



COUNTY OF MENDOCINO
DEPARTMENT OF PLANNING AND BUILDING SERVICES
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February 20, 2024

NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN THAT the Mendocino County Planning Commission, at their regular meeting to be held on Thursday, March 7, 2024, at 10:00 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 take place in the **Board of Supervisors Chambers, 501 Low Gap Road, Ukiah California**, and Virtual attendance will be available via Zoom. Meetings are live streamed and available for viewing online on the Mendocino County YouTube page, at <https://www.youtube.com/MendocinoCountyVideo>. In lieu of personal attendance, the public may participate digitally in meetings by sending comments to pbscommissions@mendocinocounty.gov or via Telecomment. The telecomment form may be found at: <https://www.mendocinocounty.gov/government/planning-building-services/meeting-agendas>.

CASE#: U_2023-0011

DATE FILED: 10/10/2023

OWNER/ APPLICANT: REUBEN CHILDS

REQUEST: Major Use Permit to use an existing single-family residence as a short-term rental per MCC 20.164.015 (L) Room and Board.

ENVIRONMENTAL DETERMINATION: CATEGORICALLY EXEMPT

LOCATION: 3.5± miles northeast of Fort Bragg City center, lying on the south side of O'Bayley Drive (private), 0.7± miles west of its intersection with State Route 1 (SR 1) via Mill Creek Drive (CR 425), located at 32151 O'Bayley Drive, Fort Bragg; APN: 069-190-06.

SUPERVISORIAL DISTRICT: 4 (Gjerde)

STAFF PLANNER: SHELBY MILLER

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.gov/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. The public may participate digitally in meetings in lieu of personal attendance by sending comments to pbscommissions@mendocinocounty.gov by March 6, 2024, or orally via telecomment. 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.gov/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**

**MARCH 7, 2024
U_2023-0011**

SUMMARY

| | |
|-------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| OWNER/APPLICANT: | REUBEN CHILDS PO BOX 236 GARBERVILLE, CA 95542 |
| REQUEST: | Major Use Permit to use an existing single-family residence as a short-term rental per MCC 20.164.015 (L) Room and Board. |
| LOCATION: | 3.5± miles northeast of Fort Bragg City center, lying on the south side of O'Bayley Drive (private), 0.7± miles west of its intersection with State Route 1 (SR 1) via Mill Creek Drive (CR 425), located at 32151 O'Bayley Drive, Fort Bragg; APN: 069-190-06. |
| TOTAL ACREAGE: | 1.1± Acres |
| GENERAL PLAN: | Rural Residential, 1-Acre minimum, (RR1) |
| ZONING: | Rural Residential, 1-Acre minimum, (RR:1) |
| SUPERVISORIAL DISTRICT: | 4 (Gjerde) |
| ENVIRONMENTAL DETERMINATION: | CATEGORICALLY EXEMPT |
| RECOMMENDATION: | APPROVE WITH CONDITIONS |
| STAFF PLANNER: | SHELBY MILLER |

BACKGROUND

PROJECT DESCRIPTION: The applicant is requesting a Major Use Permit to allow for the use of their 2,590 square-foot, three-bedroom single-family residence as a short-term rental, per Mendocino County Code Section 20.164.015(L) Room and Board. The applicant has indicated that this property contains an 876 square-foot detached one-bedroom accessory dwelling unit (ADU) and intends to rent said ADU for long-term use.

SITE CHARACTERISTICS: The parcel is accessed via a private driveway off O'Bayley Road (private road). The closest publicly maintained road is Mill Creek Drive (CR 425), which O'Bayley Drive intersects. O'Bayley Drive serves as access to a minimum of ten parcels. Adjacent parcels contain single-family residences. The property is relatively flat with native trees surrounding to the north, east, south, and west. The proposed short-term rental property is surrounded by parcels that are mixed in size ranging from 1± acre to 10± acres¹.

The parcel is developed with a 2,590 square-foot single-family residence, an 876 square-foot detached accessory dwelling unit, gated half circle paved driveway, two off-street parking garages, a potable water well (Permit # 12983), two septic tanks (Permit # Septic 1305F and # 25280), and electrical utilities. The ADU will be rented on a long-term basis. The subject parcel as well as adjacent parcels contain "Sufficient" Coastal Groundwater Resources².

The parcel is within in a designated "High Fire" Hazard area and is served by Fort Bragg Rural Fire Department, but it falls under the responsibility of the California Department of Forestry and Fire Protection (CAL FIRE)³.

¹ Adjacent Parcel Map.

² Coastal Groundwater Resources Map.

³ Fire Hazard Zone and Responsibility Area Map.

RELATED APPLICATIONS:

BF_2000-0834: Single-Family Residence
 BF_2005-0120: Garage and Deck addition
 BF_2007-1110: SRU w/ attached garage, **(Finaled)**.
 BL_2023-0238: Vacation Home Rental **(On Hold)**.

SURROUNDING LAND USE AND ZONING: As listed on the table below, the surrounding lands are classified as Rural Residential.

| | GENERAL PLAN | ZONING | LOT SIZES | USES |
|--------------|-------------------------|--------------------------|---------------------|-------------|
| NORTH | Rural Residential (RR1) | Rural Residential (RR:1) | 1±, 1±, 5.19± Acres | Residential |
| SOUTH | Rural Residential (RR1) | Rural Residential (RR:1) | 1± Acre | Residential |
| EAST | Rural Residential (RR1) | Rural Residential (RR:1) | 2± Acres | Residential |
| WEST | Rural Residential (RR1) | Rural Residential (RR:1) | 2±, 1.84± Acres | Residential |

PUBLIC SERVICES:

Access: O'Bayley Drive (Private)
 Fire District: Fort Bragg Rural Fire Protection District
 Water District: None
 Sewer District: None

AGENCY COMMENTS: On November 6, 2023, 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 |
| Planning Division (Fort Bragg) | Comments |
| Department of Transportation | No Comment |
| Environmental Health (Fort Bragg) | No Response |
| Building Division (Fort Bragg) | No Response |
| Caltrans | No Response |
| Department of Forestry | No Response |
| CAL FIRE (Land Use) | Comments |
| Fort Bragg Rural Fire Protection District | No Comment |
| Sherwood Valley Rancheria | No Response |
| Cloverdale Rancheria | No Response |
| Redwood Valley Rancheria | No Response |

KEY ISSUES

- General Plan and Zoning Consistency:** The subject parcel is located in a General Plan Land Use Designation of Rural Residential one (1) acre minimum (RR1). Currently the parcel is conforming at 1.1± acres. The RR classification per Mendocino County General Plan, Chapter 3, is intended to,

"...encourage local small scale food production (farming) in areas which are 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 viability⁴."

Under the General Plan designation of Rural Residential, residential uses are a permitted use. The subject parcel contains one (1) single-family residence, one (1) ADU, and two (2) off-street parking garages. The ADU will be used as a long-term rental, which is a principally permitted use in the RR

⁴ Mendocino County General Plan, Chapter 3. Policy DE-14

designation. Per MCC Section 20.164.015(L) Room and Board, the use of the single-family residence as a short-term rental not located on a publicly maintained road is permitted upon the issuance of a Major Use Permit. In a memo dated October 7, 2010, the Mendocino County Planning Director determined that entire-home short term rentals (or vacation home rentals) were classified as Room and Board under section 20.164.015(L) of the Mendocino County Zoning Code. While the issue of short term-transient use of single-family residences has been discussed since the 2010 determination, the previously cited memo from 2010 still reflects the standing on the status of short-term rentals.

Considering the applicant intends to use the ADU for a long-term residential use, the renting of the single-family residence on a short-term basis shall be subordinate to the primary use of the land for residential purposes. As conditioned, the project adheres to the General Plan and preserves the integrity of the Rural Residential Zoning district.

2. **Nuisances:** The proposed project would allow non-residents to inhabit the single-family residence for a short-term period. This can lead to nuisances to the neighboring properties such as noise problems, increased private road usage, fire danger, and potential trespass onto or interference with adjacent properties. Considering the proposed project would allow the single-family residence to be rented on a short-term basis, several conditions have been included to reduce potential nuisance issues. Additional conditions have been included to address concerns such as excess guest capacity, fire danger, and prohibiting special events.
3. **Hazards Management:** The parcel is mapped as a “High Fire” hazard area with CAL FIRE and Fort Bragg Rural Fire Protection District as the responsible fire agency⁵. Comments were received from CAL FIRE regarding the proposed development and are included in the Conditions of Approval. A standard condition requires that the applicant secure all necessary permits for the proposed development from County, State and Federal agencies having jurisdiction to ensure fire abatement and protection policies will be addressed.
4. **Transportation and Traffic:** The project site is located within unincorporated Mendocino County and accessed by O’Bayley Drive (private). To access the subject property, use of a private road for 0.16± mile is required. This segment of O’Bayley Drive (private) is accessed via the eastern direction of Mill Creek Drive (CR 425). From the intersection of Mill Creek Drive and O’Bayley Drive, a minimum of ten (10) parcels utilizes this road. The road is maintained via an informal road association of property owners.

An excessive number of transient occupants in a short-term rental can result in overflow parking demands and an overall activity level more than that typically associated with single-family residential use. As per MCC 20.180.015, the subject single-family property must provide two (2) off-street parking spaces. The property is clearly addressed and features a gated half circle driveway and two (2) off-street parking garages, measuring 528 square feet, and 576 square feet. The proposed project would not result in an overflow of parking. As O’Bayley Drive is deemed as a private road, no comments were received from the Mendocino County Department of Transportation. The project as proposed would not increase the level of traffic that could be expected for a full-time residence and would not increase wear and tear on the private road.

5. **Environmental Determination:** The applicant proposes the use of their home as a short-term rental property. 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 key consideration in determining the applicability of a Class 1 exemption is whether the project involves negligible or no expansion of use. The increase in intensity of use by short-term renting an existing residence will not be out of step with other residential uses in the area and can be considered a negligible expansion. 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 Fire Hazards Map.

