

Agenda

County of Inyo Planning Commission

Post Office Drawer L, Independence, CA 93526
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INYO COUNTY PLANNING COMMISSION

Howard Lehwald
Caitlin (Kate) J. Morley
Todd Vogel
Callie Peek
Scott Kemp

First District
Second District
Third District (Chair)
Fourth District (Vicechair)
Fifth District

STAFF

Cathreen Richards
Ryan Standridge
Danielle Visuano
Cynthia Draper
Michael Errante
Nate Greenberg
Christian Milovich

Planning Director
Associate Planner
Associate Planner
Assistant Planner
Public Works Director
County Administrator
County Counsel

This meeting will be held in the Board of Supervisors Room located at 224 N. Edwards Street, in Independence California, beginning at 10:00 a.m.

- 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).

November 15, 2023

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.
4. ACTION ITEM & PUBLIC HEARING: **Appeal 2023-01 Revocation of Hosted Short-term Rental Permit 2021-06/Collins.**

The appellant has submitted an appeal of the Planning Director decision to revoke Short-term Rental Permit #2021-06/Collins. This decision is being appealed to the Planning Commission, per ICC Section 18.73.070. Staff recommends denial of the appeal. This action is Exempt from the California Environmental Quality Act (CEQA) by 15321 - Enforcement Actions by Regulatory Agencies.
5. COMMISSIONERS' REPORTS/COMMENTS
6. PLANNING DIRECTOR REPORT
7. ADJORN



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AGENDA ITEM NO.: 4 (Action Item – Public Hearing)

PLANNING COMMISSION MEETING DATE: November 15, 2023

SUBJECT: Appeal 2023-01 – Revocation of Hosted Short-term Rental Permit 2021-06/Collins

EXECUTIVE SUMMARY

Annelise Collins, the former owner of 500 Alabama Drive, indisputably violated the terms of the hosted short-term rental permit associated with the property by failing to be present on the property when guests were present. While revocation proceedings were pending, Steve Schuster and Marcia Binnendyk bought the property. Mr. Schuster is now contesting the revocation of the permit on the grounds that it is unfair to punish him for Ms. Collins' actions. However, because short-term rental permits run with the land, Mr. Schuster is responsible for Ms. Collins violations. The law regarding permits that run with the land dictates that Mr. Schuster cannot "have his cake and eat it too"—*i.e.*, he cannot enjoy the benefits of a permit that runs with the land (that it automatically transfers to a new owner) without also accepting the burden of such a permit (that a new owner is responsible for the misdeeds of the past owner).

PROJECT INFORMATION

Supervisory District: 5

Project Applicant/Appellant: Steven Schuster

Property Owner: Steven Schuster and Marcia Binnendyk

Site Address: 500 Alabama Drive

Community: Alabama Hills/Lone Pine

A.P.N.: 026-370-11

General Plan: Rural Residential Medium Density

Zoning: Rural Residential

Size of Parcel: Approximately 4-acres

Surrounding Land Use: Rural Residential and vacant open space

Staff Recommended Action: 1) Uphold the September 26, 2023 Order After Hearing revoking Permit HSTR 2021-06/Collins.

Alternatives: 1) Overturn the September 26, 2023 Order After Hearing and allow Permit HSTR 2021-06/Collins to remain in effect.

2) Modify Permit HSTR 2021-06/Collins.

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

Project Planner: Ryan Standridge, Associate Planner and SMARA Coordinator

STAFF ANALYSIS

A. Factual Summary

In mid-August 2023, the Planning Department received credible evidence that Annelise Collins, the then-owner of 500 Alabama Drive in Lone Pine, CA (“the Property”), was operating a short-term rental on the Property in violation of Permit HSTR 2021-06/Collins (“the Permit”). Specifically, the Permit was a hosted short-term rental (“STR”) permit, which required that an owner or a designated representative of the Property be on site whenever STR guests were present. Cheryl Howerton, who lives next door to the Property, provided ample evidence to the Planning Department that no owner was present on the Property on multiple occasions when STR guests were present. Planning staff also personally interacted with guests who confirmed that they were short-term renters and that no owner was present on the Property during their stay. Further details regarding the Planning Department’s investigation and the evidence provided by Ms. Howerton are contained in **Exhibit A, pages 1-28**.

Pursuant to Inyo County Code (“ICC”) section 18.73.070(B)(1), the Planning Department began enforcement proceedings by sending Ms. Collins a letter on August 24, 2023 that outlined the Planning Department’s investigation and evidence, informed of her of right

to submit rebuttal evidence, and set a hearing for September 21, 2023 (see **Exhibit A, pages 1-28**).

During its investigation, the Planning Department became aware that Ms. Collins was in escrow to sell the Property and that the buyer was represented by Jennifer Castaneda of Blue Sky Realty. Therefore, the Planning Department also sent the August 24 letter to Ms. Castaneda to ensure that the buyer was fully informed of the alleged violations and pending revocation proceedings (see **Exhibit A, page 4**).

Prior to the September 21 hearing, the Planning Department received a written responses to the August 24 letter from multiple parties:

- Ms. Collins emailed the Planning Department on August 30, 2023 stating that “We will not be contesting or rebutting that we have been in violation of the terms [of the Permit] in the past” (see **Exhibit A, page 29**).
- Steve Schuster, the buyer of the Property and current owner of the Property, provided a written rebuttal to the Planning Department on September 19, 2023 (see **Exhibit A, pages 33-43**). In relevant part, Mr. Schuster’s rebuttal stated:
 - He has been a “buy and hold” real estate investor for the past 20+ years.
 - Ms. Collins, as the seller of the property, did not disclose the pending revocation proceedings on the real estate disclosure forms. Nevertheless, Mr. Schuster found out from Ms. Castaneda about the revocation proceedings on August 15.¹
 - Mr. Schuster considered backing out of the purchase but decided not to. In order to protect his interests given the pending revocation proceedings, Mr. Schuster negotiated “a significant price adjustment.”
 - Escrow closed on September 5 after Ms. Collins agreed to a price reduction.
 - Mr. Schuster believes that it is unfair that he should be held responsible for Ms. Collins’ bad acts.
- Ms. Castaneda emailed the Planning Department on September 19, 2023 stating that “it is indisputable that Annelise Collins, the previous owner, violated her permit, a fact that she admits” (see **Exhibit A, page 44**). Ms. Castaneda also stated that she believes that it is unfair that Mr. Schuster should be held responsible for Ms. Collins’ bad acts.

The following individuals attended the September 21 hearing: Cathreen Richards (as hearing officer), Ms. Collins, Ms. Castaneda, Mr. Schuster, Ryan Smith Standridge (Associate Planner), and Grace Weitz (Deputy County Counsel). Mr. Schuster, Ms. Castaneda, and Ms. Collins all provided testimony under oath at this hearing. Ms.

¹ Mr. Schuster presumably found out about the revocation proceedings prior to the August 24 letter because even prior to sending the letter, Planning staff was in communication with Ms. Collins about issues regarding the STR.

Collins again admitted to violating the terms of the Permit. All three witnesses argued that it would be unfair to revoke the Permit from Mr. Schuster given that Ms. Collins was the one who violated the Permit, but at no time did these individuals address the fact that short-term rental permits run with the land, and therefore, new owners may suffer the consequences of a previous owner's violation of the permit.

Following a consideration of all parties' arguments and evidence, Ms. Richards, in her capacity as the Hearing Officer, issued a written decision revoking the Permit (see **Exhibit B**). In Ms. Richards' decision, she found 1) that it was undisputed that Ms. Collins violated the terms of the Permit; 2) that Mr. Schuster's argument that he was "trapped" and forced to buy the Property was unpersuasive; and 3) that Mr. Schuster was properly held responsible for Ms. Collins' actions given that the Permit runs with the land.

Mr. Schuster timely appealed this decision on October 16, 2023 (see **Exhibit C**).

B. Legal Analysis

Land use permits are permits that permit a property owner to utilize his or her land in a way that is outside the bounds of what is allowed by the local zoning ordinance. In Inyo County, short-term rental permits are land use permits because the short-term rental of residential property is prohibited in every zoning district in the county unless the owner has obtained a short-term rental permit in conformance with ICC Chapter 18.73.

It has been well established by multiple judicial decisions that, in California, land use permits run with the land. *See, e.g., County of Imperial v. McDougal*, 19 Cal.3d 505, 511 (1977); *Anza Parking Corp. v. City of Burlingame*, 195 Cal.App.3d 855, 859 (1987). "Running with the land" means that, if the property for which the permit has been issued is sold to a new owner, the new owner may continue to enjoy the privileges granted by the permit without having to reapply for the permit under the new owner's name. *McDougal*, 19 Cal.3d at 511. However, this benefit of a permit that runs with the land also comes with a burden—namely, that a new owner is responsible for the misdeeds and violations of the prior owner. For example, in *Malibu Mountains Recreation, Inc. v. County of Los Angeles*, 67 Cal.App.4th 359 (1998), the prior owner of the property acted in violation of a conditional use permit ("CUP") by using the property for motorcycle rallies, which was not a permitted use under the CUP. The property changed hands, and the county revoked the CUP based in large part on the past owner's violation of the CUP. The new owner challenged the county's decision, and the court found that, because a CUP runs with the land, the new owner could be held responsible for the violations of the old owner.

In the context of permits that run with the land, this rule that a new owner may be punished for the actions of the old owner makes practical sense. If new owners were not responsible for the prior owner's actions, then the new owner would get to enjoy a huge benefit (not having to reapply for the permit) without any associated responsibilities

(namely, to vet the prior owner's actions). It would also allow the prior property owner to escape any accountability for their actions by selling the property.

In contrast, there are certain permits, which are not at issue here, that do not run with the land and automatically "die" as soon as the property is sold. An example of this would be something like a business license, which is specific to the individual who is granted the license. If someone is running a grocery store in a given building and sells the building, the business license to operate the grocery store does not transfer to the new owner. The new owner must apply for his or her own business license after completing the purchase.

Here, it would be unjust and contrary to the law to allow Mr. Schuster to retain this STR Permit given Ms. Collins' undisputed violation of the Permit. As explained above, STR permits are land use permits that run with the land. This means that Mr. Schuster is properly held accountable for Ms. Collins' violations. Moreover, if STR permits did not run with the land and worked like business licenses, Mr. Schuster would still have lost the permit upon the transfer of the property. In other words, given the undisputed facts, there is no scenario in which Mr. Schuster can or should have retained the Permit.

