



**PLANNING COMMISSION
STAFF REPORT- USE PERMIT**

**MAY 3, 2018
U_2017-0025**

SUMMARY

OWNER/APPLICANT: LAURENS CHRISTOPHER GARLINGTON
1960 JONES ST
SAN FRANCISCO, CA 94133

REQUEST: Use permit for the use of an existing Single Family Residence as a Room & Board rental of up to eight (8) guests, per MCC Section 20.164.015(L).

LOCATION: 4± mi. north of Boonville center, on the southeast side of Vista Ranch Road (private), 1± mi. north of its intersection with State Highway 128. Located at 6721 Vista Ranch Road, Boonville (APN: 046-031-38).

TOTAL ACREAGE: 53± acres

GENERAL PLAN: Rangeland (RL)

ZONING: Rangeland (RL:160)

SUPERVISORIAL DISTRICT: 5

ENVIRONMENTAL DETERMINATION: Categorically Exempt; Section 15301, Class 1

RECOMMENDATION: Approve with Conditions

STAFF PLANNER: Sam "Vandy" Vandewater

BACKGROUND

PROJECT DESCRIPTION: The applicant is requesting a use permit to allow for the use of their single family residence as a Room and Board rental of up to eight (8) guests, per Section 20.164.015(L) of the Mendocino County Code.

SITE CHARACTERISTICS: The project site is located on Vista Ranch Road, which is a private road that gains access from State Highway 128. Vista Ranch road is an unpaved, gravel road that serves a large number of parcels in addition to the subject parcel. The parcel is situated slightly uphill from the State Highway and the residence, intended to be used as the Room & Board rental, sits along a ridgeline. The parcel can be accessed from two driveways; one that is directly off Vista Ranch Road onto the parcel about 1 mile from State Highway 128, another that runs through an easement on neighboring parcels. The on-site access is located roughly ½ mile north of the first access. The southern portion of the subject parcel is the ridgeline that runs in a southwest-northeast direction. This land is mostly grazing land that is lightly vegetated with small shrubs and grass. The northern portion of the parcel is downward sloping from the ridgeline, containing parts of a small canyon with seasonal water flow. This provides for a more vegetated area as the slope is northern facing allowing for larger shrubs and trees. Most of the surrounding parcels are vacant, with the closest neighbors being to the west, across Vista Ranch Road and the small canyon. There are numerous out buildings located throughout the parcel. The subject parcel utilizes an on-site well and septic system to provide for water and wastewater services. Additional services include electricity.

RELATED APPLICATIONS: There are no related applications on site, or on the neighboring properties that would affect, or be affected by, the proposed Room & Board rental.

SURROUNDING LAND USE AND ZONING:

	GENERAL PLAN	ZONING	LOT SIZES	USES
NORTH	RL	RL:160	12±, 1±, 89±, 0.5±	Vacant
EAST	RL	RL:160	30±	Vacant
SOUTH	RL	RL:160	118±	Vacant
WEST	RL	RL:160	9±, 9±	Residential/Agricultural

PUBLIC SERVICES:

Access: Vista Ranch Road (private)
Fire District: Calfire
Water District: None
Sewer District: None
School District: None

AGENCY COMMENTS: On November 27, 2017, project referrals were sent to the following responsible or trustee agencies with jurisdiction over the Project. Their submitted recommended conditions of approval are contained in Exhibit A of the attached resolution. A summary of the submitted agency comments are listed below. Any comments that would trigger a project modification or denial are discussed in full as key issues in the following section.

REFERRAL AGENCIES	COMMENT
Planning	No Comment
Department of Transportation	No Comment
Environmental Health	Comment
Building Inspection	No Response
CalFire	No Comment
CalTrans	No Response
Agriculture Commissioner	No Response
Farm Advisor	No Response
Assessor	No Response
Tax Collector	No Response
Anderson Valley CSD	No Response

KEY ISSUES

1. General Plan and Zoning Consistency: The subject parcel is located in a General Plan Land Use Designation of Rangeland (RL). The RL designation is defined by Chapter 3: Development Element of the Mendocino County General Plan and is intended *“to be applied to lands which are suited for and are appropriately retained- for the grazing of livestock. The classification should include land eligible for incorporation into Type II agricultural preserves, other lands generally in range use, intermixed smaller parcels and other contiguous lands, the inclusion of which is necessary for the protection and efficient management of range lands. The policy of the County and the intent of this classification shall be to protect these lands from the pressures of development and preserve them for future use as designated.”* While the proposed project does not entail any ranching activities, it would utilize existing infrastructure thus preventing the development of lands suitable for such agricultural activities.

Furthermore, the General Plan outlines a number of uses applicable to the RL Land Use Designation: *“Residential uses, agricultural uses, forestry, cottage industries, residential clustering, uses determined to be related to and compatible with ranching, conservation, processing and development of natural resources, recreation, and utility installations.”* Although the project is commercial in nature (provision of the home in exchange for payment), the use of the property remains somewhat residential, as people will be living in the house for short periods of time. The RL designation also supports cottage industries, which can have more intensive land uses than the simple habitation of an existing structure.

The Rangeland zoning district, as defined in Chapter 20 of the Mendocino County Code, states the intent of the district is *“to create and preserve areas for (A) the grazing of livestock, (B) the production and*

harvest of natural resources, and (C) the protection of such natural resources as watershed lands from fire, pollution, erosion, and other detrimental effects. Processing of products produced on the premises would be permitted as would certain commercial activities associated with crop and animal raising. Typically the R-L District would be applied to lands for incorporation into Type H Agricultural Preserves, other lands generally in range use, and intermixed smaller parcels and other contiguous lands, the inclusion of which is necessary for the protection and efficient management of rangelands.” While the proposed project does not entail any rangeland activities, there is no loss of such lands as the guests to the parcel would be using an existing dwelling. This project conforms to the zoning district as the use does not impact ranching or agricultural uses of the subject parcel or surrounding lands.

2. Nuisances: The proposed project would allow non-residents to inhabit the dwelling for a short term period. This can lead to nuisances to the neighboring properties such as noise problems. Considering the proposed project would allow up to eight (8) guests to occupy the dwelling, **Conditions 13** has been included to help mitigate any nuisance issues.

3. Environmental Protection: The applicant proposes the use of their home as a rental property during periods of non-occupancy by the property owners. The project is Categorically Exempt from the provisions of CEQA, pursuant to Class 1 of Article 19 of the California Environmental Quality Act Guidelines. The Class 1 exemption finds that “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 proposed project meets the criteria of Section 15301 and has been determined to not have a significant effect on the environment and, therefore, be exempt from the provisions of CEQA. The project would not have any adverse impacts on the environment within the meaning of CEQA.

