



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

JULIA KROG, DIRECTOR
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pbs@mendocinocounty.org
www.mendocinocounty.org/pbs

November 18, 2022

NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN THAT the Mendocino County Planning Commission, at their regular meeting to be held on Thursday, December 1, 2022, at 9:00 a.m., will conduct a public hearing on the following project 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 in an effort to slow the spread of COVID-19 and pursuant to the recommendation of the Mendocino County Health Officer and the California Department of Industrial Relations. 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 or orally via Telecomment. The telecomment form may be found at: <https://www.mendocinocounty.org/government/planning-building-services/meeting-agendas> and the meeting is available for viewing on the Mendocino County YouTube page, at <https://www.youtube.com/MendocinoCountyVideo>.

CASE#: U_2022-0006

DATE FILED: 6/6/2022

OWNER/APPLICANT: MARCOS ABAN

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: 4± miles southeast of Fort Bragg City center, lying on the south side of Shangri-La Drive (private), 0.1± miles west of its intersection with State Route 20 (SR 20); located at 29605 Shangri-La Drive, Fort Bragg; APN: 020-450-40.

SUPERVISORIAL DISTRICT: 4 (Gjerde)

STAFF PLANNER: MARK CLISER

The staff report and notice will be available for public review 10 days prior to the 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 to the Department of Planning and Building Services Commission Staff, 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 November 30, 2022, or orally via telecomment in lieu of personal attendance. All public comment will be made available to the Planning Commission, 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>.

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 present testimony in this matter.

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.

Additional information regarding the above noted item(s) may be obtained by calling the Department of Planning and Building Services at 707-234-6650, 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.

JULIA KROG, Director of Planning and Building Services



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

**DECEMBER 1, 2022
U_2022-0006**

SUMMARY

OWNER / APPLICANT: MARCOS ABAN
PO BOX 1573
FORT BRAGG, CA 95437

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: 4± miles southeast of Fort Bragg City center, lying on the south side of Shangri-La Drive (private), 0.1± miles west of its intersection with State Route 20 (SR 20), located at 29605 Shangri-La Drive, Fort Bragg (APN: 020-450-40).

TOTAL ACREAGE: 1.9± Acres

GENERAL PLAN: Rural Residential, 10- Acre minimum, (RR10)

ZONING: Mendocino County Division I: Rural Residential, ten acre minimum (RR:10)

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 two-bedroom accessory dwelling unit as a short-term rental, per Section 20.164.015(L) of the Mendocino County Code. No other improvements are proposed at this time.

SITE CHARACTERISTICS: The project site is located 4± miles southeast of Fort Bragg City center, lying on the south side of Shangri-La Drive (private), 0.1± miles west of its intersection with State Route 20 (SR 20), located at 29605 Shangri-La Drive, Fort Bragg (APN: 020-450-40). Shangri-La is paved until approximately 150 feet before the short-term rental's driveway. In addition to the subject parcel, seven (7) parcels utilize this segment of Shangri-La Drive for property access, including four (4) parcels located just beyond the subject property to the west. As indicated by the applicant, the portion of the shared private road which extends from where the paved portion ends to the short-term rental's driveway is maintained by the Applicant.

The parcel is primarily cleared of vegetation, with only the southern 1/6th of the parcel forested and is determined to be within a High Fire Hazard are and a Low-Density Wildland-Urban interface Zone (WUI).^{1,2} Fires overall were predicted to occur at housing densities of less than 100 houses per square km. A low-

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

density urban interface is defined as 6 to 50 houses per square km. ³ The parcel is served by Fort Bragg Rural Fire Department. An unnamed riverine is located approximately 285 feet south of the short-term rental. The subject parcel is located in an area designated with Critical Water Resources.

Improvements to the property include a 1,616 square foot single family residence, addressed at 29605 Shangri-La, and a 1,200 square foot two (2) bedroom two (2) bath accessory dwelling unit (vacation home rental) addressed at 29609 Shangri La Drive. The proposed vacation home rental is accessed via a separate gated driveway and features 1,140 square feet of living space and a 301 square foot garage. All outdoor light is shielded and downcast. The parcel is served by permitted septic (permit No. ST26064), sized to serve four (4) bedrooms, and a domestic water-well (permit No. WW20873). Septic is serviced by Fort Bragg Septic. The project was referred to the Mendocino County Division of Environmental Health which responded with “no comment at this time”. Electric and gas services were previously established and provided by local utility companies. The project is not visible from State Route 1, parks, beaches, or recreational areas, nor is it located within the coastal zone.

RELATED APPLICATIONS:

- **BF_2019-0188** (Construction of 1 story SFR with attached garage)
- **BF_2021-0253** (construction of 1,140 square foot accessory dwelling unit)
- **BF_2021-0432** (addition to ADU of 64 square foot living space and 85 square foot deck)

SURROUNDING LAND USE AND ZONING: As listed on the table below, the majority of surrounding lands are classified as rural residential (*See Adjacent Parcel Map*), with the exception of the parcel to the south which is classified as resource land. The adjacent parcels feature residential development or improvements.

	GENERAL PLAN	ZONING	LOT SIZES	USES
NORTH	Rural Residential	Rural Residential	6± Acres	Residential
EAST	Rural Residential	Rural Residential	1.2± Acres	Residential
SOUTH	Forestland	Timber Production	69.5± Acres	Timber
WEST	Rural Residential	Rural Residential	1.5± Acres	Residential

PUBLIC SERVICES:

Access: Shangri La Drive (private)
 Fire District: Fort Bragg Rural Fire Protection District
 Water District: None
 Sewer District: None

AGENCY COMMENTS: On July 8, 2022, project referrals were sent to the following responsible or trustee agencies with jurisdiction over the Project. As of September 21, 2022, no comments of concern were received.

REFERRAL AGENCIES	COMMENT
Assessor’s Office	No Response
Environmental Health (Fort Bragg)	No Comment
Building Inspection (Fort Bragg)	No Comment
CalFire (Land Use)	No Response

³ U.S. Forest Service. (September 20, 2022). *Reclassifying the wildland–urban interface using fire occurrences for the United States*. <https://www.fs.usda.gov/rmrs/science-spotlights/reclassifying-wildland%E2%80%93urban-interface-using-fire-occurrences-united-states>

Planning Division (Fort Bragg)	No Response
Fort Bragg Rural FPD	No comment
Sherwood Valley Rancheria	No Response
Cloverdale Rancheria	No Response
Redwood Valley Rancheria	No Response

KEY ISSUES

1. General Plan and Zoning Consistency: The subject parcel is located in a General Plan Land Use Designation of Rural Residential 10 (ten) acre minimum (RR10:). The RR10: 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 and number of bedrooms on site), 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 Shangri La Drive (Private). In order to access the subject property use of a private road for approximately 410 feet is required. This segment of Shangri La Drive is accessed via the south side of State Route 20 and is primarily paved with some areas of compacted gravel (Attachment O). Six (6) parcels utilize Shangri La Drive to access their property. This includes three (3) parcels located just beyond the subject property to the south. The road is maintained by the owner/applicant. The subject property is clearly addressed.