It is also important to remember that, when these revocation proceedings came to light during the escrow process, Mr. Schuster had ample time to back out of the sale. In his written submission prior to the September 21 hearing, Mr. Schuster stated that he first learned of the revocation proceedings on August 15 and that escrow closed on September 5. During that 21 period, Mr. Schuster contemplated backing out of the sale but decided not to after receiving a significant price reduction. Given these facts, Mr. Schuster cannot claim that it is unfair for the County to hold him to the laws regarding permits that run with the land. Mr. Schuster knew about the violations of the Permit, received compensation because of the uncertain status of the Permit, and chose to take his chances with the judicial process. Allowing Mr. Schuster to retain the Permit would be an unfair windfall.

In short, Mr. Schuster is requesting that the County afford him the benefit of permits that run with the land (not having to reapply for a STR permit) without requiring him to bear the burden a permit that runs with the land (being responsible for the actions of the prior owner). This request is both contrary to the law and inequitable.

RECOMMENDATION

Staff recommends that the Planning Commission uphold the September 27, 2023 Order After Hearing and deny Mr. Schuster's October 16, 2023 appeal.

Requested Findings

Notice of the hearing was given as required by law.

[Evidence: Notice of the time and date of this hearing was provided to Mr. Schuster on October 26, 2023. This complies with ICC section 18.81.240, which

requires 10 days notice. Notice was also published in a newspaper of general circulation on November 4, 2023 per ICC 18.81.240.]

Permit HSTR 2021-06/Collins is revoked due to the STR being operated in violation of the Inyo County Code, specifically ICC section 18.73.070(B)(1)(a)(ii).

[Evidence: Annelise Collins repeatedly rented the property to short-term renters without a host present on the property.]

Requested Orders

1. The September 27, 2023 Order After Hearing is upheld. Steve Schuster's October 16, 2023 Appeal is denied in full.

ATTACHMENTS

- A. Written Record from September 21, 2023 Hearing Before the Planning Director, which consists of:
 1. August 24, 2023 letter to Annelise Collins regarding permit violations
 2. August 30, 2023 email from Annelise Collins
 3. September 1, 2023 email from Annelise Collins
 4. September 15, 2023 written response from Steve Schuster
 5. September 19, 2023 email from Jennifer Castaneda
- B. September 27, 2023 Order After Hearing Before the Planning Director
- C. October 16, 2023 Request for Appeal from Steve Schuster
- D. October 26, 2023 Notice of Hearing and Proof of Service

Exhibit A



Written Record
Inyo County 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

August 24, 2023

Annelise Collins
500 Alabama Drive
Lone Pine, CA 93545

Coldwell Banker
Attention: Annelise Collins
1608 Montana Ave.
Santa Monica, CA 90403
annelise@kw.com

VIA CERTIFIED MAIL AND EMAIL

RE: Commencement of Revocation/Modification Proceedings for Permit HSTR 2021-16/Collins

Dear Ms. Collins:

Pursuant to permit HSTR 2021-16/Collins ("the HSTR Permit"), you operate a hosted short-term rental ("HSTR") at 500 Alabama Drive in Lone Pine, CA. The Planning Department has recently received credible evidence that you are operating your HSTR in violation of the HSTR Permit. Specifically, the evidence suggests that you are not complying with Inyo County Code section 18.73.030(B), which requires that all short-term rentals be hosted rentals. Per Inyo County Code section 18.73.010, "'Hosted rental' means a short-term rental of a room(s) within a dwelling where the owner or a designated representative of the owner resides on the parcel where the rental occurs, during the duration of the transient renter(s) stay."

You are aware of the hosting requirement for STRs in Inyo County and you stated in writing to the Planning Department "My husband or I will be on site to host" on March 10, 2022 in an email exchange with the Planning Department. (See **Exhibit A**)

The evidence that suggests that you may be violating the HSTR Permit is as follows:

On August 11, 2023, Cheryl Howerton (resident of 450 Alabama Drive) came to the Planning Department office and talked to Ryan Standridge, Associate Planner, about the HSTR located at 500 Alabama Drive. She stated that the owner Annelise Collins had been renting without being on site or having a designated host on site for over a year. Ms. Howerton stated she had not complained before because she was friendly with Ms. Collins and did not want to have a bad relationship with a neighbor. However, a series of poorly behaved renters motivated Ms. Howerton to complain. Specifically, Ms. Howerton described instances of renters chasing her dog with a drone, renters smoking in the backyard during the height of fire season, and renters flashing a bright strobe light for days that was visible from her property. Ms. Howerton also

Written Record

provided the Planning Department with a series of text messages between her and Ms. Collins in which Ms. Collins repeatedly informed Ms. Howerton when renters would be coming to the property. Ms. Howerton ultimately asked Ms. Collins to stop sending her these texts because she was being put in an awkward position with Ms. Collins repeatedly informing her that she was violating her HSTR Permit. (See **Exhibit B**)

On August 16, 2023, Ms. Howerton met with Cathreen Richards, Planning Director, at her office. Ms. Howerton re-stated everything she had told Ms. Standridge. Later that day, Ms. Howerton emailed Ms. Richards a link to Ms. Collins' AirB&B ad. The ad made it clear that Ms. Collins was indeed renting without having a host onsite. Ms. Richards viewed the link and printed the ad. Specifically, the ad states "We do not reside on the property" and "We do not reside at the home, but we do have a Studio GH we sometimes occupy when we need to be there for the maintenance of the home. Best to text me if you have a question." (See **Exhibit C**)

Ms. Richards called Ms. Collins late afternoon of August 16th and let her know she is in violation of the Permit and that she must stop renting without a host on site immediately. Ms. Collins did not deny that she rents without a host, but stated she does go up there often and she has a handyman who is 20 minutes away that can deal with problems. Ms. Richards let her know that is not in compliance with the terms of the HSTR Permit and that someone needs to be on the property during every rental. Ms. Collins also indicated she thought it was permissible to rent without a host on site because she keeps the property in very good condition. Ms. Richards told her that the property condition is irrelevant to the fact that she is violation of the terms of the Permit and repeated that she needs to stop renting without a host immediately.

Also, during the late afternoon of August 16th, Ms. Richards let Ms. Howerton know that the County was acting on her complaint and asked Ms. Howerton to let her know if any rentals occurred without Ms. Collins being there. Ms. Richards also sent a written notice of violation to Ms. Collins at the contact address she provided when applying for the Permit. (See **Exhibit D**)

On the morning of August 18, 2023, Ms. Howerton sent Ms. Richards an email stating that there had been guests at the house the night of the August 17th without Ms. Collins or anyone else on the property. (See **Exhibit E**)

After receiving this news from Ms. Howerton, Ms. Richards and Ms. Standridge went to 500 Alabama Drive to check on Ms. Howerton's report. There were two cars in the driveway and there were people outside at the back of the house. Ms. Standridge knocked on the door several times before an individual named Mick answered. Ms. Standridge asked Mick if Annalise Collins was there. He replied, "who's that?" Ms. Standridge explained that Annalise was the owner of the property, and the individual explained that he was a renter, not the owner. Ms. Standridge then asked if the host was there. Mick seemed confused by the question and said there is no host. On the way out, two more people were entering the property with a dog.

Ms. Richards followed up with a phone call to Ms. Collins in the afternoon of August 18th to let her know that County staff had personally visited the property and found no host on site. Ms. Collins claimed that she had driven up to the property on August 17 and then left early in the morning on August 18 to drive back to Santa Monica. Ms. Richards told her that the information

Written Record

provided by her renters and Ms. Howerton contradicted this story and explained to Ms. Collins that she must be on the property 100% of the time while the renters are there. Ms. Collins stated that she is there a lot, that the property is well kept, and that she feels like she is in East Germany. Ms. Richards informed Ms. Collins that the Planning Department would be considering further enforcement action.

On August 21, 2023, Ms. Howerton contacted Ms. Richards by phone and let her know that Ms. Collins showed up on the evening of August 18th and stayed the weekend.

On August 22, 2023, Ms. Richards contacted Ms. Howerton to request a further explanation of how she ascertains whether Ms. Collins is or is not at the property. Ms. Howerton explained that she is familiar with the vehicles that Ms. Collins, her husband, and Manny (the caretaker) drive and that there is no way for anyone to pull into or park at the property without the cars being in Ms. Howerton's sight (i.e. there is no back entrance). When Ms. Collins or her husband is present on the property, Ms. Howerton will see their cars. It is also apparent to Ms. Howerton when someone is staying the host apartment / guest house, which is where Ms. Collins stays when she comes to the property, because Ms. Howerton can see the lights of the guest house from her backyard. Ms. Howerton is in her backyard almost every evening because she has farm animals and must feed them every evening. Ms. Howerton estimates that approximately 3-4 times a month she observes renters on the property with no sign of Ms. Collins or her husband.

You have the right to rebut this evidence, either in writing or in person. If you choose to submit rebuttal evidence in person, the hearing will occur on **Thursday, September 21, 2023 at 10 am at 168 N. Edwards St., Independence, CA 93526**. If you choose to submit written rebuttal evidence, you must mail the evidence to the Inyo County Planning Department, PO Drawer L, Independence, CA 93526. Any mailed evidence must be received by the Planning Department on or before the date set for the hearing. Additionally, you must inform the Planning Department in writing by Monday, September 18, 2023 if you will be requesting an in person hearing so that appropriate logistical arrangements may be made.

You have the right to submit whatever rebuttal evidence you think may be relevant. However, given that the alleged violation turns around whether or not you or your husband was on site to host, the most relevant rebuttal evidence would be evidence that demonstrates that you or your husband were physically present in Lone Pine, CA on dates that the property was rented.

After receipt of your evidence, I will consider all of the evidence and make a decision regarding the status of the HSTR Permit. You will be informed in writing of this decision. If you do not submit any evidence, I will make a decision based only on the evidence gathered by the Planning Department.

Written Record

Finally, it has come to my attention that you are currently in the process of selling the property and are in escrow with a new buyer. Because the HSTR Permit runs with the land, the sale of the property does not moot these enforcement proceedings. However, if the buyer will be assuming the responsibility of submitting rebuttal evidence, please provide me with that individual's contact information.

Sincerely,



Cathreen Richards
Planning Director

Cc (via email): Matt Kingsley, Fifth District Supervisor
Grace Weitz, Deputy County Counsel
Jennifer Castaneda, Blue Sky Realty

Written Record

Exhibit A

Cynthia Draper

From: Cynthia Draper
Sent: Thursday, March 10, 2022 2:22 PM
To: Annelise Collins
Subject: RE: revised Site Map + Revised House Rules 500 Alabama

Thank you. I will look this over. Q: is Manny, your manager, staying onsite as the Host or are you? I am sorry if this has already been asked.
Thank you,
Cynthia

From: Annelise Collins [mailto:annelise@sherrinoel.com]
Sent: Thursday, March 10, 2022 2:11 PM
To: Cynthia Draper
Subject: Re: revised Site Map + Revised House Rules 500 Alabama

Hi Cynthia,

Here you go.

The House rules template was super helpful.

Thanks again.