6. **Use Permit Findings:** The proposed use permit is required to meet the use permit findings set forth in the Mendocino County Code (MCC Section 20.196.020 A-D). Below is the discussion of each finding and how the use permit does and does not meet those requirements.

A. 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.*

Under the General Plan designation of Rural Residential, residential uses are a permitted use. The subject parcel contains one (1) single-family residence, one (1) ADU, and two (2) off-street parking garages. The ADU will be used as a long-term rental, which is a principally permitted use in the RR designation. Per MCC Section 20.164.015(L) Room and Board, the use of the single-family residence as a short-term rental not located on a publicly maintained road is permitted upon a Major Use Permit. In a memo dated October 7, 2010, the following determination was made by the Mendocino County Planning Director: "Vacation home rentals are not viewed as motels or hotels as they simply involve the rental of a private residence, so they are typically not treated as transient habitation uses, but as residential accessory uses as noted above".

Considering the applicant intends to use the ADU for a long-term residential use, the renting of the single-family residence on a short-term basis shall be subordinate to the primary use of the land for residential purposes. As conditioned, the project adheres to the General Plan. As such, the application has been found to be consistent with the Use Permit Finding 20.196.020(A).

B. 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 gravel-surfaced 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 potable water well, one septic tank, and a utility company for electric and gas services. Additional conditions have been recommended by the Mendocino County Division of Environmental Health relating to water availability and septic capacity to ensure proper drainage. The project is found to be consistent with Use Permit Finding 20.196.020(B).

C. 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 transient occupants to inhabit a single-family residence for a short-term period. Given the relatively small parcel size of 1.1± acres, and that the nearest adjacent residence is 100± feet to the south, this project has the potential to result in nuisances. The proposed project would allow up to three (3) bedrooms to be rented overnight at a time. Conditions of Approval have been included to address concerns to the health, safety, peace, morals, comfort, and general welfare of neighboring property owners in the vicinity. If operated in conformance with the recommended Conditions of Approval, the project is found to be consistent with the Use Permit Finding 20.196.020(C).

D. Use Permit Findings MCC Section 20.196.020(D): *That such use preserves the integrity of the zoning district.*

Per the previously noted memo dated October 7, 2010, the proposed project would consist of the short-term rental use of the single-family residence on the property. Per MCC Section 20.164.015(L) Room and Board, the use of the single-family residence as a short-term rental not located on a publicly maintained road is permitted upon the issuance of a Major Use Permit.


The applicant intends to use the ADU for a long-term residential use and rent the single-family residence on a short-term basis. This proposed 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. 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, the Planning Commission approves the requested Use Permit, U_2023-0011, as proposed by the applicant, based on the approved facts and findings and subject to the conditions of approval in Exhibit A.

2/11/2024

DATE



SHELBY MILLER
PLANNER I

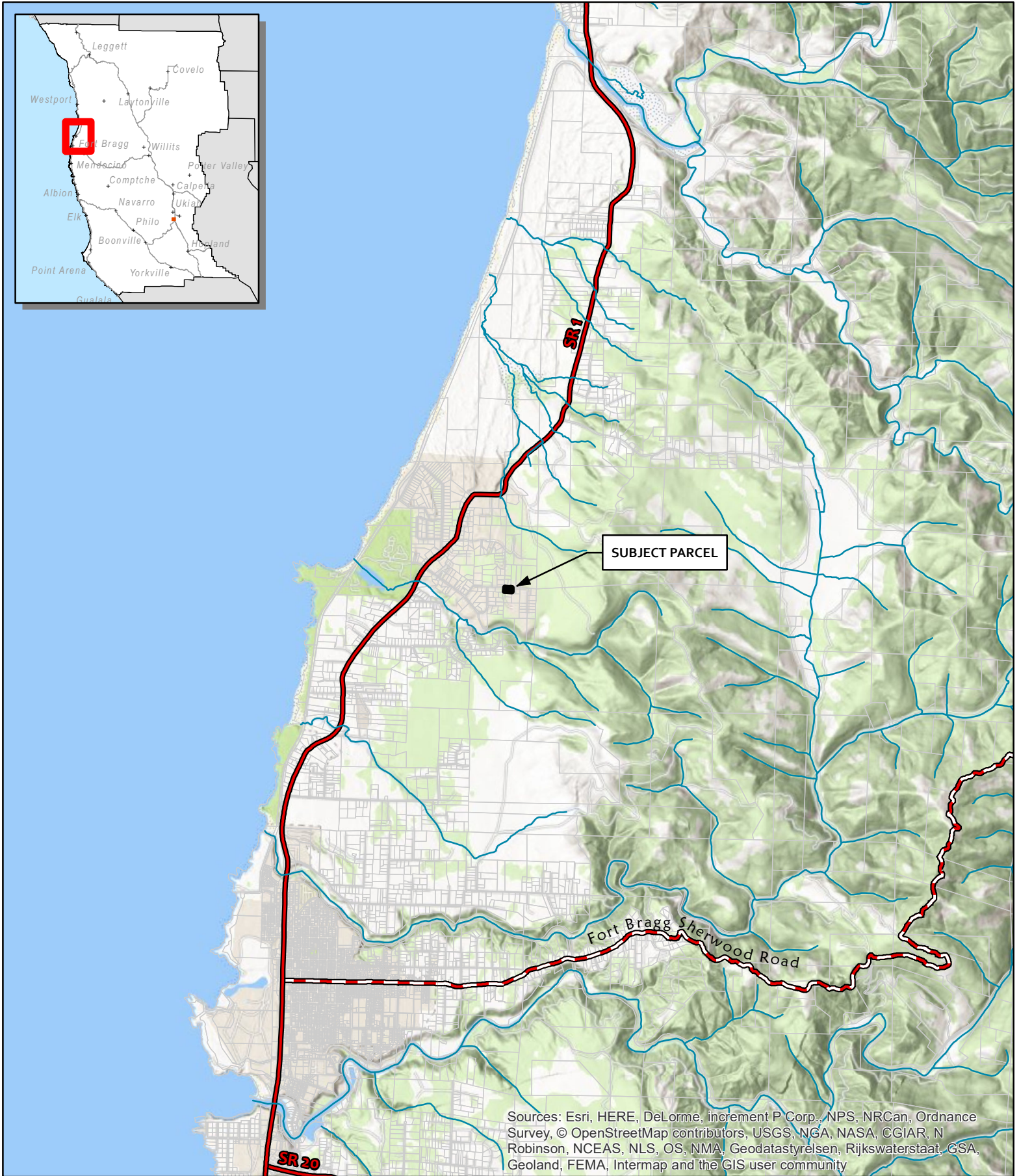
Appeal Period: 10 Days

Appeal Fee: \$2,674.00

ATTACHMENTS:

- | | |
|---------------------------------------------|-------------------------------------|
| A. Location Map | L. Wildland Urban Interface Map |
| B. Aerial Imagery | M. Topographic Map |
| C. Application | N. Western Soil Classifications |
| D. Existing Floor Plan | O. Estimated Slope Map |
| E. Existing Plot Plan | P. Important Farmlands |
| F. Plot Plan | Q. Adjacent Parcels Map |
| G. Zoning Map | R. Exterior Noise Limit Standards |
| H. General Plan Map | S. Site Photos |
| I. Coastal Ground Water Resources | T. Inland Vacation Home Rental Memo |
| J. Fire Hazard Zones and Responsibility Map | |
| K. Wetland Map | |

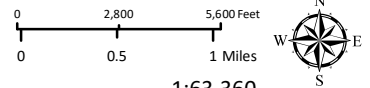
RESOLUTION, CONDITIONS OF APPROVAL (EXHIBIT A),



Sources: Esri, HERE, DeLorme, InCREMENT P Corp., NPS, NRCAN, Ordnance Survey, © OpenStreetMap contributors, USGS, NGA, NASA, CGIAR, N Robinson, NCEAS, NLS, OS, NMA, Geodatastyrelsen, Rijkswaterstaat, GSA, Geoland, FEMA, Intermap and the GIS user community

CASE: U 2023-0011
OWNER: CHILDS, Reuben
APN: 069-190-06
APLCT: Reuben Childs
AGENT:
ADDRESS: 32151 O'Bayley Dr.

