



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
FAX: 707-463-5709
FB PHONE: 707-964-5379
FB FAX: 707-961-2427
pbs@mendocinocounty.org
www.mendocinocounty.org/pbs

May 18, 2020

AMENDED
NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN THAT the Mendocino County Planning Commission at its regular meeting on Thursday, May 21, 2020 at 9:00 a.m. will conduct a public hearing on the following project(s) at the time listed or as soon thereafter as the item may be heard. This meeting will be conducted virtually and not available for in person public participation (pursuant to State Executive Order N-29-20). In order to minimize the risk of exposure during this time of emergency, the public may participate digitally in meetings by sending comments to pbscommissions@mendocinocounty.org and is available for viewing on the Mendocino County YouTube page, at <https://www.youtube.com/MendocinoCountyVideo>.

CASE#: U_2020-0001

DATE FILED: 1/24/2020

OWNER/APPLICANT: PETER SILVESTRI

REQUEST: Use of an existing single family residence as a short-term rental per Mendocino County Code Section 20.164.015 (L): Room and Board.

ENVIRONMENTAL DETERMINATION: Categorically Exempt

LOCATION: 2.7± miles southeast of Fort Bragg City center, lying on the east side of Swithenbank Lane (Private), 0.2± miles east of its intersection with Gravel Pit Road (CR 415C), located at 30691 West Highway 20, Fort Bragg (APN: 019-680-30).

SUPERVISORIAL DISTRICT: 4

STAFF PLANNER: MARK CLISER

The staff report and notice will be available 10 days before hearing on the Department of Planning and Building Services website at: <https://www.mendocinocounty.org/government/planning-building-services/meeting-agendas/planning-commission>.

Your comments regarding the above project are invited. Written comments should be submitted by mail to the Department of Planning and Building Services Commission Staff, at 860 North Bush Street, Ukiah, California. In order to minimize the risk of exposure during this time of emergency, the public may participate digitally in meetings by sending comments to pbscommissions@mendocinocounty.org by May 20, 2020 or orally via telecomment in lieu of personal attendance. All public comment will be made immediately available to the Commissioners, staff, and the general public as they are received and processed by staff, and can be viewed as attachments to this meeting agenda at <https://www.mendocinocounty.org/government/planning-building-services/meeting-agendas/planning-commission>.

To submit public comments via telecomment a request form must be received by 7:00 a.m. the morning of the meeting. The telecomment form may be found at: <https://www.mendocinocounty.org/government/planning-building-services/meeting-agendas>.

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 is the 10th day after the Planning Commission's decision. To file an appeal of the Planning Commission's decision, 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 or the Planning Commission 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 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.

AMERICANS WITH DISABILITIES ACT (ADA) COMPLIANCE. Mendocino County complies with ADA requirements and upon request, will attempt to reasonably accommodate individuals with disabilities by making meeting material available in appropriate alternate formats (pursuant to Government Code Section 54953.2). Anyone requiring reasonable accommodation to participate in the meeting should contact the Department of Planning and Building Services by calling (707) 234-6650 at least five days prior to the meeting.

BRENT SCHULTZ, Director of Planning and Building Services



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
FAX: 707-463-5709
FB PHONE: 707-964-5379
FB FAX: 707-961-2427
pbs@mendocinocounty.org
www.mendocinocounty.org/pbs

May 18, 2020

TO: Fort Bragg Advocate News
FROM: James F. Feenan, Commission Services Supervisor
SUBJECT: Publication of Legal Notice.

Please publish the following notice one time on May 7, 2020 in the Legal Notices Section of the Fort Bragg Advocate News.

AMENDED
NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN THAT the Mendocino County Planning Commission at its regular meeting on Thursday, May 21, 2020 at 9:00 a.m. will conduct a public hearing on the following project(s) at the time listed or as soon thereafter as the item may be heard. This meeting will be conducted virtually and not available for in person public participation (pursuant to State Executive Order N-29-20). In order to minimize the risk of exposure during this time of emergency, the public may participate digitally in meetings by sending comments to pbscommissions@mendocinocounty.org and is available for viewing on the Mendocino County YouTube page, at <https://www.youtube.com/MendocinoCountyVideo>.

CASE#: U_2020-0001

DATE FILED: 1/24/2020

OWNER / APPLICANT: PETER SILVESTRI

REQUEST: Use of an existing single family residence as a short-term rental per Mendocino County Code Section 20.164.015 (L): Room and Board.

ENVIRONMENTAL DETERMINATION: Categorically Exempt

LOCATION: 2.7± miles southeast of Fort Bragg City center, lying on the east side of Swithenbank Lane (Private), 0.2± miles east of its intersection with Gravel Pit Road (CR 415C), located at 30691 West Highway 20, Fort Bragg (APN: 019-680-30).

STAFF PLANNER: MARK CLISER

The staff report and notice will be available 10 days before hearing on the Department of Planning and Building Services website at: <https://www.mendocinocounty.org/government/planning-building-services/meeting-agendas/planning-commission>.

Your comments regarding the above project are invited. Written comments should be submitted by mail to the Department of Planning and Building Services Commission Staff, at 860 North Bush Street, Ukiah, California. In order

to minimize the risk of exposure during this time of emergency, the public may participate digitally in meetings by sending comments to pbscommissions@mendocinocounty.org by May 20, 2020 or orally via telecomment in lieu of personal attendance. All public comment will be made immediately available to the Commissioners, staff, and the general public as they are received and processed by staff, and can be viewed as attachments to this meeting agenda at <https://www.mendocinocounty.org/government/planning-building-services/meeting-agendas/planning-commission>.

To submit public comments via telecomment, a request form must be received by 7:00 a.m. the morning of the meeting. The telecomment form may be found at: <https://www.mendocinocounty.org/government/planning-building-services/meeting-agendas>.

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 is the 10th day after the Planning Commission's decision. To file an appeal of the Planning Commission's decision, 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 or the Planning Commission 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 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.

AMERICANS WITH DISABILITIES ACT (ADA) COMPLIANCE. Mendocino County complies with ADA requirements and upon request, will attempt to reasonably accommodate individuals with disabilities by making meeting material available in appropriate alternate formats (pursuant to Government Code Section 54953.2). Anyone requiring reasonable accommodation to participate in the meeting should contact the Department of Planning and Building Services by calling (707) 234-6650 at least five days prior to the meeting.

BRENT SCHULTZ, Director of Planning and Building Services



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
FAX: 707-463-5709
FB PHONE: 707-964-5379
FB FAX: 707-961-2427
pbs@mendocinocounty.org
www.mendocinocounty.org/pbs

April 30, 2020

NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN THAT the Mendocino County Planning Commission at its regular meeting on Thursday, May 21, 2020 at 9:00 a.m. will conduct a public hearing on the following project(s) at the time listed or as soon thereafter as the item may be heard. This meeting will be conducted virtually and not available for in person public participation (pursuant to State Executive Order N-29-20). In order to minimize the risk of exposure during this time of emergency, the public may participate digitally in meetings by sending comments to pbscommissions@mendocinocounty.org and is available for viewing on the Mendocino County YouTube page, at <https://www.youtube.com/MendocinoCountyVideo>.

CASE#: U_2020-0001

DATE FILED: 1/24/2020

OWNER/APPLICANT: PETER SILVESTRI

REQUEST: Use of an existing single family residence as a short-term rental per Mendocino County Code Section 20.164.015 (L): Room and Board.

ENVIRONMENTAL DETERMINATION: Categorically Exempt

LOCATION: 2.7± miles southeast of Fort Bragg City center, lying on the east side of Swithenbank Lane (Private), 0.2± miles east of its intersection with Gravel Pit Road (CR 415C), located at 30691 West Highway 20, Fort Bragg (APN: 019-680-30).

SUPERVISORIAL DISTRICT: 4

STAFF PLANNER: MARK CLISER

The staff report and notice will be available 10 days before hearing on the Department of Planning and Building Services website at: <https://www.mendocinocounty.org/government/planning-building-services/meeting-agendas/planning-commission>.

Your comments regarding the above project(s) are invited. Written comments should be submitted by mail to the Department of Planning and Building Services Commission Staff, at 860 North Bush Street, Ukiah, California, or by e-mail to pbscommissions@mendocinocounty.org no later than May 20, 2020. Individuals wishing to address the Planning Commission during the public hearing under Public Expression are welcome to do so via e-mail, in lieu of personal attendance, at pbscommissions@mendocinocounty.org. All public comment will be made immediately to the Commission, staff, and the general public as they are received and processed by the Clerk, and can be viewed as attachments under its respective case number listed at: <https://www.mendocinocounty.org/government/planning-building-services/meeting-agendas/planning-commission>.

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 is the 10th day after the Planning Commission's decision. To file an appeal of the Planning Commission's decision, 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 or the Planning Commission 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 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.