Let me know next steps and if there any more fees to pay.

Best,

Annelise

Written Record

Exhibit A

Cynthia Draper

From: Annelise Collins <annelise@sherrinoel.com>
Sent: Thursday, March 10, 2022 2:26 PM
To: Cynthia Draper
Subject: Re: revised Site Map + Revised House Rules 500 Alabama

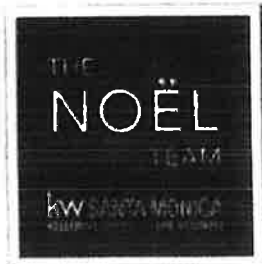
Hi Cynthia,

Manny is our handyman and a contact if needed as a back up manager to support and to repair if I or Hector should be at work. He lives in nearby Olancho.

My husband or I will be on site to host.

Thank you.

Annelise



ANNELISE
COLLINS

310.503.1967
annelise@sherrinoel.com
thenoelteam.net
DRE 1793674



Contact info

Written Record

Exhibit B

 Annelise >

Happy New year
neighbors!! Sending a
snowy greeting. Be
safe!

Jul 6, 2022 at 8:12 AM

Hi Cheryl! Just want
you to know we have a
group of hikers coming
in today from New
Jersey no pets no dogs
just people so hopefully
all will go with no hitch
thank you so much
hope you had a great
fourth! Annelise

Sent with Siri

Written Record

Exhibit B

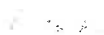


Annelise

Enjoy. We are out of country from 7/22 until 8/11. We are not renting to any one in that time frame. Just so you know. Manny may come around and do some small repairs in garage door and dryer. And I hope to hire a person to help with my meadow folly! 😊 X
See you late august.

Jul 12, 2022 at 4:01 PM

Hi Cheryl. One more group of 5 coming in tmrrw. Staying for 4



n

Written Record

Exhibit B



Annelise >

Hi Cheryl. One more group of 5 coming in tmrrw. Staying for 4 nites.
I think that may be it until mid August as we will
Be out of country. X xx

Jul 12, 2022 at 5:32 PM

Dogs?

Jul 12, 2022 at 7:34 PM

No dogs.

Jul 20, 2022 at 2:00 PM

Hi Cheryl! Last group



n

Written Record

Exhibit B



Annelise >

Jul 12, 2022 at 7:34 PM

No dogs.

Jul 20, 2022 at 2:00 PM

Hi Cheryl! Last group coming in this afternoon. They are a family from the Netherlands found a tour of the American west. No dogs 😊

Only staying one night.

Then a break from now til mid August.

Jul 24, 2022 at 10:22 AM



Written Record

Exhibit B



Annelise

Aug 18, 2022 at 5:14 PM

Hi Cheryl. Was up for a quick check on home last weekend. Did not see you. Today we have a hiking group come in. Hope they are a well behaved bunch. Thx 😊

Aug 18, 2022 at 8:30 PM

Hi Annelise. Sorry I missed you this weekend.

I'm gonna have to ask that you not let me know when your renters are coming after all

Written Record

Exhibit B



Annelise >

that you not let me know when your renters are coming after all. The less I know the better I think. The county is looking closer at short term rentals that aren't hosted as required. I guess there have been enuf second homes being turned into vrbo & airbnbs that there's no housing now for folks moving into the area who actually want to be part of our community. And there have been a plethora of complaints.

Written Record

Exhibit B



Annelise

I'm in an awkward position because I work pretty closely with the county with my practice. I can't really jeopardize that relationship. So...best I don't have first hand knowledge of what you're doing next door.

Thanks.

Understood. Thanks for your candor Cheryl. I appreciate it.

Sun, Oct 16 at 10:15 AM



Written Record

Exhibit B



Annelise >

Sun, Oct 16 at 10:15 AM

Your guests have a drone flying over over our property. Please deal.



It was a mistake. I will add no drones to house rules.



Thank you.

Read 10/16/22



n



About this space

Scenic mountain view of the Sierra Nevadas! Create your outdoor adventure with hiking and rock climbing right at your doorstep! Bring the whole family to our 4 acre ranch in the Alabama Hills with lots of room for fun, fishing and hiking the Mt Whitney Portal Trails (John Muir and Pacific Crest) just a short 20 minute drive away. We are within 1-2 hours from Mammoth Ski Resort and Death Valley for more adventures. Perfect for larger gatherings of friends and extended family.

The space

Red Barn Ranch is a 4 acre fenced ranch with a one story traditional style Ranch house (no stairs!). We have 4 bedrooms + 3 baths in the Main House and a separate private GH apartment off the garage. Off street free parking. The Main House has a TV/ Family room, a formal living room, a formal dining room and a kitchen with a large family style seating area. There is also a breakfast bar. That and the out door terrace make for plenty of room for everyone. Please note that although we do have central heat the cooling system is a swamp cooler and ceiling fans.

Guest access

Guests will have access to Main House and the entire 4 acre property. We keep the GH for our own use for property maintenance. We do not reside on the property. We allow 2 pets for free. If you have more pets please let me know and we can see if we can accommodate.

Other things to note

This is a high desert climate with big temperature swings from day to night. We also have occasional strong winds. It is a good idea to check the weather before heading out for adventures. Many hikes take you to higher elevations so be mindful of altitude sickness. Drinking water and acclimatizing to our altitude for one day is a good idea. We are located in the Alabama Hills above Lone Pine at 5,354 ft (1,632 m).

Written Record

Exhibit C



Farm stay in Lone Pine ★ 5.0 (39)
The Red Barn Ranch in the Eastern Sierra
\$292 night · Sep 15 - 18

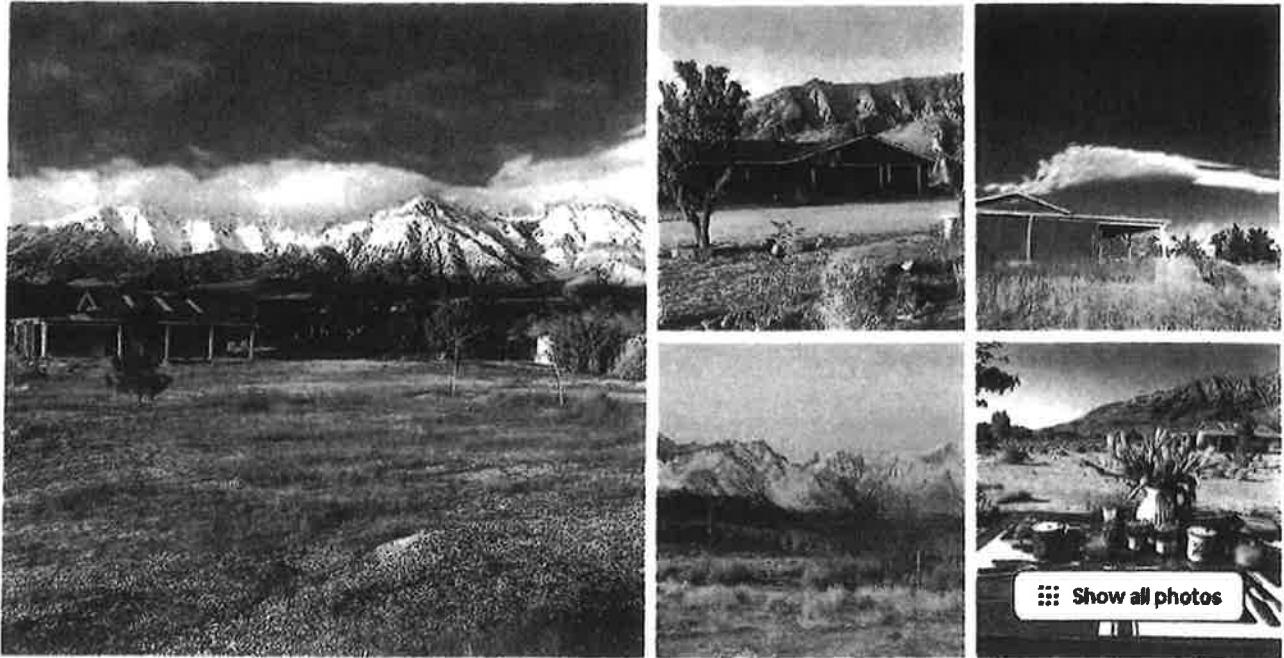
\$292

Written Record

The Red Barn Ranch in the Eastern Sierra Nevadas.

★ 5.0 · [39 reviews](#) · Superhost · [Lone Pine, California, United States](#)

[Share](#) [Save](#)



Written Record

Exhibit 13

Farm stay hosted by Annelise

8 guests · 4 bedrooms · 5 beds · 3 baths



\$292 night

★ 5.0 · 39 reviews

CHECK-IN
9/9/2023

CHECKOUT
9/15/2023

GUESTS
2 guests



Fast wifi

At 51 Mbps, you can take video calls and stream videos for your whole group.



Self check-in

Check yourself in with the smartlock.



Free cancellation before Sep 8.

Scenic mountain view of the Sierra Nevadas! Create your outdoor adventure with hiking and rock climbing right at your doorstep! Bring the whole family to our 4 acre ranch in the Alabama Hills with lots of room for fun, fishing and hiking the Mt Whitney Portal Trails (John Muir and Pacific Crest) just a short 20 minute drive away. We are within 1-2 hours from Mammoth Ski Resort and Death Valley for ...

[Show more >](#)

You won't be charged yet

\$292 x 6 nights \$1,750

Cleaning fee \$220

Airbnb service fee \$278

Total before taxes \$2,248

[Report this listing](#)

Where you'll sleep

1 / 2 >



Bedroom 1

1 king bed













Bedroom 2

1 queen bed

What this place offers

Written Record

-  Desert view
-  Mountain view
-  Lake access
-  Kitchen
-  Fast wifi – 54 Mbps
-  Free driveway parking on premises – 4 spaces
-  Pets allowed
-  50" HDTV with premium cable
-  Free washer – In building
-  Free dryer – In building

[Show all 62 amenities](#)

Accessibility features

This info was provided by the Host and reviewed by Airbnb.



Guest entrance and parking

Lit path to the guest entrance

[Show all feature details](#)

6 nights in Lone Pine

Sep 9, 2023 - Sep 15, 2023

<

Written Record

Su	Mo	Tu	We	Th	Fr	Sa	Su	Mo	Tu	We	
September 2023							October 2023				
					1	2	1	2	3	4	
3	4	5	6	7	8	9	8	9	10	11	
10	11	12	13	14	15	16	15	16	17	18	
17	18	19	20	21	22	23	22	23	24	25	



★ 5.0 · 39 reviews

Cleanliness	4.9
Accuracy	5.0
Communication	5.0
Location	5.0
Check-in	5.0
Value	5.0



Perry
August 2023

Awesome place to stay while in Lone Pine for a few days. We hiked Mt Whitney but was thankful for this wonderful place to rest our heads. Very spacious inside and out. Unexpectedly we spent a few hours the first night just staring at all the stars that night. Amazing for us city folk. We already looking at the calendar to plan our next stay...