4. Use Permit Findings: The proposed use permit is required to meet the use permit findings set forth in the Mendocino County Code (MCC Section 20.196.020). Below is the discussion of each finding and how the use permit appropriately meets those requirements.

- A. That the establishment, maintenance or operation of a use or building applied for is in conformity to the General Plan;*

As shown in the previous section, the proposed project is in conformity of the General Plan as it is the utilization of an existing single family residence.

- B. That adequate utilities, access roads, drainage and other necessary facilities have been or are being provided;*

The proposed project is already connected to existing water and septic systems. Additionally, the project gains access from Vista Ranch Road, which connects to State Highway 128 and no comments have been received from responsible agencies that the existing access is inadequate.

- C. That such use will not, under the circumstances of that particular case, constitute a nuisance or be detrimental to the health, safety, peace, morals, comfort or general welfare of persons residing or working in or passing through the neighborhood of such proposed use, or be detrimental or injurious to property and improvements in the neighborhood or to the general welfare of the county; provided, that if any proposed building or use is necessary for the public health, safety or general welfare, the finding shall be to that effect;*

The proposed project was determined to be Categorically Exempt under CEQA, thus the project will not be a detriment to the wellbeing of surrounding neighbors or the environment. Conditions of approval are recommended to ensure the project will not create a nuisance.

- D. That such use preserves the integrity of the zoning district.*

Similarly to the General Plan conformity finding above, compliance with the Mendocino County Code zoning district is discussed in the previous section. While the zoning district in which the project is located traditionally is utilized for ranching and agricultural uses, the proposed project does preserve the integrity

of the zoning district simply because of the requirement for this use permit process to allow for the proposed use. In other words, this use permit signifies the preservation of the zoning district integrity as the use is permissible in all districts that allow a single family residence with the granting of a use permit.

RECOMMENDATION

By resolution, the Planning Commission adopt the Categorical Exemption and grant Use Permit U_2017-0025 for the project based on the approved project description and findings and subject to the conditions of approval in Exhibit A.

4/11/2018

DATE



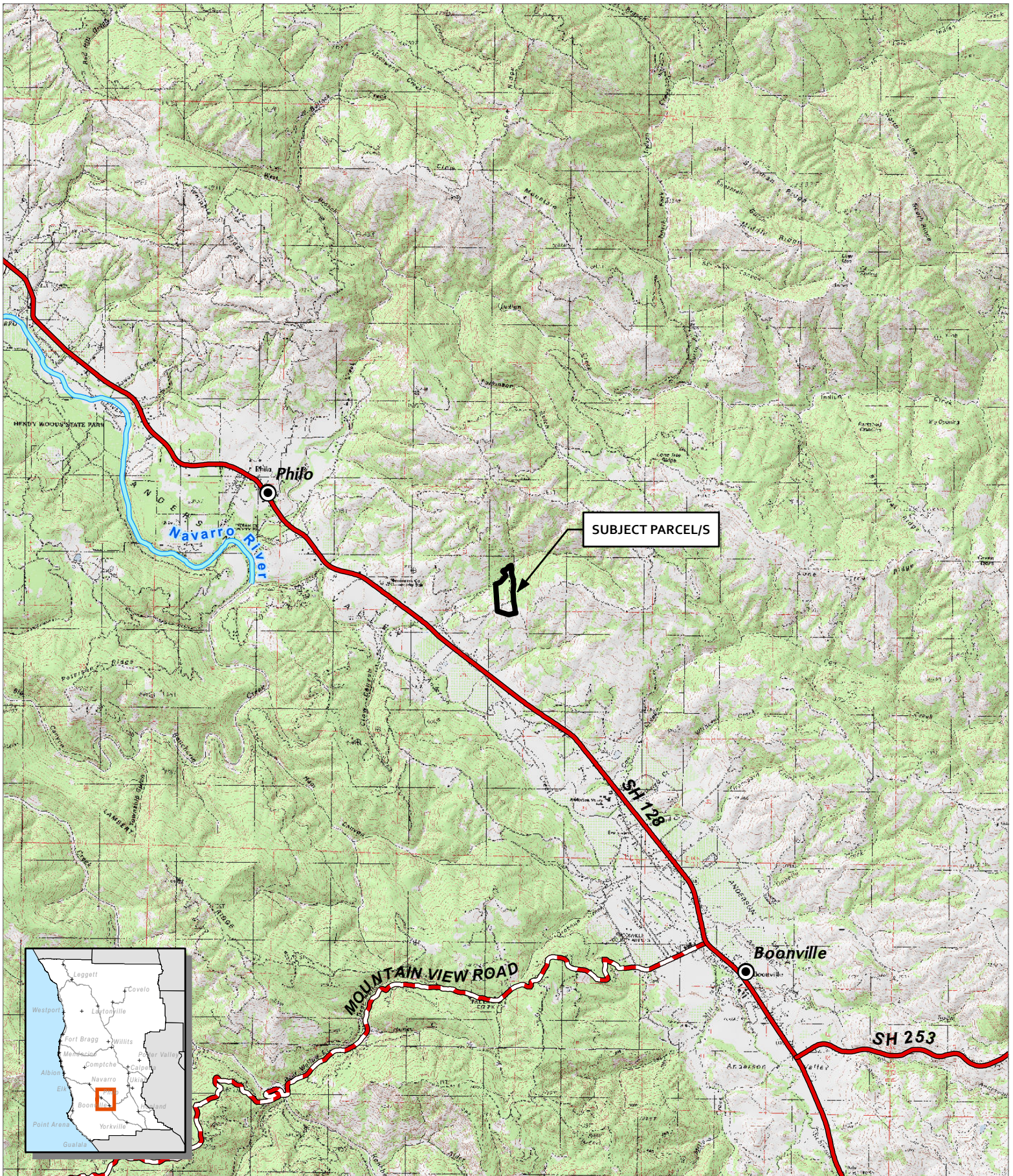
SAM 'VANDY' VANDEWATER
PLANNER II

Appeal Period: 10 Days
Appeal Fee: \$1,616.00

ATTACHMENTS:

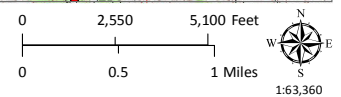
- A. Location Map
- B. Aerial Map
- C. Topographical Map
- D. Site Map
- E. Zoning Map
- F. General Plan Map
- G. Adjacent Owner Map
- H. Fire Hazards Map
- I. Wildland-Urban Interface Zones Map
- J. Soils Map

RESOLUTION AND CONDITIONS OF APPROVAL (Exhibit A):



CASE: U 2017-0025
OWNER: GARLINGTON, Laurens
APN: 046-031-38
APLCT: Chris Garlington
AGENT:
ADDRESS: 6721 Vista Ranch Road, Boonville