AMERICANS WITH DISABILITIES ACT (ADA) COMPLIANCE. Mendocino County complies with ADA requirements and upon request, will attempt to reasonably accommodate individuals with disabilities by making meeting material available in appropriate alternate formats (pursuant to Government Code Section 54953.2). Anyone requiring reasonable accommodation to participate in the meeting should contact the Department of Planning and Building Services by calling (707) 234-6650 at least five days prior to the meeting.

BRENT SCHULTZ, Director of Planning and Building Services



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
FAX: 707-463-5709
FB PHONE: 707-964-5379
FB FAX: 707-961-2427
pbs@mendocinocounty.org
www.mendocinocounty.org/pbs

April 30, 2020

TO: Fort Bragg Advocate News
FROM: James F. Feenan, Commission Services Supervisor
SUBJECT: Publication of Legal Notice.

Please publish the following notice one time on May 7, 2020 in the Legal Notices Section of the Fort Bragg Advocate News.

NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN THAT the Mendocino County Planning Commission at its regular meeting on Thursday, May 21, 2020 at 9:00 a.m. will conduct a public hearing on the following project(s) at the time listed or as soon thereafter as the item may be heard. This meeting will be conducted virtually and not available for in person public participation (pursuant to State Executive Order N-29-20). In order to minimize the risk of exposure during this time of emergency, the public may participate digitally in meetings by sending comments to pbscommissions@mendocinocounty.org and is available for viewing on the Mendocino County YouTube page, at <https://www.youtube.com/MendocinoCountyVideo>.

CASE#: U_2020-0001

DATE FILED: 1/24/2020

OWNER / APPLICANT: PETER SILVESTRI

REQUEST: Use of an existing single family residence as a short-term rental per Mendocino County Code Section 20.164.015 (L): Room and Board.

ENVIRONMENTAL DETERMINATION: Categorically Exempt

LOCATION: 2.7± miles southeast of Fort Bragg City center, lying on the east side of Swithenbank Lane (Private), 0.2± miles east of its intersection with Gravel Pit Road (CR 415C), located at 30691 West Highway 20, Fort Bragg (APN: 019-680-30).

STAFF PLANNER: MARK CLISER

The staff report and notice will be available 10 days before hearing on the Department of Planning and Building Services website at: <https://www.mendocinocounty.org/government/planning-building-services/meeting-agendas/planning-commission>.

Your comments regarding the above project(s) are invited. Written comments should be submitted by mail to the Department of Planning and Building Services Commission Staff, at 860 North Bush Street, Ukiah, California, or by e-

mail to pbscommissions@mendocinocounty.org no later than May 20, 2020. Individuals wishing to address the Planning Commission during the public hearing under Public Expression are welcome to do so via e-mail, in lieu of personal attendance, at pbscommissions@mendocinocounty.org. All public comment will be made immediately to the Commission, staff, and the general public as they are received and processed by the Clerk, and can be viewed as attachments under its respective case number listed at: <https://www.mendocinocounty.org/government/planning-building-services/meeting-agendas/planning-commission>.

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 is the 10th day after the Planning Commission's decision. To file an appeal of the Planning Commission's decision, 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 or the Planning Commission 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 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.

AMERICANS WITH DISABILITIES ACT (ADA) COMPLIANCE. Mendocino County complies with ADA requirements and upon request, will attempt to reasonably accommodate individuals with disabilities by making meeting material available in appropriate alternate formats (pursuant to Government Code Section 54953.2). Anyone requiring reasonable accommodation to participate in the meeting should contact the Department of Planning and Building Services by calling (707) 234-6650 at least five days prior to the meeting.

BRENT SCHULTZ, Director of Planning and Building Services



**PLANNING COMMISSION
STAFF REPORT- MAJOR USE PERMIT**

**MAY 21, 2020
U_2020-0001**

SUMMARY

OWNER / APPLICANT: PETER SILVESTRI
4096 PIEDMONT AVE., STE. 718
OAKLAND, CA 94611

REQUEST: Use of an existing single family residence as a short-term rental per Mendocino County Code Section 20.164.015 (L): Room and Board.

LOCATION: 2.7± miles southeast of Fort Bragg City center, lying on the west side of Swithenbank Lane (Private), 0.2± miles east of its intersection with Gravel Pit Road (CR 415C), located at 30691 West Highway 20, Fort Bragg (APN: 019-680-30).

TOTAL ACREAGE: 2± Acres

GENERAL PLAN: Rural Residential, two acre minimum, (RR2)

ZONING: Mendocino County Division I: Rural Residential, two acre minimum (RR:2)

SUPERVISORIAL DISTRICT: 4 (Gjerde)

ENVIRONMENTAL DETERMINATION: Categorically Exempt; Class 1 (Existing Facilities)

RECOMMENDATION: APPROVE WITH CONDITIONS

STAFF PLANNER: MARK CLISER

BACKGROUND

PROJECT DESCRIPTION: The applicant is requesting a use permit to allow for the use of their single family residence as a short-term rental, per Section 20.164.015(L) of the Mendocino County Code. The residence would be used for a short term rental during time that the applicants are not occupying it. No other improvements are proposed at this time.

SITE CHARACTERISTICS: The project site is located 2.7± miles southeast of Fort Bragg City center, lying on the west side of Swithenbank Lane (private), 0.2± miles east of its intersection with Gravel Pit Road (CR 415C), located at 30691 West Highway 20, Fort Bragg (APN: 019-680-30). There are two (2) separate Swithenbank Lane(s) within the vicinity of the subject property; one takes access from Gravel Pit Road and the other takes access directly onto State Route 20. The subject parcel is accessed from the segment of Swithenbank Lane (private) that encroaches onto State Route 20 travelling north/south for approximately 720 feet. This aspect of Swithenbank Lane is primarily paved, but features areas of compacted gravel. In addition to the subject property, five (5) parcels utilize this segment of Swithenbank Lane for property access, including two (2) parcels located just beyond the subject property to the south and east. As conveyed by the applicant, the shared private road is maintained via an informal road association comprised of property owners who use it to access to their property.

The parcel itself is densely forested with clearings that feature the single family residence. Covington Gulch (stream) is located approximately 530 feet south of the single family residence. The subject parcel is located in an area designated with Sufficient Water Resources and is determined to be within a Medium

Density Wildland-Urban Interface Zone (WUI).^{1,2} Structures within the intermix WUI are interspersed with vegetation, whereas homes in the interface WUI are adjacent to heavy vegetation. A review of surrounding properties indicates that "Medium Density Interface" designation is appropriate. The parcel is located in a designated High Fire Hazard area and is served by Fort Bragg Rural Fire Department, but it falls under the responsibility of CALFIRE.³

Elevations at the parcel range from 357± ft. above mean sea level (amsl) at the northern boundary to 340± ft. amsl at the southern boundary with an estimated slope between 0 and 14 percent.⁴

Improvements to the property include the single family home, a deck and hot tub, a pump house, and a 2,500 gallon water storage tank. A shipping container used during construction of the single family residence remains on the parcel, but is to be removed. All outdoor lighting is shielded and downcast. The parcel is served by permitted septic (No. 0048) which is serviced by A-1 Septic Service, and a domestic water-well. The project was referred to Mendocino County Department of Environmental Health which responded with "No Comments". Electric and gas services were previously established and provided by local utility companies. The project is not visible from State Highway 1, parks, beaches, or recreational areas, nor is it located within the coastal zone.

RELATED APPLICATIONS: BF_2018-0019 (Construction of a Single Family Residence); BF_2017-0475 (Demolition of 3 bedroom Single Family Residence); BL_2019-0011 (Short-Term Rental Business License).

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

	GENERAL PLAN	ZONING	LOT SIZES	USES
NORTH	RR2	RR:2	4.03± acres	Residential
EAST	RR2	RR:2	6.05± acres	Residential
SOUTH	RR2	RR:2	6.05± acres	Residential
WEST	RR2	RR:2	2.04± acres	Residential

PUBLIC SERVICES:

Access: Swithenbank Lane (Private)
Fire District: Fort Bragg Rural Fire Protection District
Water District: None
Sewer District: None

AGENCY COMMENTS: On February 21, 2020 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
Assessor's Office	No Response
Department of Transportation	No Comment
Environmental Health (Fort Bragg)	No Comment
Building Inspection	No Comment
Emergency Services	No Response

¹ Mendocino County Department of Planning and Building Services. 2018. Ground Water Resources

² Mendocino County Department of Planning and Building Services. 2018. Wildland-Urban Interface Zones

³ Mendocino County Department of Planning and Building Services. 2018. Fire Hazard Zones & Responsibility Areas

⁴ Mendocino County Department of Planning and Building Services. 2018. Estimated Slope Map

CalFire (Land Use)	No Comment
Calfire (Resource Management)	No Response
Department of Fish and Wildlife	Comments
Planning Division (Fort Bragg)	Comments
Caltrans	No Response
Fort Bragg Rural FPD	No comment
Sherwood Valley Rancheria	No Response
Cloverdale Rancheria	No Response
Redwood Valley Rancheria	Comments

KEY ISSUES

- 1. General Plan and Zoning Consistency:** The subject parcel is located in a General Plan Land Use Designation of Rural Residential 2 (two) acre minimum (RR2). The RR2 designation is defined by Chapter 3, Policy DE-14, and is intended to encourage local small scale food production (farming) in areas not well suited for large scale commercial agriculture, defined by present or potential use, location, mini-climate, slope, exposure, etc. The Rural Residential classification is not intended to be a growth area, and residences should be located as to create minimal impact on agricultural viability.

