

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. Outdoor amplified sound is prohibited. 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. A Certificate of Occupancy shall be required and an inspection conducted for the 'Workshop/Office' to affirm conformance with the Maximum Dwelling Density for the Timberland Production Zoning (TPZ) District per Mendocino County Code Section 20.068.040.
14. Fire extinguishers, smoke detectors, and carbon monoxide detectors shall be installed and maintained in working order within the subject structure. Applicable community evacuation information and maps shall be posted in a prominent interior location within six (6) feet of the front door.
15. At the permit holder's expense, the Mendocino County Department of Planning & Building Services shall provide a mailed notice at the time of permit issuance to property owners within 300 feet of the subject parcel, and all property owners located on any non-county maintained private road serving the short-term rental. The notice shall include all applicable standards and limitations placed upon the short-term rental, the contact information for the Mendocino County Code Enforcement Division, as well as the property manager's name, phone number, and email.
16. 'Transient Guests' shall be limited to the 'Subject Property' for the duration of their short-term rental. Use of the easement shall serve only to facilitate vehicular access or departure from the 'Subject Property'. It is the responsibility of the 'Applicant' to ensure that 'Transient Guests' are aware of these restrictions.
- ~~13.~~17. 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).
- ~~44.~~18. The applicant shall pay all required Uniform Transient Occupancy taxes in accordance with Mendocino County Code.
- ~~45.~~19. 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..
- ~~46.~~20. 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:

- | ~~47.21.~~ 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

- | ~~48.22.~~ 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:

- | ~~49.23.~~ 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.