4. Environmental Determination: The applicant proposes the use of an accessory dwelling unit as a rental property. The property owners live on-site. 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 the first 410± feet of private roadway. This portion of the shared private road is maintained by the Applicant who spreads gravel in April, following the rainy season. Staff has determined that the subject structure is served by on-site water and septic, and utilities to the subject residence are provided. The building permit for the subject structure (BF 2021-0253) was finalized on April 26, 2022. An addition to the subject structure has been issued (BF 2021-0432). 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 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 such as 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

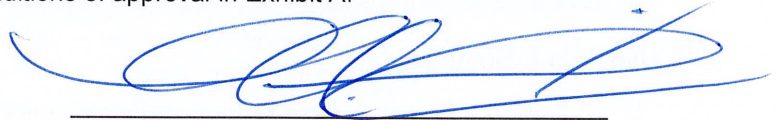
The project is found to be consistent with Mendocino County Code Chapter 20.048, as the proposal is for an allowed accessory use within the RR zoning district, as regulated by Chapter 20.164. Per Chapter 20.164.015(L), parcels that lack frontage on a publicly maintained road require a major use permit 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 grant Major Use Permit U_2022-0006 for the Project based on the approved project description and findings and subject to the conditions of approval in Exhibit A.

11/22/2022

DATE



MARK CLISER
PLANNER II

Appeal Period: 10 Days
Appeal Fee: \$2,620.00

ATTACHMENTS:

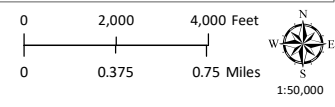
- A. Location Map
- B. Aerial Map (Vicinity)
- C. Aerial Map
- D. Site Plan
- E. Zoning Map
- F. General Plan Map
- G. Adjacent Map
- H. Fire Hazards Map
- I. Wetlands
- J. Ground Water Resources Map
- K. Slope
- L. Soils
- M. Farmland
- N. Appendix C – Exterior Noise Limit Standards
- O. Site Visit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

RESOLUTION AND CONDITIONS OF APPROVAL (Exhibit A):



CASE: U 2022-0006
OWNER: Marcos Aban
APN: 020-450-40
APLCT: Marcos Aban
AGENT: N/A
ADDRESS: 29605 Sangri-La Drive, Fort Bragg

- Major Towns & Places
- Major Roads
- City Limits
- Highways



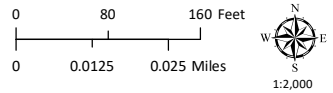
LOCATION MAP

MENDOCINO COUNTY PLANNING DEPARTMENT 06/14/2023



MEMPHIS COUNTY PLANNING DEPARTMENT 06/29/2023

CASE: U 2022-0006
OWNER: Marcos Aban
APN: 020-450-40
APLCT: Marcos Aban
AGENT: N/A
ADDRESS: 29605 Sangri-La Drive, Fort Bragg

