

Agenda

County of Inyo Planning Commission

Board of Supervisors Room
Inyo County Administrative Center
Independence, California

FRANK STEWART
CAITLIN (KATE) J. MORLEY
TODD VOGEL
SCOTT STONER
SCOTT KEMP

CATHREEN RICHARDS
PAULA RIESEN
MICHAEL ERRANTE
CLINT QUILTER
JOHN VALLEJO

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

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

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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).

January 22, 2020

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. **APPROVAL OF MINUTES** – Approval of minutes from the November 6, 2019 Planning Commission Meeting.
5. **NOMINATION & ELECTION OF CHAIR PERSON** – The Commission will accept nominations for chair-person for 2020 and hold election.

Action
Item

Action
Item

Action Item 6. **NOMINATION & ELECTION OF VICE CHAIR PERSON** – The Commission will accept nominations for vice-chair-person for 2020 and hold election

Action Item Public Hearing 7. **ROUND VALLEY BRIDGE** - The Inyo County Planning Commission will consider approval of a Mitigated Negative Declaration/Initial Study (MND/IS) for the proposed North Round Valley Road Bridge Replacement Project, which would involve the replacement of County Bridge 48C-0044, which was heavily damaged during storm run-off in the spring of 2017. The bridge is located approximately 12 miles northwest of Bishop, California.

Action Item Public Hearing 8. **CUP-2019-18/INYO MONO ADVOCATES FOR COMMUNITY ACTION (IMACA)** - IMACA is applying to establish and operate a Safe Parking Project where certain qualifying people experiencing homelessness can park in up to 15 parking spaces from 7:00 p.m. to 7:00 a.m. The parking spaces are located on the west side of the Church of the Nazarene at 900 W. Line Street, on property zoned Highway Services and Tourist Commercial and designated Retail Commercial with an Assessor Parcel Number (APN) of 011-380-17. The vehicle occupants will use the restroom at the administrative office building. The project qualifies for a Class 3 exemption (Conversion of small structures) from CEQA.

Action Item Public Hearing 9. **CUP-2019-15/COPPER TOP** - The applicant has applied for a Conditional Use Permit and met the requirements for a CUP. The applicant is seeking approval for outdoor seating and parking adjacent to the planned restaurant. The project is located at 442 N. Main Street in Big Pine. This outdoor seating project is permitted as a conditional use, following approval from the Inyo Planning Commission.

Action Item Public Hearing 10. **CONDITIONAL USE PERMIT-2019-12/LACKNER** - The applicants have submitted an application for a Conditional Use Permit to allow the construction of an addition to an existing nonconforming residence located 1327 Birchim Lane, in the community of Wright's 40 Acres. The applicants submitted an application for the CUP based on Inyo County Code Section 18.78.240. This project is Exempt from CEQA

Action Item Public Hearing 11. **CONDITIONAL USE PERMIT-2019-14/INDY PLACE** - This project involves a proposal to establish outdoor seating for seasonal ice cream shop. The applicant estimates the ice cream shop/food establishment operation will be April through October with regular hours of operation, between 10:00 a.m. and 4:00 p.m., Thursday through Monday.

Action Item Public Hearing 12. **CONDITIONAL USE PERMIT-2019-11/DEEP SPRINGS COLLEGE** - The applicant, Deep Springs College, has applied for a CUP to: make the college compliant with the Inyo County Code 18.12

(Open Space); and to replace faculty housing partially lost due a renovation, with a new triplex. The college has been operating at the same location since 1917 and is a grandfathered use as it was established before the County's zoning code. Any changes or expansions do, however, require a CUP. By obtaining the CUP the college can continue the current use as a college, which is considered a public/quasi-public use, and make the proposed improvements. The triplex will house permanent and visiting faculty.

**Action
Item
Public
Hearing**

13. **VARIANCE-2019-02/LOVINGIER** - The applicant, Lonnie Lovinger has applied for a variance for a single-family dwelling to encroach 15-foot into the required 25-foot front yard setback for a 180-square-foot storage garage addition on a property zoned One Family Residences, with a 10,000-sq-ft minimum (R1-10,000) that is located at 258 Brook Lane, in the community Aspendell.

**Action
Item
Public
Hearing**

14. **NON-HOSTED SHORT TERM RENTAL PERMIT- 2019-10/CARLETON & NIOCHE** - The applicant has applied for a Non-hosted Short-Term Vacation Rental Permit. The applicant has met all requirements, and been approved by the Planning Department, for a Hosted Short-Term Vacation Rental Permit. The applicant is also seeking a Non-hosted Short-Term Rental Permit, with approval from the Planning Commission.

**Action
Item
Public
Hearing**

15. **NON-HOSTED SHORT TERM RENTAL PERMIT- 2019-13/STEWART & JAEGER** - The applicant has applied for a Non-hosted Short-Term Vacation Rental Permit. The applicant has met all requirements, and been approved by the Planning Department, for a Hosted Short-Term Vacation Rental Permit. The applicant is also seeking a Non-hosted Short-Term Rental Permit, with approval from the Planning Commission.

**Action
Item
Public
Hearing**

16. **NON-HOSTED SHORT TERM RENTAL PERMIT-2019-05/SCHWARTZ** - The applicant has applied for a Non-hosted Short-Term Rental permit, located at 255 Sara Lane, in Big Pine. This permit is required for the applicant to begin renting residential space for periods of 30-days or less, and to achieve compliance with Inyo County Code Chapter 18.73. This project is Exempt from CEQA.

**Action
Item
Public
Hearing**

17. **NON-HOSTED SHORT TERM RENTAL PERMIT-2019-11/KOKX** – The applicant has applied for a Non-hosted Short-Term Rental permit, located at 665 E. Inyo Street, in Lone Pine. This permit is required for the applicant to begin renting residential space for periods of 30-days or less, and to achieve compliance with Inyo County Code Chapter 18.73. This project is Exempt from CEQA.

**Action
Item
Public
Hearing**

18. **UPDATE ON SHORT TERM RENTAL ORDINANCE** - Based on direction from the Board of Supervisors, staff is recommending updates to the County's Short-term Rental of Residentially Zoned Property ordinance to add stricter penalties for violations, allow for them in the R2 zone, new permitting requirements, and to eliminate the Non-hosted Short-term Rental Permit.

COMMISSIONERS' REPORT/COMMENTS

Commissioners to give their report/comments to staff.

PLANNING DIRECTOR'S REPORT

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

CORRESPONDENCE – INFORMATIONAL

COUNTY OF INYO

PLANNING COMMISSION

MINUTES OF NOVEMBER 06, 2019 MEETING

COMMISSIONERS:

FRANK STEWART
CAITLIN (KATE) J. MORLEY
TODD VOGEL
SCOTT STONER
SCOTT KEMP

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SECOND DISTRICT
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FOURTH DISTRICT
FIFTH DISTRICT

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COUNTY COUNSEL
SENIOR PLANNER
ASSOCIATE PLANNER
ASSISTANT PLANNER
COUNTY ADMINISTRATOR
PUBLIC WORKS DIRECTOR

The Inyo County Planning Commission met in regular session on Wednesday, November 6, 2019, in the Administration Building, in Independence, California. Commissioner Stewart opened the meeting at 10:00 a.m.
These minutes are to be considered for approval by the Planning Commission at their next scheduled meeting.

ITEM 1: **PLEDGE OF ALLEGIANCE** – All recited the Pledge of Allegiance at 10:00 a.m.

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

Staff present: Cathreen Richards, Planning Director; Steve Karamitros, Senior Planner; Paula Riesen, Project Coordinator and John Vallejo, County Counsel.

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

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

Chair Stewart opened the Public Comment Period at 10:02 A.M. There was no one from the public who wished to comment on any planning subject that was not scheduled on the Agenda. Chair Stewart closed the public comment period at 10:02 A.M.

ITEM 4: **APPROVAL OF MINUTES (Action Item)** – Approval of the Minutes from September 25, 2019, meeting of the Planning Commission.

MOTION: Moved by Commissioner Vogel and seconded by Commissioner Morley to approve the Minutes, from August 28, 2019.

The Motion passed 4-0 at 10:03 a.m.

ITEM 5: **ZTA-2019-03 INYO COUNTY CANNABIS UPDATE (Action Item)** - The County of Inyo is proposing to amend sections of the County Zoning Ordinance, set forth in Title 18 of the Inyo County Code, to amend, to add sales exclusively by delivery, with the licensed premises being closed to the public to Commercial Cannabis Activities. This project is Exempt from CEQA under the General Rule.

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

MOTION: Chair Stewart motioned to approve the Resolution with the recommended findings 1- 3 and was seconded by Commissioner Stoner and was signed by Chair Stewart.

The Motion passed 4-0 at 10:06 a.m.

ITEM 6: **OLANCHA CARTAGO CORRIDOR STUDY** - On August 28, the Planning Commission received a presentation of the draft Olancha Cartago Corridor Study, from *Alta Planning + Design*. This study is funded by an SB-1 “Sustainable Communities Grant,” awarded to the County in December 2017. This study provides ideas about how to revitalize and develop this area, as well as outlining how to achieve community cohesion through multimodal transit within the Olancha and Cartago communities. This will be a crucial tool for future planning in the area, especially with the planned US 395 bypass of these communities.

James Powell from Alta Planning + Design gave a presentation explaining the project highlights including that the North area was the busiest. The Central section contains the 190 loop with proposed bird watching and nature area. The Southern section is where the motels and the art in location.

Chair Stewart welcomed the public to comment on the proposed Plan.

- Linda Chaplin wanted to reiterate that the birdwatching was very popular for this area and there is a birdwatching festival that happens.

Chair Stewart closed public comment at 10:21 a.m.

Chair Stewart thanked Mr. Powell for the presentation of the details of the finals stage of The Olancha Cartago Corridor Study.

ITEM 7: **AMENDMENT TO CONDITIONAL USE PERMIT 2005-04/MASON-** The applicant and property owner, Donna Mason, has operated a kennel at this location for several years under the approved conditional use permit. She is requesting an amendment to her conditional use permit, which is required to change the kennel's operator and to house up to a maximum of twenty-five (25) at any one time. The project is Exempt from CEQA.

Chair Stewart recused himself from this item because he lives in the area.

Ms. Standridge, Assistant Planner, presented the staff report. She stated that she had received 44 letters in response to this amendment, 41 in favor and 3 opposed. An additional conditions to the permit include that due to the drop off location being noisy for neighbor's they have relocated it and it seems to be working better for everyone. The new location is a condition of approval. Commissioner Morley stated that she had been approached and asked what would happen if the property every got sold, would the existing CUP still be valid for the new owners? Planning Director Cathreen Richards responded that if the property was sold the new owners would have to submit a new Conditional Use Permit because of the condition in this particular permit. Without the particular condition, conditional use permits run with the land.

Vice Chair Vogel opened the Public Hearing at 10:24 a.m.

- Kathrin Erickson was the first to speak in support of the family run kennel. There was a very sick patient who did not want to go to the hospital because they did not want to leave their dog, but was put into the hospital because they were very sick and they placed the dog at the kennel. The people at the kennel brought the dog to see their owner and to say goodbye. What a great gift to that patient.
- Summer Frasier was the next to speak. Her dog loves going to kennel and does not want to go home when she comes to pick up, her dog is second time rescue.
- Tanya Lock from Mammoth and says her dog loves the kennel and they are like family to them and in support of the kennel.
- Brent Allan is in support of the kennel and he does not feel guilty when he has to bring his dog, it is an amazing place.
- Diane Brown has used the kennel for 20 years and always has a piece of mind when bringing her dog there as she does not have to worry that her dog is well taken care of, and what a great service they provide.
- Nancy Wymaster has been going there for 10 years she loves the kennel and Donna.
- Lil Garic is a vet and was very concerned with taking her dog anywhere and

her dog loves the place and is well taken care of and the dogs have their own house, so they all stay together, great place.

- Lastly, one of the owners, Judy, spoke and said they are sensitive to the noise and that is why they moved the drop off location.

Owners Aly and Donna did not wish to make a comment.

With no one else in the audience wishing to comment; Vice Chair Vogel closed the hearing at 10:45 a.m.

Vice-chair Vogel stated that the conditions seem appropriate at this time.

1. The previous CUP permit would be null and void if property was sold.
2. Maximum of 25 dogs.
3. Quiet time from 9 p.m. to 7 a.m.
4. Drop off locations has been relocated to Birchim Lane within 6 months.

Commissioner Scott Kemp addressed the audience and stated how nice it was to see and hear the positive responses about the kennel from the public. Thank you.

MOTION: Vice-chair Vogel made a motion to approve with proposed changes from the owners, and with the Findings 1-7 and the Conditions of Approval 1-8, with the exception of keeping the dogs indoors during quiet time, Seconded by Commissioner Kemp.

The Motion passed 3-0 at 10:54 a.m.

Chair Frank Stewart returned to the room.

**ITEM 8: **CONDITIONAL USE PERMIT (CUP) 2019-13/HUNT & ACE PROPANE
- (Action Item)****

Hunt Propane Inc. is requesting a conditional use for storage of propane products under ICC 18.56.04. This project proposes to place a 30,000-gallon liquid propane gas (LPG) tank on the North-East portion of a 1.95-acre parcel of property. This tank would serve as a primary storage tank for customer deliveries in the Bishop area. The project is Exempt from CEQA.

Ms. Ryan Standridge, Assistant Planner, presented the staff report.

Chair Stewart opened the Public Hearing at 10:58 a.m.

No one from the public wished to speak the hearing closed at 10:59 a.m.

MOTION: Chair Stewart made a motion to approve the application and it was seconded by Vice-Chair Vogel to approve findings 1-7 and conditions of approval 1-5, as

provided.

The Motion passed 4-0 at 11:00 a.m.

ITEM 9: **NON-HOSTED SHORT TERM RENTAL PERMIT 2019-08/LEONARD –**
This item was pulled at a late notice.

ITEM 10: **DARK SKIES POLICY DEVELOPMENT –** Staff will conduct a workshop with the Planning Commission regarding issues related to night time light pollution and potential regulation of exterior lighting. This workshop will focus on existing regulation in the California Building Standards and other dark-sky related issues the County may regulate at a local level.

Mr. Tom Schaniel, Associate Planner, presented the Workshop.

Chair Stewart opened the Public Hearing at 11:30 a.m.

- Earl Wilson was the first person to make a comment. He asked everyone at night to look around and see how horrible the lighting conditions are.
- Joanne Lijek has a complaint on her neighbors leaving their porch light on and is concerned there is no lighting enforcement.

Tom again addressed that there is no code enforcement, although there is still standards that have to meet codes.

Chair Stewart thanked Mr. Schaniel on his presentation.

COMMISSIONERS' REPORT/COMMENTS –

Commissioner Kate Morley reported about the CCPCA Conference she attended. The conference centered on the fires and water aftermath since the Chico fires. They took tours of the damaged areas and what it takes to rebuild after a disaster. They were focusing on 24 specific recommendations in case this happens again. Commissioner Morley volunteered to be on a committee for the Central Point area. She was very impressed with the conference and would like to go again.

DIRECTOR'S REPORT –

Ms. Richards said the December Planning Commission was cancelled due to lack of agenda items. The next meeting will be in January and Ms. Riesen will be sending out the 2020 Planning Commission schedule for 2020.

Planning has been very busy and now is losing it's Associate Planner, Tom Schaniel to Great Basin Unified Air Pollution Control District. Thank you for your time here at the County. Also,

1. Forest Plan was submitted and completed

2. Awarded the SB-2 Affordable Housing Grant
3. She is attending a Rural Affordable Housing Conference; she is leaving right after meeting is finished.

ADJOURNMENT –

With no further business, Chair Stewart requested a motion to adjourn the meeting at 11:39 a.m. The next meeting will be January 22, 2020 meeting, at 10:00 a.m. in the Board of Supervisors Room, Administrative Center, Independence, California.

Motion by Chair Stewart to Adjourn.

Seconded by Commissioner Kemp.

Motion passed 4-0.

Prepared by:
Paula Riesen
Inyo County Planning Department

DRAFT



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AGENDA ITEM NO.: 7 (Action Item – Public Hearing)

**PLANNING COMMISSION
MEETING DATE:** February 22, 2020

SUBJECT: Approval of the Mitigated Negative Declaration for the North Round Valley Road Bridge over Pine Creek Bridge Replacement Project

PROJECT INFORMATION

Supervisory District: District 1

Project Applicant: Inyo County Public Works

Community: 40 Acres

Staff Recommended Action: 1.) Approve the Mitigated Negative Declaration

Alternatives:

- 1.) Deny the Mitigated Negative Declaration
- 2.) Approve the Mitigated Negative Declaration with additional conditions of approval
- 3.) Continue the public hearing to a future date, and provide specific direction to staff regarding what additional information and analysis is needed.

Project Manager: Ashley Helms

STAFF ANALYSIS

Background and Overview

The Inyo County Public Works Department (County) proposes the North Round Valley Road Bridge over Pine Creek Bridge Replacement Project (proposed project) which would involve the replacement of County Bridge 48C-0044.

The bridge is currently closed due to high velocity flows that occurred in June and July of 2017 that eroded approximately 50-feet of the south approach roadway behind the abutment. In addition to the eroded south approach, both existing abutment foundations were undermined due to scour, as native soil at this location is highly erodible. Pine Creek now flows behind the south abutment where the approach roadway was washed out. To reduce the future risk of the embankments eroding from high velocity flows, the replacement bridge will need to be significantly longer than the existing bridge. In addition, rock slope protection (RSP) will be used to armor both abutment embankments. The replacement of the existing bridge is being funded through the State of California Governor's Office of Emergency Services (CalOES).

The proposed Project would construct a replacement structure consisting of a single-span, precast/prestressed wide flange girder superstructure on high cantilever abutments founded on cast-in-

drilled-hole concrete piles, approximately 85 feet in length. The existing horizontal and vertical alignments of North Round Valley Road will be maintained. Bridge barriers proposed consist of Caltrans standard California ST-75 open bridge railing. Minimal use of falsework (temporary form-work used to support the concrete until it develops strength) will be necessary within locations of the creek channel. As the proposed project maintains the existing profile grades, the approach roadway work will be limited to reconstructing portions of both approach roadways (roughly 120 feet in each direction).

Environmental Review

County has assessed the potential environmental impacts to replace County Bridge 48C0044, including the demolition of the existing structure. This Mitigated Negative Declaration (MND) has been prepared pursuant to the California Environmental Quality Act (CEQA) based on the assessment presented in the Inyo County North Round Valley Road Bridge over Pine Creek Bridge Replacement Project Initial Study.

The proposed Mitigated Negative Declaration was publicly noticed in the Inyo County Register on December 7th beginning a 30-day review window. The Notice of Availability for the proposed MND was filed on December 19th, 2019 with the Inyo County Recorder's Office. Two comments were received, from California Department of Fish and Wildlife and Los Angeles Department of Water and Power. Both comments were addressed in the Draft Final IS/MND. The public hearing for this environmental document was noticed on February 11th, 2019.

Tribal Consultation

California Assembly Bill 52 requires tribal consultation for any projects requiring a negative declaration, mitigated negative declaration, or environmental impact report. Pursuant to Public Resources Code Section 21080.3.1, Tribes have 30-days, after receiving invitations to consult on the proposed environmental document, to request consultation opportunities. In March 2019, Inyo County Board of Supervisors sent a formal notification to representatives of the eight Native American tribes with traditional or cultural affiliation to the project area: Lone Pine Paiute-Shoshone Tribe, Fort Independence Indian Community of Paiutes, Timbisha Shoshone Tribe, Bishop Paiute Tribe and the Big Pine Paiute Tribe of the Owens Valley, Cabazon Band of Mission Indians, Torres Martinez Desert Cahuilla Indians, and the Twenty Nine Palms Band of Mission Indians. To date, no responses have been received, and no tribes have requested formal consultation or additional information about the proposed project. A records search did not identify any previously reported cultural resources within the project area. One previously unidentified, prehistoric archaeological resource was found during the archaeological field survey. It consists of a moderately sized lithic scatter predominantly containing debitage.

Mitigation Measures:

Mitigation measures have been identified to reduce potentially significant impacts of the project. Implementation of identified mitigation measures would result in avoiding the impact or reducing it to a less than significant level. These measures contain mitigations to ensure protection of special status species potentially present in the project area including the Swainson's hawk, Owens sucker and Owens speckled dace; and ensuring water quality is not negatively impacted by the project. Cultural mitigation measures include installing Environmentally Sensitive Area fencing around portions of archaeological resources, which are outside of the Area of Potential Effect of the project. The project will also require dust and engine emissions control measures. All mitigation measures are described in detail in the IS/MND.

RECOMMENDATION

County staff recommends the approval of the Mitigated Negative Declaration for the North Round Valley Road Bridge over Pine Creek Bridge Replacement Project.

Findings

1. The proposed project is an Initial Study with Mitigated Negative Declaration under CEQA guidelines and the provisions of the California Environmental Quality Act have been satisfied.
[Evidence: Pursuant to Title 14 California Code Regulatory Sections 15000 et seq., the County has performed an Initial Study with a Mitigated Negative Declaration in order to “consult with other County departments, agencies, groups, and individuals, which may provide information and assistance to the Planning Department during this phase of environmental review” (Inyo County Code Section 15.28.030). This document contains the necessary “project description, evaluation of environmental impacts that may be conducted using an environmental checklist supported by sufficient explanations, discussion of any potentially significant impacts and mitigation measures” (Inyo County Code Section 15.28.040).



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AGENDA ITEM NO.: 8 (Action Item – Public Hearing)
PLANNING COMMISSION MEETING DATE: January 22, 2020
SUBJECT: Conditional Use Permit (CUP) 2019-18 / IMACA

EXECUTIVE SUMMARY

The applicant, Inyo-Mono Advocates for Community Action (IMACA), has applied for a CUP to establish and operate a Safe Parking Project at the Church of the Nazarene. This project will permit qualifying people experiencing homelessness to park in up to 15 designated spaces along the west side of the Church property from 7:00 p.m. to 7:00 a.m. The vehicle occupants would have use of the restroom facilities on the east side of the administrative office building during that time only. Vehicle occupants would be provided assistance in the morning to vacate the property safely and they will be connected with any necessary supportive services. IMACA has grant funding to cover all costs associated with the project including site improvements and maintenance.

PROJECT INFORMATION.

Supervisory District: 3

Project Applicant: IMACA

Property Owner: Bishop Church of the Nazarene

Site Address: 900 W. Line Street

Community: Bishop, CA

A.P.N.: 011-380-17

General Plan: Retail Commercial (RC)

Zoning: Highway Services and Tourist Commercial with a 10,000 square feet minimum (C2-10,000)

Size of Parcel: 2.02 acres

Surrounding Land Use:

Location:	Use:	General Plan Designation	Zoning
Site	Bishop Church of the Nazarene	Retail Commercial (RC)	Highway Service & Tourist Commercial – 10,000 square feet minimum (C2-10,000)
North	Northern Inyo Hospital	City of Bishop	City of Bishop
East	Vacant/Open Space. The Bishop FFA School Farm is about 100 yards to the SE	Retail Commercial (RC) and Agriculture (A)	Highway Service & Tourist Commercial – 10,000 square feet minimum (C2-10,000) and Open Space - 40 acre minimum (OS-40)
South	Vacant/Open Space	Agriculture (A)	Open Space - 40 acre minimum (OS-40)
West	Vacant/Open Space. The closest developed property is the Cavalry Baptist Church located about 320 yards away.	Agriculture (A)	Highway Service & Tourist Commercial – 10,000 square feet minimum (C2-10,000) and Open Space - 40 acre minimum (OS-40)

Staff Recommended Action:

1.) Approve the Conditional Use Permit (CUP) 2019-18/IMACA with the Findings and Conditions as identified in the Staff Report, and find the project is exempt under CEQA.

Alternatives:

- 1.) Deny the CUP.
- 2.) Approve the CUP with additional Conditions of Approval.
- 3.) Continue the public hearing to a future date, and provide specific direction to staff regarding what additional information and analysis is needed.

Project Planner:

Courtney Smith

STAFF ANALYSIS

Background and Overview

The applicant has applied for a CUP in the C-2 zone which allows “Public/quasi-public buildings and uses of recreational, religious, cultural or public service nature” as a conditional use (Inyo County Code Section 18.48.030(P)). This project is considered to be a quasi-public use as the project serves the public and is publically funded.

The Safe Parking Project will be operated by IMACA. IMACA will enter into an agreement with the Church of the Nazarene to operate this project on a trial basis. The terms of agreement are listed below because they are important to understanding the details of the project. Staff recommends for the terms of agreement to be incorporated in the conditions of approval of this use permit. The agreement sets forth the following terms:

1. Occupation of up to fifteen (15) parking spaces along the west property line (see Attachment A) of the Church of the Nazarene for a Safe Parking Project operated by IMACA.

2. Designated parking spaces may be occupied from 7:00 p.m. to 7:00 a.m. A trained and experienced case manager or program specialist shall be present to check-in participants and assign parking spaces. Vehicle occupants will be connected with any necessary supportive services.
3. Vehicle occupants and project participants will be required to sign an agreement and comply with Safe Parking Rules and Agreement (see Attachment B).
4. An IMACA Case Manager will be available to respond to any emergencies. A phone number with access to the Case Manager will be provided to vehicle occupants and the Church. Additionally, the Church will have access to IMACA Program Director.
5. The parking area will be monitored by IMACA staff. Upon a determination by the Church or IMACA, staffing may be increased or decreased based on need.
6. IMACA shall be responsible for obtaining any required zoning approvals from the County of Inyo and coordinating with staff from the City of Bishop. The Agency shall also work directly with the Inyo County Sheriff and Bishop Police Chief on any required site security measures. Additionally, IMACA shall prepare a formal security plan with additional participant and program administration requirements to be approved by law enforcement and the Church prior to operation of the Safe Parking Program.
7. Restroom facilities will be available for approved participants in the Church Administrative office building.
8. Building improvements will be completed at IMACA's expense to secure the office portion of the building from the restrooms. Other building modifications that benefit both the Church and persons experiencing homelessness may also be completed by the Agency prior to operation of the Safe Parking Project.
9. Site improvements, such as resurfacing or repaving the parking area reserved for Safe Parking occupants, may also be completed by IMACA.
10. Other site or building improvements, such as compliance with the Americans with Disabilities Act (ADA), acceptable to both parties may be completed by the Agency that benefit persons experiencing homelessness and the Church.
11. IMACA shall be responsible for ensuring that the parking area, church grounds and restrooms are maintained in a safe and orderly manner.
12. There shall be a trial period of operation not to exceed one (1) year to determine the effectiveness of the Safe Parking Project and compliance with the Agreement between the Church and IMACA. Any contract violations or failures to address substantiated complaints by IMACA or its employees may result in termination or modification of the Agreement, as determined by the Church as its sole discretion. The Church may also terminate the Agreement, with not less than thirty (30) days' notice, if the Program violates the purpose of the Church of the Nazarene in the community.
13. Termination of the Agreement by Church for reasons other than material breach of the contract by IMACA shall require partial or full reimbursement for any completed site and building improvements that benefit the Church and its congregation.
14. IMACA shall provide a waiver to represent the Church and will indemnify and hold all members, directors and congregation harmless.
15. IMACA agrees to close the Safe Parking Project periodically upon adequate notice by the Church and provided the dates and times do not unreasonably impact the ability to provide regular services to participants.
16. The Church of the Nazarene Safe Parking Project will be operated in compliance with the Eastern Sierra Continuum of Care Written Rules and Coordinated Entry System

Policies and Procedures. Participants will be provided with resource necessary to transition from homelessness to available permanent and supportive housing projects. The length of time expected for each participant in the Safe Parking Program is two years or less.

17. IMACA will coordinate with other service providers, including the Salvation Army and County of Inyo Health and Human Services, during extreme weather events providing warm weather gear and sleeping bags; access to a cooling or warming center; and placement in emergency shelter or housing.
18. IMACA shall provide liability insurance with coverage mutually acceptable to the Church and the Agency that includes theft, vandalism, damage and other losses attributable to program operation or participants.
19. IMACA will consider other conditions of operation and project administration mutually agreeable to the Church and IMACA.
20. IMACA commits to report outcomes and annually to the Church with information collected through HMIS. This includes, but is not limited to, exits to permanent housing, length of time homeless, returns to homelessness, and increase in income.

Attachments to the terms of agreement include a site map showing the location of the parking spaces to be used by the project and the restroom facility as well as the Safe Parking Program terms. IMACA and the Church of the Nazarene will enter into an agreement which sets out terms that IMACA is required to comply with. These terms will be incorporated in this CUP as conditions of approval. IMACA has obtained three State and Federal grants to fund the program.

Site Location - The general project area is in a location surrounded by vacant, open space, and grazing lands to the South, East, and West. Across West Line Street to the North is the Northern Inyo Hospital.



General Plan Consistency

The goal of this project is to provide for transitional facilities to help homeless individuals and families. The project is consistent with the General Plan designation of Retail Commercial (RC), as this designation allows service uses and public and quasi-public uses.

In addition, the Housing Element offers a variety of policies to address the need for affordable housing. An overall policy states that: "Approval of mixed-use development if the non-residential land uses will reduce the cost of the housing project and the non-residential land uses are compatible with the housing project and surrounding development. This project on the western edge of the Church of the Nazarene is in a location that will be consistent with other uses by virtue of the surrounding open space land designated for agricultural uses.

Zoning Ordinance Consistency

The C-2 zoning designation allows "public and quasi-public buildings and uses of recreational, religious, cultural or public service nature" as a conditional use.

OTHER COUNTY DEPARTMENT REVIEW

Planning Department staff coordinated with staff from the Department of Health and Human Services.

ENVIRONMENTAL REVIEW

This Conditional Use Permit is Categorically Exempt under California Environmental Act (CEQA) Guidelines 15303. Class 3 exemptions cover "the conversion of existing small structures from one use to another where only minor modifications are made in the exterior of the structure."

It is also worth noting Section 15300.2 of the CEQA Guidelines concerning project location. Class 3 exemptions are location-specific. There may be some locations where the conversion of an existing facility would not qualify for this type of an exemption because of critically sensitive environmental concerns. It can be noted this location is a particularly good location for a homeless parking area due to the surrounding open land and the proximity of a restroom at the church administrative center. The project is located in a location where there will not be any impacts to a sensitive environment.

TRIBAL CONSULTATION

Tribal consultation is not required for projects that qualify for a Categorical Exemption under CEQA.

RECOMMENDATION

Planning Department staff recommends the approval of Conditional Use Permit No. 2019-18/IMACA, with the following Findings and Conditions of Approval:

FINDINGS

1. The proposed Conditional Use Permit is exempt under CEQA Guidelines 15303, Existing Facilities – Class 3 and the provisions of the California Environmental Quality Act have been satisfied.

