

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

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

Inyo County Planning Commission
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CATHREEN RICHARDS
PAULA RIESEN
MICHAEL ERRANTE
CLINT QUILTER
JOHN VALLEJO

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

Items will be heard in the order listed on the agenda unless the Planning Commission rearranges the order or the items are continued. Estimated start times are indicated for each item. The times are approximate and no item will be discussed before its listed time.

Lunch Break will be given at the Planning Commission's convenience.

The Planning Commission Chairperson will announce when public testimony can be given for items on the Agenda. The Commission will consider testimony on both the project and related environmental documents.

The applicant or any interested person may appeal all final decisions of the Planning Commission to the Board of Supervisors. Appeals must be filed in writing to the Inyo County Board of Supervisors within 15 calendar days per ICC Chapter 15 (California Environmental Quality Act (CEQA) Procedures) and Chapter 18 (Zoning), and 10 calendar days per ICC Chapter 16 (Subdivisions), of the action by the Planning Commission. If an appeal is filed, there is a fee of \$300.00. Appeals and accompanying fees must be delivered to the Clerk of the Board Office at County Administrative Center Independence, California. If you challenge in court any finding, determination or decision made pursuant to a public hearing on a matter contained in this agenda, you may be limited to raising only those issues you or someone else raised at the public hearing, or in written correspondence delivered to the Inyo County Planning Commission at, or prior to, the public hearing.

Public Notice: In Compliance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting please contact the Planning Department at (760) 878-0263 (28 CFR 35.102-3.104 ADA Title II). Notification 72 hours prior to the meeting will enable the County to make reasonable arrangements to ensure accessibility to this meeting. Should you because of a disability require appropriate alternative formatting of this agenda, please notify the Planning Department 2 hours prior to the meeting to enable the County to make the agenda available in a reasonable alternative format (Government Code Section 54954.2).

February 26, 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 January 22, 2020 Planning Commission Meeting.
5. **CUP 2019-03/INYO FARMS** - The applicant has applied for a Conditional Use Permit for a project located approximately 5 miles south of the community of Olancho. The applicant is seeking approval for a cannabis cultivation project, which is permitted as a conditional use, following approval from the Inyo Planning Commission.

Action
Item

Action
Item
Public
Hearing

Action
Item
Public
Hearing

6. **NON-HOSTED SHORT-TERM RENTAL PERMIT 2019-09/SULLIVAN** - The applicant has applied for a Non-hosted Short-term Rental Permit, located at 550 Sunset Drive, in Lone Pine. This permit is required for the applicant to begin renting residential space for periods of 30-days or less, and to achieve compliance with Inyo County Code Chapter 18.73.

Action
Item
Public
Hearing

7. **NON-HOSTED SHORT-TERM RENTAL PERMIT 2019-08/LEONARD** - The applicant has applied for a Non-hosted Short Term Rental permit for a residence located at 4307 Granite View Drive, in the Granite View neighborhood of the community of 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.

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 JANUARY 22, 2020 MEETING

COMMISSIONERS:

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

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

Inyo County Planning Commission
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STAFF:

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STEVE KARAMITROS
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MIKE ERRANTE

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

The Inyo County Planning Commission met in regular session on Wednesday, January 22, 2020, 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, Scott Stoner, and Scott Kemp were present.

Staff present: Cathreen Richards, Planning Director; Steve Karamitros, Senior Planner; Courtney Smith, Senior Planner; Ryan Standridge, Assistant 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 10:01 A.M.

- Linda Chaplin wished to speak regarding the New Shoe City, located on the south end of Independence. She was very upset about the advertisements along the west facing wall of the building. s
She is concerned about preserving the integrity and character of Independence and thinks that this type of advertising should not be allowed as it is out of character. She also would like to see Independence have a design review similar to Lone Pine.

Chair Stewart closed the public comment period at 10:06 A.M.

ITEM 4: **APPROVAL OF MINUTES (Action Item)** – Approval of the Minutes from the November 6, 2019, meeting of the Planning Commission. Commissioner Morley asked for a correction on page 5 regarding the California County Planning Commissioners Association. She requested it be corrected to “she is the point person for the California Central Region”.

MOTION: Moved by Chair Stewart and seconded by Commissioner Scott Kemp to approve the Minutes, with the correction requested by Commissioner Morley, from November 6, 2019.

The Motion passed 5-0 at 10:07 a.m.

ITEM 5: **NOMINATION & ELECTION OF CHAIR PERSON** – The Commission will accept nominations for chair-person for 2020 and hold election.

Chair Stewart asked for new nominations for 2020 Chair Person.

MOTION: Chair Stewart then nominated Kate Morley, and it was seconded by Commissioner Kemp.

The Motion passed 5-0 at 10:08 a.m.

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

Chair Morley asked for nominations for 2020 Vice Chair Person.

MOTION: Commissioner Kemp nominated Todd Vogel, and it was seconded by Commissioner Scott Stoner.

The Motion passed 5-0 at 10:09 a.m.

ITEM 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.

Ms. Helms, Associate Engineer, presented the staff report. This included that

- On December 7, 2019 the Draft MND and IS was a public notice and they received two comments.
 1. California Department of Fish and Wildlife – Requested the time of the preconstruction bird surveys be changed - staff did that.
 2. DWP – Requested Coordination with installation of Bridge as they go through the permitting process.
 3. Tribal consultations invitations were sent, not comments have been received.
 4. Cultural and biological, and air quality mitigations are included in the project.

Chair Stewart asked for a time frame of when this project would be complete.

Ms. Helms stated they could possibly do the demo of the bridge this fall of 2020. Then in spring 2021, after peak flows of runoff they hope to begin construction. This is all contingent on whether they can legally obtain enough right away from DWP to start the construction of bridge. Commissioner Vogel asked how long it would take once construction began. Ms. Helms said roughly 3-months

Chair Morley opened the Public Hearing at 10:17 am

No one from the public wished to comment; the hearing closed at 10:17 a.m.

MOTION: Commissioner Vogel made a motion to approve the Mitigated Negative Declaration of Environmental Impact and was seconded by Commissioner Morley.

The Motion passed 5-0 at 10:18 a.m.

Chair Kate Morley recused herself for Item # 8

ITEM 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.

Mr. Courtney Smith, Senior Planner started his off his presentation by handing out an updated Conditions of Approval. Mr. Smith stated that since the Terms of Agreement between the Bishop Church of the Nazarene and IMACA can be amended, that staff is proposing to add an equivalent to the Security Plan described in the Terms of Agreement as a separate condition. Condition No. 4 requires the approval of a security plan by the Sheriff and the City of Bishop Police Chief prior to start of the program in an effort to ensure public safety for all.