Major Towns & Places
Major Roads
Major Rivers
Highways



LOCATION MAP

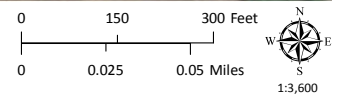
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Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community

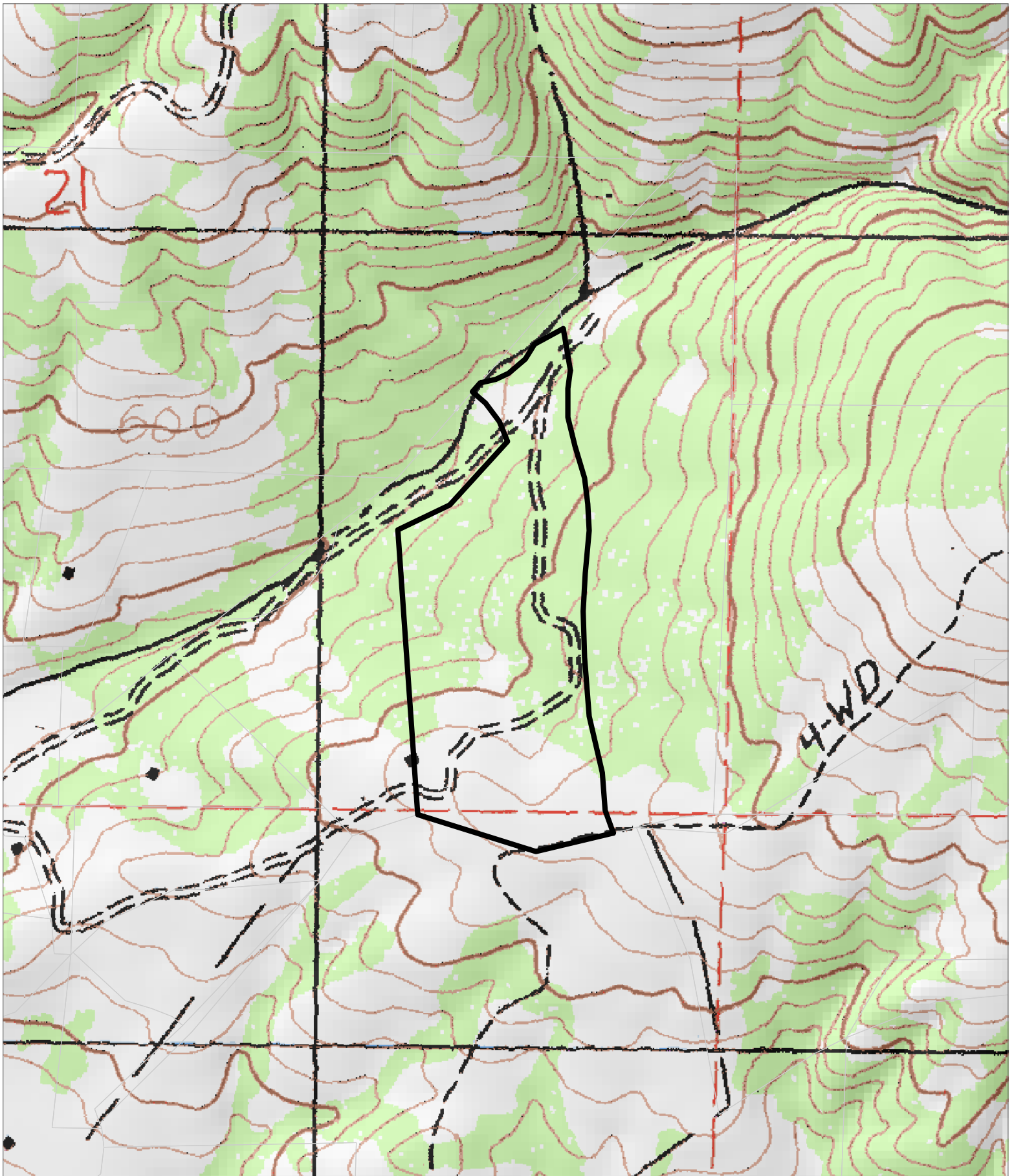
CASE: U 2017-0025
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--- Driveways/Unnamed Roads

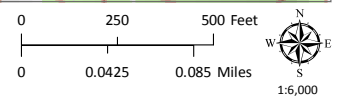


AERIAL IMAGERY

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TOPOGRAPHIC MAP
CONTOUR INTERVAL IS 40 FEET

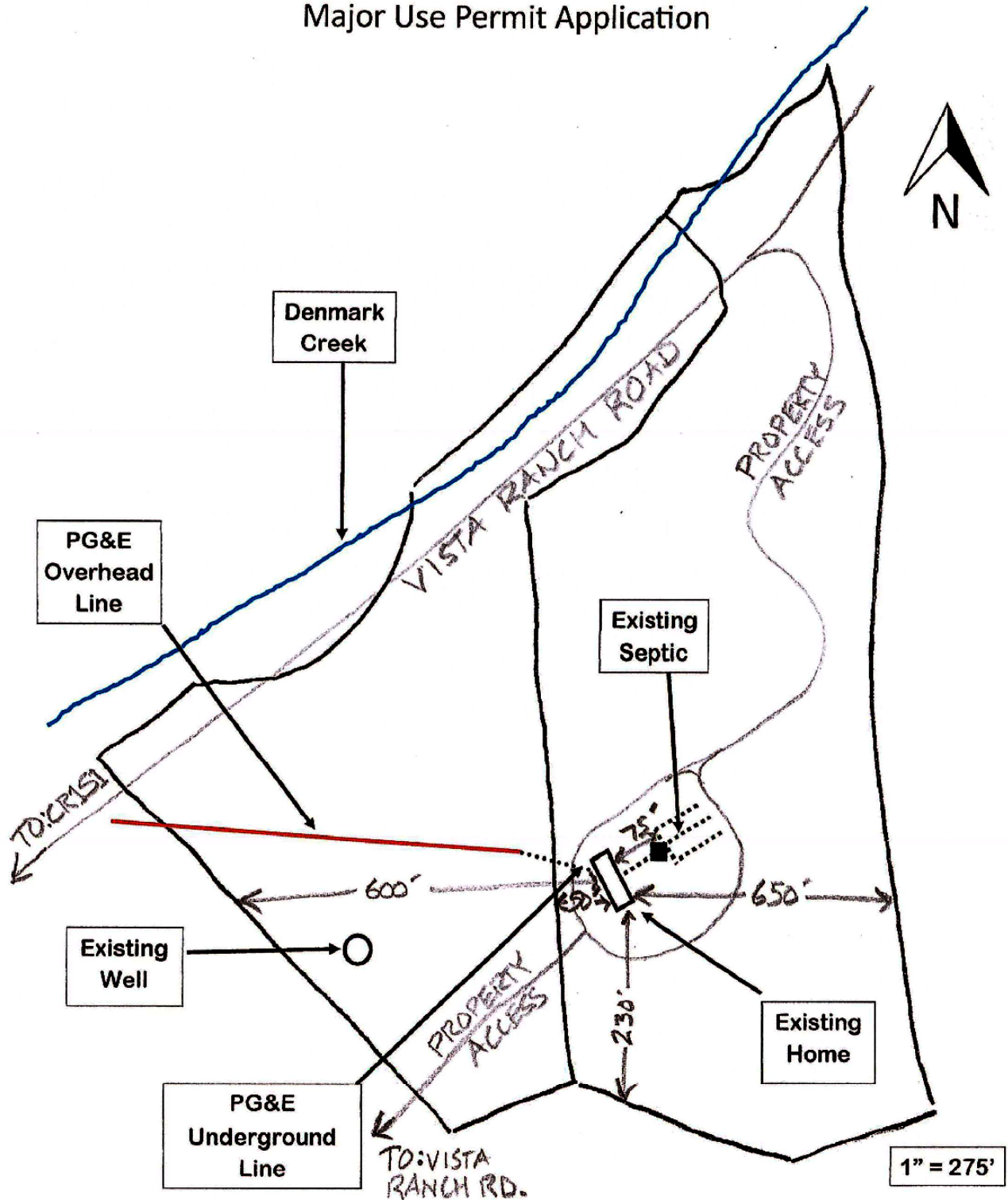
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PLOT PLAN