[Show more >](#)



Kristina
July 2023

Very nice place



Amy
July 2023

Annalise

Was a wonderful host! So accommodating and helpful. I lived the home it was perfect for our race. I will be back for sure!

Written Record

[Show more >](#)



Sally
June 2023

This was my family's second stay and we enjoyed it as much as the first. The comfortable bedrooms, spacious living room and family room, and central kitchen make it perfect for our group. The grandkids loved strolling the property looking for lizards, rabbits and beetles and visiting the alpacas next door. Stargazing at night is spectacular on the...

[Show more >](#)



John
June 2023

Loved our 3 night stay. We ended up not leaving the house at all (but did have brunch at the incredible Alabama Hills Cafe on the way out). We had warm days and cool nights in mid June. Spectacular scenery at the foot of the eastern Sierra. Had an incredible thunderstorm that lasted all night all around us but didn't rain where we were. Then the nex...

[Show more >](#)



Vincent
June 2023

We truly loved our stay here! You can't beat the views, especially from the porch and the alpacas were very fun to see. Very well-stocked home, kitchen was spacious and easy for our group to cook together and grill outside. We will be back! Thanks again for an awesome stay

[Show more >](#)

Show all 39 reviews

Where you'll be

Exact location provided after booking.

Public Transit

ALABAMA HILLS



Map data ©2023 Google 500 m

Report a map error

Lone Pine, California, United States

Written Record

We are in a rural community along the the 395N. The Red Barn Ranch is located in the iconic Alabama Hills, which invites rock climbing and hiking. It is also in a "Dark Sky" area. The Milky Way and many celestial events are crystal clear to view. Lone Pine is just a few miles away with stores, restaurants, grocery store, hospital and services. Mt Whitney...

[Show more >](#)



Hosted by Annelise

Joined in May 2016

★ 39 Reviews

✔ Identity verified

👤 Superhost

I love travel and adventure and meeting people who have a curiosity about life. I love to grow things in my garden and enjoy Nature.

During your stay

We do not reside at the home, but we do have a Studio GH we sometimes occupy when we need to be there for maintenance of home. Best to text me if you have a question. We have a ranch manager, Manny Luna, who lives nearby who can give hands on help if needed.

Annelise is a Superhost

Superhosts are experienced, highly rated hosts who are committed to providing great stays for guests.

Languages: English, Français, Deutsch

Response rate: 100%

Response time: within an hour

[Contact Host](#)

To protect your payment, never transfer money or communicate outside of the Airbnb website or app.



Things to know

House rules

Check-in after 2:00 PM

Checkout before 12:00 PM

8 guests maximum

Written Record

[Show more >](#)

Safety & property

Nearby lake, river, other body of water

Carbon monoxide alarm

Smoke alarm

[Show more >](#)

Cancellation policy

Free cancellation before Sep 8.

Review the Host's full cancellation policy which applies even if you cancel for illness or disruptions caused by COVID-19.

[Show more >](#)

Explore other options in and around Lone Pine

Las Vegas

Beverly Hills

Los Angeles

Santa Barbara

Santa Monica

Malibu

Anaheim

Joshua Tree

Palm Springs

San Jose

San Francisco

San Diego

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Pet-friendly vacation rentals

National parks

Countryside

Farms

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 [English \(US\)](#) \$ USD

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Written Record

Exhibit D



**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

August 16, 2023

The Red Barn
Annelise Collins
500 Alabama Drive
Lone Pine, CA 93545

RE: Hosted Short-term Rental Violation

Ms. Collins:

The Inyo County Planning Department has received and verified complaints that you are operating a hosted short-term rental in violation of your permit #HSTR 2021-06. Pursuant to Inyo County Code Section 18.73.030 (B) – All short-term rentals shall be hosted rentals. This means that the owner or a designated representative of the owner resides on the parcel where the rental occurs, during the duration of the transient renter(s) stay. A fact that was made clear to you when you applied for and was granted the permit.

You must immediately cease all short-term rentals without a host on-site. Any further rentals without a host will cause the county to revoke your permit pursuant to Inyo County Code 18.73.070.

Respectfully,

Cathreen Richards,
Inyo County Planning Director

Written Record

Written Record

Exhibit E

Cathreen Richards

From: chowerton@safeaccess.com
Sent: Friday, August 18, 2023 12:02 PM
To: Cathreen Richards
Subject: RE: Latest guests at 500 Alabama Dr. 8/18/23

Hi Cathreen,

Sorry for the delayed response. I got side-tracked with some other business. And we're having some internet issues up this way this morning.

From what we could tell there was no host. Last night the attached quarters were dark, with only activity in the main house. There was no sign of Annelise or the manager or their vehicles. The people I saw outside were not the owners, immediate family members, or Manny. Without knocking on their door, that's the best I can do to identify them as non-hosted guests. The vehicles in the driveway did leave around 11:15 this morning, whether for a day trip or to depart, I don't know.

Cheryl Howerton

-----Original Message-----

From: "Cathreen Richards" <crichards@inyocounty.us>
Sent: Friday, August 18, 2023 8:42am
To: "chowerton@safeaccess.com" <chowerton@safeaccess.com>
Subject: RE: Latest guests at 500 Alabama Dr. 8/18/23

And, I take it Anneliese or anyone else was onsite hosting?

From: chowerton@safeaccess.com <chowerton@safeaccess.com>
Sent: Friday, August 18, 2023 8:40 AM
To: Cathreen Richards <crichards@inyocounty.us>
Subject: FW: Latest guests at 500 Alabama Dr. 8/18/23

 You don't often get email from chowerton@safeaccess.com. [Learn why this is important](#)

Good morning,

These are the folks that came in last night at 500 Alabama Dr, Lone Pine. I will send you more documentation later today. All of my photos do have dates and times indicated below each one, but I haven't figured out how to send that part over.

Do you ever suspend a permit until further investigation?

Thank you,

Cheryl Howerton

-----Original Message-----

From: "Cheryl Howerton" <cherylhowerton@icloud.com>

Written Record

Sent: Friday, August 18, 2023 8:26am Exhibit E
To: "Cheryl Howerton" <chowerton@safeaccess.com>
Subject: Latest guests at 500 Alabama Dr. 8/18/23

Sent from my iPhone

Written Record

From: Annelise Collins
To: InyoPlanning
Subject: Commencement of Revocation/Modification Proceedings for Permit HSTR/2021-16/Collins
Date: Wednesday, August 30, 2023 11:49:53 AM

You don't often get email from annelisecollins3@gmail.com. Learn why this is important
<<https://aka.ms/LearnAboutSenderIdentification>>

Dear Kathreen Richards,

Re: The Red Barn Ranch Hoisted Short Term Rental

I am in receipt of the Revocation/Modification of my HSTR and the Hearing date
We will not be contesting or rebutting that we have been in violation of the terms in the past.
We intend to cease the AirBnb rental. We are not going to attend the hearing on Thursday September 21,2023.

If you need any additional information from me kindly let me know.
Thank you. Have a good Holiday weekend.

Annelise Collins
annelisecollins3@gmail.com

Written Record

From: [Annelise Collins](#)
To: [Ryan Smith-Standridge](#)
Cc: [Cathreen Richards](#); [Jenifer Castaneda](#)
Subject: Fwd: I will attend the Hearing of my HSTR
Date: Friday, September 1, 2023 4:09:41 PM
Attachments: [image001.png](#)

You don't often get email from annelisecast@mac.com. [Learn why this is important](#)

Hi Ryan,

As per our conversation this afternoon I will be attending the hearing on September 21, 2023. I am attending not to contest my violation of the permit, for which I am accountable but to advocate for my Buyers who wish to have that option of a possible HSTR in place. They wish to be productive in the community and to have the fullest opportunities with their investment. They understand the limits of the permit completely. Both Jenifer and I have made that very clear during this process of purchasing. My violations should not impact them in any way.

Please make a note that I do contest the fact that the permit is being revoked even though it is supposed to go with the property. These Buyers have done absolutely nothing wrong and they will be respectfully adhering to the Inyo County rules.

Please acknowledge receipt of my email and correct my last communication that says I will not be attending at the hearing.

Thank you,

Annelise
Annelise Collins
annelisecollins3@gmail.com
Annelise Collins
annelisecast@me.com
Cell: 310-503-1967
[@househuntingmaven](#)

Begin forwarded message:

From: Ryan Smith-Standridge <rstandridge@inyocounty.us>
Subject: I can't call I don't have the file with me .
Date: September 1, 2023 at 16:05:31 PDT
To: "annelise@kw.com" <annelise@kw.com>

We have not received anything yet.

Ryan Smith-Standridge
Associate Planner/SMARA Coordinator
(760)878-0405

Written Record

From: Cathreen Richards
To: Ryan Smith-Standridge
Subject: FW: 500 Alabama Drive / STR permit revocation hearing
Date: Tuesday, September 19, 2023 3:04:39 PM
Attachments: Schuster final.pdf

From: Homesweet M & M <homesweetprop@gmail.com>
Sent: Friday, September 15, 2023 4:57 PM
To: Grace Weitz <gweitz@inyocounty.us>; Cathreen Richards <crichards@inyocounty.us>
Subject: Re: 500 Alabama Drive / STR permit revocation hearing

You don't often get email from homesweetprop@gmail.com. [Learn why this is important](#)

Hello Grace and Cathreen:

Attached, please find our document opposing the revocation of the hosted short term rental permit for 500 Alabama Drive. A signed copy will be provided at the hearing if necessary.

Please see that any other appropriate parties receive this document before the hearing on September 21st.

Thank you for your attention to this matter.

Sincerely,

Steven Schuster and Marcia Binnendyk
Current Owners of 500 Alabama Drive

On Thu, Sep 14, 2023 at 2:40 PM Grace Weitz <gweitz@inyocounty.us> wrote:

Yes, feel free to email me anything you would like to submit. I would also recommend sending it directly to Cathreen Richards, the Planning Director, whose email is crichards@inyocounty.us.

Best,
Grace

From: Homesweet M & M <homesweetprop@gmail.com>
Sent: Thursday, September 14, 2023 12:44 PM
To: Grace Weitz <gweitz@inyocounty.us>
Subject: Re: 500 Alabama Drive / STR permit revocation hearing

Hello Grace:

Thank you so much for your response.

Our escrow has closed and my wife, Marcia Binnendyk, and I now own 500 Alabama Drive.

I do plan on attending the hearing and submitting a document opposing revocation of the STR permit.

Please let me know if I can submit this document to you and/or someone else via email. This would expedite the process by several days.

