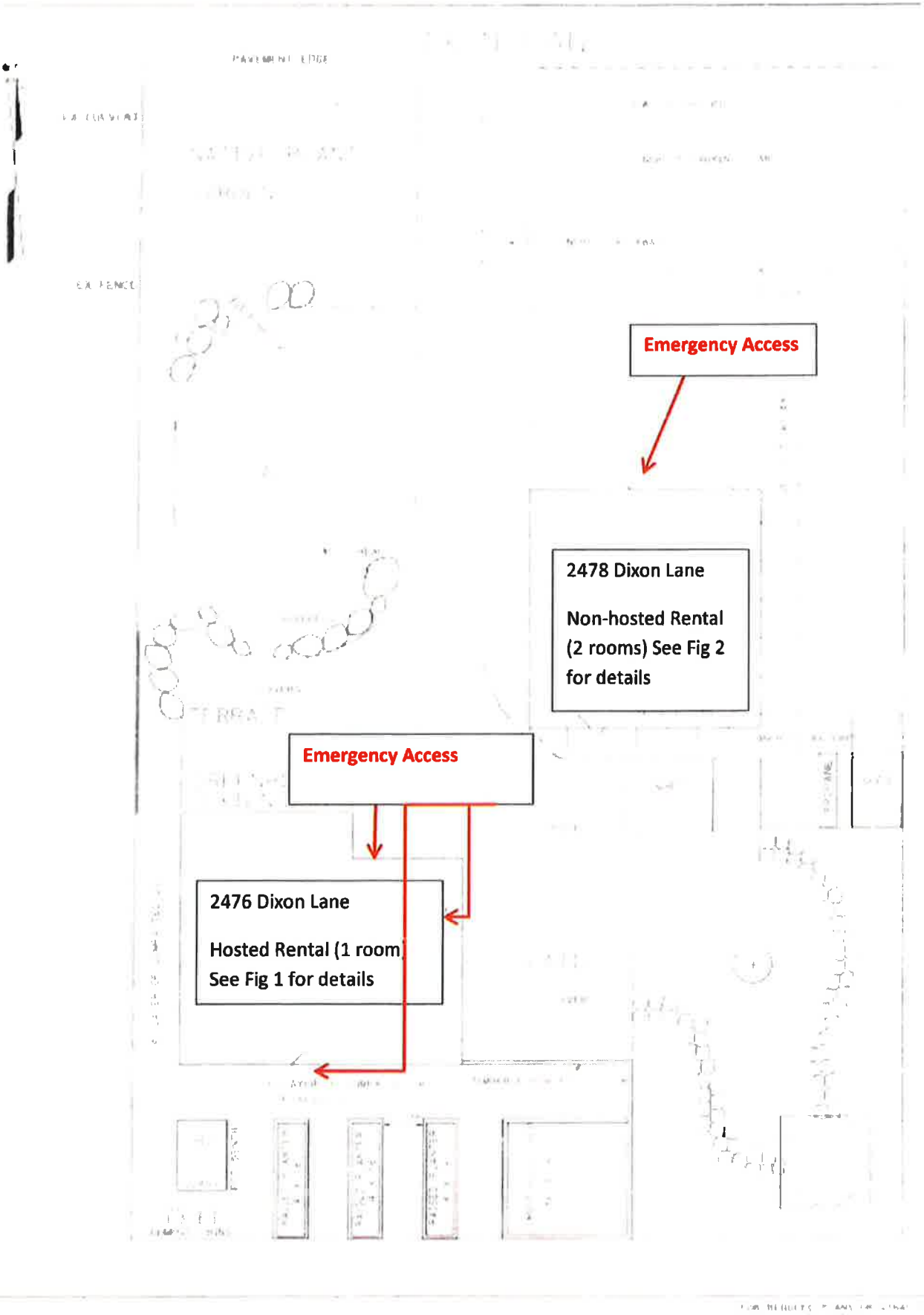
Non-Hosted Rental 2018-08\Jellison Exhibit A



Attachment B



Attachment B



The following house rules will be posted online at the rental site and inside the front door or the rental units.

House Rental Rules

Complying with these House Rules is a requirement of the rental agreement. Failure to adhere to the below Rules may result in penalties such as deductions from the security deposit.

General Requirements

a) All guests (and visitors) must comply with all House Rules and any other instructions from the Property Manager during their stay.
b) Guests must notify the Owner and Property Manager of any disputes or complaints from neighbors as soon as reasonably practicable.
c) Only the number of overnight guests specified in the reservation are allowed.
d) A maximum of two (2) guests per guest room are allowed (excluding children <3 yr old).
e) No smoking is allowed inside premises (allowed on porch).
f) No pets are allowed.
g) Check-in time is 3:00 PM unless prior arrangements have been made.
h) Checkout time is 11:00 AM

Emergency Contacts

a) Robert Jellison, Owner & Property Manager (760) 937-4640; rjellison.us@gmail.com
b) Irene Yamashita, Owner & Property Manager (760) 937-4650; ireneyams@gmail.com

Noise, trash, and the Neighborhood

This rental property is located in a quiet residential neighborhood.

a) Guests shall observe quiet hours from 9PM to 7AM.
b) Outdoor amplified sound is prohibited.
c) Outdoor fires are prohibited.
d) Trash and recycling bins are located inside the fence on the northeast corner of the property.
e) Overnight parking is only allowed in the provided parking area and is limited to one car per guestroom.

Planning Department
168 North Edwards Street
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Independence, California 93526

Phone: (760) 878-0263
FAX: (760) 872-2712
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AGENDA ITEM NO.: **6**(Action Item – Public Hearing)

PLANNING COMMISSION METTING DATE: **April 24, 2019**

SUBJECT: Non-Hosted Short-Term Rental Permit No. 2018-15/Davidson

EXECUTIVE SUMMARY

The applicant has applied for a Non-hosted Short-Term Vacation Rental permit, located at 260 S. Mount Whitney Drive in Lone Pine. This permit is required for the applicant to begin renting residential space for periods of 30-days or less, and to achieve compliance with Inyo County Code Chapter 18.73.

PROJECT INFORMATION

Supervisory District: 5

Project Applicant: Jeffrey Davidson & Tamara Davidson

Site Address: 260 S. Mount Whitney Drive

Community: Lone Pine, CA

A.P.N.: 005-153-13

General Plan: Residential Medium Density (RM)

Zoning: RMH Single Residence or Mobilehome 5,800 (RMH-5,800)

Size of Parcel: Approximately 0.17-Acres

SURROUNDING LAND USE:

Location:	Use:	Gen. Plan Designation	Zoning
Site	Residential	Residential Medium- Density (RM)	Single Residence or Mobilehome Combined – 5,800 square foot minimum (RMH-5,800)
North	Residential	Residential Medium- Density (RM)	Single Residence or Mobilehome Combined – 5,800 square foot minimum (RMH-5,800)
East	Residential	Residential Medium- Density (RM)	Single Residence or Mobilehome Combined –

			7,200 square foot minimum (RMH-7,200)
South	Residential	Residential Medium- Density (RM)	Single Residence or Mobilehome Combined – 7,200 square foot minimum (RMH-7,200))
West	Residential	Residential Medium- Density (RM)	Single Residence or Mobilehome Combined – 7,200 square foot minimum (RMH-7,200)

Staff Recommended Action: 1.) Approve the Non-Hosted Short-Term Vacation Rental Permit 2018-15/Davidson

Alternatives:

1.) Deny the Non-Hosted Short-Term Vacation Rental Permit

2.) Approve the Non-Hosted Short-Term Vacation Rental Permit with additional conditions of approval

3.) Continue the public hearing to a future date, and provide specific direction to staff regarding what additional information and analysis is needed.

Project Planner: Ryan Standridge

STAFF ANALYSIS

Background and Overview

The applicant has applied for and received a Hosted Short-Term Vacation Rental Permit from the Inyo County Planning Department, for the residence located at 260 S. Mount Whitney in Lone Pine. There is a primary residence with an Accessory Dwelling unit which the applicant would like to rent as a non-hosted short term 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 Vacation 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 Vacation Rental Permit.

The residence is in a location surrounded by developed residential parcels to the north, south east and west. The residence is in the Lone Pine 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 Medium Density (RM) as it does not change the size or density of the residential development currently on the site and is compatible with the General Plan.

Zoning Ordinance Consistency

The applicant's residence is zoned RMH Single Residence or Mobilehome (RMH-5,800), which is defined as an eligible zoning area for short term rentals with a conditional use permit. The current use will not change and therefore once the conditional use permit is obtained it will be consistent with the current zoning ordinance.

ENVIRONMENTAL REVIEW

As per Section Two of the approved County Ordinance (Chapter 18.73), the Hosted/Non-Hosted Short- Term Rental Permit 2018-15/Davidson 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 Vacation Rental Permit 2018-15/Davidson, subject to the Conditions of Approval:

Recommended Findings for NH-STR 2018-15/Davidson:

1. The proposed Non-Hosted Short-Term Vacation Rental Permit is exempted from further CEQA review, and the provisions of the California Environmental Quality Act have been satisfied.
   [*Evidence: Pursuant to Section 15061(b)(3) (general rule) of the CEQA guidelines, the proposed permit application constitutes an extension of residential use 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 Vacation 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 Medium Density, designation of Residential Medium Density, which allows for 4.6 to 7.5 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 Vacation Rental Permit is consistent with the Inyo County Zoning Ordinance.
   [*Evidence: The approved ordinance of Short-Term Rentals (Transient Occupancy – a rental for 30-Days or less), as adopted by the Board of Supervisors on February 20, 2018, allows for the short-term rental of residential dwellings in the Zoning Districts of: One Family Residential (R1), Single Residence and Mobile Home Combined (RMH), Rural Residential (RR), Rural Residential Starlite Estates (RR- Starlite), and the Open Space Zone (OS) with a conditional use permit. The applicant's property is zoned Single Residence and Mobile Home Combined and is therefore consistent with Inyo County's zoning ordinance upon receiving the conditional use permit.*]

4. The proposed Non-Hosted Short-Term Vacation Rental Permit is necessary or desirable.
   [*Evidence: With the proliferation of Short-Term Vacation Rentals through on-line hosts, such as Air B&B, etc., the Board of Supervisors found it necessary and desirable to create an ordinance that regulated transient occupancy. The proposed non-hosted vacation rental permit application is consistent with the requirements stipulated in the short-term rental ordinance, as adopted by the Board of Supervisors in February 2018.*]

5. The proposed Non-Hosted Short-Term Vacation Rental Permit is properly related to other uses and transportation and service facilities in the vicinity.
   [*Evidence: The proposed Non-Hosted Short-Term Vacation Rental Permit is properly related to transportation and service facilities and will not adversely affect these facilities. All completed applications for Hosted/Non-Hosted Short-Term Rental Permits require site plans that demonstrate the availability of on-site parking at the applicant's residence.*]

6. The proposed Non-Hosted Short-Term Vacation Rental Permit would not under all the circumstances of this case, affect adversely the health or safety of persons living or working in the vicinity or be materially detrimental to the public welfare.
   [*The proposed Non-Hosted Short-Term Vacation Rental Permit does not adversely affect public health or safety of persons living in the vicinity. The Inyo County Public Health Department evaluated the application for sewer, septic, and water issues and found no problems with the application. The rental unit, was evaluated by the County's Building and Safety Department and no problems were identified.*]

7. Operating requirements necessitate the proposed Non-Hosted Short-Term Vacation Rental Permit for the site.

[*Evidence: Use of the applicant's property for non-hosted short-term rental requires the Non-Hosted Short-Term 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 Vacation Rental Permit No. 2018-15/Davidson. 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 Vacation Rental Permit is not established within one year of the approval date it will be become void.

SUMMARY

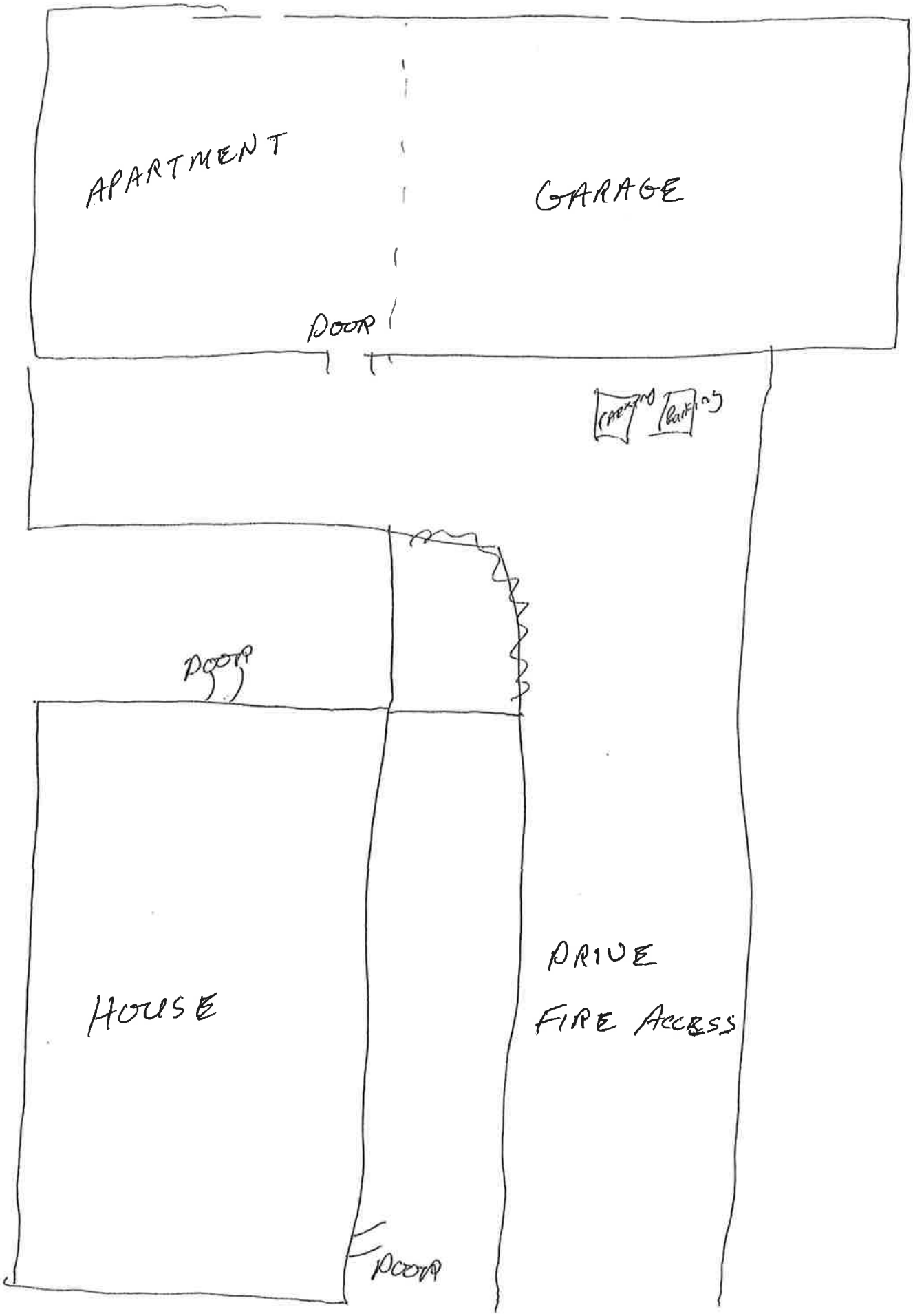
Staff recommends that the Planning Commission make certain findings with respect to and approve Non-Hosted Short-Term Vacation Rental Permit No. 2018-15/Davidson and find it exempt from CEQA.

