



COUNTY OF MENDOCINO
DEPARTMENT OF PLANNING AND BUILDING SERVICES
860 NORTH BUSH STREET • UKIAH • CALIFORNIA • 95482
120 WEST FIR STREET • FORT BRAGG • CALIFORNIA • 95437

BRENT SCHULTZ, DIRECTOR
TELEPHONE: 707-234-6650
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pbs@mendocinocounty.org
www.mendocinocounty.org/pbs

August 23, 2019

NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN THAT the Mendocino County Planning Commission at its regular meeting on Thursday, September 19, 2019 at 9:00 a.m., to be held in the Board of Supervisors Chambers, 501 Low Gap Road, Ukiah, California, will conduct a public hearing on the following project at the time listed or as soon thereafter as the item(s) may be heard.

CASE#: U_2017-0032

DATE FILED: 12/13/2017

OWNERS: KYLE RAND & STACY SQUIRE

APPLICANT: STACY SQUIRE

REQUEST: Use Permit to formalize an existing short-term rental in an accessory residential structure. The short-term rental is processed under Mendocino County Code Section 20.164.015 (L): Room and Board.

ENVIRONMENTAL DETERMINATION: Categorically Exempt

LOCATION: 2± miles east of the Navarro town center, lying at the end of a private unnamed access easement, 1.7± miles north of the intersection of Highway 128 (CA-128) and Salmela Road (Private), located at 973 and 975 Highway 128, Philo, CA 95466 (APN: 026-030-40).

SUPERVISORIAL DISTRICT: 5

STAFF PLANNER: JESSE DAVIS

The staff report and notice will be available for public review 10 days prior to the hearing at 860 North Bush Street, Ukiah, California and on the Department of Planning and Building Services website at www.mendocinocounty.org/pbs.

Your comments regarding the above project(s) are invited. Written comments should be submitted to the Department of Planning and Building Services Commission Staff, at 860 North Bush Street, Ukiah, California, 95482, no later than September 18, 2019. Oral comments may be presented to the Planning Commission during the public hearing.

The Planning Commission's action regarding this item shall be final unless appealed to the Board of Supervisors. The last day to file an appeal of the Planning Commission's decision is the 10th day after the hearing. To file an appeal, a written statement must be filed with the Clerk of the Board with a filing fee prior to the expiration of the above noted appeal period. If you challenge the project in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Department of Planning and Building Services at, or prior to, the public hearing. All persons are invited to appear and present testimony in this matter.

Additional information regarding the above noted item(s) may be obtained by calling the Department of Planning and Building Services at 234-6650, Monday through Friday, 8:00 a.m. through 5:00 p.m. Should you desire notification of the Planning Commission's decision you may do so by requesting notification in writing and providing a self-addressed stamped envelope to the Department of Planning and Building Services.

BRENT SCHULTZ, Director of Planning and Building Services



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August 21, 2019

TO: ANDERSON VALLEY ADVERTISER
FROM: James F. Feenan, Commission Services Supervisor
SUBJECT: Publication of Legal Notice.

Please publish the following notice one time on August 28, 2019 in the Legal Notices Section of the ANDERSON VALLEY ADVERTISER.

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BRENT SCHULTZ, Director of Planning and Building Services



Though predominately forested there are multiple clearings where residential and agricultural structures are located (*See attached Aerial Imagery & Site Plan*). The parcel presently features an existing single-family residence (*BU 2017-1408: Barn → SFD Conversion*), a detached accessory workshop (*BU 2019-0691: Legalize Existing Workshop*), an Accessory Dwelling Unit (*BU 2018-1613: Yoga Studio → ADU*),

and multiple agricultural structures, including a 'Hay Barn', 'Stables', 'Horse-Riding Area' and 'Agricultural Storage'. Per the applicant, the parcel is currently served by multiple existing wells (WW21857, WW21294, WW22780), as well as multiple permitted septic systems (ST27122 & ST25785). Electricity to the site is provided by an existing utility company. Additionally, there are multiple accessory residential structures that are not connected to sanitation facilities, nor include a kitchen. The property is under the ownership of multiple individuals, and features structures which pre-date the adopted building code.

The site is located in mapped "High Fire Hazard" and 'Moderate Fire Hazard' zones and is within a California Department of Forestry and Fire Protection (CALFIRE) responsibility area. Completed and approved CalFire Fire Safety Regulations Application packages were received with recent building permit applications. A review of California Natural Diversity Database indicates no occurrences of special status species on the subject property and adjacent parcels. There may, however, be additional occurrences or additional species within this area which have not yet been surveyed and/or mapped.

Access to the site is provided via a private road that encroaches directly onto State Route 128, which is a primary route from U.S. 101 to the central Mendocino Coast. It is the main road to Anderson Valley and virtually the only route for travel between Anderson Valley's communities. 'Transient Guests' would access the subject property via a private non-exclusive easement through five (5) parcels under separate ownership. Approximately .06 miles of the private access easement is paved, while the remainder is compacted gravel that is well-maintained and featured no obvious signs of deterioration during a Staff site inspection on July 19, 2019. The private roadway features eleven (11) speed-limit signs informing a limitation of 5-10 miles per hour. Additional informational signs inform 'Yield', 'Blind Curves' and 'Wildlife Crossing'. Staff identified multiple pull-outs to allow for traffic to pass, if required.

APPLICANT'S STATEMENT: Please review the attached '*Project Description*' provided by the applicant for additional information regarding guest regulations, property access, and site usage.

RELATED APPLICATIONS:

- BU_2019-0691: Legalize Existing Workshop
- BU_2018-1613: Yoga Studio → ADU
- BU_2017-1408 (CHANGE OF OCCUPANCY: BARN → SFR)
- BL_2017-0301 (SHORT-TERM RENTAL BUSINESS)
- BU_2012-0471 (Class-K Yoga Studio)
- BU_2008-0394 (CLASS-K-BARN/SHOP)

SURROUNDING LAND USE AND ZONING: As listed on the table below, the surrounding lands are classified as a mixture of TP and FL zoned properties (*See Adjacent Parcel Map*). The adjacent parcels appear to feature only limited residential development or improvements.

Table 1: Surrounding Land Usage

	GENERAL PLAN	ZONING	LOT SIZES	USES
NORTH	FL 160	TP160	38.8 Acres	Institutional
EAST	FL 160	TP160	40 Acres	Residential
SOUTH	FL 160	FL 160	40 Acres	Residential
WEST	FL 160	FL 160	40 Acres	Residential

PUBLIC SERVICES:

Access: STATE ROUTE 128 (CA-128)
Fire District: CALFIRE
Water District: NONE
Sewer District: NONE

AGENCY COMMENTS: On December 19, 2017 project referrals were sent to the following responsible or trustee agencies with jurisdiction over the Project. A summary of the submitted agency comments are listed below.

REFERRAL AGENCIES	COMMENT
Department of Transportation	No Comment
UC Farm Adviser (Forestry)	No Comment
Environmental Health	Comment
Building Inspection	No Response
Planning	No Comment
County Addresser	No Comment
Assessor	No Response
Tax Collector	No Response
CalFire	No Comment
Anderson Valley Service District	No Response
Caltrans	No Comment
Air Quality Management District	No Comment

Key Issues

1. Occupancy Classifications & Property Use: Initially, the identified structure for the short-term rental was not eligible for residential occupation, as it was classified and permitted as a 'Yoga Studio.' On August 27, 2018, the applicant applied for a 'Change of Occupancy' to convert the structure into an 'Accessory Dwelling Unit.' The Dwelling Unit, however, was permitted via regulations for limited density rural dwellings (Class-K). Under Mendocino County Code, Section 18.23.033(B): *"For the purposes of this article, the sale, lease, renting or employee occupancy of owner-built structures within one year of the issuance of a certificate of occupancy shall be presumptive evidence that the structure was erected for the purpose of sale, lease or renting."* The use of this Accessory Dwelling Unit is thus restricted from any commercial activity for a minimum of one year after issuance of the Certificate of Occupancy. **Condition 18** has been included to address concerns regarding commercial use of this structure during that initial time-frame.

It has been brought to the attention of Staff that during this application review period, the Applicant may have continued to conduct short-term rental operations based on a review of online-postings and received correspondence. That being said, no formal complaint was received or reviewed by the Department of Planning & Building Services Code Enforcement Division, nor was information provided to further substantiate a violation of the zoning code. **Condition 16** has been included to address concerns regarding advertisement and usage of the property contrary to the allowances of this Use Permit.

It should be noted that the County of Mendocino Department of Planning & Building Services does not enforce easements, and as such the County does not review if a valid access easement to a parcel exists for the purposes of a commercial activity. Easements are landowner to landowner agreements and if disputes exist, the proper venue is through civil remedies.