Chair Stewart opened the Public Hearing at 10:25 am

- Larry Emmerson was the first to address the commission. He is the contact person from IMACA for the project. He said the ultimate goal was to provide a safe place for people living out of their vehicles to park at night while housing is being sought.

Commissioner Stewart asked if Church staff would have to be present during this time.

Mr. Emmerson said church staff would not be present, only IMACA staff would be present at that time.

Commissioner Stewart then asked if there was a bathing area.

Mr. Emmerson said there would not be an area for showers.

Commissioner Stoner asked who would be in charge of the normal day to day trash that would result in people staying there.

Mr. Emmerson stated that the IMACA staff would haul off the trash and it would be their responsibility.

- Rick Pucci, Board of Supervisor for District 3 spoke next. Stating that Homelessness is a crisis in this county. He has two goals he has been working on for years:
 - 1) Low income housing for seniors.
 - 2) Affordable work place housing.

He is happy about the additional condition regarding the security plan being added to the proposed action. This addresses some of his security concerns, especially related to the nearby School Farm.

Mr. Emerson returned to the podium to answer more questions.

Commissioner Vogel asked if the hours could change.

Mr. Emerson said these rules are on a trial basis and that they could be changed if agreed to by IMACA and the Church of the Nazarene.

Mr. Lowell Prang from Church of the Nazarene was the next to address the Commission. He stated that homeless people are already here. He and his wife have done some work for the homeless and at no point have they felt threatened.

Vice Chair Vogel closed the public hearing at 10:42 a.m.

Commissioner Scott Kemp wanted to thank everyone for coming to meeting to address these questions.

Commissioner Scott Stoner would like to have the project come back to the Planning Commission to revisit the progress of this project in 3 months or 12 months before the trial period ends.

After some discussion, the Commission gave direction to staff to add a fifth condition of approval that would require IMACA to submit a report to the Planning Department after the program has been in operation for one year. Ms. Cathreen Richards suggested that the condition could indicate that if there were some significant issues, the Planning Director would bring the project to the Planning Commission for an additional hearing. If no issues were identified, the report would be provided to the Planning Commission as an informational item. The Planning Director will provide the determination and the report to the Planning Commission at the subsequently scheduled meeting. Ms. Richards, Mr. Smith and Mr. Vallejo indicated that they had sufficient information to draft this condition.

MOTION: Vice Chair Vogel made a motion to approve the application and it was seconded by Commissioner Stoner to approve with findings 1-6 and with the amended conditions of approval 1-5 as provided for in the updated handed out by staff and the additional condition discussed regarding a report to occur after the project has been in operation for one year.

The Motion passed 4-0, with one Recusal by Chair Morley at 10:51 a.m.

ITEM 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.

Mr. Steve Karamitros, Senior Planner presented staff report, stating the CUP was required because of the outdoor seating. He did receive one comment from the Public. It was Caltrans asking applicant to contact them about the parking.

Chair Morley opened the Public Hearing at 10:57 am

Owner Matthew Kerry-Otton wanted to explain that there will be 6 tables inside for guests and three outside for guests. With smaller parking spaces available on property and larger parking spaces on the street and operating hours of Wednesday through Sunday from 11:00 am to 7:00 pm.

- Linda Chaplin wanted to ask about customer safety after the terrible accident in Lee Vining last fall at the Mono Cone?

Mr. Kerry Otton said that they plan to place big boulders to protect the customers standing in line waiting to order.

- John Lout was the next to speak from the public. He lives in Big Pine and is concerned with the amount of parking available in his neighborhood. He understands that the owner has to speak to Caltrans. He also wanted to know if he could put signs on the road prohibiting people from parking in front of his house. Ms. Richards told him that street signs on county right of way had to be done by the road department and not private citizens.

Chair Morley Closed public comment at 11:07 a.m.

MOTION: Commissioner Frank Stewart made a motion to approve the Cup-2019-15/Copper Top with the approval of Findings 1-7 and Conditions 1-3, and was seconded by Chair Morley.

Commission Frank Stewart recused himself for Item # 10

ITEM 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.

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

Chair Morley opened the Public Hearing at 11:14 a.m.

Chair Morley stated with no one from the public wishing to speak the hearing was closed at 11:15 a.m.

MOTION: Chair Morley made a motion to approve the application and it was seconded by Vice-Chair Vogel to approve with findings 1-7 and conditions of approval 1-4, as provided.

The Motion passed 4-0 at 11:17 a.m.

Commissioner Frank Stewart returned to his seat.

ITEM 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.

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

Chair Morley opened the Public Hearing at 11:18 a.m.

- Linda Chaplin wanted to ask for more details on the parking because she does not feel there is an adequate parking. She does not want to change the town atmosphere with corporate businesses.
- Owner Joyce Thompson explained that, yes, her and her husband are a corporation and they are a mom and pop shop. She stated they have not changed the building except to add the deck and have kept the character of it.

Chair Morley Closed public comment at 11:26 a.m.

MOTION: Chair Morley asked for a motion to approve this application. Commissioner Stewart made a motion to approve with findings 1-7 and conditions 1-2, and was seconded by Chair Morley.

The Motion passed 5-0 at 11:27 a.m.

ITEM 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 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.

Ms. Cathreen Richards, Planning Director, presented the staff report. There was one comment from Environmental Health stating they are concerned with the septic system, so a condition is included to work with Environmental Health to build a new system.

Chair Morley opened the Public Hearing at 11:33 a.m.

- Padraic MacLeish stated that this is for better housing for the teachers.

- He also asked that the condition regarding the septic system be changed to “*The applicant shall work with the Inyo County Environmental Health Department to ensure an on-site septic system adequate to meet the needs of the new triplex.*”

Chair Morley Closed public comment at 11:36 a.m.

MOTION: Chair Morley asked for a motion to approve. Commissioner Stewart made a motion to approve with findings 1-7 and conditions 1-4, with Condition # 3 being amended and was seconded by Commissioner Scott Stoner.

The Motion passed 5-0 at 11:39 a.m.

ITEM 13: **VARIANCE-2019-02/LOVINGIER** - 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.

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

Chair Morley opened the Public Hearing at 11:42 a.m.

No one from the public wished to speak the hearing closed at 11:43 a.m.