EXHIBITS

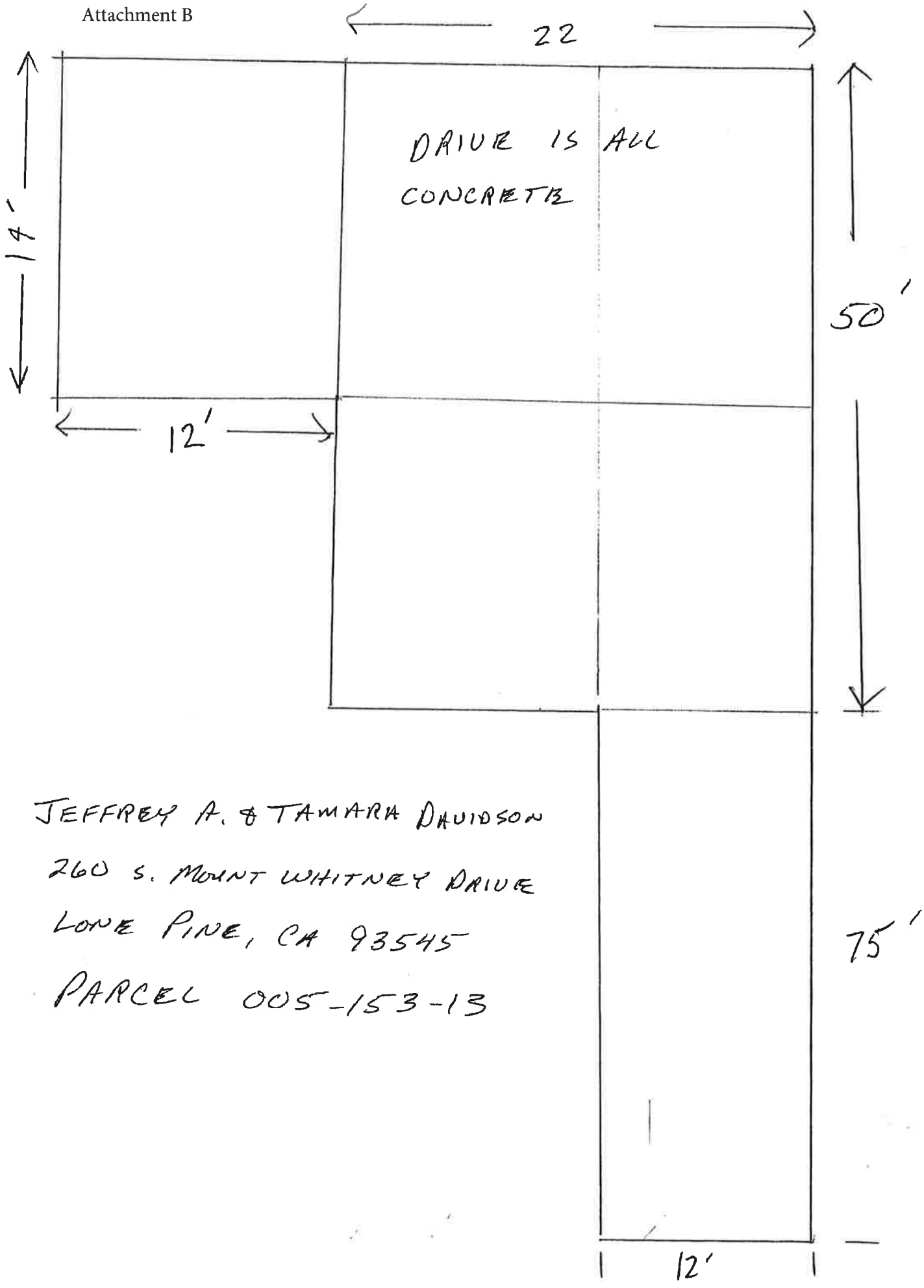
A. Vicinity Map
B. Site plan
C. Rules

DAVIDSON Non-Hosted 2018-15 Exhibit A

Attachment B



Attachment B



JEFFREY A. & TAMARA DAVIDSON
260 S. MOUNT WHITNEY DRIVE
LONE PINE, CA 93545
PARCEL 005-153-13

Attachment C

Jeff and Tami Davidson
Vacation Rental Property

TOWN OF LONE PINE VACATION RENTAL HOUSE RULES

Complying with these House Rules is a requirement of the vacation rental agreement. Failure to adhere to the below House Rules may result is penalties such as deductions from the security deposit.

GENERAL REQUIREMENTS

1. All Guests (and Visitors) must comply with all house rules and any other instructions from the Property Manager during their stay
2. Guests must notify the Owner and Property Manager of any disputes or complaints from neighbors as soon as reasonably possible
3. Only two (2) renters are allowed per guest room. This number does not include children three (3) years or younger
4. Check In time is 3:00pm
5. Check Out time is 11:00am

NOISE AND THE NEIGHBORHOOD

1. Outdoor amplified sound is prohibited
2. This Vacation Rental is suitable for children. Guests and visitors are fully responsible for the safety and security of their children at all times, as well as and disturbance caused to other residents in the Neighborhood
3. Quiet hours shall be from 9:00pm to 7:00am.

EMERGENCY CONTACTS

1. Rhiannon Thompson, Property Manager (765) 437-9589
2. Jeff Davidson, Property Owner (765) 860-2929

VISITORS

1. Guests are allowed a maximum of four (4) daytime Visitors during their stay
2. Guests are responsible for ensuring maximum visitor numbers are not exceeded; and that, Visitors are compliant with these House Rules
3. And additional overnight Visitors must be approved in advance during the booking process and are subject to an additional fee as noted in the price
4. Occupancy is limited at two (2) guests per bedroom, for a maximum of 4 guests

PARKING

1. Guests and any visitor must comply with parking regulations and other requirements set out below and show consideration to neighbors and other vehicles
2. No street parking permitted
3. Parking is limited to the driveway only
4. A maximum of one (1) vehicle per guest room shall be allowed

PETS

1. Pets are NOT permitted at the Vacation Rental

BARBECUE

1. Propane and Charcoal Barbecues are NOT provided on the premises

SEE BACK →

DAMAGES AND BREAKAGES

1. All damages and breakages must be reported to the Owner and/or Property Manager as soon as reasonably practicable. Failure to report them with likely result in a penalty deduction from the security deposit
2. To avoid damages and breakages, no furniture is to be moved from one room to another without prior agreement

CHECK OUT ARRANGEMENTS

1. Check out time is 11:00am
2. All doors and windows must be locked when leaving the premises

COMPLIANCE

1. Breach of any of these House Rules is a breach of the Terms and Conditions of occupancy as per the Rental Agreement
2. The Owner and Manager reserve the right to terminate permission to occupy and to evict from the Vacation Rental, and guests or Visitors who refuse to follow these House Rules or who causes a nuisance to neighbors or other residents of the community

FUNCTIONS

1. Parties and large gatherings of any kind are strictly prohibited and the Vacation Rental
2. Any small gathering must comply with other rules set regarding noise, the neighborhood, and visitor numbers

SECURITY

1. Any time guests leave the Vacation Rental, it is their responsibility to ensure all windows and doors are closed/locked to maintain security and prevent rain or water damage
2. Guests must switch off lights, heater/air conditioner, fans, electronics such as televisions when not in use to promote energy saving
3. Guests must ensure the heater/air conditioner and ceiling fans are turned off prior to vacating the Rental Property
4. 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 (9:00pm to 7:00am)

GARBAGE AND RECYCLING

1. Guests and their visitors are to dispose of garbage and recycling in accordance with the usual practice at the Vacation Rental (as set below) in the allocated trash cans and excess rubbish must not be left in public or common areas
2. Garbage and Recycling arrangements at the Vacation Rental are as follows:
    a. Trash and recycle receptacles are located in the kitchen and bathrooms
    b. All trash and recyclables must be contained within trash liners
    c. All full trash bags must be placed in the appropriate receptacles located on the south side of the driveway in the fenced in area and shut
    d. All trash receptacles within the house must be emptied prior to departing the Rental Property

SMOKING

1. Smoking and/or vaping is not permitted inside the Vacation Rental
2. Smoking and/or vaping is not permitted within 25 feet of the Vacation Rental

3. Cigarette butts must be disposed of properly in the outdoor trash receptacles and not thrown on property grounds. Failure to do so will result in deduction from the security deposit.

Planning Department
168 North Edwards Street
Post Office Drawer L
Independence, California 93526

Phone: (760) 878-0263
FAX: (760) 872-2712
E-Mail: inyoplanning @ inyocounty.us

AGENDA ITEM NO.:	**7** (Action Item – Public Hearing)
PLANNING COMMISSION MEETING DATE:	April 24, 2019
SUBJECT:	Conditional Use Permit (CUP) 2019-04/Sign Development, Inc., Independence Shell

EXECUTIVE SUMMARY

The applicant has applied for a CUP for a new business and digital fuel station sign that is replacing an existing business and analog fuel station sign. This use permit is part of a larger project that consists of refreshing the signage at the Independence Shell Station, which is located at 350 S. Edwards Street in the community of Independence. The sign is proposed to be electronic in nature, with digital displays that display pricing for various grades of fuel. The Inyo County Code requires that electronic signs in the Central Business (CB) zoning, which is the zoning of this property, obtain a conditional use permit.

PROJECT INFORMATION

Supervisory District: 4

Project Applicant: Sign Development, Inc.; Attn: Gus Ortega

Property Owner: Arunasalam Ramenthira

Site Address: 350 South Edwards Street

Community: Independence, California

A.P.N.: 002-104-05

General Plan: Central Business District (CBD)

Zoning: Central Business (CB)

Size of Parcel: 13,000 Square Feet (Two Legal Parcels, Combined for Tax Purposes)

Surrounding Land Use:

Location:	Use:	Gen. Plan Designation	Zoning
Site	Commercial/Fuel Station	Central Business District (CBD)	Central Business (CB)
North	Vacant/Parking	Central Business District (CBD)	Central Business (CB)
East	Residential	Residential Medium-High Density (RMH)	Multiple Residential – 6,500 square foot minimum – Mobilehome Overlay Zone (R2-6,500-MH)
South	Residential	Central Business District (CBD)	Central Business (CB)
West	Commercial and Residential	Central Business District (CBD)	Central Business (CB)

Staff Recommended Action: **Make certain Findings with respect to and Approve Conditional Use Permit 2019-04/Sign Development, Inc. Independence Shell, subject to the Conditions of Approval as recommended in this staff report.**

Alternatives:

1.) Deny the CUP.

2.) Approve the CUP 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: Tom Schaniel, Associate Planner

STAFF ANALYSIS

Background and Overview

The applicant has applied for a CUP, so that a new electronic sign is compliant under the County's Sign Ordinance. The sign will display the business and, using changeable digital technology, the fuel prices. The sign replaces an existing business and fuel price sign, and the new sign is configured similarly to the sign it is replacing. See Attachment B for a plan for the new sign, as well as a picture of the existing sign.

The sign is compliant with the Inyo County Code's (ICC) sign provision, located in section 18.75 of the ICC. The sign is less than 50 square feet (approximately 48 square feet) in area and the height of the sign (approximately 20') is less than the maximum of 25' for accessory structures. The requirement for the sign to obtain a conditional use permit it based upon the following:

Section 18.06.590 Sign, electronic reader board sign or electronic graphics.

> *"Electronic reader board sign" and "electronic graphics sign" means a sign with a fixed or changing display/message composed of a series of lights that may be changed through electronic means. A time and/or temperature sign shall not be considered an electronic graphics sign.*

Based upon this definition from the ICC the proposed sign is an "Electronic Sign".

ICC section 18.75.120 Permitted Signs by Use Districts specifies that in the CB zone, Electronic Signs shall be allowed by CUP.

The project is towards the south end of the community of Independence on the east side of Edwards Street/U.S. Highway 395. Residential uses on commercial zoning are to the south and west of the project site. To the north is a vacant lot, spanning two parcels, that is paved and owned by the same owner as the Shell Station Property and utilized as overflow parking. Another commercial property lies to the north of that. It does not appear vacant, but any business does not have an active storefront. Residential communities lie to the east of the project site. Refer to attachment A for a Site Plan that includes and aerial map of the property

General Plan Consistency

The project is consistent with the General Plan designation of CBD. Policy LU-3.1 specifically lists "*travel and transportation services such as hotels/motels and gas stations.*" It is also compatible with the General Plan's Visual Resources Goal VIS-1.5 - Outdoor Advertising: Outdoor advertising shall promote business in a manner that does not significantly degrade natural and community visual resources. A similar sign without the digital component has been at this location for over 20 years and has not caused issues to date. The digital component is allowing for simpler adjustment of prices, but is largely similar to the previous sign that also had prices that were modified by hand. Signs of similar size and height are located throughout the central business district of Independence. The sign also does not block views to special scenic areas.

Zoning Ordinance Consistency

The CB zoning designation allows for electronic signs as a conditional use under ICC 18.75.120. The sign is consistent with all other applicable portions of the ICC sign section, 18.75.

Planning Staff routed the application for the CUP to other County departments and to Cal Trans. The County Public Works and Assessors office provided comments stating that they had no issues with the sign. Caltrans has provided no comments at this time.

The Planning Commission Hearing for CUP 2019-04/Sign Development, Inc., Independence Shell was advertised in the Inyo Register on April, 13 2019 and notices were mailed to properties within 300-feet of the project location. Staff has received no comments from the public.

ENVIRONMENTAL REVIEW

Conditional Use Permit 2019-04/Sign Development, Inc., Independence Shell is Categorically Exempt under CEQA Guidelines 15301, Existing Facilities – Class 1. Class 1 Consists of 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 CUP is being applied for to permit the replacement of an existing sign of similar size, height and location. There is no expansion or change of the existing use, and the project is therefore exempt.

RECOMMENDATION

Planning Department staff recommends the approval of Conditional Use Permit 2019-04/Sign Development, Inc., Independence Shell, with the following Findings and Conditions of Approval:

FINDINGS

1. The proposed Conditional Use Permit is exempt under CEQA Guidelines 15301, Existing Facilities – Class 1 and the provisions of the California Environmental Quality Act have been satisfied.

   [Evidence: Class 1 Consists of 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 CUP is being applied for to permit the replacement sign (no expansion or change of the existing use) at the site]

2. The proposed Conditional Use Permit is consistent with the Inyo County General Plan Land Use designation of Retail Commercial (RC).

   [Evidence: The goal of this project is to allow for a replacement sign with an electronic display, to be compliant with the County's zoning ordinance. The project is consistent with the General Plan designation of CBD as it specifically provides for gas stations as a use. It is also compatible with the General Plan's Visual Resources Goal VIS-1.5 - Outdoor Advertising: Outdoor advertising shall promote business in a manner that does not significantly degrade natural and community visual resources. The existing sign that will be replaced has been at this location in excess of 20 years and has not caused issues to date and does not create degradation of the visual resources in the area. Signs of similar size and height are located throughout the central business district of Independence. The sign also does not block views to special scenic areas.]

3. The proposed Conditional Use Permit is consistent with the Inyo County Sign Ordinance 18.75.120 that allows electronic signs in the Highway Services and Tourist Commercial (C2) designation with a CUP.

   [Evidence: The Inyo County Sign Ordinance – 18.75. allows for electronic signs in the CB zoning district under 18.75.120 with a CUP; and therefore, is allowed as a conditional use under 18.75.120.]

4. The proposed Conditional Use Permit is necessary or desirable.

   [Evidence: The General Plan's Visual Resources Goal VIS-1.5 - Outdoor Advertising: Outdoor advertising shall promote business in a manner that does not significantly degrade natural and community visual resources. The existing sign that is being replaced has been at this location in excess of 20 years and has

not caused issues to date. It also helps to promote a local business that caters to visitors in the area; and therefore, is a desirable use.]

5. The proposed Conditional Use Permit is properly related to other uses and transportation and service facilities in the vicinity.

   [Evidence: The proposed CUP is being requested to make a replacement sign compliant with the County's Zoning Code. It will not change or increase the current level or type of use; and therefore, will have no impact on transportation or service facilities in the vicinity.]

6. The proposed CUP 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.

   [Evidence: The proposed CUP is proposed to make a replacement sign compliant with the County's Zoning Code. It will not change or increase the current level or type of use; and therefore will not create impacts on the health or safety of persons living or working in the vicinity or be materially detrimental to the public welfare.]

7. Operating requirements necessitate the CUP for the site.

   [Evidence: The addition of electronic display to the sign defines the sign as an electronic sign, which requires a CUP per 18.75.120.]

CONDITIONS OF APPROVAL

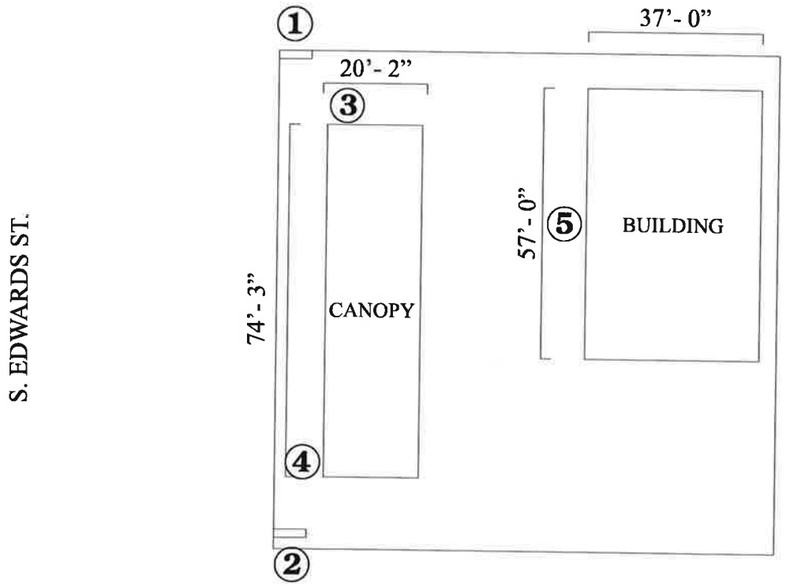
1. The applicant, landowner, and/or operator shall defend, indemnify and hold harmless Inyo County agents, officers, and employees from any claim, action or proceeding against the County or its agents, officers, or employees to attack, set aside, void or annul an approval of the county, its advisory agencies, its appeals board, or legislative body concerning Conditional Use Permit 2019-04/Sign Development, Inc., Independence Shell. The County reserves the right to prepare its own defense.