2. Environmental Determination: The applicant proposes use of an existing structure for their short term rental. The project is Categorically Exempt from the provisions of California Environmental Quality Act (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 because the proposed use is occurring within an existing structure that has been previously utilized for such activities. This activity has been determined to not have a significant effect on the environment and, therefore, exempted from the provisions of CEQA.

3. Findings: *General Plan Findings:* The subject property is classified as Forestland (FL 160) under the General Plan. The project is consistent with multiple General Plan Goals, including AV-2 & AV-8, as well as General Plan Policy, AV-10, which seeks to support Anderson Valley in coordinating and enhancing tourism efforts, including agriculture. Under the guidelines of establishing and expanding commercial uses suitable to meet the needs of residents and visitors, the project is consistent with general plan principals and goals.

Zoning Findings: The subject property is zoned Timberland Production (TP 160). The project is consistent with County Zoning per Section 20.068.010, which allows for Accessory uses as provided in Chapter 20.164. Per 20.068.030, no use permit shall be granted in a TPZ District until a specific finding has been made that the proposed use is compatible with the growing and harvesting of timber and timber products. Project conformance with this special finding under 20.068.030 is discussed below.

Use Permit Findings MCC 20.196.020 (A): That the establishment, maintenance or operation of a use or building applied for is in conformity to the General Plan;

The subject property is entirely classified as FL160, which includes lands eligible to be zoned Timberland Production. The subject parcel is extensively developed with residential and agricultural improvements that were previously established and considered in conformance with the General Plan. The proposed development will not interfere with the continued use of the parcel for residential and agricultural purposes. 'Room & Board' is considered an 'Accessory Use' in the Timberland Production Zoning district, which is appropriate given the multiple uses occurring on the subject property presently. If developed in conformance with the recommended Conditions of Approval, the project is found to be consistent with the Mendocino County General Plan.

User Permit Findings MCC Section 20.196.020 (B): That adequate utilities, access roads, drainage and other necessary facilities have been or are being provided;

The project site is located within unincorporated Mendocino County and is accessed via a private 1.7± mile non-exclusive easement that traverses five (5) parcels. The applicant estimates that the property is utilized by short-term rental guests for 10-12 days per month, which would result in less traffic than a long-term resident that otherwise would require usage of the road. Additionally, the property owner indicates that they maintain vacation rental coverage thru Lloyds of London encompassing all rental activities including the non-exclusive easement; this includes any persons related to the renting or the carrying out of rental business. Prior to arrival each guest, mandatory instructions are provided. Within the provided project description, the 'Applicant' indicates that the road is maintained every spring and fall to ensure that the all-weather surface is maintained.

On August 29, 2017, comment was provided to County of Mendocino Staff, as well as the Board of Supervisors regarding usage of this private road by adjacent land-owners, indicating that 'Guests' are provided the combination to a shared electric keypad located on a lock gate. Staff recognizes that usage of private roads is often a contentious subject, and that the other residential uses on the property could generate additional traffic and advance road deterioration. That correspondence has been uploaded as public comment.

On July 19, 2019, Staff conducted a site visit to the project site and found that approximately .06± miles of the private access easement is paved, while the remainder is compacted gravel that appeared well-maintained and featured no obvious signs of deterioration. The private roadway featured eleven (11) speed-limit signs informing a limitation of between 5-10 miles per hour (mph). Additional informational signs informed 'Yield', 'Blind Curves' and 'Wildlife' crossing. Staff identified at least two (2) pull-outs to allow for traffic to pass, if necessary, and determined that the road conditions were suitable for a standard passenger vehicle and did not otherwise require an AWD for impassable conditions. While a portion of the road is unpaved, Staff found its condition to be appropriate for the requested use, so long as standard precautions are taken by the driver. **Condition 15** has been included to address issues regarding road usage by 'Transient Guests'. If developed in conformance with the recommended Conditions of Approval, the project is found to be consistent with the Mendocino County General Plan.

User Permit Findings MCC Section 20.196.020 (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 would allow non-permanent residents to inhabit an Accessory Dwelling Unit for a short term period. This can lead to nuisances. Because the proposed project would allow up to four (4) overnight short term rental guests to be present, conditions have been included to help mitigate any nuisance issues. **Conditions 7 through 16** have been included to address issues regarding excessive guest capacity, noise, and special events. If developed in conformance with the recommended Conditions of Approval, the project is found to be consistent with the Mendocino County General Plan.

User Permit Findings MCC Section 20.196.020 (D): That such use preserves the integrity of the zoning district.

The subject parcel is legal non-conforming and approximately 40 acres in size. The project site is zoned Timberland Production (TP), that features a corresponding minimum parcel size of 160 acres. As provided in Section 20.164.015(L) of the Mendocino County Inland Zoning Code, 'Room and Board' is permitted in the TP District as an accessory activity that does not always require discretionary review. The Use Permit is only required if the parcel does not have frontage on a publicly maintained road. Because this parcel is accessed via a private 1.7 mile non-exclusive easement, it requires a discretionary review.

The TP district is intended to be applied to areas of the County which because of their general soil types, location and timber growing capabilities are suited for and should be devoted to the growing, harvesting, and production of timber and timber related products and are taxed as such. Per Section 20.068.010, Accessory Uses allowed under Chapter 20.164, which include 'Room & Board', are described as compatible within the TP district. 'Room and Board' is the only Accessory Use type to include a Use Permit requirement, and even then it is only required when the applicant does not possess frontage on a public road.

According to Sec. 20.068.030 - Special Provision, "No use permit shall be granted in a TP District until a specific finding has been made that the proposed use is compatible with the growing and harvesting of timber and timber products." The UC Farm Advisor (Forestry) was provided an opportunity during agency referral to provide comment, but indicated "No comment at this time." Given that no new development is proposed and that the use itself is accessory to the residential allowances, it can be determined that undertaking 'Room and Board' on the subject parcel is compatible with Sec. 20.068.030 - Special Provision, as it does not specifically conflict with future growing and harvesting of timber products.

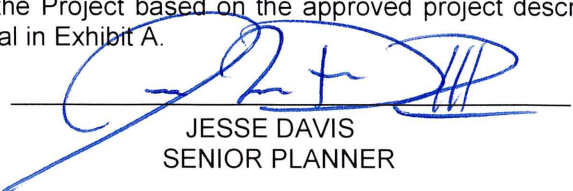
Special Finding (Sec. 20.068.030 -TP Special Provision): According to Sec. 20.068.030 - Special Provision, "No use permit shall be granted in a TP District until a specific finding has been made that the proposed use is compatible with the growing and harvesting of timber and timber products." As stated above, because no new development is proposed and the use is accessory to the residential allowances, it can be determined that undertaking 'Room and Board' on the subject parcel is compatible with Sec. 20.068.030 - Special Provision, as it does not specifically conflict with future growing and harvesting of timber products.

RECOMMENDATION

By resolution, grant Use Permit U_2017-0032 for the Project based on the approved project description and findings and subject to the conditions of approval in Exhibit A.

08-26-2019

DATE


JESSE DAVIS
SENIOR PLANNER

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

ATTACHMENTS:

- | | |
|--|---------------------------|
| A. <i>'Applicant Description of Project'</i> | H. General Plan |
| B. Location Map | I. Fire Hazards Map |
| C. Topographical Map | J. Soils Map |
| D. Aerial Map | K. WUI Map |
| E. Site/Tentative Map | L. Important Farmland Map |
| F. Adjacent Owner Map | M. TP Map |
| G. Zoning Map | N. Wetland Map |

RESOLUTION AND CONDITIONS OF APPROVAL (Exhibit A):

The Project Description-

Bucolic Anderson Valley private horse ranch property invites select guests to short-term vacation bungalow based on prior host reviews, pre-reservation interview and agreement to house rules stated by host, number of people (4 max), number of cars (2max), non-smoking and duration of stay. Access and driveway to rental residence have met all CDF requirements and granted "final clearance"(CDF file 106-12) see enclosed.

The road is maintained every spring and fall to insure that the all weather surface is maintained to above excellent standards. Any necessary improvements are made to maintain 12 feet or max wide driveway, pull outs, vegetation management and limb removal if obstructing road. Road is approx 1.5 miles long leading from hwy 128 through three parcels. Project parcel is located at the end of this private road.

Accommodation is a 1 bedroom, 1096 sq foot permitted structure, complies to California building codes and has permitted well and septic. Source of heating is propane to minimize fire risk. It is primarily rented on a weekend basis. Rental average(based on last 6 months of business) amounts to 3-4 weekends per month, 1 car w/two people. Total average is 10-12 days per month. **Property owner carries additional vacation rental coverage thru Lloyds of London that encompasses all rental activities on premise as well as on private road; this includes any persons related to the renting or the carrying out of the rental business.**

Guests have access to a private yard that is fenced and well defined. All perimeter vegetation has been cleared to meet CDF fire safety clearances. Immediate to structure is a concrete patio and minimal irrigated landscaping. Smoking and/or fires are NOT allowed, this is notated in rental rules.