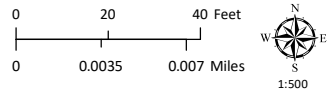


AERIAL IMAGERY

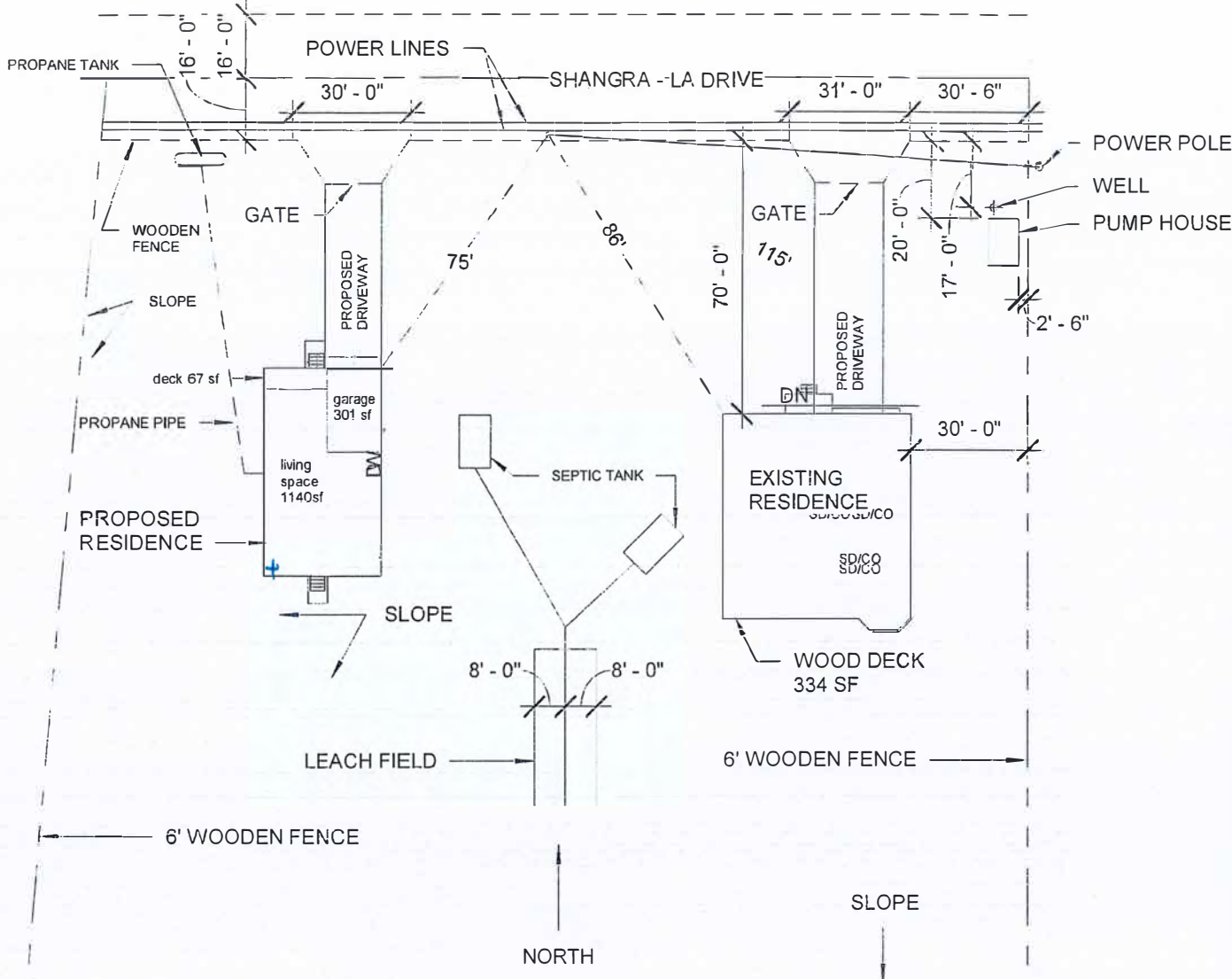


VENTURA COUNTY PLANNING DEPARTMENT - 01/19/2022

CASE: U 2022-0006
OWNER: Marcos Aban
APN: 020-450-40
APLCT: Marcos Aban
AGENT: N/A
ADDRESS: 29605 Sangri-La Drive, Fort Bragg



AERIAL IMAGERY



The discharge of pollutants to any storm drainage system is prohibited. No solid waste, petroleum byproducts, soil particulate, construction waste materials, or wastewater generated on construction sites or by construction activities shall be placed, conveyed or discharged into the street, gutter or storm drain system.

	MARCOS AND CARMEN ABAN		SITE PLAN 8.5x11	
	29605 SHANGRI-LA DRIVE			A100
	FORT BRAGG CA 95437			
	LOT NUM. 020-450-40	Proj. Num. 1901		
	Chk by	Checker	Scale 1" = 40'-0"	

2/28/2021 11:54:38 AM

UR 40

UR 40

RR10

SR 20

SHANGRI LA DRIVE

RR10


RR10

TPZ

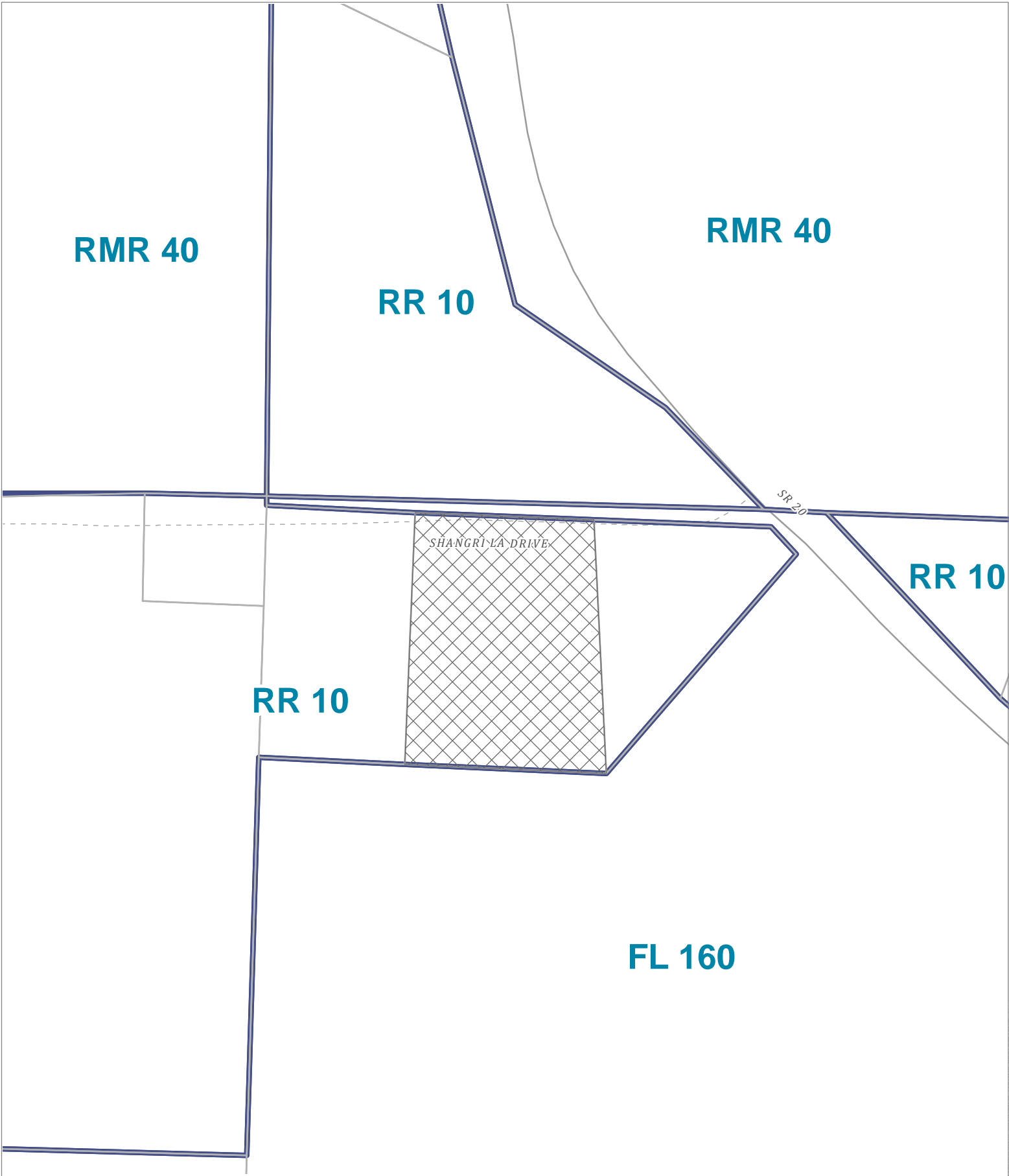
CASE: U 2022-0006
OWNER: Marcos Aban
APN: 020-450-40
APLCT: Marcos Aban
AGENT: N/A