6721 and 6731 Vista Ranch Road

A single family home on two parcels

Major Use Permit Application

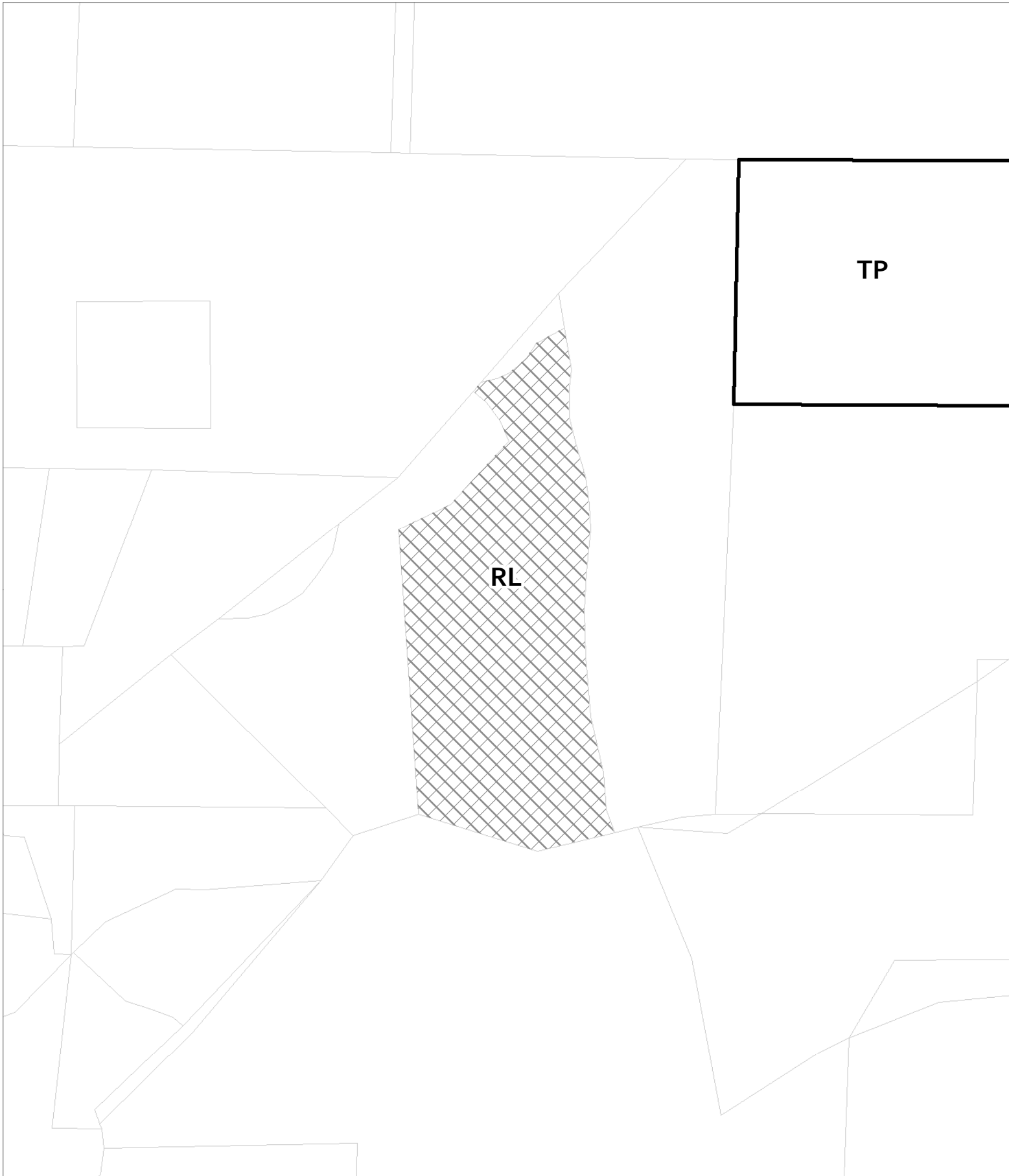


CASE: U 2017-0025
OWNER: GARLINGTON, Laurens
APN: 046-031-37, 38
APLCT: Chris Garlington
AGENT:
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NO SCALE