MOTION: Chair Morley asked for a motion to approve. Commissioner Vogel made a motion to approve with findings 1-7 and conditions 1-2, and was seconded by Commissioner Stewart.

The Motion passed 5-0 at 11:44 a.m.

ITEM 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.

Mr. Steve Karamitros, Senior Planner presented staff report.

Chair Morley opened the Public Hearing at 11:47 a.m.

Chair Morley stated with no one from the public wished to speak the hearing and closed it at 11:50 a.m.

MOTION: Commissioner Stoner made a motion to approve with findings 1-7 and conditions 1-2. It was seconded by Commissioner Vogel.

The Motion passed 5-0 at 11:51 a.m.

Commission Frank Stewart recused himself for Item # 15.

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

Mr. Steve Karamitros, Senior Planner presented staff report.

Chair Morley opened the Public Hearing at 11:52 a.m.

- Joanne Lijeck stated she had been in many times for Short Term Rentals. She asked if the property was on the east side of 40 acres not the west. She believes that Commissioner Stewart has a conflict of interest with voting on Short Term Rentals. She called Public Works but has not received an answer where to find the conflict of interest rules for the Commissioners.

John Vallejo, County Counsel spoke and stated they are well with the means of the law and any Commissioner is able to submit an application.

Cathreen Richards then commented that the Planning Department was instructed to finish any Short Term Rental projects that was in progress.

- Next to speak was owner of property Frank Stewart. His property is located to the East. His closest neighbor is 3 miles away, so he would be the closest to the rental if there are any problems he would be the first to know.

Chair Morley Closed public comment at 12:01 p.m.

MOTION: Chair Morley made a motion to approve with findings 1-7 and conditions 1-2 and was seconded by Commissioner Stoner.

One abstention from voting – Commissioner Todd Vogel

The Motion passed 3-0 at 12:05 p.m.

ITEM 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.

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

Chair Morley opened the Public Hearing at 12:07 p.m.

Chair Morley stated with no one from the public wishing to speak the hearing was closed at 12:08 p.m.

MOTION: Commissioner Stoner made a motion to approve with findings 1-7 and conditions 1-2 and it was seconded by Chair Morley.

The Motion passed 5-0 at 12:10 p.m.

ITEM 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.

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

Commissioner Todd Vogel had a question on the General Requirements, item e) Check out time is 11:00 a.m. REACH Air Medical Services, LLC?

Ms. Standridge said it was just a typo, please disregard.

Chair Morley opened the Public Hearing at 12:11 p.m.

Chair Morley stated with no one from the public wishing to speak the hearing was closed at 12:12 p.m.

MOTION: Commissioner Vogel made a motion to approve with findings 1-7 and conditions 1-2 and was seconded by Commissioner Scott Kemp.

ITEM 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.

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

Chair Morley opened the Public Hearing at 12:27 p.m.

- Ernest Vargas was the first to speak. In the past he had spoken to someone in Planning and got the idea to do STR, with the loft over his garage. He retired and

continued with his plan and now he is caught in the middle of the STR requirements changing. This is the first time at Planning Commission and he wonders where he is at with a lot of money invested in this unit. Will he be able to rent it?

County Counsel John Vallejo stated that until his application has been presented to Commission and has worked with the planner he is assigned we will not be able to make a decision where this falls under the law.

- Linda Chaplin was the next to address the commission stating that the renters will be driving around trying to find the rentals and there needs to be address that are visible at night so they will not have to ask anyone the addresses they are looking for.
- Jerry Core was the next to speak. He bought a Pioneer House at Laws, he is working on the property, he has a lot invested, and a lot planned with a caboose being added to property. He does not have any paperwork yet, for short term rental, will he be able ask for special circumstances for his very unique project can he have an exception to the rule?

Chair Kate Morley said to continue working with the county departments for the various permits and continue with Planning Department and a decision will be made after your project is presented to the Planning Commission.

- Joanne Lijek wanted to speak a second time and say she appreciated all the changes made to the Short Term Rentals, but she would like it more defined.

Chair Morley Closed public comment at 12:40 p.m.

Chair Morley wanted to open a Commissioner discussion on the Short Term Rental changes.

- Commissioner Frank Stewart was the first to speak. He has sat through many Short Term Rental permits and most complaints are unfounded and unsubstantiated. With all of the rental concerns people have addressed there concerns and it has been dealt with. He believes that the proposed changes can affect good economic opportunities for county property owners and take away much sought after vacation opportunities for tourists to the county.
- Commissioner Kemp stated that his parents have a short term rental and is has been great. People seem to like to be able to rent a home for their families and not have to pay for Multiple Rooms where they are all separated. This Solution seem to provide privacy and a relaxed alternative.

MOTION: Commissioner Frank Stewart made a motion to adopt a Resolution recommending

That the Board of Supervisors approve Zone Text Amendment No. 2020-1/Inyo County – Short Term Rentals and certify that it is Exempt from CEQA. The motion was seconded by Commissioner Stoner.

COMMISSIONERS' REPORT/COMMENTS –

None at this time.

DIRECTOR'S REPORT –

None at this time.

ADJOURNMENT –

With no further business, Chair Kate Morley requested a motion to adjourn the meeting at 12:55 p.m. The next meeting will be February 26, 2020 meeting, at 10:00 a.m. in the Board of Supervisors Room, Administrative Center, Independence, California.

Motion by Chair Kate Morley to Adjourn.

Seconded by Commissioner Todd Vogel.

Motion passed 5-0.

Prepared by:
Paula Riesen
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AGENDA ITEM NO.: 5 (Action Item – Public Hearing)
PLANNING COMMISSION MEETING DATE: February 26, 2020
SUBJECT: Conditional Use Permit (CUP) 2019-03/Inyo Farms

EXECUTIVE SUMMARY

The applicant has applied for a CUP for the cultivation of cannabis located approximately 5-miles south of the community of Olancha. The site is approximately 33 acres, with roughly 1 acre of cultivation space housed in two metal buildings. The project also includes a 4,000 ft² processing building to dry and store the cultivated product.

PROJECT INFORMATION.