No regular employees are employed for vacation rental. However local plumbers ,electricians, subcontractors are called infrequently for regular maintenance. Please note that additional insurance covers all persons related to business as well as guests. Housekeeping is done by owner of property with back up help from neighbor that lives at vineyard property on same private road as rental.

Check-in procedure- Prior to arrival each guest is instructed to meet host at landmark on highway 128, there they are greeted and are informed of the mandatory driving instructions and then guided up to accommodation

Emphasis on :

-The speed limit of entire road.

-Set of various rules of driving road.

*Please note that Airbnb states clearly that hosts are allowed to cancel reservation for any guests that do not follow the clearly stated house rules that are reviewed by guest in order to make reservation. This cancellation can be made by host prior to or during guests stay.

After being guided to accommodation a full explanation of the on premise rules are explained. As well as a breakdown of all safety pre-cautions for property and accommodations. Host and guest make sure that a form of communication is established, text and/or phone service, or app. NO groups of 4 or more, no wedding guests or parties allowed.

#28) 1200 ft. elevation 40 acre ridge top parcel consists of mixed forest and grassland property. Lay of land varies primarily from open semi level ridgetop & gentle slope to forested slope. Dig vista's of the entire Anderson Valley looking south and west. Property serves as a smoke spotter lookout for the Anderson Valley Fire dept because of the strategic lookout point. Soils on property are semi improved in horse pasture but primarily clay leading to rocky on down slopes. Property existed, prior to my purchase, in the 1980's -2006 as a working horse ranch. Hence the, stables, hay barn, shop, arena, fenced pastures and paddocks. Prior to this it served as a homestead in the late 1800-early 1900's, also grazing land for livestock. Over 100 year-old apple orchard still exists on property. Property is set up for raising, grazing, training & exercising and housing horses, etc. As well as additions that have been made after purchase; Olive Orchards, landscaping and residential.

#29

Adjacent parcels to project parcel include:

East-Residential parcels access is off Holmes ranch road.

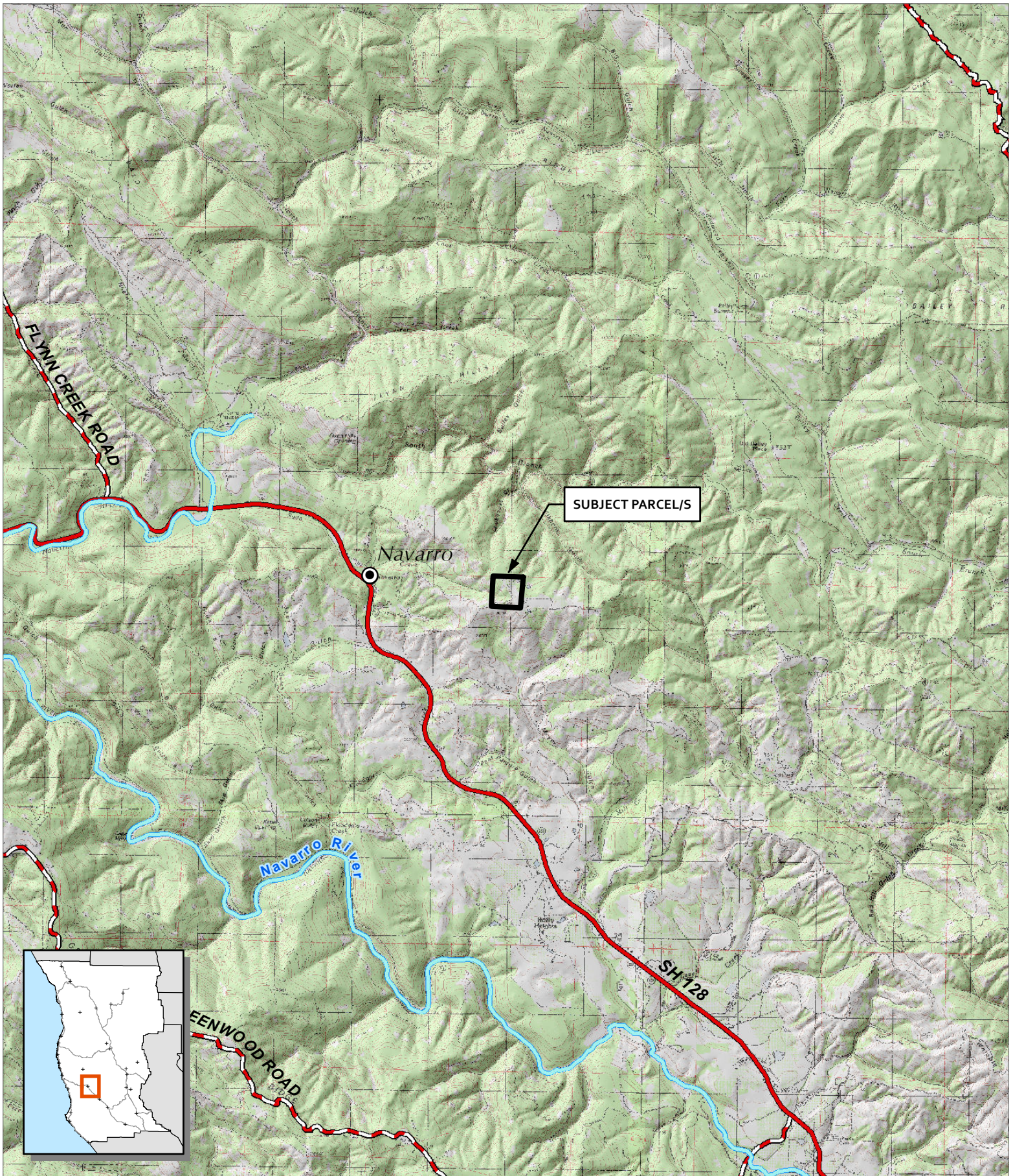
North- Timberland (MRC)

Northwest-vacant forestland parcel





Directly West-private road to project parcel originates immediately off of hwy 128 passing thru 3 parcels; 1st- passing thru vineyard property parcel, 2nd- Residential parcel which operates two commercial businesses out of property involving delivery trucks, big rigs, large equipment and numerous employees. 3rd parcel- Un-developed absentee owner. 4th parcel- project parcel.

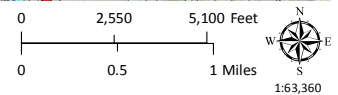
South-Rural residential and vineyard properties

Topography ranges from Forested, semi forested and grass land.



CASE: U 2017-0032
 OWNER: RAND, Kyle
 APN: 026-030-40
 APLCT: Stacey Squire
 AGENT: Stacey Squire
 ADDRESS: 975 Hwy. 128, Navarro

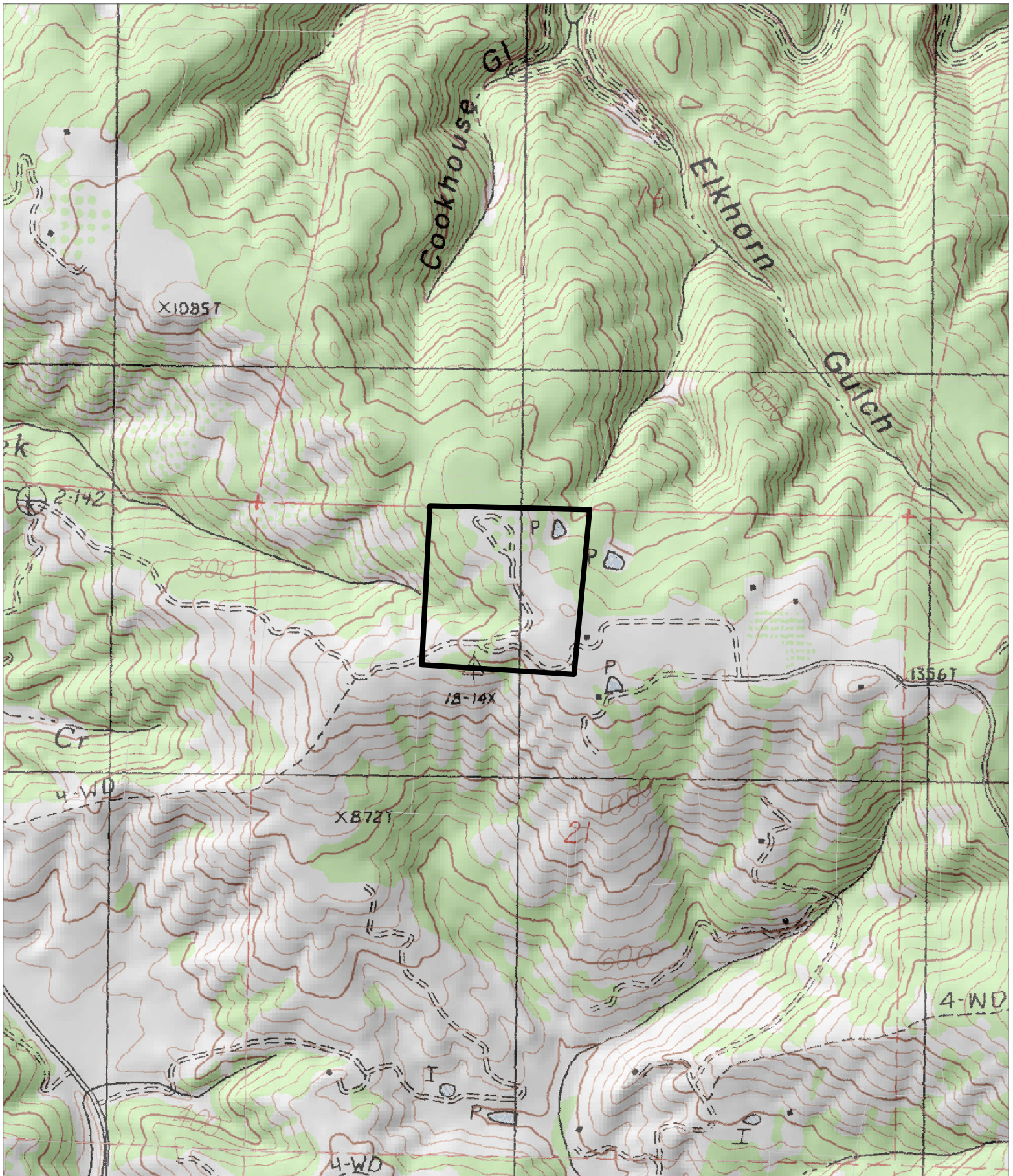
-  Major Towns & Places
-  Major Roads
-  Major Rivers
-  Highways