ADDRESS: 29605 Sangri-La Drive, Fort Bragg



 Zoning Districts
 Public Roads

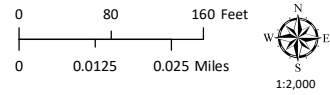
0 80 160 Feet
0 0.0125 0.025 Miles

1:2,000

ZONING DISPLAY MAP



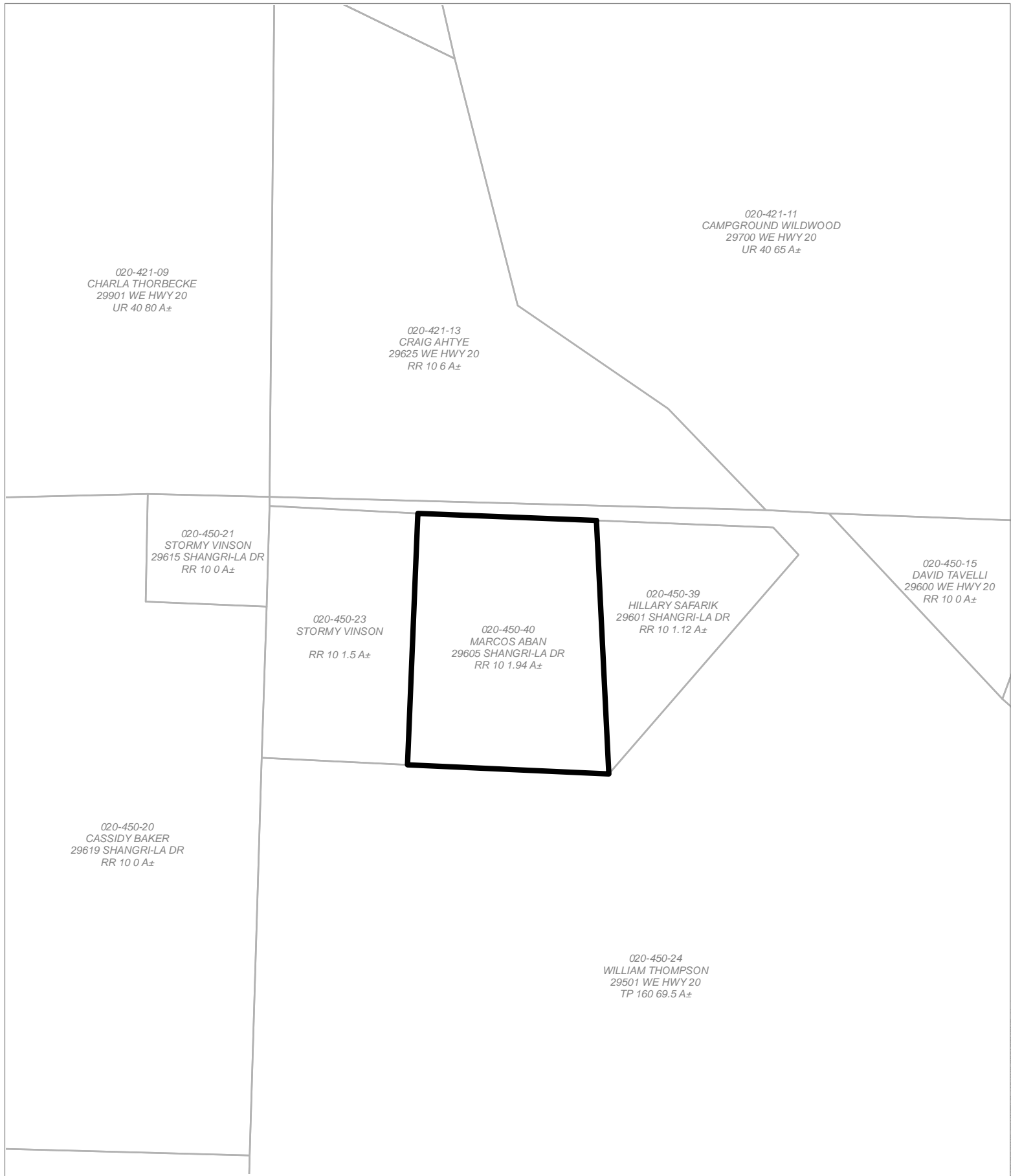
CASE: U 2022-0006
OWNER: Marcos Aban
APN: 020-450-40
APLCT: Marcos Aban
AGENT: N/A
ADDRESS: 29605 Sangri-La Drive, Fort Bragg