Attachments

A. Site Plan
B. Sign Elevation

Attachment A

EXISTING SITE



E. PAVILION ST.

SITE PLAN
SCALE: 1/32"= 1'-0"

SUBJECT TO CITY AND SHELL APPROVALS

Sign Development Inc.
License #576277

Upland, CA 91786 (909) 920-5535

PROPRIETARY INFORMATION. *The information disclosed in this document, including all drawings, designs and related materials, is the valuable and proprietary information of Sign Development Inc. It is provided solely for the purpose of evaluation for purchase and, without the express written authorization of Sign Development Inc., may not be disclosed or duplicated, in whole or in part, for any reason. Sign Development Inc. expressly reserves all patent, copyright and other proprietary rights to this document, including all design, manufacturing, reproduction, use, and sales rights thereto. © 2011 SIGN DEVELOPMENT INC.*

CUSTOMER APPROVAL

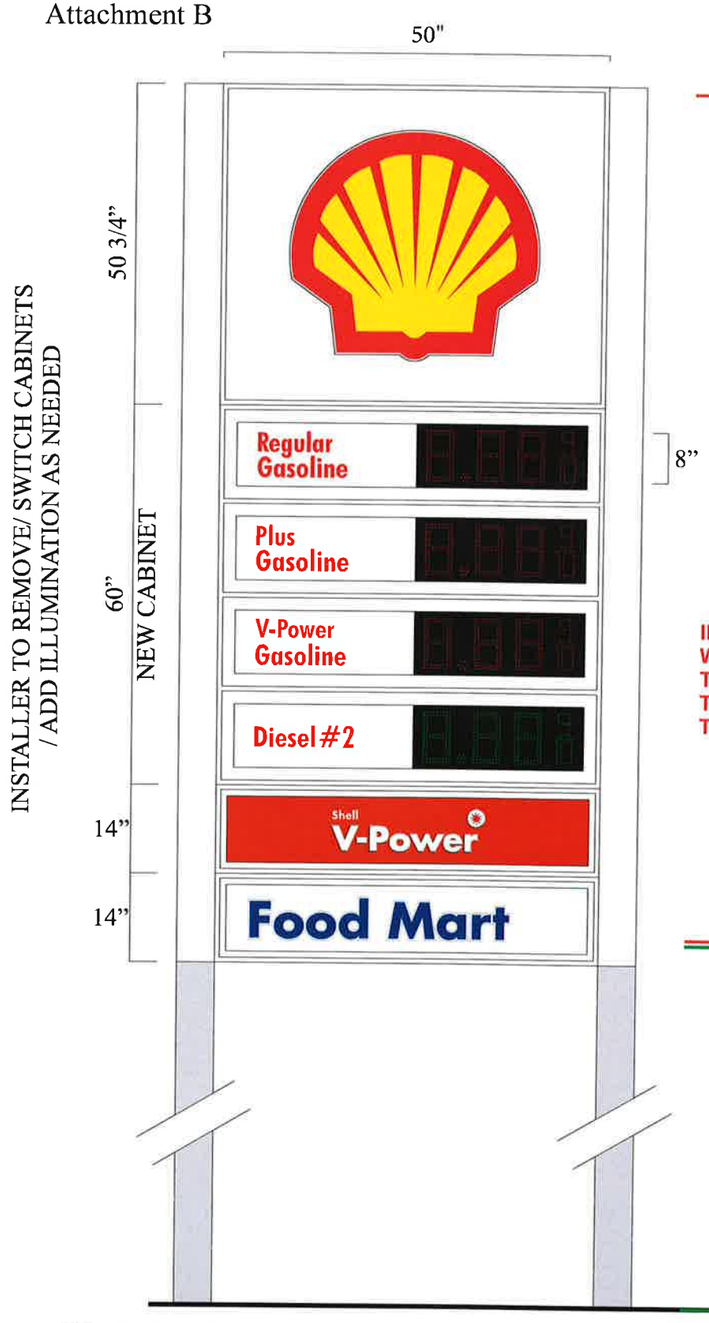
SIGN AND PRINT FULL NAME _____ DATE _____

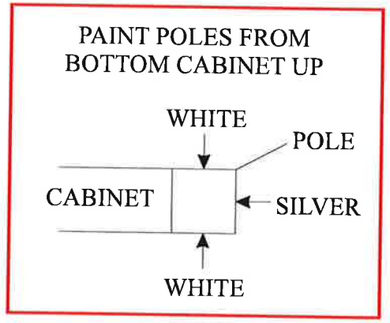
NO. **PAGE: 1 OF 8**

DATE: 01.03.19BA
REV: 01.22.19SM

350 S. EDWARDS ST.
INDEPENDENCE, CA

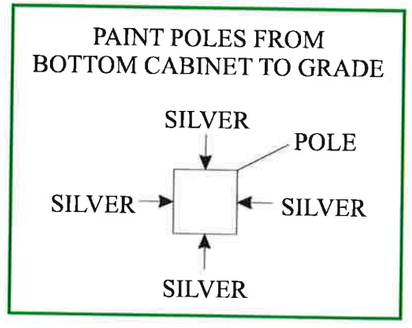
Attachment B





EXISTING D/F PRICE/ID SIGN

IMPORTANT: INSTALLER MUST REGISTER ALL LED SIGNS WITH ABLE. PLEASE CALL 614-388-8866 BEFORE 2:00PST TO REGISTER. MUST FORWARD CONFIRMATION NUMBER TO SDI AND WRITE REGISTRATION # INSIDE CABINET. FAILURE TO PROVIDE SDI WITH REGISTRATION # WILL DELAY PAYMENT.



① RE-LAMP EXISTING SIGN CABINET
REFACE EXISTING D/F PRICE/ID SIGN

SCALE: 1/2" = 1' - 0"

SUBJECT TO CITY AND SHELL APPROVALS

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Upland, CA 91786 (909) 920-5535

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CUSTOMER APPROVAL

SIGN AND PRINT FULL NAME _____ DATE _____

NO.
DATE: 01.03.19BA
REV: 01.22.19SM

350 S. EDWARDS ST.
INDEPENDENCE, CA

Planning Department
168 North Edwards Street
Post Office Drawer L
Independence, California 93526

Phone: (760) 878-0263
FAX: (760) 872-2712
E-Mail: inyoplanning @ inyocounty.us

AGENDA ITEM NO.: **8** (Action Item – Public Hearing)

PLANNING COMMISSION MEETING DATE: April 24, 2019

SUBJECT: Conditional Use Permit (CUP) 2019-05/Sign Development, Inc., Lone Pine Shell

EXECUTIVE SUMMARY

The applicant has applied for a CUP for a new business and digital fuel station sign that is replacing an existing business and analog fuel station sign. This use permit is part of a larger project that consists of refreshing the signage at the Lone Pine Shell Station, which is located at 401 North Main Street (sometimes also listed as 403 North Main Street) in the community of Lone Pine. The sign is proposed to be electronic in nature, with digital displays that display pricing for various grades of fuel. The Inyo County Code requires that electronic signs in the Central Business (CB) zoning, which is the zoning of this property, obtain a conditional use permit.

PROJECT INFORMATION

Supervisory District: 4

Project Applicant: Sign Development, Inc.; Attn: Gus Ortega

Property Owner: WPK Land Company, Limited

Site Address: 401 North Main Street (Also referred to as 403 North Main Street in some public records

Community: Lone Pine, California

A.P.N.: 005-061-10

General Plan: Central Business District (CBD) and Residential Medium Density (RM)

Zoning: Central Business, Lone Pine Architectural Design Review Overlay (CB-D)

Size of Parcel: 25,000 Square Feet

Surrounding Land Use:

Location:	Use:	Gen. Plan Designation	Zoning
Site	Commercial/Fuel Station and Restaurant	Central Business District (CBD)	Central Business, Lone Pine Architectural Design Review Overlay (CB-D)
North	Park	Natural Resources (NR) and Agriculture (A)	Open Space – 40 Acre Minimum (OS-40)
East	Bank	Central Business District (CBD)	Central Business, Lone Pine Architectural Design Review Overlay (CB-D)
South	Motel	Central Business District (CBD)	Central Business, Lone Pine Architectural Design Review Overlay (CB-D)
West	Vacant/Park	Agriculture (A)	Open Space – 40 Acre Minimum (OS-40)

Staff Recommended Action: **Make certain Findings with respect to and Approve Conditional Use Permit 2019-05/Sign Development, Inc., Lone Pine Shell, subject to the Conditions of Approval as recommended in this staff report.**

Alternatives:

1.) Deny the CUP.

2.) Approve the CUP 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: Tom Schaniel, Associate Planner

STAFF ANALYSIS

Background and Overview

The applicant has applied for a CUP, so that a new electronic sign is compliant under the County's Sign Ordinance. The sign will display the business and, using changeable digital technology, the fuel prices. The sign replaces an existing business and fuel price sign, and the new sign is configured similarly to the sign it is replacing. See Attachment B for a plan for the new sign, as well as a picture of the existing sign.

The sign is compliant with the Inyo County Code's (ICC) sign provision, located in section 18.75 of the ICC, except for the size, which was allowed as part of CUP 97-1. CUP 97-1 addressed multiple aspects about the mix-d use business, one of which was to allow for the sign in shape and form, but specifically did not allow for the use of an electronic sign. The height of the sign (approximately 22') is less than the maximum of 25' for accessory structures. The requirement for the sign to obtain a conditional use permit it based upon the following:

Section 18.06.590 Sign, electronic reader board sign or electronic graphics.

> *"Electronic reader board sign" and "electronic graphics sign" means a sign with a fixed or changing display/message composed of a series of lights that may be changed through electronic means. A time and/or temperature sign shall not be considered an electronic graphics sign.*

Based upon this definition from the ICC the proposed sign is an "Electronic Sign".

ICC section 18.75.120 Permitted Signs by Use Districts specifies that in the CB zone, Electronic Signs shall be allowed by CUP.

The project is at the far north end of the business district of the community of Lone Pine on the west side of Main Street/U.S. Highway 395. The business is co-located with a Carl's Jr. fast food restaurant. To the north of the site is Spainhower Park and to the west is vacant land, covered in trees, that acts as a less formally developed part of the park. To the west is El Dorado Savings Bank and to the south is the Mt. Whitney Motel. Refer to Attachment A for a Site Plan that includes and aerial map of the property

General Plan Consistency

The project is consistent with the General Plan designation of CBD. Policy LU-3.1 specifically lists "*travel and transportation services such as hotels/motels and gas stations*." It is also compatible with the General Plan's Visual Resources Goal VIS-1.5 - Outdoor Advertising: Outdoor advertising shall promote business in a manner that does not significantly degrade natural and community visual resources. A similar sign without the digital component has been at this location since around 1997 and has not caused issues to date. The digital component is allowing for simpler adjustment of prices, but is largely similar to the previous sign that also had prices that were modified by hand. Signs of similar size and height are located throughout the central business district of Lone Pine. The sign also does not block views to special scenic areas, as there is a canopy of trees beyond this property towards the scenic Sierra vistas.

Zoning Ordinance Consistency

The CB zoning designation allows for electronic signs as a conditional use under ICC 18.75.120. The sign is consistent with all other applicable portions of the ICC sign section, 18.75.

Planning Staff routed the application for the CUP to other County departments and to Cal Trans. The County Public Works and Assessors office provided comments stating that they had no issues with the sign. Caltrans has provided no comments at this time.

The Planning Commission Hearing for CUP 2019-05/Sign Development, Inc., Lone Pine Shell was advertised in the Inyo Register on April, 13 2019 and notices were mailed to properties within 300-feet of the project location. Staff has received no comments from the public.

ENVIRONMENTAL REVIEW

Conditional Use Permit 2019-05/Sign Development, Inc., Lone Pine Shell is Categorically Exempt under CEQA Guidelines 15301, Existing Facilities – Class 1. Class 1 Consists of 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 CUP is being applied for to permit the replacement of an existing sign of similar size, height and location. There is no expansion or change of the existing use, and the project is therefore exempt.

RECOMMENDATION

Planning Department staff recommends the approval of Conditional Use Permit 2019-05/Sign Development, Inc., Lone Pine Shell, with the following Findings and Conditions of Approval:

FINDINGS

1. The proposed Conditional Use Permit is exempt under CEQA Guidelines 15301, Existing Facilities – Class 1 and the provisions of the California Environmental Quality Act have been satisfied.

   [Evidence: Class 1 Consists of 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 CUP is being applied for to permit the replacement sign (no expansion or change of the existing use) at the site]

2. The proposed Conditional Use Permit is consistent with the Inyo County General Plan Land Use designation of Retail Commercial (RC).

   [Evidence: The goal of this project is to allow for a replacement sign with an electronic display, to be compliant with the County's zoning ordinance. The project is consistent with the General Plan designation of CBD as it specifically provides for gas stations as a use. It is also compatible with the General Plan's Visual Resources Goal VIS-1.5 - Outdoor Advertising: Outdoor advertising shall promote business in a manner that does not significantly degrade natural and community visual resources. The existing sign that will be replaced has been at this location since around 1997 and has not caused issues to date and does not create degradation of the visual resources in the area. Signs of similar size and height are located throughout the central business district of Lone Pine. The sign also does not block views to special scenic areas.]

3. The proposed Conditional Use Permit is consistent with the Inyo County Sign Ordinance 18.75.120 that allows electronic signs in the Highway Services and Tourist Commercial (C2) designation with a CUP.

[Evidence: The Inyo County Sign Ordinance – 18.75. allows for electronic signs in the CB zoning district under 18.75.120 with a CUP; and therefore, is allowed as a conditional use under 18.75.120.]

4. The proposed Conditional Use Permit is necessary or desirable.

   [Evidence: The General Plan's Visual Resources Goal VIS-1.5 - Outdoor Advertising: Outdoor advertising shall promote business in a manner that does not significantly degrade natural and community visual resources. The existing sign that is being replaced has been at this location since around 1997 and has not caused issues to date. It also helps to promote a local business that caters to visitors in the area; and therefore, is a desirable use.]

5. The proposed Conditional Use Permit is properly related to other uses and transportation and service facilities in the vicinity.

   [Evidence: The proposed CUP is being requested to make a replacement sign compliant with the County's Zoning Code. It will not change or increase the current level or type of use; and therefore, will have no impact on transportation or service facilities in the vicinity.]

6. The proposed CUP 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.

   [Evidence: The proposed CUP is proposed to make a replacement sign compliant with the County's Zoning Code. It will not change or increase the current level or type of use; and therefore will not create impacts on the health or safety of persons living or working in the vicinity or be materially detrimental to the public welfare.]

7. Operating requirements necessitate the CUP for the site.

   [Evidence: The addition of electronic display to the sign defines the sign as an electronic sign, which requires a CUP per 18.75.120.]

CONDITIONS OF APPROVAL

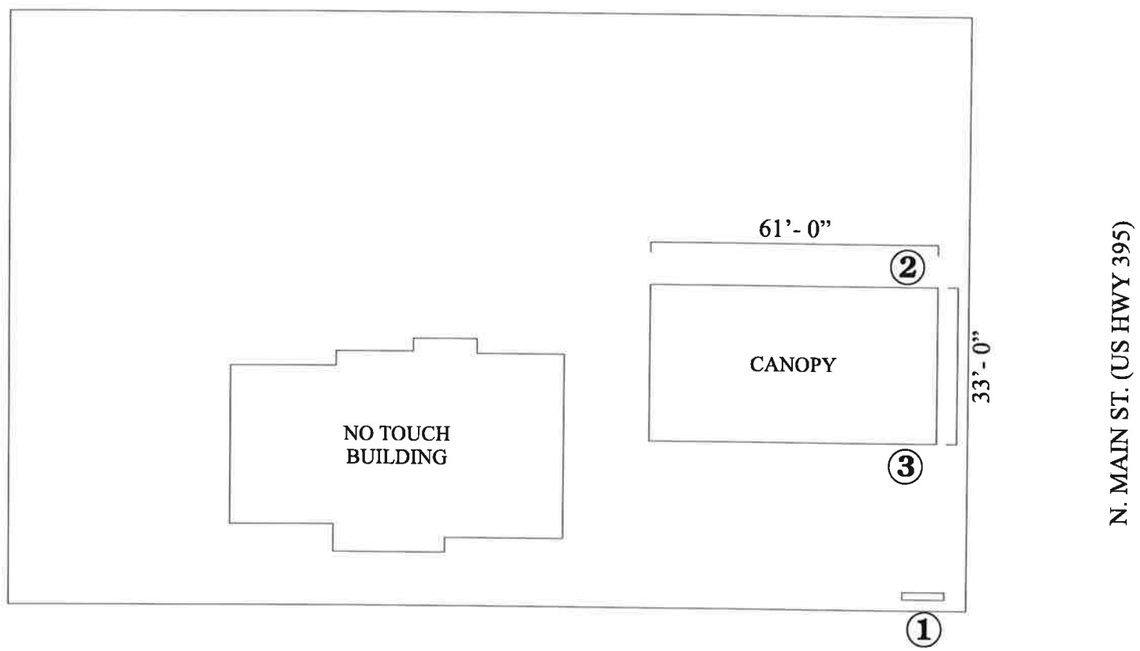
1. The applicant, landowner, and/or operator shall defend, indemnify and hold harmless Inyo County agents, officers, and employees from any claim, action or proceeding against the County or its agents, officers, or employees to attack, set aside, void or annul an approval of the county, its advisory agencies, its appeals board, or legislative body concerning Conditional Use Permit 2019-05/Sign Development, Inc., Lone Pine Shell. The County reserves the right to prepare its own defense.