[Evidence: Class 3 allows for the conversion of existing small structures from one use to another where only minor modifications are made in the exterior of the structure.

The CUP is being applied for to make a minor change to the use at the site that will involve very limited modifications to the existing structure. The project will not have an impact on a sensitive environmental resource.]

2. The proposed Conditional Use Permit is consistent with the Inyo County General Plan Land Use designation of Retail Commercial (RC).
[Evidence: The goal of this project is to supply a transitional type of facility for homeless individuals and families. The project is consistent with the General Plan designation of RC, as it allows for “service uses and public and quasi-public uses.”]
3. The proposed Conditional Use Permit is consistent with the Inyo County Zoning Ordinance, which permits “public or quasi-public facilities” as a conditional use in the Public zone.
[Evidence: Highway Services and Tourist Commercial; Section 18.48.030(C) allows for public and quasi-public buildings and uses of recreational, religious, cultural or public service nature as a conditional use. The Safe Parking Project qualifies as a public quasi-public use as a place where homeless facilities are provided for the public by IMACA.]
4. The proposed Conditional Use Permit is necessary or desirable.
[Evidence: The General Plan’s Housing Element includes several goals and policies meant to assist the homeless. This project provides a transitional facility specifically directed to assist the homeless.]
5. The proposed Conditional Use Permit is properly related to other uses and transportation and service facilities in the vicinity.
[Evidence: The terms of agreement between IMACA and the Church of the Nazarene ensure that the proposed use will not have an impact on surrounding facilities. By its nature, people using the facility will have vehicle transportation to and from the facility. Given that the occupants of the proposed site will have their own transportation to enter and leave the site and that IMACA will ensure that people at the site are provided with necessary services; there will be no impact on transportation or service facilities in the vicinity.]
6. The proposed Conditional Use Permit would not, under all the circumstances of this case, affect adversely the health or safety of persons living or working in the vicinity or be materially detrimental to the public welfare.
[Evidence: The Terms of Agreement between IMACA and the Bishop Church of the Nazarene are specifically designed to make sure that the Church of the Nazarene will not be impacted. The project site is surrounded by open space land. There is a fence around between the Church property and the surrounding land that will keep project site occupants from leaving this property to the east, south, and north. To travel to the north to the hospital requires crossing West Line Street (SR 168). The Safe Parking Project, as conditioned, will not change or increase the current level or type of use; and therefore, it will not create impacts on the health or safety of persons living or working in the vicinity or be materially detrimental to the public welfare.]

UPDATED CONDITIONS OF APPROVAL

1. Hold Harmless

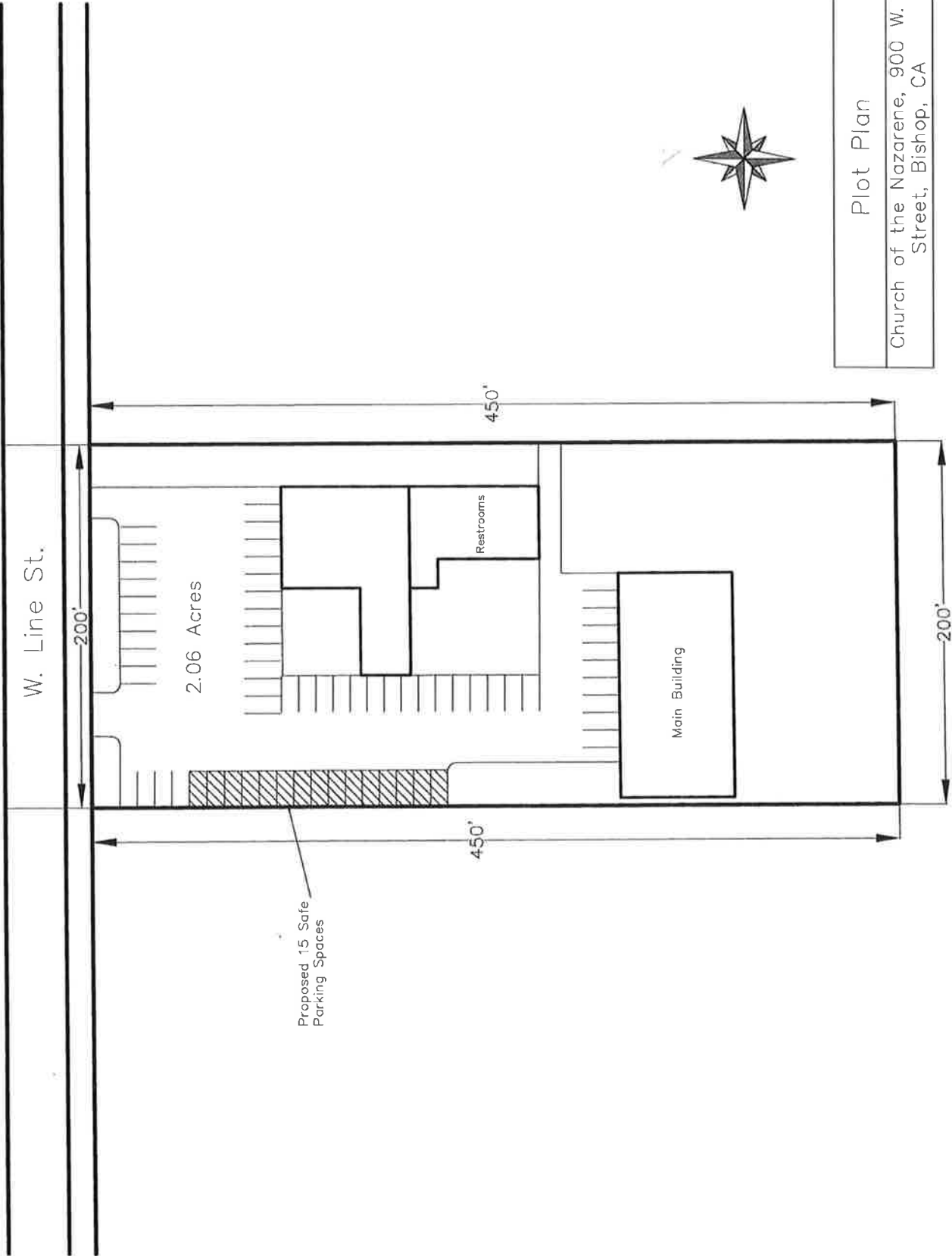
The applicant/developer shall defend, indemnify and hold harmless Inyo County agents, officers, and employees from any claim, action or proceeding against the County or its agents, officers, or employees to attack, set aside, void or annul an approval of the county, its advisory agencies, its appeals board, or legislative body concerning Conditional Use Permit No. 2019-18/IMACA. The County reserves the right to prepare its own defense.

2. Compliance with County Code

The applicant/developer shall conform to all applicable provisions of Inyo County Code. If the use provided by this conditional use permit is not established within one year of the approval date it will become void.

3. IMACA shall comply with the requirements set forth in their Terms of Agreement with the Bishop Church of the Nazarene. The terms of that agreement can be modified if: a) agreed to by both IMACA and the Church of the Nazarene and b) if the agreement does not expand the scope of this project to more than fifteen (15) parking spaces.

4. IMACA shall work directly with the Inyo County Sheriff, City of Bishop Police Chief, and the Bishop Church of the Nazarene to establish security measures for program participants and program administration requirements. IMACA shall prepare a formal security plan to be approved by the Inyo County Sheriff and the City of Bishop Police Chief prior to operation of the Safe Parking Program.



Plot Plan
 Church of the Nazarene, 900 W. Line
 Street, Bishop, CA

W. Line St.

200'

2.06 Acres

Restrooms

Main Building

450'

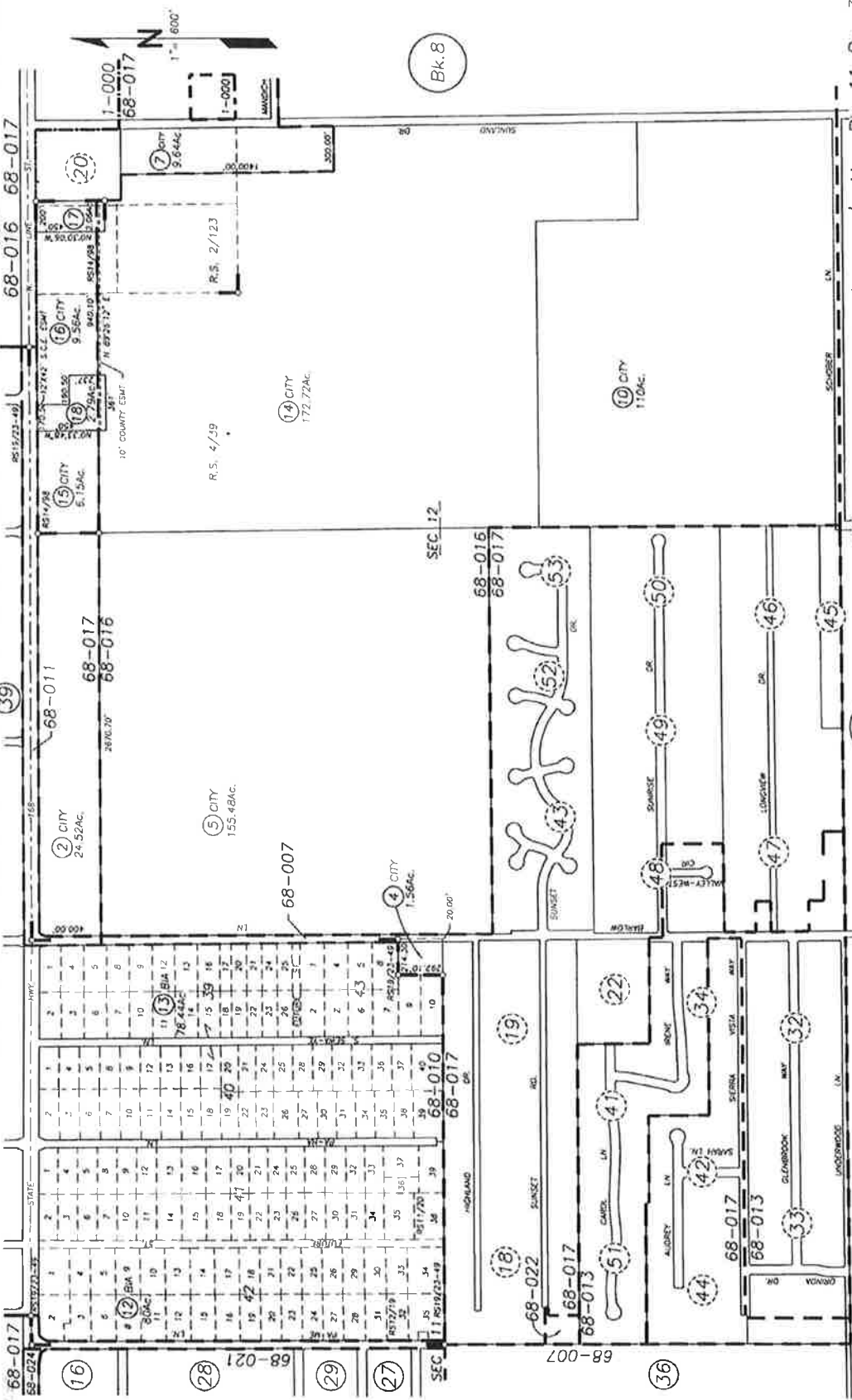
200'

Proposed 15 Safe
 Parking Spaces



SEC. 12 & E.1/2 SEC. 11 T.7S., R.32E., M.D.B. & M.

- 01-21-96
- 01-22-96
- 01-23-96
- 01-24-96
- 01-25-96
- 01-26-96
- 01-27-96
- 01-28-96
- 01-29-96
- 01-30-96



NOTE: 1. THIS DOCUMENT WAS PREPARED FOR THE COUNTY OF INYO AND NO LIABILITY IS ASSUMED FOR THE ACCURACY OF THE DATA SHOWN COUNTY-WIDE. 2. THIS MAP IS NOT A SUBSTITUTE FOR LOCAL ORDINANCES.

R.S. Bk. 2 Pg. 123
R.S. Bk. 11 Pg. 36
R.S. Bk. 12 Pg. 19
R.S. 00-002 Bk. 14 Pg. 95
R.S. 13-003 Bk. 15 Pgs. 23-49

**CHURCH OF THE NAZARENE
SAFE PARKING PROJECT PROPOSAL
Revised August 6, 2019**

PROPOSAL SUMMARY

Inyo Mono Advocates for Community Action, Inc. (IMACA) proposes to establish and operate a Safe Parking Project on a trial basis at the Church of the Nazarene, 900 W. Line Street in Bishop, CA. IMACA is a not-for-profit Community Action Agency serving Inyo and Mono Counties. The Mission of IMACA is to support, educate, empower, and advocate for vulnerable populations in our community. The Agency administers Head Start, Child Care, Weatherization, Energy Assistance, Food Pantry and Distribution, Affordable Housing and Homeless Assistance Programs.

Over the last several years, the Agency has experienced a growing demand for assistance to individuals and families living out of their vehicles. During the most recent count of persons experiencing homelessness on January 24, 2019, volunteers documented 85 people in Inyo County without adequate shelter and sleeping in vehicles parked on streets, public lands and campgrounds. IMACA would like to address the need in our community for a safe place where people without adequate shelter can park overnight.

This Safe Parking Project proposal is patterned after the program operated successfully by New Beginnings Counseling Center in Santa Barbara since 2003. The request is to permit people experiencing homelessness to park up to fifteen (15) spaces along the west side of the Church property from 7 p.m. to 7 a.m. daily. The vehicle occupants will have use of the restroom facilities on the east side of the administrative office building during that time only. Vehicle occupants will be provided assistance in the morning to vacate the property safely and they will be connected with any necessary supportive services. This program would be a resource for Eastern Sierra Continuum of Care (CoC) service providers and assist individuals and families experiencing or at imminent risk of homelessness with supportive services and permanent, transitional or other types of housing. IMACA has funding to cover all costs associated with the project including site improvements and maintenance.

The following sections describe the sources of funding, administration and operation, and terms of an agreement for the project proposal. This proposal may form the framework for a formal agreement between the Church of the Nazarene and IMACA.

SOURCES OF FUNDING

In late 2018, IMACA received a Homeless Emergency Aid Program (HEAP) block grant from the California Business and Consumers Agency. HEAP provides a flexible source of funding for CoC's to address emergency solutions for homelessness in the community. Establishment of Safe Parking Area, associated improvements and operating costs are eligible uses of these funds.

**CHURCH OF THE NAZARENE
SAFE PARKING PROJECT PROPOSAL
Revised August 6, 2019**

A second block grant was awarded by the California Department of Housing and Community Development (HCD) in early 2019 to IMACA through the California Emergency Solutions and Housing (CESH) Program for innovative projects to reduce the incidence and duration of homelessness. Supportive services for safe parking projects are an approved budget expenditure for this block grant.

IMACA also receives Emergency Solutions Grants (ESG) Program funding from HCD for Rapid Rehousing, Emergency Shelter, Street Outreach and Homelessness Prevention. These programs, along with those available through other CoC service providers would be used to connect vehicle occupants to shelter, services, and transitional or permanent housing.

OPERATION AND ADMINISTRATION

ESG, HEAP and CESH all require CoC's to administer projects that employ Housing First principals, utilize a Coordinated Entry System (CES), and report outcomes through a Homeless Management Information System (HMIS) or equivalent database. IMACA complies with these program mandates and proposes to operate the Church of the Nazarene Safe Parking Lot in a manner consistent with these standards.

Housing First is the principal that participants are provided shelter with a low barrier to entry without preconditions. Housing enables families to stabilize and gain support necessary to become more self-sufficient thereby reducing the likelihood of returning to homelessness. The CoC will select people for the Safe Parking Project through the CoC's CES. Families that present at any of the designated CoC point of entry locations, such as Inyo County Health and Human Services or the IMACA main office will receive an initial assessment by a case worker to determine their vulnerability and risk factor.

Participants will be asked to complete a simple application form and then be placed on a priority list. Individuals and families with the highest vulnerability score will be approved to park nightly in the designated spaces at the Church of the Nazarene. Supportive services such as employment training, counseling, linkage to other sources of income, and other assistance will be available to help families obtain permanent housing. Participants will be required to sign an acknowledgement and comply with the rules outlined in Appendix A. Trained staff will be present in the parking area each night and work cooperatively with local law enforcement agencies.

TERMS OF AGREEMENT

IMACA proposes to enter into an agreement with the Church of the Nazarene to operate the Safe Parking Project for trial period of time not to exceed one (1) year. If the project is successful, the agreement could be extended for a time period acceptable to both parties. Proposed terms of the agreement are negotiable and could include, but are not limited to:

CHURCH OF THE NAZARENE
SAFE PARKING PROJECT PROPOSAL
Revised August 6, 2019

1. Occupancy of up to fifteen (15) parking spaces along the west property line (see Attachment A) of the Church of the Nazarene for a Safe Parking Project operated by IMACA.
2. Designated parking spaces may be occupied from 7:00 p.m. to 7:00 a.m. A trained and experienced case manager or program specialist shall be present to check-in participants and assign parking spaces. Vehicle occupants will be provided assistance in the morning to vacate the property safely and they will be connected with any necessary supportive services.
3. Vehicle occupants and project participants will be required to sign an agreement and comply with Safe Parking Rules and Agreement (see Attachment B).
4. An IMACA Case Manager will be available to respond to any emergencies. A phone number with access to the Case Manager will be provided to vehicle occupants and the Church. Additionally, the Church will have access to IMACA Program Directors.
5. The parking area will be monitored by IMACA staff. Upon a determination by the Church or IMACA, staffing may be increased or decreased based on need.
6. IMACA shall be responsible for obtaining any required Zoning approvals from the County of Inyo and coordinating with staff from the City of Bishop. The Agency shall also work directly with the Inyo County Sheriff and Bishop Police Chief on any required site security measures. Additionally, IMACA shall prepare a formal security plan with additional participant and program administration requirements to be approved by law enforcement and the Church prior to operation of the Safe Parking Program.
7. Restroom facilities will be available for approved participants in the Church Administrative office building.
8. Building improvements will be completed at IMACA's expense to secure the office portion of the building from the restrooms. Other building modifications that benefit both the Church and persons experiencing homelessness may also be completed by the Agency prior to operation of the Safe Parking Project.
9. Site improvements, such as resurfacing or repaving the parking area reserved for Safe Parking occupants, may also be completed by IMACA.
10. Other site or building improvements, such as compliance with the Americans with the Disabilities Act (ADA), acceptable to both parties may be completed by the Agency that benefit persons experiencing homelessness and the Church.
11. IMACA shall be responsible for ensuring that the parking area, church grounds and restrooms are maintained in a safe and orderly manner.
12. There shall be a trial period of operation not to exceed one (1) year to determine the effectiveness of the Safe Parking Project and compliance with the Agreement between the Church and IMACA. Any contract violations or failure to address substantiated complaints by IMACA or its employees may result in termination or modification of the Agreement, as determined by the Church at its sole

CHURCH OF THE NAZARENE
SAFE PARKING PROJECT PROPOSAL
Revised August 6, 2019

discretion. The Church may also terminate the Agreement, with not less than thirty (30) days' notice, if the Safe Parking Project violates the purpose of the Church of the Nazarene in the community.



13. Termination of the Agreement by Church for reasons other than material breach of the contract by IMACA shall require partial or full reimbursement for any completed site and building improvements that benefit the Church and its congregation.
14. IMACA shall provide a waiver to represent the Church and will indemnify and hold all members, directors and congregation harmless.
15. IMACA agrees to close the Safe Parking Project periodically upon adequate notice by the Church and provided the dates and times do not unreasonably impact the ability to provide regular services to participants.
16. The Church of the Nazarene Safe Parking Project will be operated in compliance with the Eastern Sierra Continuum of Care Written Rules and Coordinated Entry System Policies and Procedures. Participants will be provided with resources necessary to transition from homelessness to available permanent and supportive housing projects. The length of time expected for each participant in the Safe Parking Program is two years or less.
17. IMACA will coordinate with other service providers, including The Salvation Army and County of Inyo Health and Human Services, during extreme weather events to ensure the safety of participants. This may include, but is not limited to: providing warm weather gear and sleeping bags; access to a cooling or warming center; and placement in emergency shelter or housing.
18. IMACA shall provide liability insurance, with coverage mutually acceptable to the Church and the Agency that includes theft, vandalism, damage and other losses attributable to program operation or participants.
19. IMACA will consider other conditions of operation and project administration mutually agreeable to the Church and IMACA.
20. IMACA commits to report outcomes annually to the Church with information collected through HMIS. This includes, but is not limited to, exits to permanent housing, length of time homeless, returns to homelessness, and increase in income.

Attachments: Aerial Map with Location of Safe Parking Area; Appendix A: Safe Parking Rules

Nazarene Church Safe Parking Lot Proposal



LEGEND:

-  Safe Parking Space
-  Parcel Boundary Line



**APPENDIX A. CHURCH OF THE NAZARENE
SAFE PARKING FACILITY
RULES FORM – Revised August 6, 2019**

IN CASE OF AN EMERGENCY

PLEASE CALL 911

FOR ANY URGENT NON-EMERGENCIES CALL

XXX-XXX-XXXX

Due to our lengthy wait list, you must park in your authorized lot a minimum of 4 nights a week. If you do not renew your permit within 7 days after the expiration date you will be suspended from the program and must make an appointment to discuss reinstatement.

Waiver of Liability

I authorize Inyo Mono Advocates for Community Action, Inc. to refer me to other agencies, receive, request, disclose, release and exchange useful or personal information from any personal reference, entity, agency, past, present or, future employer or organization that she/ he may consider; can or may provide assistance to help me obtain my desired goals of becoming self-sufficient. Furthermore, I agree to hold harmless and free of any liability or responsibility the Job Developer/ Case Manager and any of the agencies, entities, individuals, Board of Directors, Organizations; past, present or future employers of the outcome of this release.

Signature _____

Permiso para Compartir Informacion

Yo doy mi autorizacion a Nuevos Comienzos Centro de Asesoramiento para que pueda referir a otras agencias, recibir, pedir, dar e intercambiar todo tipo de informacion util de cualquier agencia individual, referencia personal, pasados, presentes y futuros empleos, entidades u organizaciones que el / ella considere importante para que yo pueda obtener mis metas de llegar a ser autosuficiente. De hecho he resuelto y estoy de acuerdo en que mantendre libre de toda responsabilidad legal o juicio, a La Coordinadora de Empleos I administrador/a de casos o a cualquier agencia, entidad, individual, mesa directiva u organizaciones. Pasados, presentes o futuros empleadores e impresarios del resultado de la informacion obtenida.

Firma del Cliente: _____

**APPENDIX A. CHURCH OF THE NAZARENE
SAFE PARKING FACILITY
RULES FORM – Revised August 6, 2019**

*Church of the Nazarene (Church), Inyo Mono Advocates for Community Action, Inc.
(IMACA) and County of Inyo (County) Waiver of Liability*

Parking lot user hereby agrees to indemnify and save harmless IMACA and the Church, and County, their officers, agents and expenses (including attorney's fees) judgments or liabilities for personal or bodily injury (including death, or other injury resulting from bodily injury) or property damage (including physical injury to property or loss of use thereof) arising out of applicant's negligence or willful misconduct in connection with client's use of the parking facilities.

Client Signature

Date

**PARKING RULES, RESTRICTIONS AND RESPONSIBILITIES ASSOCIATED WITH
THE SAFE PARKING PROGRAM:**

1. Guns or firearms of any kind are strictly prohibited, and the use of alcohol and/ or drugs will not be tolerated. Failure to abide by this rule will result in immediate removal from the assigned location.
2. Urinating and defecating on the property is STRICTLY PROHIBITED. Failure to abide by this rule will result in immediate removal from the assigned location.
3. Absolutely no violent acts, verbal or physical. If you have an issue with another client, contact the office and we will handle it administratively.
4. Camping tarps or camping equipment beyond the top of the vehicle are prohibited.
5. Cooking outside the vehicle is absolutely not allowed.
6. All trash will be disposed of offsite and the area will be kept tidy.
7. Loud music is not permitted.
8. Parking lot is for sleeping use only.
9. Overnight stays will be limited to the hours assigned. Adherence to in and out times is mandatory.
10. Users must keep barking dogs in their vehicle at all times. Animals must be kept on a leash at all times on the property. Animal waste must be must be picked up immediately and disposed of properly.
11. Under absolutely no conditions will the client(s) invite other vehicle dwellers to occupy the site or invite any visitors or any type of patrons into the parking lot.
12. If bathroom facilities are provided, showering or bathing is not permitted.
13. The owner of the parking lot cannot be held liable for damages caused by a third party to the parked vehicle or its occupants.
14. Absolutely no more than one vehicle allowed per individual or family staying at the site.
15. Absolutely no use of the facility services, i.e., electricity, water, trash or any of the hoses at the site. Failure to comply with this rule will result in immediate termination from our program.
16. Please respect the privacy of the surrounding neighbors and their property.
17. Children will be watched and kept safe at All Times --- No Exceptions!!!!

**APPENDIX A. CHURCH OF THE NAZARENE
SAFE PARKING FACILITY
RULES FORM – Revised August 6, 2019**

18. Do not park within 3 blocks of the lot you are assigned to at any time.
19. If you do not renew your permit within 7 days after the expiration date, you will be suspended from the program and must make an appointment to discuss reinstatement.
20. Safe Parking Permits must be displayed at all times in a prominent location on or in the vehicle that is clearly visible to IMACA or Church of the Nazarene staff.

Note: Please notify us immediately if you are leaving either for a week or permanently, and if you have been issued a key to a site please return it when you leave. We are not responsible to remind clients when to renew permits. We do not automatically renew permits.

These rules will be enforced. Failure to comply with these rules and regulations will result in termination from the Safe Parking Program.

We reserve the right to terminate your participation in the Safe Parking Program at any time, for any reason, and without warning.

All complaints and program feedback will be taken seriously, and program staff will make every reasonable attempt to interview all parties involved. When not presenting a safety issue or major rule infraction (e.g., carrying firearms or any major infraction which requires immediate program termination), program noncompliance will be addressed through the issuance of verbal and/or written warnings. A total of three warnings will be issued to participants for minor infractions (e.g., leaving the lot late) and the permit holder's permit will be revoked for 30 days upon the third warning. In some instances, one or more permit holder may be relocated to a different lot for 30 days to address interpersonal conflict. After the 30-day revocation or relocation, the permit holder(s) will be required to meet with program staff to discuss reinstatement.

In compliance with the Americans with Disabilities Act, Inyo Mono Advocates for Community Action, Inc. and the Safe Parking Program do not discriminate against people with disabilities or Limited English Proficiency (LEP), and when asked, will make reasonable accommodation for all program participants with disabilities or LEP. If you require an accommodation, please advise the Safe Parking Program's case manager during your intake and/or upon review of this document and every effort will be made to provide meaningful access to the program and its services and/or to a translator.

All complaints in regard to ADA violations should first be referred to the program's case managers and they shall attempt to make reasonable accommodations. If an accommodation cannot be done or poses extreme financial considerations, the case managers shall advise the executive director with the reasons and/or estimates of cost. It is the policy of Inyo Mono Advocates for Community Action, Inc. and the Safe Parking Program not to discriminate on the basis of disability. IMACA has adopted an internal grievance procedure providing for prompt and equitable resolution of complaints alleging

**APPENDIX A. CHURCH OF THE NAZARENE
SAFE PARKING FACILITY
RULES FORM – Revised August 6, 2019**

any action prohibited by the Rehabilitation Act of 1973. The laws and regulations may be examined in the Safe Parking/IMACA offices at either the Castillo or Carrillo Street locations. Any person who believes that he or she has been subjected to discrimination on the basis of disability may file a grievance under this procedure.

Grievances must be submitted to the IMACA's executive director located at 324 E. Carrillo Street, Suite C, and must be filed within one week of the date the person filing the grievance becomes aware of the alleged discriminatory act. The complaint must be in writing, containing the name and contact information. The complaint must state the problem or action alleged to be discriminatory and the remedy or relief sought. An investigation will be conducted and IMACA will issue a written decision on the grievance no later than 30 days after its filing. The individual filing the grievance may appeal the decision by writing to IMACA's board of directors within 15 days of receiving the decision. The board of directors will issue a written response to the appeal no later than 30 days after its filing. IMACA will make appropriate arrangements to ensure that disabled persons are provided accommodations, if needed, to participate in the grievance process.

Client Confidentiality and Privacy Policies

Safe Parking program staff will not divulge whether someone is or is not a participant in the program. Program staff will not divulge any personal identifying information of any individual or family participant of the program without consent from the client(s). The Safe Parking program has incorporated into its policies and procedures a process that will ensure the confidentiality of program participants' identifying information; records pertaining to any individual or family provided with assistance; and treatment services offered under any project associated with IMACA. Furthermore, the address or location of any participant assisted through the Safe Parking Program will be anonymous except upon written authorization for this information to be made public from the client/program participant to the person or persons responsible for the operation of the program.

I / We, accept and agree to respect, acknowledge, and adhere to the rules, policy, and procedure; guidelines and regulations that are stated above and will accept full responsibility of the consequences of the outcome if there is a violation to this contract.

(Signature of Client)

(Signature of Client)

(Signature of Case Manager)



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

Phone: (760) 878-0263

FAX: (760) 873-2712

E-Mail: inyoplanning@inyocounty.us

AGENDA ITEM NO.: 9 (Action Item – Public Hearing)

**PLANNING COMMISSION
MEETING DATE:** January 22, 2019

SUBJECT: Conditional Use Permit (CUP) 2019-
15/Copper Top

EXECUTIVE SUMMARY

The applicant has applied for a CUP to allow for a restaurant with outdoor seating, located at 442 Main Street in Big Pine, in Inyo County.

PROJECT INFORMATION.

Supervisory District: 4

Project Applicant: Copper Top BBQ, 310 Main Street, Big Pine CA 93513

Property Owner: Matthew Kerley-Otten

Site Address: 442 Main Street, Big Pine CA 93513

Community: Big Pine

A.P.N.: 003-152-08

General Plan: Central Business District (CBD)

Zoning: Central Business (CB)

Size of Parcel: 0.33 acres

Surrounding Land Use:

Location:	Use:	Gen. Plan Designation	Zoning
Site	Vacant (applicant-owned)	Central Business District (CB)	Central Business (CB)
North	Vacant/LADWP	Heavy Commercial (HC)	Heavy Commercial (C4)
East	residential/private	Central Business District (CB)	Central Business (CB)
South	Gas station/private	Central Business District (CB)	Central Business (CB)
West	Vacant/LADWP	Public Service Facility (PF)	Open Space with a 40 acre minimum (OS-40)

Staff Recommended Action:

1.) Approve the Conditional Use Permit (CUP) 2019-15/Copper Top and certify the project as a Categorical Exemption under CEQA.