Thank you again for your response and the copy of the violation letter. I found way too many

Written Record

misspellings and typos in Ryan's name and email address in my multiple attempts to make contact regarding this matter.

Sincerely,

Steve Schuster

On Thu, Sep 14, 2023 at 11:04 AM Grace Weitz <gweitz@inyocounty.us> wrote:

Mr. Schuster:

I'm responding to the emails that you've sent to Ryan Smith Standridge regarding the hearing on the STR permit for 500 Alabama Drive. I understand that you want to participate in the hearing, which you are entitled to do. All information regarding the hearing is contained in the attached Notice of Violation sent to Ms. Collins and Ms. Casteneda of Blue Sky Realty on 8/24/23, but to sum it up, the hearing will occur on 9/21/23 at 10 am at 168 N. Edwards St. in Independence, CA.

It appears that your plan is to submit a written rebuttal, and we would strongly encourage you to submit it prior as soon as possible prior to the hearing so that the Director may fully consider it before the hearing.

Best,
Grace

Grace Weitz
Deputy County Counsel
224 N. Edwards Street
P.O. Box M
Independence, CA 93526
gweitz@inyocounty.us
760-872-0933 (Direct)
760-878-0229 (Main)

Written Record

Case information

Case number: HSTR 2021-16/Collins

Property Location: 500 Alabama Drive
Lone Pine, CA Inyo County

Hearing information:

Address: 168 N. Edwards St. Independence, CA 93526
Annex building, second floor

Date: September 21, 2023

Time: 10:00 AM

Statements of Steven Schuster and Marcia Binnendyk opposing revocation of the short term rental permit.

I BACKGROUND

This action involves actual or alleged actions of Annelise Collins, former owner of 500 Alabama Drive in Lone Pine, as reported by a neighbor.

Steve Schuster and Marcia Binnendyk have been real estate investors for the last 20+ years. Our purpose in real estate investing is to be able to retire comfortably. We have worked hard at our W2 jobs and saved extensively to be able to purchase property.

We have been coming to Lone Pine over the last 20+ years. We enjoy the recreational activities and natural beauty of the Sierras. We want to retire in a small town. After considering other locations, we decided on Lone Pine for our retirement.

We are “buy and hold” investors. We purchase properties with the intent of holding them long term and operating as traditional rentals. We do not flip properties. We have sold only one property ever.

We provide affordable housing in locations where we own property.

We never owned or operated a short term rental. Our only exposure to short term rentals has been as a guest.

In August, we purchased a property in Lone Pine. We are currently rehabbing the house so that will be a nice place to live. We have it rented starting October 1. Along with our other locations, we are now providing affordable housing in Lone Pine.

II PARTIES

The following are interested or affected parties:

Steve Schuster – Current owner of 500 Alabama Drive in Lone Pine. Married to Marcia Binnendyk.

Marcia Binnendyk – Current owner of 500 Alabama Drive in Lone Pine. Married to Steve Schuster.

Jenifer Castaneda – Buyers’ agent for Steve Schuster and Marcia Binnendyk.

Written Record

Annelise Collins – Former owner of 500 Alabama Drive in Lone Pine and a real estate agent.

Cheryl Howerton – Owner and resident of 450 Alabama Drive in Lone Pine. Complainant in this matter.

III

TIMELINE WITH COMMENTARY

On or about June of 2023: Steve Schuster and Marcia Binnendyk started looking at properties in Lone Pine, with the intent of making a purchase.

On or about July of 2023: We made an offer on 500 Alabama Drive, which was accepted. Escrow was opened.

August 13, 2023: Cheryl Howerton, who lives at 450 Alabama Drive, finds out the property was going to be sold and contacted Jenifer Castaneda for confirmation.

August 14, 2023: We received an email stating our loan was fully approved and clear for closing. We were told we could release all contingencies.

August 15, 2023: As far as we knew, everything was ok. The sale was on track, and Annelise requested that we sign the “last document”, removal of contingencies.

August 15, 2023 9:26 PM: We receive the first report concerning issues with a neighbor named Cheryl Howerton, and that she was going to complain to the County regarding the operation of the Airbnb. We were told that Annelise and Cheryl do not get along.

August 15, 2023 9:37 PM: In an email to Jenifer, we expressed our concern and that we wished we knew about this earlier in the process.

August 16, 2023 3:38 PM: Discussed with Jenifer, that this was a major omission on the sellers’ side. Neighbor issues as well as government / building use issues are legally required to be disclosed. Attached as Exhibit 1 is the Seller Property Questionnaire, signed by all parties. In the Neighbors/Neighborhood section, In response to the question “ARE YOU (SELLER) AWARE OF..”16B: “Any past or present disputes or issues with a neighbor which might impact the use, development and enjoyment of the Property”. Sellers checked the No box. There was no mention of the County cease and desist order. There was no mention of neighbor complaints. We considered backing out of the purchase, but we were concerned with several issues. First, we had a large deposit in escrow, and had just released the last of the contingencies. With an apparent dishonest seller, we were worried that we would not get the deposit returned without legal action. Additionally, there were out of pocket expenses such as, but not limited to, water testing, pest

Written Record

inspection, and time and travel expenses to do our own home inspection.

Next, we had a buyer's agent and two loan officers spending considerable time on this purchase. Even if we were guaranteed the return of our deposit, all their time would have been without compensation. Since we plan to use their services in the future, it is important that we perform and our transactions are successful.

We did wish to purchase the property to retire in Lone Pine.

August 20, 2023 9:00 AM: Buyers, Steve and Marcia, met with Cheryl and Jan Howerton at their house, accompanied by Jenifer. Past problems and future plans were discussed. Buyers stated their knowledge of rules regarding hosting and the approved area covered by the short term rental permit, We assured Cheryl and Jan that we would only have guests when all rules could be followed, including our presence on site. The meeting was cordial.

August 21, 2023 10:02 AM: Jenifer informed us she talked to the County and got information about the violation and process. We were also informed that Annelise did not reach out to Jenifer about the County contacting her.

August 21, 2023: Drafted a letter to Annelise and Hector to be sent by Jenifer, expressing our deep concern and disappointment that the neighbor issue was not disclosed.
We saw only two options. One was to cancel the sale, and the other was to go through with the purchase with a significant price adjustment for the non-disclosure. At this time, revocation of the permit had not been mentioned.
We decided to offer to purchase the property at a considerable discount.

August 21, 2023 5:49 PM: Received a counter to our offer. This forwarded email from Annelise to Jenifer, contains the first mention of revocation in the subject line.
Shortly thereafter, Annelise, without further contact from the buyers' side, accepted our revised offer.

August 23, 2023 9:00 AM: Informed that all parties signed a new purchase agreement for the reduced price.

September 5, 2023 Sale of the property was recorded and escrow was closed.

Written Record

IV

ARGUMENTS

A. Unfair Punishment:

Suspending a short term rental permit based on alleged or actual infractions that occurred before the current owners purchased the property is unjust and punishes the wrong party. It goes against the principle of innocent until proven guilty and disregards the fact that the current owner had no involvement in or knowledge of the alleged infractions. Further, the alleged infractions happened well before the complaint was made. The complaint process escalated after Cheryl Howerton found out the property was going to be sold. Cheryl was under the impression that the permit expired with the sale. The timing of the complaint in relation to the nearly completed purchase and the sellers' lack of disclosure made it impossible for buyers to properly consider the value of the property without the short term rental permit.

B. Economic Impact:

Suspending the short term rental permit would have a negative economic impact on the property owner and the local community. Short term rentals contribute to the local economy by attracting tourists and generating revenue for local businesses. The TOT tax directly benefits Inyo County. Visitors spend money at cafes, shops, and gas stations in Lone Pine. By suspending the permit, the property owner would suffer financial losses, the community would miss out on potential economic benefits, and Inyo County would not receive the TOT tax.

C. Permits Run with the Land:

The fact that permits run with the land implies that the current owner should be entitled to the same rights and privileges as the previous owner. If the property had a valid short term rental permit, it is reasonable to expect that the new owner should be able to continue operating under that permit without facing arbitrary revocation.

D. Lowered Purchase Price:

The current owners negotiated a significant lowering of the purchase price due to the omissions in the disclosures. This demonstrates that the seller took the allegations and infractions seriously, and realized the effect this had on the purchase.

Sellers have already been punished for the lack of disclosure of prior infractions and enforcement action. Because the property has been sold, the seller will not be able operate a short term rental at the location, now or ever. Suspending the permit now would be an additional punishment meted out to a completely innocent party.

E. Due Process:

It is essential to ensure that due process is followed in any decision-making process. On September 1, 2023, I was informed that the hearing had been cancelled. After a call and email from Annelise Collins to Ryan

Written Record

Standridge, the hearing was confirmed. Holding a hearing on September 21, 2023 allows the property owner an opportunity to present their case, provide evidence of their innocence, and address any concerns raised by the planning department. Suspending the permit before the hearing would have undermined the principle of due process and deny the owners the chance to defend their rights.

F. Property Rights:

Suspending the short term rental permit would infringe upon the property owner's rights. The right to use and enjoy one's property is a fundamental aspect of property ownership. Denying the owner the ability to utilize their property as a short term rental when a permit had been issued, would restrict their property rights and hinder their ability to make full use of their investment.

G. Neighborhood impact:

A short term rental property has more restrictions than a traditional rental. If the neighbors notice and are opposed to multiple vehicles at the short term rental, they have a place to go to register a complaint. The short term rental ordinance provides for enforcement of the more restrictive rules.

We would not be able to move to Lone Pine full time until Marcia retires, about a year from now. Given the cost of paying for a property to sit empty and the housing shortage in Lone Pine, renting all or part of the property is currently the highest, best use. Actually, it is probably the only way we would be able to keep the property.

If the property is rented long term, there are no restrictions on the number of cars that can be on the property. Many more people and their guests would be allowed long term in the five bedrooms than the short term rented one bedroom guest house. The one bedroom guest house would only be rented while at least one owner is on the property.

Quiet hours for short term rentals start at 9:00 pm, long term at 10:00 pm.

Unless otherwise prohibited, a long term renter could be allowed outdoor amplified music, smoking, fire pits, and drones. These activities are prohibited under the short term rental rules.

For example, we have been contacted by a group of engineers needing housing for a long term project. 500 Alabama Drive would comfortably house at least five people. We assume they will all have their own vehicles and will come and go at various hours. If we rent to them, we would not be on site very much as they would rent all the bedrooms in the house and guest house. It seems fairly obvious that the one bedroom rented short term and only for a percentage of the month would be significantly less impact on the neighborhood than a traditional rental with four or five bedrooms occupied.

Written Record

V

CONCLUSION

Owners should be given a chance to follow the rules. We understand and see how fast the County will act and revoke a permit. There is no reason to deny us the opportunity to adhere to the rules. This would immediately solve the issues and would be an improved situation over a long term rental.

