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

**PLANNING COMMISSION  
MEETING DATE:** July 25, 2018

**SUBJECT:** Non-Hosted Short-Term Rental Permit  
No. 2018-04/Stewart

### **EXECUTIVE SUMMARY**

The applicant has applied for a Non-hosted Short Term Vacation Rental permit, located at 100 Hardy 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:** 1  
**Project Applicant:** William E. Stewart  
**Site Address:** 100 Hardy Rd., Bishop, CA 93514  
**Community:** Bishop, CA  
**A.P.N.:** 009-140-33  
**General Plan:** Residential Rural High Density (RRH)  
**Zoning:** Rural Residential-1.0 acre minimum (RR-1.0)  
**Size of Parcel:** 1 acre

### **SURROUNDING LAND USE:**

<b>Location:</b>	<b>Use:</b>	<b>Gen. Plan Designation</b>	<b>Zoning</b>
Site	Developed	Residential Rural High Density (RRH)	Rural Residential-1.0 acre min (RR-1.0)
North	Developed	Residential Rural High Density (RRH)	Rural Residential-1.0 acre min (RR-1.0)
East	Developed	Residential Rural High Density (RRH)	Rural Residential-1.0 acre min (RR-1.0)
West	Developed	Residential Rural High Density (RRH)	Rural Residential-1.0 acre min (RR-1.0)
South	Undeveloped	Natural Resource (NR)	Open Space-40 acre min (OS-40)

**Staff Recommended Action:** 1.) Approve the Non-Hosted Short-Term Vacation Rental Permit 2018-04/Stewart

**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:** Josh Dan

## **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 100 Hardy Road in Bishop. There is a primary residence where the applicants live full time, as well as a 300 ft<sup>2</sup> accessory dwelling on the property, which the applicant would like to rent as a non-hosted vacation rental. This structure was built in compliance with the standards set by the Inyo County Building and Safety Department and the Inyo County Environmental Health Department.

The proposed application for a Non-Hosted Short-Term Vacation Rental Permit aligns with Inyo County Code Section 18.73-*Short-Term Rental of Residential Property*, which allows for the rental of dwelling 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 in a location surrounded by vacant land to the south, owned by LADWP, as well as developed residential parcels to the north, east, and west. The residence is located in the unincorporated Bishop community known as 40 Acres.

### 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 (RR), which is defined as an eligible zoning area for short term rentals. The current use will not change and therefore remains consistent with the current zoning ordinance.

### **ENVIRONMENTAL REVIEW**

As per Section Two of the approved County Ordinance (Chapter 18.73), the Hosted/Non-Hosted Short- Term Rental Permit 2018-04/Stewart was reviewed for compliance with the California Environmental Quality Act (CEQA), the CEQA guidelines, and the County's environmental procedures, and was found to be exempt pursuant to Section 15061(b)(3) (general rule) of the CEQA guidelines, as it constitutes an extension of residential use, with no new development, and can be seen with certainty that there will be no significant effect on the environment.

### **RECOMMENDATION**

Find the proposed project exempt from the requirements of the California Environmental Quality Act; make the findings specified below; and, approve Non-Hosted Short-Term Vacation Rental Permit 2018-04/Stewart, subject to the Conditions of Approval:

#### Recommended Findings for NH-STR 2018-04/Stewart:

1. The proposed Non-Hosted Short-Term Vacation Rental Permit is exempted from further CEQA review, and the provisions of the California Environmental Quality Act have been satisfied.  
*[Evidence: Pursuant to Section 15061(b)(3) (general rule) of the CEQA guidelines, the proposed permit application constitutes an extension of residential use with no new development or change in density and can be seen with certainty that there will be no significant effect on the environment.]*
2. The proposed Non-Hosted Short-Term Vacation Rental Permit is consistent with the Inyo County General Plan Land Use Designation of Residential Rural 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 units per acre. The applicant's proposal is to have one primary and one accessory dwelling unit on a 1 acre parcel, which is consistent with Inyo County's General Plan designation for this property and in accordance with Government Code Section 65852.2.(a)(8) An accessory dwelling unit that conforms to this subdivision shall be deemed to be an accessory use or an accessory building and shall not be considered to exceed the allowable density for the lot upon which it is located, and shall be deemed to be a residential use that is consistent with the existing general plan and zoning designations for the lot. The accessory dwelling unit shall not be considered in the application of any local ordinance, policy, or program to limit residential growth.]*
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 Rural Residential 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 300 ft<sup>2</sup> 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. 2018-04/ Stewart. 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. 2018-04/ Stewart and find it exempt from CEQA.

## **EXHIBITS**

- A. Vicinity Map