Alternatives:

- 1.) Deny the CUP.
- 2.) Approve the CUP with additional Conditions of Approval.
- 3.) Continue the public hearing to a future date, and provide specific direction to staff regarding what additional information and analysis is needed.

Project Planner:

Steve Karamitros

STAFF ANALYSIS

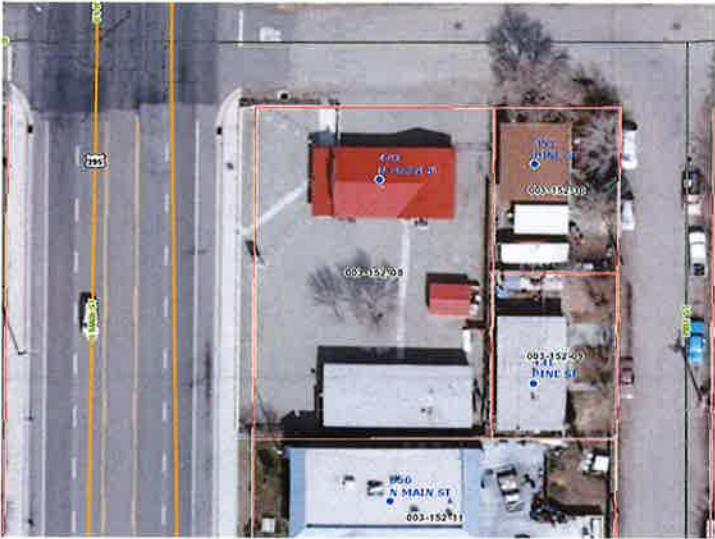
Background and Overview

The applicant has applied for a CUP to operate a restaurant with outdoor seating and onsite parking located at 442 Main Street in Big Pine. The property is zoned CB, which allows for restaurants, but requires a CUP and Planning Commission approval, if the restaurant is going to provide outdoor seating to patrons (ICC 18.44.030(G)). The site is located in a commercial business area along Main Street. The surrounding area is primarily zoned CB.

Site Proximity Map



Site Location



General Plan Consistency

The goal of this project is to allow for a restaurant with outdoor seating. The project is consistent with the General Plan designation of Central Business District (CBD) as it “provides for commercial uses such as small retail sales and...food services.” The (CBD) General Plan designation is compatible with the existing Central Business (CB) zoning designation. It is also compatible with the General Plan’s Land Use Goal to: Provide commercial land uses that adequately serve the existing and anticipated future needs of the community and surrounding environs. The applicant is proposing to relocate their existing restaurant to a new location that can accommodate outdoor seating and onsite parking.

Zoning Ordinance Consistency

The proposed project is a CUP since the project description specifies outdoor seating for the restaurant. Restaurants are a principal permitted use within the CB zone; however, any principal use when combined with outdoor seating, requires a conditional use permit, per ICC 18.44.030(G). The Central Business zone, within its intent statement, says that it is established for “a variety of small commercial retail and service” purposes. This project will provide more commercial activity by allowing the business to expand its seating capacity.

ENVIRONMENTAL REVIEW

Conditional Use Permit 2019-15/Copper Top was reviewed for compliance with the California Environmental Quality Act (CEQA) and was found to be exempt from further analysis, pursuant to Section 15300 (Class 1) of the CEQA guidelines, as it constitutes the “permitting...of a private structure...involving no expansion of use beyond that existing at the time of the lead agency’s determination.”

NOTICING & REVIEW

The application for CUP 2019-15/Copper Top has been reviewed by the appropriate county departments and no issues were reported. This included reviews by the Environmental Health, Public Works, and the Treasurer’s Office.

The public hearing date for this CUP was noticed on January 7, 2020 in the *Inyo Register* and mailed to property owners within 300-feet of the project location.

RECOMMENDATION

Planning Department staff recommends the approval of Conditional Use Permit No. 2019-15/Copper Top, with the following Findings and Conditions of Approval:

FINDINGS

1. The proposed Conditional Use Permit is an Initial Study with Mitigated Negative Declaration under CEQA guidelines and the provisions of the California Environmental Quality Act have been satisfied.
[Evidence: Pursuant to 14 California Code Regulatory Sections 15000 et seq., the proposed project is Categoricaly exempt under CEQA (Class 1) of the CEQA guidelines, as it constitutes the “permitting...of a private structure...involving no

expansion of use beyond that existing at the time of the lead agency's determination."

2. The proposed Conditional Use Permit is consistent with the Inyo County General Plan Land Use designation of Central Business District (CBD).
[Evidence: The goal of this project is to allow for outdoor restaurant seating on a parcel of land with a (CBD) General Plan designation. The project is consistent with the (CBD) designation, as this land use designation, according to the General Plan, should "provide for commercial uses such as small retail sales and...food services." The proposed Copper Top BBQ restaurant, is consistent with the General Plan's Economic Development Element Goal (ED-3): "Encourage the development of retail establishments that will reduce resident spending outside the County for retail purchases, services, and entertainment." The applicant's proposed project is consistent with the General Plan's goals since it is a local source for retail goods and services.]
3. The proposed Conditional Use Permit is consistent with the Inyo County Zoning Ordinance, which permits outdoor restaurant seating, as a conditional use, in the CB zone.
[Evidence: Chapter 18.44-CB District requires a conditional use permit for "any permitted use when combined with or involving any outdoor display of goods, outdoor seating, or outdoor business activity" (ICC 18.44.030). The applicant's restaurant business is fully aligned with County zoning code, as a principal permitted use. The CUP is required due to the outdoor seating component in the project description.]
4. The proposed Conditional Use Permit is necessary or desirable.
[Evidence: The General Plan's Economic Development Element states: "Tourism has increased over the last decade and promoting its continued growth should be a high priority... Clearly delineated, attractive...downtowns enhance the visitor experience to the County, and creating additional attractions will increase sales and property tax revenues to the County." The applicant is attempting to maintain and grow capacity for a retail food service, utilized by residents as well as tourists, and bring revenue to the County. This is a sustainable model, which is desirable as evidenced by the County's General Plan.]
5. The proposed Conditional Use Permit is properly related to other uses and transportation and service facilities in the vicinity.
[Evidence: The proposed conditional use permit is for a retail business located along US 395. The project will create a driveway and access to onsite customer parking. The project will not cause negative impacts on transportation or service facilities in the vicinity.]
6. The proposed Conditional Use Permit would not, under all the circumstances of this case, affect adversely the health or safety of persons living or working in the vicinity or be materially detrimental to the public welfare.

[Evidence: The proposed conditional use permit will not change or increase the current level, or general type, of allowed uses in Big Pine. The project has been evaluated by the Department of Building & Safety and Environmental Health and will not create impacts on the health or safety of persons living or working in the vicinity, nor will it be materially detrimental to the public welfare.]

7. Operating requirements necessitate the Conditional Use Permit for the site.
[Evidence: Any permitted use for the CB zoning district, when combined with outdoor seating, requires a conditional use permit per Inyo County Code Section 18.44.030(G) and is therefore necessary for the operation of Copper Top BBQ.]

CONDITIONS OF APPROVAL

1. Hold Harmless

The applicant/developer shall defend, indemnify and hold harmless Inyo County agents, officers, and employees from any claim, action or proceeding against the County or its agents, officers, or employees to attack, set aside, void or annul an approval of the county, its advisory agencies, its appeals board, or legislative body concerning Conditional Use Permit No. CUP 2019-15/Copper Top. The County reserves the right to prepare its own defense.

2. Compliance with County Code

The applicant/developer shall conform to all applicable provisions of Inyo County Code and State regulations. If the use provided by this conditional use permit is not established within one year of the approval date it will become void.

3. Additional Building Requirements

The project will follow all building requirements as set by the Inyo County Building and Safety Department. The applicant will work with and get all necessary permits from the Building and Safety Department and shall work with and follow any requirements set by the Department of Environmental Health.



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

**Phone: (760) 878-0263
FAX: (760) 878-0382
E-Mail: inyoplanning@inyocounty.us**

AGENDA ITEM NO.: 10 (Action Item – Public Hearing)
PLANNING COMMISSION MEETING DATE: January 22, 2019
SUBJECT: Conditional Use Permit (CUP) 2019-12/Lackner

EXECUTIVE SUMMARY

The applicants, Tom and Diana Lackner, have submitted an application for a CUP to allow the construction of an addition to an existing nonconforming residence located 1327 Birchim Lane, in the community of Wright's 40 Acres (see attached Vicinity Map). The applicants surveyed the property, and provided a site plan to the Planning Department with the application for the CUP based on Inyo County Code Section 18.78.240

PROJECT INFORMATION.

Supervisory District: 1

Project Applicant: Tom and Diana Lackner

Property Owner: Tom and Diana Lackner

Site Address/ 1327 Birchim Lane, Bishop, CA 93514

Community: Wright 40 Acres Bishop, CA

A.P.N.: 009-130-31

General Plan: Rural Residential High Density (RRH)

Zoning: Rural Residential 1.0-acre Minimum Mobilehome Overlay (RR-1.0-MH)

Size of Parcel: Approximately 1.05-acres

Surrounding Land Use:

Location:	Use:	Gen. Plan Designation	Zoning
Site	Single-family Residence	Residential Rural High Density (RRH)	Rural Residential, 1-acre minimum, Mobilehome Overlay (RR-1.0-MH)
North	Ranchland	Agriculture	Open Space 40-acre minimum (OS-40)
East	Single-family Residence	Residential Rural High Density (RRH)	Rural Residential, 1-acre minimum, Mobilehome Overlay (RR-1.0-MH)
South	Single-family Residence	Residential Rural High Density (RRH)	Rural Residential, 1-acre minimum, Mobilehome Overlay (RR-1.0-MH)
West	Single-family Residence	Residential Rural High Density (RRH)	Rural Residential, 1-acre minimum, Mobilehome Overlay (RR-1.0-MH)

Staff Recommended Action: 1.) Approve the Conditional Use Permit (CUP) 2019-12/Lackner and find the project is exempt under CEQA.

Alternatives:

- 1.) Deny the CUP.
- 2.) Approve the CUP with additional Conditions of Approval.
- 3.) Continue the public hearing to a future date, and provide specific direction to staff regarding what additional information and analysis is needed.

Project Planner: Ryan Standridge, Assistant Planner

STAFF ANALYSIS

Background and Overview

The applicants are proposing to construct an addition to a historic home that includes a 198 square foot loft and 378 Square foot deck. The applicants Grandparents hand carved the facia with the history of Owens Valley while building the dwelling in 1940 and the property has been in the family since. The dwelling is located at 1327 Birchim Lane in the community of Wright's 40 Acres. The dwelling predates the Zoning Code and the applicant is proposing to restore and add to their family’s severely declining home. It is non-conforming with regard to the front yard setback requirements of the Rural Residential district in which it is located. The Rural residential zone requires 50-foot front, rear 30-foot, and 20-foot side yard setbacks. The foundation of the foundation of the existing, old building dwelling is 3-feet, 6-inches from the northern front property line. The applicant proposes to build the addition on the south side of the building which is still within the 50-foot front yard setback but not closer to the property line. This make a conditional use permit necessary for the building to continue as a nonconforming structure and be enlarged. Inyo County Code Section 18.78.250 - Nonconforming buildings—Changes states:

"A nonconforming building shall not be enlarged, extended or structurally altered without submission of, and approval by, the Planning Commission of a conditional use permit application. . . ."

This building restoration and addition falls under the provision of 18.78.250, and therefore, a conditional use permit approved by the Planning Commission is required.

The general project area is in a location surrounded to the South, East and West by Single-family dwellings on rural residential land. The property north of the project site is vacant.

General Plan Consistency

The goal of this project is to allow for an established nonconforming building on the site, to continue in compliance with County's zoning ordinance and be enlarged. The project is consistent with the General Plan designation of Rural Residential High (RRH); as a large-lot single-family home in a rural residential neighborhood, the residential densities shall be a maximum of 1 dwelling unit per acre, with a minimum parcel size of 1.0 acre. The restoration and addition will not change the density and remains consistent with the General Plan land use.

Zoning Ordinance Consistency

The Property is zoned Rural Residential, 1-acre minimum, Mobilehome Overlay (RR-1.0-MH). The Inyo County Code requires that any changes to a non-conforming building be approved by the Planning Commission. By acquiring the CUP, the applicant is creating consistency with the code.

ENVIRONMENTAL REVIEW

This project is Categorically Exempt from the provisions of the California Environmental Quality Act (CEQA) (Class 3 exemption, "New Construction or Conversion of Small Structures"), pursuant to Section 15303 of the CEQA Guidelines. Class 3 consists of construction and location of limited numbers of new, small facilities or structures; and lists as an example "One single-family residence or a second dwelling unit in a residential zone." The addition may be constructed or converted under this exemption with the required CUP.

RECOMMENDATION

Planning Department staff recommends the approval of Conditional Use Permit No. 2019-13/Lackner, with the following Findings and Conditions of Approval:

FINDINGS

1. The proposed Conditional Use Permit is exempt under CEQA Guidelines 15301, Existing Facilities – Class 1; (15303)(a), Small Structures – Class 3; and, the provisions of the California Environmental Quality Act have been satisfied.
[Evidence: Class 3 Exemptions include construction and location of limited numbers of new, small new equipment and facilities in small structures; and the conversion of existing small structures from one use to another where only minor modifications are made in the exterior of the structure. It includes the construction of single family

- residences.” The addition to the nonconforming building is a minor modification to the exterior structure therefore exempt.]*
2. The proposed Conditional Use Permit is consistent with the Inyo County General Plan Land Use designation of Rural Residential High Density (RRH). Residential densities shall be a maximum of 1 dwelling unit per acre, with a minimum parcel size of 1.0 acre.
[Evidence: The proposed Conditional Use Permit will not result in the creation of any new parcels, or increase density, and is consistent with the Inyo County General Plan Land Use designation for the property.]
 3. The proposed Conditional Use Permit is consistent with the Inyo County Zoning Ordinance.*[Evidence: the proposed use permit is consistent with the Inyo County Zoning designation of RR-1.0-MH (One family Residence – 1-acre minimum) for the property, as conditioned and Inyo County Zoning Code 18.21.020.]*
 4. The proposed Conditional Use Permit is necessary or desirable.
[Evidence: This use is necessary and desirable because the historic family home is deteriorating on this residential site, and the small addition will provide for more efficient utilization of the property as a residence in conformance with zoning for the area.]
 5. The proposed Conditional Use Permit is properly related to other uses and transportation and service facilities in the vicinity.
[Evidence: The proposed conditional use permit is to make an existing use and building compliant with the County’s Zoning Code. It will not change or increase the current level or type of use; and therefore, will have no impact on transportation or service facilities in the vicinity.]
 6. The proposed Conditional Use Permit would not, under all the circumstances of this case, affect adversely the health or safety of persons living or working in the vicinity or be materially detrimental to the public welfare.
[Evidence: The conditional use permit is being proposed to make an existing use and building compliant the County’s Zoning Code. It will not change or increase the current level or type of use; and therefore, it will not create impacts on the health or safety of persons living or working in the vicinity or be materially detrimental to the public welfare.]
 7. Operating requirements necessitate the Conditional Use Permit for the site.
[Evidence: The addition to the existing non-conforming building requires a conditional use permit per 18.78.250. Therefore, the conditional use permit is necessary for building the addition at the site.]

CONDITIONS OF APPROVAL

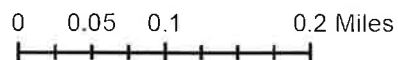
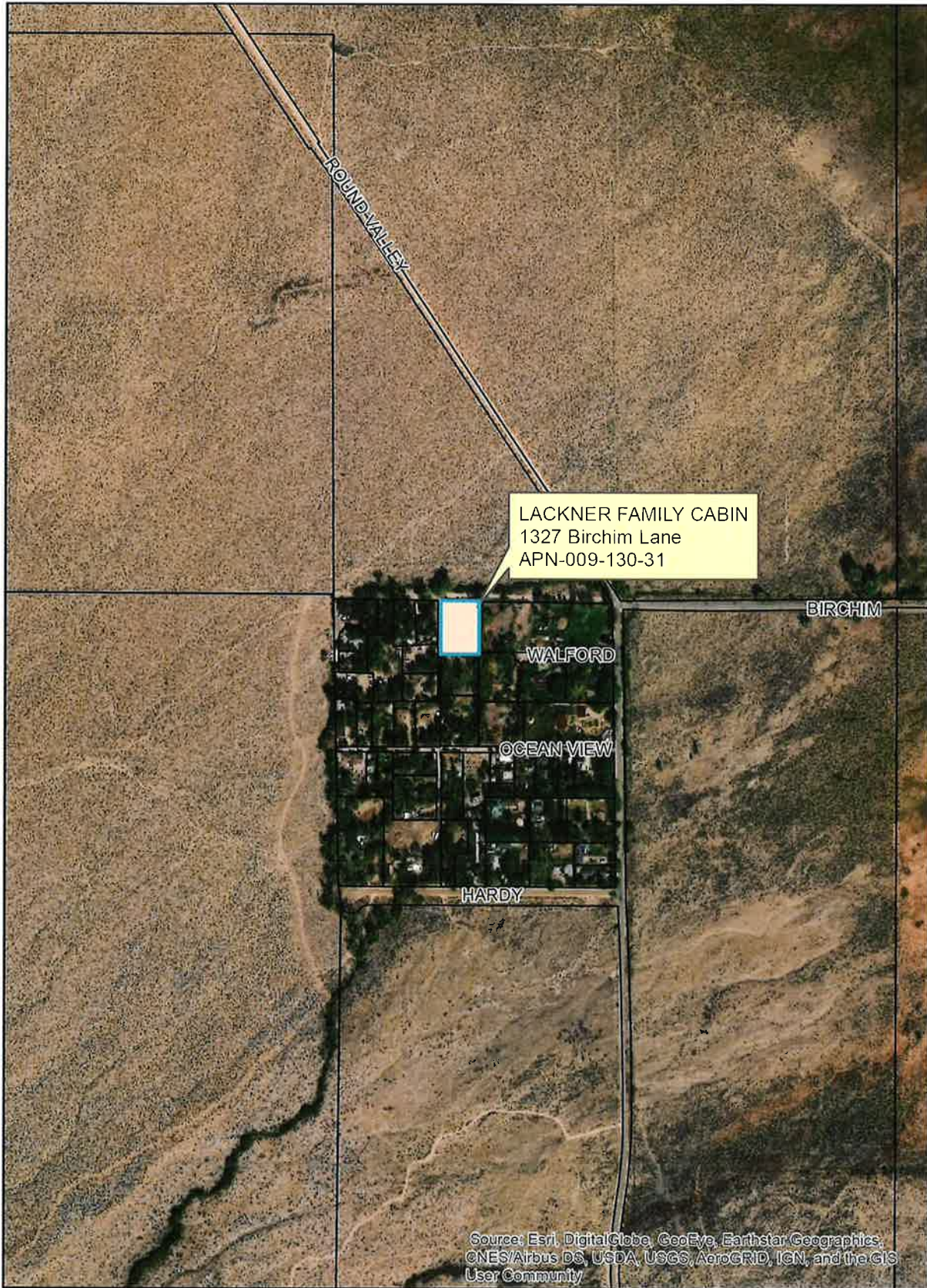
1. **Conformance with California Building Code**
The applicant/developer shall obtain a Building Permit from the Inyo County Building Department and shall conform to all applicable provisions of the California Building Code.
2. **Conformance with Environmental Health Requirements**
 - The applicant developer shall obtain a septic system permit from the Inyo County Department of Environmental Health conforming to all the applicable provisions contained in Chapter 7.12 of the Inyo County code and the Inyo County Local Area Management Plan.

 - The applicant shall obtain a well permit from the Inyo County Department of Environmental Health and shall conform to all applicable provisions of Chapter 14.28 of the Inyo County Code and the California Well Standards.
3. **Hold Harmless**
The applicant/developer shall defend, indemnify and hold harmless Inyo County agents, officers, and employees from any claim, action or proceeding against the County or its agents, officers, or employees to attack, set aside, void or annul an approval of the county, its advisory agencies, its appeals board, or legislative body concerning Conditional Use Permit No. 2019-12/Lackner. The County reserves the right to prepare its own defense.
4. **Compliance with County Code**
The applicant/developer shall conform to all applicable provisions of Inyo County Code. If the use provided by this conditional use permit is not established within one year of the approval date it will become void.

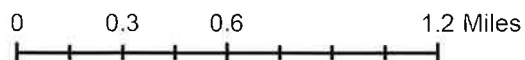
ATTACHMENTS

- A. Vicinity map
- B. Site Plan
- C. Site Pictures

CUP2018-12 Lackner Exhibit A



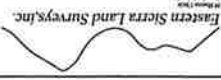
CUP2018-12 Lackner Exhibit A (2)



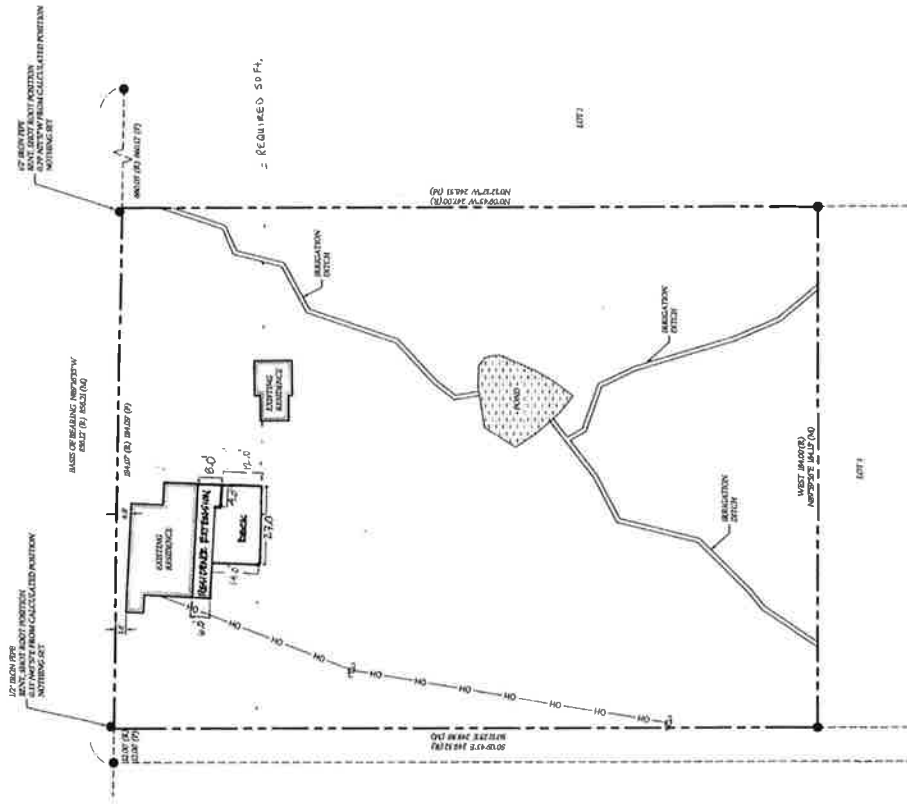
Attachment.

BOUNDARY SURVEY AND SITE PLAN
LOT 4, RSMB 10/17

DANA LACROIX



DATE	10/17/17
PROJECT	LOT 4, RSMB 10/17
CLIENT	WEST SHORE REALTY, INC.
SCALE	AS SHOWN
DRAWN BY	DANA LACROIX
CHECKED BY	DANA LACROIX
DATE	10/17/17



ABBREVIATIONS

- LEGEND**
- PROPERTY LINE
 - - - ADJACENT PROPERTY LINE
 - OVERHEAD POWER LINE
 - REGULATION EJECTA BANK
 - UTILITY POWER POLE



LAND SURVEY THAT I AM A LICENSED LAND SURVEYOR OF THE STATE OF CALIFORNIA. THIS PLAN REPRESENTS A SURVEY MADE BY ME OR UNDER MY CLOSE PERSONAL SUPERVISION AND TO THE BEST OF MY KNOWLEDGE AND BELIEF IT ACCURATELY REPRESENTS THE ACTUAL CONDITIONS SPECIFICALLY DELINEATED THEREON.

THE MONUMENTS SET FOR BOUNDARY ARE PLACED AT CORNER MONUMENTS WITH SILENT MONUMENTS AND ARE FROM FACE OF PROPERTY MONUMENTS.

SITE INFORMATION

LOT 4
 RSMB 10/17
 4.00 AC. ±

RECORD INFORMATION

- (1) RECORD INFORMATION FOR BOUNDARY IS PAGE 17
- (2) RECORD INFORMATION FOR BOUNDARY IS PAGE 17
- (3) RECORD INFORMATION FOR BOUNDARY IS PAGE 17

BASIS OF BEARING

THE NORTHWEST CORNER OF THE NORTHWEST QUARTER OF THE NE 1/4 SECTION 10, T17N, R10E, S10W, AND THE EAST CORNER OF THE EAST QUARTER OF THE NE 1/4 SECTION 10, T17N, R10E, S10W, ARE THE POINTS OF BEGINNING FOR THIS SURVEY.

ELEVATION PHOTOS OF LACKNER PROPERTY: 1327 Birchim Lane, Bishop, CA 93514



East Side of cabin at driveway entry .



South Side of Cabin facing into property.

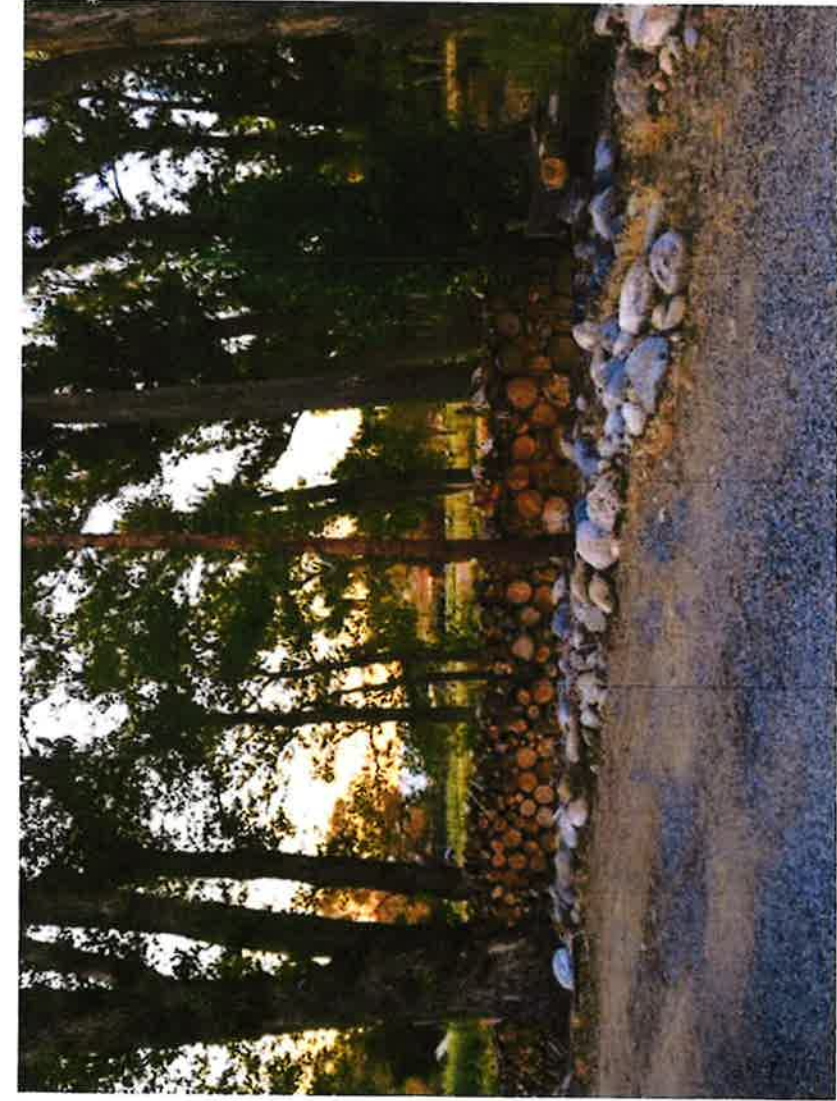


North Side of Cabin on Birchim Lane.



West Side of Cabin facing nearest neighbor.

EAST SIDE NEIGHBORING BORDER

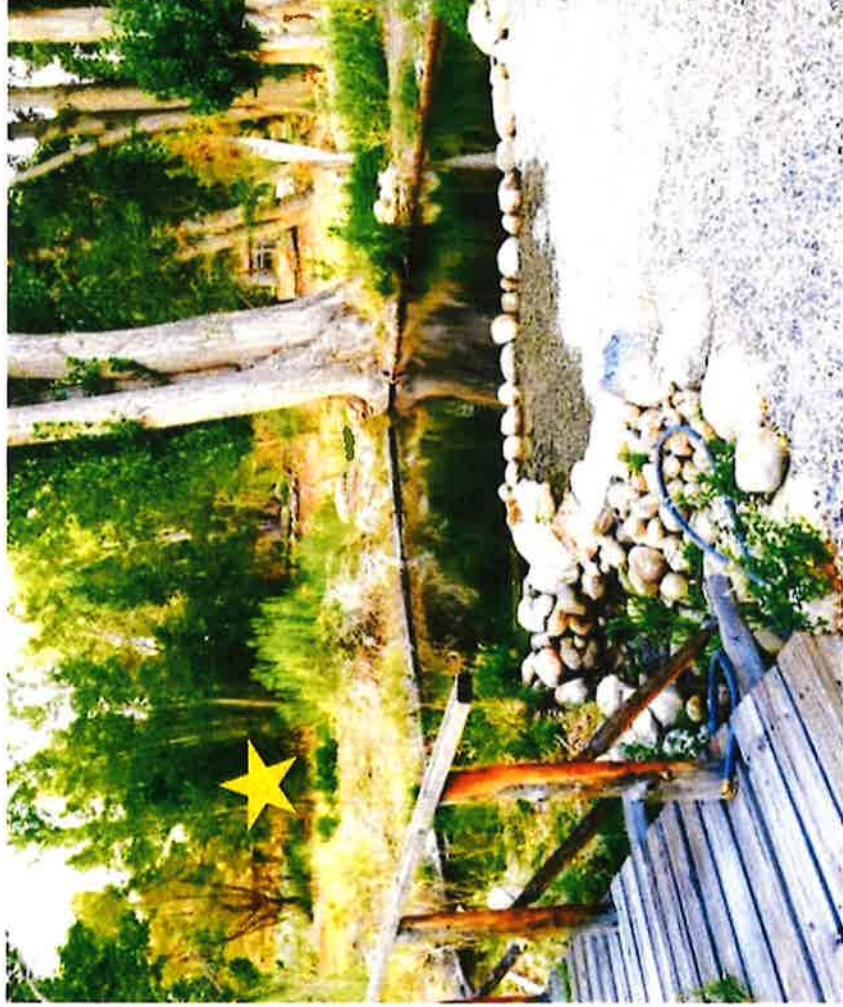


Looking at neighboring property to our east, belonging to Donna Mason. The pasture directly bordering ours is being used as a pasture for a few horses & maybe 15 goats.