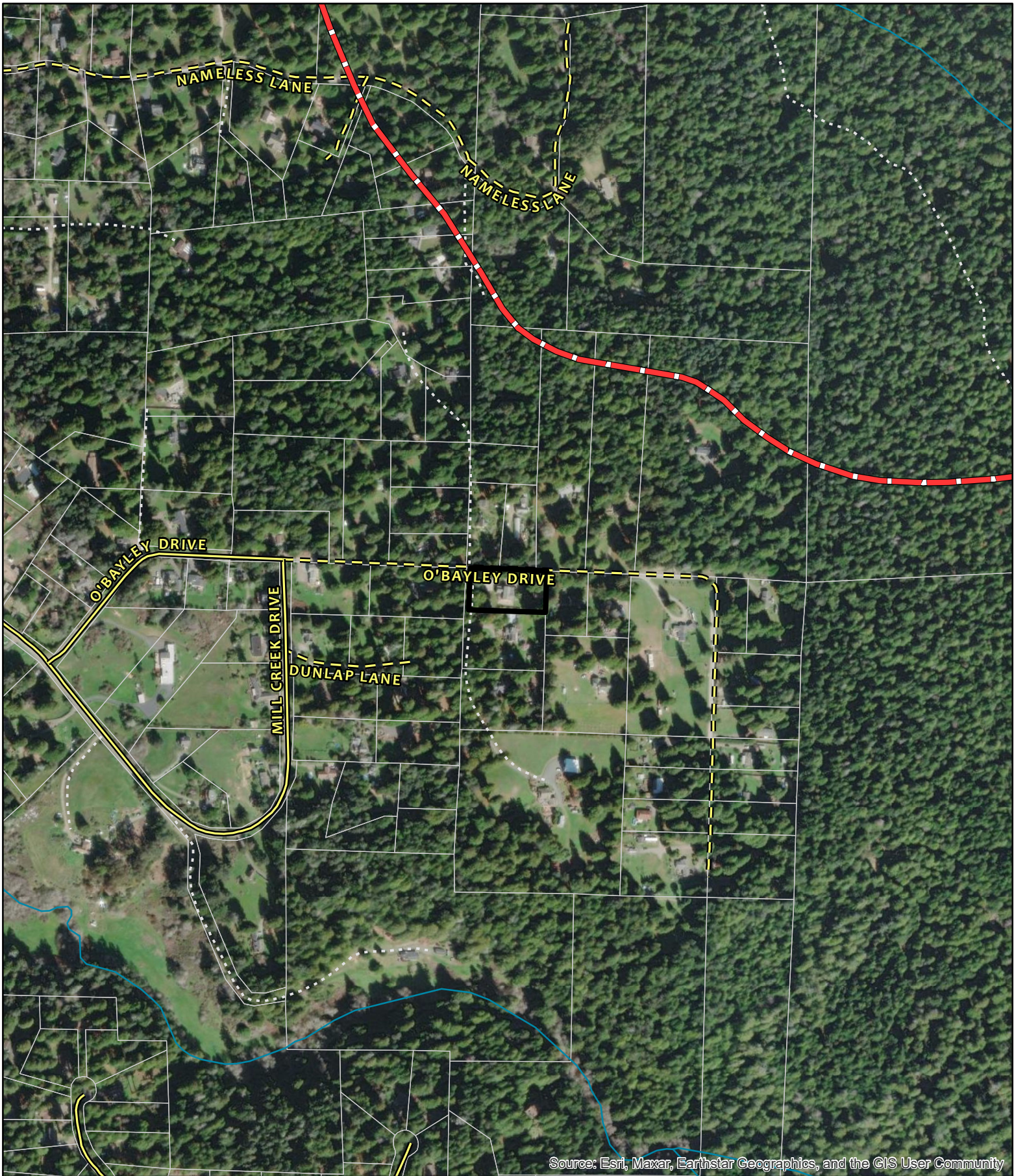
- Hydrology
- Assessors Parcels
- Highways
- Major Roads



1:63,360

LOCATION

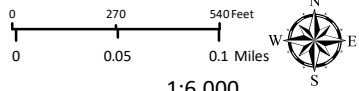
**THIS MAP AND DATA ARE PROVIDED WITHOUT WARRANTY OF ANY KIND.
 DO NOT USE THIS MAP TO DETERMINE LEGAL PROPERTY BOUNDARIES**



Source: Esri, Maxar, Earthstar Geographics, and the GIS User Community

CASE: U 2023-0011
OWNER: CHILDS, Reuben
APN: 069-190-06
APLCT: Reuben Childs
AGENT:
ADDRESS: 32151 O'Bayley Dr.

- Coastal Zone Boundary
- Private Roads
- Hydrology
- Driveways/Unnamed Roads
- Public Roads
- Assessors Parcels



1:6,000

AERIAL IMAGERY

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 DO NOT USE THIS MAP TO DETERMINE LEGAL PROPERTY BOUNDARIES**



PLANNING & BUILDING SERVICES

CASE NO: U-2023-0011
DATE FILED: 10-10-2023
FEE: \$ 4,140.00
RECEIPT NO: PK1059112
RECEIVED BY: Sandy Arellano
Office Use Only

APPLICATION FORM

APPLICANT:

Name: Ruben Childs
Phone: 707 498 9453
Mailing Address: po box 236
City: garberville State/Zip: CA/95542 Email: s

PROPERTY OWNER:

Name: Ruben Childs
Phone: 707 498 9453
Mailing Address: po box 236
City: garberville State/Zip: CA/95542 Email: reubenchilds@ktmail.com

AGENT:

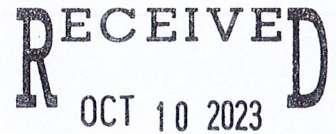
Name:
Phone:
Mailing Address:
City: State/Zip: Email:

ASSESSOR'S PARCEL NUMBER/S: 069-190-06

TYPE OF APPLICATION:

- Administrative Permit
Agricultural Preserve: New Contract
Agricultural Preserve: Cancellation
Agricultural Preserve: Rescind & ReEnter
Airport Land Use
Development Review
Exception
Flood Hazard Development Permit
General Plan Amendment
Land Division - Minor
Land Division - Major
Land Division - Parcel
Land Division - Re-Subdivision
Modification of Conditions
Reversion to Acreage
Rezoning
Use Permit - Cottage
Use Permit - Minor
Use Permit - Major
Use Permit - Modification
Variance
Other

I certify that the information submitted with this application is true and accurate.



Planning & Building Services

Signature of Applicant/Agent Date Signature of Owner Date 10/10/23

SITE AND PROJECT DESCRIPTION QUESTIONNAIRE

The purpose of this questionnaire is to relate information concerning your application to the Department of Planning and Building Services and other agencies who will be reviewing your project proposal. Please remember that the clearer picture that you give us of your project and the site, the easier it will be to promptly process your application. Please answer all questions. Those questions which do not pertain to your project please indicate "Not applicable" or "N/A".

THE PROJECT

1. Describe your project. Include secondary improvements such as wells, septic systems, grading, vegetation removal, roads, etc.

I would like to use my home as a short term rental. There is a single family residence and a mother in law, both would be included.

| 2. Structures/Lot Coverage | NO. OF UNITS | | SQUARE FOOTAGE | | |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------|----------|----------------|----------|-------|
| | EXISTING | PROPOSED | EXISTING | PROPOSED | TOTAL |
| <input checked="" type="checkbox"/> Single Family <input type="checkbox"/> Mobile Home <input type="checkbox"/> Duplex <input type="checkbox"/> Multifamily <input checked="" type="checkbox"/> Other: <i>M.I.L.</i> <input type="checkbox"/> Other: | 2 | | 3700 | | 3700 |
| GRAND TOTAL (Equal to gross area of Parcel): | | | | | |

3. If the project is commercial, industrial or institutional, complete the following:

Estimated No. of Employees per shift: _____

Estimated No. of shifts per day: _____

Type of loading facilities proposed: _____

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4. Will the project be phased?

YES NO If yes, explain your plans for phasing:

5. Will vegetation be removed on areas other than the building sites and roads?

YES NO If no, explain:

6. Will the project involve the use or disposal of potentially hazardous materials such as toxic substances, flammables, or explosives?

YES NO If yes, explain:

7. How much off-street parking will be provided? *N/A* Number Size

| | | |
|-----------------------------|-------|-------|
| No. of covered spaces: | _____ | _____ |
| No. of uncovered spaces: | _____ | _____ |
| No. of standard spaces: | _____ | _____ |
| No. of accessible spaces: | _____ | _____ |
| Existing no. of spaces: | _____ | _____ |
| Proposed additional spaces: | _____ | _____ |
| Total: | _____ | _____ |

8. Is any road construction or grading planned? If yes, grading and drainage plans may be required.

YES NO Also, please describe the terrain to be traversed. (e.g., steep, moderate slope, flat, etc.)

9. For grading or road construction, complete the following:

Amount of cut: _____ cubic yards
Amount of fill: _____ cubic yards
Max. height of fill slope: _____ feet
Max. height of cut slope: _____ feet
Amount of import/export: _____ cubic yards
Location of borrow or disposal site: _____

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10. Does the project involve sand removal, mining or gravel extraction? If yes, detailed extraction, reclamation and monitoring plans may be required.

YES NO

11. Will the proposed development convert land currently or previously used for agriculture to another use?

YES NO

12. Will the development provide public or private recreation opportunities?

YES NO If yes, explain how:

13. Is the proposed development visible from State Highway 1 or other scenic route?

YES NO

14. Is the proposed development visible from a park, beach or other recreational area?

YES NO

15. Does the development involve diking, filling, dredging or placing structures in open coastal water, wetlands, estuaries or lakes?

Diking: YES NO

Filling: YES NO

Dredging: YES NO

Structures: Open Coastal Waters Wetlands Estuaries Lakes

If so, what is the amount of material to be dredged/filled?: _____ cubic yards

Location of dredged material disposal site?: _____

Has a U.S. Army Corps of Engineers permit been applied for? YES NO

16. Will there be any exterior lighting?

YES NO If yes, describe below and identify the location of all exterior lighting on the plot and building plans.

17. Utilities will be supplied to the site as follows:

Electricity: Utility Company (service exists to parcel)
 Utility Company (requires extension of service to site): _____ feet _____ miles
 On Site Generation – Specify:

Gas: Utility Company/Tank
 On Site Generation – Specify:
 None

Telephone: YES NO

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18. What will be the method of sewage disposal?

- Community Sewage System (specify supplier): _____
- Septic Tank
- Other (specify): _____

19. What will be the domestic water source:

- Community Water System (specify supplier): _____
- Well
- Spring
- Other (specify): _____

20. Are there any associated projects and/or adjacent properties under your ownership?

- YES
- NO If yes, explain: (e.g., Assessor's Parcel Number, address, etc.)

21. List and describe any other related permits and other public approval required for this project, including those required by other County departments, city, regional, State and Federal agencies:

22. Describe the location of the site in terms of readily identifiable landmarks: (e.g., mailboxes, mile posts, street intersections, etc.)

32151 Obaykey dr. Folt Bragg CA 95437

23. Are there existing structures on the property? If yes, describe below and identify the use of each structure on the plot plan or tentative map if the proposal is for a subdivision.

- YES
- NO

There is a House and a small guest house

24. Will any existing structure be demolished or removed? If yes, describe the type of development to be demolished or removed, including the relocation site, if applicable.

- YES
- NO

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OCT 10 2023

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25. What is the maximum height of all structures?