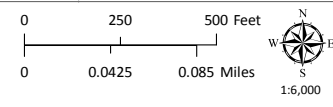
SITE PLAN

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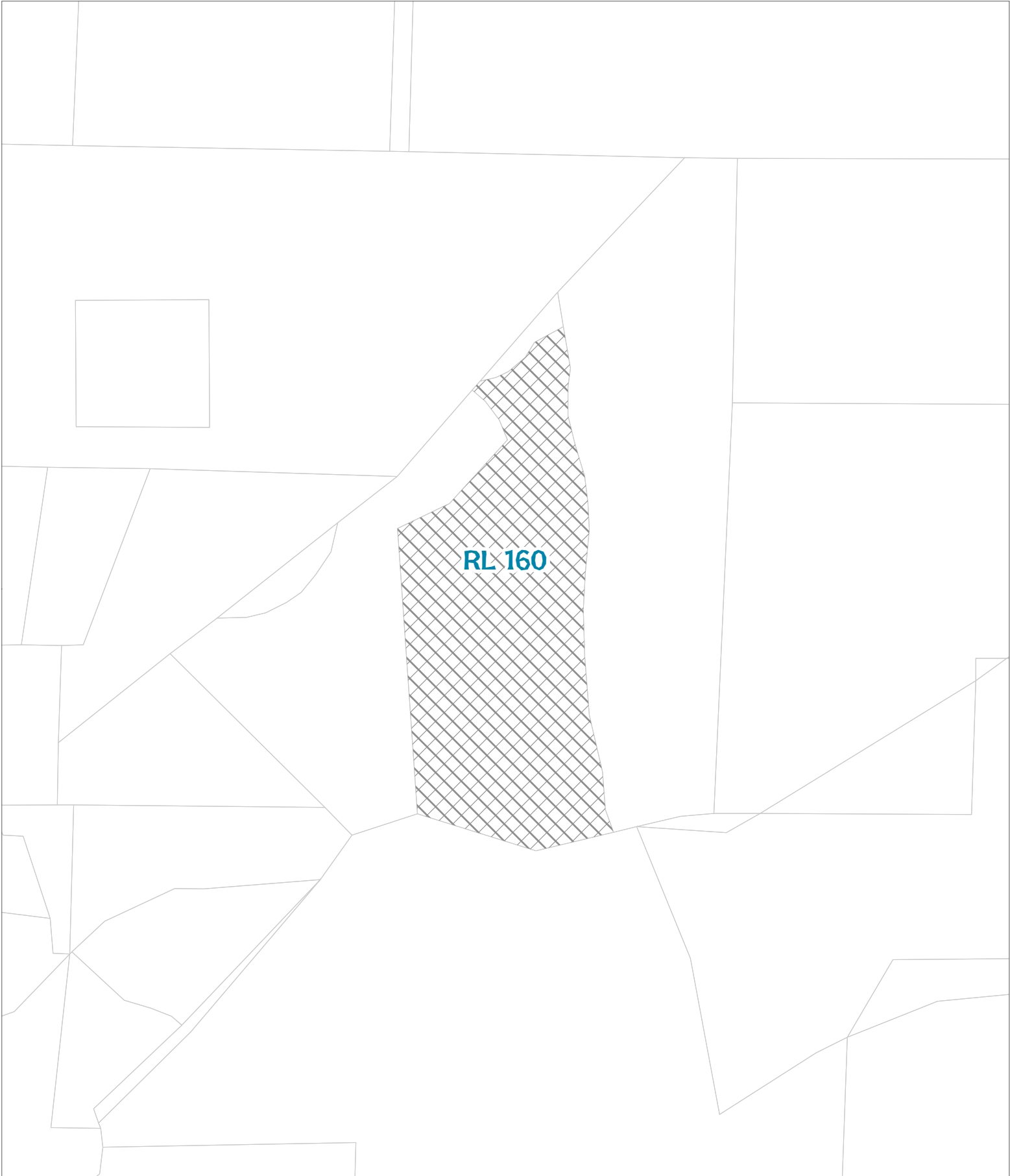
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 Zoning Districts




ZONING DISPLAY MAP

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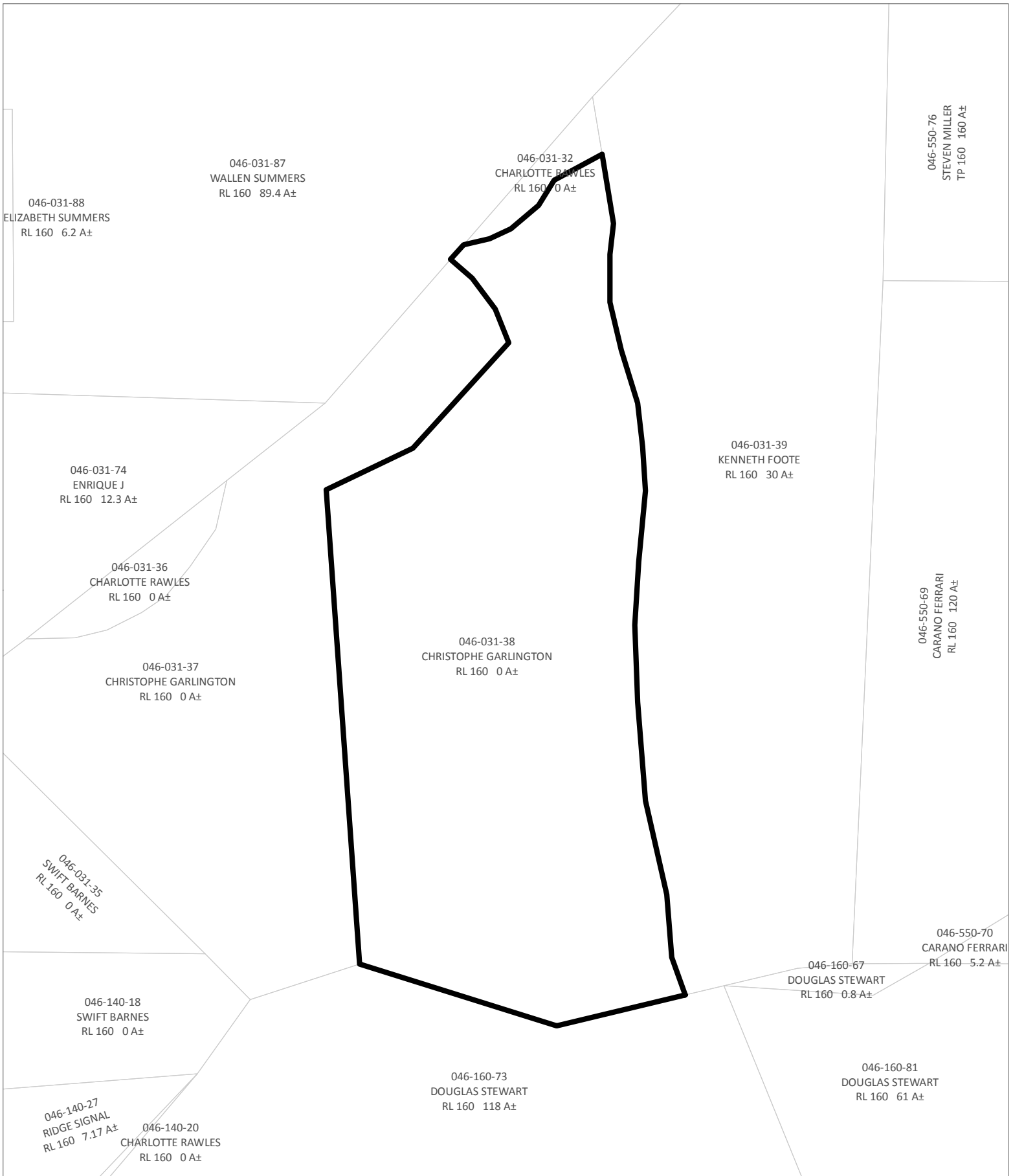
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 General Plan Classes