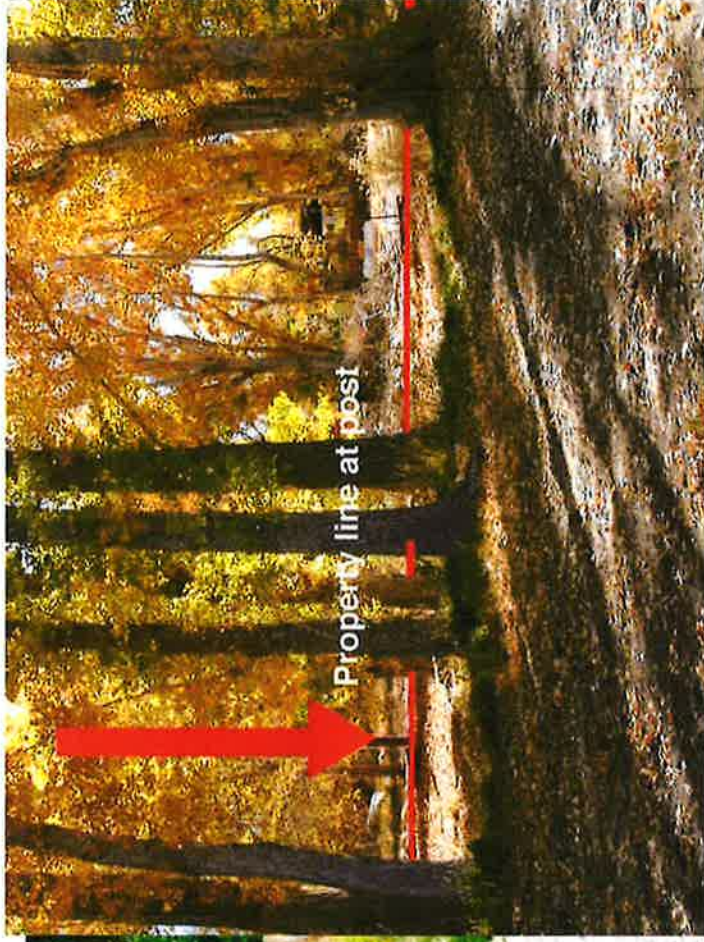


Looking S/E. Our pond w/neighboring property home just visible on left

South Side Border



Southeast corner of property

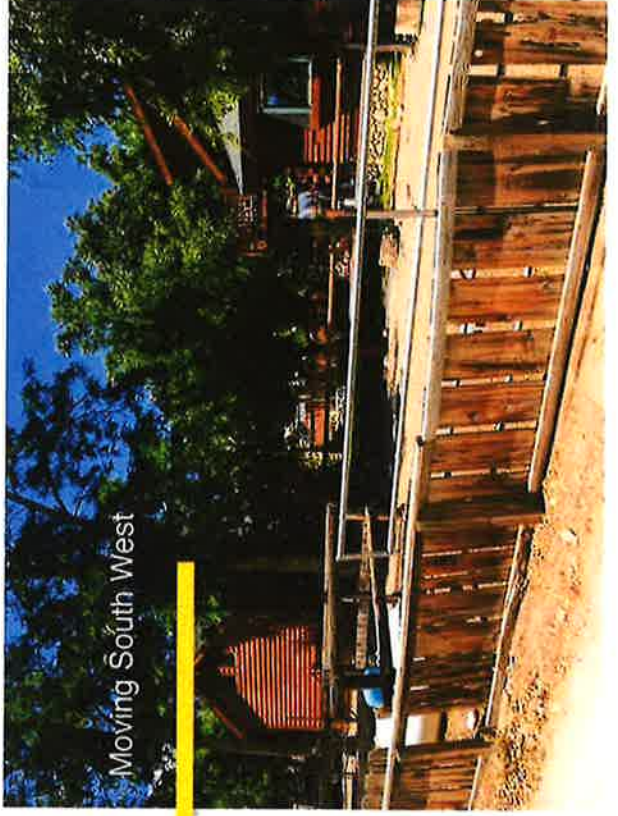
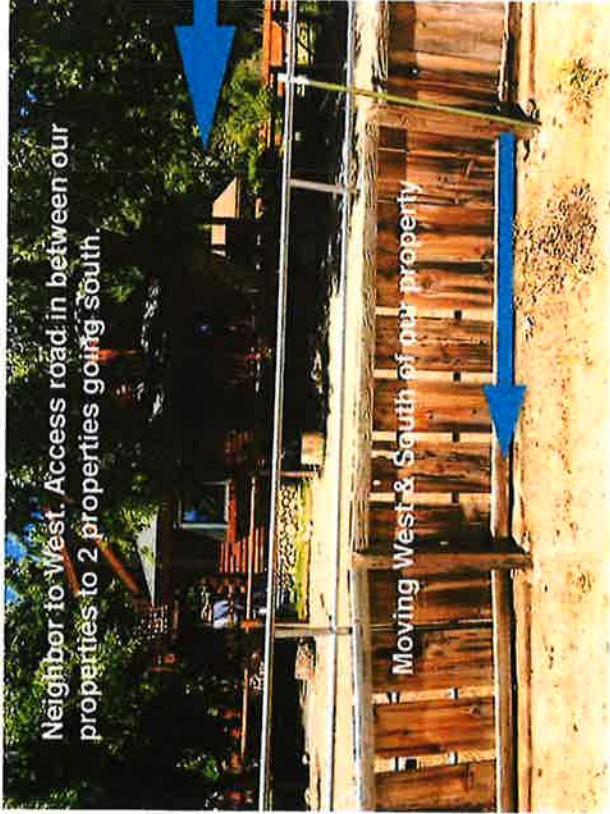


Property line at post



Southwest corner of property

West side neighborhood border



1327 BIRCHIM LANE

DRIVEWAY ENTRY



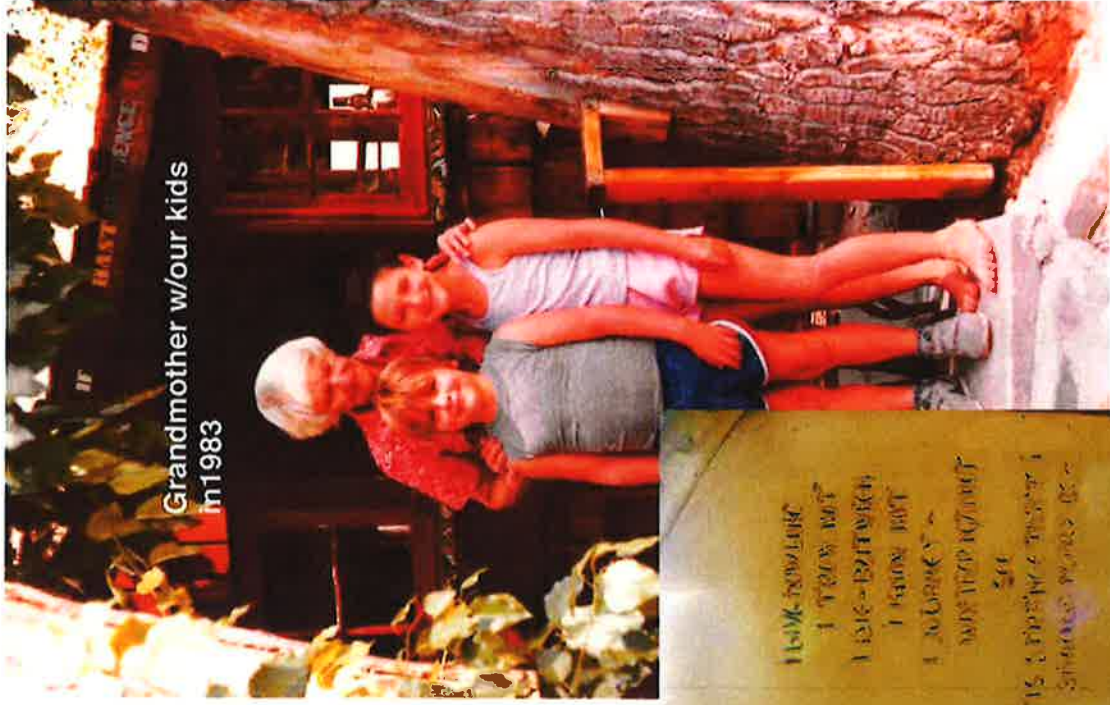
**NORTH EAST SIDE OF
HOUSE OFF OF BIRCHIM
LANE.**



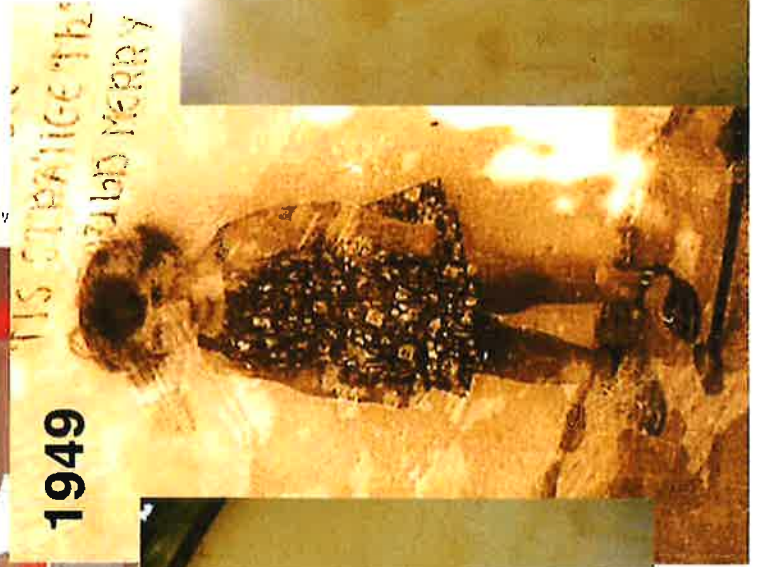
**NORTH WEST CORNER OF
PROPERTY LOOKING
SOUTH. OLD PLAYHOUSE
ON RIGHT.**

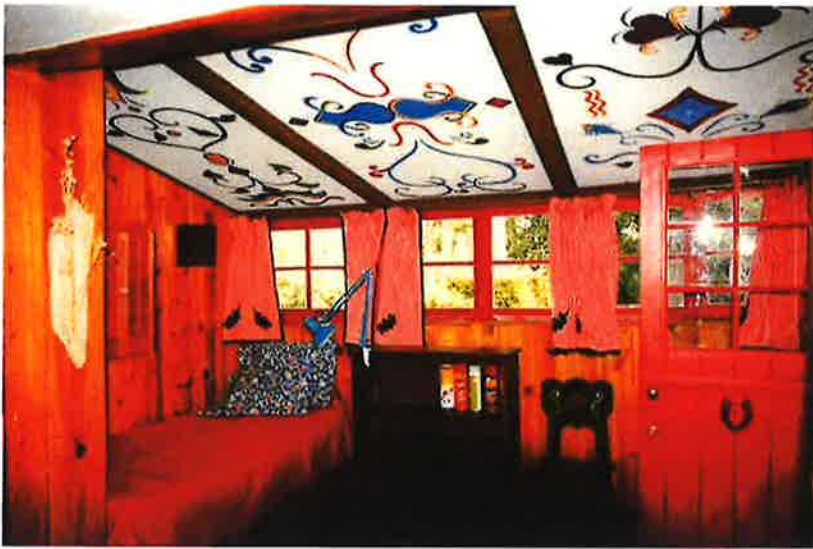


Attachment C
Examples of my grandmother's wall painting & carved fascia w/history of Owen's Valley & carved welcoming words above entry door.



GO • 90V

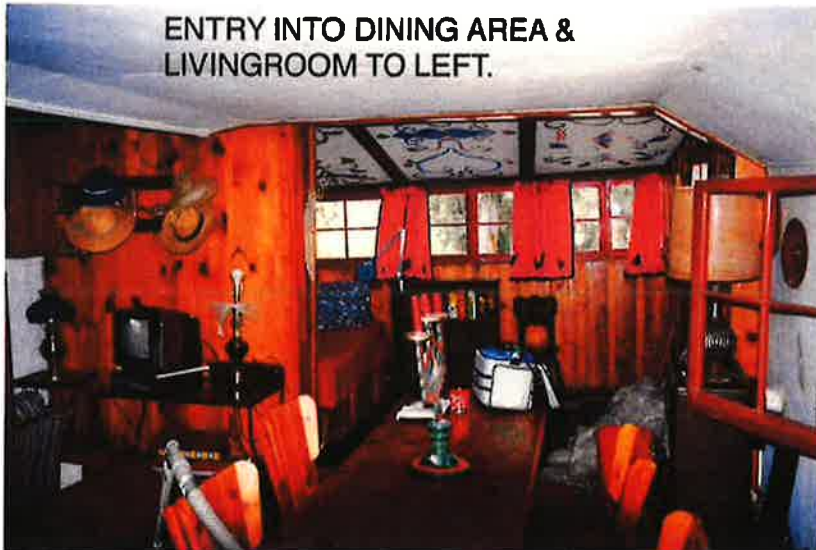




ENTRY DOOR



ENTRY INTO DINING AREA & LIVINGROOM TO LEFT.





**AROUND 2010
ENTRY INTO DINING AREA.**



**DINING AREA LOOKING INTO
BEDROOM THROUGH
BATHROOM.**



**DINING AREA TO LEFT BATH TO
RIGHT LIVINGROOM.**



Upper left: Livingroom 2015.
Upper right: Livingroom 1948 Grandfather,
Frank Wymond w/Diana Lackner
Pictured to the left of fireplace in December
1947.



Bottom left: Livingroom Curtain Bed
(used to have curtains) in 2015.
Bottom right: Diana Lackner in same
Curtain Bed in December 1947.

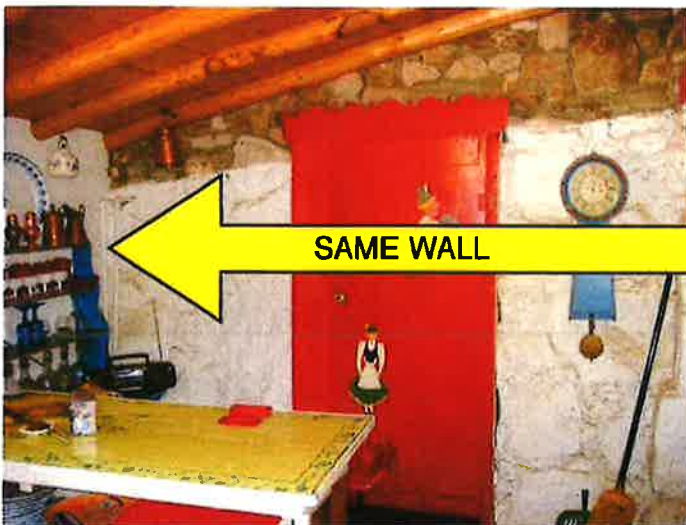
LIVINGROOM INTO KITCHEN

Attachment C



KITCHEN DOOR TO LIVINGROOM

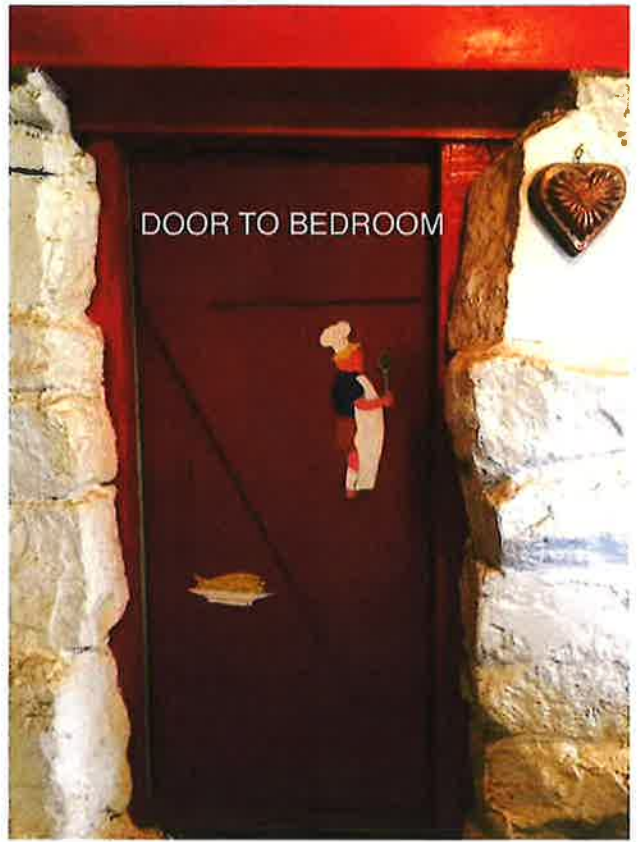
KITCHEN DOOR ON RIGHT LEADING INTO EXISTING BEDROOM.

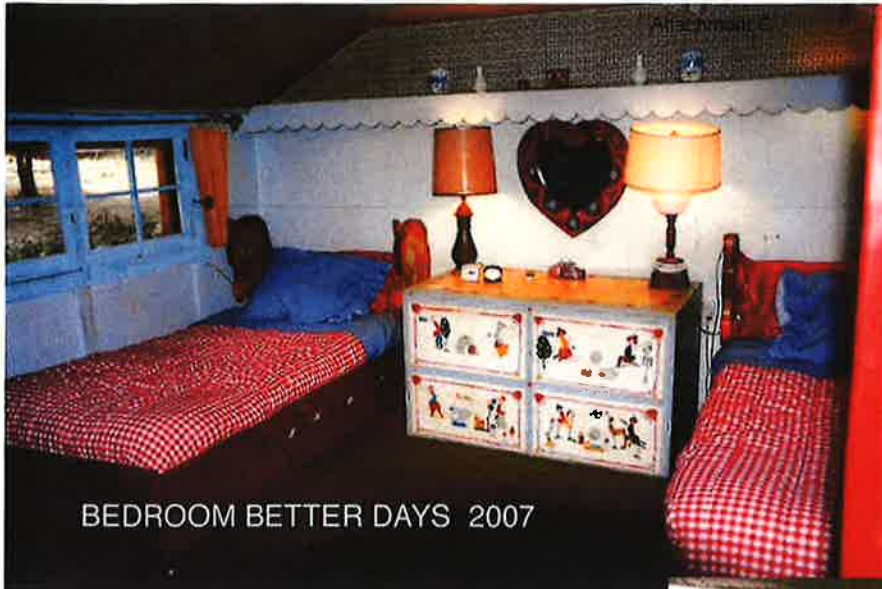


DIANA (WHITNEY)LACKNER & BROTHER BOB WHITNEY. SUMMER 1954

KITCHEN

Attachment C





BEDROOM BETTER DAYS 2007

2015 Roof leaking on south side bedroom ceiling. Walls continuous on south side deteriorating. Below are photos of fireplace in bedroom. Shows deterioration of walls.





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E-Mail: inyoplanning@inyocounty.us**

AGENDA ITEM NO.: 11(Action Item – Public Hearing)
PLANNING COMMISSION MEETING DATE: January 22, 2020
SUBJECT: Conditional Use Permit (CUP) 2019-14/Indy Place

EXECUTIVE SUMMARY

This project involves a proposal to establish outdoor seating for a seasonal ice cream shop. The applicant estimates the ice cream shop /food establishment operation April through October with regular hours of operation, between 10:00 a.m. and 4:00 p.m., Thursday through Monday.

PROJECT INFORMATION.

Supervisory District: 4

Project Applicant: Paul English of Indy Place.

Property Owner: Paul English & Joyce Thompson

Site Address: 251 North Edwards Street Independence, CA 93526

Community: Independence

A.P.N.: 002-045-01

General Plan: Central Business District

Zoning: Central Business (CB)

Size of Parcel: Approximately .30 Acre

Surrounding Land Use:

Location:	Use:	Gen. Plan Designation	Zoning
Site	Food & Beverage Sale	Central Business (CB)	Central Business (CB)
North	Historical Museum building	Central Business (CB)	Central Business (CB)
East	Vacant Land/Masonic Lodge	Central Business (CB)	Central Business (CB)
South	Vacant Land	Central Business (CB)	Central Business (CB)
West	Single-Family Dwelling.	Residential Medium-High (RMH)	Multiple Residence (R2)- 6,500 square foot minimum lot size

Staff Recommended Action: **1.) Approve the Conditional Use Permit (CUP) 2019-14/Indy Place and certify it is Exempt under CEQA.**

Alternatives: 1.) Deny the CUP.
 2.) Approve the CUP with additional Conditions of Approval.
 3.) Continue the public hearing to a future date, and provide specific direction to staff regarding what additional information and analysis is needed.

Project Planner: Ryan Standridge, Assistant Planner

STAFF ANALYSIS

Background and Overview

The applicant is in the process of retrofitting an existing office building, located at 251 North Edwards Street Independence to meet environmental health and building and safety requirements to operate an eating establishment. This project involves a proposal to establish outdoor seating for a seasonal ice cream shop. A conditional use permit is required by Inyo County Code 18.44.03. Conditional uses for the applicant to do so. The applicant estimates the ice cream shop /food establishment operation will be April through October with regular hours of between 10:00 a.m. and 4:00 p.m., Thursday through Monday.

General Plan Consistency

The project is consistent with the General Plan designation of *Central Business (CB) Policy LU-3.1*, as a food establishment with outdoor seating is allowed in the Central Business Designation with an approved conditional use permit. The project goal is to provide a positive effect on the local economy by providing a restaurant in the Independence community utilizing the beautiful scenic views for their outdoor seating and to provide Central Business land uses that adequately serve the current and anticipated future needs of the community.

Zoning Ordinance Consistency

The parcel is zoned Central Business. A food establishment with outdoor seating is permitted under 18.44.03 to allow for outdoor display of goods, outdoor seating, or outdoor business activity, as a conditional use, following approval from the Planning Commission. Obtaining the CUP makes the project consistent with the County's Zoning Ordinance.

ENVIRONMENTAL REVIEW

This project was reviewed for compliance with the California Environmental Quality Act (CEQA), the CEQA guidelines, and the County's environmental procedures, and was found to be Categorically Exempt under CEQA Guidelines Class 3- Conversion of small facilities. This project's conversion of the existing deck to allow for outdoor seating is a minor modification allowing the use with the approval of the CUP. The project was reviewed for CEQA compliance, and was found to be exempt pursuant to Section 15300 (Class 3)-Conversion of small facilities, as it constitutes "the conversion of [an] existing small structure from one use to another when only minor modifications are made to the exterior," with no new disturbances beyond what currently exists on site. Staff deemed that the proposed CUP could have no possibility of causing significant environmental effects, as the site is already fully developed and disturbed.

RECOMMENDATION

Planning Department staff recommends the approval of Conditional Use Permit No. 2019-14/Indy Place, with the following Findings and Conditions of Approval:

Findings

1. The Planning Commission certifies that the provisions of the California Environmental Quality Act (CEQA) have been satisfied, as the project was deemed exempt from environmental review under CEQA Guidelines Section 15303
[Evidence: Staff has determined that the parcel has existing buildings, proposed for operation as eating/drinking establishments, which is a principal permitted use. The future outdoor seating is an accessory use to the eating/drinking establishment. The proposed conversion of the existing deck, to outdoor seating for this use, is allowed in the Central Business zone designation, but requires

approval as a conditional use. Staff deemed that the proposed CUP has no possibility of causing significant environmental effects, as the site is already fully developed and disturbed.

2. The proposed Conditional Use Permit is consistent with the Inyo County General Plan Land Use designation of Central Business(CB).
[Evidence: The proposed Conditional Use Permit is consistent with the goals and Objectives of the General Plan designation of Central Business (CB) Designation Policy LU-3.1. The proposed outdoor seating, with an approved conditional use permit, Provide business uses that adequately serve the current and anticipated future needs of the community. No conflicts exist with policies and objectives in the other adopted elements of the General Plan.]
3. The proposed Conditional Use Permit is consistent with the Inyo County Zoning Ordinance, which permits “Outdoor seating” as a conditional use in the Central business zone.
[Evidence: Section 18.44.03 the Central Business Zone allows for Outdoor seating as a conditional use, “The future food establishment is a principal permitted use, and the addition of the outdoor seating is to be used exclusively by Indy Place for the conditionally permitted use.” By obtaining a CUP, the use will be consistent with the County’s Zoning Ordinance.]
4. The proposed Conditional Use Permit is necessary or desirable.
[Evidence: General Plan Policy ED-1.1 Business Expansion encourages the expansion of business in the County. Allowing for a conditional use permit for outdoor seating will induce business revenue, resulting in an increase in local tourism made available by having this food establishment in the community, and also adding to the motel businesses in the Independence Community. Therefore, this is a desirable use that will help to encourage the expansion of business.]
5. The proposed Conditional Use Permit is appropriately related to other uses and transportation and service facilities in the vicinity.
[Evidence: The addition of outdoor seating will not result in significantly increased vehicle trips or other usages of the property and services currently allowed for at the site. Therefore, the proposed outdoor seating will have no impact on transportation and service facilities.]
6. The proposed Conditional Use Permit would not, under all the circumstances of this case, affect adversely the health or safety of persons living or working in the vicinity or be materially detrimental to the public welfare.
[Evidence: The general area of the project is in a location of Central Business uses and vacant land, and the addition of outdoor seating for a food establishment is similar to surrounding uses. The addition of outdoor seating will not have an adverse impact on the health or safety of a person living or working in the vicinity, nor will it be materially detrimental to the public welfare.]

7. Operating requirements necessitate the addition of outdoor seating for a food establishment located within the Central Business (CB).
[Evidence: The applicant wishes to utilize outdoor seating. This use requires a CUP in the Central Business Zone; and, therefore, is necessary for the operation of the business.]

Conditions of Approval

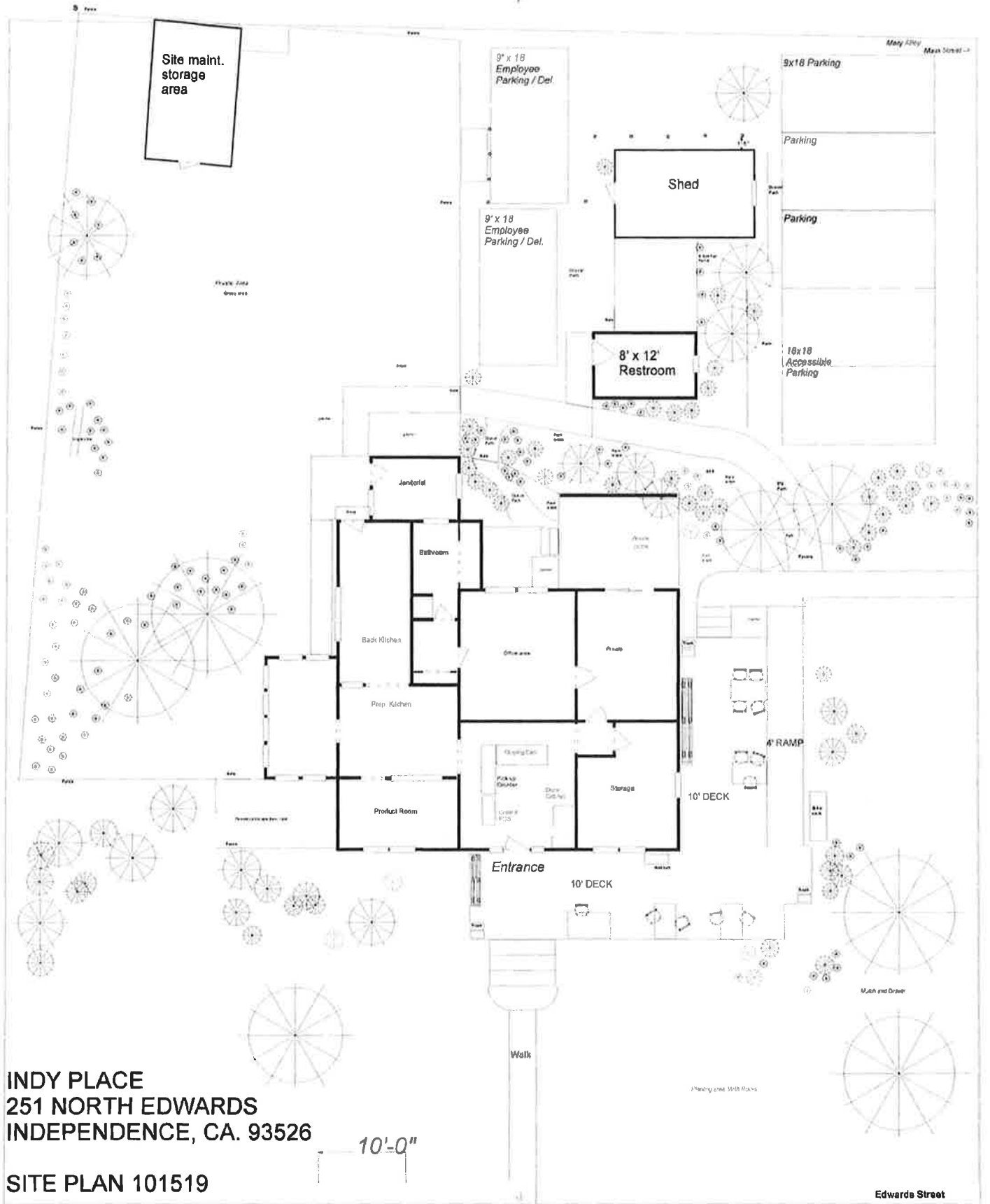
1. **Compliance with County Code** The applicant/developer shall conform to all applicable provisions of Inyo County Code and State regulations. If the use provided by this conditional use permit is not established within one year of the approval date, it will become void.
2. **Hold Harmless** The applicant/developer shall defend, indemnify and hold harmless Inyo County agents, officers, and employees from any claim, action or proceeding against the County or its agents, officers, or employees to attack, set aside, void or annul an approval of the county, its advisory agencies, its appeals board, or legislative body concerning Conditional Use Permit No. 2019-14/Indy Place. The County reserves the right to prepare its own defense.