Attachments

A. Site Plan
B. Sign Elevation

Attachment A

EXISTING SITE



SITE PLAN
SCALE: 1/32"= 1'-0"

SUBJECT TO CITY AND SHELL APPROVALS

Sign Development Inc.
License #576277

Upland, CA 91786 (909) 920-5535

PROPRIETARY INFORMATION. *The information disclosed in this document, including all drawings, designs and related materials, is the valuable and proprietary information of Sign Development Inc. It is provided solely for the purpose of evaluation for purchase and, without the express written authorization of Sign Development Inc., may not be disclosed or duplicated, in whole or in part, for any reason. Sign Development Inc. expressly reserves all patent, copyright and other proprietary rights to this document, including all design, manufacturing, reproduction, use, and sales rights thereto. © 2011 SIGN DEVELOPMENT INC.*

CUSTOMER APPROVAL

SIGN AND PRINT FULL NAME _____ DATE _____

NO.

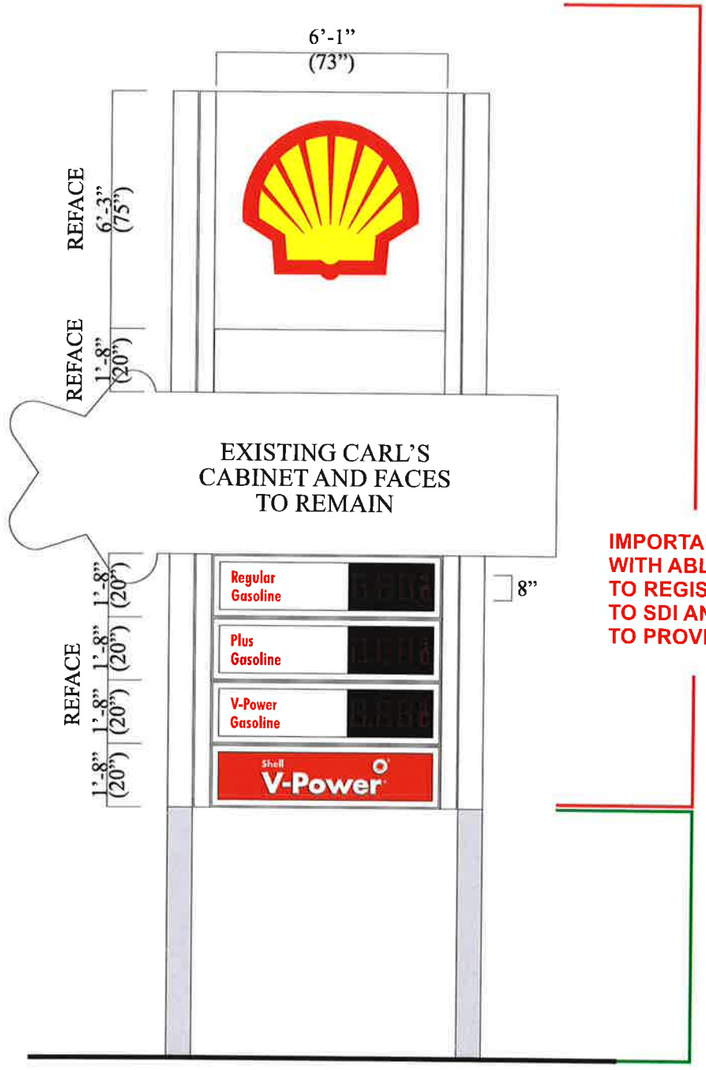
DATE: 01.04.19BA

REV:

PAGE: 1 OF 6

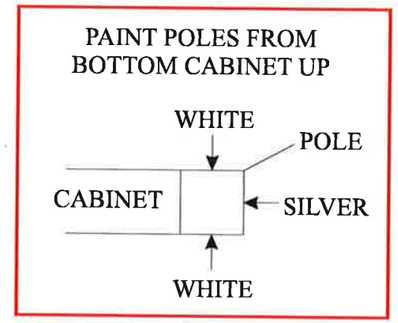
401 N. MAIN ST.
LONE PINE, CA 93545

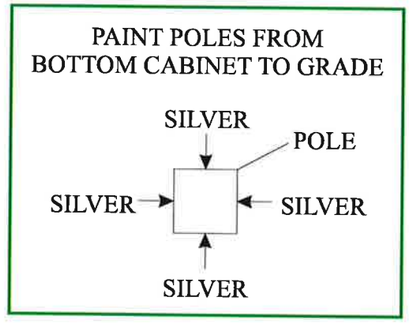
Attachment B



① RE-LAMP EXISTING SIGN CABINET
REFACE EXISTING D/F PRICE/ID SIGN

SCALE: 1/4" = 1' - 0"





EXISTING D/F PRICE/ID SIGN

IMPORTANT: INSTALLER MUST REGISTER ALL LED SIGNS WITH ABLE. PLEASE CALL 614-388-8866 BEFORE 2:00PST TO REGISTER. MUST FORWARD CONFIRMATION NUMBER TO SDI AND WRITE REGISTRATION # INSIDE CABINET. FAILURE TO PROVIDE SDI WITH REGISTRATION # WILL DELAY PAYMENT.

SUBJECT TO CITY AND SHELL APPROVALS

PROPRIETARY INFORMATION. *The information disclosed in this document, including all drawings, designs and related materials, is the valuable and proprietary information of Sign Development Inc. It is provided solely for the purpose of evaluation for purchase and, without the express written authorization of Sign Development Inc., may not be disclosed or duplicated, in whole or in part, for any reason. Sign Development Inc. expressly reserves all patent, copyright and other proprietary rights to this document, including all design, manufacturing, reproduction, use, and sales rights thereto. © 2011 SIGN DEVELOPMENT INC.*

CUSTOMER APPROVAL

SIGN AND PRINT FULL NAME _____ DATE _____

NO.

DATE: 01.04.19BA

REV:

Sign Development Inc.
License #576277
Upland, CA 91786 (909) 920-5535

401 N. MAIN ST.
LONE PINE, CA 93545

Planning Department
168 North Edwards Street
Post Office Drawer L
Independence, California 93526

Phone: (760) 878-0263
E-Mail: inyoplanning@inyocounty.us

AGENDA ITEM NO.: **9**(Public Hearing and Action)

PLANNING COMMISSION MEETING DATE: April 24, 2019

SUBJECT: Zone Text Amendment No. 2019-01/Inyo County – Commercial Cannabis Activities.

EXECUTIVE SUMMARY
Recently the

PROJECT INFORMATION

Supervisory District:	Countywide
Project Applicant:	Inyo County
Property Owner:	Multiple/Countywide
Site Address/	Multiple/Countywide
Community:	Multiple/Countywide
A.P.N.	Multiple/Countywide
General Plan:	Multiple/Countywide
Zoning:	Multiple/Countywide

Recommended Actions:

1. Conduct a public hearing regarding Zone Text Amendment No. 2019-01/Inyo County – Commercial Cannabis Activities; and,
2. Adopt a Resolution recommending that the Board of Supervisors approve Zone Reclassification No. 2019-01/Inyo County – Commercial Cannabis Activities and certify that it is Exempt from CEQA.

Project Planners: County Administrator Clint Quilter; Nathan Read, Agriculture Commissioner; Marshal Rudolph, County Counsel; John Vallejo, Assistant County Counsel; Cathreen Richards, Planning Director.

BACKGROUND

Inyo County adopted ordinances 1221 and 1223 on January 16, 2018. These two ordinances created code to regulate commercial cannabis activities locally and included land use elements meant to allow for the production of commercial cannabis under a conditional use permit. The ordinances passed by Inyo County were done so following extensive community outreach and consultation between county staff and state agencies.

Recently the Cannabis Business License Ordinance and parts of Title 18 addressing Commercial Cannabis were reviewed based on the experience of implementing them. On March 19, 2019, the Inyo County Board of Supervisors received a presentation from the Commercial Cannabis Permitting Office/Inyo Mono Agriculture Commissioner regarding suggested changes to improve the licensing process and create consistency. These proposed changes are primarily to definitions (some also affecting Title 18) and the license application process. The Planning Department also identified a procedural change to help prevent conflicts in the land use entitlement process and simplify California Environmental Quality Act (CEQA) evaluations for commercial cannabis applications.

Recommended Changes

Definitions

The State of California code language defining Cannabis has changed since Inyo County adopted regulations pertaining to it. This, along with the fact that current definitions of 'cannabis' used in Title 3 (Revenue and Finance), Title 5 (Commercial Cannabis Business License) and Title 18 (Zoning) do not match, leads staff believe that changing the definition of cannabis to align with the State and match in all sections of the County Code where it is located, is necessary for consistency and accuracy.

Current Cannabis definition in Title 18:

"Cannabis" means all parts of the plant Cannabis sativa Linnaeus., whether growing or not; the seeds thereof; the resin extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture, or preparation of the plant, its seeds or resin. It does not include (1) industrial hemp, as defined in Section 11018.5 of the California Health and Safety Code as may be amended; or (2) The weight of any other ingredient combined with cannabis to prepare topical or oral administrations, food, drink, or other product.

Proposed Cannabis definition for all relevant sections of the County Code, including Title 18:

"Cannabis" means all parts of the plant Cannabis sativa Linnaeus, Cannabis indica, or Cannabis ruderails, whether growing or not; the seeds thereof; the resin, whether crude or purified, extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture, or preparation of the plant; its seeds, or resin. "Cannabis" also means the separated resin, whether crude or purified, obtained from cannabis. "Cannabis" does not include the mature stalks of the plant, fiber produced from the stalks, oil or cake made from the seeds of the plant, or any other compound, manufacture, salt, derivative, mixture, or preparation of the mature stalks (except for the resin extracted therefrom), fiber, oil, or cake, or the sterilized seed of the plant which is incapable of germination. Cannabis does not include industrial hemp as defined by California Health and Safety Code section 11018.5(a), as may be amended.

Title 18 does not presently have definitions for 'indoor' relating to cultivation or 'premises' regarding the area of the commercial cannabis business activity. These terms are defined in Title 5 as they directly relate to the Cannabis Business License. Planning staff finds that having these additional definitions in Title 18 will help with processing commercial cannabis Conditional Use Permits (CUP) and create better consistency between the two processes.

Proposed 'cannabis cultivation – 'indoor'
"Indoor" means within a fully enclosed permanent building (e.g., not a "hoop house") constructed in such a manner that does not allow perceptible odor to escape to the exterior of the structure.

Proposed 'commercial cannabis – 'premises'
"Premises" means the designated structure or structures and/or land specified in the application for a commercial cannabis business license that is owned, leased, or otherwise held under the control of the applicant or licensee where the commercial cannabis business will be or is conducted. A premises is not necessarily a parcel and one or more licenses may be required or issued per parcel. A premises cannot span across multiple parcels.

Change to the Conditional Use Permit Process for Commercial Cannabis Activities
Presently Title 18 under 18.78.360 Commercial cannabis provides for:

A. Conditional use permits are required in all instances of land use involving commercial cannabis activities. Issuance of any conditional use permit for commercial cannabis activities shall be contingent upon the commercial cannabis activity being conducted in compliance with all applicable state and local laws, including, but not limited to, Inyo County Code Chapters 3.50 (taxes) and 5.40 (business license). The business license required by Chapter 5.40 shall be obtained prior to the planning commission holding a hearing on an application for a conditional use permit pursuant to this section.

Staff is recommending that requiring the business license to first be obtained prior to the hearing for a commercial cannabis CUP be removed from 18.78.360 (A) (underlined above). This requirement results in a slowing of the process for applicants to get the CUP and their state license as currently they have to wait until they have been awarded the business license before planning staff can schedule a hearing for the CUP. This requirement has made applicants reluctant to begin the CUP process prior to obtaining a business license and has caused some issue for planning staff who are processing zone changes for commercial cannabis activities, prior to the CUP. To provide for fair competition in the business license process, applicants must

have the correct zoning before an application for the business license is deemed complete. This, along with the business license first requirement, creates a multiple step process for the subsequent CUP: 1) zone change; 2) Business License; and 3) CUP. Separating the processes for multiple land use entitlements (e.g. zone reclassification and CUP) for the same parcel of land and the same resulting final project is highly unusual and not common practice, primarily due to required CEQA evaluations. As planning staff has tried to work through the process in a step by step manner, issues of possible piecemealing under CEQA have been brought forward and the process planning staff has been using needs to be corrected. The proposed change to 18.78.360(A) should help to ensure that projects are properly evaluated within the parameters set forth in the CEQA Guidelines.

FINDINGS

California Environmental Quality Act (CEQA)

Zone Text Amendment No. 2019-01/Inyo County – Commercial Activities, is Exempt from CEQA by covered by the General Rule 15061(b)(3) that CEQA applies only to projects which have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA. Since this proposal does not approve a development project or future development projects and subsequent to this ordinance projects proposed pursuant to it will require Conditional Use Permits that are subject to CEQA as required for discretionary approvals by the Inyo County Planning Commission it is Exempt from CEQA.

General Plan Consistency

The approval of ZTA 2019-01 results in updates to certain definitions and a minor procedure change in the approval process of commercial cannabis activities, neither of which, causes changes the allowed uses based on Zoning or General Plan designations and conditional use permits will continue to be required for all commercial cannabis activities.

Zoning Ordinance Consistency

ZTA 2019-01 is consistent with the Inyo County Zoning code as it will result in updates to certain definitions and a minor procedure change in the approval process of commercial cannabis activities, neither of which, causes changes the allowed uses already establish in the Inyo County Zoning Code and conditional use permits will continue to be required for all commercial cannabis activities.

RECOMMENDATION

Staff is recommending that the Planning Commission make certain findings and: adopt the Resolution (Attached) recommending the Board of Supervisors approve Zone Text Amendment No. 2019-01/Inyo County – Commercial Cannabis Activities; enacting the ordinance (Attached); and, certify that it is Exempt from CEQA.

ATTACHMENTS

- Resolution
- Ordinance

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, AND TO MAKE CERTAIN FINDINGS WITH RESPECT TO AND RECOMMEND THE INYO COUNTY BOARD OF SUPERVISORS APPROVE ZONE TEXT AMENDMENT NO. 2019-01 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

WHEREAS, Pursuant to the California Environmental Quality Act (CEQA), the proposed ordinance is covered by the General Rule 15061(b)(3) that CEQA applies only to projects which have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA

WHEREAS, the Inyo County Planning Commission held a public hearing on April 24, 2019, to review and consider a request for approval of Zone Text Amendment No. 2019-01, and considered the staff report for the project and all oral and written comments regarding the proposal

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

WHEREAS, the approval of ZTA 2019-01 results in updates to certain definitions and a minor procedure change in the approval process of commercial cannabis activities, neither of which, causes changes the allowed uses based on Zoning or General Plan designations and conditional use permits will continue to be required for all commercial cannabis activities

WHEREAS, ZTA 2019-01 is consistent with the Inyo County Zoning code as it will result in updates to certain definitions and a minor procedure change in the approval process of commercial cannabis activities, neither of which, causes changes the allowed uses already establish in the Inyo County Zoning Code and conditional use permits will continue to be required for all commercial cannabis activities.

NOW, THEREFORE, BE IT HEREBY RESOLVED, that based on all of the written and oral comment and input received at April 24, 2019, 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 proposed ordinance is covered by the General Rule 15061(b)(3) that states CEQA applies only to projects which have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA. Projects subsequent to this ordinance will require discretionary approval and therefore will be required to include a CEQA evaluation.

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 Commercial Cannabis activities based on all of the information in the public record and on the recommendation of the Planning Commission.

PASSED AND ADOPTED this 24th day of April, 2019, by the following vote of the Inyo County Planning Commission:

AYES:
NOES:
ABSTAIN:
ABSENT:

_____
Frank Stewart, Chair
Inyo County Planning Commission

ATTEST:
Cathreen Richards, Planning Director

By _____
Paula Riesen, Secretary of the Commission

ORDINANCE NO. _____

AN ORDINANCE OF THE BOARD OF SUPERVISORS OF THE COUNTY OF INYO, STATE OF CALIFORNIA, AMENDING SECTIONS 18.06.161, 18.78.360(A); AND ADDING SECTIONS 18.06.183 AND 18.78.184 TO THE INYO COUNTY CODE.