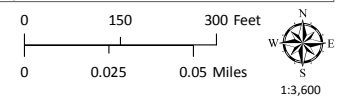
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GENERAL PLAN CLASSIFICATIONS

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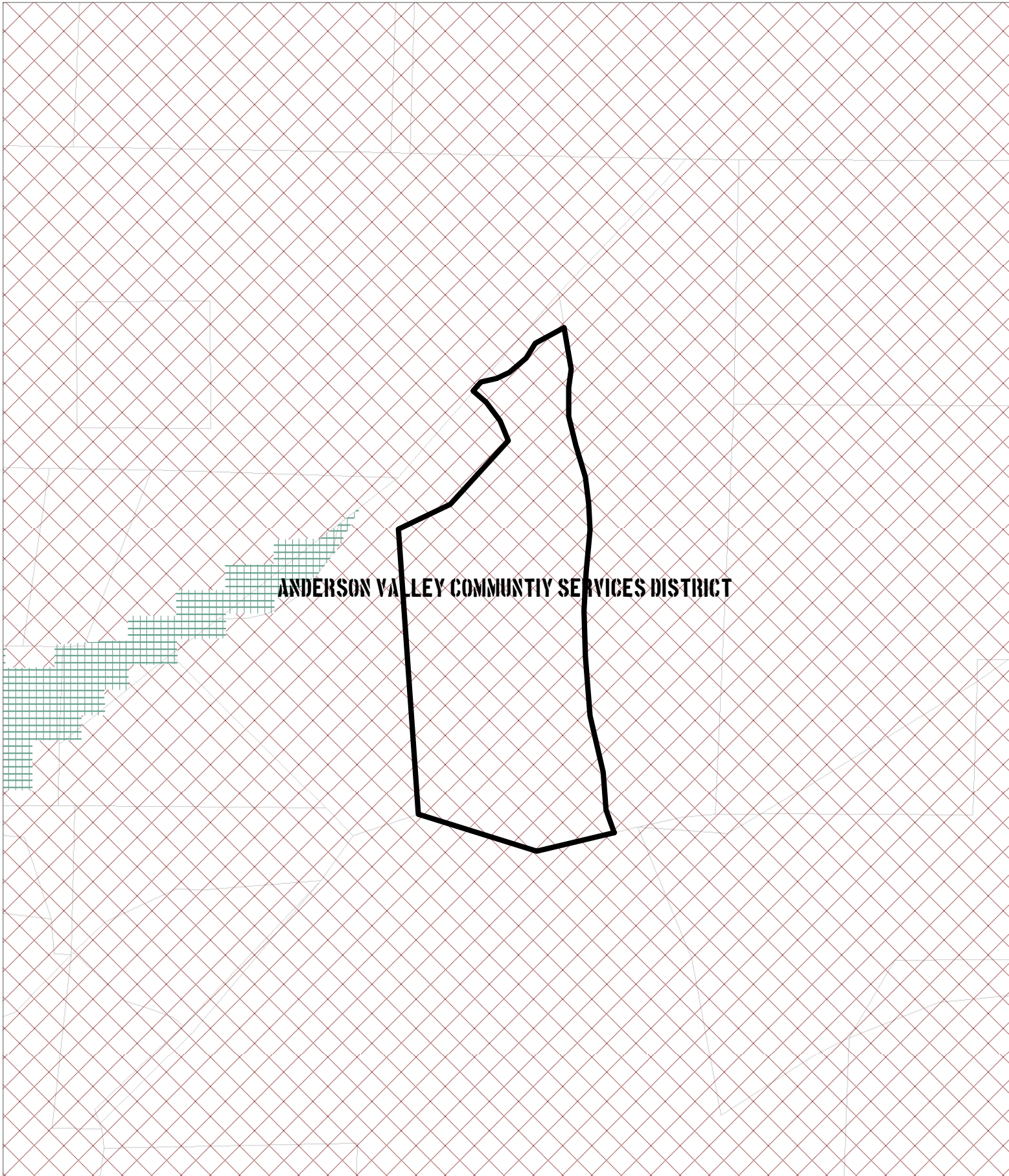


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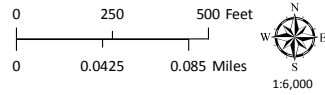
ADJACENT PARCELS

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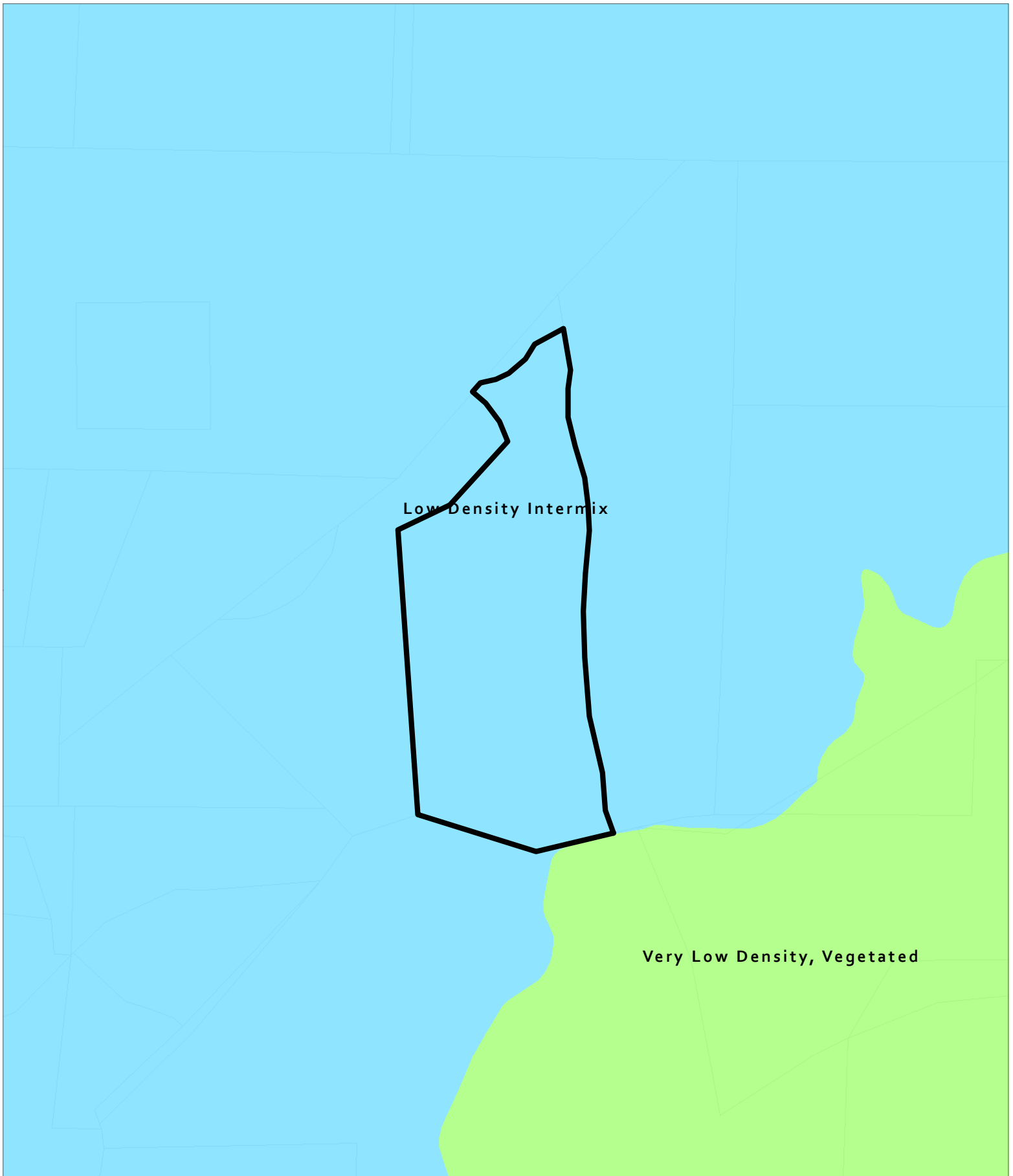
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-  County Fire Districts
-  High Fire Hazard
-  Moderate Fire Hazard