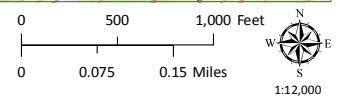
LOCATION MAP

THIS MAP AND DATA ARE PROVIDED WITHOUT WARRANTY OF ANY KIND.
 DO NOT USE THIS MAP TO DETERMINE LEGAL PROPERTY BOUNDARIES

ATTACHMENT B



CASE: U 2017-0032
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AGENT: Stacey Squire
ADDRESS: 975 Hwy. 128, Navarro



TOPOGRAPHIC MAP
CONTOUR INTERVAL IS 40 FEET

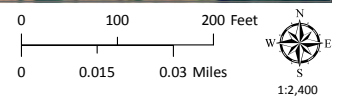
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ATTACHMENT C



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

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AERIAL IMAGERY

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ATTACHMENT D



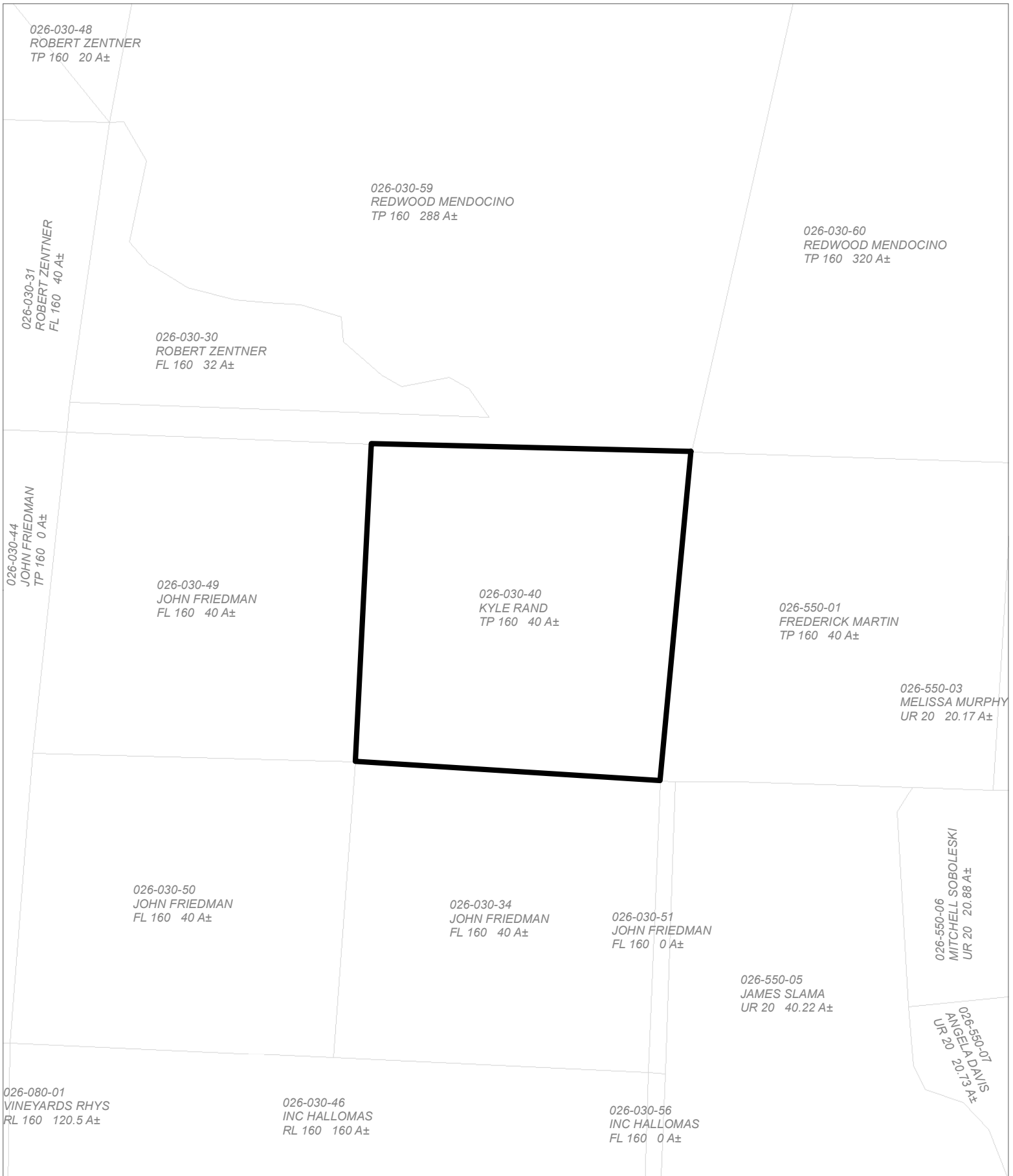
APPLICATION# 0-2017-0032

JOB ADDRESS: 975A HWY128, Philo CITY OR TOWN: Philo

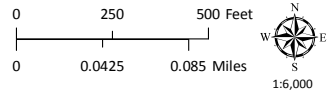
ASSESSOR'S PARCEL #: 026-030-40-00 PROPERTY OWNER'S NAME: Squire

SHOW ALL BUILDINGS, STRUCTURES, SEPTIC TANKS AND LEACH FIELDS, WELLS, STREAMS, LAKES, ROADS, STREETS, ALLEYS, RETAINING WALLS, FENCES, EASEMENTS, POWER POLES, AND ANY OTHER IMPROVEMENTS AND INDICATE ALL DISTANCES BETWEEN. SPECIFY WHETHER EXISTING OR PROPOSED. INDICATE ORIENTATION WITH A NORTH ARROW.