SECTION ONE. Section 18.06 of the Inyo County Code Cannabis is amended to change section 161 to read as follows:

"**18.06.161 Cannabis.**

"Cannabis" means all parts of the plant Cannabis sativa Linnaeus, Cannabis indica, or Cannabis ruderalis, whether growing or not; the seeds thereof; the resin, whether crude or purified, extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture, or preparation of the plant, its seeds, or resin. "Cannabis" also means the separated resin, whether crude or purified, obtained from cannabis. "Cannabis" does not include the mature stalks of the plant, fiber produced from the stalks, oil or cake made from the seeds of the plant, any other compound, manufacture, salt, derivative, mixture, or preparation of the mature stalks (except the resin extracted therefrom), fiber, oil, or cake, or the sterilized seed of the plant which is incapable of germination. For the purpose of this division, "cannabis" does not mean "industrial hemp" as defined by Section 11018.5 of the Health and Safety Code.

SECTION TWO. Chapter 18.78 of the Inyo County Code is amended to change section 360(A) to read as follows:

"**18.78.360 Commercial Cannabis.**

A. Conditional use permits are required in all instances of land use involving commercial cannabis activities. Issuance of any conditional use permit for commercial cannabis activities shall be contingent upon the commercial cannabis activity being conducted in compliance with all applicable state and local laws, including, but not limited to, Inyo County Code Chapters 3.50 (taxes) and 5.40 (business license).

SECTION THREE. Chapter 18.06 of the Inyo County Code is amended to add section 183 as follows:

"**18.06.183 Cannabis Cultivation - Indoor.**

"Cannabis Cultivation Indoor" means within a fully enclosed permanent building (e.g., not a "hoop house") constructed in such a manner that does not allow perceptible odor to escape to the exterior of the structure.

SECTION FOUR. Chapter 18.06 of the Inyo County Code is amended to add section 184 as follows:

"**18.06.184 Commercial Cannabis - Premises.**

Chapter 18.06 of the Inyo County Code is amended to add section 184 to read as follows: "Commercial Cannabis "Premises" means the designated structure or structures and/or land specified in the application for a commercial cannabis business license that is owned, leased, or otherwise held under the control of the applicant or licensee where the commercial cannabis business will be or is conducted. A premises is not necessarily a parcel and one or more licenses may be required or issued per parcel. A premises cannot span across multiple parcels.

PASSED AND ADOPTED this May 7th, 2019 by the following vote of the Inyo County Board of Supervisors:

AYES:
NOES:
ABSTAIN:
ABSENT:

_____
Rick Pucci, Chairperson

ATTEST: Clint Quilter
Clerk to the Board

By: _____
Darcy Ellis, Assistant

Planning Department
168 North Edwards Street
Post Office Drawer L
Independence, California 93526

Phone: (760) 878-0263
FAX: (760) 872-2712
E-Mail: inyoplanning @ inyocounty.us

AGENDA ITEM NO.:	**10** (Workshop)
PLANNING COMMISSION MEETING DATE:	April 24, 2019
SUBJECT:	Staff will conduct a workshop with the Planning Commission on the status of short-term rentals in Inyo County, approximately one year after accepting applications.

EXECUTIVE SUMMARY

BACKGROUND

Until the implementation of the County's short-term rental ordinance in 2018, the Inyo County Code did not directly address short-term rentals and staff had operated off a 2006 finding by the Board of Supervisors that short-term rentals were not an allowed use in the County's residential zones, and were considered zoning violations. In the years between 2006 and 2016 short-term rentals became more of an issue in the County, the State and the entire country, with the increasing popularity of renting properties in single family zoning districts, through on-line services.

From October 2016 through May of 2017 the Planning Department made a series of presentations to the Board of Supervisors and the Planning Commission, providing background and research on the issues of short-term rentals and receiving direction on starting to develop policy around them. Between June 19, 2017 and July 6, 2017, Planning Department staff conducted a series of community workshops to collect input from the County populace. These workshops occurred in Bishop, Big Pine, Independence, Lone Pine and Tecopa. Starting in August of 2017, the Planning Department worked to take the information collected from the community as well as input from the Planning Commission and Board of Supervisors, and formulated a draft ordinance, which was refined, finalized and adopted in February of 2018. Two types of permits were addressed in the ordinance: Hosted Short-Term Rental permits, where the owner of a property is the host, and resides in the rented residence while renting rooms within the house to guests; and Non-Hosted Short-Term Rental permits, where the renter has use of an entire residence, and the property is managed by a property manager. The Planning Department began accepting permit applications on April 20th, 2018, and the first permit was issued on May 29th, 2018.

CURRENT STATUS REPORT

Attached to this Staff Report is a report on the state of short-term rentals in Inyo County as of April 3, 2019. The workshop will summarize the findings of the report. The report will cover the following:

- Numbers and statistics relating to issued permits for short term rentals in the County. Currently there are 30 distinct properties that are permitted for short-term rental in the County, 16 of them hosted and 14 of them non-hosted.
- Numbers and statistics relating to code enforcement of non-permitted short-term rentals in the County. The Planning Department has issued 31 Notices of Violation and 30 of the 31 are either now in compliance or on a path towards compliance.

- A look at staff time spent on short-term rental code enforcement as well as outside contract services that could be available to the County for Code Enforcement.
- A review of staff implementation of the permitting process.
- A review of the complaint process for permitted short-term rentals and the statistics for complaints received on permitted short-term rentals.
- A review of a survey of current short-term rental permitees on the uses of their residences prior to use as a short-term rental and also their comments on the permitting process.
- Planning Department staff comments on issues with implementation of the code in its current form.

On April 9, 2019, the Planning Department conducted a similar workshop for the Inyo County Board of Supervisors. A few main concerns were raised by the Supervisors. These were:

- A concern about the impact of Non-Hosted Short-Term Rentals, especially those that are single family residences that do not have the owner on the same property, and if they should either be restricted or eliminated from the Code
- A concern that the requirement for a Hosted Permit to obtain a Non-Hosted Permit is not achieving the results desired when it was incorporated in the Code.
- A concern that the Neighborhood Agreement Form method of neighbor engagement for the Hosted Short-Term Rental Permits was ineffective.
- A concern that the current rules did not allow a neighborhood to use the process in front of the Planning Commission to prevent an unwanted Short-Term Rental from being permitted.
- A suggestion that there may need to be some sort of cap on Short-Term Rentals, possibly region by region.

The Board workshop included time to receive the presentation, conduct a public hearing and for the Supervisors to express some of their thoughts and concerns. But the discussion was limited by time constraints and the Board requested that the Planning Department conduct a later workshop in May to further discuss possible modifications to the Short-Term rental portions of the Inyo County Code.

NEXT STEPS

Planning Department staff will prepare a second workshop for the Board of Supervisors in May. This workshop will focus on possible next steps and will facilitate discussion so that the Board can give the Planning Department direction for any possible modifications to the code. Any comments gathered from the Planning Commission workshop, either from the Commissioners or the public, will be relayed to the Board at this next workshop.

Attachments

Status of Short Term Rentals in Inyo County Report, Dated April 3, 2019

Status of Short Term Rentals in Inyo County

Prepared April 3, 2019

Background

In February 2018, the Inyo County Board of Supervisors passed an ordinance allowing for short-term rentals to be permitted within the County. Two types of permits were addressed in the ordinance: hosted short-term rental permits, where the owner of a property is the host, and resides in the rented residence while renting rooms within the house to guests; and non-hosted short-term rental permits, where the renter has use of an entire residence, and the property is managed by a property manager. The Planning Department began excepting applications for short-term rentals on April 20, 2018.

Additionally, with the passage of the ordinance, the Planning Department also has the authority to issue Notices of Violation to unpermitted short-term rentals. After an initial grace period to encourage compliance, the Planning Department began code enforcement on non-permitted short-term rentals in late July, 2018.

This evaluation of the current status of short-term rentals in the County will address:

- Numbers and statistics relating to issued permits for short term rentals in the County
- Numbers and statistics relating to code enforcement of non-permitted short-term rentals in the County
- A look at staff time spent on short-term rental code enforcement as well as outside contract services that could be available to the County for code enforcement.
- A review of staff implementation of the permitting process.
- A review of the complaint process for permitted short-term rentals and the statistics for complaints received on permitted short-term rentals.
- A review of a survey of our current short-term rental permittees on the uses of their residences prior to use as a short-term rental and also their comments on the permitting process.
- Planning Department staff comments on issues with implementation of the code in its current form.

Permits Issued for Short-Term Rentals

The Planning Department has issued 29 hosted permits and 14 non-hosted permits. The County ordinance, as passed, requires applicants for non-hosted permits to first have a hosted permit. Of the 29 hosted permits, 13 were obtained solely for the purpose of obtaining a non-hosted permit, and the applicant has no intent to utilize these hosted permits except as a stepping stone to obtaining the non-hosted permit, therefore, there are 30 distinct short-term rental units permitted to rent in the County (16 hosted and 14 non-hosted) since the adoption of the ordinance in February 2018. There are 3 operators who have both an active hosted short-term

rental and a non-hosted short term rental. A list of all of the approved short-term rentals is Attachment A to this report. Maps of the locations of these short-term rentals are attachments B through F.

Currently the Planning Department has 6 short term rental permits that are being processed. Of these, 2 already have obtained their approval for the hosted permits, and 4 of the permits are still pending. All 6 of these non-hosted permits are obtaining the hosted permit solely for the purpose of obtaining the non-hosted permit. The Planning Department also has 1 hosted permit that is being processed that is not associated with a non-hosted rental.

A Breakdown of Permits by Community

Community	Total Permits	Hosted	Non-Hosted
Bishop area	6	3	3
Bishop Outskirts Wilkerson/Starlite/40 Acres/Aspendell	6	2	4
Big Pine	3	2	1
Lone Pine	8	5	3
Alabama Hills	6	3	3
Tecopa	1	1	0

The Planning Department has also looked at the contentiousness of the permits that have been permitted. Of the 30 rentals, 4 have had 2 or more neighbors contact the Planning Department by phone or mail or speak out at the Planning Commission during the permit process. These calls related to short-term rentals in West Bishop, McLaren, Aspendell and the Alabama Hills. Two additional short-term rentals have had 1 neighbor each that has voiced significant levels of concern (both of these were by mail). For the remaining 24 there have been no significant objections raised by neighbors. Some of the hosted permits did have general concerns about short-term rentals expressed on the comment line of their Neighborhood Agreement Form, but because those comments were not project specific, and did not go into any depth, they were not included in those with complaints.

Enforcement of Non-Permitted Short-Term Rentals

The Planning Department has issued 31 Notices of Violation via certified mail to property owners who have an unpermitted short-term rental operating on their property. Because of substantial initial numbers, enforcement has happened in 3 waves. Unpermitted short-term rentals in the greater Bishop and Big Pine areas were notified in July and August of 2018; along the southern 395 corridor in October and November of 2018 and in the areas east of the Owens Valley in February 2019. With each successive wave, previous checked areas were back-checked for updated status of the previous Notices of Violations as well as checked for any new unpermitted short-term rentals that had begun advertising in the previously checked areas.

The current status of the 31 Notices of Violation is as follows:

- 9 responded to the Notice of Violation and indicated that they were closing their rental, which was later verified. Those that closed fell into 3 categories: Operators who felt that the County's process was too onerous or costly; Operators who were just experimenting and this helped finalize their decision not to pursue short-term rentals; and operators who were in an R2 zone where short-term rentals were not permitted.
- 5 operators or property owners never responded, but subsequent research by staff showed that their operations were no longer active.
- 11 submitted applications for short-term rental permits.
- 2, from the last wave of enforcement, have been in communication with the Planning Department and are in the process of getting applications in.
- 3 were exempt from our Short-Term Rental Ordinance. 2 of these were in an RV park where a CUP allows for nightly rental of the spaces. The third was operating as a long-term rental, actually catering to month-to-month rentals, and modified its online advertising to make this clearer.
- 1 is still an ongoing matter, as the certified letter sent to the address in the tax records was returned.

While putting together this report, 5 more possible unpermitted short-term rentals were identified, and research and, if appropriate, Notices of Violation will be sent out this month.

Staff Time for Enforcement of Code and Contract Services

As of February 2019, Staff has spent approximately 100 hours on code enforcement, and the billable rate for an Associate Planner is approximately $50 per hour, so this represents about $5,000 investment by the County in initial enforcement. Future staff time for enforcement is estimated at 10-20 hours per quarter, or $500 to $1,000 per quarter in staff time expense.

Several services provide short-term rental code enforcement services to municipalities. Planning Department staff contacted three of these firms. The firms were Harmari, by LTAS Technologies, Inc.; LODGINGRevs; and Host Compliance. All of these companies provide unpermitted rental detection, and the access to a website where information on permitted and unpermitted rentals is gathered so it can be viewed in various formats. Other services they provide are: oversight of the application process (for very simple processes...basically form and fee collection); mailing of letters and robocalling for enforcement; use of computer analysis to predict transient occupancy tax for a rental for use in tax collection compliance; and providing a complaint hot-line. Almost all of these services would be automated. Host Compliance is currently being used by the Town of Mammoth Lakes, and is currently merging with another company, STR Helper by Bear Cloud Software. Staff received proposals from all three of these companies

A summary of pricing estimates that were given for Inyo County:

Harmari - $2,500 for first year, and then $1,250 for each following year

LODGINGRevs - $1,000 initial fee and then $300 per month (or $3,600 per year)

Host Compliance - $2,640 per year for Address Identification, $1,320 per year for Compliance Monitoring ($3,960 per year total)

These plans, while different in the details, all will identify rentals, sort them into permitted and unpermitted and then provide data on both that is accessible online. For the prices above, enforcement would still be on the County. Services for application acceptance and enforcement did not seem to cover the County's process.

In general, the Planning Department found that these services would be very valuable to a municipality with hundreds to thousands of rentals, but costs were not justified for the small amount of rentals in Inyo County, especially given the amount of enforcement responsibilities that would still be on staff even with the implementation of one of these programs.

4 pages of the 38 page Host Compliance proposal are included to give a flavor of what these companies offer as Attachment G

The Permitting Process

Often owners interested in getting a short-term rental contact the Planning office either via phone or stopping by the front counter. Staff will generally do the following:

- Provide an application
- Provide a hand-out that goes through all of the requirements for a hosted or non-hosted permit
- Discuss with the potential applicant the differences between hosted and non-hosted permits and which is applicable to them.
- Review the zoning of the potential applicant's property and make sure short-term rentals are permitted on their property.
- Review the items that need to be submitted that are sometimes troubling to applicants, particularly the site/parking plan and the house rules.

Once an application is received, the process is slightly different for the two types of permits.

Hosted Short-Term Rentals

1. Review the application and make sure all elements required are present
2. Route the application to 3 other departments for review: Environmental Health Department, Assessor's Department, and the Building and Safety Department. Staff requests 10 business days for this review.

3. Within a week of receiving the application, the planner in charge of a project will provide the applicant with the Neighborhood Agreement Form, after utilizing GIS to identify the addresses of all properties within 300' of the project property.
4. Thoroughly review the application for compliance with the short-term rental code.
5. If any deficiencies are noted by either the project planner or from the review by other departments, the applicant is sent an Incomplete Application Letter, and elements that need to be provided or fixed are described in the letter.
6. The applicant must also provide the completed Neighborhood Agreement Form to the Planning Department, on which they have obtained signatures and possibly comments from their neighbors. The applicant is required to obtain as many signatures as possible. If a property is vacant, or no resident is present, the applicant must note that in the comments. The form specifies that the applicant must make a diligent effort to obtain a signature. Staff has considered 3 attempts at different days and different times of day to be an adequate effort. Staff has allowed, on a limited basis, applicants to forego getting a signature if they have reason to believe that the attempt could result in verbal or bodily harm. All signatures not obtained must be fully documented as to why on the form. If the form is not deemed complete it will be returned to the applicant for completion.
7. Once the application and the Neighborhood Agreement form are complete, an approval letter is drafted and signed by the director. The approval letter can include conditions of approval which would be based on issues raised by County staff or on the Neighborhood Agreement Form.
8. After the project is approved, a letter is sent to all of the property owners within 300 feet to let them know a short-term rental has been approved within 300 feet of their property and giving them the emergency contact information for the host and at least one additional contact. A letter is sent, at the same time, to the applicant and includes their obligations in the event of a complaint and also in the event that any contact information changes.

Non-Hosted Short-Term Rentals

1. Review the application and make sure all elements required are present.
2. Route the application to 3 other departments for review: Environmental Health Department, Assessor's Department, and the Building and Safety Department. Staff requests 10 business days for this review.
3. Thoroughly review the application for compliance with the short-term rental code.
4. If any deficiencies are noted by either the project planner or from the review by other departments, the applicant is sent an Incomplete Application Letter, and elements that need to provided or fixed are described in the letter.
5. Before proceeding any further with a Non-Hosted Permit Application, the associated Hosted Permit must be obtained. Originally Planning Department staff allowed the

Hosted and Non-Hosted permits to run through both processes concurrently, as long as it was evident that the hosted permit process was completed first, but because this resulted in some confusion among neighbors as they were being notified by the two different methods for the two different processes, at around the same time, staff now will only proceed with the Public Hearing for a Non-Hosted Permit once the Hosted Permit is approved.