The Rural Residential Zoning District intent is to create and enhance residential areas where agricultural use, compatible with a permanent residential use, is desired. While the proposed project does not entail agricultural activities, it does facilitate an accessory residential use, which is permissible within the RR Zoning District, as it is in other residential zoning districts, and is consistent with allowed activities for properties within an RR district.

- 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 and increased private road usage. Considering the proposed project would allow up to four (4) guests to occupy the dwelling (based on capacity of septic system), a number of conditions have been included to reduce potential nuisance issues. Additional conditions have been included to address concerns such as excess guest capacity and prohibiting special events.
- 3. Transportation and Traffic:** The project site is located within unincorporated Mendocino County and accessed by Swithenbank Lane. In order to access the subject property use of a private road for approximately 720 feet is required. This segment of Swithenbank Lane is accessed via the south side of State Route 20 and is paved, but there are some areas of compacted gravel. Five (5) parcels utilize Swithenbank Lane to access their property. This includes two (2) parcels located just beyond the subject property to the south and east. The road is maintained via an informal road association of property owners. The subject property is clearly addressed. No response was received from CALTRANS.
- 4. Environmental Determination:** 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 an adverse impact on the environment within the meaning of CEQA.

5. Use Permit Findings

- **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 project is found to be consistent with General Plan Policy DE-14, as the proposed use is accessory to the existing residential activities already occurring on the subject property. These

residential activities are considered a 'General Use' within the Rural Residential land use category. If developed in conformance with the recommended Conditions of Approval, the project is found to be consistent with the Mendocino County General Plan.

- **Use 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 720± feet of private roadway. This shared private road is maintained via an informal road association comprised of individual property owners. Staff has determined that the subject structure is served by on-site water and septic, and utilities to the subject residence are provided. The subject structure received a certificate of occupancy for residential use on December 30, 2019. The project is found to be consistent with the Use Permit Finding 20.196.020(B).
- **Use 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 a recently permitted Single-Family 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 have been included to address issues regarding excessive guest capacity, noise, and special events. If operated in conformance with the recommended Conditions of Approval, the project is found to be consistent with the Mendocino County General Plan.
- **Use Permit Findings MCC Section 20.196.020(D):** That such use preserves the integrity of the zoning district
- The project is found to be consistent with Mendocino County Code Chapter 20.048, as the proposal is for an allowed accessory use within the RR zoning district, as regulated by Chapter 20.164. Per Chapter 20.164.015(L), parcels that lack frontage on a publicly maintained road require a major use permit to conduct 'Room & Board' activities. This accessory use preserves the integrity of the zoning district as it is subordinate and incidental to the principally established residential use of the property. This 'Room & Board' use does not alter the character of the area where similar uses occur on similarly zoned properties that feature public road frontage. If operated in conformance with the recommended Conditions of Approval, the project is found to be consistent with preserving the integrity of the zoning district.

RECOMMENDATION

By resolution, adopt the Categorical Exemption and grant Major Use Permit U_2020-0001 for the Project based on the approved project description and findings and subject to the conditions of approval in Exhibit A.

4/20/2020

DATE



MARK CLISER
PLANNER I

**PLANNING COMMISSION STAFF REPORT FOR
MAJOR USE PERMIT**

**U_2020-0001
PAGE 5**

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

ATTACHMENTS:

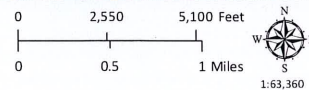
- A. Location Map
- B. Aerial Map (Vicinity)
- C. Aerial Map
- D. Topographical Map
- E. Site Plan
- F. Zoning Map
- G. General Plan Map
- H. Adjacent Map
- I. Fire Hazards Map
- J. Wildland-Urban Interface Zones
- K. Ground Water Resources Map
- L. Slope
- M. Soils
- N. Farmland
- O. Elevations
- P. Appendix C – Exterior Noise Limit Standards

RESOLUTION AND CONDITIONS OF APPROVAL (Exhibit A):



CASE: U 2020-0001
 OWNER: SILVESTRI, Peter
 APN: 019-680-30
 APLCT: Peter Silvestri
 AGENT:
 ADDRESS: 30691 W. Highway 20, Fort Bragg

- | | |
|---------------------------|-----------------|
| ● Major Towns & Places | ~ Major Rivers |
| --- City Limits | — Highways |
| --- Coastal Zone Boundary | --- Major Roads |

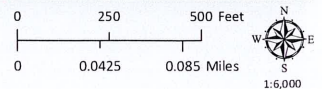


LOCATION MAP
 ATTACHMENT A



CASE: U 2020-0001
 OWNER: SILVESTRI, Peter
 APN: 019-680-30
 APLCT: Peter Silvestri
 AGENT:
 ADDRESS: 30691 W. Highway 20, Fort Bragg

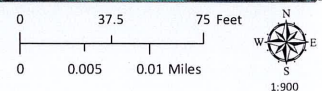
Named Rivers
 Public Roads
 Private Roads



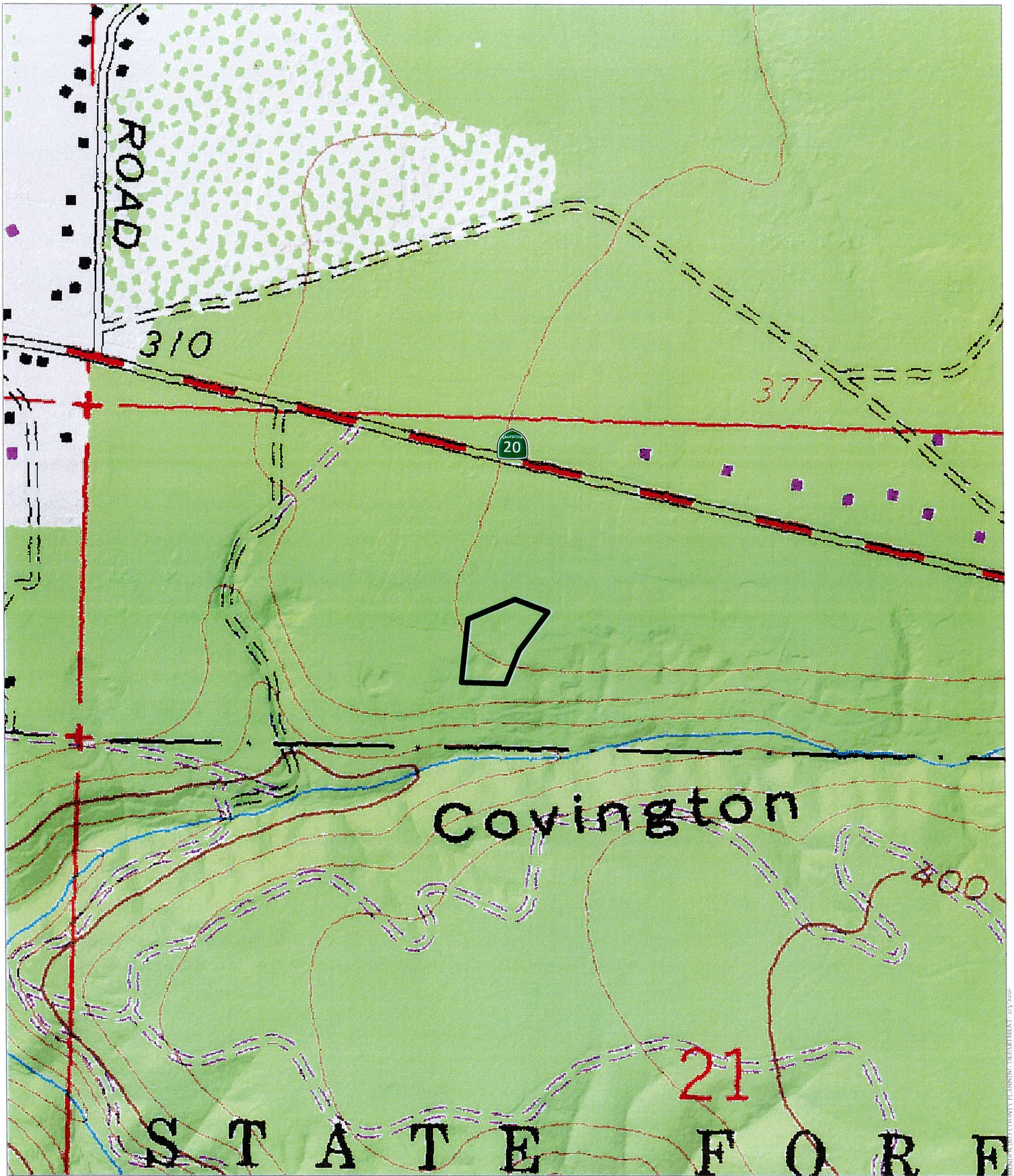
AERIAL IMAGERY
 ATTACHMENT B



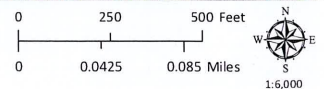
CASE: **U 2020-0001**
OWNER: **SILVESTRI, Peter**
APN: **019-680-30**
APLCT: **Peter Silvestri**
AGENT:
ADDRESS: **30691 W. Highway 20, Fort Bragg**