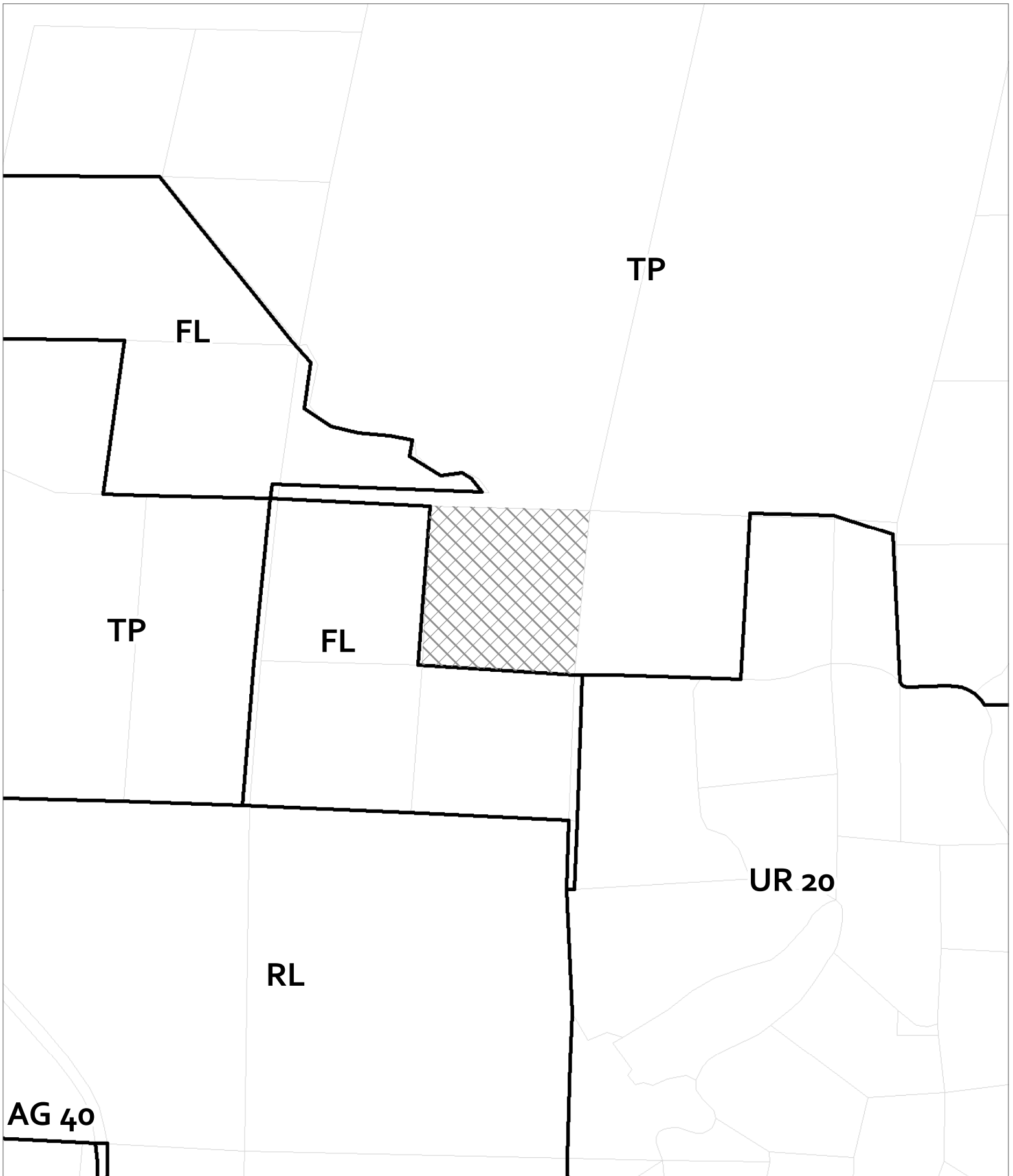


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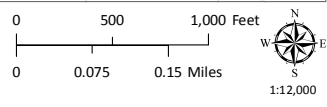
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ADJACENT PARCELS
ATTACHMENT F



CASE: U 2017-0032
OWNER: RAND, Kyle
APN: 026-030-40
APLCT: Stacey Squire
AGENT: Stacey Squire
ADDRESS: 975 Hwy. 128, Navarro

 Zoning Districts




ZONING DISPLAY MAP

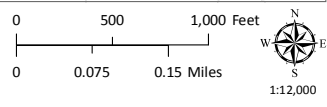
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ATTACHMENT G



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AGENT: Stacey Squire
ADDRESS: 975 Hwy. 128, Navarro