Existing: 25' ± feet
Proposed: _____ feet

26. What is the gross floor areas of all structures, including covered parking and accessory buildings?

Existing: 3700 square feet
Proposed: _____ square feet

27. What is the total lot area within property lines?

Total Lot Area: 1.1 acres square feet

28. Briefly describe the project site as it exists before the project, including information on existing structures and their uses, slopes, soil stability, plants and animals, and any cultural, historical or scenic aspects. Attach any photographs of the site that you feel would be helpful:

A larger Main house (2800 sq feet) mother in law (900 sq feet) both in a fenced in acre. shade garden, landscaping and a garden area and half court basketball hoop.

29. Briefly describe the surrounding properties, including information on plants, animals and any cultural, historic or scenic aspects. Indicate the type of land use (use chart below) and its general intensity. Attach any photographs of the vicinity that you feel would be helpful.

neighborhood properties are 1 to 5 acres residential, some horses, mostly wooded area

30. Indicate the surrounding land uses:

| | Vacant | Residential | Agriculture | Commercial | Industrial | Public Facility | Timberland | Other |
|--------|--------------------------|-------------------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|
| North: | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| East: | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| South: | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| West: | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |


RECEIVED
OCT 10 2023

Planning & Building Services

CERTIFICATION AND SITE VIEW AUTHORIZATION

1. I hereby certify that I have read this completed application and that, to the best of my knowledge, the information in this application, and all attached appendices and exhibits, is complete and correct. I understand that the failure to provide any requested information or any misstatements submitted in support of the application shall be grounds for either refusing to accept this application, for denying the permit, for suspending or revoking a permit issued on the basis of such misrepresentations, or for seeking of such further relief as may seem proper to the County.

2. I hereby grant permission for County Planning and Building Services staff and hearing bodies to enter upon and site view the premises for which this application is made in order to obtain information necessary for the preparation of required reports and render its decision.



 Owner/Authorized Agent

10/10/23

 Date

NOTE: IF SIGNED BY AGENT, OWNER MUST SIGN BELOW.

AUTHORIZATION OF AGENT

I hereby authorize _____ to act as my representative and to bind me in all matters concerning this application.

Owner

Date

MAIL DIRECTION

To facilitate proper handling of this application, please indicate the names and mailing addresses of individuals to whom you wish correspondence and/or staff reports mailed if different from those identified on Page 1 of the application form.

| | | |
|------------------------|------------------------|------------------------|
| Name | Name | Name |
| Mailing Address | Mailing Address | Mailing Address |

RECEIVED
 OCT 10 2023
 Planning & Building Services

Indemnification And Hold Harmless

ORDINANCE NO. 3780, adopted by the Board of Supervisors on June 4, 1991, requires applicants for discretionary land use approvals, to sign the following Indemnification Agreement. Failure to sign this agreement will result in the application being considered incomplete and withheld from further processing.

Indemnification Agreement

As part of this application, applicant agrees to defend, indemnify, release and hold harmless the County of Mendocino, its agents, officers, attorneys, employees, boards and commissions, as more particularly set forth in Mendocino County Code Section 1.04.120, from any claim, action or proceeding brought against any of the foregoing individuals or entities, the purpose of which is to attack, set aside, void or annul the approval of this application or adoption of the environmental document which accompanies it. The indemnification shall include, but not be limited to, damages, costs, expenses, attorney fees or expert witness fees that may be asserted by any person or entity, including the applicant, arising out of or in connection with the approval of this application, whether or not there is concurrent, passive or active negligence on the part of the County, its agents, officers, attorneys, employees, boards and commissions.

10/10/23

Date



Applicant

RECEIVED
OCT 10 2023

Planning & Building Services



COUNTY OF MENDOCINO
DEPARTMENT OF PLANNING & BUILDING SVCS.

860 NORTH BUSH STREET • UKIAH, CALIFORNIA 95482
 120 WEST FIR STREET • FORT BRAGG, CALIFORNIA 95437

JULIA KROG, DIRECTOR
 PHONE: 707-234-6650
 FAX: 707-463-5709
 FB PHONE: 707-964-5379
 FB FAX: 707-961-2427
pbs@mendocinocounty.org
www.mendocinocounty.org/pbs

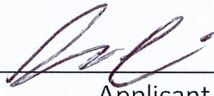
ACKNOWLEDGEMENT OF DEPOSIT/HOURLY FEE

By signing below, the applicant acknowledges that the staff at Planning and Building Services has discussed the potential for collection of a deposit fee for the projects listed below (as adopted by the Board of Supervisors Resolution No.'s 11-072, 16-150, 18-122 and 19-170)

1. Division of Land Project
2. General Plan Project
3. Coastal Project
4. Zoning Project
5. Administrative Project
6. Cannabis Project
7. Private Road Naming

Once an application has been submitted and the processing costs approach 80% of the application fee, additional staff processing time will be billed at \$90.00/hour. Staff will notify the applicant/owner that a deposit equal to 50% of the initial filing fee is required for further processing, and more than one deposit may be required depending on the complexity of the project and the staff time necessary to complete application processing.

I acknowledge that I was advised of the deposit fee for continued processing after the initial application fee has been expended.

_____  _____ 10/10/23
 Applicant Signature Date

RECEIVED
OCT 10 2023

Planning & Building Services

OFFICE USE ONLY:

U-2023-0011
 Project or Permit Number



Mendocino County

Planning and Building Services

860 North Bush Street
Ukiah, CA 95482
(707) 234-6650

120 West Fir Street
Fort Bragg, CA 95437
(707) 964-5379

Paid By: CHILDS REUBEN
32151 O'BAYLEY DR

FORT BRAGG CA 95437

Project Number: U_2023-0011

Project Description: O'Bayleys Holdings, VHR, Private Road, Fort B

Site Address: 32151 O'BAYLEY DR

U_2023-0011

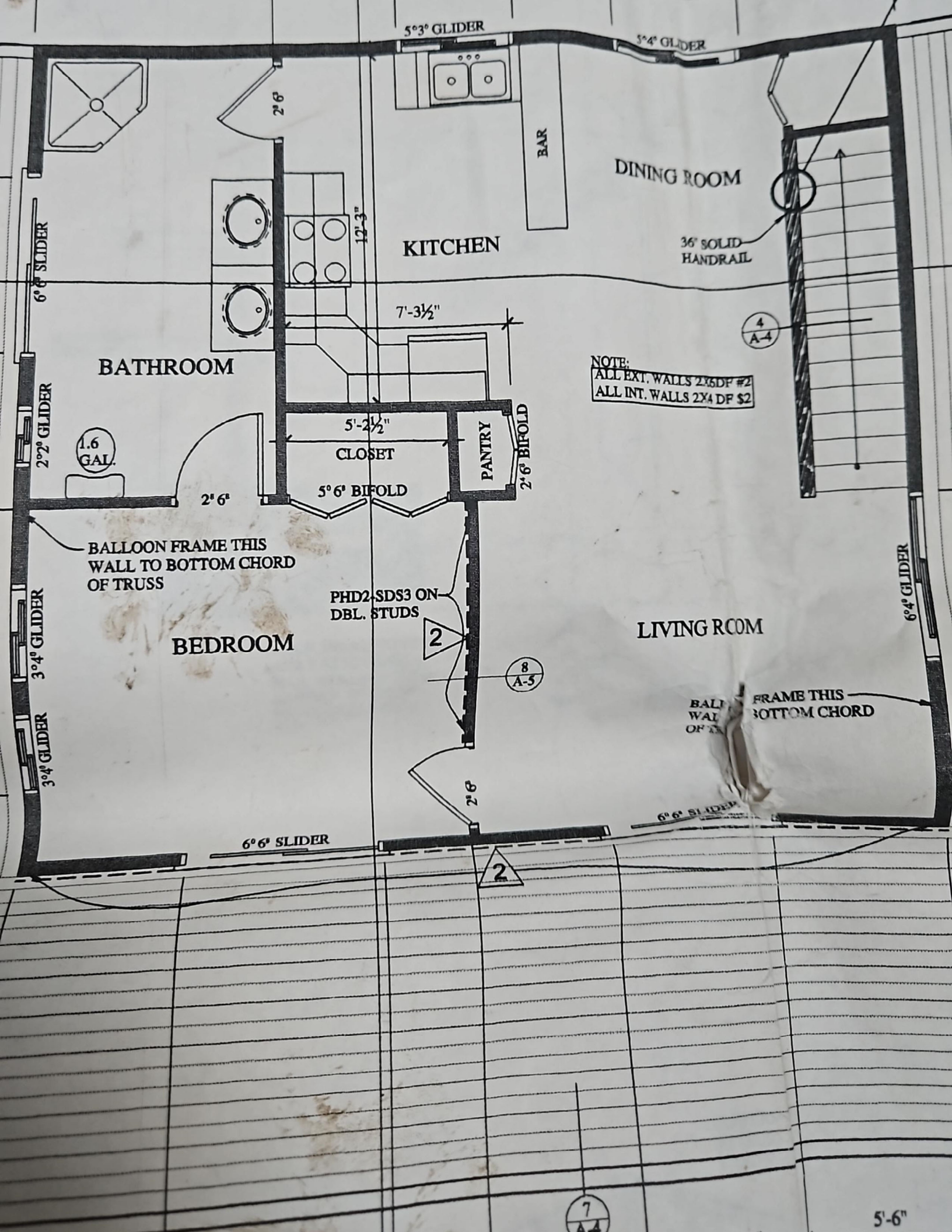
Receipt: PRJ_059112

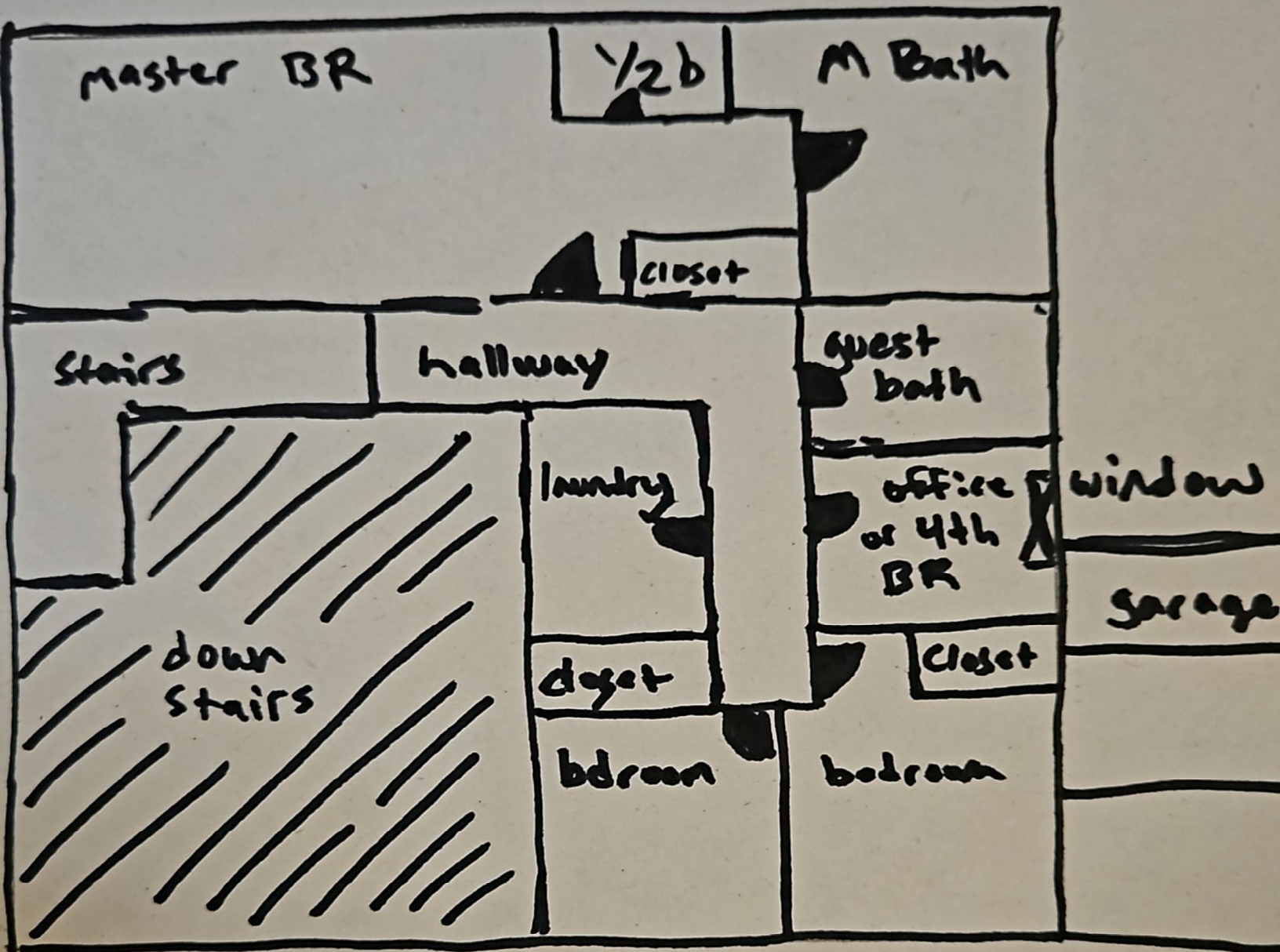
Date: 10/10/2023

Pay Method: CASH

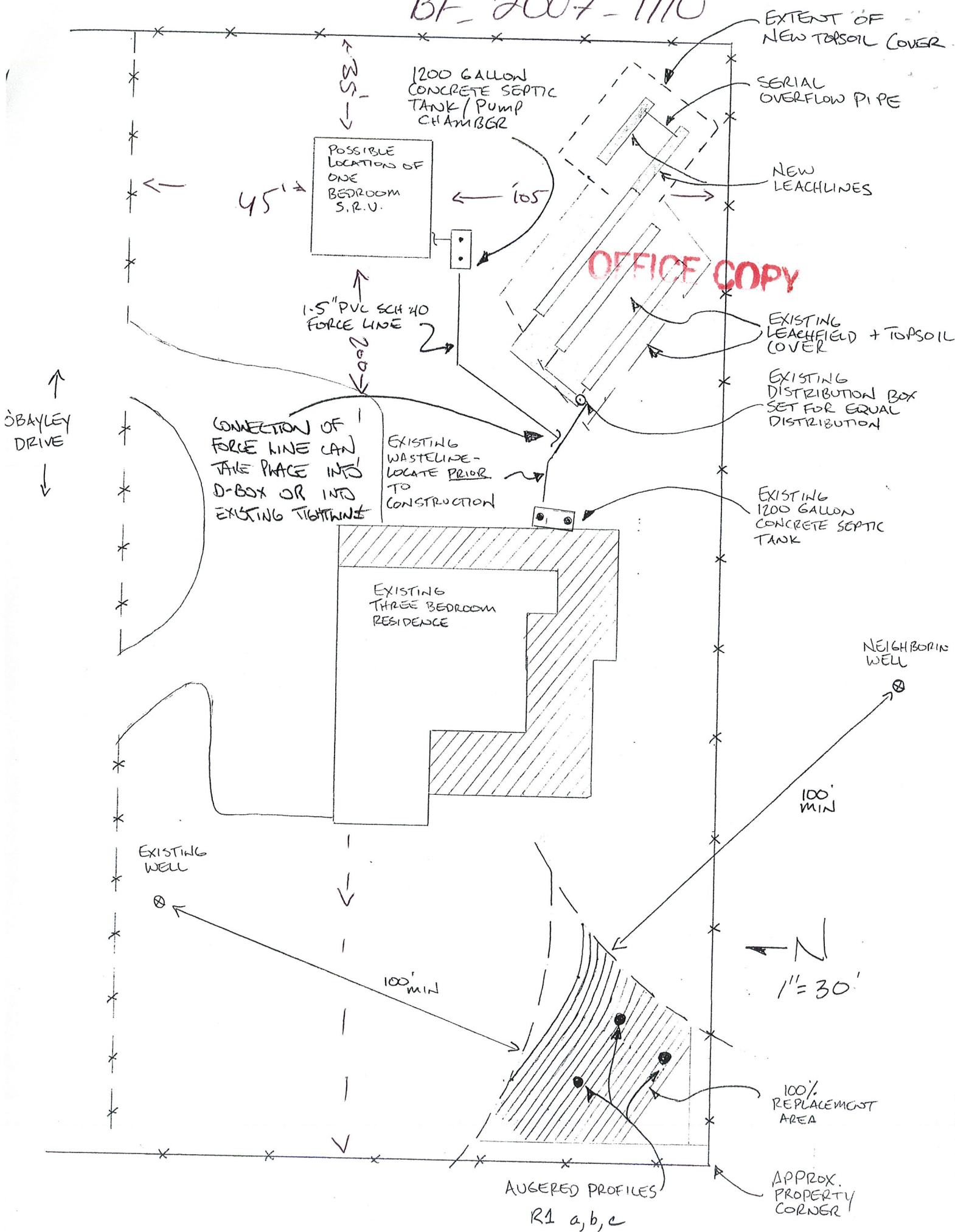
Received By: SANDY ARELLANO

| <u>Fee Description</u> | <u>Account Number</u> | <u>Qty</u> | <u>Fee Amount</u> |
|-------------------------------------|-----------------------|------------|-------------------|
| BASE FEES | 1100-2851-822605 | | \$3,040.00 |
| UMIN BASE | | | \$3,040.00 |
| DOT FEES | 1100-1910-826182 | | \$400.00 |
| UMIN UMAJ COT DR CDPA CDPS COUNTY R | | | \$400.00 |
| EH FEES | 1100-4011-822606 | | \$353.00 |
| UMIN OR UMAJ EH | | | \$353.00 |
| GENERAL PLAN | 1100-2851-826188 | | \$200.00 |
| | | | \$200.00 |
| RECORDS MANAGEMENT | 1222-2852-826260 | | \$147.00 |
| | | | \$147.00 |
| Total Fees Paid: | | | \$4,140.00 |





BF 2007-1110



EXTENT OF NEW TOPSOIL COVER

1200 GALLON CONCRETE SEPTIC TANK / PUMP CHAMBER

SERIAL OVERFLOW PIPE

POSSIBLE LOCATION OF ONE BEDROOM S.R.V.