ATTACHMENTS

- A. Vicinity map
- B. Site Plan
- C. Site Pictures

251 North Edwards CUP application
Centennial Services Inc dba Indy Place

Attachment B



INDY PLACE
251 NORTH EDWARDS
INDEPENDENCE, CA. 93526

SITE PLAN 101519

10'-0"

Edwards Street

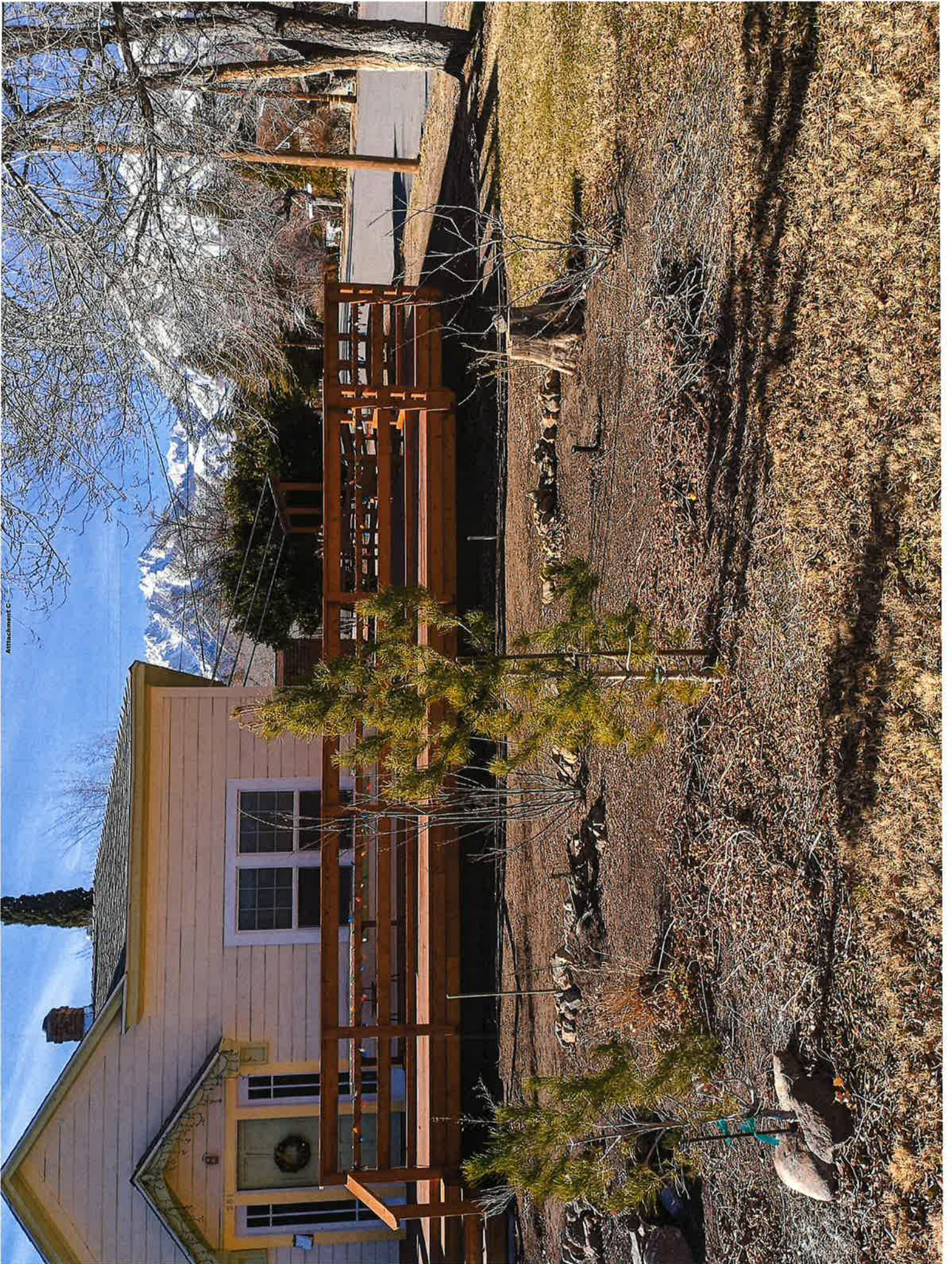
251 North EDWARDS Centennial Services Inc dba Hwy Place

Attachment C





Attachment C





**Planning Department
168 North Edwards Street
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Independence, California 93526**

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AGENDA ITEM NO.: 12 (Action Item – Public Hearing)
PLANNING COMMISSION MEETING DATE: January 22, 2020
SUBJECT: Conditional Use Permit (CUP) 2019-11/Deep Springs College

EXECUTIVE SUMMARY

The applicant, Deep Springs College, has applied for a CUP to: make the college compliant with the Inyo County Code 18.12 (Open Space); and to replace faculty housing partially lost due a renovation, with a new triplex. The college has been operating at the same location since 1917 and is a grandfathered use as it was established before the County's zoning code. Any changes or expansions do, however, require a CUP. By obtaining the CUP the college can continue the current use as a college, which is considered a public/quasi-public use, and make the proposed improvements. The triplex will house permanent and visiting faculty.

PROJECT INFORMATION.

Supervisory District: 4

Project Applicant: Padraic MacLeish

Property Owner: Deep Springs College

Site Address/ 250 Deep Springs Ranch Road

Community: Big Pine, CA

A.P.N.: 016-170-02

General Plan: Open Space and Recreation (OSR)

Zoning: Open Space with a forty-acre minimum (OS-40)

Size of Parcel: Approximately 278-acres

Surrounding Land Use:

Location:	Use:	Gen. Plan Designation	Zoning
Site	College/ Vacant/Open Space	Rural Protection (RP)	Open Space - 40 acre minimum (OS-40)
North	Vacant/Open Space/Ranch	Rural Protection (RP)	Open Space - 40 acre minimum (OS-40)
East	Vacant/Open Space	State and Federal Lands (SFL)	Open Space - 40 acre minimum (OS-40)
South	Vacant/Open Space	State and Federal Lands (SFL)	Open Space - 40 acre minimum (OS-40)
West	Vacant/Open Space/Ranch	Rural Protection (RP)	Open Space - 40 acre minimum (OS-40)

Staff Recommended Action:

1.) Approve the Conditional Use Permit (CUP) 2019-11/Deep Springs College, with the Findings and Conditions as identified in the Staff Report and find the project is exempt under CEQA.

Alternatives:

- 1.) Deny the CUP.
- 2.) Approve the CUP with additional Conditions of Approval.
- 3.) Continue the public hearing to a future date, and provide specific direction to staff regarding what additional information and analysis is needed.

Project Planner:

Cathreen Richards

STAFF ANALYSIS

Background and Overview

The applicant has applied for a CUP to build a triplex on the Deep Springs College property near the community of Big Pine and to allow for the continued use of the property for the college. Deep Springs College has been operating in the County since 1917 and is grandfathered since it was established prior to the County's zoning ordinance. The proposed change to the College (a faculty triplex) has triggered the need for the CUP as this addition will cause the college to become more non-conforming. The OS zone does not allow for the College or any uses/or buildings associated with it as an outright permitted use. The OS zone does, however, allow for public/quasi-public uses, which includes educational facilities with a CUP. Inyo County Code Section 18.78.240 - Nonconforming uses—Changes states:

“No nonconforming use shall be enlarged or extended so as to occupy a greater area of land or of a building than that occupied at the time it became a nonconforming use.”

The addition of the triplex falls under the provision of 18.78.240; and therefore, a CUP approved by the Planning Commission is required. The current use of the property as a College falls under public, quasi-public, uses as an educational facility. Public, quasi-public, uses are conditionally allowed in the Open Space zone; therefore, a conditional use permit is also required for the continued operation of the college to be compliant with the Inyo County Code.

The general project area is in a location surrounded by vacant, open space, and grazing lands.

Site Location Map



General Plan Consistency

The goal of this project is to allow for an established non-conforming public, quasi-public, use on the site to continue, and to allow for the addition of a faculty triplex, in compliance with County's zoning ordinance. The project is consistent with the General Plan designation of Rural Protection (RP), as it allows for the managed production of natural resources and agriculture. The college qualifies as its curriculum focuses the study and management of both natural resources and agriculture. In fact, there is an operating farm at the College that the students work on as part of their educational program.

Zoning Ordinance Consistency

The Open Space zoning designation allows for public and quasi-public buildings and uses of recreational, religious, cultural or public service nature as a conditional use. This is an established use at the site and the applicant is seeking the use permit to continue to operate the College in compliance with County's zoning ordinance. The proposed new building will replace some housing that was in a different building for many years. The Inyo County Code requires that any changes to a non-conforming use and/or building be approved by the Planning Commission. By acquiring the CUP the applicant is creating consistency with the code.

OTHER COUNTY DEPARTMENT REVIEW

The project information was sent to various County departments for review and comment. Comments were received from the Environmental Health Department regarding the onsite sanitary system. Environmental Health Department staff has concerns regarding the existing on-site septic systems being adequate for the addition of the triplex. To address this, the project is being conditioned with: *the applicant shall work with the Inyo County Environmental Health Department to design and build an on-site septic system adequate to meet the needs of the new triplex.*

ENVIRONMENTAL REVIEW

Staff prepared a Draft Mitigated Negative Declaration and Initial Study for CUP 2019-11/Deep Springs College and circulated it for a 30-day review and comment (Attached). The review period closed on January 4, 2020. The Initial Study identified one potential impact (rupture of a known earthquake fault zone) under Geology and Soils that will be less than significant with mitigation. No comments were received.

The majority of the project site is located in an Alquist-Priolo Earthquake Fault Zone. A fault rupture study of portions of the college property was completed in 1997. A follow up letter in July 2019, was provided by Sierra Geotechnical Services indicting that the triplex is outside of the zone of fault rupture hazards. Other sites on the college property have not been evaluated and will need to be in the event the college wishes to add more development in the future. To address this, the project is being conditioned with: *the applicant shall provide the required documentation showing that any future building site on the Deep Springs College property is either covered by the existing earthquake fault rupture hazard study, or a new earthquake fault rupture hazard study shall be prepared, prior to any approvals for development.*

TRIBAL CONSULTATION

In compliance with AB 52 and Public Resource Code Section 21080.3.1(b) as well as tribes identified as being local to Inyo County, were notified via a certified letter about the project and the opportunity for consultation on this project. The tribes notified were: the Cabazon Band of Mission Indians, the Torres Martinez Desert Cahuilla Indians, the Twenty-Nine Palms Band of Mission Indians, the Big Pine Paiute Tribe, the Bishop Paiute Tribe, the Fort Independence Paiute Tribe, the Lone Pine Paiute Tribe, and the Timbisha Shoshone Tribe. None of the tribes contacted responded with a request for consultation.

RECOMMENDATION

Planning Department staff recommends the approval of Conditional Use Permit No. 2019-11/Deep Springs, with the following Findings and Conditions of Approval:

FINDINGS

1. Based on the Initial Study and all oral and written comments received, the Mitigated Negative Declaration should be adopted and that certification of the provisions of the California Environmental Quality Act have been satisfied.
[Evidence: An Initial Study and Mitigated Negative Declaration of Environmental Impact were prepared and circulated for public review and comment pursuant to the provisions of the California Environmental Quality Act. The 30-day comment period ended on January 4, 2020 and no comments were received. The Initial Study identified one potential impact (rupture of a known earthquake fault zone) under Geology and Soils that will be less than significant with mitigation. This mitigation is built into the project as Conditional of Approval #4].
2. The proposed Conditional Use Permit is consistent with the Inyo County General Plan Land Use designation of Rural Protection (RP).
[Evidence: The goal of this project is to allow for the established non-conforming use (college) at the site to continue operating in compliance with the County's zoning ordinance. The project is consistent with the General Plan designation of RP, as it allows for the managed production of natural resources and agricultural uses. The college qualifies as its curriculum focuses the study and management of both natural resources and agriculture. In fact, there is an operating farm at the College that the students work on as part of their educational program.]
3. The proposed Conditional Use Permit is consistent with the Inyo County Zoning Ordinance, which permits "public or quasi-public facilities" as a conditional use in the Public zone.
[Evidence: Open Space; Section 18.12.040(C) allows for public and quasi-public buildings and uses of recreational, religious, cultural or public service nature as a conditional use. The college qualifies as a public quasi-public use as a facility for the provision of teaching and research. This is an established use at the site and the applicant is seeking the use permit to continue to operate the college in compliance with County's zoning ordinance. The proposed triplex will provide temporary and permanent housing for faculty members. The Inyo County Code states that no non-conforming use or build shall be enlarged or extended without an approval by the Planning Commission per 18.78.240. By acquiring the conditional use permit the applicant is creating consistency with the code.]
4. The proposed Conditional Use Permit is necessary or desirable.
[Evidence: The General Plan's Economic Development Element's Goal ED-2.3 states: 'Support the establishment of educational institutions and facilities that can draw post-secondary students into Inyo County and create new nodes of economic activity and retail spending. Deep Springs College has post-secondary students from across the country. It also has onsite and visiting staff, as well as student visitors, all

of these bring additional economic activities and retail spending into the County; therefore, this is a desirable use.]

5. The proposed Conditional Use Permit is properly related to other uses and transportation and service facilities in the vicinity.
[Evidence: The proposed conditional use permit is to make an existing use and new building compliant with the County's Zoning Code. It will not change or increase the current level or type of use; and therefore, will have no impact on transportation or service facilities in the vicinity.]
6. The proposed Conditional Use Permit would not, under all the circumstances of this case, affect adversely the health or safety of persons living or working in the vicinity or be materially detrimental to the public welfare.
[Evidence: The conditional use permit is being proposed to make an existing use and new building compliant the County's Zoning Code. It will not change or increase the current level or type of use; and therefore, it will not create impacts on the health or safety of persons living or working in the vicinity or be materially detrimental to the public welfare.]
7. Operating requirements necessitate the Conditional Use Permit for the site.
[Evidence: The continued use of the property for the college and the additional of a faculty triplex require a conditional use permit per Inyo County Code Section 18.12.040 and 18.78.240. Therefore, the conditional use permit is necessary for the continued operations at the site.]

CONDITIONS OF APPROVAL

1. Hold Harmless
The applicant/developer shall defend, indemnify and hold harmless Inyo County agents, officers, and employees from any claim, action or proceeding against the County or its agents, officers, or employees to attack, set aside, void or annul an approval of the county, its advisory agencies, its appeals board, or legislative body concerning Conditional Use Permit No. 2019-11/Deep Springs College. The County reserves the right to prepare its own defense.
2. Compliance with County Code
The applicant/developer shall conform to all applicable provisions of Inyo County Code. If the use provided by this conditional use permit is not established within one year of the approval date it will become void.
3. The applicant shall work with the Inyo County Environmental Health Department to design and build an on-site septic system adequate to meet the needs of the new triplex.
4. The applicant shall provide the required documentation showing that any future building site on the Deep Springs College property is either covered by the existing

earthquake fault rupture hazard study, or a new earthquake fault rupture hazard study shall be prepared, prior to any approvals for development.



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AGENDA ITEM NO.: 13 (Action Item – Public Hearing)

**PLANNING COMMISSION
MEETING DATE:** January 22, 2020

SUBJECT: Variance #2019-02/Lovinger

EXECUTIVE SUMMARY

The applicant, Lonnie Lovinger has applied for a variance for a single-family dwelling to encroach 15-feet into the required 25-foot front yard setback for a 180-square-foot storage garage addition on a property zoned One Family Residences, with a 10,000-sq-ft minimum (R1-10,000) that is located at 258 Brook Lane, in the community Aspendell.

PROJECT INFORMATION.

Supervisory District: 1

Project Applicant: Lonnie Lovinger, 258 Brook Lane, Aspendell

Property Owner: Lonnie Lovinger, 258 Brook Lane, Aspendell

Site Address/

Community: 258 Brook Lane, Aspendell

A.P.N.: 014-292-06

General Plan: Residential Low Density (RL)

Zoning: One Family Residential (R1), 10,000-sq-ft minimum

Size of Parcel: Approximately 8,479-square-feet

Surrounding Land Use:

Location	Use	General Plan Designation	Zone
Site	Developed - Single family residence	Residential Low Density (RL)	One Family Residential (R1), 10,000-sq-ft minimum
North	Developed - Single family residence	Residential Low Density (RL)	One Family Residential (R1), 10,000-sq-ft minimum 2.5)
East	Developed - Single family residence	Residential Low Density (RL)	One Family Residential (R1), 10,000-sq-ft minimum
South	Developed - Single family residence	Residential Low Density (RL)	One Family Residential (R1), 10,000-sq-ft minimum
West	Developed - Single family residence	Residential Low Density (RL)	One Family Residential (R1), 10,000-sq-ft minimum

Staff Recommended Action:

1.) Approve Variance 2019-02/Lovinger with the Findings and Conditions as provided for in the staff report and certify that it is Exempt under California Environmental Quality Act (CEQA).

Alternatives:

- 1.) Deny the Variance.
- 2.) Approve the Variance with additional Conditions of Approval.
- 3.) Continue the public hearing to a future date, and provide specific direction to staff regarding what additional information and analysis is needed.

Project Planner:

Cathreen Richards

STAFF ANALYSIS

Variance Request & Site Characteristics

The applicant, Lonnie Lovinger, owns an 8,479-sq-ft parcel located at 258 Brook Lane in the community of Aspendell. The available building area of this parcel is constrained and is of sub-standard lot size per the zoning minimum (substandard parcel sizes do not prohibit development as long as setback requirements can be met). The constraints to development on this parcel are due to a 10-foot sewer easement on the front of the property and a 5-foot public access easement to Bishop Creek on the rear. The parcel also slopes from the front facing Brook Lane to Bishop Creek at the rear. The proposed parcel

is currently developed with a single family home and a Variance was approved for a 9-foot encroachment into the front yard setback in 1990. Development surrounding the parcel is made up of single family homes. The owner wishes to build the storage garage adjacent to the existing garage to store snow removal and yard maintenance equipment.

The properties within the same block and surrounding the proposed project parcel are zoned R1-10,000. Thirteen of these 19-parcels do not meet the minimum 10,000 square foot requirement and many also do not meet setback requirements. The R1 zone requires the following setbacks:

- Front: 25-feet
- Rear: 20-feet
- Side: 5-feet.

In addition, the R1 zoning requires a minimum lot width of 50-feet. The project parcel easily meets the 50-foot requirement with a lot width of 64-feet on the narrowest side. The parcel is already developed and is set lower than the street elevation with the required parking area located at the street level. Due to these factors, the most logical place on the parcel for the applicant's proposed utility room is on the front of the house adjacent to the existing garage. The proposed encroachment into the front yard set back by approx. 15-feet, results in a 10-foot front yard setback.

Picture of property looking south to north



Map of Parcel with aerial photo



Vicinity Map



Previous Variance History

Variance 1990-5/Lovinger allowed for a 9-foot encroachment into the front yard setback. This request adds 6-feet to the original encroachment for a total of 15-feet.

Provision for Variances

The Inyo County Zoning Ordinance states that any variance to the terms of the Zoning Ordinance may be granted if such a variance would “*not be contrary to its general intent or the public interest, where due to special conditions or exceptional characteristics of the property or its location or surroundings, a literal enforcement would result in practical difficulties or unnecessary hardships*” (Section 18.81.040).

Further, the Zoning Ordinance states that the following three Findings must be affirmed in order for any variance to be granted:

1. That there are exceptional circumstances applicable to the property involved, or to the intended use, which do not generally apply to other property in the same district.
2. That the result would not be detrimental to the public welfare, or injurious to property in the vicinity.
3. That the strict application of the regulation sought to be modified would result in practical difficulties or hardships inconsistent with, and not necessary for the attainment of, the general purposes of this title.

In addition to the above Findings specified in the Inyo County Zoning Ordinance, California State Government Code requires the following Findings for any variance:

4. The proposed variance does not constitute a grant of special privileges inconsistent with the limitations upon other properties in the vicinity and zone in which the property is situated.
5. The proposed variance does not authorize a use or activity that is not otherwise expressly authorized by the zoning regulation governing the parcel of property.
6. The proposed variance is consistent with the General Plan.
7. The requirements of the California Environmental Quality Act have been met.

Affirmative variance Findings must describe the special circumstances that act to physically differentiate the project site from its neighbors and make it unique, and thus uniquely justified for a variance; alternatively, negative findings must describe how the project’s physical characteristics are not unique or exceptional, and therefore do not justify a variance.

ALL seven of the Findings must be affirmed in order for a variance to be approved.

ENVIRONMENTAL REVIEW

This project is Categorically Exempt from the provisions of the California Environmental Quality Act (CEQA), under the Class 3 exemption, 15303 “New Construction or

Conversion of Small Structures (a) One single-family residence, or a second dwelling unit in a residential zone.”

NOTICING REQUIREMENTS

The project was noticed for a Public Hearing in the Inyo Register ten days in advance, on January 10, 2020 and notices were mailed to all property owners within 300-ft of the proposed project. No comments have been received by staff as of the date of this staff report.

RECOMMENDATIONS

Approve Variance 2019-02/Lovinger with the Findings and Conditions as provided for in this staff report and certify that it is Exempt under CEQA.

Findings

Staff has reviewed this application and can find that all seven of the required Findings can be affirmed:

1. That there are exceptional circumstances applicable to the property involved, or to the intended use, which do not generally apply to other property in the same district.

(Affirmative – Evidence: The property is zoned One Family Residential (R1), which requires a lot size of 10,000-square-feet; a minimum width of 50-feet; and, a front yard setback of 25-feet, rear yard of 20-feet and side yards of 5-feet. The loss of buildable area on this parcel is due to easements on both the front and rear yards as well as from the general sloping of the land from the front to the rear of the property. This, along with the fact that it is already developed with a single family home under these constraints, has made it difficult for the owner to design the storage garage within the setback requirements. Finding a way to configure the storage garage to fit the parcel and into the current structure and design of the existing single family home has posed exceptional circumstances that made it impossible without an encroachment into the front yard setback.)

2. That the result would not be detrimental to the public welfare, or injurious to property in the vicinity.

(Affirmative – Evidence: Approving this variance will allow for an addition to a single-family dwelling to encroach further into a front yard setback for a total of 15-feet. Currently there is single family home development on both sides (north and south) of the proposed project. This encroachment request will not affect the side yard setbacks; however, and therefore, will not affect the properties located on each side. The front of the property is adjacent to Brook Lane and the rear to Bishop Creek, so there is no potential for impacting neighboring properties to the east or west. The encroachment also will not cause a situation that could be considered detrimental to the public welfare as the proposed development subsequent to the variance approval is a small 180-square-foot storage garage

that will be required to follow all building and safety regulations per the State and County codes. The variance request to encroach into the front yard setback is also not allowing for activities that are unusual to the surrounding neighborhood since all existing development in the area is made up of single-family dwellings and appurtenant structures.)

3. That the strict application of the regulation sought to be modified would result in practical difficulties or hardships inconsistent with, and not necessary for the attainment of, the general purposes of this title.
(Affirmative – Evidence: The proposed project site area is constrained by easements and topographic limitations causing its buildable area to be limited with regard to additional development. These factors create difficulties/hardships in meeting the required setback requirements for the R1 zone. Granting a variance to encroach 15-feet into the front yard setback would still allow the general purposes of Title 18.30 (R1) of the Zoning Code to be fulfilled, as the encroachment would not change the single-family, residential character, density, or use of the property.)
4. The proposed variance does not constitute a grant of special privileges inconsistent with the limitations upon other properties in the vicinity and zone in which the property is situated.
(Affirmative – Evidence: The project site is non-conforming with respect to its total area and its buildable space is limited by easements and slope. The applicant has designed the storage garage so as not to disrupt the general appearance of the single family home it will be added to. Thirteen of the 19-parcels located in the same block as the proposed variance also do not meet the 10,000-square-foot minimum lot requirement and many of them also do not meet the setback requirements of the R1 zone. For all of these reasons, the requested variance to encroach into the front yard setback cannot be said to constitute a grant of special privileges. It would, instead, allow the property owner the ability to use the property in the same manner as the other properties in the vicinity.)
5. The proposed variance does not authorize a use or activity that is not otherwise expressly authorized by the zoning regulation governing the parcel of property.
(Affirmative – Evidence: The proposed variance applies to front yard setback requirements. The proposed addition to a single family residence is permitted out right in the R1 Zone.)
6. The proposed variance is consistent with the Inyo County General Plan
(Affirmative – Evidence: The requested variance presents no inconsistencies with the General Plan land use designation of the project site, which is Residential Low Density (RL) a single-family landuse designation. Since the storage garage is consistent with single family home uses and the project does not increase the allowed density on the parcel it is consist with the General Plan.
7. The requirements of the California Environmental Quality Act have been met.

(Affirmative – Evidence: The requested variance is not subject to the provisions of CEQA, being categorically exempt under Class 3 15303(a).)

Conditions of Approval

- 1.) Hold Harmless: the applicant, landowner, and/or operator shall defend, indemnify and hold harmless Inyo County, its agents, officers and employees from any claim, action, or proceeding against the County, its advisory agencies, appeal boards, or its legislative body concerning Variance #2019-02/Lovinger or applicant's failure to comply with conditions of approval.

- 2.) The applicant/developer shall conform to all applicable provisions of Inyo County Code including the Building and Safety Code and the Health and Safety Code.

Attachments:

- Site Plan



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AGENDA ITEM NO.: 14 (Action Item – Public Hearing)

**PLANNING COMMISSION
MEETING DATE:** January 22, 2020

SUBJECT: Non-Hosted Short-Term Rental Permit
No. 2019-10/Carleton & Nioche

EXECUTIVE SUMMARY

The applicant has applied for a Non-hosted Short Term Vacation Rental permit, located at 420 Watterson Rd, in Bishop. This permit is required for the applicant to begin renting residential space for periods of 30-days or less, and to achieve compliance with Inyo County Code Chapter 18.73.

PROJECT INFORMATION

Supervisory District: 3
Project Applicant: Fred Carleton & Valerie Sabrina Nioche
Site Address: 420 Watterson Rd. A, Bishop, CA 93514
Community: Bishop, CA
A.P.N.: 011-170-09
General Plan: Residential Medium (RM)
Zoning: Residential OR Mobile Home Combined (RMH)
Size of Parcel: 1 acre

SURROUNDING LAND USE:

Location:	Use:	Gen. Plan Designation	Zoning
Site	Residential	Residential Medium (RM)	Residential/mobile home (RMH)
North	undeveloped	Agriculture (A)	Open Space (OS-40)
East	undeveloped	Agriculture (A)	Open Space (OS-40)
West	undeveloped	Agriculture (A)	Open Space (OS-40)
South	Residential	Residential Medium (RM)	Residential/mobile home (RMH)

Staff Recommended Action: 1.) Approve the Non-Hosted Short-Term Vacation Rental Permit 2019-10/Carleton & Nioche

Alternatives:

- 1.) Deny the Non-Hosted Short-Term Vacation Rental Permit
- 2.) Approve the Non-Hosted Short-Term Vacation Rental Permit with additional conditions of approval
- 3.) Continue the public hearing to a future date, and provide specific direction to staff regarding what additional information and analysis is needed.

Project Planner: Steve Karamitros

STAFF ANALYSIS

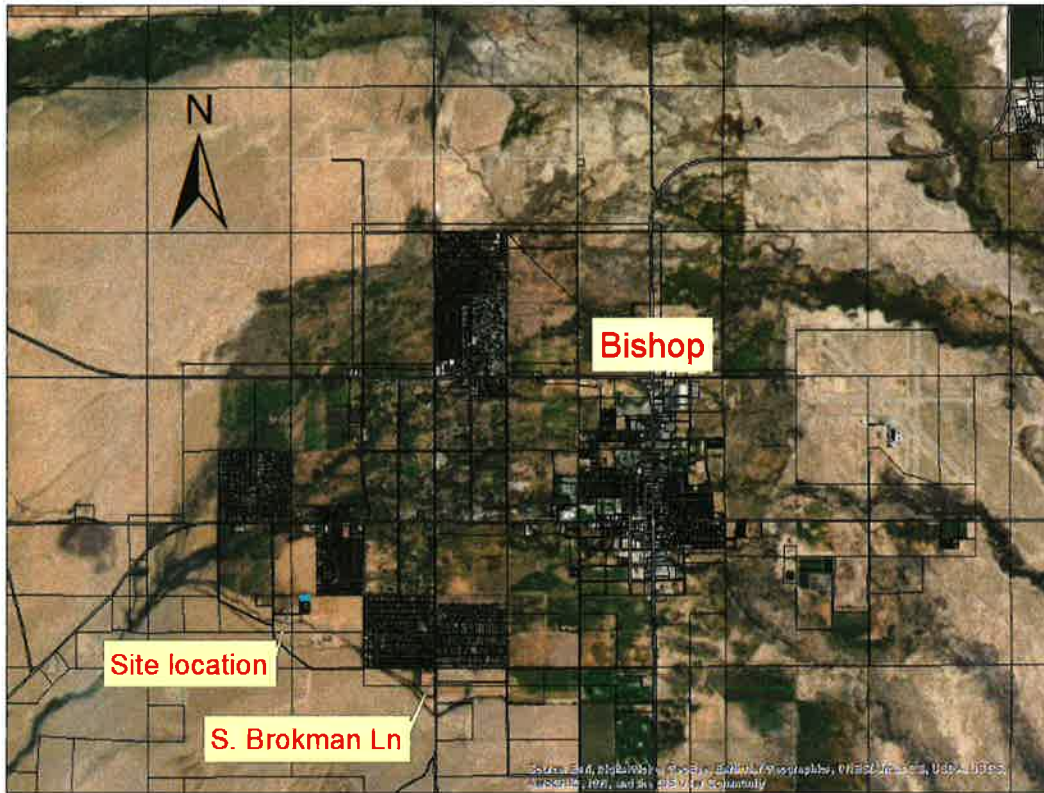
Background and Overview

The applicant has applied for and received a Hosted Short-Term Vacation Rental Permit from the Inyo Planning Department, for the residence located at 420 Watterson Rd. in Bishop. There is a primary residence and a 1,250 ft² accessory dwelling on the property, which the applicant would like to rent as a non-hosted vacation rental. The dwelling to be rented has 2 bedrooms and 2 bathrooms. The accessory dwelling was built in compliance with the standards set by the Inyo County Building and Safety Department and the Inyo County Environmental Health Department.

The proposed application for a Non-Hosted Short-Term Vacation Rental Permit aligns with Inyo County Code Section 18.73-*Short-Term Rental of Residential Property*, which allows for the rental of dwelling units where the owner of the dwelling unit does not concurrently occupy the dwelling unit with the transient lodger. The application for this non-hosted rental has met the requirements of the Inyo County Planning Department and, per County Code Section 18.73.060, now requires that the Inyo County Planning Commission give final approval in order to issue the Non-Hosted Short-Term Vacation Rental Permit.

The residence is surrounded by vacant LADWP-owned land to the west, north, and east. The property is within a subdivision zoned Residential/Mobile Home Combined (RMH)- 7,200 ft² minimum with a general plan designations of Residential Medium density (RM). The residence is located in the unincorporated area of Bishop.

Vicinity Map



Site Location



General Plan Consistency

The goal of this review is to allow the applicant to rent residential space in compliance with the County's zoning ordinance. The project is consistent with Short-Term Rental Ordinance, which was added as Chapter 18.73 of the Inyo County Code, following approval by the Inyo County Board of Supervisors on February 20, 2018. This use will not conflict with the General Plan designation of Residential Medium density (RM) as it does not change the size or density of the residential development currently on the site and in the General Plan.

