

Resolution Number _____

County of Mendocino
Ukiah, California

OCTOBER 21, 2021

U_2021-0001 KUNG CINDY TTEE

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

WHEREAS, the applicants, FRANK MA & CINDY KUNG, filed an application for a Major Use Permit to operate a vacation home rental in an existing single family residence, per Mendocino County Code Section 20.164.015 (L): Room and Board, located 1.7± miles east of Albion town center, lying on the west side of Albion Ridge "G" Road (Private), 300± feet south of its intersection with Albion Ridge Road (CR 402), located at 32125 Albion Ridge "G" Road, Albion (APN: 123-232-03); General Plan RR5; Zoning RR:5; Supervisorial District 5; (the "Project"); and

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

WHEREAS, in accordance with applicable provisions of law, the Planning Commission held a public hearing on October 21, 2021, 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 Categorical Exemption and the Project; and

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

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

- 1. General Plan and Zoning Consistency Findings:** The subject parcel has a General Plan Land Use Designation of 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 Chapter 20.048 and allowable accessory uses to residential development per MCC section 20.164.015(L).
- 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; and
 - 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 300± 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 in 1974. The project is found to be consistent with the Use Permit Finding 20.196.020(B); and

- 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 three (3) 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; and
- 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.

- 3. 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.

BE IT FURTHER RESOLVED that the Planning Commission hereby grants the requested Major 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: IGNACIO GONZALEZ
Interim Director

ALISON PERNELL, Chair
Mendocino County Planning Commission

EXHIBIT A

CONDITIONS OF APPROVAL

U_2021-0001 – CINDY KUNG

OCTOBER 21, 2021

Major Use Permit to operate a vacation home rental in an existing single family residence, located 1.7± miles east of Albion City center, lying on the west side of Albion Ridge “G” Road (Private), 300± feet south of its intersection with Albion Ridge Road (CR 402), located at 32125 Albion Ridge “G” Road, Albion (APN: 123-232-03).

APPROVED PROJECT DESCRIPTION: Use Permit to operate a vacation home rental in an existing single family residence taking access from a private roadway.

CONDITIONS OF APPROVAL:

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

8. The maximum overnight occupancy of the vacation home rental is limited to a maximum of three (3) 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 and overnight occupancy for paying guests is limited to the residence and detached bedroom.
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. 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.
12. 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 Albion Ridge "G" Road (private).
13. Parking shall be permitted only in designated parking areas accessed from the driveway. No parking shall occur on Albion Ridge "G" Road (private). Parking be limited to no more than two (2) vehicles.
14. 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 M).
15. No campfires including other than in designated fire rings/pits shall be permitted on the parcel during the operation of short-term overnight occupancy of the vacation home rental. ~~Fire rings/pits will have at least a 10 foot circumference of clearance with bare mineral soil around them.~~
16. The access driveway off of Albion Ridge "G" Road (private) must be clearly addressed and marked for the purposes of identification by clients and emergency service providers.
17. 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). The issuance of a Renewal of the subject Use Permit shall be obtained after three (3) years of the original issuance Use Permit request.
18. The applicant shall pay all required Uniform Transient Occupancy taxes in accordance with Chapter 5.20 of the Mendocino County Code.
19. 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.
20. The applicant shall secure all required permits for the proposed project as required by the Mendocino County Department of Environmental Health. ~~[JA1][JW2]~~
21. Prior to approval of a Business License or issuance of a Building Permit associated with this Use Permit, the property owner shall furnish evidence of access to the parcel per Department of Transportation regulations, as follows:
 - a. Construct a private road approach onto Albion Ridge Road (CR 402) from Albion Ridge "G" Road South (Private), in accordance with Mendocino County Road and Development Standards No.

A51B, or as modified by applicant and approved by Department of Transportation staff during field review, to be paved with asphalt concrete or comparable surfacing to the adjacent road. Concrete driveways shall not be permitted.

- b. An encroachment permit from the Mendocino County Department of Transportation for any work within County rights-of-way.
22. 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.
23. Prior to approval of a Business License or issuance of a Building Permit associated with this Use Permit, the property owner shall furnish evidence of screening and/or landscaping as approved by the Planning Division of the Department of Planning and Building Services, in conjunction with order of the Planning Commission or the Board of Supervisors.
24. Prior to approval of a Business License or issuance of a Building Permit associated with this Use Permit, the property owner shall furnish evidence of all log decks and stumps are removed from the subject property.