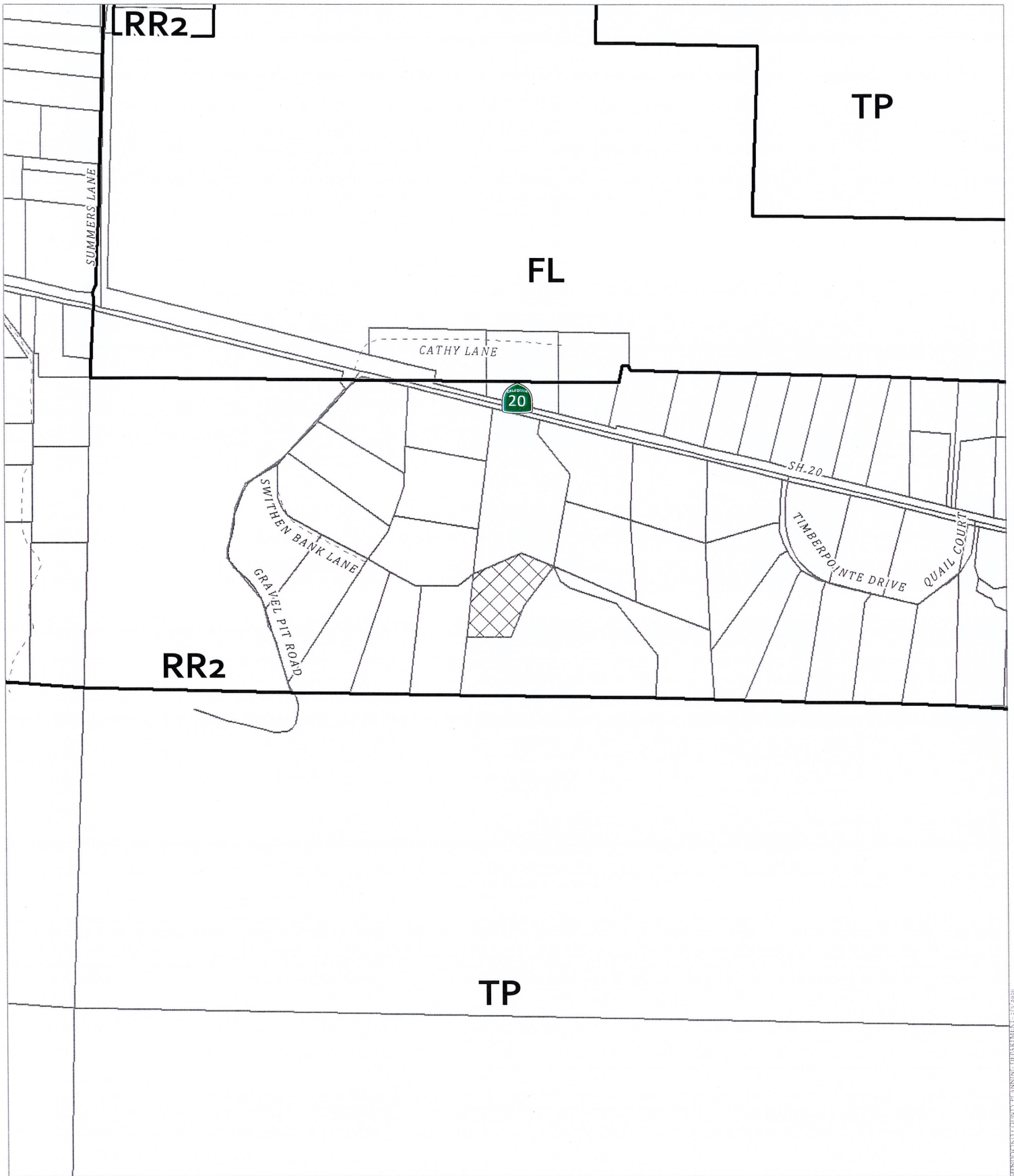
AERIAL IMAGERY
ATTACHMENT C



CASE: U 2020-0001
OWNER: SILVESTRI, Peter
APN: 019-680-30
APLCT: Peter Silvestri
AGENT:
ADDRESS: 30691 W. Highway 20, Fort Bragg

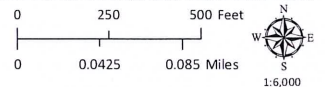


TOPOGRAPHIC MAP
CONTOUR INTERVAL IS 40 FEET
ATTACHMENT D

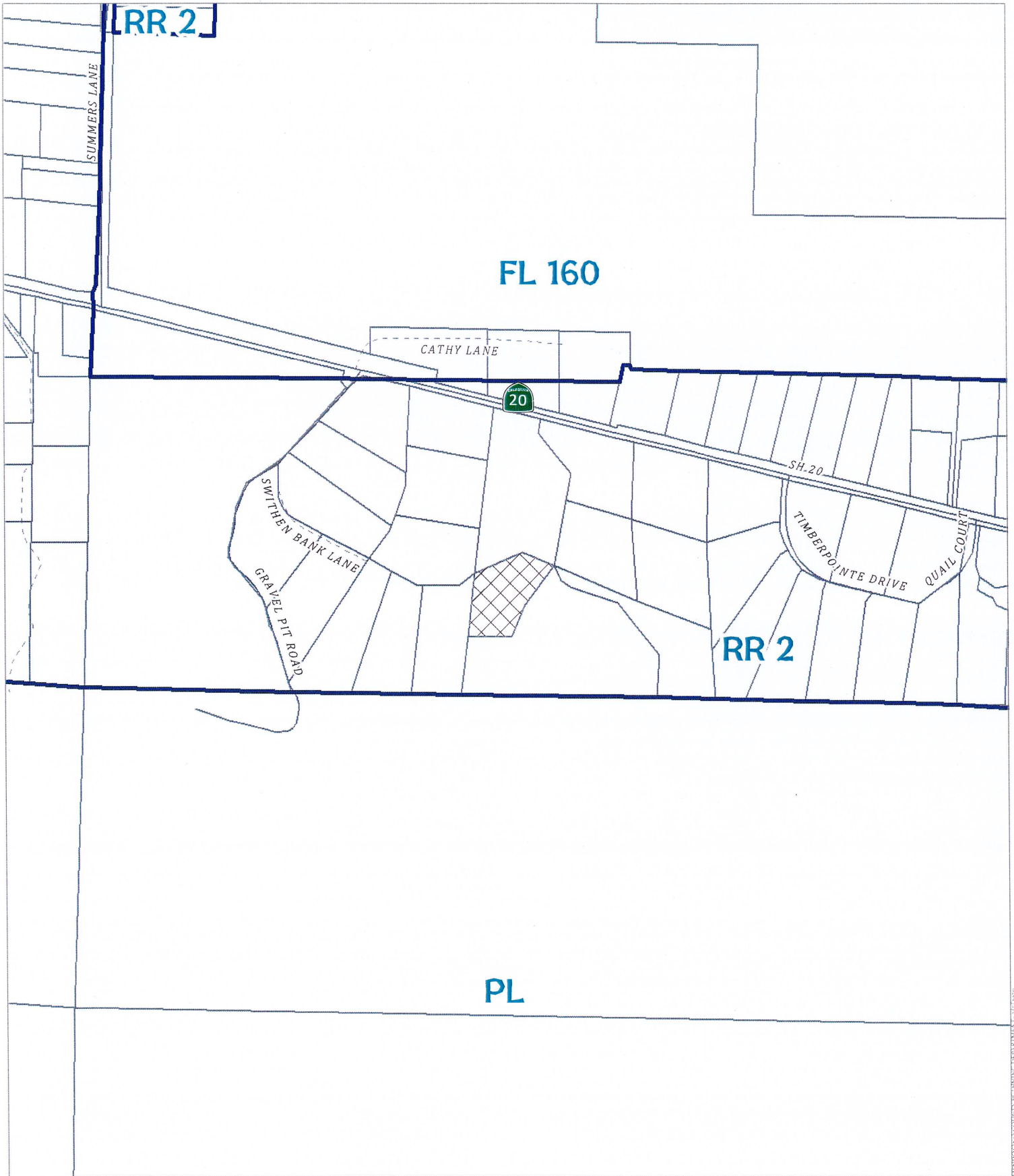


CASE: U 2020-0001
 OWNER: SILVESTRI, Peter
 APN: 019-680-30
 APLCT: Peter Silvestri
 AGENT:
 ADDRESS: 30691 W. Highway 20, Fort Bragg