Zoning Ordinance Consistency

The applicant's residence is zoned Residential OR Mobile Home Combined (RMH), which is defined as an eligible zoning area for short term rentals. The current use will not change and therefore remains consistent with the current zoning ordinance.

ENVIRONMENTAL REVIEW

As per Section Two of the approved County Ordinance (Chapter 18.73), the Non-Hosted Short-Term Rental Permit 2019-10/Carleton & Nioche was reviewed for compliance with the California Environmental Quality Act (CEQA), and the County's environmental procedures, and was found to be exempt pursuant to Section 15301 Class 1 (Existing Facilities) of the CEQA guidelines, as it constitutes an extension of residential use, with "negligible or no expansion of use" beyond that existing at the time of the lead agency's determination.

RECOMMENDATION

Find the proposed project exempt from the requirements of the California Environmental Quality Act; make the findings specified below; and, approve Non-Hosted Short-Term Vacation Rental Permit 2019-10/Carleton & Nioche, subject to the Conditions of Approval:

Recommended Findings for NH-STR 2019-10/Carleton & Nioche:

1. The proposed Non-Hosted Short-Term Vacation Rental Permit is exempted from further CEQA review, and the provisions of the California Environmental Quality Act have been satisfied.
[Evidence: Pursuant to Section 15301 of the CEQA guidelines, the proposed permit application constitutes an extension of residential use, with negligible expansion of use, and can be seen with certainty that there will be no significant effect on the environment.]
2. The proposed Non-Hosted Short-Term Vacation Rental Permit is consistent with the Inyo County General Plan Land Use Designation of Rural Residential High (RRH).
[Evidence: The proposed project is consistent with the goals and policies of the General Plan's Land Use designation of Residential Medium, which has a Residential Density of 4.6 – 7.5 dwelling units per acre. The applicant's proposal is to have one primary and one accessory dwelling unit on a roughly 1 acre parcel, which is consistent with Inyo County's General Plan designation for this property.]

3. The proposed Non-Hosted Short-Term Vacation Rental Permit is consistent with the Inyo County Zoning Ordinance.
[Evidence: The approved ordinance of Short-Term Rentals (Transient Occupancy – a rental for 30-Days or less), as adopted by the Board of Supervisors on February 20, 2018, allows for the short-term rental of residential dwellings in the Zoning Districts of: One Family Residential (R1), Single Residence and Mobile Home Combined (RMH), Rural Residential (RR), Rural Residential Starlite Estates (RR- Starlite), and the Open Space Zone (OS). The applicant's property is zoned RMH and is therefore consistent with Inyo County's zoning ordinance.]
4. The proposed Non-Hosted Short-Term Vacation Rental Permit is necessary or desirable.
[Evidence: With the proliferation of Short-Term Vacation Rentals through on-line hosts, such as Air B&B, etc., the Board of Supervisors found it necessary and desirable to create an ordinance that regulated transient occupancy. In 2006 the Board of Supervisors approved with findings by Inyo County staff related to transient occupancy and issued a finding that stated "one family residential zone districts do not allow for short-term, transient accommodation uses as a primary permitted use, a conditional use or an accessory use; therefore, short-term transient accommodation uses in a one family residence zones is in violation of the - One Family Zone District as set forth in the Inyo County Code Section 18.30." This decision guided the Planning Department's efforts in designing an ordinance for short-term vacation rentals in residentially zoned areas. The proposed non-hosted vacation rental permit application is consistent with the requirements stipulated in the short-term rental ordinance, as adopted by the Board of Supervisors in February 2018.]
5. The proposed Non-Hosted Short-Term Vacation Rental Permit is properly related to other uses and transportation and service facilities in the vicinity.
[Evidence: The proposed Non-Hosted Short-Term Vacation Rental Permit is properly related to transportation and service facilities and will not adversely affect these facilities. All completed applications for Hosted/Non-Hosted Short-Term Rental Permits require site plans that demonstrate the availability of on-site parking at the applicant's residence.]
6. The proposed Non-Hosted Short-Term Vacation Rental Permit would not under all the circumstances of this case, affect adversely the health or safety of persons living or working in the vicinity or be materially detrimental to the public welfare.
[The proposed Non-Hosted Short-Term Vacation Rental Permit does not adversely affect public health or safety of persons living in the vicinity. The Inyo County Public Health Department evaluated the application for sewer, septic, and water issues and found no problems with the application. The rental unit, a 1,250 ft² accessory dwelling, was evaluated by the County's Building and Safety Department and no problems were identified.]
7. Operating requirements necessitate the proposed Non-Hosted Short-Term Vacation Rental Permit for the site.

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

CONDITIONS OF APPROVAL

1. The applicant, landowner, and/or operator shall defend, indemnify and hold harmless Inyo County agents, officers, and employees from any claim, action or proceeding against the County or its agents, officers, or employees to attack, set aside, void or annul an approval of the county, its advisory agencies, its appeals board, or legislative body concerning Non-Hosted Short-Term Vacation Rental Permit No. 2019-10/Carleton & Nioche. The County reserves the right to prepare its own defense.
2. The applicant shall conform to all applicable provisions of Inyo County Code. If the use provided by this Non-Hosted Short-Term Vacation Rental Permit is not established within one year of the approval date it will be become void.

SUMMARY

Staff recommends that the Planning Commission make certain findings with respect to and approve Non-Hosted Short-Term Vacation Rental Permit No. 2019-10/Carleton & Nioche and find it exempt from CEQA.

EXHIBITS

- A. Vicinity Map



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

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

AGENDA ITEM NO.: 15 (Action Item – Public Hearing)

PLANNING COMMISSION
MEETING DATE: January 22, 2020

SUBJECT: Non-Hosted Short-Term Rental Permit
No. 2019-13/Stewart & Jaeger

EXECUTIVE SUMMARY

The applicant has applied for a Non-hosted Short Term Vacation Rental permit, located at 120 Ocean View Rd., in the Round Valley area, north of Bishop. This permit is required for the applicant to begin renting residential space for periods of 30-days or less, and to achieve compliance with Inyo County Code Chapter 18.73.

PROJECT INFORMATION

Supervisory District: 1
Project Applicant: Frank Stewart & Lisa Jaeger
Site Address: 120 Ocean View Rd., Bishop, CA 93514
Community: Round Valley, CA
A.P.N.: 009-130-35
General Plan: Residential Rural–High Density
Zoning: Rural Residential/Mobile Home combined (RR-1.0-MH)
Size of Parcel: 2 acre

SURROUNDING LAND USE:

Location:	Use:	Gen. Plan Designation	Zoning
Site	Residential	Residential Rural-High(RRH)	Rural Residential/Mobile home combined (RR-MH)
North	Residential	Residential Rural High (RRH)	Rural Residential/Mobile Home Combined (RR-MH)
East	undeveloped	Natural Resources (NR)	Open Space (OS-40)
West	Residential	Residential Rural High	Rural Residential/Mobile Home

		(RRH)	Combined (RR-MH)
South	Residential	Residential Rural High (RRH)	Rural Residential/Mobile Home Combined (RR-MH)

Staff Recommended Action: 1.) Approve the Non-Hosted Short-Term Vacation Rental Permit 2019-13/Stewart & Jaeger

Alternatives:

- 1.) Deny the Non-Hosted Short-Term Vacation Rental Permit
- 2.) Approve the Non-Hosted Short-Term Vacation Rental Permit with additional conditions of approval
- 3.) Continue the public hearing to a future date, and provide specific direction to staff regarding what additional information and analysis is needed.

Project Planner: Steve Karamitros

STAFF ANALYSIS

Background and Overview

The applicant has applied for and received a Hosted Short-Term Vacation Rental Permit from the Inyo Planning Department, for the residence located at 120 Ocean View Rd. in Round Valley, north of Bishop. There is a primary residence and a 676 ft² accessory dwelling on the property, which the applicant would like to rent as a non-hosted vacation rental. This accessory unit has one bedroom and one bathroom. The accessory dwelling was built in compliance with the standards set by the Inyo County Building and Safety Department and the Inyo County Environmental Health Department.

The proposed application for a Non-Hosted Short-Term Vacation Rental Permit aligns with Inyo County Code Section 18.73-*Short-Term Rental of Residential Property*, which allows for the rental of dwelling units where the owner of the dwelling unit does not concurrently occupy the dwelling unit with the transient lodger. The application for this non-hosted rental has met the requirements of the Inyo County Planning Department and, per County Code Section 18.73.060, now requires that the Inyo County Planning Commission give final approval in order to issue the Non-Hosted Short-Term Vacation Rental Permit.

The residence is surrounded by vacant, LADWP-owned land, to the east, and residential properties to the north, south, and west. The property is zoned Rural Residential/Mobile Home Combined (RR-1.0-MH), with a general plan designation of Residential Rural-High density (RRH). The residence is located in the unincorporated area of Bishop.

Vicinity Map



Site Location



General Plan Consistency

The goal of this review is to allow the applicant to rent residential space in compliance with the County's zoning ordinance. The project is consistent with Short-Term Rental Ordinance, which was added as Chapter 18.73 of the Inyo County Code, following approval by the Inyo County Board of Supervisors on February 20, 2018. This use will not conflict with the General Plan designation of Residential Rural-High density (RRH) as it does not change the size or density of the residential development currently on the site and in the General Plan.

Zoning Ordinance Consistency

The applicant's residence is zoned Rural Residential OR Mobile Home Combined (RR-MH), which is defined as an eligible zoning area for short term rentals. The current use will not change and therefore remains consistent with the current zoning ordinance.

ENVIRONMENTAL REVIEW

As per Section Two of the approved County Ordinance (Chapter 18.73), the Non-Hosted Short-Term Rental Permit 2019-13/Stewart & Jaeger was reviewed for compliance with the California Environmental Quality Act (CEQA), and the County's environmental procedures, and was found to be exempt pursuant to Section 15301 Class 1 (Existing Facilities) of the CEQA guidelines, as it constitutes an extension of residential use, with "negligible or no expansion of use" beyond that existing at the time of the lead agency's determination.

RECOMMENDATION

Find the proposed project exempt from the requirements of the California Environmental Quality Act; make the findings specified below; and, approve Non-Hosted Short-Term Vacation Rental Permit 2019-13/Stewart & Jaeger, subject to the Conditions of Approval:

Recommended Findings for NH-STR 2019-13/Stewart & Jaeger:

1. The proposed Non-Hosted Short-Term Vacation Rental Permit is exempted from further CEQA review, and the provisions of the California Environmental Quality Act have been satisfied.
[Evidence: Pursuant to Section 15301 Class 1 (Existing Facilities) of the CEQA guidelines, the proposed permit application constitutes an extension of residential use, with negligible expansion of use, and can be seen with certainty that there will be no significant effect on the environment.]
2. The proposed Non-Hosted Short-Term Vacation Rental Permit is consistent with the Inyo County General Plan Land Use Designation of Rural Residential High (RRH).
[Evidence: The proposed project is consistent with the goals and policies of the General Plan's Land Use designation of Residential Rural-High, which has a Residential Density of 1 dwelling units per acre. The applicant's proposal is to have one primary and one accessory dwelling unit on a roughly 2 acre parcel, which is consistent with Inyo County's General Plan designation for this property.]

3. The proposed Non-Hosted Short-Term Vacation Rental Permit is consistent with the Inyo County Zoning Ordinance.
[Evidence: The approved ordinance of Short-Term Rentals (Transient Occupancy – a rental for 30-Days or less), as adopted by the Board of Supervisors on February 20, 2018, allows for the short-term rental of residential dwellings in the Zoning Districts of: One Family Residential (R1), Single Residence and Mobile Home Combined (RMH), Rural Residential (RR), Rural Residential Starlite Estates (RR- Starlite), and the Open Space Zone (OS). The applicant’s property is zoned RR-MH and is therefore consistent with Inyo County’s zoning ordinance.]
4. The proposed Non-Hosted Short-Term Vacation Rental Permit is necessary or desirable.
[Evidence: With the proliferation of Short-Term Vacation Rentals through on-line hosts, such as Air B&B, etc., the Board of Supervisors found it necessary and desirable to create an ordinance that regulated transient occupancy. In 2006 the Board of Supervisors approved with findings by Inyo County staff related to transient occupancy and issued a finding that stated “one family residential zone districts do not allow for short-term, transient accommodation uses as a primary permitted use, a conditional use or an accessory use; therefore, short-term transient accommodation uses in a one family residence zones is in violation of the - One Family Zone District as set forth in the Inyo County Code Section 18.30.” This decision guided the Planning Department’s efforts in designing an ordinance for short-term vacation rentals in residentially zoned areas. The proposed non-hosted vacation rental permit application is consistent with the requirements stipulated in the short-term rental ordinance, as adopted by the Board of Supervisors in February 2018.]
5. The proposed Non-Hosted Short-Term Vacation Rental Permit is properly related to other uses and transportation and service facilities in the vicinity.
[Evidence: The proposed Non-Hosted Short-Term Vacation Rental Permit is properly related to transportation and service facilities and will not adversely affect these facilities. All completed applications for Hosted/Non-Hosted Short-Term Rental Permits require site plans that demonstrate the availability of on-site parking at the applicant’s residence.]
6. The proposed Non-Hosted Short-Term Vacation Rental Permit would not under all the circumstances of this case, affect adversely the health or safety of persons living or working in the vicinity or be materially detrimental to the public welfare.
[The proposed Non-Hosted Short-Term Vacation Rental Permit does not adversely affect public health or safety of persons living in the vicinity. The Inyo County Public Health Department evaluated the application for sewer, septic, and water issues and found no problems with the application. The rental unit, a 676 ft² accessory dwelling, was evaluated by the County’s Building and Safety Department and no problems were identified.]

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

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

CONDITIONS OF APPROVAL

1. The applicant, landowner, and/or operator shall defend, indemnify and hold harmless Inyo County agents, officers, and employees from any claim, action or proceeding against the County or its agents, officers, or employees to attack, set aside, void or annul an approval of the county, its advisory agencies, its appeals board, or legislative body concerning Non-Hosted Short-Term Vacation Rental Permit No. 2019-13/Stewart & Jaeger. The County reserves the right to prepare its own defense.
2. The applicant shall conform to all applicable provisions of Inyo County Code. If the use provided by this Non-Hosted Short-Term Vacation Rental Permit is not established within one year of the approval date it will be become void.

SUMMARY

Staff recommends that the Planning Commission make certain findings with respect to and approve Non-Hosted Short-Term Vacation Rental Permit No. 2019-13/Stewart & Jaeger and find it exempt from CEQA.

EXHIBITS

- A. Vicinity Map



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

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

AGENDA ITEM NO.: 16(Action Item – Public Hearing)

PLANNING COMMISSION

MEETING DATE: January 22, 2020

SUBJECT: Non-hosted Short-term Rental Permit
 No. 2019-05/Schwartz

EXECUTIVE SUMMARY

The applicant has applied for a Non-hosted Short-term Rental permit, located at 255 Sara Lane, in Big Pine. This permit is required for the applicant to begin renting residential space for periods of 30-days or less, and to achieve compliance with Inyo County Code Chapter 18.73.

PROJECT INFORMATION

Supervisory District: 1
Project Applicant: Howard & Karen Schwartz
Site Address: 255 Sara Lane
Community: Big Pine, CA
A.P.N.: 004-070-57
General Plan: Residential Medium Density (RM)
Zoning: Single Residence or Mobile home Combined 5,800 sq. ft.
 Minimum (RMH-5,800)
Size of Parcel: Approximately 0.19-Acre

SURROUNDING LAND USE:

Location:	Use:	Gen. Plan Designation	Zoning
Site	Residential	Residential Medium Density (RM)	Single Residence or Mobile home Combined 5,800 sq. ft. minimum(RMH-5,800)
North	Residential	Residential Medium Density (RM))	Single Residence or Mobile home Combined 5,800 sq. ft. minimum(RMH-5,800)
East	Residential /Church	Residential Medium Density (RM))	Single Residence or Mobile home Combined 5,800 sq.

			ft. minimum(RMH-5,800)
South	Residential	Residential Medium Density (RM)	Single Residence or Mobile home Combined 5,800 sq. ft. minimum(RMH-5,800)
West	Residential	Residential Medium Density (RM))	Single Residence or Mobile home Combined 5,800 sq. ft. minimum(RMH-5,800)

Staff Recommended Action: 1.) Approve the Non-hosted Short-term Rental Permit 2019-05/Schwartz

Alternatives:

- 1.) Deny the Non-hosted Short-term Rental Permit
- 2.) Approve the Non-hosted Short-term Rental Permit with additional conditions of approval
- 3.) Continue the public hearing to a future date, and provide specific direction to staff regarding what additional information and analysis is needed.

Project Planner: Ryan Standridge

STAFF ANALYSIS

Background and Overview

The applicant has applied for and received a Hosted Short-term Rental Permit from the Inyo County Planning Department, for a residence located 255 Sara Lane in Big Pine. There is a primary residence which the applicant would like to rent as a non-hosted rental. This structure was built in compliance with the standards set by the Inyo County Building and Safety Department and the Inyo County Environmental Health Department.

The proposed application for a Non-Hosted Short-Term Rental Permit aligns with Inyo County Code Section 18.73-*Short-Term Rental of Residential Property*, which allows for the rental of a dwelling unit where the owner of the dwelling unit does not concurrently occupy the dwelling unit with the transient lodger, but a manager is available during the duration of the short-term rental. The application for this non-hosted rental has met the requirements of the Inyo County Planning Department and Code Section 18.73.060, and now requires that the Inyo County Planning Commission give approval in order to issue the Non-hosted Short-term Rental Permit.

The residence is in a location surrounded by developed, residential parcels to the north, south, east, and west of the parcel and is located in the Big Pine community.

General Plan Consistency

The goal of this project is to allow the applicant to rent residential space for 30-days or less in compliance with the County’s zoning ordinance. The project is consistent with the County’s Short-term Rental Ordinance, which was added as Chapter 18.73 of the Inyo County Code, following approval by the Inyo County Board of Supervisors on February 20, 2018. This use will

not conflict with the General Plan designation of Residential Medium Density (RM) as it does not change the size or density of the residential development currently on the site and provided for in the General Plan.

Zoning Ordinance Consistency

The applicant's residence is zoned Single Residence or Mobile home Combined with a 5,800 ft² minimum (RMH-5,800), which is defined as an eligible zoning area for short-term rentals. The proposed use will not change the density or the residential use of property and therefore remains consistent with the current zoning ordinance.

ENVIRONMENTAL REVIEW

The Non-hosted Short-term Rental Permit 2019-05/Schwartz was reviewed for compliance with the California Environmental Quality Act (CEQA) and was found to be exempt from further analysis, pursuant to Section 15301 (Class 1) of the CEQA guidelines, as it constitutes the "permitting...of a private structure...involving no expansion of use beyond that existing at the time of the lead agency's determination."

RECOMMENDATION

Find the proposed project is exempt from the requirements of the California Environmental Quality Act; make the findings specified below; and, approve Non-Hosted Short-Term Rental Permit 2019-05/Schwartz, subject to the Conditions of Approval:

Recommended Findings for NH-STR 2019-05/Schwartz:

1. The proposed Non-hosted Short-term Rental Permit is exempted from further CEQA review, and the provisions of the California Environmental Quality Act have been satisfied.
[Evidence: Pursuant to Section 15301 (class 1) of the CEQA guidelines, the proposed permit application constitutes the "permitting...of a private structure...involving no expansion of use beyond that existing at the time of the lead agency's determination.]
2. The proposed Non-hosted Short-term Rental Permit is consistent with the Inyo County General Plan Land Use Designation of Residential Medium Density (RM).
[Evidence: The proposed project is consistent with the goals and policies of the General Plan's Land Use designation of Residential Medium Density, which allows single family dwellings within urban type areas. The applicant's proposal to rent the primary dwelling unit is consistent with Inyo County's General Plan designation for Residential Medium Density, designation of Residential Medium Density, which allows for 4.6 to 7.5 dwelling units per acre. The applicant's proposal is to rent the primary dwelling unit that is on a parcel slightly smaller than a quarter of an acre, is consistent with Inyo County's General Plan designation for this property.]
3. The proposed Non-Hosted Short-Term Rental Permit is consistent with the Inyo County Zoning Ordinance.
[Evidence: The approved ordinance of Short-term Rentals (Transient Occupancy – a rental for 30-Days or less), as adopted by the Board of Supervisors on February 20, 2018, allows for the short-term rental of residential dwellings in the Zoning Districts of:

One Family Residential (R1), Single Residence and Mobile Home Combined (RMH), Rural Residential (RR), Rural Residential Starlite Estates (RR- Starlite), and the Open Space Zone (OS) with a conditional use permit. The applicant's property is zoned Single Residence or Mobile home combined and is therefore consistent with Inyo County's zoning ordinance upon receiving the conditional use permit.]

4. The proposed Non-hosted Short-term Rental Permit is necessary or desirable.
[Evidence: With the proliferation of Short-Term Rentals through on-line hosts, such as Air B&B, etc., the Board of Supervisors found it necessary and desirable to create an ordinance that regulated transient occupancy in residential zoning districts. The proposed non-hosted rental permit application is consistent with the requirements stipulated in the short-term rental ordinance, as adopted by the Board of Supervisors in February 2018]
5. The proposed Non-hosted Short-term Rental Permit is properly related to other uses and transportation and service facilities in the vicinity.
[Evidence: The proposed Non-hosted Short-term Rental Permit is properly related to transportation and service facilities and will not adversely affect these facilities. All completed applications for Hosted/Non-hosted Short-term Rental Permits require site plans that demonstrate the availability of on-site parking at the proposed short-term rental location.]
6. The proposed Non-hosted Short-term Rental Permit would not under the circumstances of this case, affect adversely the health or safety of persons living or working in the vicinity or be materially detrimental to the public welfare.
[The proposed Non-hosted Short-term Rental Permit does not adversely affect public health or safety of persons living in the vicinity. The Inyo County Environmental Health Department evaluated the application for sewer, septic, and water issues and found no problems with the application. The rental unit was also evaluated by the County's Building and Safety Department and no problems were identified.]
7. Operating requirements necessitate the proposed Non-Hosted Short-Term Rental Permit for the site.
[Evidence: Use of the applicant's property for a non-hosted short-term rental requires the Non-hosted Short-term Rental Permit, as per Chapter 18.73 of the Inyo County Code.]

CONDITIONS OF APPROVAL

1. The applicant, landowner, and/or operator shall defend, indemnify and hold harmless Inyo County agents, officers, and employees from any claim, action or proceeding against the County or its agents, officers, or employees to attack, set aside, void or annul an approval of the county, its advisory agencies, its appeals board, or legislative body concerning Non-Hosted Short-Term Rental Permit No. 2019-05/Schwartz. The County reserves the right to prepare its own defense.

2. The applicant shall conform to all applicable provisions of Inyo County Code, failure to do so could cause the revocation of the permit. If the use provided by this Non-Hosted Short-Term Rental Permit is not established within one year of the approval date it will be become void.

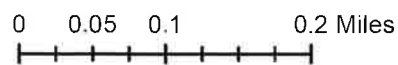
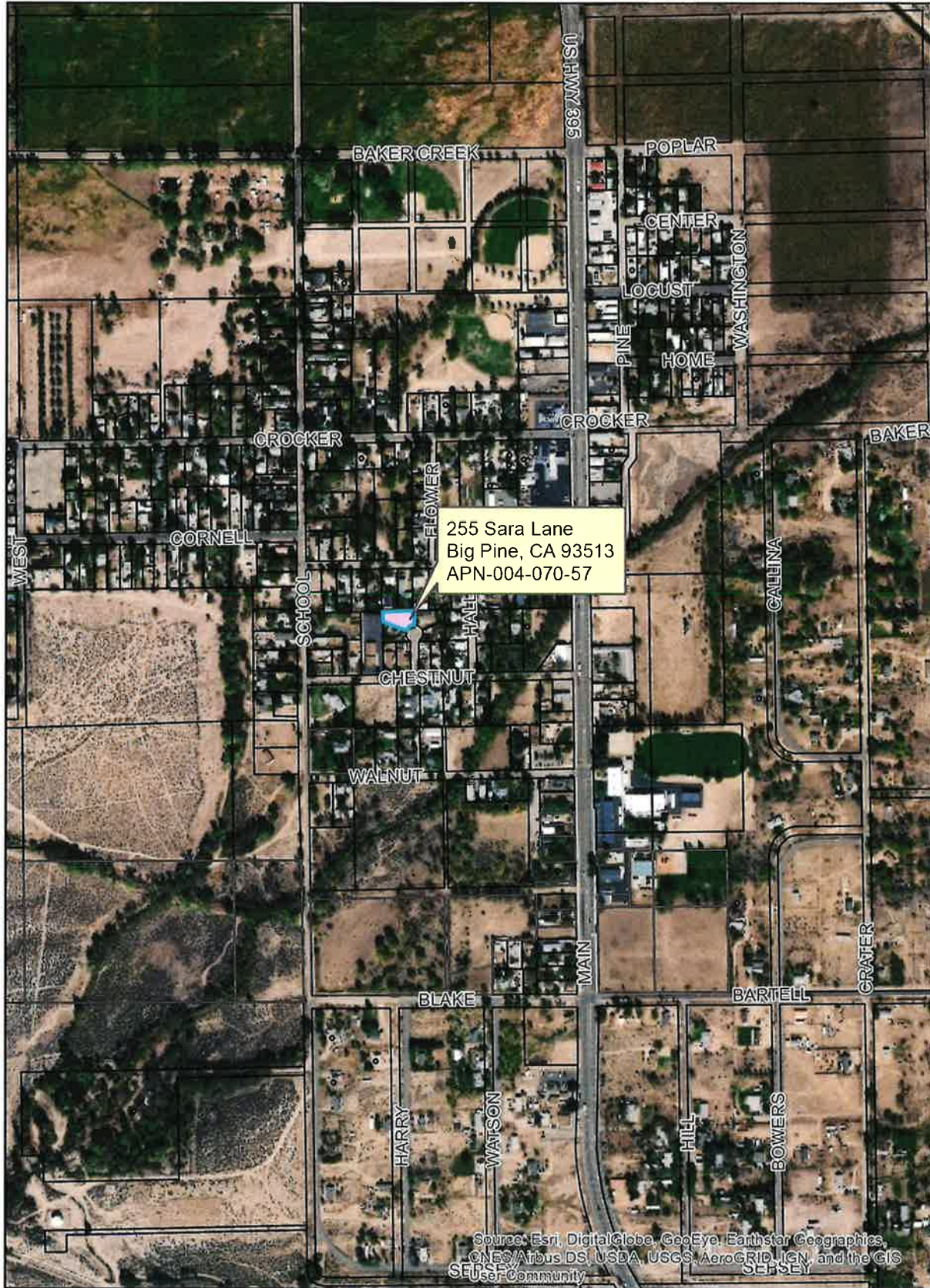
RECOMMENDATION

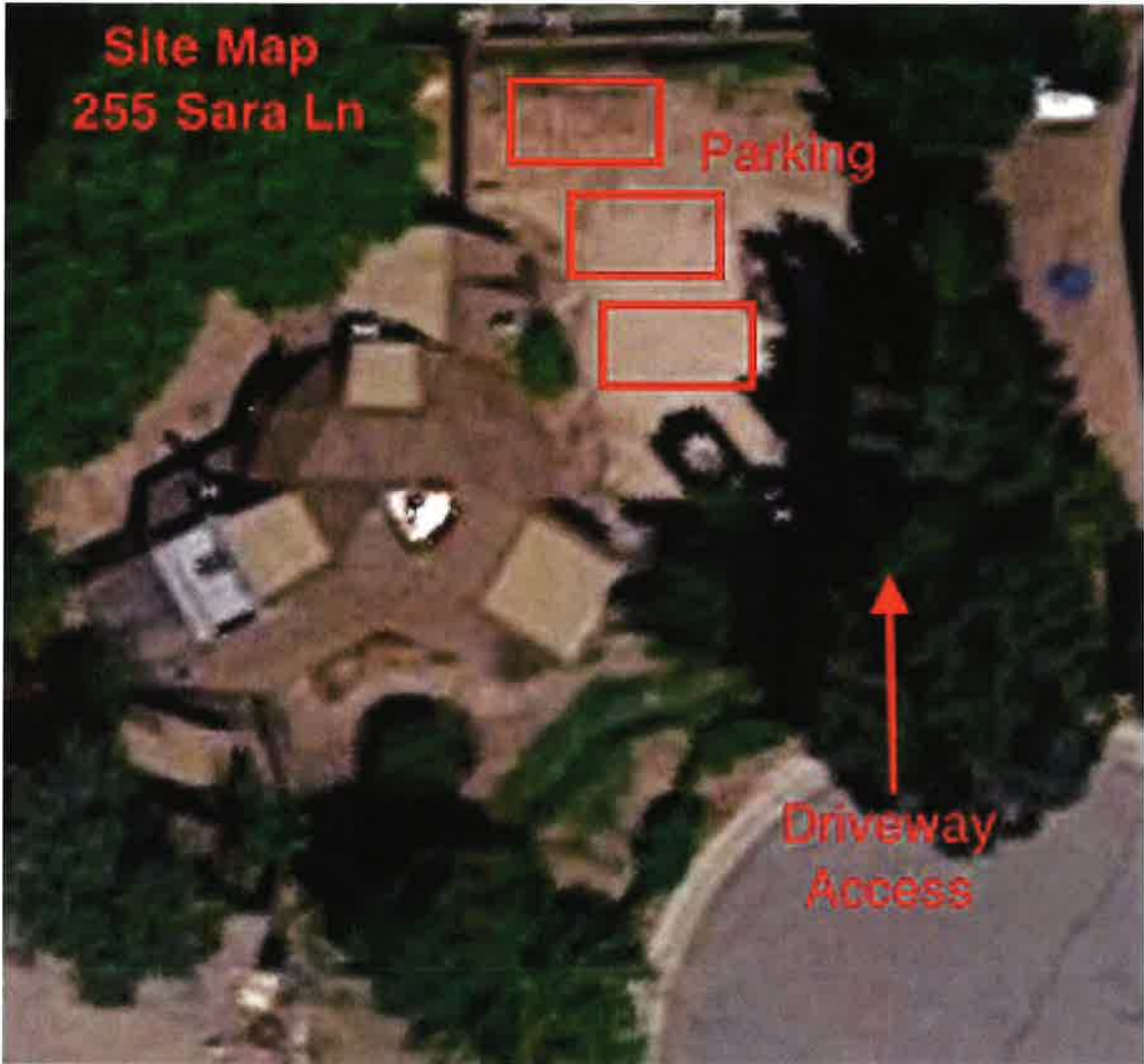
Staff recommends that the Planning Commission make certain findings as provided for in the staff report with respect to and approve Non-hosted Short-term Rental Permit No. 2019-05/Schwartz with the conditions listed in the staff report and certify it is exempt from CEQA.