6. Prepare a Planning Commission Staff Report for the project, including descriptions, Code compliance, General Plan compatibility, CEQA compliance and other relevant information for the Planning Commission to utilize in their evaluation of the project.
7. Provide proper notification of the public hearing in front of the Planning Commission. This includes a notification in the Inyo Register and mailing of notices to all property owners within 300'.
8. Staff then presents the project to the Planning Commission for their approval or denial. The Planning Commission may also approve with conditions.
9. After the Planning Commission meeting, staff prepares a Notice of Decision, which provides the applicant a written record of the decision of the Planning Commission and lets the applicant know the appeal policies.
10. To date, all Non-Hosted Short Term Rental permits have been exempt from CEQA and it is anticipated that will predominately be the case. After approval a Notice of Exemption from CEQA is filed with the County Recorder.
9. After the project is approved, a letter is sent to all of the property owners within 300 feet to let them know a short-term rental has been approved within 300 feet of their property and includes the emergency contact information for property manager. A letter is sent at the same time to the applicant and contains their obligations in the event of a complaint and also in the event that any contact information changes.

Complaints Against Permitted Short-Term Rentals

If an applicant receives a complaint about their short-term rental, the County Code obligates them to notify the Planning Department of the complaint. Failure to do so could result in revocation of the permit. If the applicant receives a complaint, they may have to demonstrate what they are doing to prevent future complaints. Failure to address a complaint or a pattern of complaints can result in revocation of the short-term rental permit.

At this time, the Planning Department has only been made aware of 2 complaints against a permitted short-term rental. Both complaints were against the same rental. The 1st complaint was about a guest's car alarm that went off at 9:45 p.m. It took the neighbor about 15 minutes from the neighbor contacting the emergency contact to the operator being able to contact the renters. By the time the operator contacted the renter the alarm had been stopped. On the following day, the neighbor contacted the Planning Department and pointed out that the operator was required to contact the Planning Department, which had not happened yet. A standard letter was sent to the operator reminding them of their obligation to notify the

Planning Department of any complaint that arose out of this incident. The second complaint was that a tenant, on their own accord, wheeled the trash can out to the street, where strong winds blew the lid of the trash can open and scattered paper products around the neighborhood. The operator properly notified the County of the complaint and also arranged for a dumpster to be put on the property, so that there would be not trash at any time out on the street. The operator arranged the dumpster pro-actively and provided paperwork documenting the dumpster rental to the County.

Survey of Operators of Permitted Short Term Rentals

Staff contacted all applicants who now have been awarded short-term rental permits in the County. Of the 30 short-term rentals permitted to operate in the County, staff obtained responses from the operators of 24 of the rentals (21 individuals, as there are 3 operators of both hosted and non-hosted rentals). The following questions were asked:

1. Did you stop operating as a long-term rental in order to operate as a short-term rental?
2. Have you ever operated this property as a long-term rental?
3. Did you purchase or construct this property with the intent of operating it as a short-term rental?
4. Do you live in the residence you rent or on the same property?
5. Do you have any comments, negative or positive, about the process you had to go through to obtain your short-term rental permit?

And following is a summary of the results of this survey

1. 5 of the 24 rentals (21%) surveyed had been used as a long-term rental immediately prior to operating as a short-term rental
2. 11 of the 24 rentals (46%) surveyed had been used as a long-term rental at some point.

   A side note, 4 of the people who had responded that their residence had been used for a long-term rental went on to say that the renters were month-to-month like the traveling nurses that work at Northern Inyo Hospital and that they would still rent to those "medium-term" renters again if the opportunity came up.
3. 4 of the 24 rentals (17%) surveyed indicated that they purchased or constructed the residence with the intent of operating it as a short-term rental.
4. 16 of the 24 rentals (67%) surveyed indicated that they lived on the same property as the rental. Conversely, 8 of 24 rentals (33%) lived off site.
5. The responses to question 5 varied, but the main highlights are listed below (if a comment was received multiple times, that number of times is indicated in a parentheses after the comment):
   - No comment other than very happy with the whole process (7)

- It does not make sense that they had to get a hosted permit to get a non-hosted permit (3)
- Did not like having to go door to door to the neighbors (2)
- The form should not be called a Neighborhood Agreement form when its purpose is acknowledgment and not agreement. (2)
- The 300' radius to get signatures is too large. Covers properties that are on other streets that seem unaffected by the rental. (2)
- The combined permit fee for the hosted plus non-hosted seems a bit too expensive. (2)
- It's fine that the County is regulating this, but there should be some sort of regulation of the campers living in the Buttermilks that are living for free and making a mess too.
- The process seems overly bureaucratic, and while that might be required, more explanation of why the applicant is doing what they are doing would be nice.
- While hosted rentals should be permitted, non-hosted rentals should not be permitted. The operator should be in the house.
- It would be nice if the taxes could come out automatically with AirBnB and then the operators would not have to send them in separately to the Tax Collector.

Copies of the raw survey results are Attachment H

Planning Department Staff Recommendations for Modifications to the Code

Two items seem to be the most troubling while implementing this code:

- The form that the applicants for Hosted Short-Term permits must obtain signatures on is called the "Neighborhood Agreement Form". This name is specified in the Inyo County Code. The instructions on the form attempt to make clear that signing the form is an acknowledgment that a short-term rental is being applied for and that the signer can then comment as appropriate. Many applicants have encountered that the neighbors are often confused, and some have refused to sign because they see the word "Agreement" in the title of the form and they are unwilling to agree (usually because they have general concerns about short-term rentals as a concept). Staff would recommend that the language in the Code be changed and then the name of the form be changed to something more like "Neighborhood Acknowledgement Form".

- The need to obtain a hosted permit prior to obtaining a non-hosted permit is another element that may not be showing the results as intended. The intent was to create a form of residency requirement, because the possessor of a hosted short-term rental permit must be in residence when the short-term rental is in use; however, the hosted rental need not ever be used. An out of County home-owner can first obtain a hosted

short-term rental permit, and bind themselves to being in the residence when the property is used as a hosted short-term rental. They then obtain the non-hosted short-term rental permit, operate under this permit, and never utilize the hosted permit. There are currently 3 approved non-hosted permits to second home owners who do not reside permanently in the County. All 3 of these were respondents to the survey and 2 of the 3 indicated that they were glad for the short-term rentals as they provide them with enough income to continue to own a second home in Inyo County.

Attachments

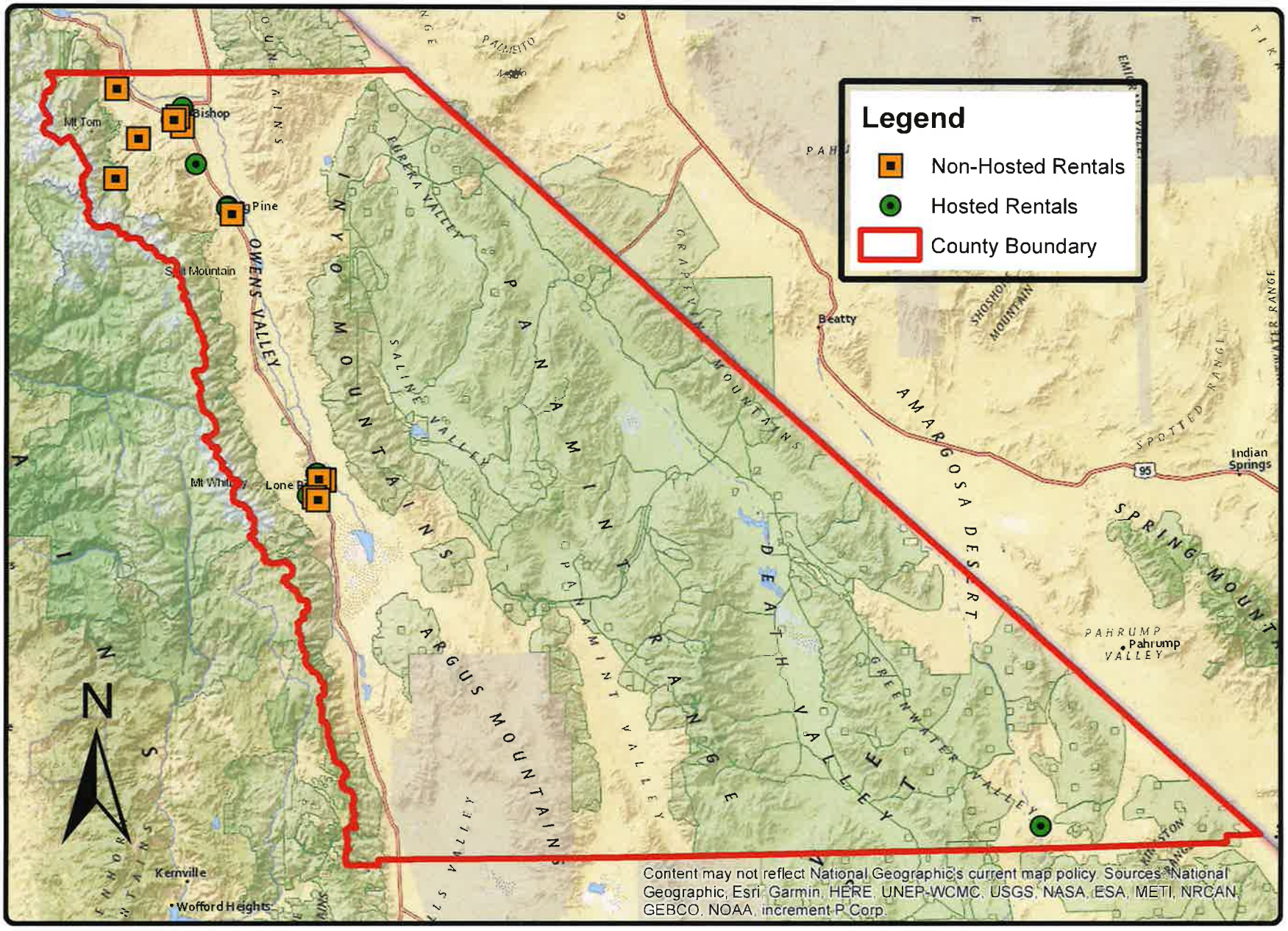
- Attachment A – List of Permitted Short Term Rentals
- Attachment B – Map of Permitted Short Term Rentals in Inyo County
- Attachment C – Map of Permitted Short Term Rentals, Bishop Area
- Attachment D – Map of Permitted Short Term Rentals, Big Pine Area
- Attachment E – Map of Permitted Short Term Rentals, Lone Pine Area
- Attachment F – Map of Permitted Short Term Rentals, Alabama Hills
- Attachment G – Portions of Proposal from Home Compliance for Short Term Rental Monitoring
- Attachment H – Short Term Rental Survey (Survey of Existing Permittees)

Attachment A

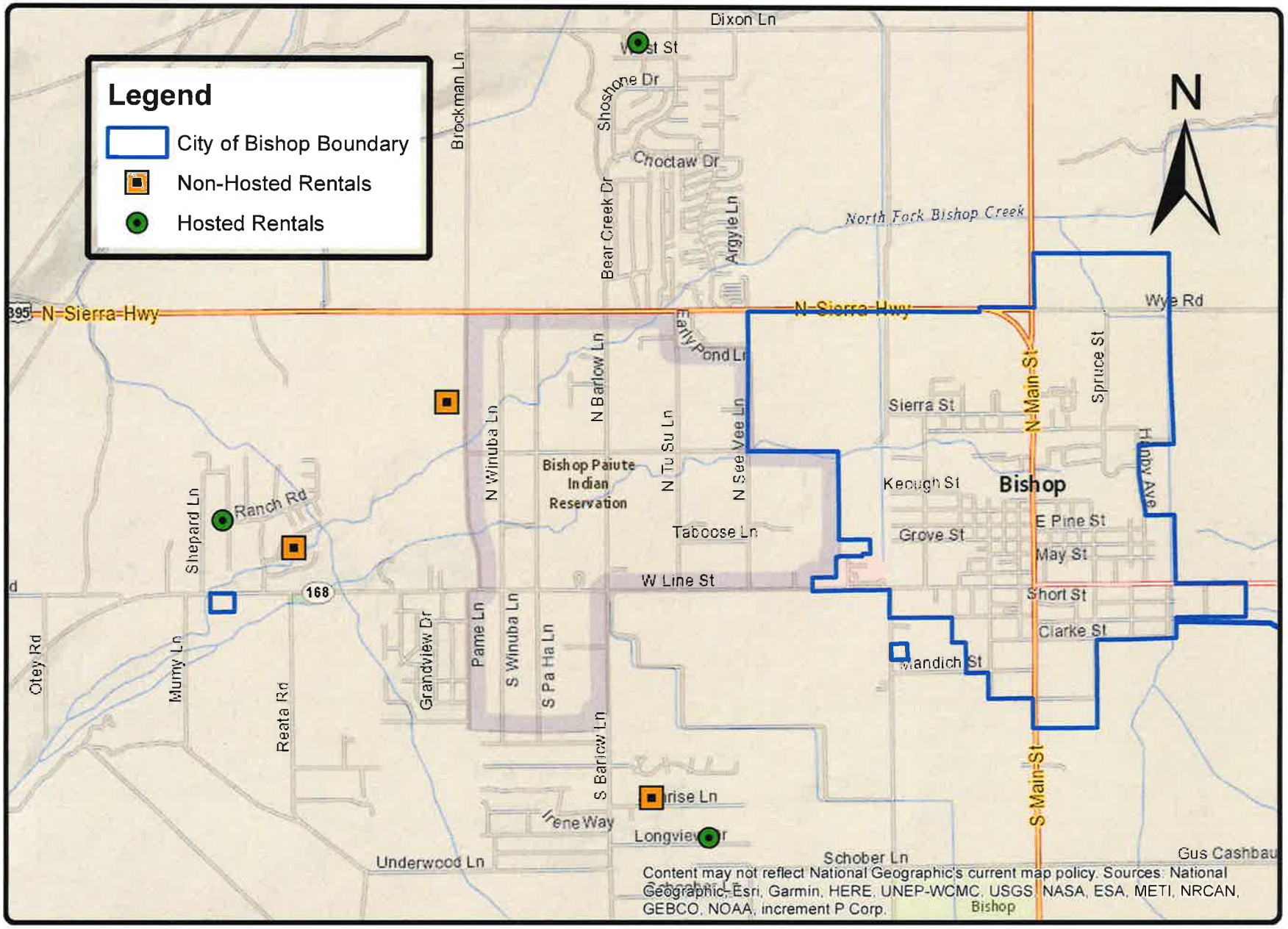
Permitted Short Term Rentals				
Operator	**Type**	**Business Name/Description**	**Addresss**	**Community**
William (Doug) Kari	Hosted	Gorgeous retreat amidst stunning rock formations	480 Thundercloud Lane	Alabama Hills/Lone Pine
Erin Elliott	Hosted	Cozy & Serene Eastern Sierra Getaway	29 Quail Lane	Wilkerson/Bishop
Sarah McCabe & Jaime Lopez-Wolters	Hosted	Alabama Hills Mount Whitney Retreat	260 Tuttle Creek Road	Alabama Hills/Lone Pine
Trudie Millerburg	Hosted	Trudie Millerburg's Tavern	136 Elmcrest Drive	Big Pine
David Aaron Smith	Hosted	Villa Anita	10 Sunset Road	Tecopa
Andrea Kramer	Hosted	Quiet Creekside House	107 Elmcrest Drive	Big Pine
Robert Huizar	Hosted	Ultra Basecamp! Mt. Whitney Room	225 N. Mt. Whitney Drive	Lone Pine
George Castaneda	Hosted	Sierra Getaway	191 Kellogg Street	Lone Pine
Joy Burgner	Hosted	J&J Meadows	104 Lasky Lane	Lone Pine
Jasmine Beaghler	Hosted	Peaceful-Views of Sierra-Artisan Home	2506 Dixon Lane	Bishop
Jenifer Castaneda	Hosted	Million Dollar Views and Indoor Pool	551 West Whitney Portal Road	Lone Pine
Rose Curran	Hosted	Sunny Room with Privat Entry and Private Bath	2327 Longview Drive	Bishop
Gisela Huntley	Hosted	Peaceful, with Mountain Views and Ponds	305 Mt. Tom Road	Bishop
Setsuko Hayata	Hosted	Bright and Spacious 3 Br Retreat in Nature	201 Dominy Road	Alabama Hills/Lone Pine
Nikolai & Debora Barbieri	Hosted	Eastern Sierra, Buttermilk Country, Bishop	313 Apollo Circle	Starlite/Bishop
Nikolas Athanasiou & Liane Herrick	Hosted	Lkiane & Niko's Eastern Sierra Getaway	301 S. Mt. Whitney Drive	Lone Pine
Charisse Rudolph	Non-Hosted	The Baby Boomers Tiny House Dream Lodge	595 Brockman Lane	Bishop
Kim Moberly	Non-Hosted	Cute West Bishop Cottage	324 McLaren Lane	Bishop
Laura Gleason	Non-Hosted	Western Lodge	2483 Sunrise Drive	Bishop
William Stewart	Non-Hosted	Raven Creek Rental	100 Hardy Road	40 Acres/Bishop
Diane & Michael Campbell	Non-Hosted	4 Acre Alabama Hills Mt Whitney Relaxing Getaway	1090 Shahar Avenue	Alabama Hills/Lone Pine
Robert Huizar	Non-Hosted	Cozy Muir Cottage - In Town - Pet Friendly	637 E. Muir St.	Lone Pine
Robert Steele	Non-Hosted	Big Pine Cottage Hideaway	171 Flower Avenue	Big Pine
Jenifer Castaneda	Non-Hosted	Mt. Whitney View Home!	560 West Bush Street, #B	Lone Pine
Paul & Pam Payne	Non-Hosted	Trinity Creek	140 Hardy Road	40 Acres/Bishop
Setsuko Hayata	Non-Hosted	Newly Remodeled Home on 5 Acres in Alabama Hills	1055 Shahar Avenue	Alabama Hills/Lone Pine
Daniel and Tracy David	Non-Hosted	Bishop climbing, skiing, hiking with a view cottage	304 Altair Circle	Starlite/Bishop
Kennon and Melanie Sheldon	Non-Hosted	Alabama Hills Chalet with stunning views	1575 Indian Springs Drive	Alabama Hills/Lone Pine
Andrew Wilson	Non-Hosted	Sierra Summit in Aspendell	200 Sierra Summit Drive	Aspendell/Bishop
Jessica Ary	Non-Hosted	Spanish Bungalow in Little Hollywood	650 School Street	Lone Pine