- Zoning Districts
- Public Roads
- Assessors Parcels

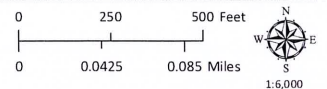


ZONING DISPLAY MAP
 ATTACHMENT F



CASE: U 2020-0001
 OWNER: SILVESTRI, Peter
 APN: 019-680-30
 APLCT: Peter Silvestri
 AGENT:
 ADDRESS: 30691 W. Highway 20, Fort Bragg


- General Plan Classes
- Public Roads
- Assessor's Parcels

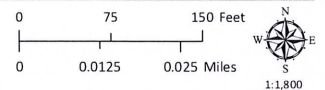


GENERAL PLAN CLASSIFICATIONS
 ATTACHMENT G

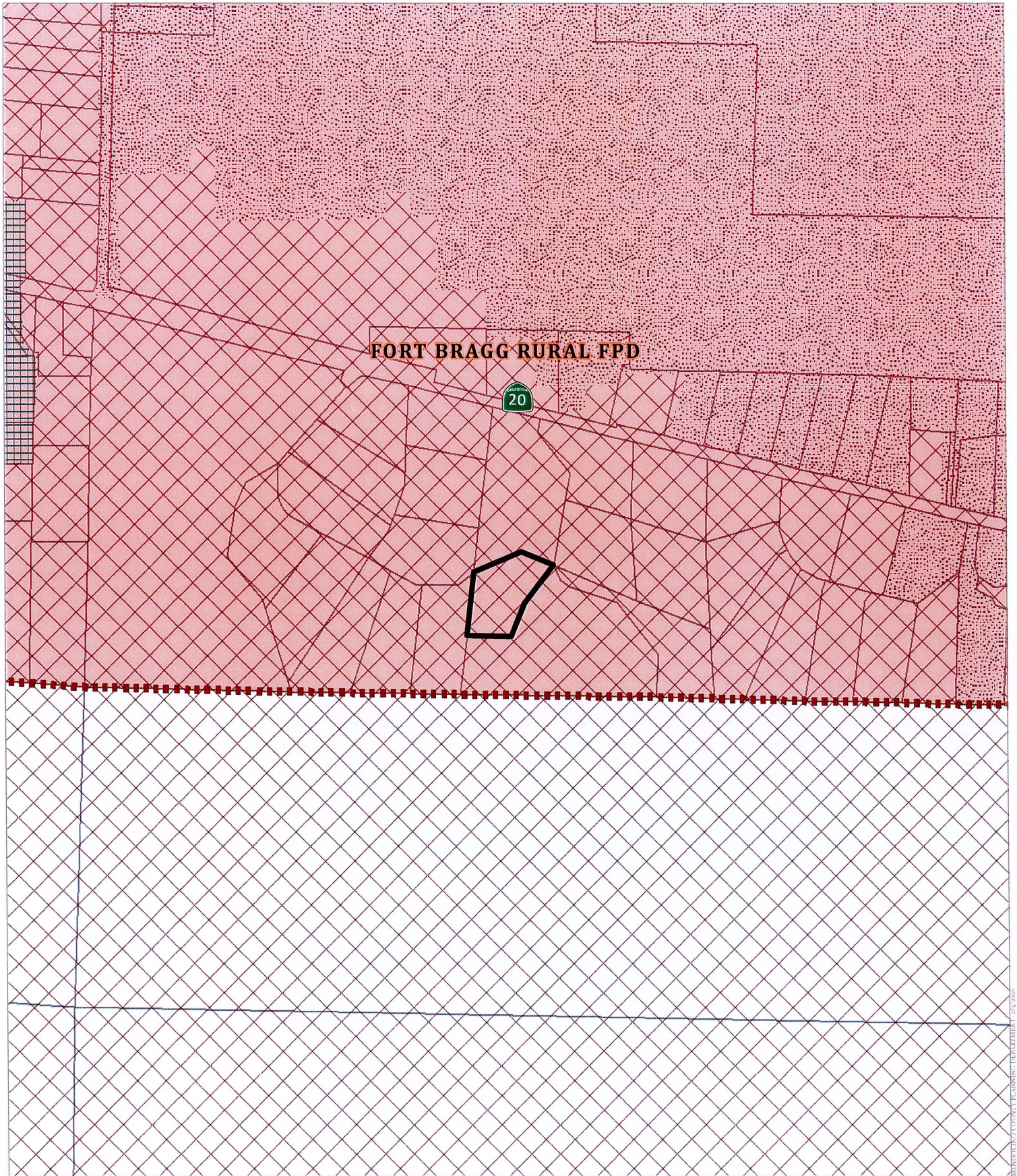


CASE: U 2020-0001
OWNER: SILVESTRI, Peter
APN: 019-680-30
APLCT: Peter Silvestri
AGENT:
ADDRESS: 30691 W. Highway 20, Fort Bragg




 Assessors Parcels





ADJACENT PARCELS
ATTACHMENT H



CASE: U 2020-0001
OWNER: SILVESTRI, Peter
APN: 019-680-30
APLCT: Peter Silvestri
AGENT:
ADDRESS: 30691 W. Highway 20, Fort Bragg

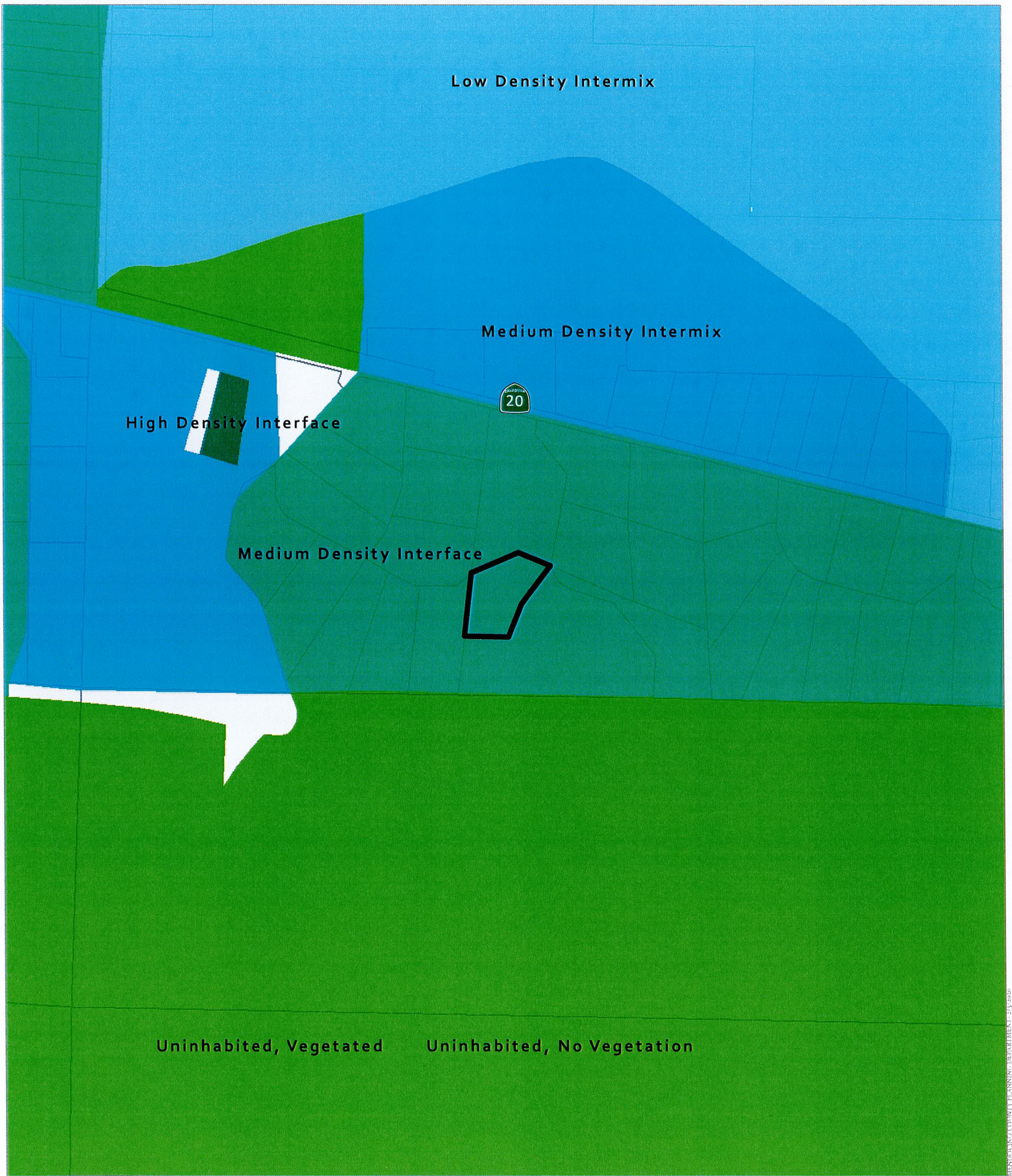
 Very High Fire Hazard
 High Fire Hazard
 Moderate Fire Hazard