Supervisory District: 5

Project Applicant: Inyo Farms Inc., 5900 Enchanted Lakes Rd., Olancha CA 93549

Property Owner: Kellyco Development Inc., 14494 Dove Canyon Dr., Riverside CA 92503

Site Address: 5900 Enchanted Lakes Rd

Community: Olancha

A.P.N.: 033-450-10

General Plan: Open Space & Recreational (OSR)

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

Size of Parcel: Approximately 33-acres

Surrounding Land Use:

Location:	Use:	Gen. Plan Designation	Zoning
Site	Vacant	Open Space/Recreation (OSR)	Open Space with a 40 acre minimum (OS-40)
North	Vacant/BLM	Open Space/Recreation (OSR)	Open Space with a 40 acre minimum (OS-40)
East	Vacant/private	Open Space/Recreation (OSR)	Open Space with a 40 acre minimum (OS-40)
South	Vacant/private	Residential Estate (RE)	Rural Residential/Mobile Home combined (RR-MH)
West	Vacant/private	Open Space/Recreation (OSR)	Open Space with a 40 acre minimum (OS-40)

Staff Recommended Action:

- 1.) Approve the Conditional Use Permit (CUP) 2019-03/Inyo Farms and certify the project as a Mitigated Negative Declaration 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:

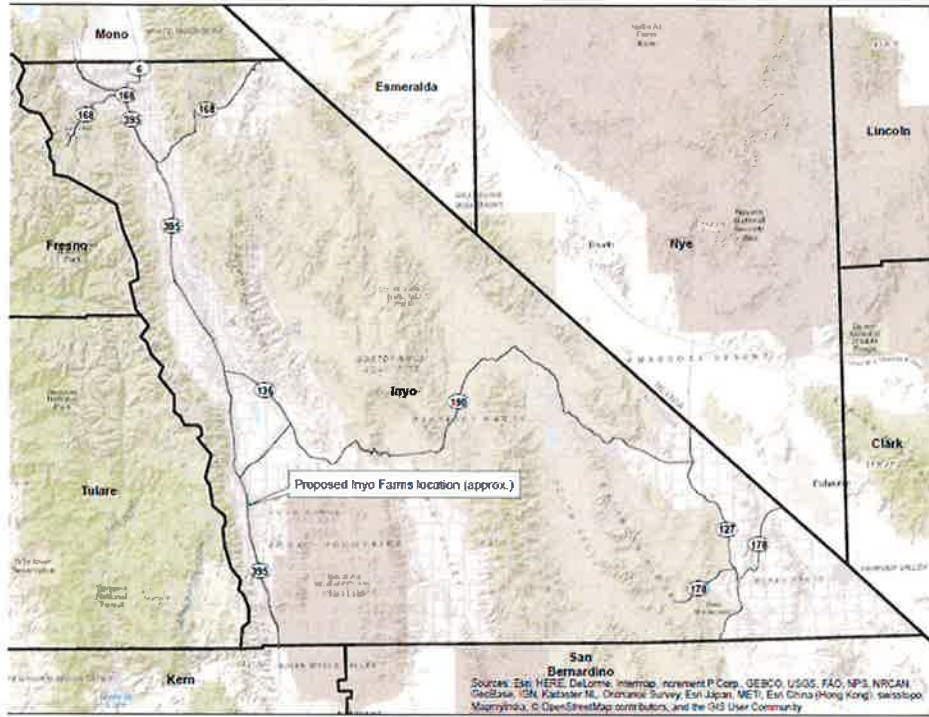
Steve Karamitros

STAFF ANALYSIS

Background and Overview

The applicant has applied for a CUP to operate a commercial cannabis cultivation facility located on Enchanted Lakes Road, south of the community of Olancha. This operation will grow cannabis in one 24,000 ft² metal building and one 19,500 ft² metal building, with an additional 4,000 ft² building for drying and storage. The property is zoned OS-40, which allows for cannabis cultivation with a CUP. The surrounding area is primarily zoned OS-40. The proposed location is not within 600-feet of a school, daycare, park or library; and therefore, is not prohibited by state or county exclusion areas. Also, the project is well outside the six hundred-foot radius of 123 School Rd, in Olancha, CA, which is required by ICC 18.78.360(C).

Site Proximity Map



Site Location



General Plan Consistency

The goal of this project is to allow for a commercial cannabis cultivation operation. The General Plan's land use designation for this parcel is Open Space and Recreation (OSR), which is meant to provide for planned public recreational spaces. Land Use Policy 2.16, "Public, Quasi-Public, and Supporting Uses" states that uses other than recreational ones, that serve residential areas, are allowed "so long as these uses are designed and operated in a manner that does not adversely impact...residential areas" (Inyo General Plan, pg. 4-18). The closest residence to the proposed project site is 2,361 feet away, surrounded by primarily vacant land, and does not conflict with the OSR land use designation.

Zoning Ordinance Consistency

The proposed project is a CUP to allow for the commercial cultivation of cannabis on a property zoned as Open Space. Inyo County Code (ICC) 18.78.360(B)(1) allows for commercial cannabis cultivation in the open space zoning designations, so long as the project can meet the 300-foot setback requirement. As the project site is zoned Open Space, it is eligible for the cultivation permit. Also, the project is beyond the six hundred-foot radius of 123 School Road, in Olancho, CA, which is required by ICC 18.78.360(C). The project is consistent with Inyo County's Zoning Ordinance.

ENVIRONMENTAL REVIEW

Conditional Use Permit 2019-03/Inyo Farms is a Mitigated Negative Declaration under CEQA. The 33 acre area is pre-disturbed, with several dirt roads passing through it, including dirt roads established to service Los Angeles Department of Water and Power utility lines, which also cross through the property. This project will incorporate mitigation measures as conditions of approval for the issuance of a conditional use permit. The project will avoid environmental impacts to botanical and wildlife resources using preconstruction presence-absence surveys for critically listed species (Burrowing owl & Desert Tortoise). Impacts to listed plant species (Barstow woolly sunflower) will be avoided using ESA fencing. Mitigation also includes permitting (ITP process through CDFW). Archeological impacts will also be avoided with preconstruction surveys. Based on information provided by the applicant, and staff review, Conditional Use Permit 2019-03/Inyo Farms does not have the potential to cause environmental impacts that exceed thresholds of significance, either individually or cumulatively. The owner or his agent shall consult with the Inyo County Environmental Health Department to manage indoor water & sewage waste for the processing facility.

Please note, the current water usage for the project is 2.35 acre-feet-per year. Thus, ground water resources will be conserved as the County benefits from a more sustainable economic opportunity.