 General Plan Classes
 Public Roads



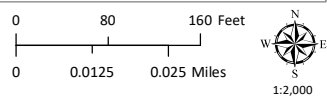
GENERAL PLAN CLASSIFICATIONS

MENDOCINO COUNTY PLANNING DEPARTMENT - 6/19/2022

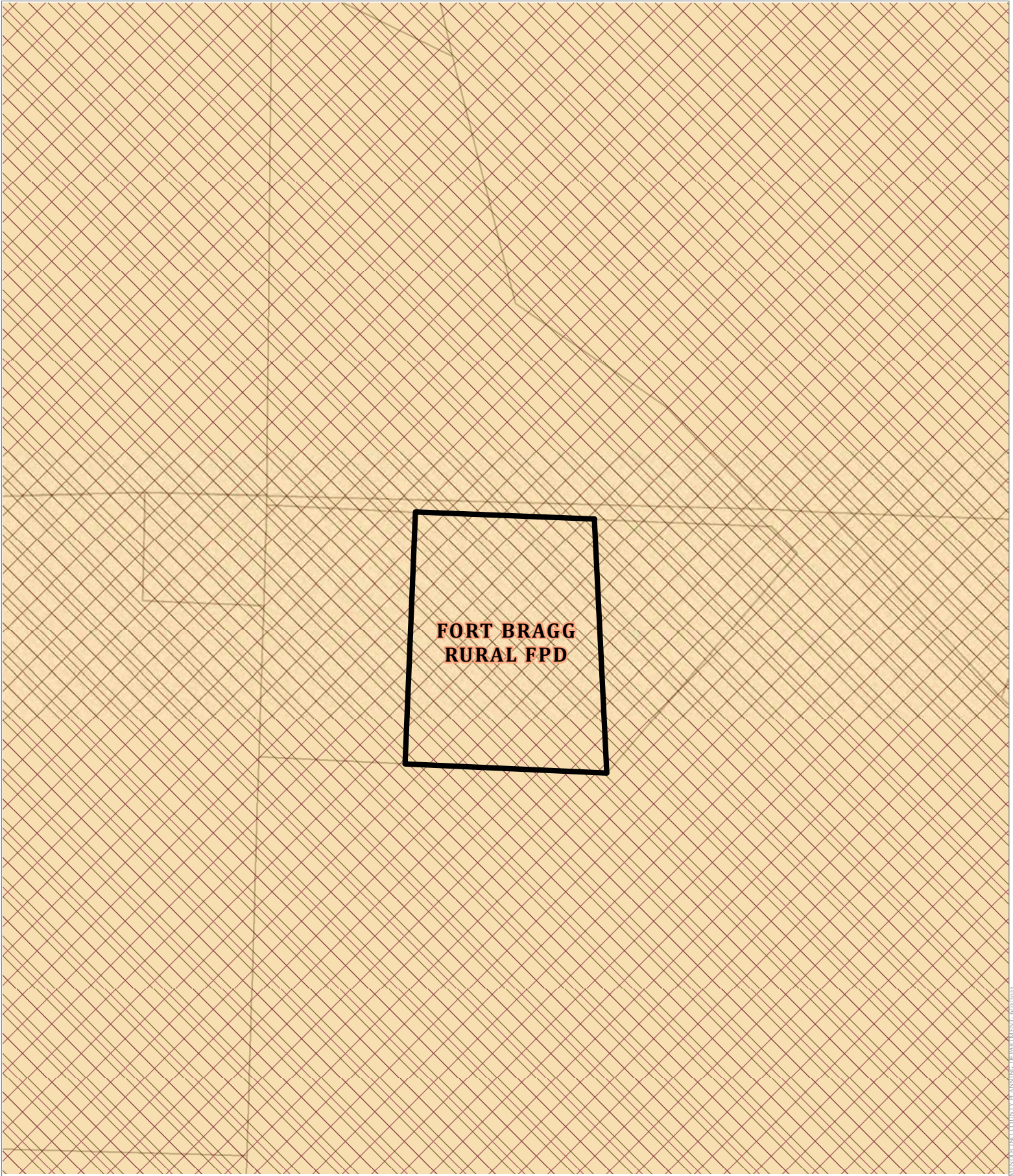


MENDOCINO COUNTY PLANNING DEPARTMENT - 6/19/2022

CASE: U 2022-0006
OWNER: Marcos Aban
APN: 020-450-40
APLCT: Marcos Aban
AGENT: N/A
ADDRESS: 29605 Sangri-La Drive, Fort Bragg

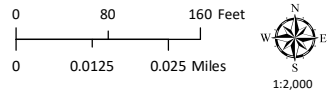


ADJACENT PARCELS



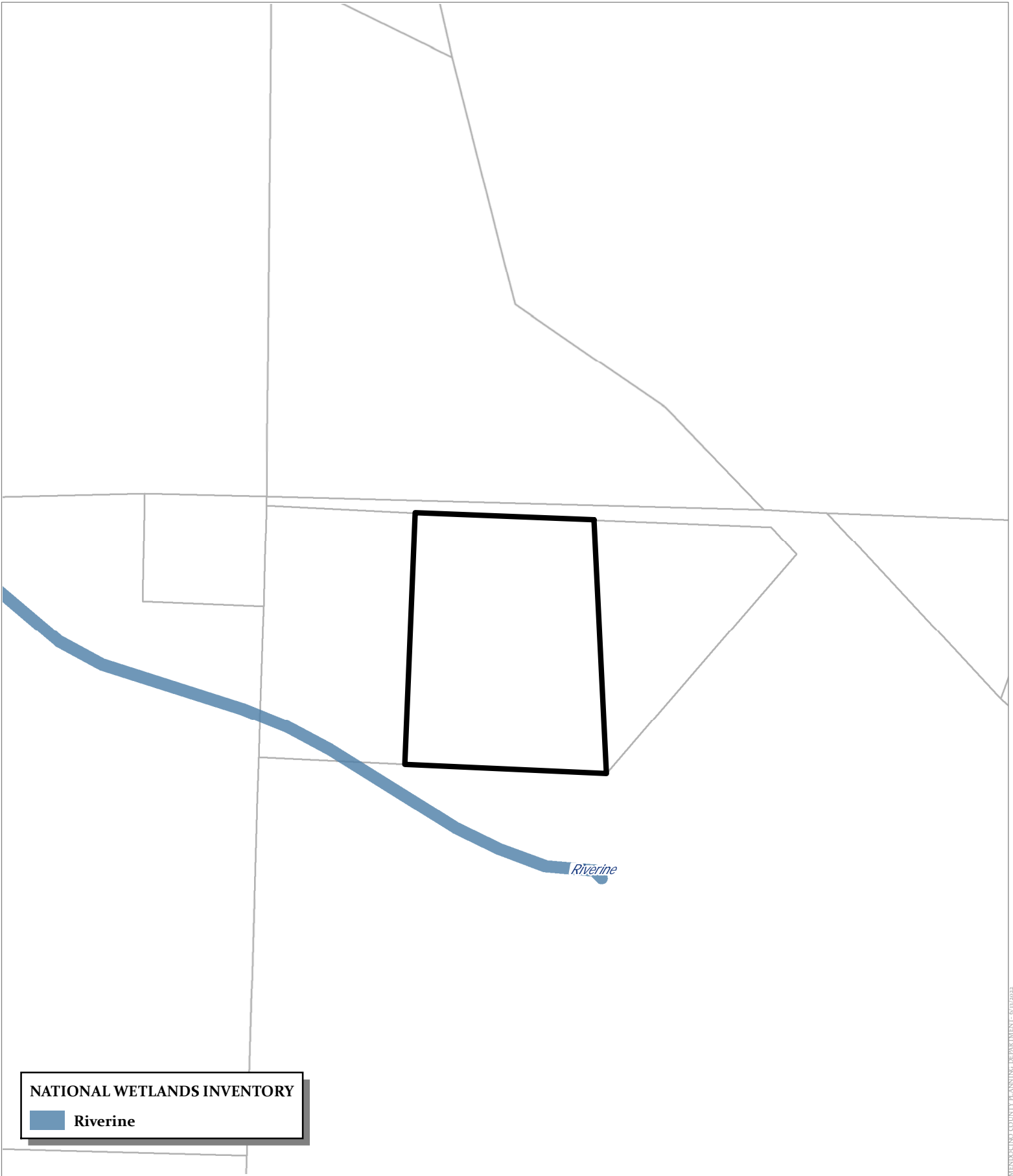
CASE: U 2022-0006
OWNER: Marcos Aban
APN: 020-450-40
APLCT: Marcos Aban
AGENT: N/A
ADDRESS: 29605 Sangri-La Drive, Fort Bragg

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



FIRE HAZARD ZONES & RESPONSIBILITY AREAS
STATE RESPONSIBILITY AREA

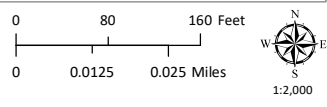
HENNING COUNTY PLANNING DEPARTMENT - 6/12/2022