FIRE HAZARD ZONES & RESPONSIBILITY AREAS
STATE RESPONSIBILITY AREA

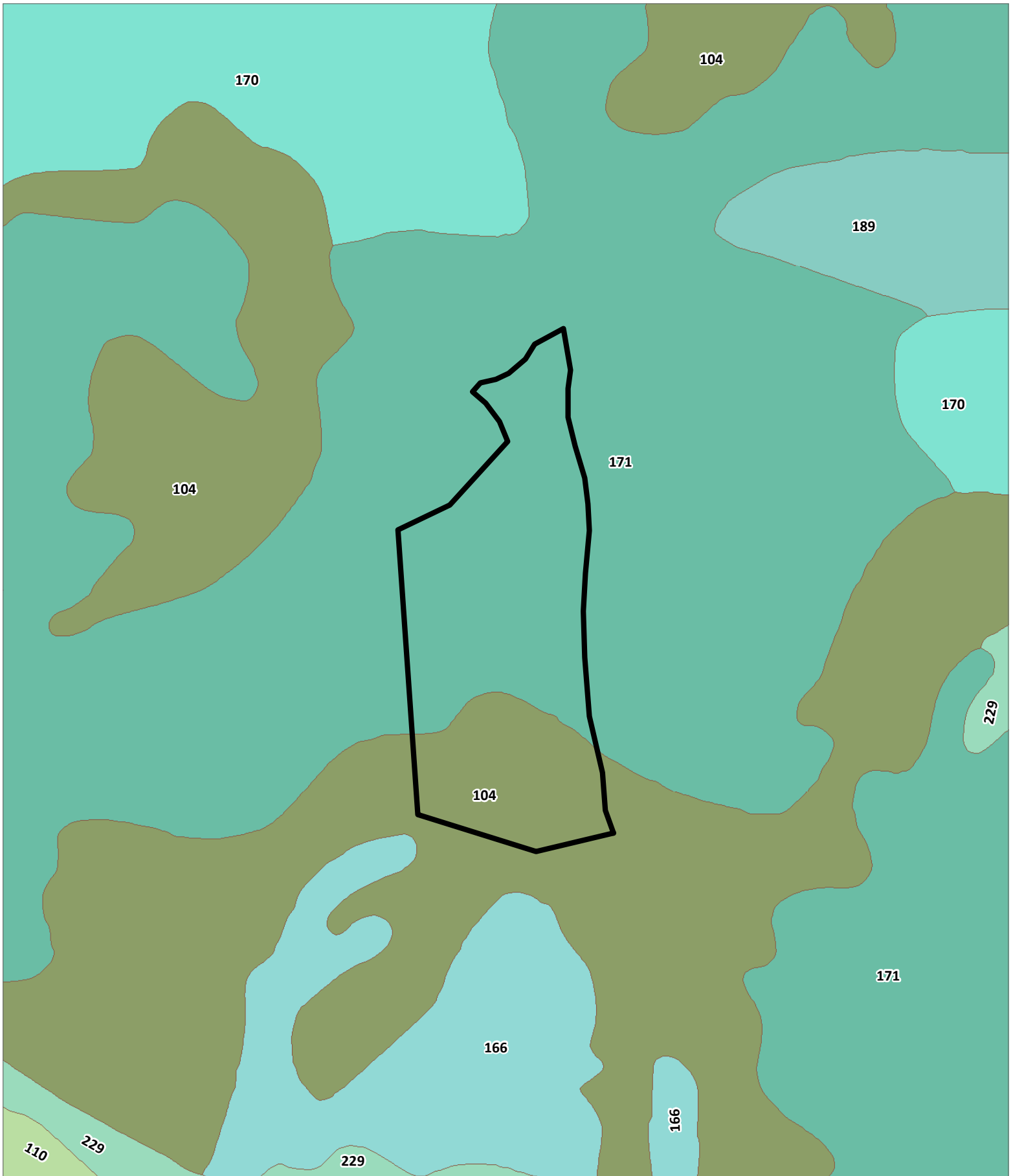
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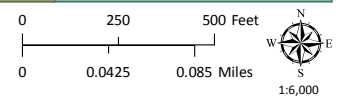
WILDLAND-URBAN INTERFACE ZONES

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 Western Study Soil Types



LOCAL SOILS

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Resolution Number _____

County of Mendocino
Ukiah, California
May 3, 2018

U_2017-0025 LAURENS CHRISTOPHER GARLINGTON

RESOLUTION OF THE PLANNING COMMISSION, COUNTY OF
MENDOCINO, STATE OF CALIFORNIA, GRANTING A USE PERMIT
FOR A ROOM AND BOARD RENTAL

WHEREAS, the applicant, CHRIS GARLINGTON, filed an application for a Use Permit with the Mendocino County Department of Planning and Building Services to allow for a Room & Board rental, 4± mi. north of Boonville center, on the southeast side of Vista Ranch Road (private), 1± mi. north of its intersection with State Highway 128. 6721 Vista Ranch Road, Boonville; (APN 046-031-38); General Plan RL; Zoning RL:160; Supervisorial District 5; (the "Project"); and

WHEREAS, the Secretary for Resources has found that certain classes of projects have been determined not to have a significant effect on the environment and are therefore exempt from the requirement for the preparation of environmental documents, and the Project was determined to meet the criteria for a CATEGORICAL EXEMPTION from the California Environmental Quality Act (CEQA) under Class 1; and

WHEREAS, in accordance with applicable provisions of law, the Planning Commission held a public hearing on, May 3, 2018, at which time the Planning Commission heard and received all relevant testimony and evidence presented orally or in writing regarding the Project. All interested persons were given an opportunity to hear and be heard regarding the Project; and

WHEREAS, the Planning Commission has had an opportunity to review this Resolution and finds that it accurately sets forth the intentions of the Planning Commission regarding the Project.

