

Resolution Number

County of Mendocino
Ukiah, California

OCTOBER 5/NOVEMBER 2, 2023

U_2023-0007 CHESTER COLLINS

RESOLUTION OF THE PLANNING COMMISSION, COUNTY OF MENDOCINO, STATE OF CALIFORNIA, GRANTING A MAJOR USE PERMIT FOR THE SHORT-TERM RENTAL (PROVISION OF ROOM AND BOARD) OF TWO GUEST ROOMS IN AN EXISTING SINGLE-FAMILY DWELLING ACCESSED VIA A PRIVATE DRIVE

WHEREAS, the applicant, Chester Collins, filed an application for a Major Use Permit with the Mendocino County Department of Planning and Building Services for the short-term rental (provision of room and board) of two guest rooms in an existing single-family dwelling accessed via a private drive, located 5.7± miles north of Redwood Valley town center, on a private easement east off the south branch of Rancheria Road (CR 237A), southwest of its (Rancheria Road's) intersection with West Road (CR 237), located at 2304 Rancheria Rd, Redwood Valley (APN 161-110-32); (the "Project").

WHEREAS, the project is exempt from review under the California Environmental Quality Act (CEQA) and the State and County CEQA Guidelines pursuant to Section 15301, relating to projects with negligible expansion of use of existing facilities; and

WHEREAS, in accordance with applicable provisions of law, the Planning Commission held a public hearing on October 5, 2023, at which time the Planning Commission continued said hearing to November 2, 2023; and

WHEREAS, in accordance with applicable provisions of law, the Planning Commission held a public hearing on November 2, 2023, at which time the Planning Commission heard and received all relevant testimony and evidence presented orally or in writing regarding the Project. All interested persons were given an opportunity to hear and be heard regarding the Project; and

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

NOW, THEREFORE, BE IT RESOLVED, that the Planning Commission, based upon the evidence in the record before it, makes the following findings;

1. Pursuant to MCC Section 20.196.020(A), the establishment, maintenance or operation of a use or building applied for is in conformity to the General Plan. ~~In demonstrating consistency with the relevant development codes~~ For the proposed use to remain consistent with General Plan, it must remain accessory to the primary use of the parcel, Single Family Residential. To ensure this remains the case, Condition 10 requires that the owner-operator must continue to reside onsite, or else the requested short-term Room and Board rental shall be capped at 180 days per year, this project conforms with the General Plan; and

2. Pursuant to MCC Section 20.192.020(B), adequate utilities, access roads, drainage and other necessary facilities have been or are being provided. Existing roads and driveways are adequate to access and maintain all components of the project. The Division of Environmental Health commented that the onsite septic system has had unpermitted connections and is not adequate to serve all existing development on the parcel. A septic system adequate for all development on the parcel shall be required

per Condition 4 of this permit. The subject property is served by Pacific Gas & Electric and is otherwise provided with water sufficient to support the operations via potable water well(s).

3. Pursuant to MCC Section 20.192.020(C), the use will not, under the circumstances of this 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. The easement providing access to the parcel lacks clear delineations for where it crosses parcel boundaries, meaning guests can easily get confused and pull up to the neighboring property. To address this potential nuisance, clearer signage is required per Condition 6 of this permit. Noise and parking due to the proposed use could also pose a nuisance to neighboring property. To address this, limitations on check-out times, parking, and quiet hours are imposed per Conditions 13, 14, and 15 of this permit; and

4. Pursuant to MCC Section 20.192.020(D), the use preserves the integrity of the zoning district. Allowing the renting of two rooms for transient occupancy within the existing primary residence will not supersede the primarily residential use of the parcel, and so would not pose a hazard to the integrity of the Rural Residential zoning district.

BE IT FURTHER RESOLVED that the Planning Commission hereby grants the requested Major Use Permit U_2023-0007, 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 become final on the 11th day following the decision unless an appeal is filed pursuant to Section 20.208.015 of the Mendocino County Code.