Keeping the hosted short term rental permit in place is a bigger win for everyone involved. Neighbors would benefit from more restrictive rules and an on-site host. The County benefits from increased revenue. Owners would have the opportunity to rent short term if and when they choose to do so.

In conclusion, suspending a short term rental permit in Inyo County based on alleged or actual infractions that occurred before the current owner purchased the property is unjust, economically detrimental, and disregards the principle of innocent until proven guilty. The property owner should be entitled to the same rights and privileges as the previous owner before violations, and due process should be followed to ensure a fair resolution.

For all of the above described reasons, we respectfully request that the hosted short term rental permit continues to be valid for the one bedroom guest house at 500 Alabama Drive.

Respectfully submitted

Steven Schuster and Marcia Binnendyk

Written Record

EXHIBIT 1

Pag



SELLER PROPERTY QUESTIONNAIRE

Written Record
(C.A.R. Form SPQ, Revised 6/23)



COLDWELL BANKER
REALTY

This form is not a substitute for the Real Estate Transfer Disclosure Statement (TDS). It is used by the Seller to provide additional information when a TDS is completed. If Seller is exempt from completing a TDS, Seller should complete an Exempt Seller Disclosure (C.A.R. Form ESD) or may use this form instead.

NOTE TO SELLER: YOU ARE STRONGLY ADVISED TO CAREFULLY REVIEW THE DISCLOSURE INFORMATION ADVISORY (C.A.R. Form DIA) BEFORE YOU COMPLETE THIS SELLER PROPERTY QUESTIONNAIRE. ALL SELLERS OF CALIFORNIA REAL PROPERTY ARE REQUIRED TO PROVIDE VARIOUS DISCLOSURES, EITHER BY CONTRACT, OR BY STATUTE OR CASE LAW. MANY DISCLOSURES MUST BE MADE WITHIN CERTAIN TIME LIMITS. TIMELY AND THOROUGH DISCLOSURES HELP TO REDUCE DISPUTES AND FACILITATE A SMOOTH SALES TRANSACTION.

Seller makes the following disclosures with regard to the real property or manufactured home described as 500 Alabama Drive, Assessor's Parcel No. 026 3701 100, situated in Lone Pine, County of Inyo California ("Property").

This property is a duplex, triplex or fourplex. A SPQ is required for all units. This SPQ is for all units (or only unit(s) _____).

- Disclosure Limitation:** The following are representations made by the Seller and are not the representations of the Agent(s), if any. This disclosure statement is not a warranty of any kind by the Seller or any agents(s) and is not a substitute for any inspections or warranties the principal(s) may wish to obtain. This disclosure is not intended to be part of the contract between Buyer and Seller. Unless otherwise specified in writing, Broker and any real estate licensee or other person working with or through Broker has not verified information provided by Seller. A real estate broker is qualified to advise on real estate transactions. If Seller or Buyer desires legal advice, they should consult an attorney.
- Note to Seller, PURPOSE:** To tell the Buyer about known material or significant items affecting the value or desirability of the Property and help to eliminate misunderstandings about the condition of the Property.
 - Answer based on actual knowledge and recollection at this time.
 - Something that you do not consider material or significant may be perceived differently by a Buyer.
 - Think about what you would want to know if you were buying the Property today.
 - Read the questions carefully and take your time.
 - If you do not understand how to answer a question, or what to disclose or how to make a disclosure in response to a question, whether on this form or a TDS, you should consult a real estate attorney in California of your choosing. A broker cannot answer the questions for you or advise you on the legal sufficiency of any answers or disclosures you provide.
- Note to Buyer, PURPOSE:** To give you more information about known material or significant items affecting the value or desirability of the Property and help to eliminate misunderstandings about the condition of the Property.
 - Something that may be material or significant to you may not be perceived the same way by the Seller.
 - If something is important to you, be sure to put your concerns and questions in writing (C.A.R. form BMI).
 - Sellers can only disclose what they actually know. Seller may not know about all material or significant items.
 - Seller's disclosures are not a substitute for your own investigations, personal judgments or common sense.
- SELLER AWARENESS:** For each statement below, answer the question "Are you (Seller) aware of..." by checking either "Yes" or "No." A "yes" answer is appropriate no matter how long ago the item being asked about happened or was documented unless otherwise specified. Explain any "Yes" answers in the space provided or attach additional comments and check paragraph 19.

5. DOCUMENTS: **ARE YOU (SELLER) AWARE OF...**
 Reports, inspections, disclosures, warranties, maintenance recommendations, estimates, studies, surveys or other documents (whether prepared in the past or present, including any previous transaction, and whether or not Seller acted upon the item), pertaining to (i) the condition or repair of the Property or any improvement on this Property in the past, now or proposed; or (ii) easements, encroachments or boundary disputes affecting the Property whether oral or in writing and whether or not provided to the Seller Yes No
Note: If yes, provide any such documents in your possession to Buyer.
 Explanation: _____

- 6. STATUTORILY OR CONTRACTUALLY REQUIRED OR RELATED:** **ARE YOU (SELLER) AWARE OF...**
- Within the last 3 years, the death of an occupant of the Property upon the Property Yes No
(Note to seller: The manner of death may be a material fact to the Buyer, and should be disclosed, except for a death by HIV/AIDS.)
 - An Order from a government health official identifying the Property as being contaminated by methamphetamine. (If yes, attach a copy of the Order.) Yes No
 - The release of an illegal controlled substance on or beneath the Property Yes No
 - Whether the Property is located in or adjacent to an "industrial use" zone Yes No
(In general, a zone or district allowing manufacturing, commercial or airport uses.)
 - Whether the Property is affected by a nuisance created by an "industrial use" zone Yes No
 - Whether the Property is located within 1 mile of a former federal or state ordnance location (In general, an area once used for military training purposes that may contain potentially explosive munitions.) Yes No
 - Whether the Property is a condominium or located in a planned unit development or other common interest subdivision Yes No

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SPQ REVISED 6/23 (PAGE 1 OF 4)

Buyer's Initials

AS MB

Seller's Initials X

Ac AK



SELLER PROPERTY QUESTIONNAIRE (SPQ PAGE 1 OF 4)

Written Record

- H. Insurance claims affecting the Property within the past 5 years
I. Matters affecting title of the Property
J. Plumbing fixtures on the Property that are non-compliant plumbing fixtures as defined by Civil Code § 1101.3
K. Material facts or defects affecting the Property not otherwise disclosed to Buyer

7. REPAIRS AND ALTERATIONS:

ARE YOU (SELLER) AWARE OF...

- A. Any alterations, modifications, replacements, improvements, remodeling or material repairs on the Property
B. Any alterations, modifications, replacements, improvements, remodeling, or material repairs to the Property done for the purpose of energy or water efficiency improvement or renewable energy?
C. Ongoing or recurring maintenance on the Property
D. Any part of the Property being painted within the past 12 months
E. Whether the Property was built before 1978

Explanation: See Addendum A to SPQ for List of Improvements made Western Exterminators come every other month.

8. STRUCTURAL, SYSTEMS AND APPLIANCES:

ARE YOU (SELLER) AWARE OF...

- A. Defects in any of the following (including past defects that have been repaired): heating, air conditioning, electrical, plumbing
B. The leasing of any of the following on or serving the Property: solar system, water softener system, water purifier system, alarm system, or propane tank(s)
C. An alternative septic system on or serving the Property

Explanation: Replaced Water Heater in 2022, New Furnace in 2023, New Attic Insulation in 2019, New Washing Machine 2023

9. DISASTER RELIEF, INSURANCE OR CIVIL SETTLEMENT:

ARE YOU (SELLER) AWARE OF...

Financial relief or assistance, insurance or settlement, sought or received, from any federal, state, local or private agency, insurer or private party, by past or present owners of the Property, due to any actual or alleged damage to the Property arising from a flood, earthquake, fire, other disaster, or occurrence or defect, whether or not any money received was actually used to make repairs

If yes, was federal flood disaster assistance conditioned upon obtaining and maintain flood insurance on the Property

(NOTE: If the assistance was conditioned upon maintaining flood insurance, Buyer is informed that federal law, 42 USC 5154a requires Buyer to maintain such insurance on the Property and if it is not, and the Property is damaged by a flood disaster, Buyer may be required to reimburse the federal government for the disaster relief provided.)

Explanation:

10. WATER-RELATED AND MOLD ISSUES:

ARE YOU (SELLER) AWARE OF...

- A. Water intrusion, whether past or present, into any part of any physical structure on the Property; leaks from or in any appliance, pipe, slab or roof; standing water, drainage, flooding, underground water, moisture, water-related soil settling or slippage, on or affecting the Property
B. Any problem with or infestation of mold, mildew, fungus or spores, past or present, on or affecting the Property
C. Rivers, streams, flood channels, underground springs, high water table, floods, or tides, on or affecting the Property or neighborhood

Explanation: Leak in Kitchen from Roof next to Skylite Repaired Jan. 2023.

11. PETS, ANIMALS AND PESTS:

ARE YOU (SELLER) AWARE OF...

- A. Past or present pets on or in the Property
B. Past or present problems with livestock, wildlife, insects or pests on or in the Property
C. Past or present odors, urine, feces, discoloration, stains, spots or damage in the Property, due to any of the above
D. Past or present treatment or eradication of pests or odors, or repair of damage due to any of the above

Explanation: We have dogs.

12. BOUNDARIES, ACCESS AND PROPERTY USE BY OTHERS:

ARE YOU (SELLER) AWARE OF...

- A. Surveys, easements, encroachments or boundary disputes

SPQ REVISED 6/23 (PAGE 2 OF 4)

Buyer's Initials

Handwritten initials AS, MB

Seller's Initials

Handwritten initials AC, HW

SELLER PROPERTY QUESTIONNAIRE (SPQ PAGE 2 OF 4)



Written Record

- B. Use or access to the Property, or any part of it, by anyone other than you, with or without permission, for any purpose, including but not limited to, using or maintaining roads, driveways or other forms of ingress or egress or other travel or drainage Yes No
- C. Use of any neighboring property by you Yes No

Explanation: Eastern Sierra Propane Refills Propane Tank

13. LANDSCAPING, POOL AND SPA:

ARE YOU (SELLER) AWARE OF...