NATIONAL WETLANDS INVENTORY

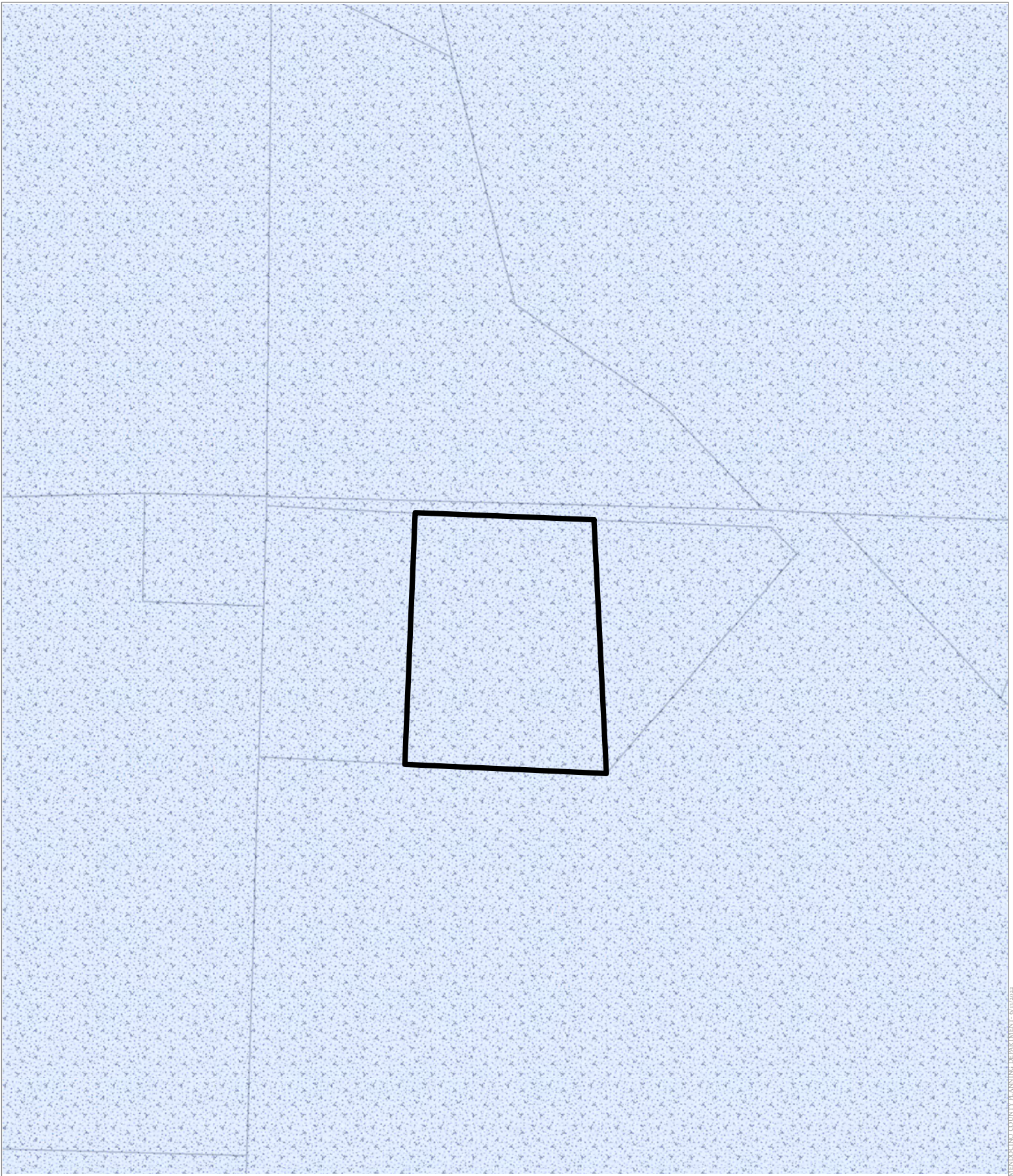
 Riverine

CASE: U 2022-0006
OWNER: Marcos Aban
APN: 020-450-40
APLCT: Marcos Aban
AGENT: N/A
ADDRESS: 29605 Sangri-La Drive, Fort Bragg





MENDOCINO COUNTY PLANNING DEPARTMENT - 6/19/2022

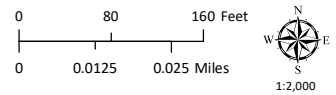
WETLANDS



MENDOCINO COUNTY PLANNING DEPARTMENT - 6/19/2023

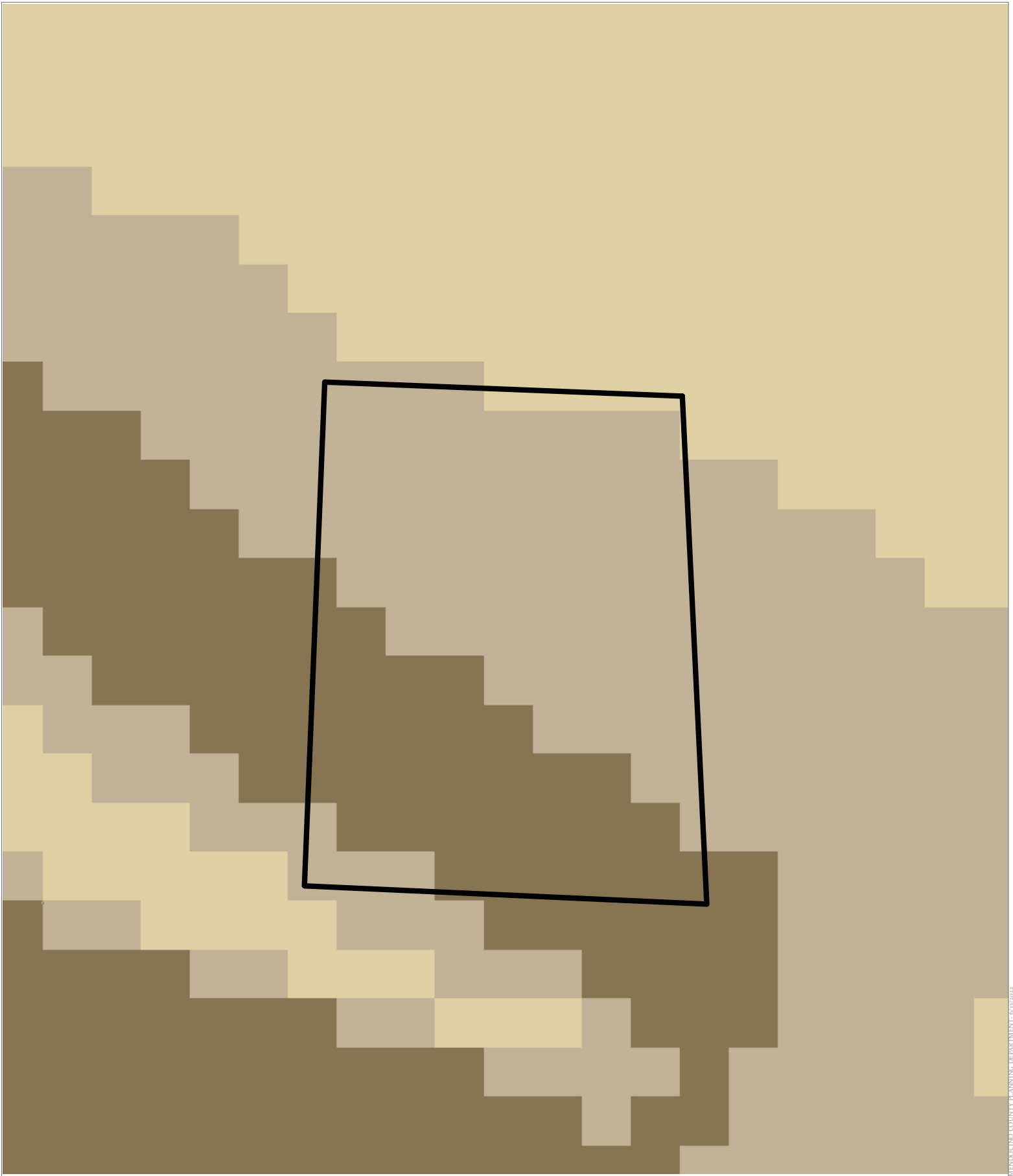
CASE: U 2022-0006
OWNER: Marcos Aban
APN: 020-450-40
APLCT: Marcos Aban
AGENT: N/A