Attachment B

Map of Permitted Short Term Rentals in Inyo County

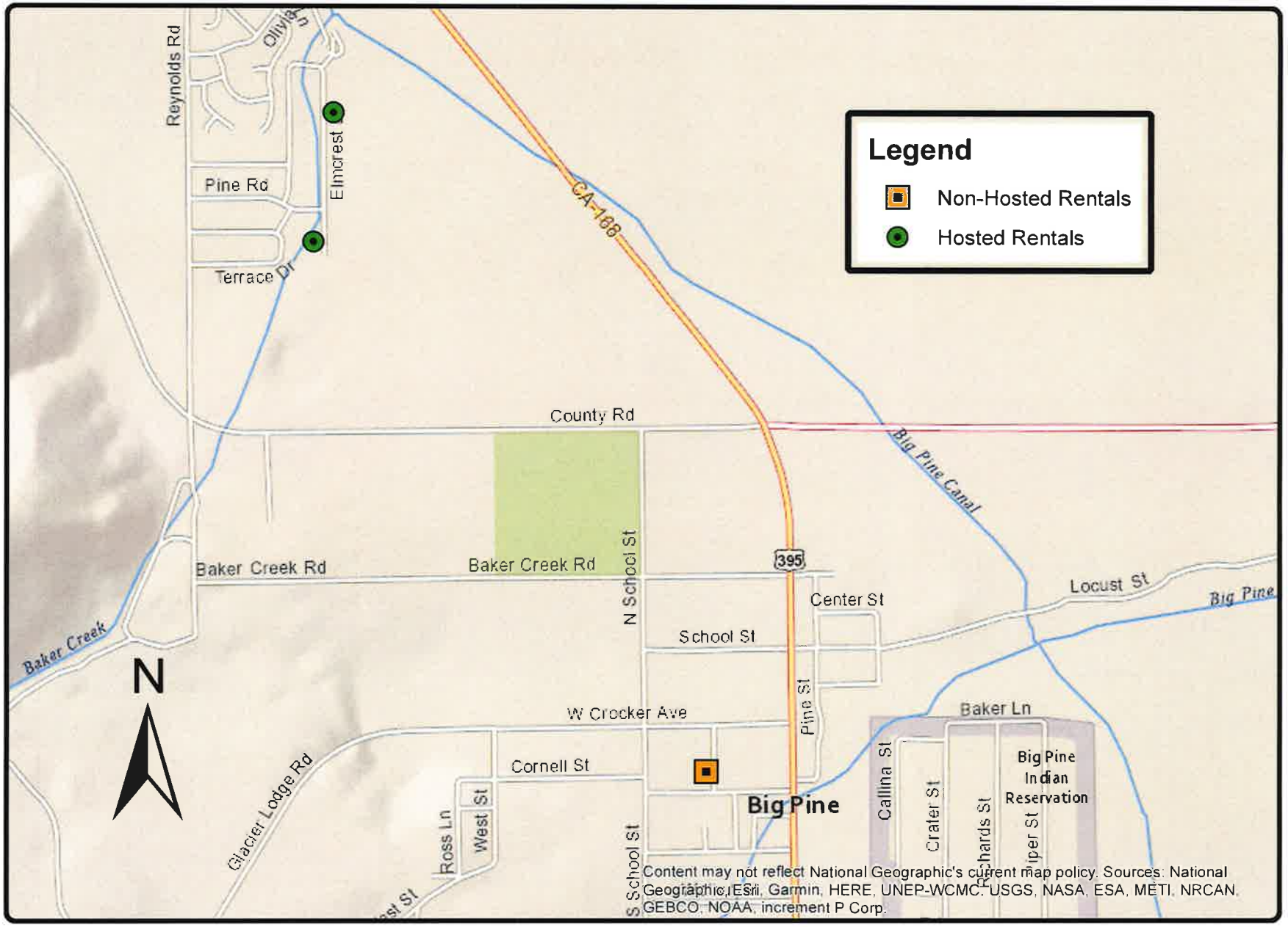


Map of Permitted Short Term Rentals, Bishop Area



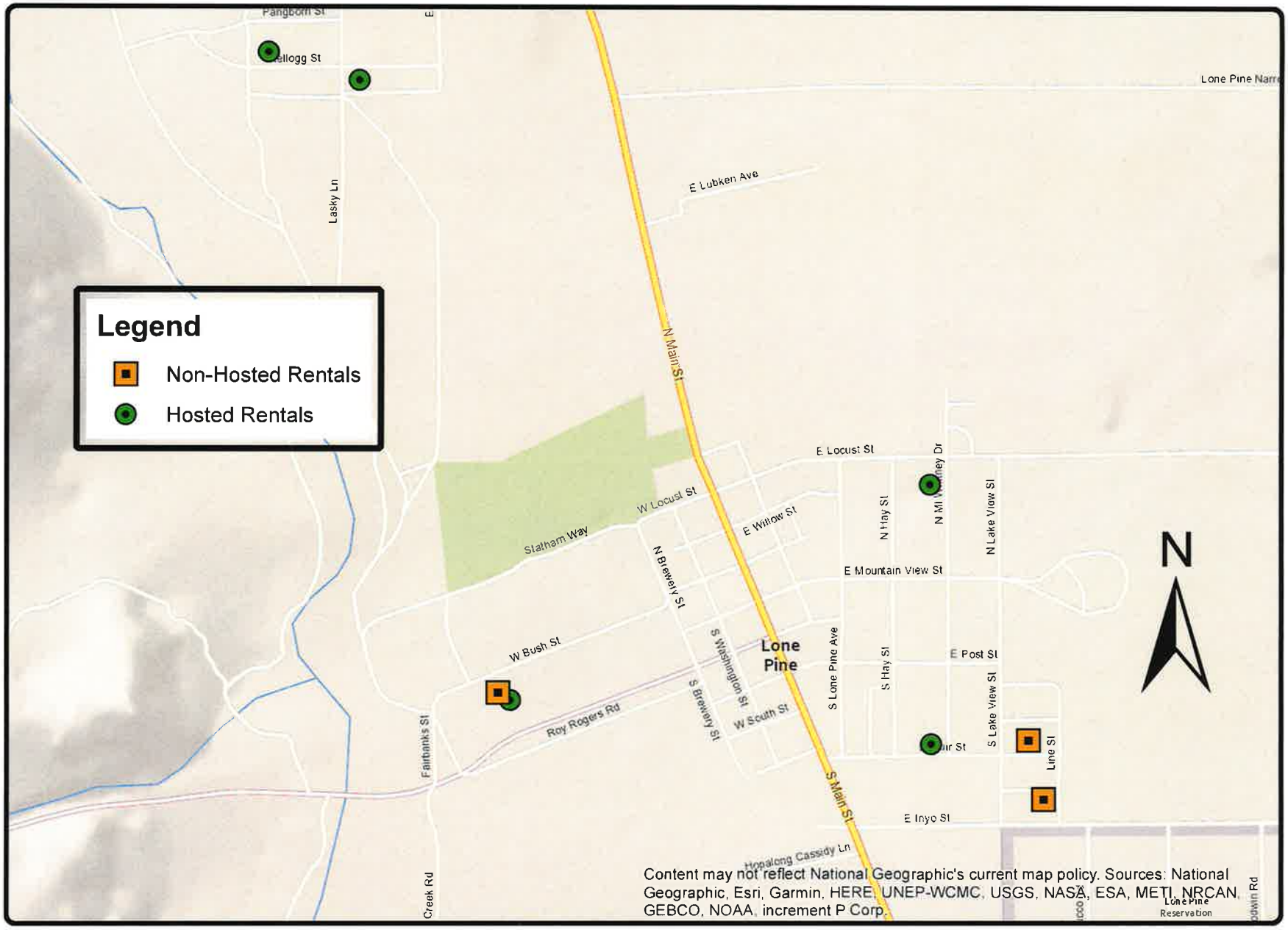
Attachment D

Map of Permitted Short Term Rentals, Big Pine Area



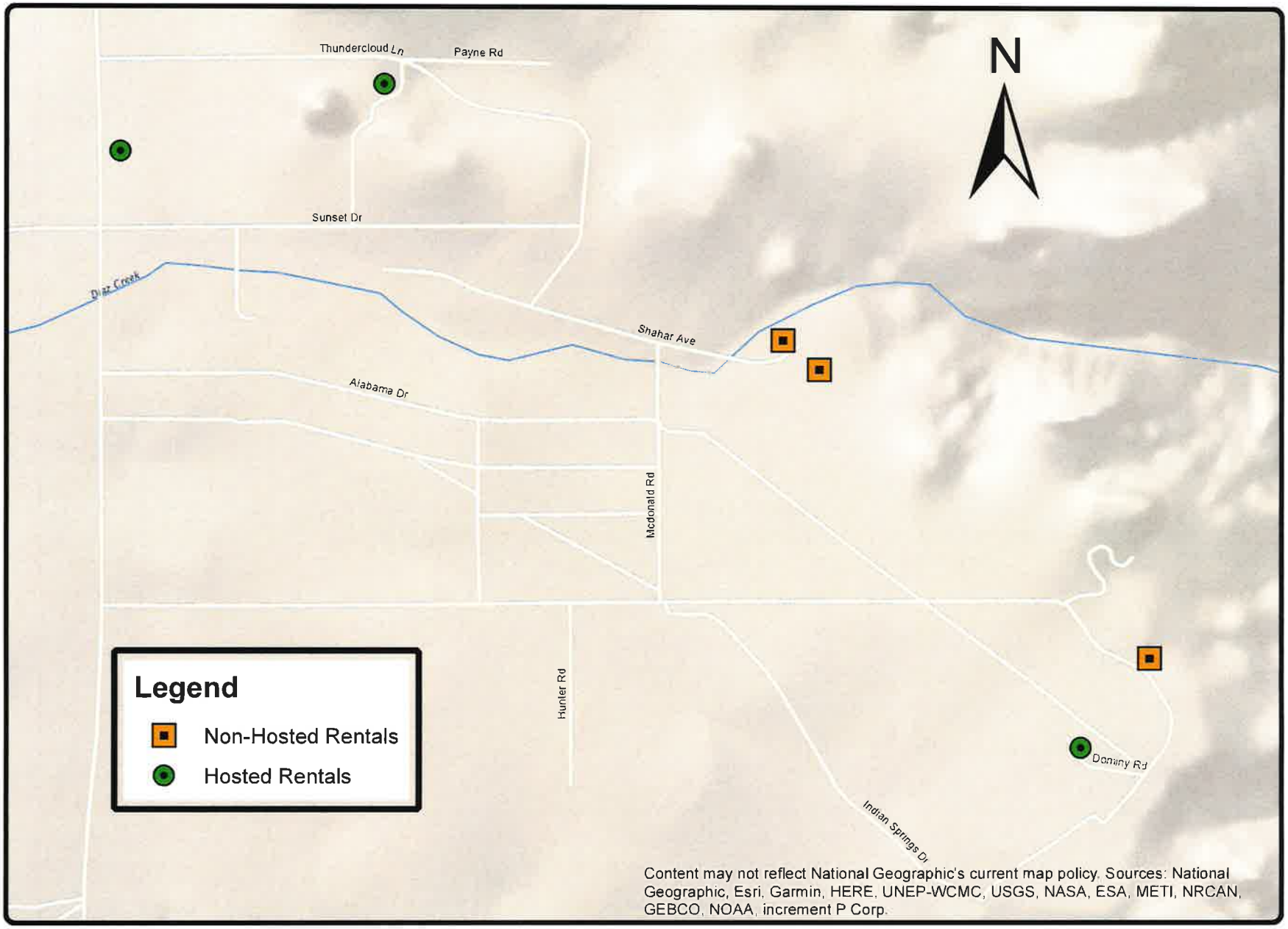
Attachment E

Map of Permitted Short Term Rentals, Lone Pine Area



Attachment F

Map of Permitted Short Term Rentals, Alabama Hills



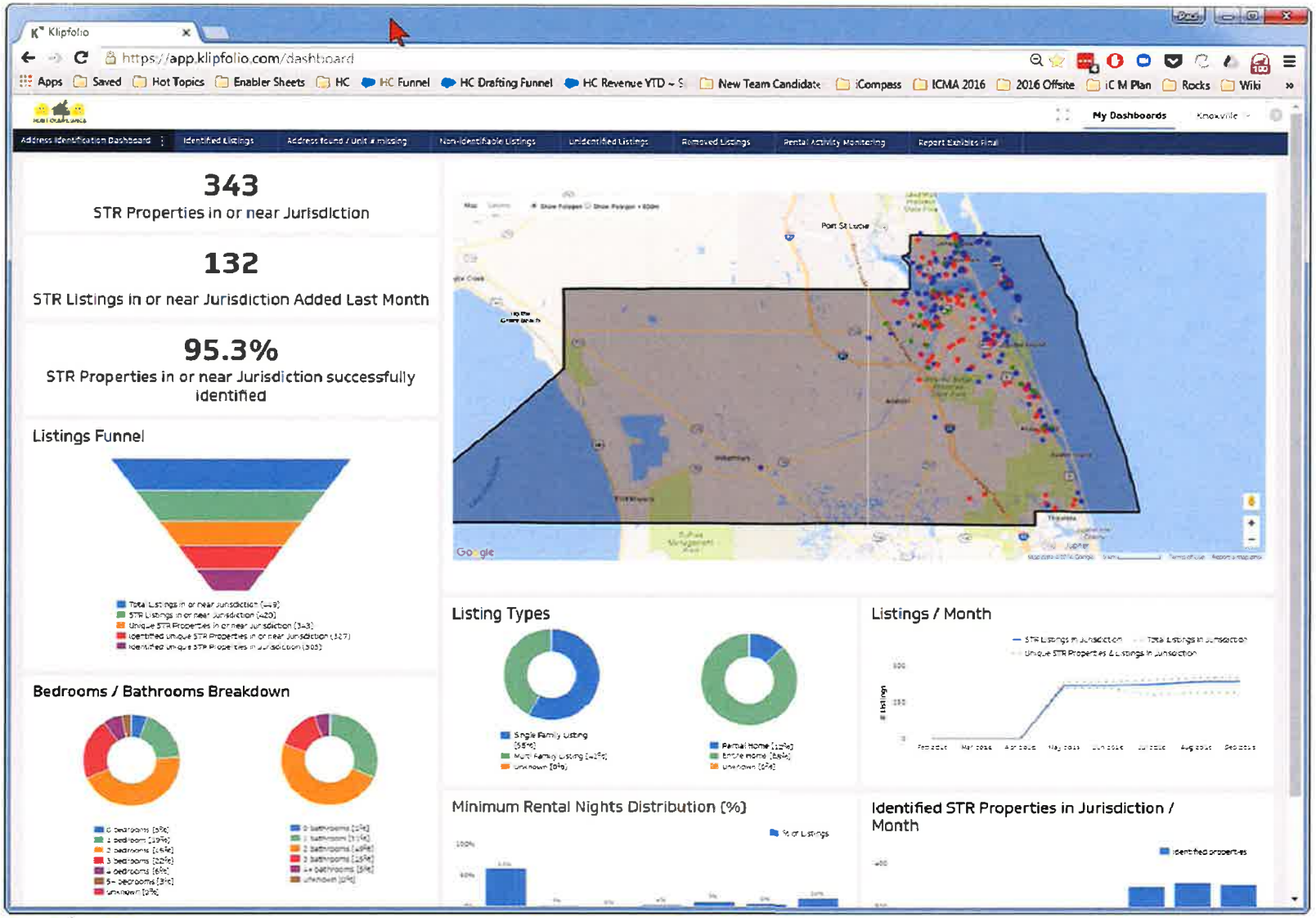
Affordable modular pricing tailored to Inyo County's needs

	Mobile Registration	**$5,000 /yr**
	Address Identification	**$2,640 /yr**
	Compliance Monitoring	**$1,320 /yr**
	Rental Activity Monitoring	**$1,760 /yr**
	24/7 Dedicated Hotline	**$1,056 /yr**

Note: Above pricing assumes 88 short-term rental listings and based in USD. Host Compliance would be happy to discuss alternative SOWs, contract terms, contract durations and pricing structures if that would be of interest.