TRIBAL CONSULTATION

In compliance with AB 52, SB 18, and Public Resource Code Section 21080.3.1(b), tribes identified as being local to Inyo County, were notified of the project via a certified letter on January 28, 2019 and were invited to consultation on this project. The tribes notified were as follows: the Twenty-Nine Palms Band of Mission Indians, the Big Pine Paiute Tribe, the Bishop Paiute Tribe, Cabazon Band of the Mission Indians, the Fort Independence Paiute

Tribe, Lone Pine Paiute-Shoshone Tribe, the Shingle Springs Band of Miwok Indians, the Timbisha Shoshone Tribe, and the Torres Martinez Desert Cahuilla Indians.

Inyo County received a letter from the Twenty-Nine Palms Band of Mission Indians requesting any cultural reports related to the project. The applicant will share any applicable cultural reports that may result from preconstruction surveys of the site.

NOTICING & REVIEW

The application for CUP 2019-03/Inyo Farms has been reviewed by the appropriate county departments and no issues were reported. This included reviews by the Environmental Health, Public Works, and the Inyo/Mono Agricultural Commission.

Public review of the CEQA document was noticed in the Inyo Register on October 29, 2019. Comments were received from the Lahontan Regional Water Quality Control Board, California Department of Fish & Wildlife, and the California Department of Food & Agriculture and some of these comments have been deemed appropriate and incorporated into the Conditions of Approval for the permit (see below). The public hearing for this CUP was noticed on February 13, 2020 in the *Inyo Register*. Notifications were sent to property owners, within 1,500-feet of the project location, as required by 18.78.360(F), on February 10, 2020.

RECOMMENDATION

Planning Department staff recommends the approval of Conditional Use Permit No. 2019-03/Inyo Farms, 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 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).]
2. The proposed Conditional Use Permit is consistent with the Inyo County General Plan Land Use designation of Open Space & Recreational (OSR).
[Evidence: The goal of this project is to allow for cultivation of cannabis on a parcel of land with an (OSR) General Plan designation. The project is consistent with the (OSR) designation because, although this parcel is meant for planned public recreational spaces, Land Use Policy 2.16, “Public, Quasi-Public, and Supporting Uses” states that uses other than recreational ones are allowed “so

long as these uses are designed and operated in a manner that does not adversely impact...residential areas” (Inyo General Plan, pg. 4-18). The closest residence to the proposed project site is 2,361 feet away, surrounded by primarily vacant land, and does not conflict with the OSR land use designation.]

3. The proposed Conditional Use Permit is consistent with the Inyo County Zoning Ordinance, which permits cannabis cultivation activities, as a conditional use, in the OS-40 zone.
[Evidence: Inyo County Code (ICC) 18.78.360(B)(1) allows for commercial cannabis cultivation in the open space zoning designations, so long as the project can meet the 300-foot setback requirement. As the project site is zoned Open Space, it is eligible for the cultivation permit. Also, the project is beyond the six hundred-foot radius of 123 School Road, in Olancho, CA, which is required by ICC 18.78.360(C). The project is consistent with Inyo County’s Zoning Ordinance.]
4. The proposed Conditional Use Permit is necessary or desirable.
[Evidence: The General Plan’s Economic Development Element states: ‘Inyo County’s wealth is...highly dependent on a number of activities that occur throughout the County...These activities are expected to continue in the long term, and are expected to remain stable throughout the time horizon of this General Plan.’ The applicant has stated that Inyo Farms expects to produce cannabis flowers that will serve both businesses and consumers within the County, as well as other markets in the State. 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 one of several commercial uses in the area. The Cannabis Ordinance adopted by the Board of Supervisors on January 16, 2018 allows for this use on parcels designated as Open Space. The proposed project is related to other surrounding uses insofar as there are commercial enterprises along the current US 395 between the project location and Olancho, to the north. This use is also reasonable for the area since it is sufficiently distanced from residential areas, which might have problems with odor, or proximity to schools. The site will be accessed via a dirt road that connects to Enchanted Lakes Rd, which is a County facility. As no modifications are planned for the access road, no encroachment permits from Inyo County are required.]
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 project will not change or increase the current level or general type of allowed uses in the Olancho area and the proposed security plan for Inyo Farms was reviewed by the Sheriff’s Department as a business license

requirement; 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: A cannabis cultivation project requires a conditional use permit, per Inyo County Code Section 18.78.360(A), and is therefore necessary for the operation of Inyo Farms.]*

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 2019-03/Inyo Farms. 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. Environmental Commitments under CEQA:

- **Biological Resources:** The applicant will assume presence of Mohave ground squirrel (based on trapping results from applicant supplied biologists) and the applicant will apply for an Incidental Take Permit through CDFW as mitigation. In addition, a qualified biologist will (1) fence-off the major populations of Barstow woolly sunflower (*Eriophyllum mohavense*) during construction to avoid impacts and (2) conduct preconstruction surveys for burrowing owl & desert tortoise, no more than 14 days prior to the start of construction. If necessary, the biologist will implement avoidance measures to eliminate the possibility of any take of these two species.
- **Cultural:** The applicant shall conduct preconstruction surveys by a cultural resource professional to identify all cultural resources and provide recommendations regarding their significance and management prior to any development of the property. The applicant will share any cultural report(s) produced during the preconstruction phase of the project with the Twenty-Nine Palms Band of Mission Indians, in compliance with AB 52.



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Independence, California 93526

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

PLANNING COMMISSION

MEETING DATE: February 26, 2020

SUBJECT: Non-hosted Short-term Rental Permit
No. 2019-09/Sullivan

EXECUTIVE SUMMARY

The applicant has applied for a Non-hosted Short-term Rental Permit, located at 550 Sunset Drive, in Lone Pine. This permit is required for the applicant to begin renting residential space for periods of 30-days or less, and to achieve compliance with Inyo County Code Chapter 18.73.

PROJECT INFORMATION

Supervisory District: 1
Project Applicant: Patrick Sullivan
Site Address: 550 Sunset Drive
Community: Lone Pine, CA
A.P.N.: 026-320-21
General Plan: Residential Rural High Density (RRH)
Zoning: Rural Residential (RR-1.0)
Size of Parcel: Approximately 0.96-Acres

SURROUNDING LAND USE:

Location:	Use:	Gen. Plan Designation	Zoning
Site	Residential	Residential Rural High Density (RRH)	Rural Residential – 1 acre minimum(RR-1.0)
North	Vacant/ Residential	Rural Residential Medium Density (RRM)	Rural Residential-2.5 acre min (RR-2.5)
East	Residential	Residential Rural High Density (RRH)	Rural Residential – 1 acre minimum(RR-1.0)
South	Residential	Rural Residential Medium Density (RRM)	Rural Residential-2.5 acre min (RR-2.5)
West	Vacant/Residential	Residential Rural High Density (RRH)	Rural Residential – 1 acre minimum(RR-1.0)

Staff Recommended Action: 1.) Approve the Non-hosted Short-term Rental Permit 2019-09/Sullivan

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 Planning Department, for the residence located at 550 Sunset Drive in Lone 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. 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 to issue the Non-hosted Short-term Rental Permit.