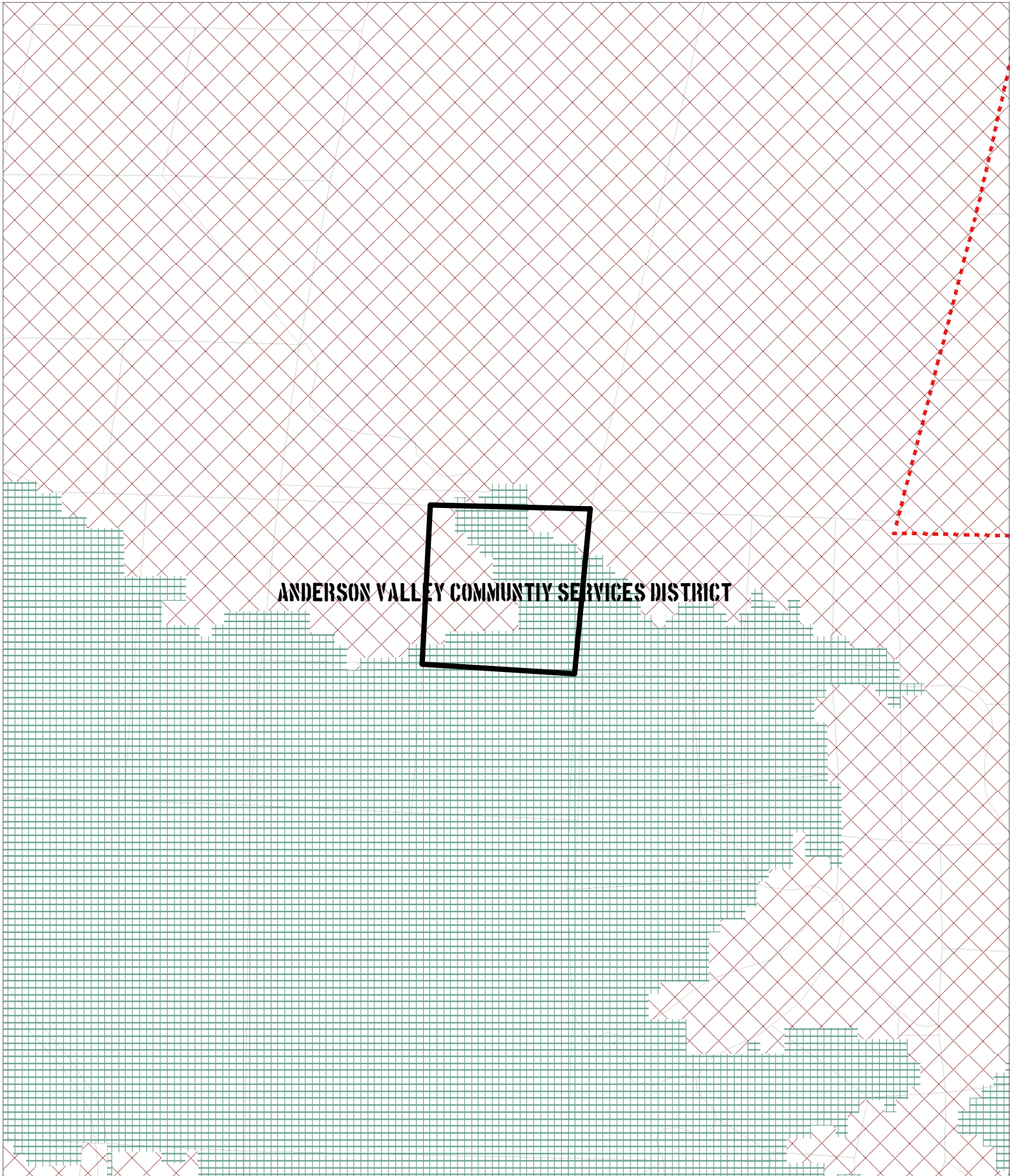
 General Plan Classes



GENERAL PLAN CLASSIFICATIONS

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DO NOT USE THIS MAP TO DETERMINE LEGAL PROPERTY BOUNDARIES

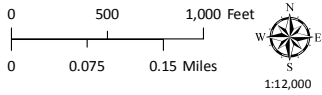
ATTACHMENT H



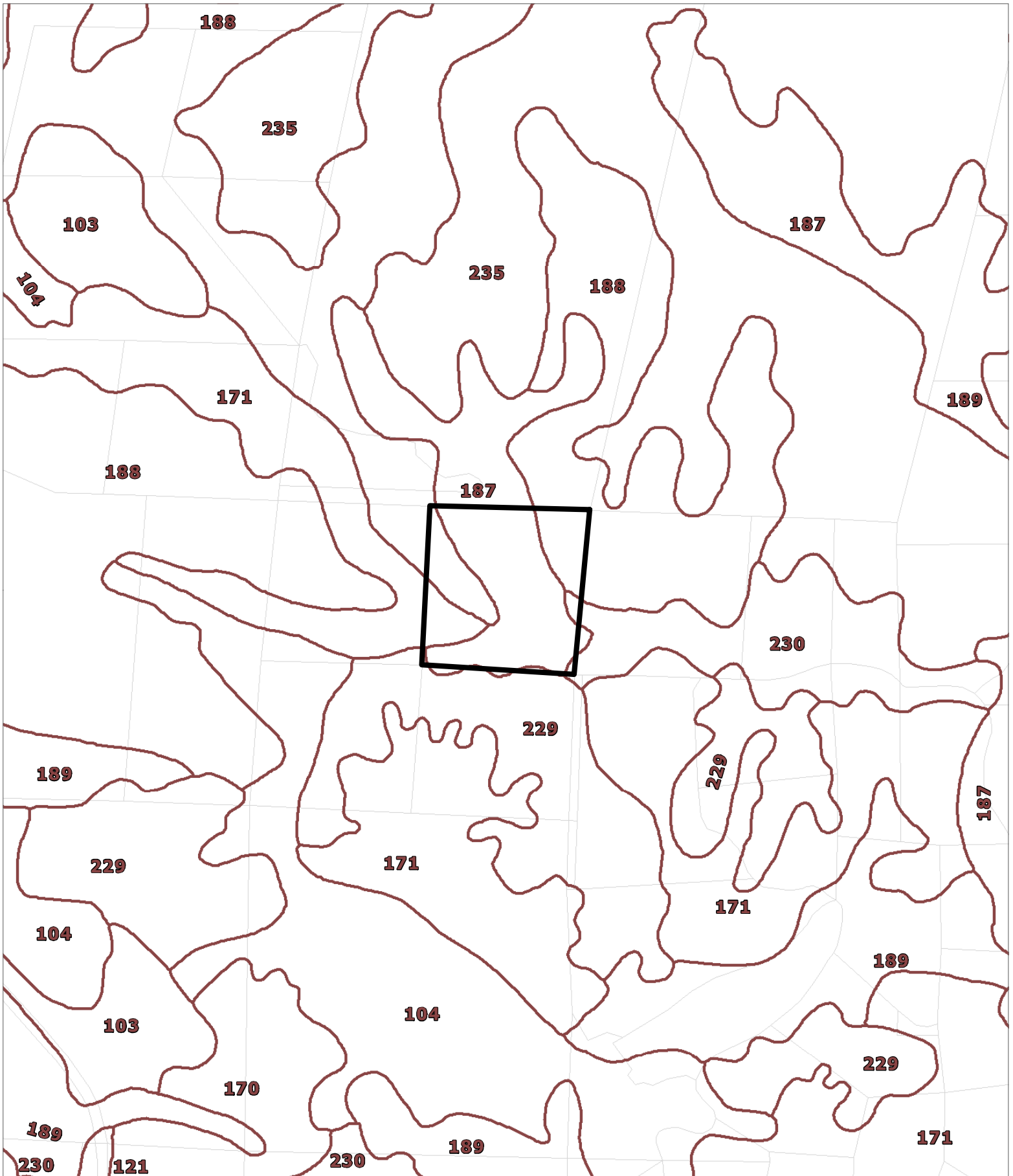
ANDERSON VALLEY COMMUNITY SERVICES DISTRICT

CASE: U 2017-0032
OWNER: RAND, Kyle
APN: 026-030-40
APLCT: Stacey Squire
AGENT: Stacey Squire
ADDRESS: 975 Hwy. 128, Navarro

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

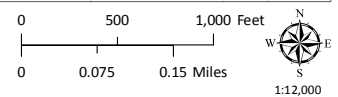


FIRE HAZARD ZONES & RESPONSIBILITY AREAS
STATE RESPONSIBILITY AREA



CASE: U 2017-0032
OWNER: RAND, Kyle
APN: 026-030-40
APLCT: Stacey Squire
AGENT: Stacey Squire
ADDRESS: 975 Hwy. 128, Navarro