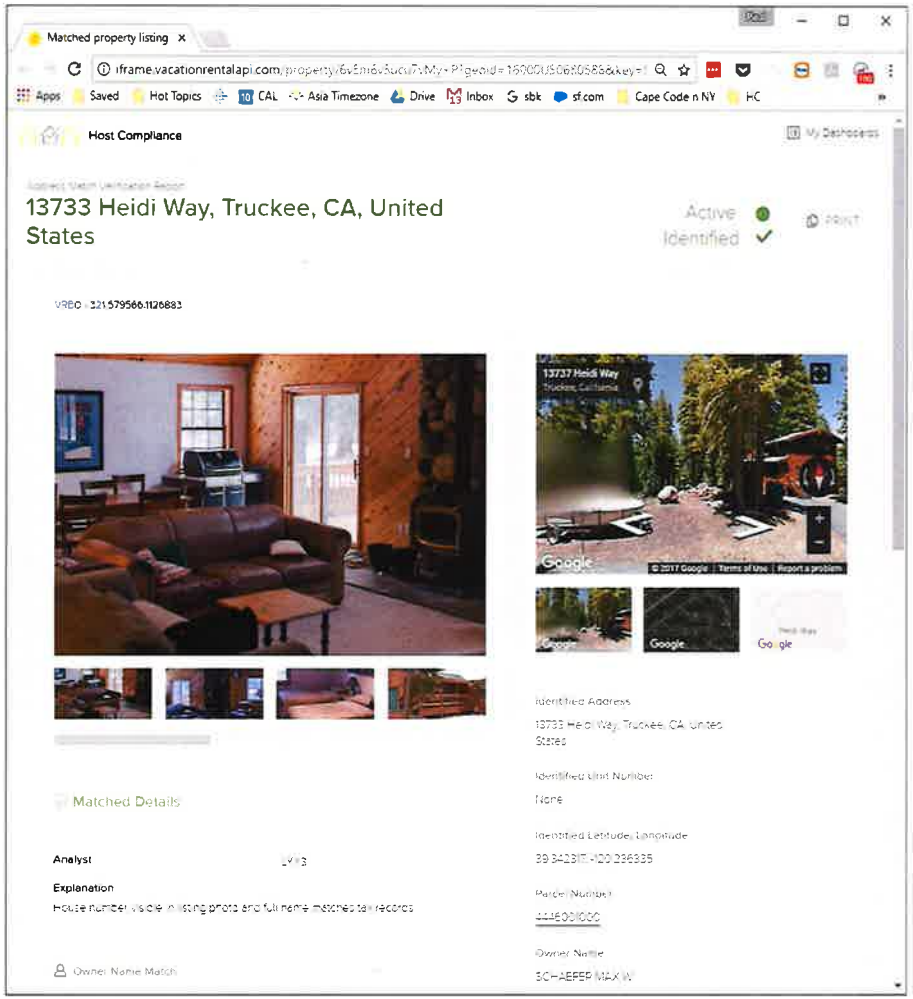
HOST COMPLIANCE

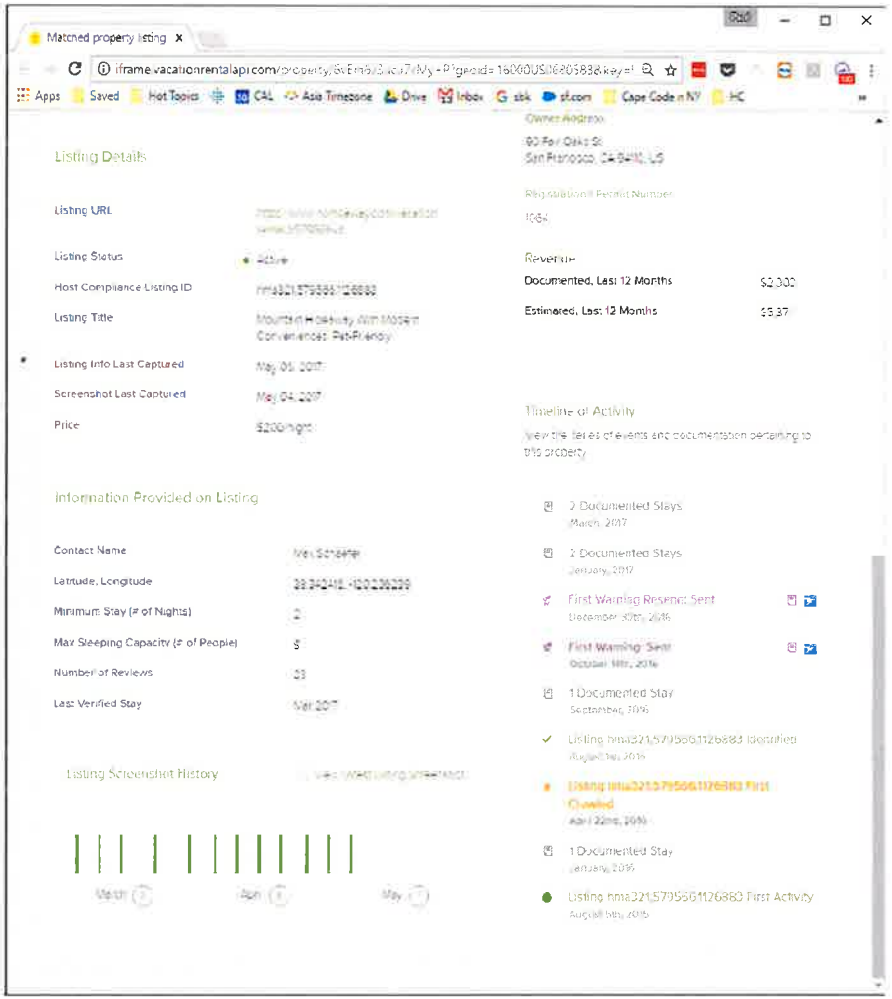
Address Identification: Get weekly reports on Inyo County's short-term rental activity incl. complete address information and screenshots of all identifiable STRs



HOST COMPLIANCE

Address Identification: Complete listing information and screenshots of all identifiable STRs





HOST COMPLIANCE

Benefits to using Host Compliance's services

- ☑ Ensures fair, continuous and consistent compliance monitoring and enforcement
- ☑ Frees up valuable staff time that can be focused on higher-value added activities
- ☑ Minimizes noise, parking and trash violations
- ☑ Minimizes the impact on local law and code enforcement agencies as complaints are first handled by our 24/7 hotline and routed to the appropriate property owner before further enforcement actions are triggered
- ☑ Maximizes Inyo County's tax and permit fee collections
- ☑ REVENUE POSITIVE – in most cases, the additional permitting fees alone pays for Host Compliance's services several times
- ☑ Requires NO up-front investment or complicated IT integration -> we can be up and running in a couple of weeks
- ☑ **6 MONTH UNCONDITIONAL MONEY BACK GUARANTEE!**

Attachment H

Short Term Rental Survey

Conducted March 22nd through March 29th, 2019

Questions Asked:

1. Did you stop operating as a long term rental in order to operate as a short term rental?
2. Have you ever operated this property as a long term rental?
3. Did you purchase or construct this property with the intent of operating as a short term rental?
4. Do you live in the residence you rent or on the same property?
5. Do you have any comments, negative or positive, about the process you had to go through to obtain your short-term rental permit.

Laura Gleason, NH-STR-2018-03 (H-STR-2018-08)

1. Yes, I rented the rental for 6 months on a month-to-month basis prior to renting it as a short-term rental. The long-term renters really tore the place up. They had a dog. It seems like the short-term renters don't get a chance to do too much damage and anything gets caught quickly.
2. Never rented as a long-term rental other than the 6-month period described in the last answer.
3. No, originally the residence was my primary residence, but I relocated to the central coast.
4. No, I operate the property as a non-hosted rental and live on the Central Coast, but my mom helps and also lives in West Bishop
5. Happy with how everything went. I had a Zoning Violation and I wasn't as happy about that process, but I had no issues with the permitting process.

Jenifer Castaneda, H-STR-2018-18 & NH-STR-2018-09

1. No for both properties
2. The Non-Hosted rented was rented in the past for a few months, to a transient work crew.
3. No, for both properties.
4. Yes for the hosted rental, and no for the non-hosted rental.
5. One thing that was bothersome was the form we took around for signatures for the hosted permit looks like they are approving it and should say that they are acknowledging it.

Deborah Barbieri, H-STR-2018-25

1. No
2. No
3. No, this is my primary residence. The kids moved out, so now they are renting the kid's room as a short-term rental. We have owned the house for 20 years
4. Yes
5. I have no problem with the process we had to go through, but it drives me crazy that we have to go through all of this process, meanwhile the people are living for free in the Buttermilks and making a mess that we, the taxpayers, are going to have to clean up. Also the 300' radius seemed a little far to go for notifying.

William Stewart, NH-STR-2018-04 (H-STR-2018-09)

1. Prior to getting a permit, I operated as both a short term and long term rental. The long term was just month-to-month for traveling hospital workers, usually at 2-3 months at a time. I would still rent to them if the opportunity presents itself.
2. n/a
3. No
4. I live on same property but in a separate residence.
5. It seems unfair to do both Host and No Host permits when I have no plans to use the hosted permit.

Diana Campbell, NH-STR-2018-05 (H-STR-2018-10)

1. Yes,. We did operate as a long term rental. But we wanted to be able to use the house again, so going to a short-term rental allowed us to get some income and use the house for ourselves.
2. Yes
3. No
4. No
5. We really liked how the process got the neighbors involved. Also seemed well thought out, with looking at parking, looking at how many can stay and all the other things to regulate appropriately.

Bob Steele, NH-STR-2018-08 (H-STR-2018-17)

1. No, not as a long term rental. My mom and grandma lived there prior to it being a short-term rental. It was a good way to keep the house and keep it in the family after they had to move.
2. Yes it has in the past (like 25 years ago).
3. No, the house out back is what we are renting, but we purchased the property from my parents as our primary residence.
4. Yes
5. $1.600 seems a bit pricey. [the amount for a hosted plus a non-hosted application deposit]. I have no issues on taxes. Over 200 people have rented and they love it. They use restaurants and store and do a lot of business in Big Pine.

Hari Nam S. Elliott, H-STR-2018-02

1. No
2. We have rented to Seasonal BLM Workers in the past.
3. No, we bought house because they really liked it. It was a bigger house then we needed.
4. Yes
5. We did not like reaching out to neighbors initially, but it went better than we thought, and by the end we kind of liked the opportunity. You should make it clearer how an applicant deals with a neighbor who won't sign.

Trudie Mllerburg, H-STR-2018-05

1. Yes, I rented to an elderly man for 2.5 years, and then rented it to someone who used it when moving to the area, for about 8 months, and before that to a couple moving out from Georgia, also for about 8 months,
2. n/a
3. No
4. Yes
5. I have stopped operating. I found that amount of work was too much for what it cost. Also, my brother died. And amount of time for the business property taxes is too much.
   Getting signatures for people within 300', seemed like it was capturing too large of an area. A couple neighbors each way seems more reasonable.

Charisse Rudolph, NH-STR-2018-01 (H-STR-2018-03)

1. No
2. No
3. Yes
4. Yes, I live on the property.
5. No comments on the process. It seemed good. Actually I do have one comment. I did not like that I had to pay for the hosted and non-hosted permits when solely operating as a non-hosted.

Andrea Kramer, H-STR-2018-11

1. No
2. I have rented in the past to long term renters. They were 1 year lease minimum.
3. No, originally just as a residence.
4. Yes
5. I am against Non-Hosted renters. I think it hurts long-term rentals. I am upset about the non-hosted rental across the street [which at this time is unpermitted]. Also, the curfew at 9:00 when all others are 10:00 seems strange. Posting regulations in the house she lives in seems ridiculous. I should just have to distribute the rules through airBnB. The area has a ton of parking. I would rather my guests be able to park on the street, because there is plenty of room at her end of the street.

Yvette Castaneda, H-STR-2018-13

1. No
2. No
3. No
4. Yes
5. Thought the whole process was handled really well. Some signatures were hard to get, but that just took some time. The County was fair and the process seemed good.

Robert Huizar, H-STR-2018-12 & NH-STR-2018-06

1. No for both
2. Yes for both
3. Yes, the Hosted
4. Yes for the hosted and No for the non-hosted
5. From a Layman's point of view....it seems a little too much bureaucracy. But it might make sense, so maybe a guide of why an applicant has to do what he has to do. Some people get a bit outraged because they don't understand the process. So maybe an explanatory document.

Jasmine Beaghler, H-STR-2018-15

1. No
2. No
3. No
4. Yes
5. Mostly the process was good and smooth. Staff was really good. I did not like the going to all of the neighbors. That made the process lengthy and seemed a little excessive.

Kim Moberly, NH-STR-2018-02 (H-STR-2018-06)

1. Yes, I rented it out for about 3 months. Rented for a few months to some people who were looking for a home to buy, and then to someone else from Mammoth for a few months, then for Toiyabe temporary employee (a few months). I got these long-term renters from Coldwell Banker.
2. Yes
3. No
4. No
5. Grateful that we have a process. The County helped guide me through the process. I did not like having to get the signatures of the neighbors as I felt unliked by my neighbors. Also we need to make it clear that the signature is not an agreement but an acknowledgment. People felt they had a power over me because they could withhold a signature. Also I needed help from someone, and I paid people to help me by going door to door with the signature sheets.

Andrew Wilson, NH-STR-2018-17 (H-STR-2018-30)

1. No
2. No
3. No
4. No, used to be primary residence
5. I did not understand the need for the hosted permit while reading the info online. Also seems there is some confusion generally in the processing of the two permits.

Paul Payne, NH-STR-2018-10 (H-STR-2018-19)

1. No
2. No
3. No
4. Yes, we have been there about 15 years. We go to Highlands RV Park when renting, and I play a lot of golf then.
5. Was glad the law legitimized this. Glad we are doing enforcement. It appears to be working well. Glad taxes are being captured. And it seems to diversify the base. Our property doesn't rent often because it is at the high end, but we like it that way. Only use 3 bedrooms just to limit the impact (it's a 4 bedroom home). We have purposely limited the number of people. We would like to rent once a month....that hasn't even happened. We may sell house. It will depend on how short-term rentals do over the summer. We have really been thrilled with the guests we've had and getting to meet a very diverse group of people. On balance the public outreach, the form of the code, it all was very good. Lots of protections of the neighbors, while allowing people to have their businesses.

Jaime Lopez-Wolters, H-STR-2018-04

1. No
2. No
3. No
4. Yes, it is a hosted rental.
5. We applied on first day. The communication and clarity were good. The process was reasonably expeditious. Actually liked that they had to talk to their neighbors (initially we were a little hesitant). Glad we have an ordinance to allow for this.

Tracy David, NH-STR-2018-14 (H-STR-2018-26)

1. No
2. No
3. No, originally we were going to live in little house and then rent the main house as a long-term rental. However, decided to switch after we finished building the little house.
4. Yes, in main house on property.
5. Seemed like a little too much money for the permit (non-hosted), but otherwise it seems great. Really liked everyone I worked with.

Joy Burgner, H-STR-2018-14

1. No
2. No
3. Yes, I was at least considering the possibility when I was purchasing this house.
4. Yes, she is on the property part time, and another family member full time.
5. Staff was very nice and the process was reasonably easy and fair. Ryan was particularly good to work with. Wish if we could have the taxes taken out by AirBnB directly, vs. having to send them in to the Tax Collector.

Jill Hayata, H-STR-2018-23 & NH-STR-2018-12

1. No, for both
2. No, for both
3. Yes, for the non-hosted on Shahar
4. Yes for hosted, no for non-hosted
5. Felt process was easy. Staff was very nice and helpful.

Rose Curran, H-STR-2018-20

1. No
2. No
3. No, just was her house before deciding to do the short-term rental
4. Yes, it is hosted
5. It's all good. Wish there weren't taxes, but of course they make sense. Income includes TOT taxes, has concerns how it impacts personal income tax. In general the short-term rental is working for me and is allowing an income stream while I am disabled from an injury.

Each respondent was asked if they were OK with their answers being included in a public document and all agreed to that.