NOW, THEREFORE, BE IT RESOLVED, that the Planning Commission makes the following findings;

1. **General Plan and Zoning Consistency Findings:** The subject parcel has a General Plan Land Use Designation of Rangeland (RL) and the Project is consistent with the General Plan definition. Additionally, the subject parcel lies within the Zoning District of Rangeland (RL:160) and the Project is consistent with the Zoning District per MCC 20.060.
2. **Environmental Protection Findings:** The proposed project has been determined to be Categorically Exempt from a CEQA Initial Study under a Class I exemption.
3. **Use Permit Finding:** The Project satisfies the Use Permit required findings per the Mendocino County Code §20.196.020.

BE IT FURTHER RESOLVED that the Planning Commission hereby grants the requested Use Permit, subject to the Conditions of Approval in Exhibit "A", attached hereto.

BE IT FURTHER RESOLVED that the Planning Commission designates the Secretary as the custodian of the document and other material which constitutes the record of proceedings upon which the Planning Commission decision herein is based. These documents may be found at the office of the County of Mendocino Planning and Building Services, 860 North Bush Street, Ukiah, CA 95482.

BE IT FURTHER RESOLVED that the Planning Commission action shall be final on the 11th day after the date of the Resolution unless an appeal is taken.

I hereby certify that according to the Provisions of Government Code Section 25103 delivery of this document has been made.

ATTEST: VICTORIA DAVIS
Commission Services Supervisor

By: _____

BY: IGNACIO GONZALEZ
Interim Director

MADELIN HOLTKAMP, Chair
Mendocino County Planning Commission

EXHIBIT A

CONDITIONS OF APPROVAL MAY 3, 2018

U_2017-0025 – LAURENS CHRISTOPHER GARLINGTON

Use Permit with the Mendocino County Department of Planning and Building Services to operate a Room & Board rental in an existing single family residence, located 4± mi. north of Boonville center, on the southeast side of Vista Ranch Road, 1± mi. north of its intersection with State Highway 128. 6721 Vista Ranch Road, Boonville; (APN 046-031-38).

APPROVED PROJECT DESCRIPTION: Use permit for the use of an existing Single Family Residence as a Room & Board rental for up to eight (8) guests.

CONDITIONS OF APPROVAL:

1. The permit shall become effective on the 11th day after Planning Commission approval and shall expire and become null and void at the expiration of two years after the effective date except where use of the property in reliance on such permit has been initiated prior to its expiration.
2. The use and occupancy of the premises shall be established and maintained in conformance with the provisions of Division I of Title 20 of the Mendocino County Code.
3. The application, along with supplemental exhibits and related material, shall be considered elements of this permit, and that compliance therewith is mandatory, unless an amendment has been approved by the Planning Commission.
4. This permit shall be subject to the securing of all necessary permits for the proposed development from County, State and Federal agencies having jurisdiction.
5. The applicant shall secure all required building permits for the proposed project as required by the Building Inspection Division of the Department of Planning and Building Services.
6. This permit shall be subject to revocation or modification upon a finding of any one or more of the following:
 - a. The permit was obtained or extended by fraud.
 - b. One or more of the conditions upon which the permit was granted have been violated.
 - c. The use for which the permit was granted is conducted so as to be detrimental to the public health, welfare or safety, or to be a nuisance.
 - d. A final judgment of a court of competent jurisdiction has declared one or more conditions to be void or ineffective, or has enjoined or otherwise prohibited the enforcement or operation of one or more such conditions.
7. This permit is issued without a legal determination having been made upon the number, size or shape of parcels encompassed within the permit described boundaries. Should, at any time, a legal determination be made that the number, size or shape of parcels within the permit described boundaries are different than that which is legally required by this permit, this permit shall become null and void.

8. The maximum overnight occupancy of the Room & Board rental is limited to a maximum of eight (8) guests. An increase to the set limit must be made through a modification to this use permit.
9. The use of the property as a Room & Board rental shall not include camping and overnight occupancy for paying guests, and is limited to the residential structure.
10. The Room & Board rental use is intended for paying transient guest accommodations and shall not be used for "special events" or other large gatherings.
11. No permanent off-site signs advertising the site are authorized by this permit. One on-site, non-illuminated sign no larger than two (2) square feet (per Section 20.156.015(C) of the Mendocino County Code) shall be permitted at the property driveway accessed from Vista Ranch Road.
12. Parking shall be permitted only in designated parking areas accessed from the driveway. No parking shall occur on Vista Ranch Road.
13. Loud noises shall be limited to the hours of 10:00 a.m. through 10:00 p.m. Air horns, and any similar noise creating devices, are prohibited.
14. No campfires other than in designated fire rings/pits. Fire rings/pits will have at least a 10 foot circumference of clearance, with bare mineral soil around them.
15. The access driveway off of Vista Ranch Road must be clearly addressed and marked for the purposes of identification by clients and emergency service providers.
16. In the event that the use of the facility should cease operation for a period exceeding one year or more, the use shall be deemed invalid and a new use permit will be required for the operation.
17. In the event that archaeological resources are encountered on the property, work or any use in the immediate vicinity of the find shall be halted until all requirements of Chapter 22.12 of the Mendocino County Code relating to archaeological discoveries have been satisfied.
18. The use of the structure as a Room & Board rental shall not be so conducted as to be detrimental to the public health, welfare or safety, or as to be a nuisance. An action to revoke or modify this major use permit may be initiated by order of the Planning Commission or the Board of Supervisors.
19. The applicant shall apply for and receive a business license for operation of the Room & Board rental in accordance with Chapter 6.04 of the Mendocino County Code. The business license shall not be transferable. Failure to maintain a valid business license shall result in the expiration of this permit. The applicant shall submit to Planning and Building Services, a copy of the business license and evidence of the annual renewal(s) within 30 days of issuance of the business license and renewal(s).
20. The applicant shall pay all required Uniform Transient Occupancy taxes in accordance with Chapter 520 of the Mendocino County Code.
21. The applicant shall secure all necessary permits for the proposed project as required by the Mendocino County Department of Environmental Health.
22. The primary access of the Room & Board rental shall be the driveway off Vista Ranch Road located north of the residence. The southern access driveway, which serves as an easement through neighboring parcels, shall be utilized as an alternative access only when necessary.