 County Fire Districts
 Assessors Parcels


0 250 500 Feet
0 0.0425 0.085 Miles
N
W
E
S
1:6,000

FIRE HAZARD ZONES & RESPONSIBILITY AREAS
STATE RESPONSIBILITY AREA

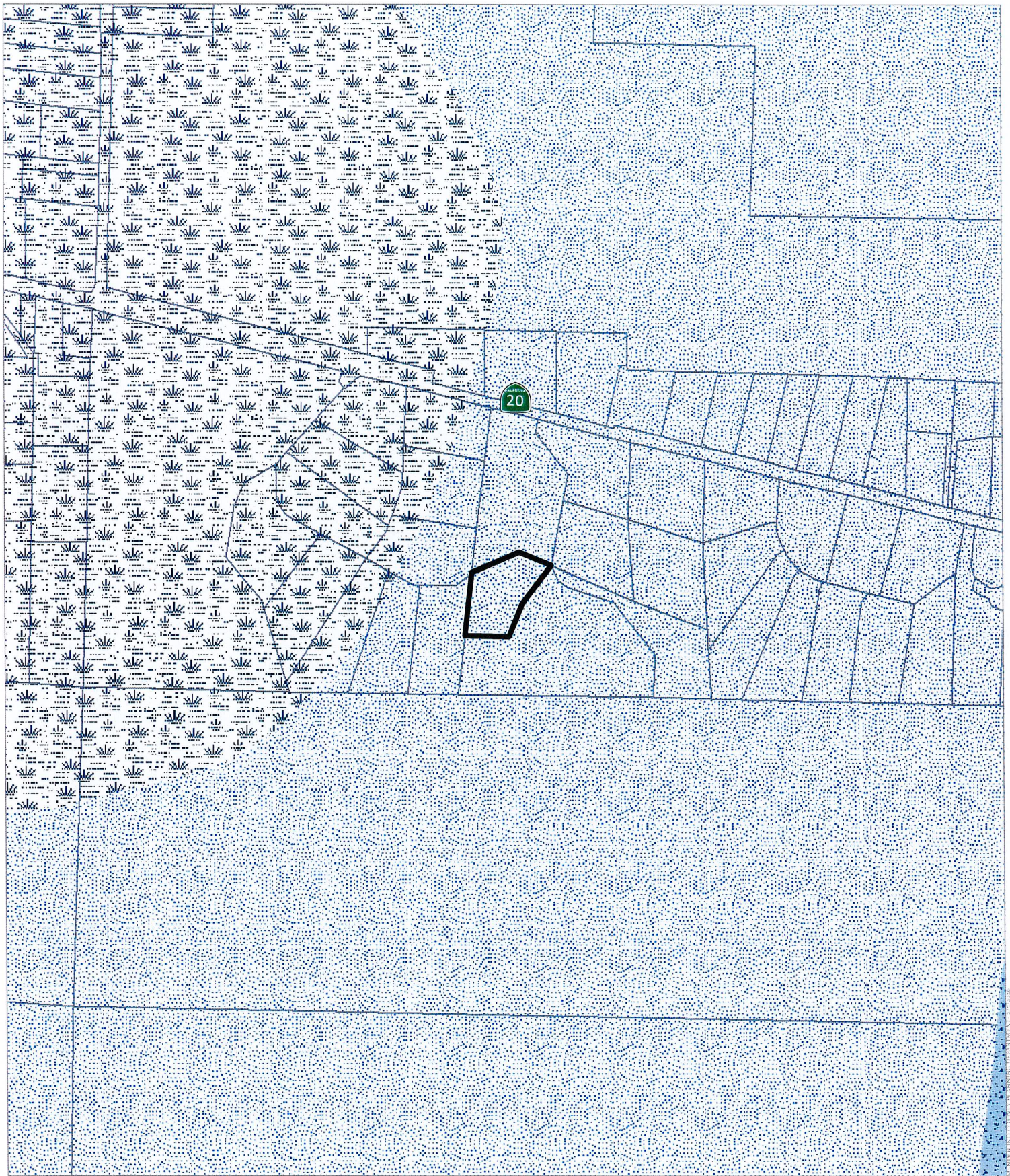
ATTACHMENT I






CASE: U 2020-0001
OWNER: SILVESTRI, Peter
APN: 019-680-30
APLCT: Peter Silvestri
AGENT:
ADDRESS: 30691 W. Highway 20, Fort Bragg


 Assessors Parcels

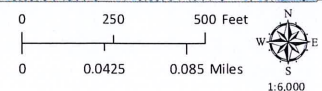
WILDLAND-URBAN INTERFACE ZONES
ATTACHMENT J

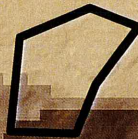


CASE: U 2020-0001
 OWNER: SILVESTRI, Peter
 APN: 019-680-30
 APLCT: Peter Silvestri
 AGENT:
 ADDRESS: 30691 W. Highway 20, Fort Bragg

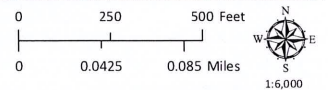
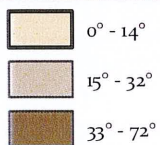
-  Sufficient Water Resources
-  Marginal Water Resources
-  Critical Water Resources Bedrock