EXHIBITS

- A. Vicinity Map
- B. Site plan
- C. Rules
- D. Pictures

NHSTR-2019-05/SCHWARTZ ATTACHMENT A





255 Sara Lane, Big Pine, CA 93513

Main Contacts:

Howie Schwartz
(760) 920-7135
howie@sierramtnguides.com

Karen Schwartz
(760) 920-7136
karen@sagetosummit.com

Sage to Summit (retail store in Bishop)
(760) 872-1756
www.sagetosummit.com

Emergency Contact:

Jessica Ary
(310) 699-0297
jessica.ary@gmail.com

Rules:

- Only two renters are allowed per guest room (6 renters total). This does not include children three years and under.
- Maximum of 3 cars allowed. 3 off-street parking spaces are in the driveway. Parking on the street is not allowed.
- No pets allowed. Any sign of pets in the house will result in the loss of deposit.
- Quiet hours are from 9pm - 7am (county ordinance).
- No parties or large gatherings allowed.
- Outdoor amplified sound is prohibited.
- Outdoor fire areas are only permitted in compliance with applicable state and local laws and shall not be utilized by short-term renters during quiet hours.
- No Smoking - this is a non-smoking residence and any evidence of smoking will result in a loss of deposit.
- A trash bin and a recycling bin are located in the yard, behind the north gate. They should remain stored out of public view.
- Subletting - Guest is not authorized to let or sublet all or any part of the premises nor assign the lease or any interest in it without the prior consent of the owner.
- Internet Use - You agree that you will not:
 - a. Give out wireless internet password outside of your rental party.
 - b. Reset, erase, or modify the router password.

- c. Transmit any material that is unlawful.
- d. Transmit any material that infringes copyright or other proprietary rights of any party.
- e. Use the internet for excessively high volume data transfers.

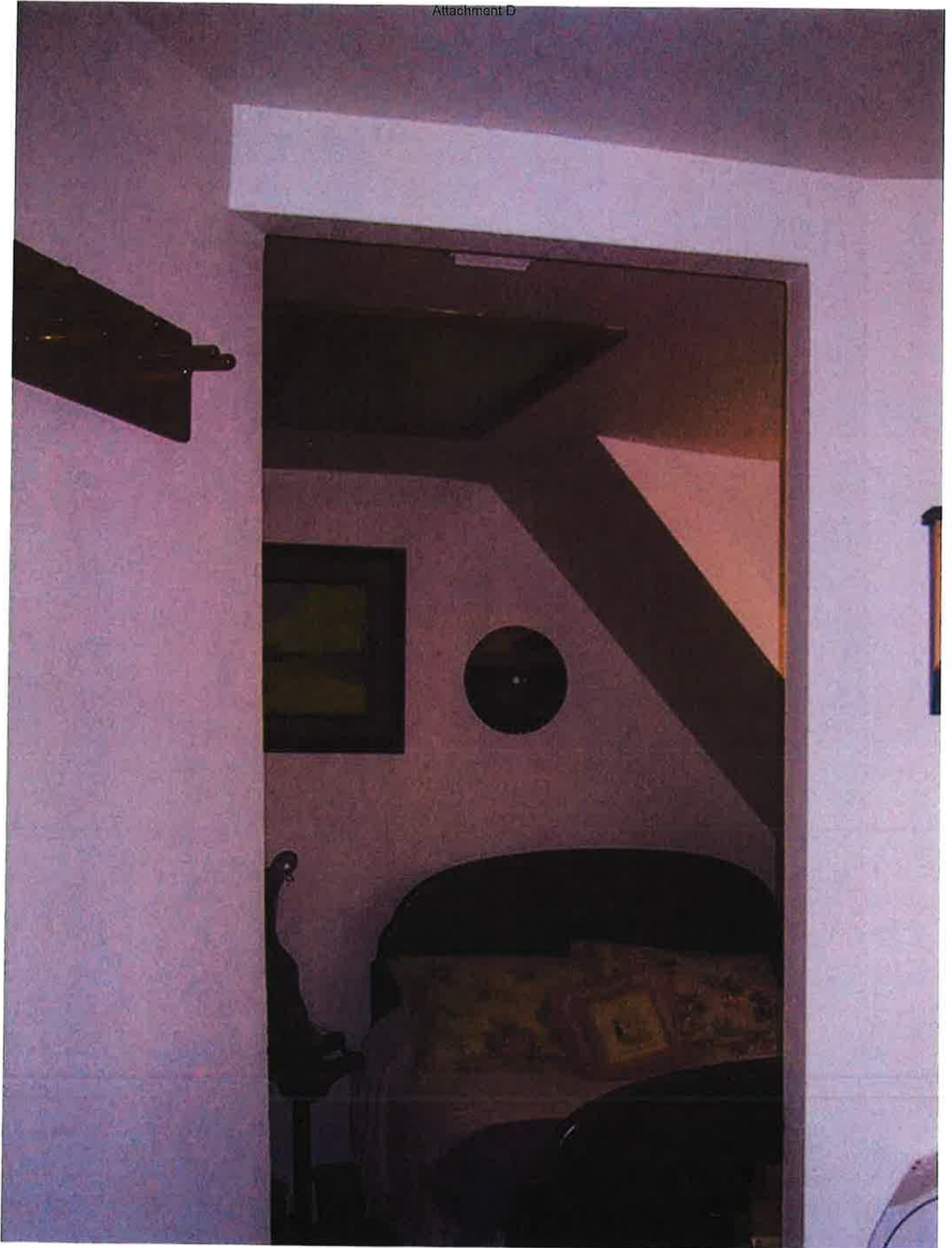
No warranty is provided for Internet use. Internet use and related equipment are provided "as is" without warranty or guarantee of any kind. In no event shall the Owner be liable for its use. By electing to use the Internet you assume all risks and hold harmless in the event of any damages you may suffer due to security breaches.

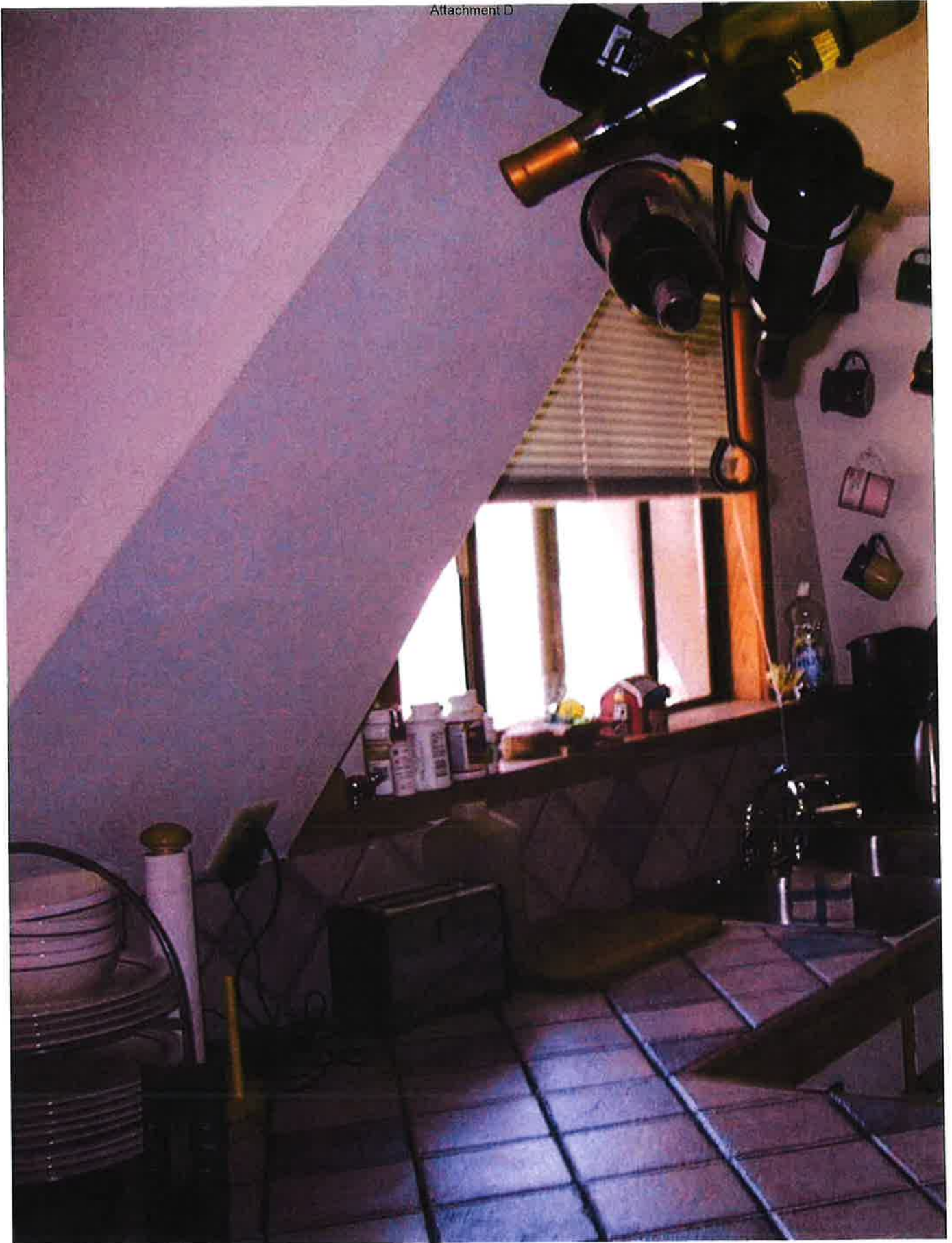
Check In & Out

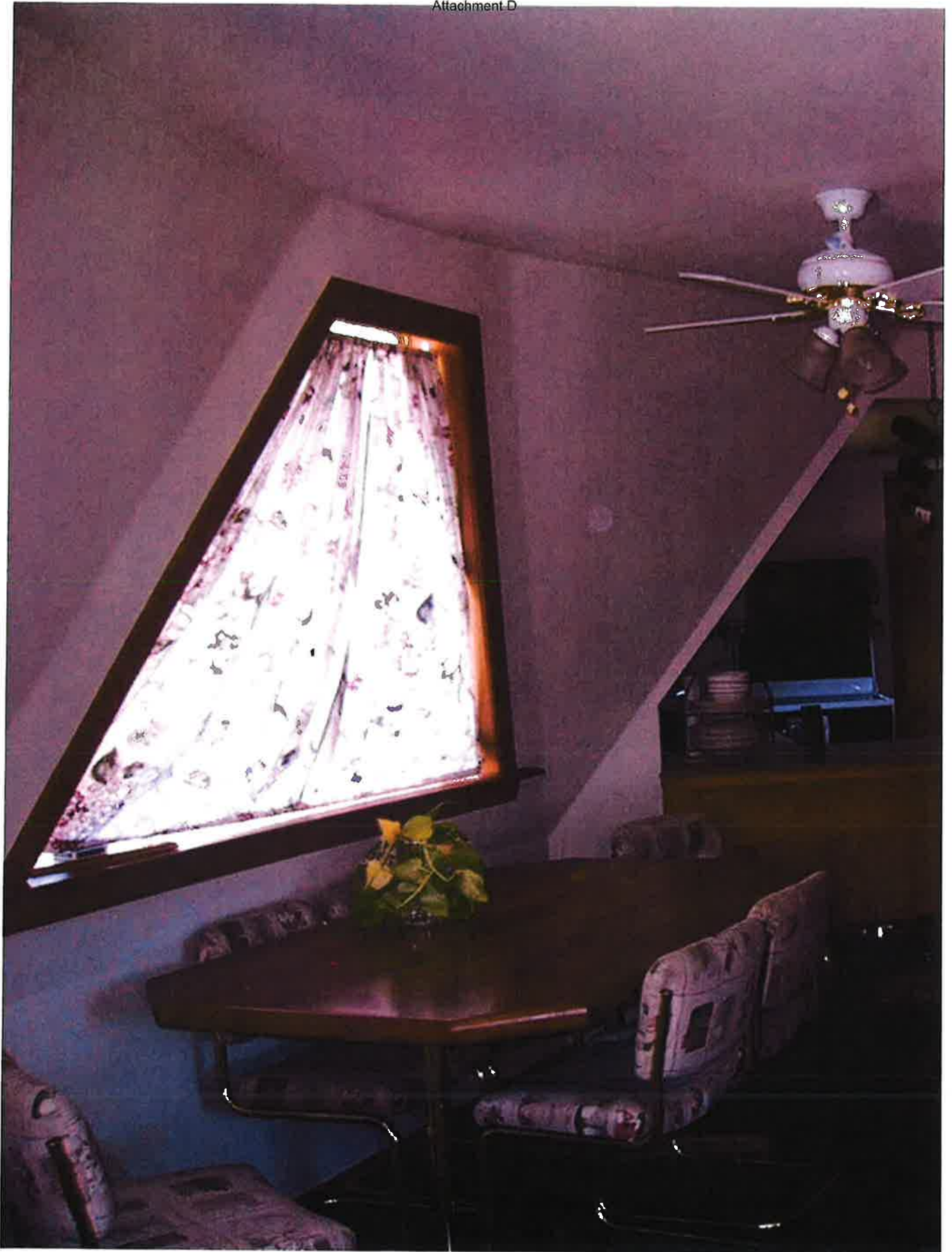
- Check in is at 3pm and checkout at 11am. Early check in and check out may be possible with prior arrangements.
- Checkout Procedure:
 - Remove all sheets from beds and leave on top of the bed.
 - Leave towels on the floor of the bathroom.
 - Remove all food from refrigerator.
 - Clean all used dishes, pots, and pans.
 - Wipe down kitchen counters.
 - Take trash and recycling out and put in the provided bins located in the yard, behind the north gate.
 - Lock all doors and return keys to the lock box.



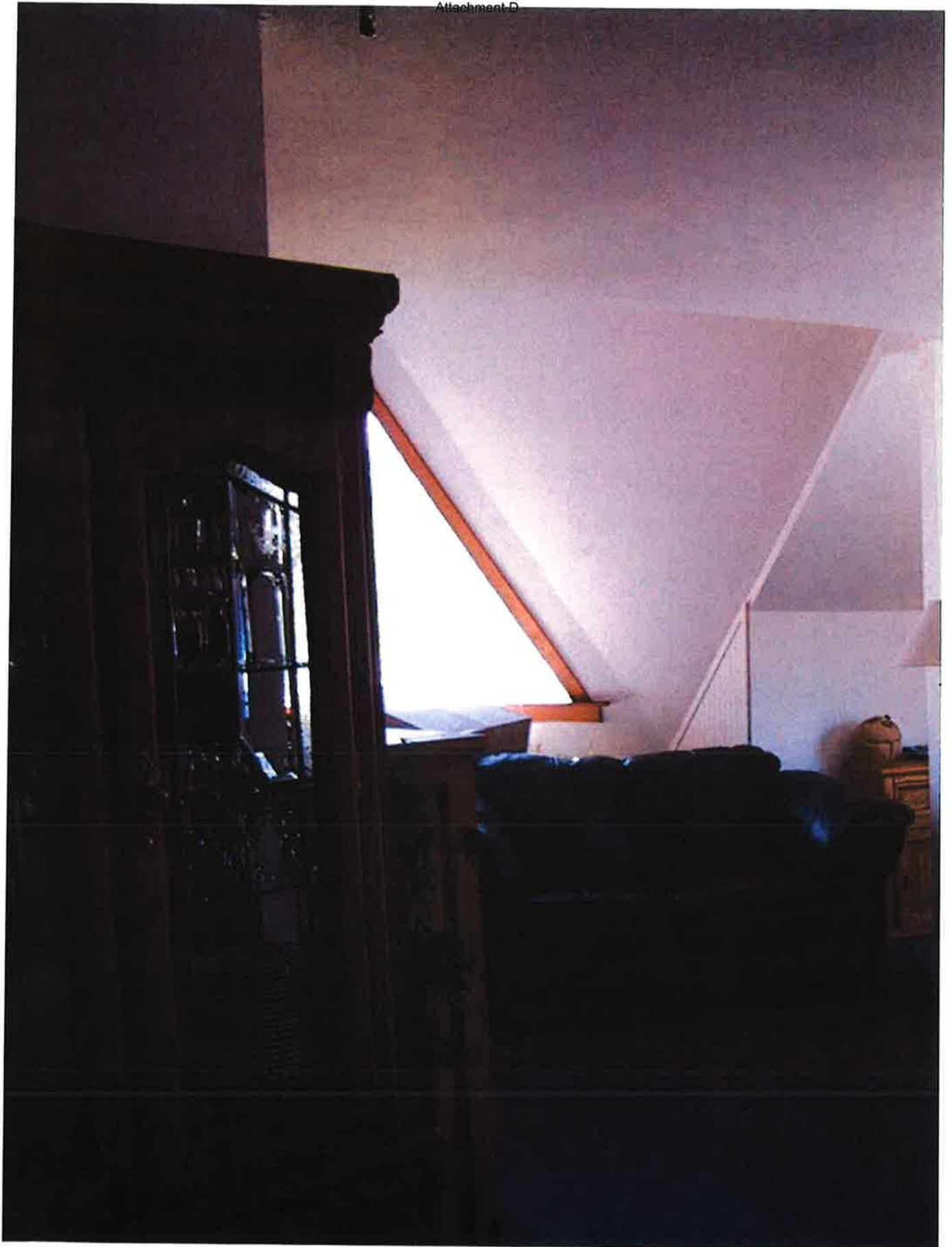




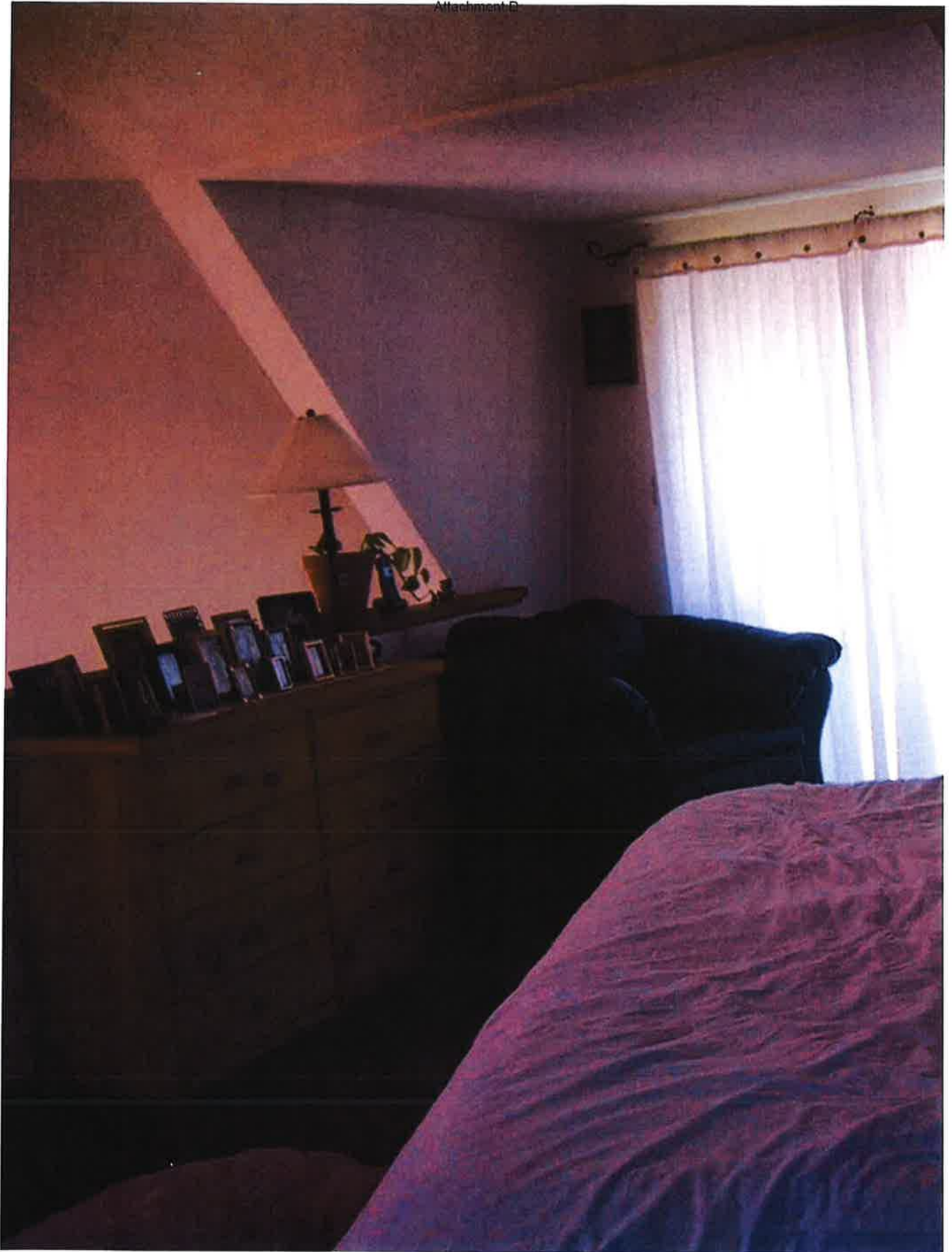














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AGENDA ITEM NO.: 17 (Action Item – Public Hearing)

**PLANNING COMMISSION
 MEETING DATE:** January 22, 2020

SUBJECT: Non-hosted Short-term Rental Permit
 No. 2019-11/Kokx

EXECUTIVE SUMMARY

The applicant has applied for a Non-hosted Short-term Rental permit, located at 665 E. Inyo Street, in Lone Pine. This permit is required for the applicant to begin renting residential space for periods of 30-days or less, and to achieve compliance with Inyo County Code Chapter 18.73.

PROJECT INFORMATION

Supervisory District: 1
Project Applicant: Russell & Amy Kokx
Site Address: 665 E Inyo Street
Community: Lone Pine, CA
A.P.N.: 005-163-16
General Plan: Residential Medium Density (RM)
Zoning: Single Residence or Mobile home Combined 5,800 sq. ft.
 Minimum (RMH-5,800)

Size of Parcel: .11 acres

SURROUNDING LAND USE:

Location:	Use:	Gen. Plan Designation	Zoning
Site	Residential	Residential Medium Density (RM)	Single Residence or Mobile home Combined 5,800 sq. ft. minimum(RMH-5,800)
North	Residential	Residential Medium Density (RM)	Single Residence or Mobile home Combined 5,800 sq. ft. minimum(RMH-5,800)

East	Vacant	Agricultural (A)	Single Residence or Mobile home Combined 5,800 sq. ft. minimum(RMH-5,800) Rural Residential, 10-acre minimum, Mobilehome Overlay (RR-1.0-MH)
West	Residential	Residential Medium Density (RM)	Single Residence or Mobile home Combined 5,800 sq. ft. minimum(RMH-5,800)
South	Residence with grazing land	Tribal Land (TL)	Indian Reservation

Staff Recommended Action: 1.) Approve the Non-hosted Short-term Rental Permit No. 2019-11/Kokx

Alternatives:

- 1.) Deny the Non-hosted Short-term Rental Permit
- 2.) Approve the Non-hosted Short-term Rental Permit with additional conditions of approval
- 3.) Continue the public hearing to a future date, and provide specific direction to staff regarding what additional information and analysis is needed.

Assistant Planner: Ryan Standridge

STAFF ANALYSIS

Background and Overview

The applicant has applied for and received a Hosted Short-term Rental Permit from the Inyo Planning Department, for the residence located at 171 S. Mt. Whitney Drive in Lone Pine, as required by section 18.73.03(d) of the Inyo County Code. The applicant is requesting the 665 E. Inyo Street residence be rented as a Non-hosted rental. This structure was built in compliance with the standards set by the Inyo County Building and Safety Department and the Inyo County Environmental Health Department.

The proposed application for a Non-hosted Short-term Rental Permit aligns with Inyo County Code Section 18.73-*Short-term Rental of Residential Property*, which allows for the rental of a residential dwelling unit where the owner of the dwelling unit does not concurrently occupy the dwelling unit with the transient lodger. The application for this Non-hosted rental has met the requirements of the Inyo County Planning Department and, per County Code Section 18.73.060, now requires that the Inyo County Planning Commission give final approval in order to issue the Non-hosted Short-term Rental Permit.

The residence is located in the Lone Pine Community, surrounded by developed residential parcels to the north and west. The parcel east is vacant agricultural land and tribal land located south of the proposed rental.

General Plan Consistency

The goal of this review is to allow the applicant to rent residential space for 30-days or less in compliance with the County's zoning ordinance. The project is consistent with Short-term Rental Ordinance, which was added as Chapter 18.73 of the Inyo County Code, following approval by the Inyo County Board of Supervisors on February 20, 2018. This use will not conflict with the General Plan designation of Residential Medium Density (RM) as it does not change the size or density of the residential development currently on the site and complies with the General Plan.

Zoning Ordinance Consistency

The applicant's residence is zoned Single Residence or Mobile home Combined with a 5,800 ft² minimum (RMH-5,800), which is defined as an eligible zoning area for short-term rentals. The proposed use will not change the density or the residential use of property and therefore remains consistent with the current zoning ordinance.

ENVIRONMENTAL REVIEW

The Non-Hosted Short Term Rental Permit 2019-11/Kokx was reviewed for compliance with the California Environmental Quality Act (CEQA) and was found to be exempt from further analysis, pursuant to Section 15301 (Class 1) of the CEQA guidelines, as it constitutes the "permitting...of a private structure...involving no expansion of use beyond that existing at the time of the lead agency's determination."

RECOMMENDATION

Find the proposed project is exempt from the requirements of the California Environmental Quality Act; make the findings specified below; and, approve Non-hosted Short-term Rental Permit No. 2019-11/Kokx, subject to the Conditions of Approval:

Recommended Findings for NH-STR No. 2019-11/Kokx:

1. The proposed Non-hosted Short-term Rental Permit is exempted from further CEQA review, and the provisions of the California Environmental Quality Act have been satisfied.
[Evidence: Pursuant to Section 15301 (Class 1) of the CEQA guidelines, as it constitutes the "permitting...of a private structure...involving no expansion of use beyond that existing at the time of the lead agency's determination."]
2. The proposed Non-hosted Short-term Rental Permit is consistent with the Inyo County General Plan Land Use Designation of Residential Medium Density (RM).

[Evidence: The proposed project is consistent with the goals and policies of the General Plan's Land Use designation of Residential Medium Density, which allows single family dwellings within urban type areas. The applicant's proposal to rent the primary dwelling unit is consistent with Inyo County's General Plan designation for this property.]

3. The proposed Non-hosted Short-term Rental Permit is consistent with the Inyo County Zoning Ordinance.

[Evidence: The approved ordinance of Short-term Rentals (Transient Occupancy – a rental for 30-Days or less), as adopted by the Board of Supervisors on February 20, 2018, allows for the short-term rental of residential dwellings in the Zoning Districts of: One Family Residential (R1), Single Residence and Mobile Home Combined (RMH), Rural Residential (RR), Rural Residential Starlite Estates (RR- Starlite), and the Open Space Zone (OS). The applicant's property is zoned Single Residence or Mobile home combined and is therefore consistent with Inyo County's zoning ordinance upon receiving the conditional use permit.]

4. The proposed Non-hosted Short-term Rental Permit is necessary or desirable.

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

5. The proposed Non-hosted Short-term Rental Permit is properly related to other uses and transportation and service facilities in the vicinity.

[Evidence: The proposed Non-Hosted Short-term Rental Permit is properly related to transportation and service facilities and will not adversely affect these facilities. All completed applications for Hosted/Non-Hosted Short-Term Rental Permits require site plans that demonstrate the availability of on-site parking at the rental location.]

6. The proposed Non-hosted Short-term Rental Permit would not under all the circumstances of this case, affect adversely the health or safety of persons living or working in the vicinity or be materially detrimental to the public welfare.

[The proposed Non-hosted Short-term Rental Permit does not adversely affect public health or safety of persons living in the vicinity. The Inyo County Environmental Health Department evaluated the application for sewer, septic, and water issues and found no problems with the application. The rental unit was also evaluated by the County's Building and Safety Department and no problems were identified.]

7. Operating requirements necessitate the proposed Non-hosted Short-term Rental Permit for the site.

[Evidence: Use of the applicant's property for non-hosted short-term rental requires the Non-hosted Short-term Rental Permit, as per Chapter 18.73 of the Inyo County Code.]

CONDITIONS OF APPROVAL

1. The applicant, landowner, and/or operator shall defend, indemnify and hold harmless Inyo County agents, officers, and employees from any claim, action or proceeding against the County or its agents, officers, or employees to attack, set aside, void or annul an approval of the county, its advisory agencies, its appeals board, or legislative body concerning Non-Hosted Short-Term Rental Permit No. 2019-11/ Kokx. The County reserves the right to prepare its own defense.
2. The applicant shall conform to all applicable provisions of Inyo County Code, failure to do so could cause the revocation of the permit. If the use provided by this Non-Hosted Short-Term Rental Permit is not established within one year of the approval date it will be become void.