The residence is located in the Lone Pine community and surrounded by developed residential parcels to the South, East, and Vacant land to the North and West.

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 its 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 as identified in the General Plan.

Zoning Ordinance Consistency

The applicant's residence is zoned Rural Residential 1.0 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

The Non-hosted Short-term Rental Permit 2019-09/Sullivan 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 2019-09/Sullivan, subject to the Conditions of Approval listed below:

Recommended Findings for NH-STR 2019-09/Sullivan:

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 High Density (RRH).
[Evidence: The proposed project is consistent with the goals and policies of the General Plan's Land Use designation of Residential Rural High Density, which allows for 1 dwelling unit per acre. The applicant proposes to rent the primary dwelling unit on a 4-acre parcel, which 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 short-term rental permit. The applicant's property is zoned Rural Residential, which is consistent with Inyo County's zoning ordinance regarding eligibility for this permit application.]

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. The proposed Non-hosted Short-term 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 applicant's residence.]
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 Public 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 issues 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. 2019-09/Sullivan. 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.

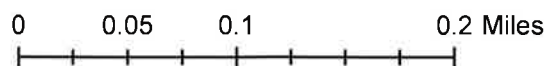
SUMMARY

Staff recommends that the Planning Commission make certain findings with respect to and approve Non-hosted Short-term Rental Permit No. 2019-09/Sullivan and find it exempt from CEQA.

EXHIBITS

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

NHSTR 2019-09 Sullivan Exhibit A



Private Space
no guests

fencing →

rest
space

Crates
Crates

Private Space
no guests

← fence →

Guest space

parking



Dirtway

← fence →

← fence →

← fence →



--- 0.1 --- Sunset Drive →

The Wagon Wheel House Rules...

If you have questions or need assistance you may ask your host at any time Ali Ashley at (760) 920-3473 or Bryan Ashley at 760-264-3141, or contact Mr. Sullivan 562-254-1881, or Gail Stewart 760-873-5487

- ***The Wagon Wheel offers***

- ***2 guest bedrooms (The master bedroom is in use by your host and off limits to guests, thank you)***
- ***One living space with a pull-out bed***
- ***Full kitchen and laundry room***
- ***One full bathroom and one (1) half bathroom***

- ***House Rules***

- ***Only two (2) renters are allowed per guest room. This number does not include children three (3) years old and under***
- ***A maximum of one vehicle per guest room shall be allowed***
- ***Please park off the street in designated area***
- ***Outdoor amplified sound is prohibited***
- ***Quiet hours shall be from 9:00 p.m. to 7:00 a.m.***
- ***Pets shall be secured on the property at all times. Continual barking or other nuisances created by unattended pets is prohibited***
- ***Trash bins and recycling storage containers are located in the storage room in the carport. A dumpster is located on Sunset Drive, west of the driveway***
- ***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 or drug use permitted***
- ***Short-term rental activity is subject to, and the owner shall comply with, Inyo County Code***

The transient occupancy tax registration certificate number is



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AGENDA ITEM NO.: 7(Action Item – Public Hearing)
PLANNING COMMISSION MEETING DATE: February 26, 2020
SUBJECT: Non-hosted Short Term Rental (NH-STR)
2019-08/ Leonard

EXECUTIVE SUMMARY

The applicant has applied for a Non-hosted Short Term Rental permit for a residence located at 4307 Granite View Drive, in the Granite View neighborhood of the community of Lone Pine, Inyo County, California. A Non-hosted Short Term Rental permit is required before an applicant can begin renting a residence for periods of 30 days or less. The requirements for this permit are specified in Inyo County Code Chapter 18.73.

PROJECT INFORMATION

Supervisory District: 5

Project Applicant: Doroethy Leonard

Property Owner: Doroethy Leonard Trust

Site Address: 4307 Granite View Drive

Community: Granite View (Lone Pine), California

A.P.N.: 029-270-06

General Plan: Residential Ranch (RR)

Zoning: Rural Residential - ten acre minimum – Mobile Home Overlay (RR-10.0-MH)

Size of Parcel: 1.0 Acre

Surrounding Land Use:

Location:	Use:	Gen. Plan Designation	Zoning
Site	Single Family Residential	Residential Ranch (RR)	Rural Residential-10 Acre Minimum-Mobile Home Overlay (RR-10.0-MH)
North	Single Family Residential/Vacant	Residential Ranch (RR)	Rural Residential-10 Acre Minimum-Mobile Home Overlay (RR-10.0-MH)
East	Single Family Residential/Vacant	Residential Rural Medium Density (RRM)	Rural Residential-2.5 Acre Minimum-Mobile Home Overlay (RR-2.5-MH)
South	Single Family Residential/Vacant	Residential Ranch (RR)	Rural Residential-10 Acre Minimum-Mobile Home Overlay (RR-10.0-MH)
West	Single Family Residential/Vacant	Residential Ranch (RR)	Rural Residential-10 Acre Minimum-Mobile Home Overlay (RR-10.0-MH)

Staff Recommended Action: **Make certain Findings with respect to and Approve Non-Hosted Short Term Rental Permit 2019-08/Leonard, subject to the Conditions of Approval as recommended in this staff report.**

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, Assistant Planner

STAFF ANALYSIS

Background and Overview

The applicant has applied for a Non-hosted Short Term Rental (NH-STR) Permit to operate a short term rental at the project property. The proposed non-hosted rental is an accessory dwelling unit on the property. The term non-hosted means that the renters will solely occupy the residence during the time of the rental (there is no host within the residence at the time the property is being rented).

Section 18.73.030 d. of the Inyo County Code (ICC) requires that the possessor of a NH-STR Permit must also possess a permit for a hosted rental. To meet this requirement, the applicant has already obtained a permit for a Hosted Short Term Rental (H-STR), at the same residence at 4307 Granite View Drive. This property, including both the primary residence and the accessory dwelling unit are owned by a trust that is in the applicant's name and for which she is a trustee.