 Assessor's Parcels

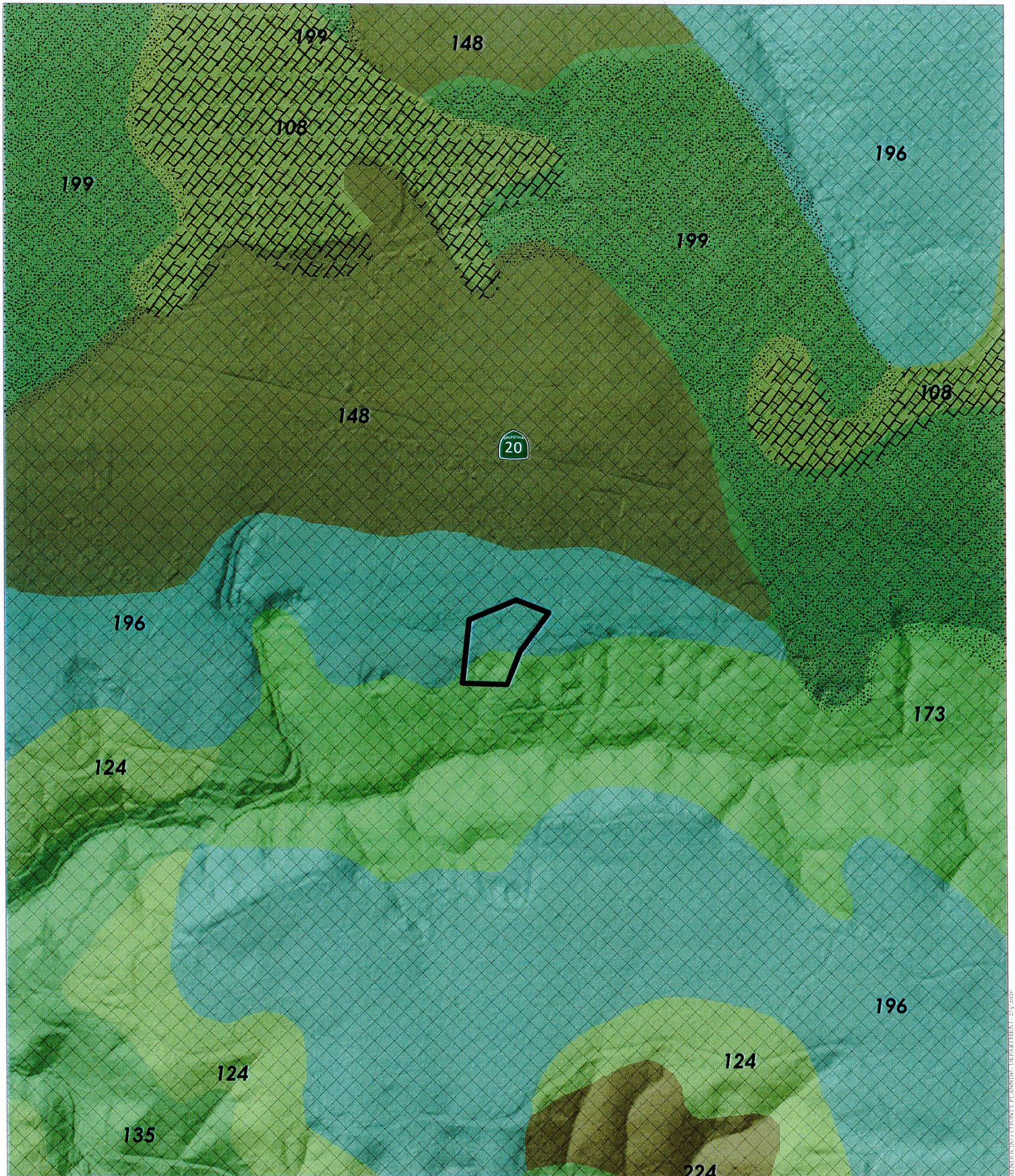







CASE: U 2020-0001
OWNER: SILVESTRI, Peter
APN: 019-680-30
APLCT: Peter Silvestri
AGENT:
ADDRESS: 30691 W. Highway 20, Fort Bragg

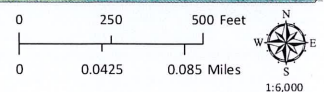


ESTIMATED SLOPE
ATTACHMENT L

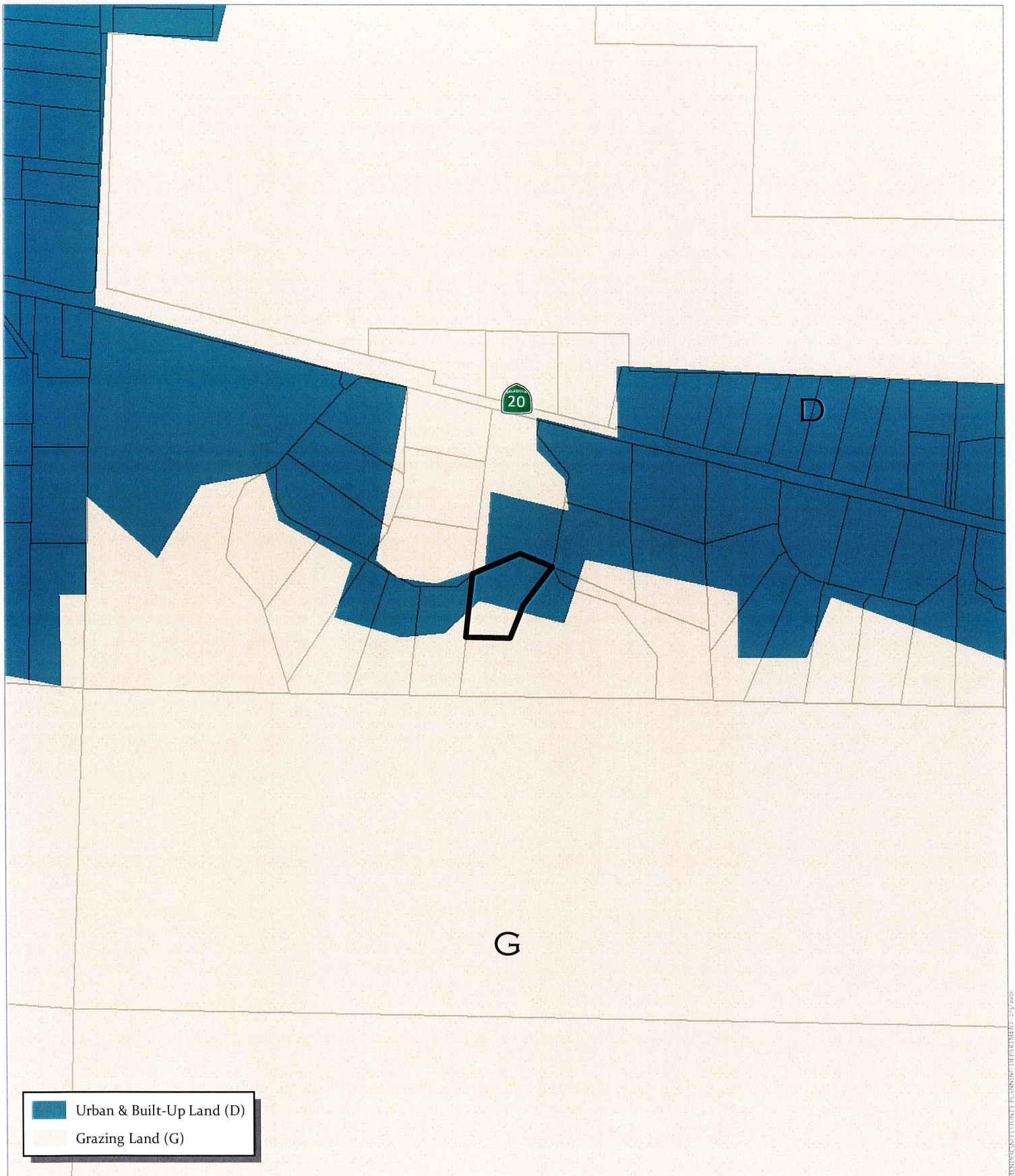


CASE: U 2020-0001
 OWNER: SILVESTRI, Peter
 APN: 019-680-30
 APLCT: Peter Silvestri
 AGENT:
 ADDRESS: 30691 W. Highway 20, Fort Bragg


-  Blacklock & Aborigine
-  Shinglemill-Gibney Complex
-  Bishop Pine

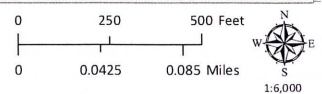


WESTERN SOIL CLASSES
 ATTACHMENT M

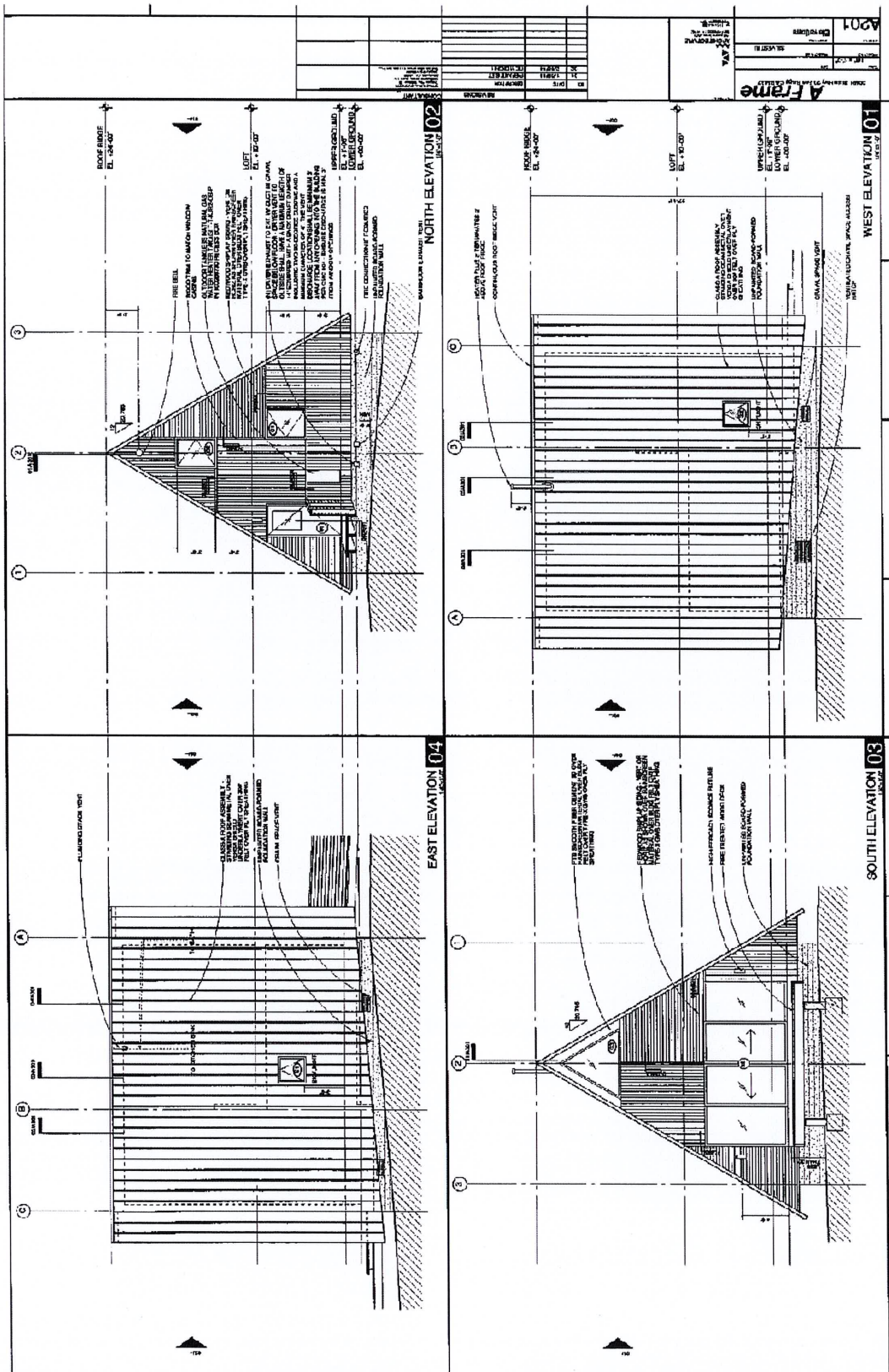


CASE: U 2020-0001
 OWNER: SILVESTRI, Peter
 APN: 019-680-30
 APLCT: Peter Silvestri
 AGENT:
 ADDRESS: 30691 W. Highway 20, Fort Bragg