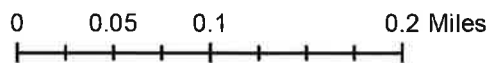
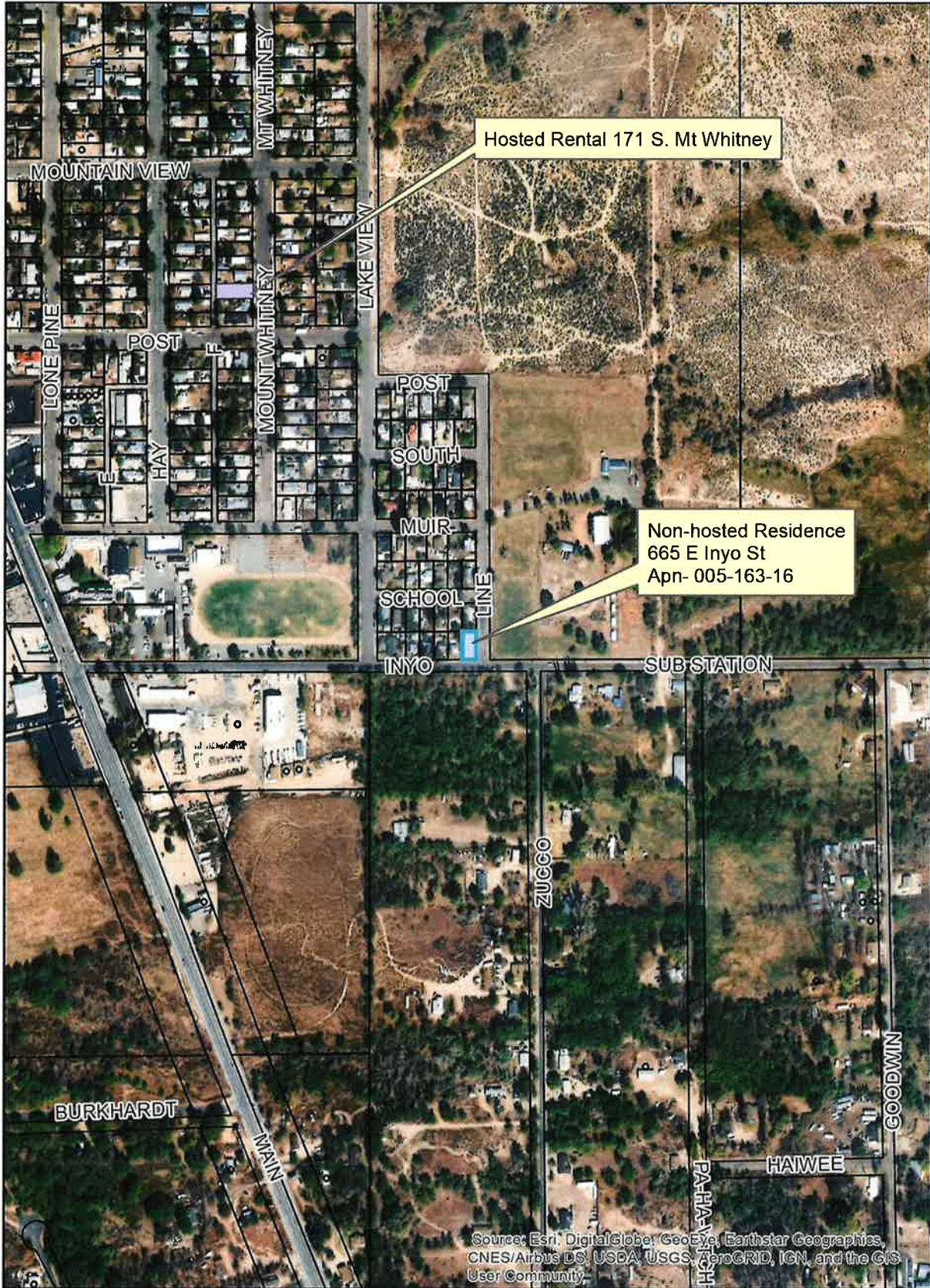
SUMMARY

Staff recommends that the Planning Commission make certain findings with respect to and approve Non-hosted Short-term Rental Permit No. No. 2019-11/Kokx and find it exempt from CEQA.

EXHIBITS

- A. Vicinity Map
- B. Site Plan
- C. Photos
- D. Rules

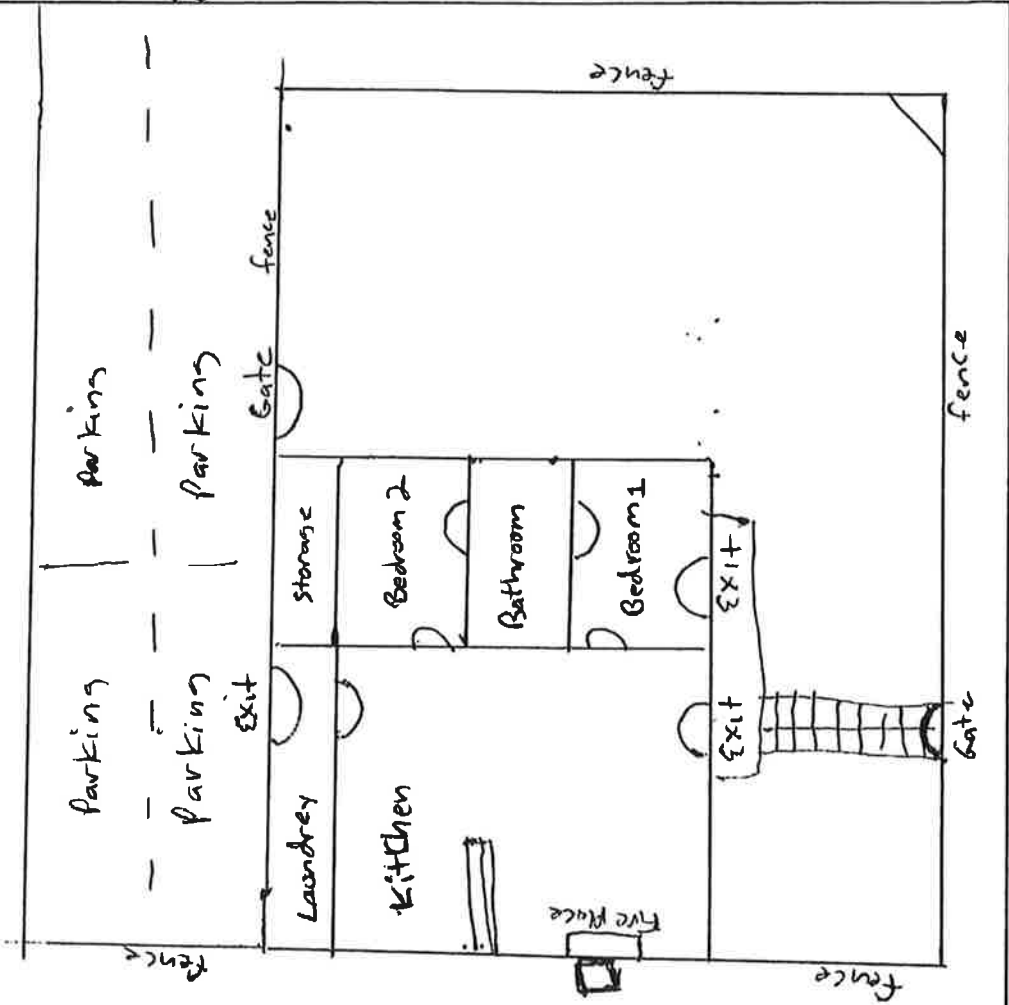
Kokx Non-Hosted 2019-11 Exhibit A





Lake View Rd.

Drive way



665 E Inyo









665 E. Inyo St. Vacation Property Rules

VACATION RENTAL HOUSE RULES

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

GENERAL REQUIREMENTS

- a) All Guests (and Visitors) must comply with all House Rules and any other instructions from the Property Manager during their stay.
- b) Guests must notify the Owner and Property Manager of any disputes or complaints from neighbors as soon as reasonably practicable.
- c) Only two (2) renters are allowed per guest room. This number does not include children three (3) years or younger.
- d) Check in time is 3:00 PM.
- e) Check out time is 11:00 AM. REACH Air Medical Services, LLC

EMERGENCY CONTACTS

- a) Owners Russell & Justine Kokx 661-809-4427; 760-876-0074
- b) Emergency Contact Jeanie Smith 559-240-1325.

NOISE AND THE NEIGHBORHOOD

- a) Outdoor amplified sound is prohibited.
- b) This Vacation Rental is suitable for children. Guests and Visitors are fully responsible for the safety and security of their children at all times, as well as any disturbance caused to the other residents in the Neighborhood.
- c) Quiet hours shall be from 9:00 PM to 7:00 AM.
- d) Excessive noise is always prohibited and may result in termination of the vacation rental agreement, eviction, loss of rental paid and extra charges, which may be deducted from the Security Deposit.

VISITORS

- a) Guests are allowed a maximum of four (4) daytime Visitors during their stay.
- b) Guests are responsible for ensuring maximum visitor numbers are not exceeded; and that, Visitors are complicit with these House Rules.
- c) Any additional overnight Visitors must be approved in advance during the booking process and are subject to an additional fee as noted in the price.
- d) Occupancy is limited at two (2) Guests per bedroom, for a maximum of 2 Guests (not including children ages 5 and under).

PARKING

- a) Guests and any Visitors must comply with parking regulations and other requirements as set forth below and show consideration to neighbors and other vehicles.
- b) No street parking permitted.
- c) Parking is limited to the alley access parking on the west side of the property.

- d) A maximum of 1 (one) vehicle per guest room shall be allowed.

FUNCTIONS

- a) Parties and large gatherings are strictly prohibited at the Vacation Rental.
- b) Any small gatherings must comply with other rules set regarding Noise, the Neighborhood and Visitor numbers.

SECURITY

- a) Any time Guests leave the Vacation Rental, it is their responsibility to ensure all windows and doors are closed/locked to maintain security and prevent rain and water damage.
- b) Guests must switch off all lights, swamp coolers, fans, electronics when not in use to promote energy savings.
- c) Guests must ensure the swamp cooler and ceiling fans are turned off prior to vacating the Rental property.
- d) During the winter months, Guests must ensure the heater is set to 50 degrees before vacating the Rental property.
- e) Guests must ensure the Doggie Door is securely closed before vacating the vacation Rental Property.
- f) Guests must close the lock the gate when vacating the Rental Property.

GARBAGE AND RECYCLING

- a) Guests and their Visitors are to dispose of garbage and recycling in accordance with the usual practice at the Vacation Rental (as set forth below) in the allocated trash cans, and excess rubbish must not be left in public or common areas.
- b) Garbage and Recycling arrangements at the Vacation Rental are as follows:
 - Trash and recycle receptacles are in the kitchen and bathrooms.
 - All trash and recyclables must be contained within trash liners.
 - All full trash bags must be placed in the appropriate receptacles located in the back-yard area and tied shut.
 - All trash receptacles within the house must be emptied prior to departing the Rental Property.

SMOKING

- a) Smoking and/or Vaping is not permitted inside the Vacation Rental.
- b) Smoking and/or Vaping is not permitted within the 25 feet of the Vacation Rental.
- c) Cigarette butts must be disposed of properly in the outdoor trash receptable and not thrown on property grounds. Failure to do so will result in a deduction from the security deposit.

PETS

- a) Pets are permitted at the Vacation Rental.
- b) Pet security deposit is required. Damage to the Rental Property and/or furnishing will result in will result in a deduction from the security deposit.
- c) Pets shall be secured on the property at all times. Continual barking or other nuisances created by unattended pets are prohibited.

- d) Guests and their Visitors are responsible for picking up and disposing of animal waste.
- e) Guests and Visitors are responsible for the safety and security of their pets at all times, as well as any disturbance caused to other residences in the neighborhood.
- f) This Vacation Rental is in a rural area, thus coyotes, hawks, lizards, snakes, owls, etc. may roam the property.
- g) Guests and Visitors shall not harm or harass wildlife that arrive on or live on the property.

BARBEQUE

- a) Propane and Charcoal barbeques are provided on the premises.
- b) Guests must turn off the propane when the barbeque is not in use.
- c) Guests must ensure the barbeque lids are closed and the covers are replaced when not in use.
- d) Guests are responsible for cleaning the grill after each use.

FIREPLACE AND OUTDOOR FIRES

- a) Fires are permitted in the indoor fireplace only. Outdoor fires are NOT permitted.
- b) The fireplace screen must remain closed during use and non-use.
- c) All fires must be extinguished prior to going to sleep or vacating the Rental Property.

DAMAGES AND BREAKAGES

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

CHECK-OUT ARRANGEMENTS

- a) Check out time is 11:00 AM.
- b) All doors and windows must be locked when leaving the premises.
- c) Key must be returned to the gate lock box.
- d) Entry gate must be locked when leaving the property.

COMPLIANCE

- a) Breach of any of these House Rules is a breach of the Terms and Conditions of occupancy as per the Rental Agreement.
- b) The Owner and Manager reserve the right to terminate permission to occupy and to evict from the Vacation Rental, any Guests or Visitors who refuse to follow these House Rules or who cause a Nuisance to neighbors or other residents of the community.



Planning Department
168 North Edwards Street
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Independence, California 93526

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

AGENDA ITEM NO.: 18 (Public Hearing and Action)

PLANNING COMMISSION MEETING DATE: January 22, 2020

SUBJECT: Zone Text Amendment No. 2020-01/Inyo County – Short-term Rentals.

EXECUTIVE SUMMARY

Based on direction from the Board of Supervisors, staff is recommending updates to the County's Short-term Rental of Residentially Zoned Property ordinance to add stricter penalties for violations, allow for them in the R2 zone, new permitting requirements, and to eliminate the Non-hosted Short-term Rental Permit.

PROJECT INFORMATION

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

Recommended Actions:

1. Conduct a public hearing regarding Zone Text Amendment No. 2020-01/Inyo County – Short-term Rentals; and,

2. Adopt a Resolution recommending that the Board of Supervisors approve Zone Text Amendment No. 2020-01/Inyo County – Short-term Rentals and certify that it is Exempt from CEQA.

Project Planners: Cathreen Richards

BACKGROUND

The Inyo County Board of Supervisors adopted ordinance 1224 in February, 2018. This ordinance created code to allow for and regulate the Short-term Rental of Residentially Zoned property. It also set forth the terms and conditions for permitting them.

After one year of implementing the short-term rental ordinance, planning department staff reviewed and evaluated the success and issues of the permitting process. Three workshops were held with the Board of Supervisors in May, October and November of 2019 to discuss the status of the short-term rental permitting experiences to date. At the October workshop, staff also presented proposals to amend Title 18 in order to update the short-term rental permitting process and to add penalties for short-term rentals operating in violation of the County Code. The Board accepted most of these suggestions and requested that staff also remove the non-hosted short-term rental permit as an option, resulting in only hosted-short term rentals to be allowed. The Board also requested that staff include language to allow for short-term rentals in the Multiple Family Zone (2-units, R2). These additional changes were brought back to the Board at the November workshop and the Board gave staff direction to move forward with an update to Title 18 with regard to short-term rentals (Attachment 1 – Updated Code).

In summary, the changes include:

- The term host and manager are no longer used for the person(s) responsible for a short-term rental. Instead “Designated representative” will be used to identify a person or persons designated by the owner to represent them as a ‘host’ during the duration of the transient renter(s) stay.
- An owner is no longer someone with twenty-percent or more of ownership interest in the property. As proposed, any level of ownership counts someone as an owner. This was done to help prevent certain people or entities from having more than one property with a short-term rental(s).
- Multiple Residential (R2) is added to the zoning designations where short-term rentals are allowed. They are only allowed in one of the units in an R2 zone.
- All short-term rentals are hosted. There will be no more non-hosted short-term rental permits granted. This is being done as a policy decision by the Board who believe that the commercial nature of short-term rentals is not an appropriate activity in residential neighborhoods. The Board is also concerned about the lack of affordable housing in the County and how short-term rentals may exacerbate the issue.
- There can be two short-term rentals on one property, except in the R2 zone, and a designated representative must be on the property at all times during a short-term rental.

- Only one property per owner can have a short-term rental. This is changing from two to reduce the number of parcels any one person or entity can operate a short-term rental on.
- Language is being added to make it perfectly clear that operating a short-term rental in the County without a permit is a violation of the County code and a penalty of no less than the dollar amount of the nightly rental rate of the property for each day the short-term rental is operated in violation of 18.73, or as permitted by Section 1.20.010 of the Code, whichever is more, to the maximum extent allowed by law, is also being added to all violations of the short-term rental code. This is being proposed to help detour people from operating short-term rentals in violation of the code.
- A requirement is suggested for an address sign, visible from the street, to be included on each dwelling unit where short-term rentals are permitted. This should eliminate the potential nuisance from renters who cannot find their rental units.
- Language is added stating that short-term rentals shall not be permitted in accessory dwelling units built after January 1, 2020. This is being added in response to new State regulations that prohibit the use of accessory dwelling units built after January 1, 2020 to be rented for less than 30-days.
- With regard to application requirements, the term agreement on the form taken to neighbors as part of a short-term rental permitting process is being changed to acknowledgement and a requirement to share the house rules with neighbors is being added. This change should help to relax some of the apprehension from the neighbors being asked to sign it. Applicants are then less likely to try to force an agreement from their neighbors and the neighbors do not feel pressured agree to something they either do not like or understand. Adding the requirement to share the rental rules should also help the neighbors to understand that the rentals are regulated and to provide ideas for additional rules that may be appropriate based on the specific characteristics of the neighborhood.
- A requirement to add mailed notices to property owners within 300-feet of a proposed short-term rental is recommended. This will help ensure that people who cannot be reached by a visit from the proponent will be notified about a proposed short-term rental in the vicinity of their home by mail.
- Each short-term rental permit will be reviewed annually. This review shall include any complaints that may have been submitted on a short-term rental and site visits if deemed necessary to fully evaluate the complaints. If more than three substantiated complaints have been submitted on a particular short-term rental, the short-term rental permit will be considered in violation. This should result in eliminating short-term rentals with poor histories of continuing nuisances and it provides a specific limitation on the number of violations a single short-term rental can have before the permit is revoked. This should result in eliminating short-term rentals with poor histories of continuing nuisances.

FINDINGS

California Environmental Quality Act (CEQA)

Zone Text Amendment No. 2020-01/Inyo County – Short-term Rentals, is Exempt from CEQA by “Categorical Exemption, Class 1 Existing Facilities” found in 14 CCR section 15301 that applies to the operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing public or private structures, facilities, mechanical equipment, or topographical features,

involving negligible or no expansion of use beyond that existing at the time of the lead agency's determination. . . . The Zone Text Amendment proposes to change certain permitting requirements and disallows non-hosted short term rentals of residential property to an already allowed use in specific zoning districts of the County; these changes will cause a reduction of potential impacts to residential neighborhoods; and therefore, the activity is exempt from CEQA.

General Plan Consistency

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

Zoning Ordinance Consistency

ZTA 2020-01 is consistent with the Inyo County Zoning code as it will result updates to penalties for violations, specific permitting requirements and certain allowed activities related to short-term rental of residential properties. It will not cause new use types to what is already established in the Inyo County Zoning Code and use permits will continue to be required for all for all short-term rental of residential property activities..

RECOMMENDATION

Staff is recommending that the Planning Commission make certain findings and: adopt the Resolution (Attachment 2) recommending the Board of Supervisors approve Zone Text Amendment No. 2020-01/Inyo County – Short-term Rentals enacting the ordinance (Attachment 3); and, certify that it is Exempt from CEQA.

ATTACHMENTS

1. Short-term Rental Code updates
2. Resolution
3. Ordinance

Attachment 1 – Proposed Changes January 22, 2010

Chapter 18.73 SHORT-TERM RENTAL OF RESIDENTIAL PROPERTY

18.73.010 Definitions.

For purposes of this chapter, the following definitions apply:

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

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

“Hosted rental” means a short-term rental of a room(s) within a dwelling ~~that is occupied 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.

~~—“Manager” means the owner or owner’s agent who provides oversight for non-hosted short-term rental activities and is available twenty-four hours per day, seven days per week, during all times that the property is rented as a non-hosted short-term rental to respond to and handle complaints.~~

~~—“Non-hosted rental” means a short-term rental of an entire dwelling unit where the owner of the dwelling unit does not concurrently occupy the dwelling unit with the transient lodger.~~

“Owner” shall mean a record owner of the property who is responsible for submitting the application for approval and conducting hosted ~~and non-hosted~~ short-term rental activities pursuant to this chapter.

“Owner” shall further include any person or entity with any direct or indirect ~~aggregate~~ ownership interest ~~of twenty percent or more~~ in the subject property, unless the interest is solely a security, lien, or encumbrance.

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

18.73.020 Short-term rentals prohibited.

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

18.73.030 Short-term rentals—General requirements.

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

A. No person shall undertake, maintain, authorize, aide, facilitate, or advertise any short-term rental activity that does not comply with the provisions of this code.

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

A.C. Each short-term rental shall have a host or ~~manager~~ designated representative readily available to handle any questions or complaints during all short-term rental activities. Any change to the contact information for the owner or owner’s designated representative ~~manager of a non-hosted~~

Attachment 1 – Proposed Changes January 22, 2010

~~short-term rental~~ shall immediately be provided in writing to the Inyo County planning department, to neighboring properties within three hundred feet of the short-term vacation rental, and on any postings required by this chapter.

~~B.D.~~ Only ~~one two~~ hosted rentals per parcel may be permitted, except in the R2 zone, where only one hosted rental per parcel may be permitted, and any such short term rental in an R2 zone shall only be permitted in a dwelling unit that is concurrently occupied by a primary resident(s).

~~D.~~ Only one non-hosted rental per parcel may be permitted, provided that the owner also possesses a permit for a hosted rental.

~~E.~~ No more than two parcels on which short-term rentals are permitted may share a common owner.

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

F. No more than five guestrooms per dwelling unit may be permitted for short-term rental activity.

G. Issuance of a hosted ~~and/or non-hosted~~ short-term rental permit, pursuant to this chapter, is separately required for each dwelling unit in which a short-term rental will occur. Failure to obtain a hosted short-term rental permit prior to renting a residentially zoned property for 30-days or less shall be considered a violation of Chapter 18.73 and subject to legal action and/or enforcement proceedings including but not limited to an administrative penalty of no less than the dollar amount of the nightly rental rate of the property for each day the short-term rental is advertised and/or operated in violation of 18.73, or as permitted by Section 1.20.010 of this Code, whichever is more, to the maximum extent allowed by the law.

H. Short-term rentals shall not be permitted in dwelling units that are not compliant with applicable building and safety and/or environmental health requirements, or in non-habitable structures, tents, travel trailers, RVs, treehouses, yurts, or other provisions or structures not intended for primary occupancy.

I. Only two renters are allowed per guestroom. This number does not include children three years and under.

J. A maximum of one vehicle per guestroom shall be allowed, and the owner shall provide off-street parking for all such allowed vehicles, that the renter(s) shall utilize. The owner shall ensure that the parking limitations are included in short-term rental agreements and in all related advertisements.

K. Outdoor amplified sound is prohibited.

L. Quiet hours shall be from nine p.m. to seven a.m. The host shall ensure that the quiet hours are included in rental agreements and in all advertisements.

M. Pets, if allowed by owner, shall be secured on the property at all times. Continual barking or other nuisances created by unattended pets are prohibited.

N. Trash bins and recycling storage containers shall be required for all permitted short-term rentals and such bins and containers shall not be stored within public view.

O. Outdoor fire areas are only permitted in compliance with applicable state and local laws and shall not be utilized by short-term renters during quiet hours.

P. Short-term rental activity is subject to, and the owner shall comply with, Inyo County Code Chapter 3.20 Transient Occupancy Tax. The owner shall include the transient occupancy tax registration certificate number on all short-term rental agreements, and in any related advertisements. (Ord. 1224 § 1, 2018.)

Attachment 1 – Proposed Changes January 22, 2010

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

R. Short-term Rentals shall not be allowed in Accessory Dwelling Units built after January 1, 2020.

18.73.040 Permit application.

In order to obtain a permit authorizing short-term rentals under this chapter, the owner shall submit an application and any applicable fee for a permit to the planning director.

A. The application shall include:

1. Proof of ownership of the subject property;
2. Name, address, and contact information of the owner;
3. Name, address, and contact information of all other record owners of the subject property;
4. Name, address and contact information for the owner's local emergency contact representative in the event the owner is the manager and is unable to be contacted;
5. A site plan prepared on an eight and one-half-inch by eleven-inch piece of paper showing that the required off-street parking spaces are provided, and the emergency access to the dwelling unit(s);
6. Proof that transient occupancy registration certificate for the subject property has been applied for and/or received;
7. A copy of the rules, regulations, and information that will be posted in a prominent place within six feet of the front door of the short-term rental;
8. A verified list of the names and addresses of the owners of all property within three hundred feet of the exterior boundaries of the property proposed for the short-term rental as shown on the last adopted tax role of the county;
9. A deposit for the cost of the county mailing notice of permits applications received and granted to property owners and neighbors of proposed and approved short-term rentals within three hundred feet of the subject property;
10. ~~For hosted rentals only:~~
 - ~~a.~~—A planning department issued neighborhood ~~agreement~~ acknowledgement form signed by each resident within three hundred feet of the proposed hosted rental. If the applicant is unable to obtain the required signatures, the applicant shall provide proof of his or her reasonable attempts to gather those signatures. The applicant shall also include and share a copy of the short-term rental rules with each resident contacted.
 - ~~B.11.~~ Incomplete applications shall be returned to the applicant with an explanation of what is required to make the application complete. (Ord. 1224 § 1, 2018.)

18.73.050 Hosted rental permit review process.

A. The planning director shall review completed applications for hosted short-term rentals. The planning director shall not approve the application absent a finding that the use will comply with the requirements of this code and other applicable law. Approval of an application for a hosted rental shall be subject to the general requirements of Chapter 18.81 of this code.

Attachment 1 – Proposed Changes January 22, 2010

B. As part of the hosted rental application review, the planning director shall consider any relevant comments received from neighboring residents and/or owners regarding the application. The planning director may add reasonable conditions to a hosted rental permit in order to prevent impacts of the short-term rental activities from being a nuisance to the surrounding properties, including, but not limited to, conditions related to specific parking requirements, noise reduction measures, garbage collection, and related property maintenance issues.

C. The decision of the planning director may be appealed to the planning commission pursuant to Chapter 18.81 of this code. The planning commission shall review the application in the manner set forth for vacation rental applications in Section 18.73.040. (Ord. 1224 § 1, 2018.)

18.73.060 [RESERVED] ~~Non-hosted short-term rental permit review process.~~

~~—A. Upon receipt of a complete application for a non-hosted short-term rental, the planning director shall cause the application to be placed on a planning commission agenda for the review of the application as generally required by Chapter 18.81 of this code. The planning director may provide a recommended action and/or any other relevant information to the planning commission as part of the agenda item. Approval of an application for a non-hosted short-term rental shall be subject to the general requirements of Chapter 18.81 of this code.~~

~~—B. The decision of the planning commission may be appealed to the board of supervisors consistent with Chapter 18.81 of this code. (Ord. 1224 § 1, 2018.)~~

18.73.070 Permit modification and revocation.

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

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

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

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

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

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

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

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

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

18.73.080 Enforcement.

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

B. The county may enforce the provisions of this chapter in accordance with ~~Chapter 18.22~~ Title 22 of this code.

RESOLUTION NO.

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

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

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

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

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

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

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

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

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

RECOMMENDED FINDINGS

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

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

RECOMMENDED ACTIONS

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

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

AYES:

NOES:

ABSTAIN:

ABSENT:

Chairperson
Inyo County Planning Commission

ATTEST:

Cathreen Richards, Planning Director

By _____
Paula Riesen, Secretary of the Commission

ORDINANCE XXXX

AN ORDINANCE OF THE BOARD OF SUPERVISORS OF THE COUNTY OF INYO, STATE OF CALIFORNIA, AMENDING SECTIONS 18.73.010, 18.73.020, 18.73.030, 18.73.040, 18.73.060, 18.73.070, AND 18.73.080 OF THE INYO COUNTY CODE.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

A. No person shall undertake, maintain, authorize, aide, facilitate, or advertise any short-term rental activity that does not comply with the provisions of this code.”

B. All short-term rentals shall be hosted rentals.”

C. Each short-term rental shall have an owner or designated representative readily available to handle any questions or complaints during all short-term rental activities. Any change to the contact information for the owner or owner’s designated representative shall immediately be provided in writing to the Inyo County planning department, to neighboring properties within three hundred feet of the short-term vacation rental, and on any postings required by this chapter.”

D. Only two hosted rentals per parcel may be permitted, except in the R2 zone, where only one hosted rental per parcel may be permitted, and any such short-term rental in an R2 zone shall only be permitted in a dwelling unit that is concurrently occupied by a primary resident(s).

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

F. No more than five guestrooms per dwelling unit may be permitted for short-term rental activity.

G. Issuance of a hosted short-term rental permit, pursuant to this chapter, is separately required for each dwelling unit in which a short-term rental will occur. Failure to obtain a hosted short-term rental permit prior to renting a residentially zoned property for 30-days or less shall be considered a violation of Chapter 18.73 and subject to legal action and/or enforcement proceedings including but not limited to an administrative penalty of no less than the dollar amount of the nightly rental rate of the property for each day the short-term rental is

advertised and/or operated in violation of 18.73, or as permitted by Section 1.20.010 of this Code, whichever is more, to the maximum extent allowed by the law.

H. Short-term rentals shall not be permitted in dwelling units that are not compliant with applicable building and safety and/or environmental health requirements, or in non-habitable structures, tents, travel trailers, RVs, treehouses, yurts, or other provisions or structures not intended for primary occupancy.

I. Only two renters are allowed per guestroom. This number does not include children three years and under.

J. A maximum of one vehicle per guestroom shall be allowed, and the owner shall provide off-street parking for all such allowed vehicles, that the renter(s) shall utilize. The owner shall ensure that the parking limitations are included in short-term rental agreements and in all related advertisements.

K. Outdoor amplified sound is prohibited.

L. Quiet hours shall be from nine p.m. to seven a.m. The host shall ensure that the quiet hours are included in rental agreements and in all advertisements.

M. Pets, if allowed by owner, shall be secured on the property at all times. Continual barking or other nuisances created by unattended pets are prohibited.

N. Trash bins and recycling storage containers shall be required for all permitted short-term rentals and such bins and containers shall not be stored within public view.

O. Outdoor fire areas are only permitted in compliance with applicable state and local laws and shall not be utilized by short-term renters during quiet hours.

P. Short-term rental activity is subject to, and the owner shall comply with, Inyo County Code Chapter 3.20 Transient Occupancy Tax. The owner shall include the transient occupancy tax registration certificate number on all short-term rental agreements, and in any related advertisements. (Ord. 1224 § 1, 2018.)

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

R. Short-term Rentals shall not be allowed in Accessory Dwelling Units built after January 1, 2020."

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

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

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

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

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

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

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

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

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

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

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

- i. The approval was obtained by fraud;
- ii. The short-term rental activity has been or is being conducted in violation of this chapter or other applicable law;
- iii. The conditions of approval have been or are being violated;
- iv. The short-term rental activity constitutes a public nuisance.
- v. The parcel on which the short term rental violation has occurred has three or more violations in a year, which shall be an automatic revocation.
- vi. Ownership of more than one parcel on which short-term rentals are permitted shall in itself be an automatic revocation of all of the owner’s short-term permits, except for the permit(s) originally granted.

2. Notice of Decision. A written notice of the planning director’s decision shall be prepared and mailed to the owner at the address specified in the application for approval, or as

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

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

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

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

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

SECTION X. Severability

If any section, subsection, sentence, clause, or phrase of this ordinance is for any reason held to be invalid or unconstitutional by a decision of any court of competent jurisdiction, such a decision shall not affect the validity of the remaining portions of this ordinance. The Board of Supervisors hereby declares that it would have passed this ordinance, and each and every section, subsection, sentence, clause, or phrase not declared invalid or unconstitutional without regard to whether any portion of this ordinance would be subsequently declared invalid or unconstitutional.

SECTION XI. Effective date.

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

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

AYES:
NOES:
ABSTAIN:
ABSENT:

Chairperson

ATTEST: Clint Quilter
 Clerk to the Board

By: _____
 Darcy Ellis, Assistant