NEW LEACHLINES

45'

105'

OFFICE COPY

EXISTING LEACHFIELD + TOPSOIL COVER

1.5" PVC SCH 40 FORCE LINE

EXISTING DISTRIBUTION BOX SET FOR EQUAL DISTRIBUTION

OBAYLEY DRIVE

CONNECTION OF FORCE LINE CAN TAKE PLACE INTO D-BOX OR INTO EXISTING TIGHTLINE

EXISTING WASTELINE - LOCATE PRIOR TO CONSTRUCTION

EXISTING 1200 GALLON CONCRETE SEPTIC TANK

EXISTING THREE BEDROOM RESIDENCE

NEIGHBORING WELL

100' MIN

EXISTING WELL

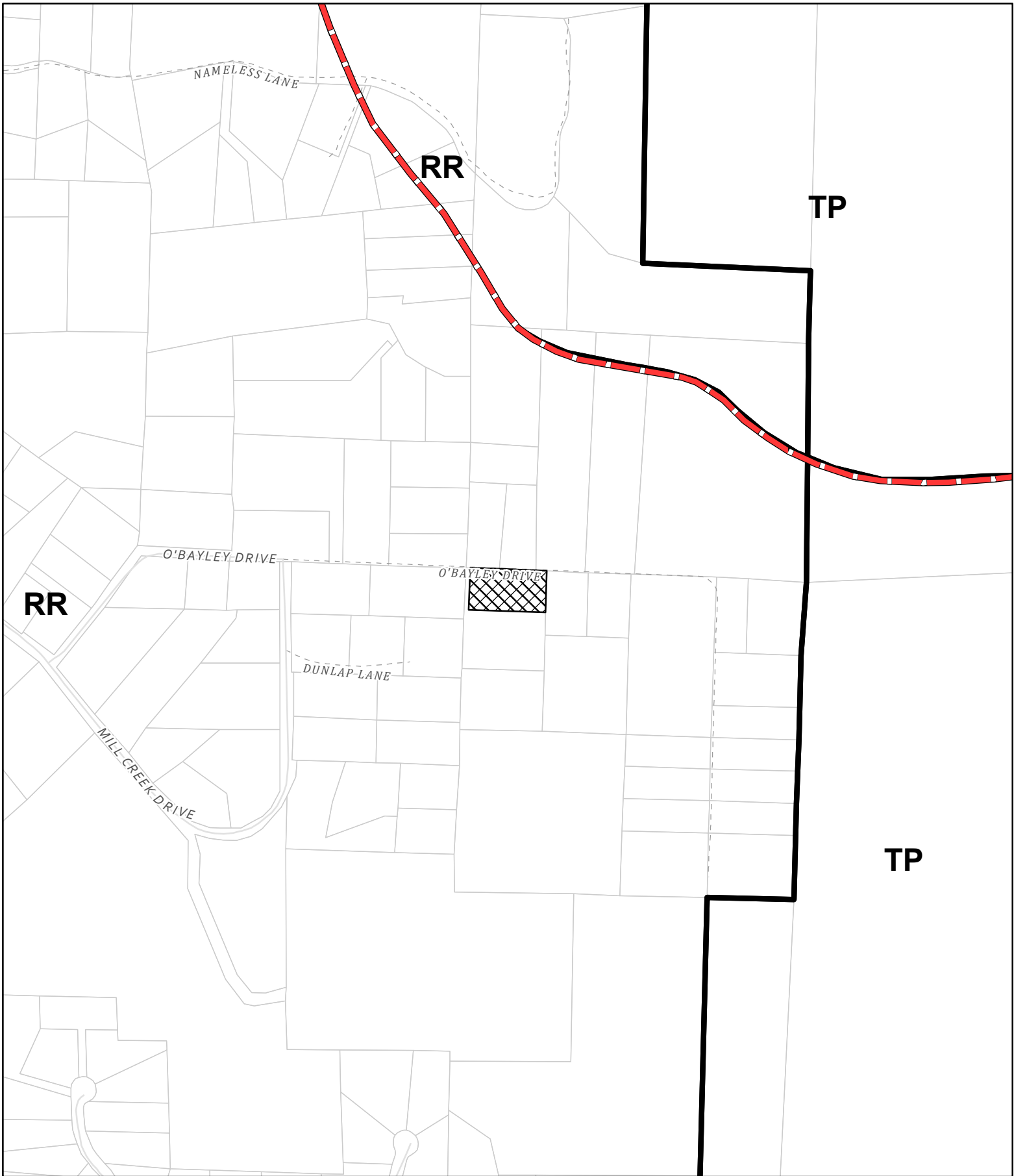
100' MIN

N
1" = 30'

100% REPLACEMENT AREA

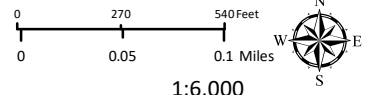
AUGERED PROFILES
R1 a, b, c

APPROX. PROPERTY CORNER



CASE: U 2023-0011
OWNER: CHILDS, Reuben
APN: 069-190-06
APLCT: Reuben Childs
AGENT:
ADDRESS: 32151 O'Bayley Dr.

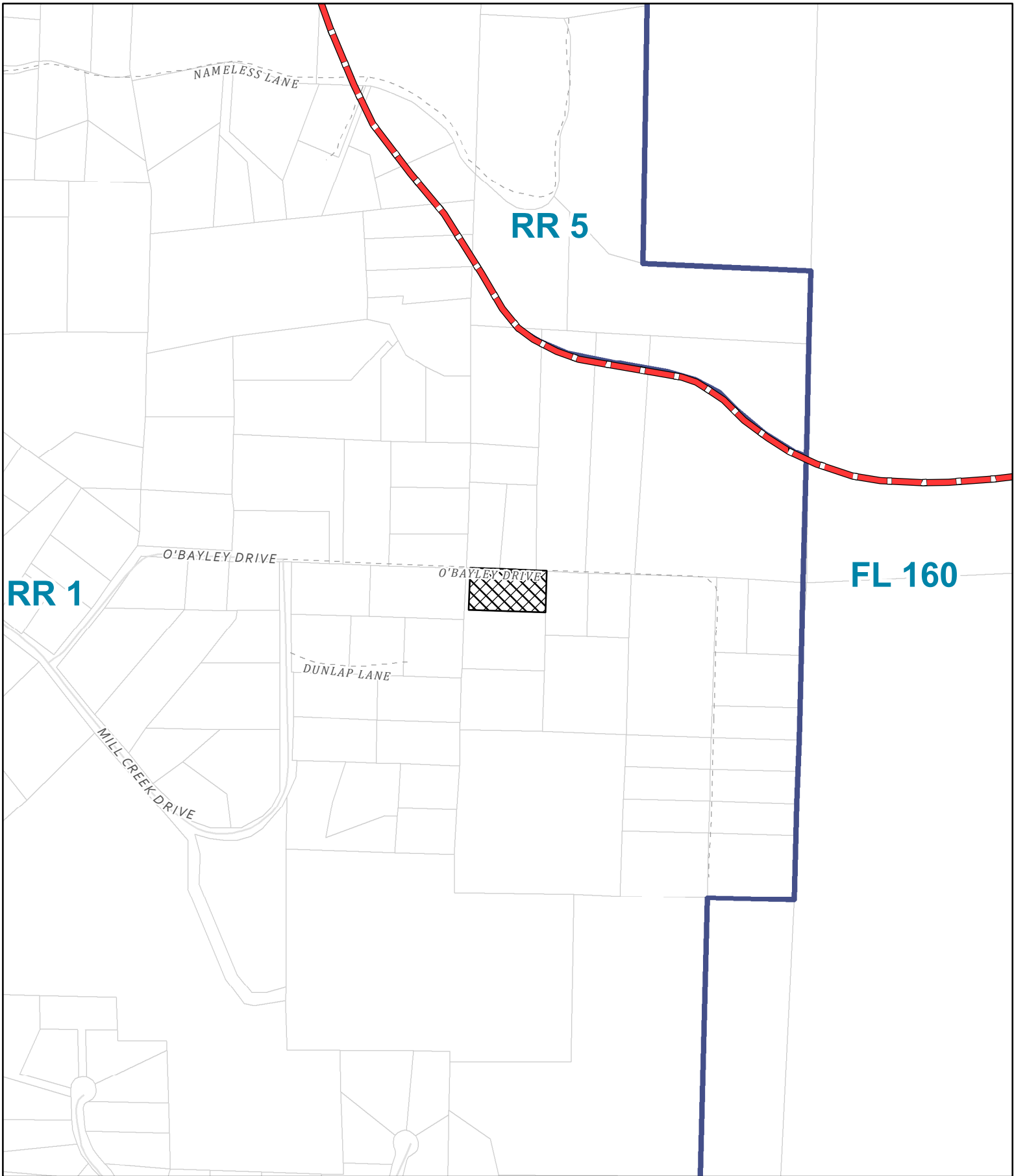
- Coastal Zone Boundary
- Zoning Districts
- Public Roads
- Private Roads
- Assessors Parcels







1:6,000

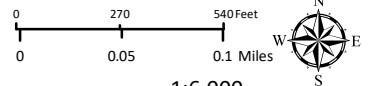
ZONING

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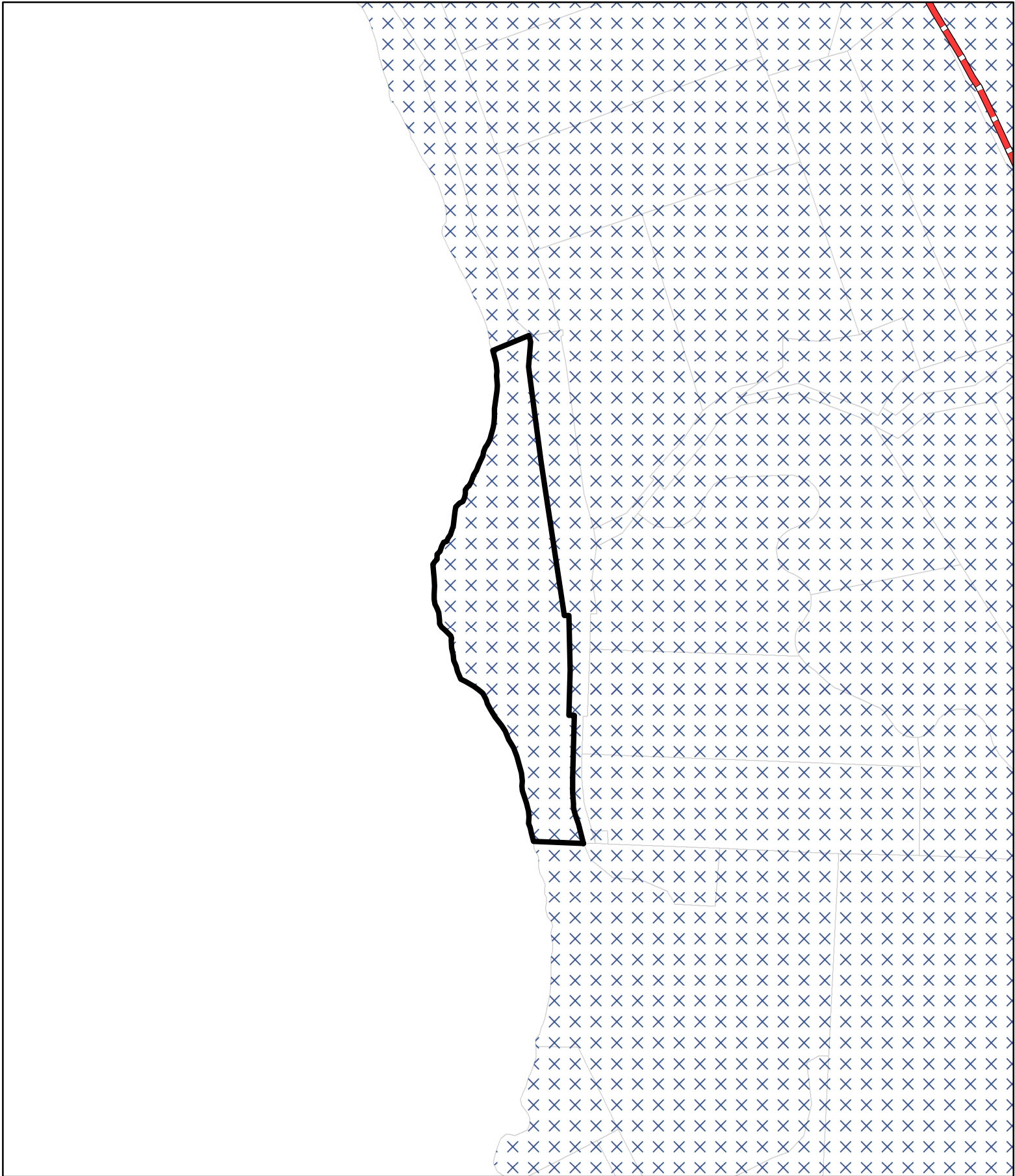
CASE: U 2023-0011
OWNER: CHILDS, Reuben
APN: 069-190-06
APLCT: Reuben Childs
AGENT:
ADDRESS: 32151 O'Bayley Dr.