 Assessors Parcels



FARMLAND CLASSIFICATIONS
 ATTACHMENT N



CASE: U 2020-0001
 OWNER: SILVESTRI, Peter
 APN: 019-680-30
 APLCT: Peter Silvestri
 AGENT:
 ADDRESS: 30691 W. Highway 20, Fort Bragg

NO SCALE

ELEVATIONS
 ATTACHMENT O

APPENDIX C - EXTERIOR NOISE LIMIT STANDARDS

Exterior Noise Limit Standards

(Levels not to be exceeded more than thirty (30) minutes in any hour)

Receiving Land Use Category ^{3,4}	Time Period	Noise Level Standards (dBA) ^{1,2}	
		Rural/Suburban	Urban/Highways ⁵
One and Two Family	10:00 p.m.—7:00 a.m.	40	50
Residential	7:00 a.m.—10:00 p.m.	50	60
>Multifamily	10:00 p.m.—7:00 a.m.	45	55
Public Spaces	7:00 a.m.—7:00 p.m.	50	60
Limited Commercial	10:00 p.m.—7:00 a.m.	55	
Some Multifamily	7:00 a.m.—10:00 p.m.	60	
Commercial	10:00 p.m.—7:00 a.m.	60	
	7:00 a.m.—10:00 p.m.	65	
Light Industrial	Any time	70	
>Heavy Industrial	Any time	75	
Adjustments to Noise Level Standard			
Duration			
L ₅₀	30 minutes per hour	Standard	
L ₂₅	15 minutes per hour	Standard + 5 dB	
L ₀	Maximum permissible level	Standard + 20 dB	
Character	Tone, whine, screech, hum, or impulsive,	Standard + 5 dB	

	hammering, riveting, or music or speech	
Ambient Level ¹	Existing ambient L ₅₀ , L ₂₅	Standard + 5 dB
	Existing ambient L ₀	Existing maximum

Interpretive Footnotes

1. When an acoustical study demonstrates that ambient levels exceed the noise standard, then the ambient levels become the standard.
2. Higher noise levels may be permitted for temporary, short-term or intermittent activities when no sensitive or residential uses will be affected.
3. County staff shall recommend which receiving land use category applies to a particular project, based on the mix of uses and community noise levels. Industrial noise limits intended to be applied at the boundary of industrial zones, rather than within industrial areas.
4. The "rural/suburban" standard should be applied adjacent to noise sensitive uses such as hospitals or convalescence homes.
5. "Highways" apply to roads and highways where average daily traffic (ADT) exceeds ten thousand (10,000).

Resolution Number _____

County of Mendocino
Ukiah, California
May 21, 2020

U_2020-0001 PETER SILVESTRI

RESOLUTION OF THE PLANNING COMMISSION, COUNTY OF
MENDOCINO, STATE OF CALIFORNIA, ADOPTING A CATEGORICAL
EXEMPTION AND GRANTING A MAJOR USE PERMIT FOR A SHORT-
TERM RENTAL

WHEREAS, the applicants, PETER SILVESTRI, filed an application for a Major Use Permit with the Mendocino County Department of Planning and Building Services to allow use of an existing single family residence as a short-term rental per Mendocino County Code Section 20.164.015 (L): Room and Board;.15± mi. northwest of Philo center, on the northwest side of Whipple Ridge Road, 2.7± miles southeast of Fort Bragg City center, lying on the west side of Swithenbank Lane (Private), 0.2± miles east of its intersection with Gravel Pit Road (CR 415C), located at 30691 West Highway 20, Fort Bragg (APN: 019-680-30); General Plan RR2; Zoning RR:2; Supervisorial District 4; (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 21, 2020 at which time the Planning Commission heard and received all relevant testimony and evidence presented orally or in writing regarding the CATEGORICAL EXEMPTION and the Project. All interested persons were given an opportunity to hear and be heard regarding the CATEGORICAL EXEMPTION and the Project; and

WHEREAS, the Planning Commission has had an opportunity to review this Resolution and finds that it accurately sets for the intentions of the Planning Commission regarding the CATEGORICAL EXEMPTION and 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 Rural Residential (RR) and the Project is consistent with the General Plan definition. Additionally, the subject parcel lies within the Zoning District of Rural Residential (RR) and the Project is consistent with the Zoning District per MCC 20.048.
2. **Use Permit Findings:**
 - a. Use Permit Findings MCC 20.196.020(A): The project is found to be consistent with General Plan Policy DE-14, as the proposed use is accessory to the existing residential activities already occurring on the subject property. These residential activities are considered a 'General Use' within the Rural Residential land use category. If developed in conformance with the recommended Conditions of Approval, the project is found to be consistent with the Mendocino County General Plan;

- b. Use Permit Findings MCC Section 20.196.020(B): The project site is located within unincorporated Mendocino County and is accessed via a private 720± feet of private roadway. This shared private road is maintained via an informal road association comprised of individual property owners. Staff has determined that the subject structure is served by on-site water and septic, and utilities to the subject residence are provided. The subject structure received a certificate of occupancy for residential use on December 30, 2019. The project is found to be consistent with the Use Permit Finding 20.196.020(B).
- c. Use Permit Findings MCC Section 20.196.020(C): The proposed project would allow non-permanent residents to inhabit a recently permitted Single-Family 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 have been included to address issues regarding excessive guest capacity, noise, and special events. If operated in conformance with the recommended Conditions of Approval, the project is found to be consistent with the Mendocino County General Plan.
- d. Use Permit Findings MCC Section 20.196.020(D): The project is found to be consistent with Mendocino County Code Chapter 20.048, as the proposal is for an allowed accessory use within the RR zoning district, as regulated by Chapter 20.164. Per Chapter 20.164.015(L), parcels that lack frontage on a publicly maintained road require a major use permit to conduct 'Room & Board' activities. This accessory use preserves the integrity of the zoning district as it is subordinate and incidental to the principally established residential use of the property. This 'Room & Board' use does not alter the character of the area where similar uses occur on similarly zoned properties that feature public road frontage. If operated in conformance with the recommended Conditions of Approval, the project is found to be consistent with preserving the integrity of the zoning district.

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 FEENAN
Commission Services Supervisor

By: _____

BY: BRENT SCHULTZ
Director

MARILYN OGLE, Chair
Mendocino County Planning Commission

EXHIBIT A

CONDITIONS OF APPROVAL

U_2020-0001 – PETER SILVESTRI

MAY 21, 2020

Use Permit with the Mendocino County Department of Planning and Building Services to operate a vacation home rental in an existing single family residence, located 2.7± miles southeast of Fort Bragg City center, lying on the west side of Swithenbank Lane (Private), 0.2± miles east of its intersection with Gravel Pit Road (CR 415C), located at 30691 West Highway 20, Fort Bragg (APN: 019-680-30).

APPROVED PROJECT DESCRIPTION: Use permit for the use of an existing Single Family Residence as a short-term rental.

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 (May 21, 2022) 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 vacation home rental is limited to a maximum of four (4) 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 vacation home rental shall not include camping. Overnight occupancy for paying guests is limited to the residential structure.
10. The vacation home 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 Swithenbank Lane.
12. Parking shall be permitted only in designated parking areas accessed from the driveway. No parking shall occur on Swithenbank Lane.
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 (see Attachment P).
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 Swithenbank Lane 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 (1) 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 vacation home 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 vacation home 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 5.20 of the Mendocino County Code.
22. The applicant shall remove the shipping container located on the subject parcel prior to allowing guests on premises.
23. The applicant shall secure all required permits for the proposed project as required by the Mendocino County Department of Environmental Health.