- A. Diseases or infestations affecting trees, plants or vegetation on or near the Property Yes No
- B. Operational sprinklers on the Property Yes No
 - (1) If yes, are they automatic or manually operated.
 - (2) If yes, are there any areas with trees, plants or vegetation not covered by the sprinkler system Yes No
- C. A pool heater on the Property Yes No
 - If yes, is it operational? Yes No
- D. A spa heater on the Property Yes No
 - If yes, is it operational? Yes No
- E. Past or present defects, leaks, cracks, repairs or other problems with the sprinklers, pool, spa, waterfall, pond, stream, drainage or other water-related decor including any ancillary equipment, including pumps, filters, heaters and cleaning systems, even if repaired Yes No

Explanation:

14. CONDOMINIUMS, COMMON INTEREST DEVELOPMENTS AND OTHER SUBDIVISIONS: (IF APPLICABLE)

ARE YOU (SELLER) AWARE OF...

- A. Property being a condominium or located in a planned unit development or other common interest subdivision... Yes No
- B. Any Homeowners' Association (HOA) which has any authority over the subject property... Yes No
- C. Any "common area" (facilities such as pools, fitness centers, walkways, conference rooms, or other areas co-owned in undivided interest with others) Yes No
- D. CC&R's or other deed restrictions or obligations Yes No
- E. Any pending or proposed dues increases, special assessments, rules changes, insurance availability issues, or litigation by or against or fines or violations issued by a Homeowner Association or Architectural Committee affecting the Property Yes No
- F. CC&R's or other deed restrictions or obligations or any HOA Committee that has authority over improvements made on or to the Property Yes No
 - (1) If Yes to F, any improvements made on or to the Property inconsistent with any declaration of restrictions or HOA Committee requirement Yes No
 - (2) If Yes to F, any improvements made on or to the Property without the required approval of an HOA Committee Yes No

Explanation:

15. TITLE, OWNERSHIP, LIENS, AND LEGAL CLAIMS:

ARE YOU (SELLER) AWARE OF...

- A. Other than the Seller signing this form, any other person or entity with an ownership interest Yes No
- B. Leases, options or claims affecting or relating to title or use of the Property Yes No
- C. Past, present, pending or threatened lawsuits, settlements, mediations, arbitrations, tax liens, mechanics' liens, notice of default, bankruptcy or other court filings, or government hearings affecting or relating to the Property, Homeowner Association or neighborhood Yes No
- D. Features of the property shared in common with adjoining landowners, such as walls, fences and driveways, whose use or responsibility for maintenance may have an effect on the subject property... Yes No
- E. Any encroachments, easements, boundary disputes, or similar matters that may affect your interest in the subject property, whether in writing or not Yes No
- F. Any private transfer fees, triggered by a sale of the Property, in favor of private parties, charitable organizations, interest based groups or any other person or entity. Yes No
- G. Any PACE lien (such as HERO or SCEIP) or other lien on your Property securing a loan to pay for an alteration, modification, replacement, improvement, remodel or material repair of the Property Yes No
- H. The cost of any alteration, modification, replacement, improvement, remodel or material repair of the Property being paid by an assessment on the Property tax bill Yes No

Explanation:

16. NEIGHBORS/NEIGHBORHOOD:

ARE YOU (SELLER) AWARE OF...

- A. Neighborhood noise, nuisance or other problems from sources such as, but not limited to, the following: Neighbors, traffic, parking congestion, airplanes, trains, light rail, subway, trucks, freeways, buses, schools, parks, refuse storage or landfill processing, agricultural operations, business, odor, recreational facilities, restaurants, entertainment complexes or facilities, parades, sporting events, fairs, neighborhood parties, litter, construction, air conditioning equipment, air compressors, generators, pool equipment or appliances, underground gas pipelines, cell phone towers, high voltage transmission lines, or wildlife Yes No

SPQ REVISED 6/23 (PAGE 3 OF 4)

Buyer's Initials

Handwritten initials: MB

Seller's Initials x

Handwritten initials: AC, HW



SELLER PROPERTY QUESTIONNAIRE (SPQ PAGE 3 OF 4)

Written Record

B. Any past or present disputes or issues with a neighbor which might impact the use, development and enjoyment of the Property
Explanation:

17. GOVERNMENTAL:

ARE YOU (SELLER) AWARE OF...

- A. Ongoing or contemplated eminent domain, condemnation, annexation or change in zoning or general plan that applies to or could affect the Property
B. Existence or pendency of any rent control, occupancy restrictions, improvement restrictions or retrofit requirements that apply to or could affect the Property
C. Existing or contemplated building or use moratoria that apply to or could affect the Property
D. Current or proposed bonds, assessments, or fees that do not appear on the Property tax bill that apply to or could affect the Property
E. Proposed construction, reconfiguration, or closure of nearby Government facilities or amenities such as schools, parks, roadways and traffic signals
F. Existing or proposed Government requirements affecting the Property (i) that tall grass, brush or other vegetation be cleared; (ii) that restrict tree (or other landscaping) planting, removal or cutting or (iii) that flammable materials be removed
G. Any protected habitat for plants, trees, animals or insects that apply to or could affect the Property
H. Whether the Property is historically designated or falls within an existing or proposed Historic District
I. Any water surcharges or penalties being imposed by a public or private water supplier, agency or utility; or restrictions or prohibitions on wells or other ground water supplies
J. Any differences between the name of the city in the postal/mailling address and the city which has jurisdiction over the property

Explanation:

18. OTHER:

ARE YOU (SELLER) AWARE OF...

- A. Any occupant of the Property smoking or vaping any substance on or in the Property, whether past or present
B. Any use of the Property for, or any alterations, modifications, improvements, remodeling or material change to the Property due to, cannabis cultivation or growth
C. Any past or present known material facts or other significant items affecting the value or desirability of the Property not otherwise disclosed to Buyer

Explanation:

19. (X) (IF CHECKED) ADDITIONAL COMMENTS: The attached addendum contains an explanation or additional comments in response to specific questions answered "yes" above. Refer to line and question number in explanation.

Seller represents that Seller has provided the answers and, if any, explanations and comments on this form and any attached addenda and that such information is true and correct to the best of Seller's knowledge as of the date signed by Seller. Seller acknowledges (i) Seller's obligation to disclose information requested by this form is independent from any duty of disclosure that a real estate licensee may have in this transaction; and (ii) nothing that any such real estate licensee does or says to Seller relieves Seller from his/her own duty of disclosure.

Seller X Annelise Collins Date 7/12/23
Seller X Hector Mercado Date 7/12/23

By signing below, Buyer acknowledges that Buyer has read, understands and has received a copy of this Seller Property Questionnaire form.

Buyer Date 7/18/2023
Buyer Marcia Binnendyk Date 7/18/2023

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Written Record

From: Jenifer Castaneda
To: Cathreen Richards; Ryan Smith-Standridge; Grace Weitz
Subject: Revocation Hearing Friday September 21st
Date: Tuesday, September 19, 2023 12:34:01 PM

Blue Sky Real Estate

Jenifer Castaneda Owner/Broker
PO Box 751
Lone Pine, CA 93545
760 920-3535
jen@BlueSkyLonePine.com

September 19, 2023

Inyo County Planning Department

Kathreen Richards
Ryan Smith-Stanbridge

Inyo County Counsel

Grace Weitz

Subject: Opposition to the Revocation of Short-Term Rental Permit. Hearing set for September 21, 2023, regarding 500 Alabama Drive, Lone Pine, CA 93545

I am writing this letter in my capacity as a real estate broker who has represented the seller when she purchased the property, the new current owners in this recent purchase, and in the past, I have represented on several purchases, the neighbor that raised concerns regarding the property located at 500 Alabama Drive. Having worked with each party involved, my goal is to highlight the unique situation in this case and advocate for a fair and equitable solution.

It is indisputable that Annelise Collins, the previous owner, violated her permit, a fact she admits. Prior to the sale of the property, I, as the real estate broker, ensured that the prospective buyers were aware of the permit's limitations – specifically, that it was a hosted permit for a one-bedroom, one-bath unit on the property.

It is questionable that Ms. Cheryl Howerton only brought her concerns to the planning department after learning of the property's impending sale. While her emails suggest that she had grievances dating back approximately 11 months, she initiated formal action with the County only upon discovering the property's sale, seemingly on a fast track to have the permit revoked.

Knowing each of the parties, I took the initiative to meet with Cheryl personally, seeking to understand her concerns. During our 45-minute conversation on August 16th, Cheryl explained her issues, which I found to be valid. I assured Cheryl that the new buyers, Steve and Marcia, were great like-minded individuals, and that they had not yet made up their minds about short-term or long-term rentals. In an effort to bolster friendly neighborly relations, I proposed a meeting between Cheryl, her husband Jan, Steve, Marcia, and myself. My familiarity with all parties led me to believe that they could establish a harmonious neighborly connection.

On August 20th, we all met at Cheryl's residence for a 2.5-hour discussion. Each participant

Written Record

shared personal histories and how they came to Lone Pine. It was very pleasant. Steve and Marcia expressed empathy for Cheryl's concerns and unequivocally stated their intention to abide by the permit's restrictions. Cheryl called me afterwards and acknowledged that Steve and Marcia are nice people. Strangely, Cheryl did not mention her contact with the County, where they had visited the property to verify the presence of a "host" just two days prior. The omission of this detail remains unclear to me.

Surprisingly, only four days after our meeting on August 24th, I received the Notice of Intent to Revoke the Permit. Subsequently, on September 6th, escrow closed, and Steve and Marcia took ownership of the property.

Had the property not changed hands, I would not contest the permit's revocation. However, it seems unjust to strip the current owners of a permit they have not violated and are committed to following diligently, which also rectifies the issues Cheryl faced. Conversely, if the buyers decide to use the property for long-term rentals, a situation with fewer restrictions on things such as smoking, drones, fire pits, and noise the issues that Cheryl was having could more easily continue. Consequently, maintaining the permit is the most advantageous solution for all parties involved.

The buyers understand how swiftly actions are taken in the event of rule violations. They should be afforded the opportunity to operate within the scope of the permit's regulations. Revoking a permit from an owner who has zero violations is unjust.

I have diligently pursued solutions to address Ms. Howerton's concerns. Revoking the permit would not resolve these issues, as many of her complaints pertain to actions that would be allowed under a long-term rental arrangement.

This situation is unique: a complaint was filed, and the property was sold before the revocation was approved. Consequently, it warrants a fair and equitable resolution. Retaining the permit and allowing the owners to adhere to its rules is the only fair solution.

I am thankful for your consideration of this matter and the uniqueness of the circumstances.

Sincerely,

Jenifer Castaneda

Jenifer Castaneda

Blue Sky Real Estate
760 920-3535 Cell
139 N. Jackson St
PO Box 751
Lone Pine, CA 93545
760 876-1000
760 875-6038 fax
Jen@BlueSkyLonePine.com

Exhibit B



Inyo County 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

Order After Hearing Regarding
Revocation/Modification Proceedings for Permit HSTR 2021-16/Collins

On September 21, 2023 at 10:00 am and pursuant to Inyo County Code 18.73.070, a Hearing was held before Cathreen Richards, Inyo County Planning Director (“the Director”), regarding the revocation / modification of Permit HSTR 2021-16/Collins (“the Permit”). This Hearing was held following an August 24, 2023 Notice that set out various alleged violations of the Permit. The purpose of the Hearing was to permit any interested party to present evidence that would tend to disprove the evidence presented in the August 24 Notice and/or that would convince the Director not to revoke the Permit.