-  Critical Water Resources Bedrock
-  Coastal Ground Water Resource Areas



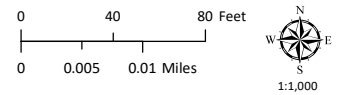
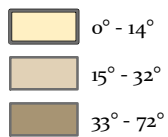
ADDRESS: 29605 Sangri-La Drive, Fort Bragg

WATER RESOURCES



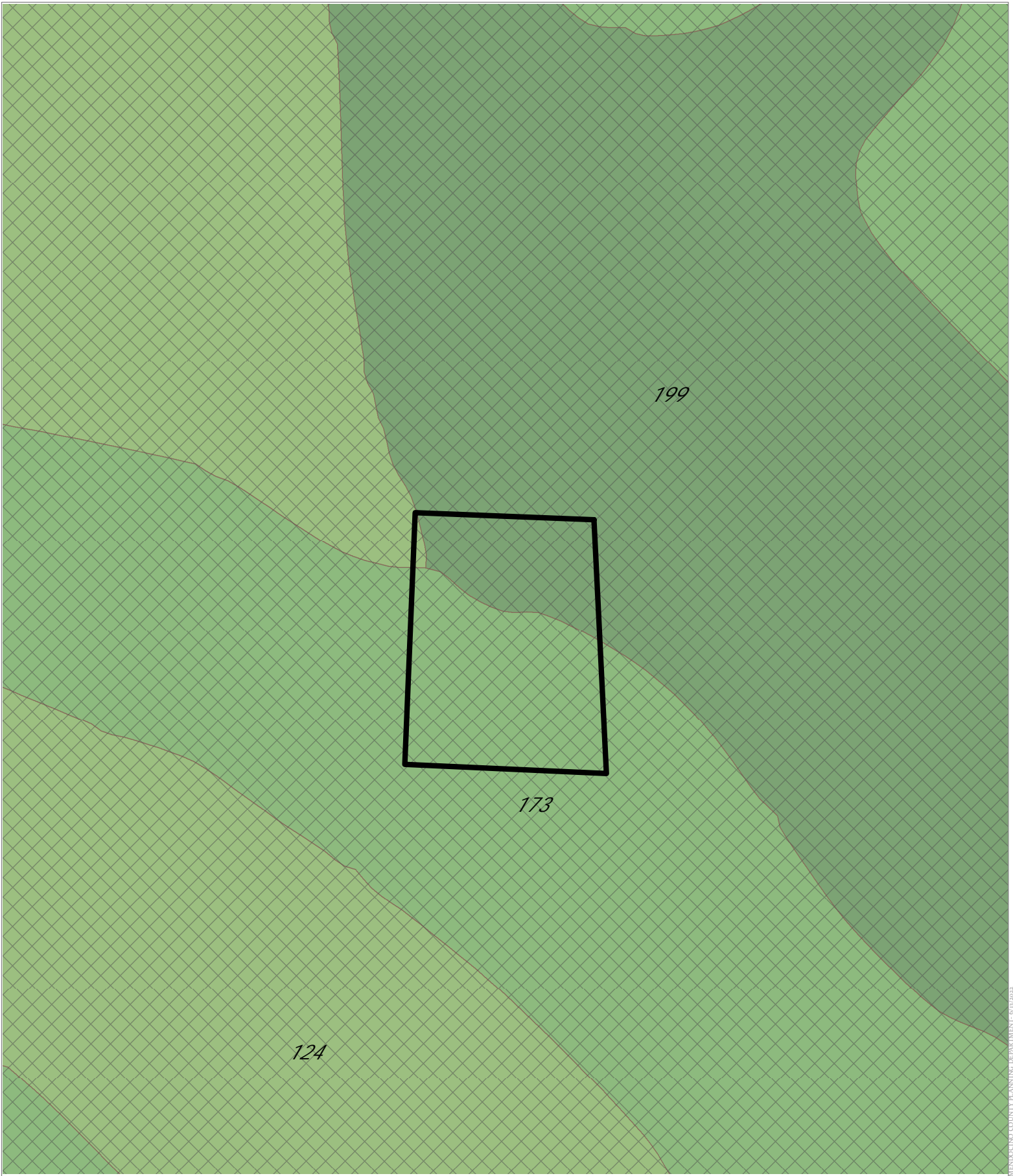
MENDOCINO COUNTY PLANNING DEPARTMENT - 01/12/2022

CASE: U 2022-0006
OWNER: Marcos Aban
APN: 020-450-40
APLCT: Marcos Aban
AGENT: N/A