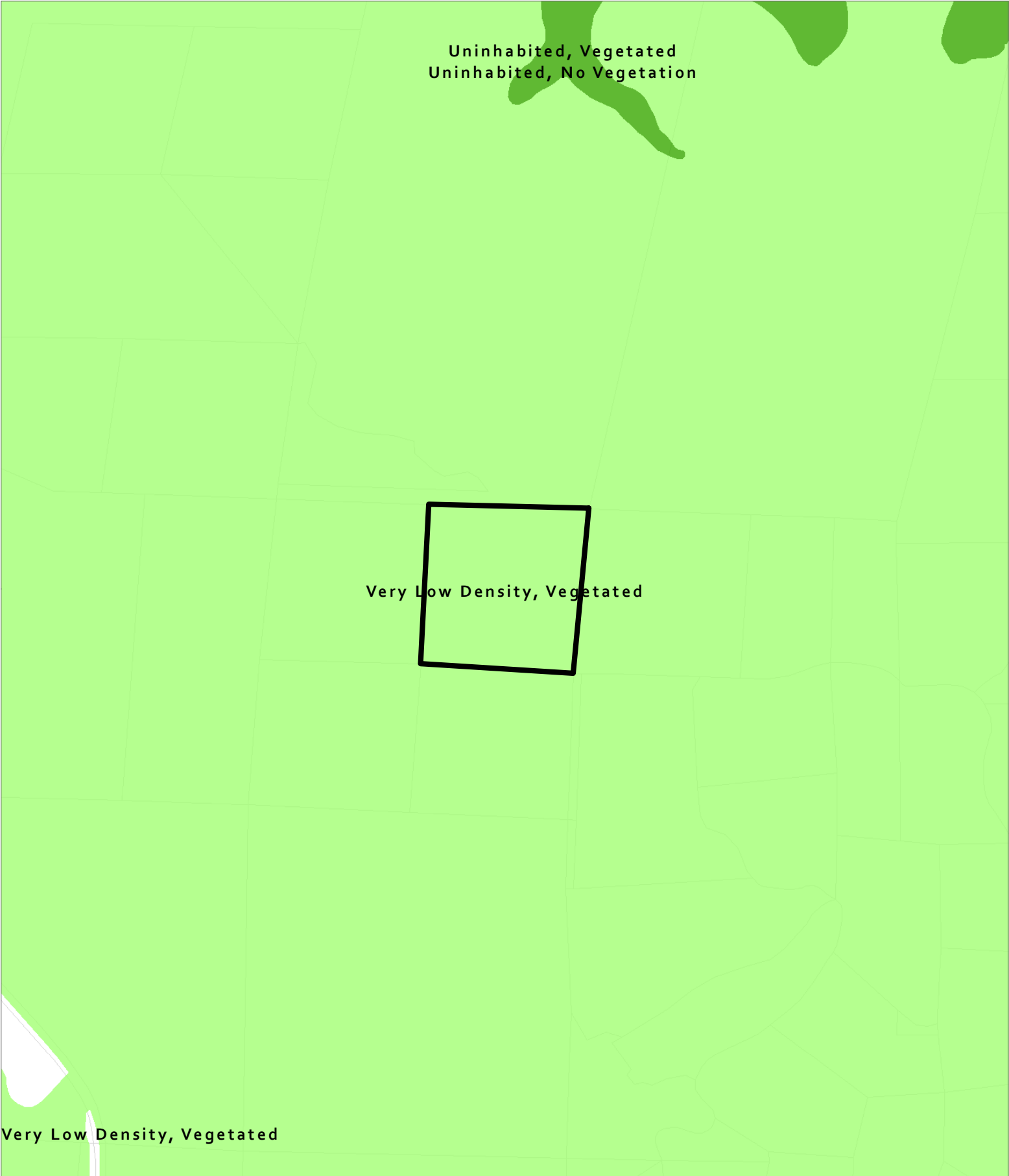
 Western Soil Classes



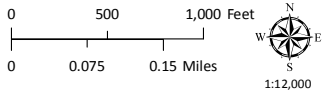
LOCAL SOILS

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ATTACHMENT J



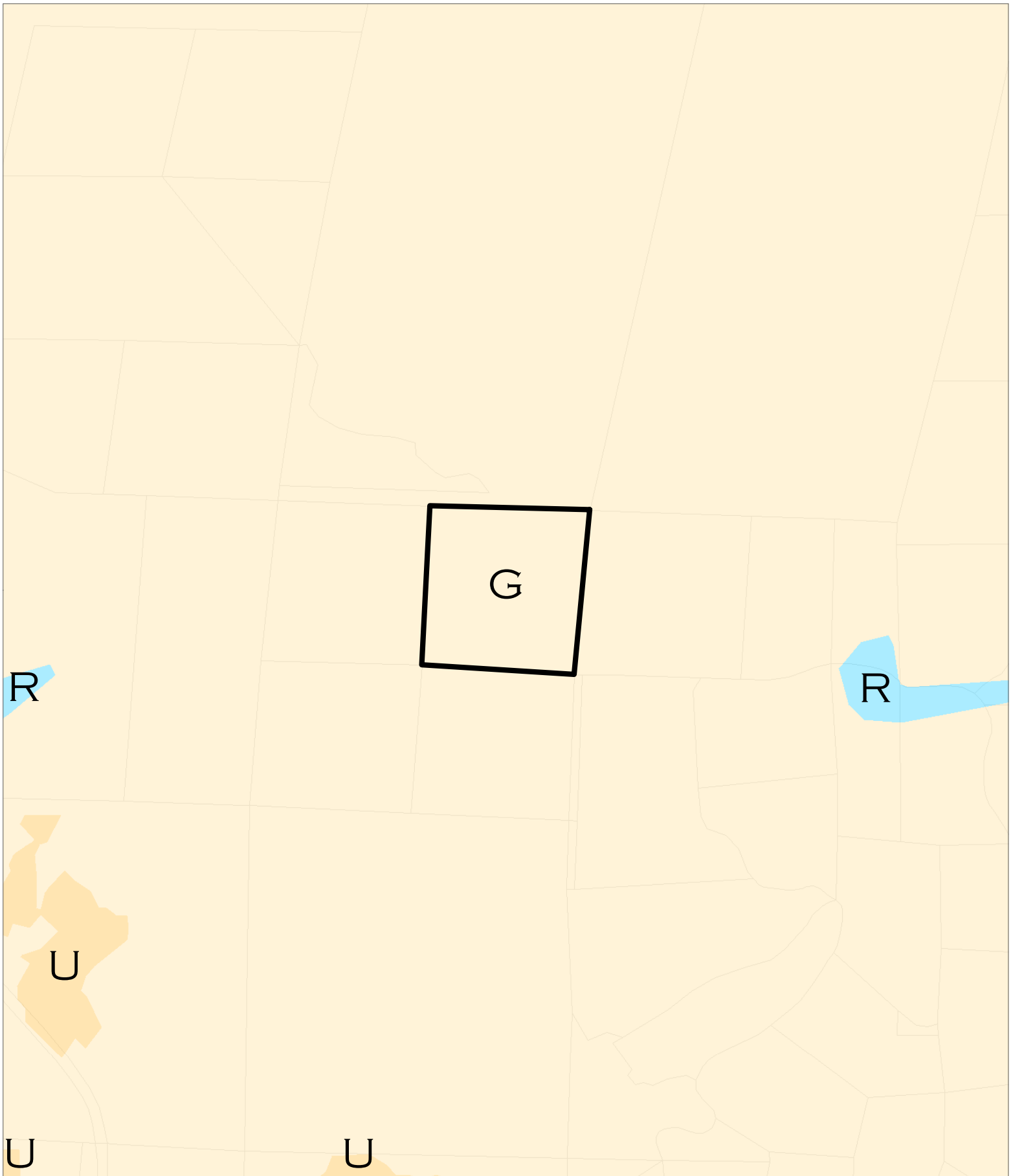
CASE: U 2017-0032
 OWNER: RAND, Kyle
 APN: 026-030-40
 APLCT: Stacey Squire
 AGENT: Stacey Squire
 ADDRESS: 975 Hwy. 128, Navarro



WILDLAND-URBAN INTERFACE ZONES

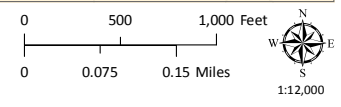
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ATTACHMENT K



CASE: U 2017-0032
OWNER: RAND, Kyle
APN: 026-030-40
APLCT: Stacey Squire
AGENT: Stacey Squire
ADDRESS: 975 Hwy. 128, Navarro

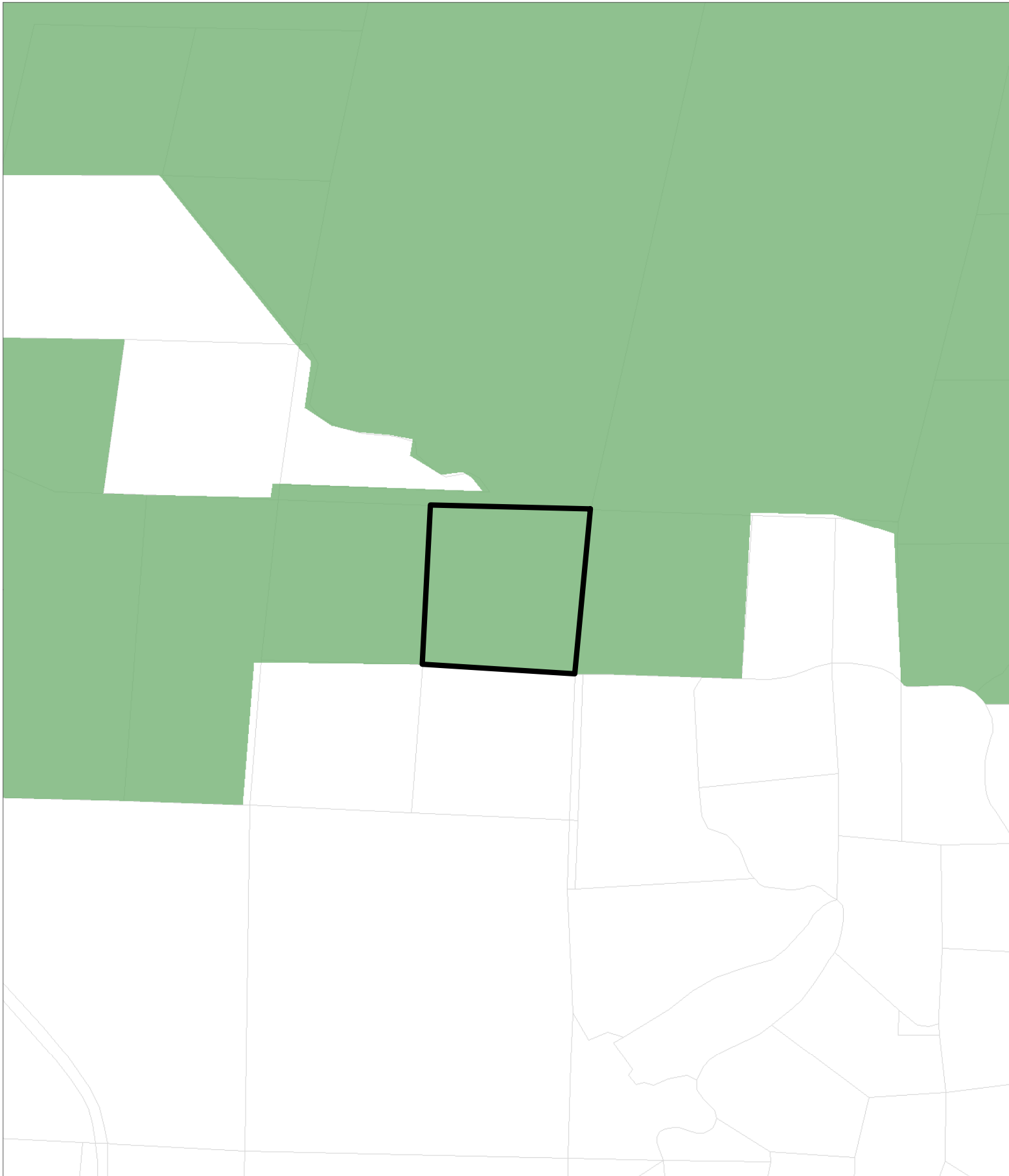
-  Grazing Land (G)
-  Rural Residential & Rural Commercial (R)
-  Unique Farmland (U)



IMPORTANT FARMLAND

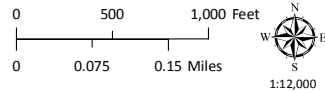
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ATTACHMENT L



CASE: U 2017-0032
OWNER: RAND, Kyle
APN: 026-030-40
APLCT: Stacey Squire
AGENT: Stacey Squire
ADDRESS: 975 Hwy. 128, Navarro