The proposed application for a NH-STR Permit aligns with ICC 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 been reviewed by staff and meets the requirements of the ICC Section 18.73. Included with this staff report is a copy of a site plan showing parking and emergency access requirements (Attachment B). Also attached is a copy of the “House Rules” that demonstrate requirements for compliance with ICC Section 18.73 (Attachment C). Per ICC Section 18.73.060 approval of NH-STR permits is at the discretion of the Inyo County Planning Commission, and the Commission must give final approval in order to issue the NH-STR Permit.

The project property is surrounded by a very large parcel (134 acres) that is also owned by the applicant’s trust. No other residences are actually within 300’ of this residence. There are 4 other residential properties that share a road easement. The residence is cabin style, with 3 bedrooms. The Granite View community is 8 miles from Lone Pine and has a small number of residences, all with a fairly large separation between them. A Vicinity Map is provided (Attachment A). Also photos of the property are included (Attachment D).

General Plan Consistency

This application and hearing is to consider approving a NH-STR permit for the applicant to rent residential space on a short term basis in compliance with County code. 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 Ranch (RR) 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 Rural Residential zoning designation allows for short term rental permits per section 18.73 of the ICC. The use of the property is still considered to be residential in nature and therefore remains consistent with the current zoning.

Noticing

The Planning Commission Hearing for NH-STR 2019-08/Leonard was advertised in the Inyo Register on February 13, 2019. Note that the only property within 300’ of the applicant’s property is also owned by the applicant’s trust. Although not legally required the applicant agreed to have notices mailed to the four property owners that share a road easement.

ENVIRONMENTAL REVIEW

The Non-hosted Short-term Rental Permit 2019-08/Leonard 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

Planning Department staff recommends the approval of Non-hosted Short Term Rental Permit No. 2019-08/Leonard, with the following Findings and Conditions of Approval:

FINDINGS

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 Ranch (RR).
[Evidence: The applicant’s proposal to rent the primary dwelling unit is consistent with Inyo County’s General Plan designation for Residential ranch, which allows for 1 dwelling units per 10 acres which does not change the size or density of the residential development currently on the site and is consistent with the General Plan Density.]
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 Rural Residential and is therefore consistent with Inyo County’s zoning ordinance.]
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. Prior to February 2018, short term rentals were considered not-allowed, because no portion of the code explicitly allowed for short term rentals. The Planning Department, with direction from the Planning Commission and the Board of Supervisors went through a public process to develop the current short term rental ordinance, ICC 18.73, which was approved by the Board of Supervisors in February of 2018. The proposed non-hosted vacation rental permit application is consistent with the requirements stipulated by this ordinance.]

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 will have no impact to transportation and service facilities beyond what is allowed for the current allowed uses, including owner occupied residence or long term rental. During the development of the short term rental ordinance, the public raised concerns about parking on the streets from short term renters impacting neighborhoods. ICC Section 18.73.030 j. allows for a maximum of one vehicle per guestroom and that the owners shall provide an off-street parking space for each potential vehicle. The applicant has provided a site plan that shows 3 off-street parking places to address this requirement (3 guest rooms are available).]

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.

[Evidence: The proposed Non-hosted Short-Term Rental Permit does not adversely affect public health or safety of persons living in the vicinity. The project provides no impact beyond what is permitted for the current allowed uses, including owner occupied residence or long term rental. The Inyo County Environmental Health Department evaluated the application for sewer, septic, and water issues and found no problems with the application, and similarly the Building and Safety Department evaluated the application for building code issues.]

7. Operating requirements necessitate the 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.]

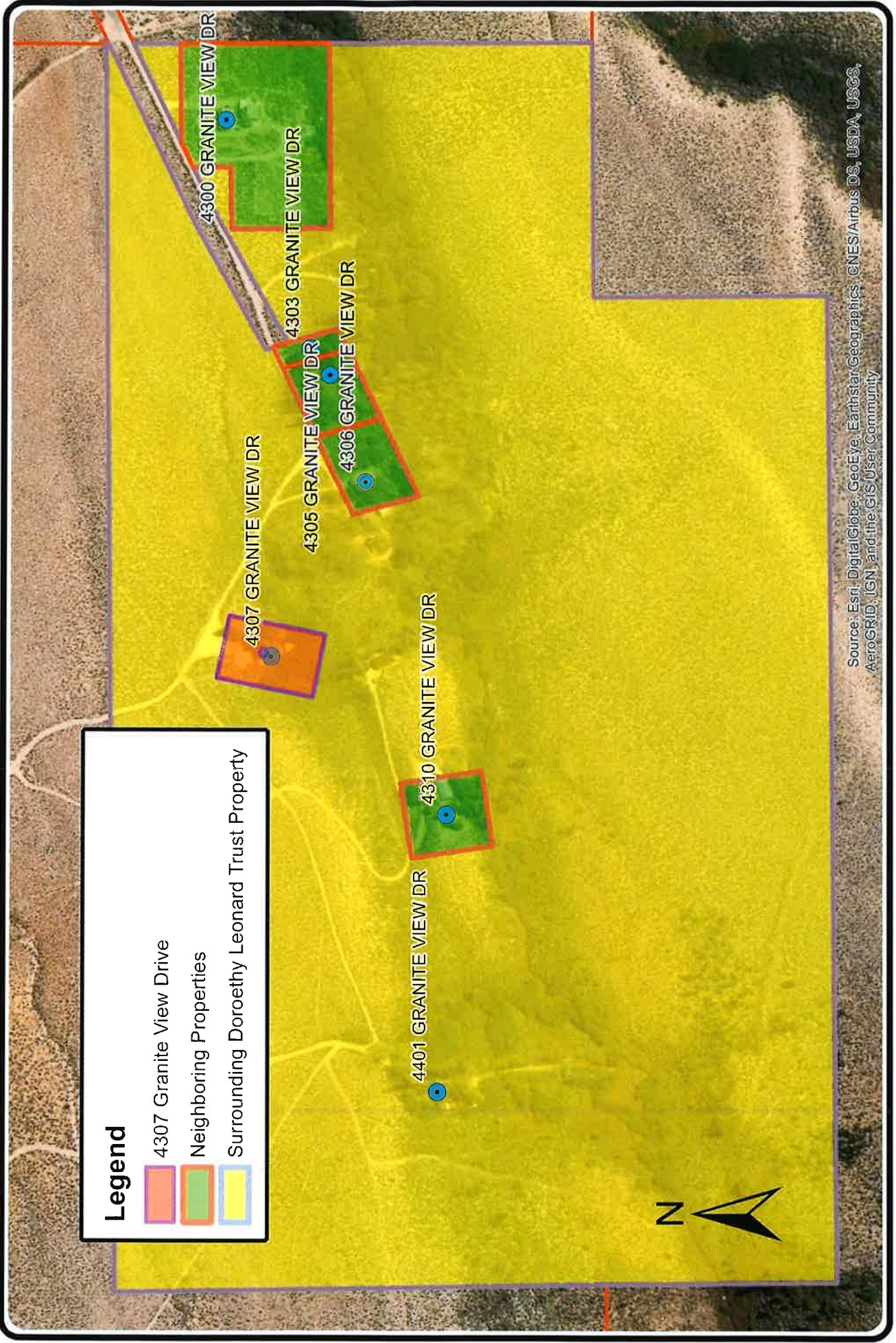
CONDITIONS OF APPROVAL

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. 2019-08/Leonard. 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.