-  Coastal Zone Boundary
-  Assessors Parcels
-  Public Roads
-  Private Roads






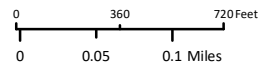
1:6,000
GENERAL PLAN

**THIS MAP AND DATA ARE PROVIDED WITHOUT WARRANTY OF ANY KIND.
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CASE: U 2023-0012
OWNER: Westport Village Society
APN: 013-890-01
APLCT: Thad M. Van Bueren
AGENT: Thad M. Van Bueren
ADDRESS: 39000 Hwy 1, Westport

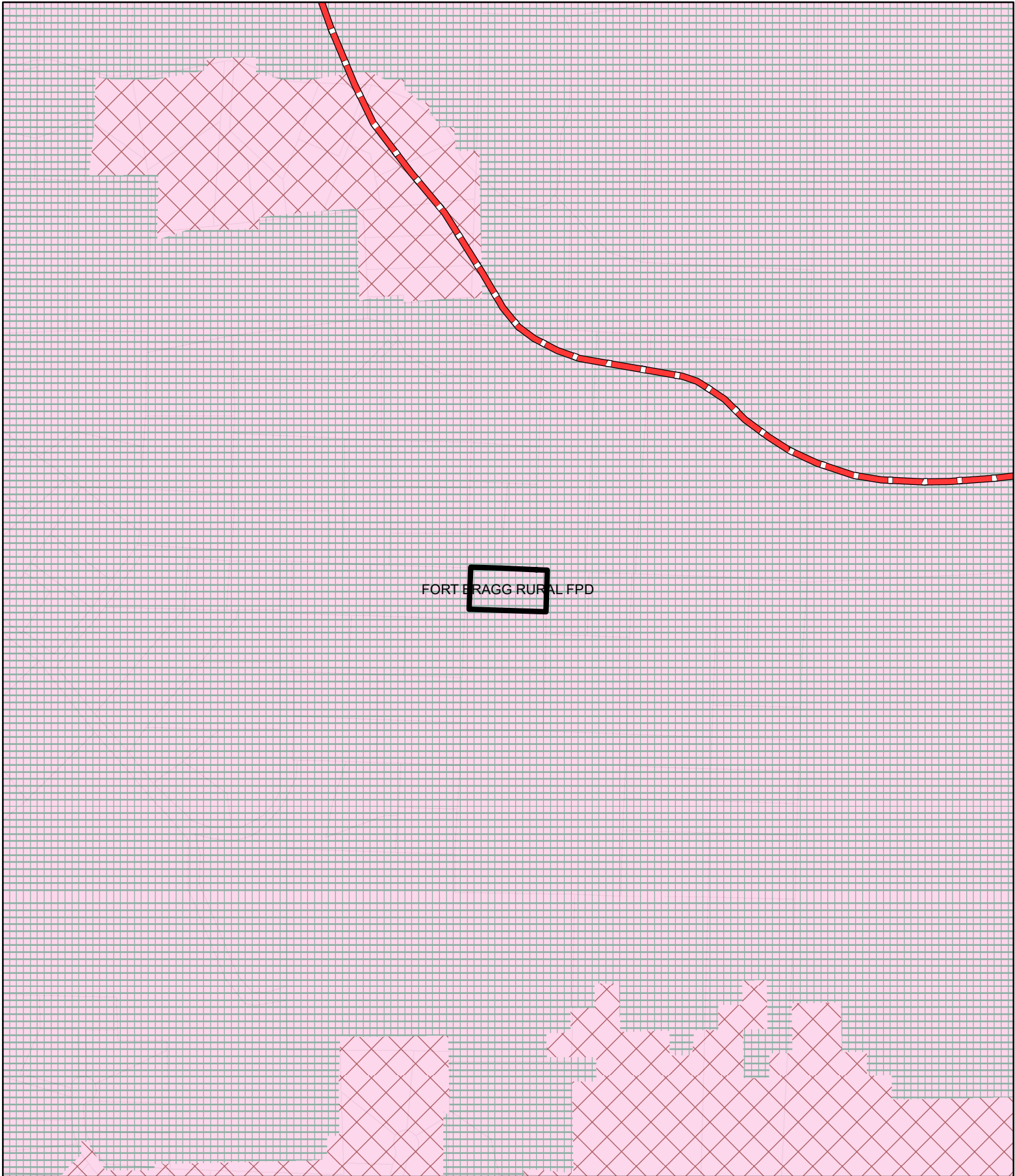
-  Coastal Zone Boundary
-  Critical Water Resources
-  Assessors Parcels



1:8,000

COASTAL GROUND WATER RESOURCES

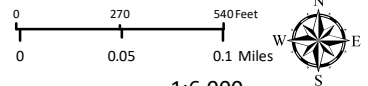
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FORTEBRAGG RURAL FPD

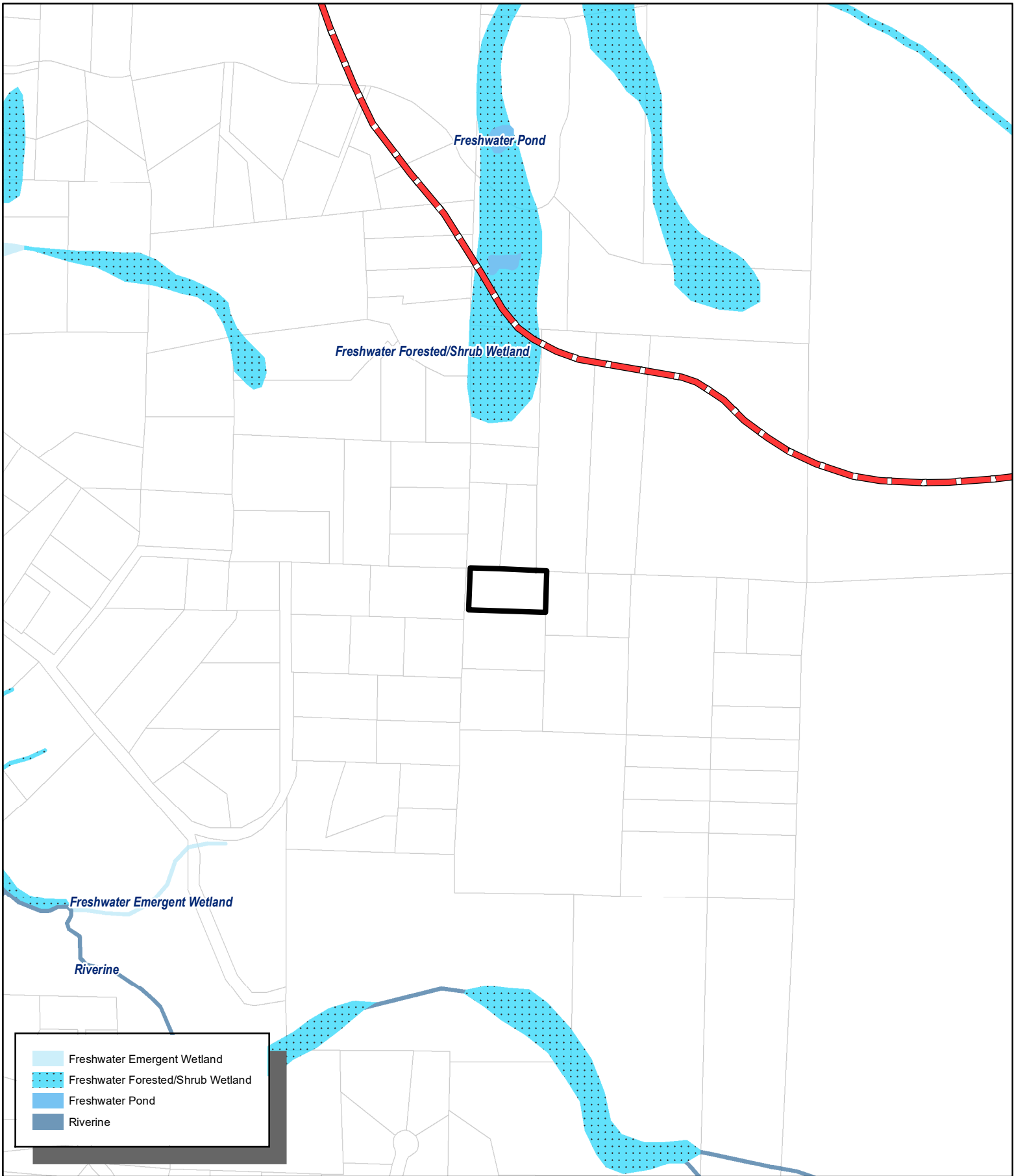
CASE: U 2023-0011
OWNER: CHILDS, Reuben
APN: 069-190-06
APLCT: Reuben Childs
AGENT:
ADDRESS: 32151 O'Bayley Dr.