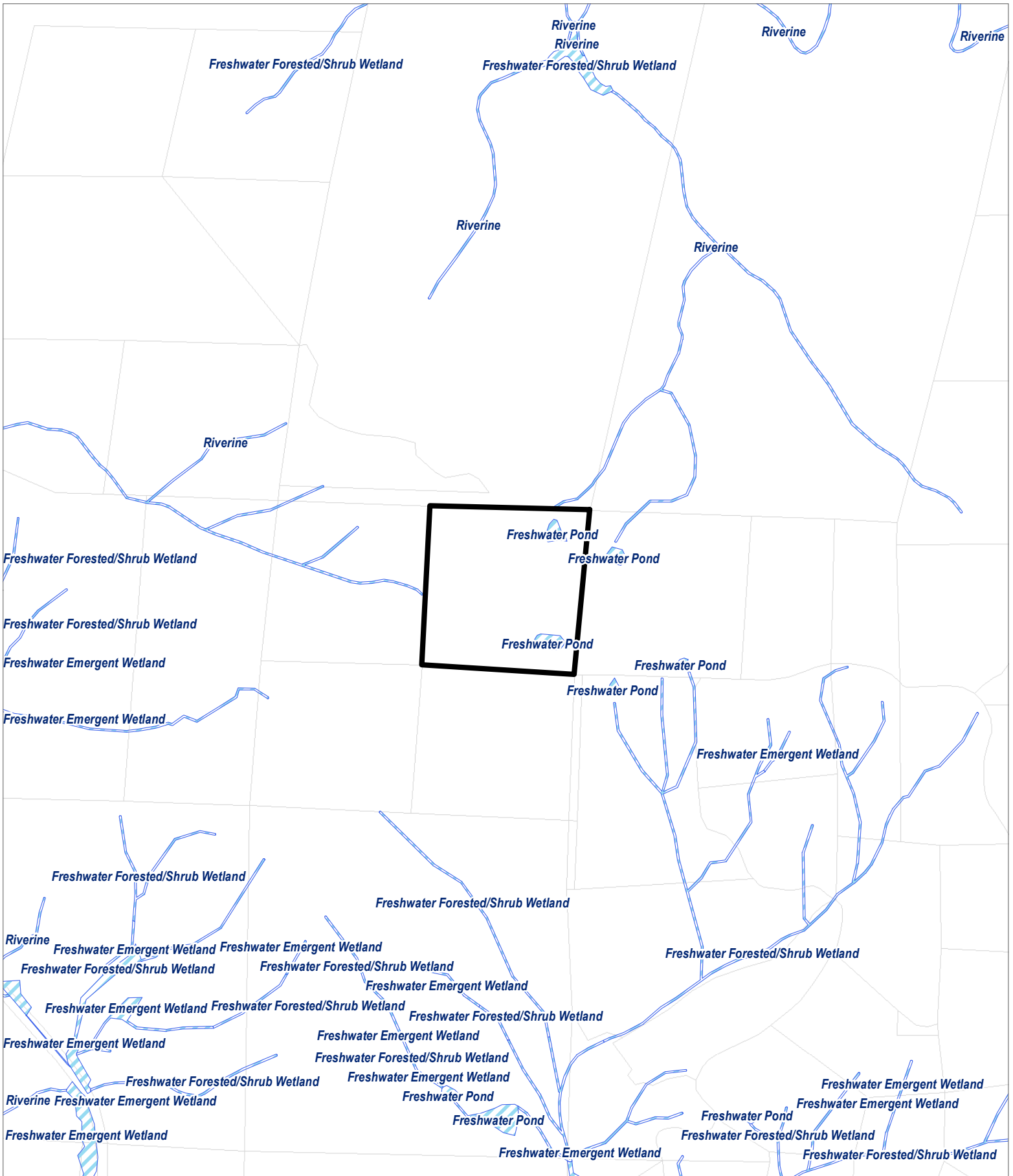
 TPZ 2015



TIMBER PRODUCTION ZONES

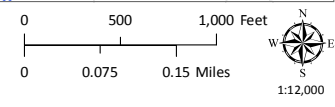
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ATTACHMENT M



CASE: U 2017-0032
 OWNER: RAND, Kyle
 APN: 026-030-40
 APLCT: Stacey Squire
 AGENT: Stacey Squire
 ADDRESS: 975 Hwy. 128, Navarro

 National Wetlands Inventory



WETLANDS

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ATTACHMENT N

Resolution Number _____

County of Mendocino
Ukiah, California

September 19, 2019

U_2017-0032 STACY SQUIRE

RESOLUTION OF THE PLANNING COMMISSION, COUNTY OF
MENDOCINO, STATE OF CALIFORNIA GRANTING A USE PERMIT
FOR A SHORT TERM RENTAL.

WHEREAS, the applicant, STACY SQUIRE, filed an application for a Use Permit with the Mendocino County Department of Planning and Building Services to facilitate a short term rental, under the accessory room and board use type. Located 2± miles east of the Navarro town center, lying at the end of a private unnamed access easement, 1.7± miles north of the intersection of Highway 128 (CA-128) and Salmela Road (Private). Addressed at 975 Highway 128, Philo, CA 95466 (APN: 026-030-40); General Plan FL160; Zoning TPZ: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 Section 15301, Class 1 (Existing Facilities); and

WHEREAS, in accordance with applicable provisions of law, the Planning Commission held a public hearing on September 19, 2019 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 Findings:** The subject property is classified Forestland (FL 160) under the General Plan. The project is consistent with the General Plan Goals AV-2 & AV-8, as well as General Plan Policy AV-9 & AV-10.
2. **Zoning Findings:** The subject property is zoned Timberland Production (TP 160). The project is consistent with County Zoning per Section 20.068.010 that identifies 'Room & Board' as an allowed 'Accessory Use'.
3. **Use Permit Findings:** The project, subject to the conditions of approval found in Exhibit A of the resolution, fulfill the following use permit findings:
 - a. That the establishment, maintenance or operation of a use or building applied for is in conformity to the General Plan;
 - b. That adequate utility, access roads, drainage and other necessary facilities have been or are being provided.

- c. That the proposed use will not 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.
 - d. That such use preserves the integrity of the zoning district.
4. *TPZ Special Finding:* The proposed use is compatible with the growing and harvesting of timber and timber products, as it is an accessory to residential allowances, and does not specifically conflict with future growing and harvesting of timber products.

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: JAMES F. FEENAN
Commission Services Supervisor

By: _____

BY: BRENT SCHULTZ
Director

MARILYN OGLE, Chair
Mendocino County Planning Commission

EXHIBIT A

CONDITIONS OF APPROVAL

SEPTEMBER 19, 2019

U_2017-0032 – STACY SQUIRE

APPROVED PROJECT DESCRIPTION: Use Permit to formalize an existing short-term rental in an accessory residential structure. The short-term rental is processed under Mendocino County Code Section 20.164.015 (L): Room and Board.

CONDITIONS OF APPROVAL

General:

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 of the premises shall be established and maintained in conformance with the provisions of Title 20 of the Mendocino County Code unless modified by conditions of the use permit.
3. The application along with supplemental exhibits and related material shall be considered elements of this entitlement and that compliance therewith be mandatory, unless a modification has been approved by the Planning Commission.
4. This permit shall be subject to revocation or modification by the Planning Commission upon a finding of any 1 or more of the following grounds:
 - a. That such permit was obtained or extended by fraud.
 - b. That one or more of the conditions upon which such permit was granted have been violated.
 - c. That the use for which the permit was granted is so conducted as to be detrimental to the public health, welfare or safety, or as to be a nuisance.

Any such revocation shall proceed as specified in Title 20 of the Mendocino County Code.

5. 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.
6. This permit is subject to the securing of all necessary permits for the proposed development and eventual use from County, State and Federal agencies having jurisdiction. Any requirements imposed by an agency having jurisdiction shall be considered a condition of this permit.

Short-Term Rental Conditions:

7. The maximum overnight occupancy of short term rental guests is limited to four (4) individuals. An increase to the set limit must be made through a modification to this use permit.
8. The use of the property for short term rentals shall not include 'Camping'. Overnight occupancy for paying guests is limited to the Accessory Dwelling Unit (BU_2018-1613).

9. The short-term rental is intended for overnight, transient guest accommodations and shall not be used for 'Special Events', including 'Weddings' or other large celebratory gatherings without first obtaining the appropriate and required permits.
10. Parking shall be permitted only in designated parking areas accessed from the driveway. No parking shall occur on the non-exclusive easement accessing the subject parcel.
11. Excessive noise, as identified in Appendix C - Exterior Noise Limits shall be limited to the hours of 10:00 p.m. through 7:00 a.m. Air horns, and any similar noise creating devices, are prohibited.
12. 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, and the 'Host' shall provide appropriate fire safety measures including water, informational signage, and emergency phone numbers.
13. The applicant shall finalize and receive a business license (BL_2017-0471) for operation of the short term 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).
14. The applicant shall pay all required Uniform Transient Occupancy taxes in accordance with Mendocino County Code.
15. Prior to their arrival, the applicant shall ensure that 'Guests' are aware of all expectations and regulations with regard to usage of the shared easement by providing detailed driving, safety and access instructions..
16. 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 subject property driveway accessed by the private road easement. The applicant shall remove any advertisement(s) that indicate the availability of the Accessory Dwelling Unit for use as a short-term (less than 30 days) or long-term (greater than 30 days) rental until compliance with Condition 18 is affirmed.

Cultural Resources:

17. If any archaeological sites or artifacts are discovered during site excavation or construction activities, the applicant shall cease and desist from all further excavation and disturbances within 100 feet of the discovery, and make notification of the discovery to the Director of the Department of Planning and Building Services. The Director will coordinate further actions for the protection of the archaeological resources in accordance with Section 22.12.090 of the Mendocino County Code.

Building Inspection

18. Use of the Accessory Dwelling Unit for any commercial purpose, including the sale, lease, rent or employee occupancy of the structure for a minimum of one (1) year from the date of issuance of the Certificate of Occupancy for BU_2018-1613.

Notice of Exemption:

19. To record the Notice of Exemption with the CA State Clearinghouse, the applicant shall pay a fee of \$50.00 for the filing of the Notice of Exemption which shall be made payable to the Mendocino County Clerk and submitted to the Department of Planning and Building Services within 5 days of the end of any project action.