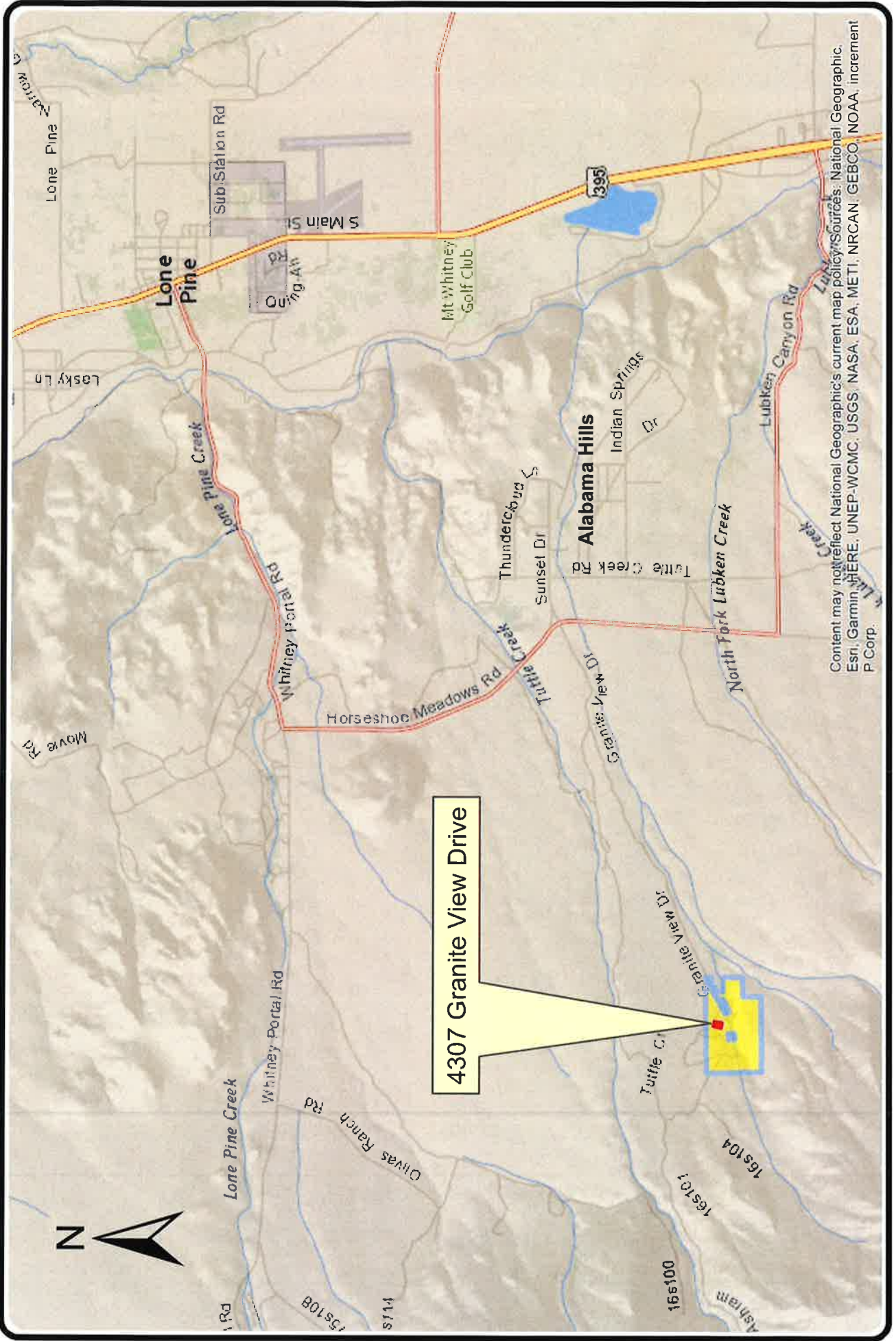
Attachments

- A. Vicinity Maps
- B. Site/Parking Plan
- C. House Rules
- D. Photographs of Property and Residence

Map of Properties Neighboring 4307 Granite View Drive



General Vicinity Map



Content may not reflect National Geographic's current map policy. Sources: National Geographic, Esri, Garmin, HERE, UNEP-WCMC, USGS, NASA, ESA, METI, NRCAN, GEBCO, NOAA, increment P Corp.

SITE PLAN — LEONARD RESIDENCE 4307 GRANITE VIEW DRIVE



INYO COUNTY REQUIREMENTS

Contact Info posted: Doroethy 602-663-2322: James 602-999-0031: Jessica 602-999-0034

1. Three Guestrooms are provided – only 2 renters are allowed per guestroom. This does not include children under the age of 3 years.
 2. Check-in time is 3:00 pm.
 3. All vehicles must be parked on the property in front of the residence. Guests are limited to one vehicle per guestroom (3 vehicles in total).
 4. Outdoor amplified sound is prohibited.
 5. Quiet hours shall be from 10:00pm until 7:00am.
 6. No pets.
 7. No smoking inside the residence.
 8. Any additional guests must pre-register.
 9. Trash bins are in house.
 10. Two recycling storage containers in Kitchen with directions.
 11. No outdoor fires or charcoal grilling allowed.
 12. There are smoke alarms in every room.
 13. There is carbon monoxide protection throughout.
 14. Guests will turn off the lights and fans when leaving the rooms.
 15. Check-out time is noon.
 16. Short-term rental activity is subject to, and the owner shall comply with, Inyo County Codes. Inyo County Tax Registration Certificate Number 029-270-06. Bill No 11217
- DL: Smoke alarms in each room.
Carbon monoxide protection throughout home.

Attachment D