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: JULIA KROG
 Director of Planning & Building Services

DIANA WIEDEMANN, Chair
Mendocino County Planning Commission

EXHIBIT A

CONDITIONS OF APPROVAL

U_2023-0007 - CHESTER COLLINS

~~OCTOBER 5~~ NOVEMBER 2, 2023

APPROVED PROJECT DESCRIPTION: Major Use Permit to allow for the short-term rental (provision of Room and Board) of two guest rooms in an existing single-family dwelling. The project site is accessed via a private easement which curves around a small, fenced cemetery and passes through two residential parcels before reaching the subject parcel.

CONDITIONS OF APPROVAL:

1. This action shall become final on the 11th day following the decision unless an appeal is filed pursuant to Section 20.208.015 of the Mendocino County Code. The permit shall expire and become null and void at the expiration of two years after the effective date except where construction and/or use of the property in reliance on such permit has been initiated prior to its expiration.
2. To remain valid, progress towards completion of the project must be continuous. The Applicants have sole responsibility for renewing this application before the expiration date. The County will not provide a notice prior to the expiration date.
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. Prior receiving a Business License to rent the rooms, the applicant must receive approval from the Division of Environmental Health of a septic system adequate for the parcel. This can be accomplished either by expanding the existing septic system or by demolishing the two 120-square-foot detached structures.
5. Prior to occupancy of the rental rooms, ~~permit applications BV_2022-0452 and BV_2022-0453 shall be issued or cancelled. The permits may only be cancelled should the associated structures be demolished; the two unpermitted 120-square-foot detached structures must be demolished or legalized. This will require finalized Building (and/or Demolition) Permit(s).~~
6. This permit shall be subject to the securing of all necessary permits for the proposed development from County, State and Federal agencies having jurisdiction, including demolition permits from PBS and/or septic permits from the Division of Environmental Health.
7. This permit shall be subject to maintaining a valid Business License for the proposed use, and paying all applicable Transient Occupancy Taxes (TOT). The business license shall not be transferable. Failure to maintain a valid business license may result in the revocation 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).
8. Prior to receiving a Business License for the proposed use, and to the extent permitted pursuant to the property owner's access easement, the property owner shall furnish a signage plan for the review and approval of planning staff that ensures adequate signage for the property to prevent visitors from becoming lost and presenting a nuisance to adjacent landowners, and install said signs to the extent allowed by the property owner's easement rights. All signage must comply with the limitations of Section 20.184.025(A)(13) of the Mendocino County Code and SRA Fire Safe Regulations ("4290 Standards").

9. 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.

10. The maximum number of days the two rooms can be rented out for short term occupancy without the owner-operator onsite shall not exceed one-hundred and eighty (180) days during any one-year period. There is no maximum number of days the two rooms can be rented out for short term occupancy with the owner-operator onsite, provided operation occur within the bounds of all other conditions of this permit. Within one year of issuance of this permit, and every year thereafter for as long as this permit remains active, the property owner must submit to the Planning and Building Services Department a signed annual statement under penalty of perjury that this condition continues to be met.

11. The use of the property for short term rentals shall not include 'Camping'. Overnight occupancy for paying guests is limited to two (2) rooms within the Single Family Residence.

12. The use of the property for short term rentals is intended for paying transient guest accommodations and shall not be used for special events or other large gatherings.

13. Check-in/check-out times for guests shall not extend beyond the hours of 9:00 a.m. through 10:00 p.m.

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.

15. Guest vehicles shall only be parked on the subject parcel. Use of the easement shall serve only to provide access or departure from the subject parcel. It is the responsibility of the applicant to ensure that transient guests are aware of these restrictions.

~~40.~~16. 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.

~~44.~~17. To record the Notice of Exemption, the applicant shall pay a fee of \$50.00 for the filing of the Notice of Exemption which shall be made payable to the Mendocino County Clerk and submitted to the Department of Planning and Building Services within 5 days of the end of any project action.