Present at this hearing were: Cathreen Richards (Planning Director / Hearing Officer), Ryan Smith-Standridge (Associate Planner), Grace Weitz (Deputy County Counsel), Steve Schuster (current owner of 500 Alabama Drive), Annelise Collins (former owner of 500 Alabama Drive), and Jenifer Castaneda (real estate agent representing Mr. Schuster in his purchase of the Property). Ms. Weitz and Ms. Smith-Standridge did not participate in the hearing.

Prior to the hearing, Ms. Collins, Mr. Schuster, and Ms. Castaneda submitted written responses to the August 24 Notice. These written responses and the August 24 Notice form the written record, which was available to all parties at the Hearing.

The August 24 Notice contained allegations that Ms. Collins was operating a short-term rental (“STR”) located at 500 Alabama Drive in Lone Pine, CA (“the Property”) in violation of the Permit. Specifically, the evidence suggested that Ms. Collins was operating the STR as an un-hosted STR even though the Permit required a host to be on site at all times while guests are present at the STR.

The written submissions and testimony did not contest the fact that Ms. Collins was operating the STR in violation of her permit. Specifically:

- Ms. Collins emailed the Planning Department on August 30 and stated “We will not be contesting or rebutting that we have been in violation of the terms [of the Permit] in the past.” (Written Record (“WR”) at p. 29.)
- Ms. Castaneda’s written submission stated “it is indisputable that Annelise Collins, the previous owner, violated her permit.” (WR at p. 44.)
- At the hearing, Ms. Collins testified under oath that she had a “loose” interpretation of what it meant to have a hosted STR.

Therefore, I take it to be an undisputed fact that, pursuant to Inyo County Code section 18.73.070(B)(1)(a)(ii), Ms. Collins operated the STR in violation of the terms of the Permit and the Inyo County Code.

Exhibit B

While the Parties did not contest Ms. Collins' violation, they argued that 1) the new owners, Mr. Schuster and Ms. Binnendyk, should not be punished for Ms. Collins' actions and 2) that this is a unique situation because the revocation proceedings began while Mr. Schuster and Ms. Binnendyk were in escrow to buy the Property from Ms. Collins.¹

Specifically, Mr. Schuster argued that it would be unfair to revoke the Permit because he was effectively "trapped" and could not back out of escrow. I do not find this argument persuasive. First, in his written submission, Mr. Schuster stated that he was informed that a neighbor had complained to the County about the operation of the STR on August 15, 2023 and that he closed escrow until September 5, 2023.² (WR at pp. 34-35.) Twenty-one days is ample time for Mr. Schuster to consider whether he wanted to back out of the purchase. While he may suffer some financial consequences for backing out of escrow, the proper remedy there would be to pursue damages from Ms. Collins, who apparently failed to disclose that she was violating the Permit on the real estate disclosure forms. Second, Mr. Schuster's written submission stated that he received a "significant price adjustment" because of the pending revocation proceedings. (WR at p. 35.) This demonstrates that these revocation proceedings were not a surprise to Mr. Schuster and that he was able to respond in a manner that protected his financial interests.

From a legal perspective, STR permits in Inyo County are land use permits that run with the land. This means that, when property changes hands, the new owner does not need to reapply for a new STR permit if the old owner already has a valid permit. This also means that a new owner is responsible for the violations of the old owner even if the new owner had nothing to do with the old owner's violations. This is a double-edged sword for buyers of land that has a STR permit attached. On the one hand, it saves buyers from having go through an application process³; on the other hand, it means that buyers may suffer the consequences of a former owner's misdeeds.

Considering both the facts and the law—and taking into account the unique situation here where a violation arose during escrow—I find that revocation of the Permit is supported by the facts and the law. It is undisputed that Ms. Collins violated the terms of the Permit by operating the STR without a host present. Mr. Schuster knew of these violations prior to closing escrow, received compensation for the uncertainty associated with the pending proceedings, and chose to close escrow anyway. **Accordingly, Permit HSTR 2021-16/Collins is hereby revoked. Absent the filing of an appeal, all rentals of less than 30 days must immediately cease at 500 Alabama Drive.**

Finally, I would like to briefly address an argument raised by various parties at the Hearing that Cheryl Howerton, the complaining neighbor, was required to approach Ms. Collins with her

¹ Per Mr. Schuster, escrow opened in July 2023 and closed on September 5, 2023. The Planning Department first informed Ms. Collins of potential revocation proceedings on August 16 and sent a formal notice on August 24.

² This is in contradiction to Mr. Schuster's testimony at the hearing, where he stated repeatedly that he found out about the revocation proceedings 1 or 1.5 days before closing escrow. I find that this contradiction calls into question Mr. Schuster's credibility as a witness, as this issue of timing goes to the heart of Mr. Schuster's fairness arguments.

³ Given that Inyo County currently has a moratorium in place for new STR permit applications, permits that run with the land are especially beneficial because it is not possible to apply for a new STR permit until the Board of Supervisors votes to lift the moratorium.

Exhibit B

complaints prior to going to the Planning Department. As a legal matter, this is not accurate. While Inyo County Code section 18.73.080 states that complaints "will generally be directed to the owner," there is no firm requirement that a complaining party confront the owner. As a factual matter, Ms. Howerton repeatedly contacted Ms. Collins about problems with the STR. (WR pp. 1-2, 14.) Therefore, I do not find this argument persuasive.

You have a right to appeal this decision to the Inyo County Planning Commission. Please consult Section 18.81.270, *et seq.* of the Inyo County Code for details on how to appeal this decision. You have 15 days from service of this Order to file an appeal.

Date: 9/26/2023

By: 
Cathreen Richards
Planning Director

Exhibit B

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PROOF OF SERVICE

I, **Mallory Watterson**, am employed in the County of Inyo, over the age of 18 years and not a party to the within entitled action. My business address is 224 N. Edwards Street, P.O. Box M, Independence, CA 93526.

On, **September 27, 2023**, I served the foregoing document(s) described as:

**Order After Hearing Regarding
Revocation/Modification Proceedings for Permit HSTR 2021-16/Collins**

on all parties in said action as shown below:

**Steve Schuster and Marcia Binnendyk
500 Alabama Dr.
Lone Pine, CA 93545
homesweetprop@gmail.com**

**Coldwell Banker
Attn: Annelise Collins
1608 Montana Ave.
Santa Monica, CA 90403
annelisecollins3@gmail.com**

**Blue Sky Realty
Attn: Jenifer Castaneda
124 N. Main St.
Lone Pine, CA 93545
jen@BlueSkyLonePine.com**

(By Mail) I personally deposited said envelope(s) with the United States Postal Service at Bishop, California with first class postage thereon fully prepaid.

(By Express Mail/Overnight Delivery) I caused such envelope to be delivered by hand to the office of the addressee via Express Mail overnight delivery of the U.S. Postal Service pursuant to C.C.P. § 1013(c), with delivery fees fully prepaid.

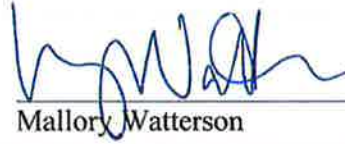
(By email) By emailing a true copy to party(ies) listed.

(By Personal Service) I caused such envelope(s) to be delivered personally to the office(s) of addressee(s).

Exhibit B

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Dated: 09/27/2023



Mallory Watterson

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Exhibit C

NOTICE OF APPEAL

10/10/2023

Inyo County Clerk of the Board
P.O. Drawer N
Independence, CA 93526

RECEIVED
OCT 18 2023
Inyo County Administrator
Clerk of the Board

To: Inyo county Clerk of the Board:

This letter shall serve as a notice of appeal from the Order After Hearing Regarding Revocation/Modification Proceeding for Permit HSTR 2021-16/Collins. The hearing was held on September 21, 2023 at 10:00 am.

The required \$300.00 fee is enclosed.

I intend to submit a supporting statement before the appeal is heard. It is my contention that the decision of the Planning Department regarding enforcement was partially based on an incorrect interpretation of the code which clearly states that land use permits run with the land.

I can be reached by mail at 327 N Sunset Avenue, West Covina, CA 91790 or by phone at (213) 281-1296. My email is homesweetprop@gmail.com.

Thank you for your attention to this matter.

Sincerely,



Steve Schuster

Current Owner
500 Alabama Drive Lone Pine

300⁰⁰ check enclosed

Exhibit D



**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**

PUBLIC HEARING NOTICE

NOTICE IS HEREBY GIVEN the Inyo County Planning Commission will hold public hearings Wednesday, November 15th at 10:00 a.m. in the Board of Supervisors Room, County Administrative Center, 224 N. Edwards Street, Independence, to consider the following:

Appeal 2023-01/Revocation of Short-term Rental Permit #2021-06/Collins

The appellant has submitted an appeal of the Planning Director decision to revoke Short-term Rental Permit #2021-06/Collins. This decision is being appealed to the Planning Commission, per ICC Section 18.73.070. Staff recommends denial of the appeal. This action is Exempt from the California Environmental Quality Act (CEQA) by 15321 - Enforcement Actions by Regulatory Agencies.

Please contact the Inyo County Planning Department if you have any questions regarding this hearing at the Courthouse Annex, in Independence during business hours, or phone (760) 878-0263.

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PROOF OF SERVICE

I, **Mallory Watterson**, am employed in the County of Inyo, over the age of 18 years and not a party to the within entitled action. My business address is 224 N. Edwards Street, P.O. Box M, Independence, CA 93526.

On, **OCTOBER 26, 2023**, I served the foregoing document(s) described as:

on all parties in said action as shown below:

**Scott Schuster
500 Alabama Drive
Lone Pine, CA 93545**

(By Mail) I personally deposited said envelope(s) with the United States Postal Service at Independence, California with first class postage thereon fully prepaid.

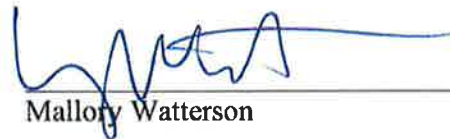
(By Express Mail/Overnight Delivery) I caused such envelope to be delivered by hand to the office of the addressee via Express Mail overnight delivery of the U.S. Postal Service pursuant to C.C.P. § 1013(c), with delivery fees fully prepaid.

(By email) By emailing a true copy to party(ies) listed.

(By Personal Service) I caused such envelope(s) to be delivered personally to the office(s) of addressee(s).

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Dated: 10/26/2023



Mallory Watterson