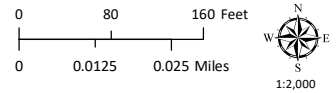
ESTIMATED SLOPE

ADDRESS: 29605 Sangri-La Drive, Fort Bragg

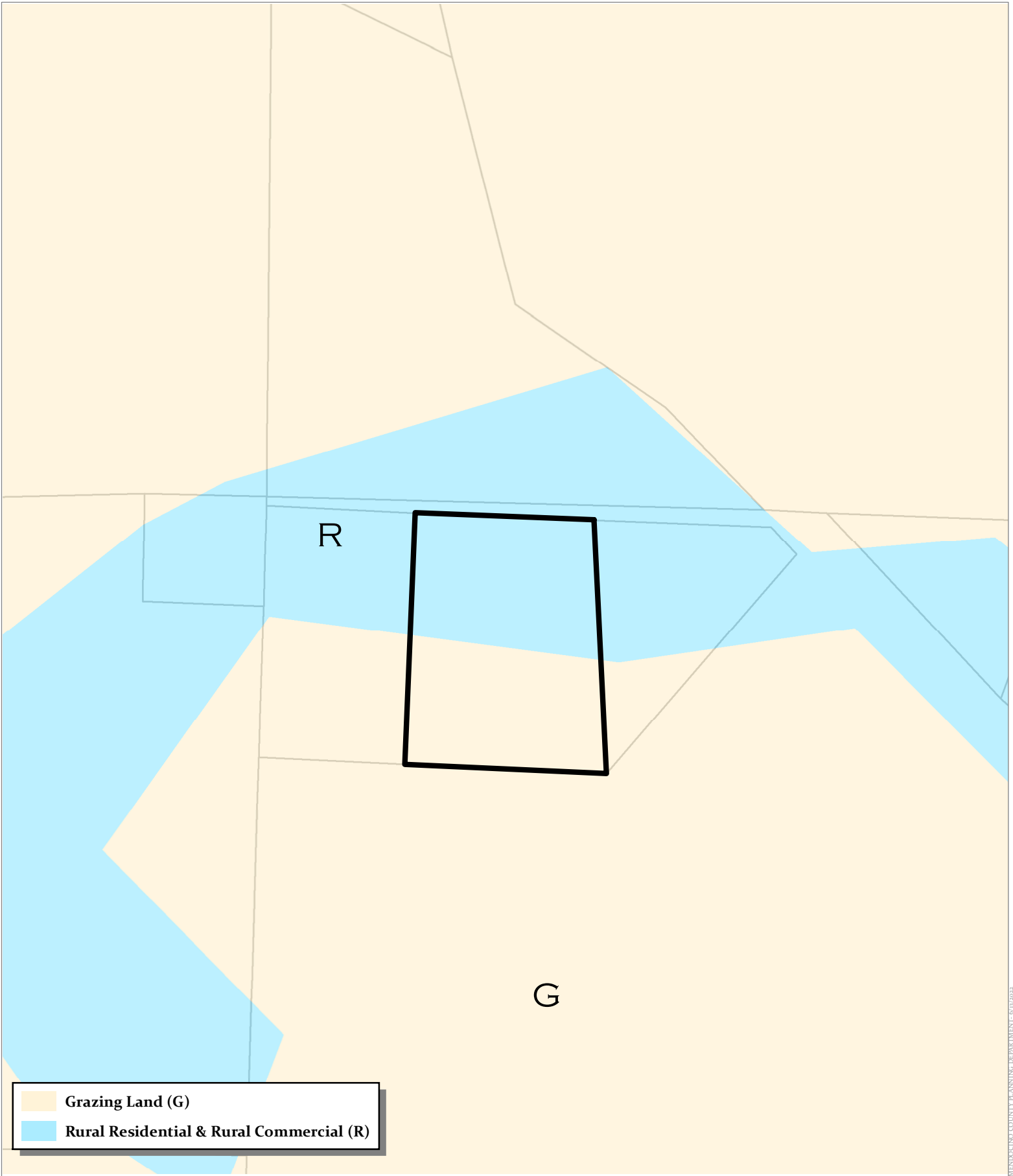


CASE: U 2022-0006
OWNER: Marcos Aban
APN: 020-450-40
APLCT: Marcos Aban
AGENT: N/A
ADDRESS: 29605 Sangri-La Drive, Fort Bragg

 Bishop Pine
 Western Study Soil Types

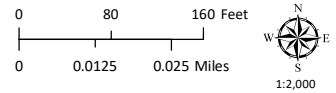


WESTERN SOILS



Grazing Land (G)
 Rural Residential & Rural Commercial (R)

CASE: U 2022-0006
OWNER: Marcos Aban
APN: 020-450-40
APLCT: Marcos Aban
AGENT: N/A
ADDRESS: 29605 Sangri-La Drive, Fort Bragg



FARMLAND CLASSIFICATIONS

Attachment M

MENDOCINO COUNTY PLANNING DEPARTMENT - 6/19/2022

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).

U_2022-0006 – Private Road Access



Gate & Driveway from Private Road



Proposed Vacation Home Rental Unit



Resolution Number _____

County of Mendocino
Ukiah, California

DECEMBER 1, 2022

U_2022-0006 MARCOS ABAN

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

WHEREAS, the applicant, Marcos Aban, 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; 4± miles southeast of Fort Bragg City center, lying on the south side of Shangri-La Drive (private), 0.1± miles west of its intersection with State Route 20 (SR 20), located at 29605 Shangri-La Drive, Fort Bragg (APN: 020-450-40); General Plan RR10; Zoning RR:10; 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, December 1, 2022 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 residential in nature and 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 410± foot section of a shared private roadway. This shared portion of the private road is maintained by the project applicant. Staff has determined that the subject structure is served by on-site water and

septic, and utilities to the subject residence are provided. The building permit for the subject structure (BF 2021-0253) was finalized on April 26, 2022. 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 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 such as 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: BROOKE LARSEN
Commission Services Supervisor

By: _____

BY: JULIA KROG
Director

ALISON PERNELL, Chair
Mendocino County Planning Commission

EXHIBIT A

CONDITIONS OF APPROVAL

U_2022-0006 – MARCOS ABAN

DECEMBER 1, 2022

Use Permit with the Mendocino County Department of Planning and Building Services for use of an existing single-family residence as a short-term rental per Mendocino County Code Section 20.164.015 (L): Room and Board, located 4± miles southeast of Fort Bragg City center, lying on the south side of Shangri-La Drive (Private), 0.1± miles west of its intersection with State Route 20 (SR 20), located at 29605 Shangri-La Drive, Fort Bragg (APN: 020-450-40).

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

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 December 1, 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 Shangri La Drive.
12. Parking shall be permitted only in designated parking areas accessed from the driveway. No parking shall occur on Shangri La Drive.
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 N).
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 Shangri La Drive 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 maintain the approximately 410 foot portion of Shangri La Drive between State Route 20 and the driveway addressed at 29609 Shangri La Drive. Maintenance shall include filling potholes in April, or as soon as the rainy season has ended.
20. The applicant shall pay all required Uniform Transient Occupancy Taxes in accordance with Chapter 5.20 of the Mendocino County Code.
21. The applicant shall secure all required permits for the proposed project as required by the Mendocino County Division of Environmental Health.
22. Use of the ADU as a Short-term Rental *shall not* commence until Building Permit, BF_2021-0432, for the addition of living space to the ADU, has been finalized for occupancy.