-  Coastal Zone Boundary
-  High Fire Hazard
-  Moderate Fire Hazard
-  County Fire Districts
-  Assessors Parcels





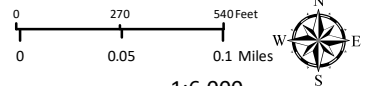
1:6,000
FIRE HAZARD ZONES & RESPONSIBILITY AREAS
 STATE RESPONSIBILITY AREA

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 DO NOT USE THIS MAP TO DETERMINE LEGAL PROPERTY BOUNDARIES**



CASE: U 2023-0011
OWNER: CHILDS, Reuben
APN: 069-190-06
APLCT: Reuben Childs
AGENT:
ADDRESS: 32151 O'Bayley Dr.

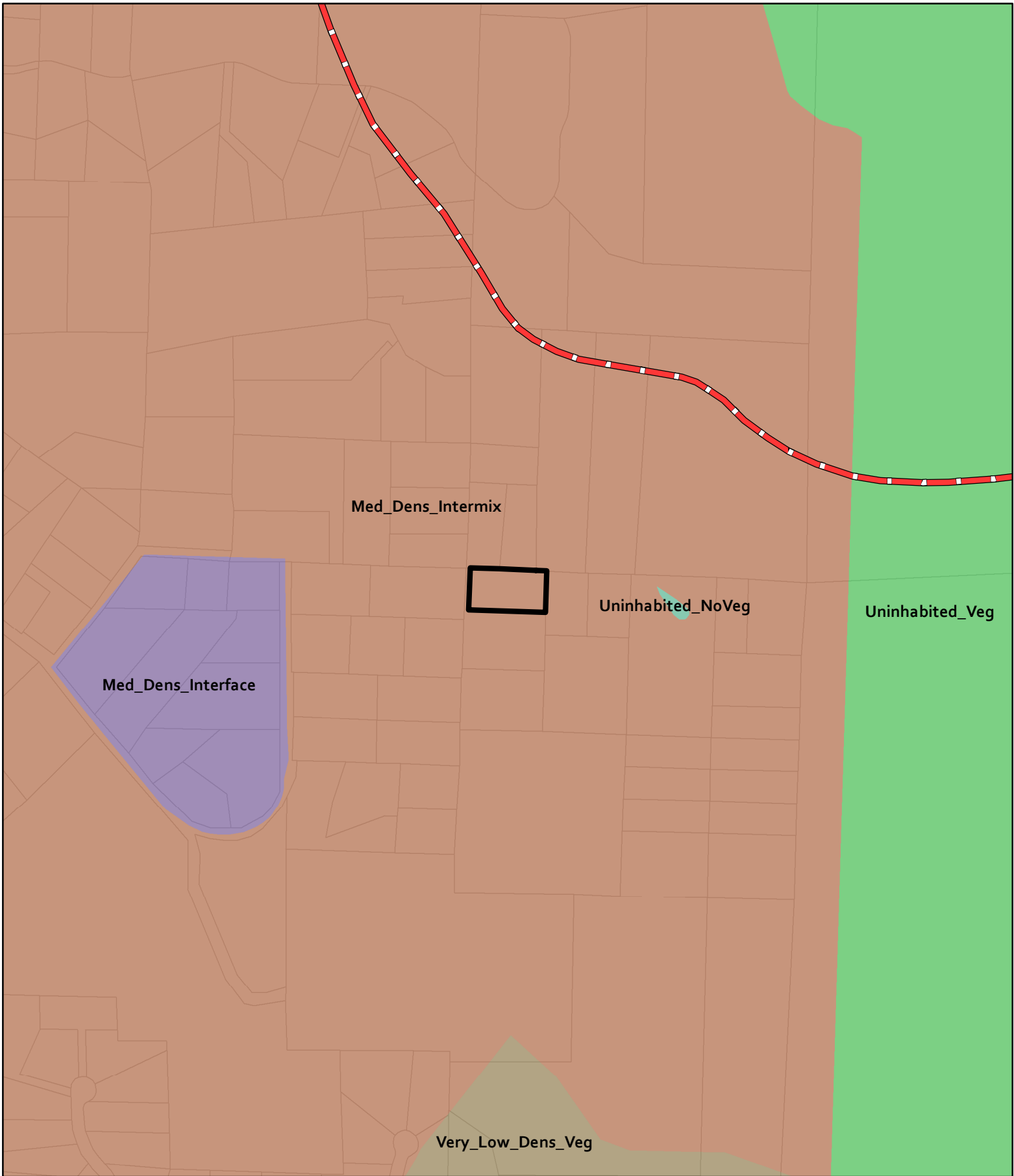
 Coastal Zone Boundary
 Assessor's Parcels





1:6,000

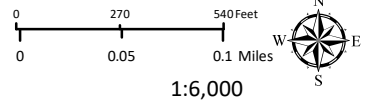
WETLANDS

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CASE: U 2023-0011
OWNER: CHILDS, Reuben
APN: 069-190-06
APLCT: Reuben Childs
AGENT:
ADDRESS: 32151 O'Bayley Dr.

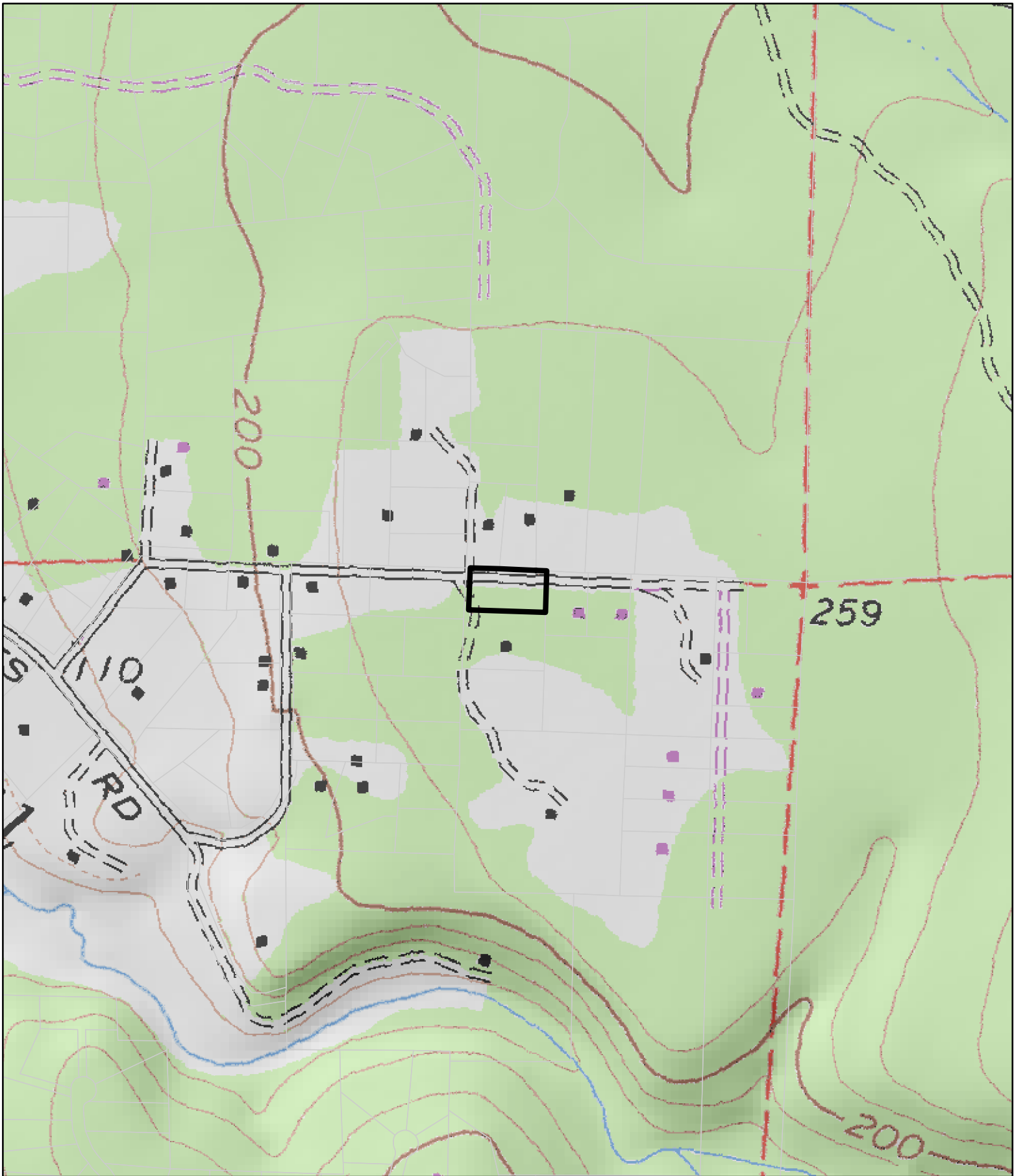
 Coastal Zone Boundary
 Assessors Parcels




1:6,000

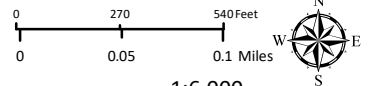
WILDLAND-URBAN INTERFACE

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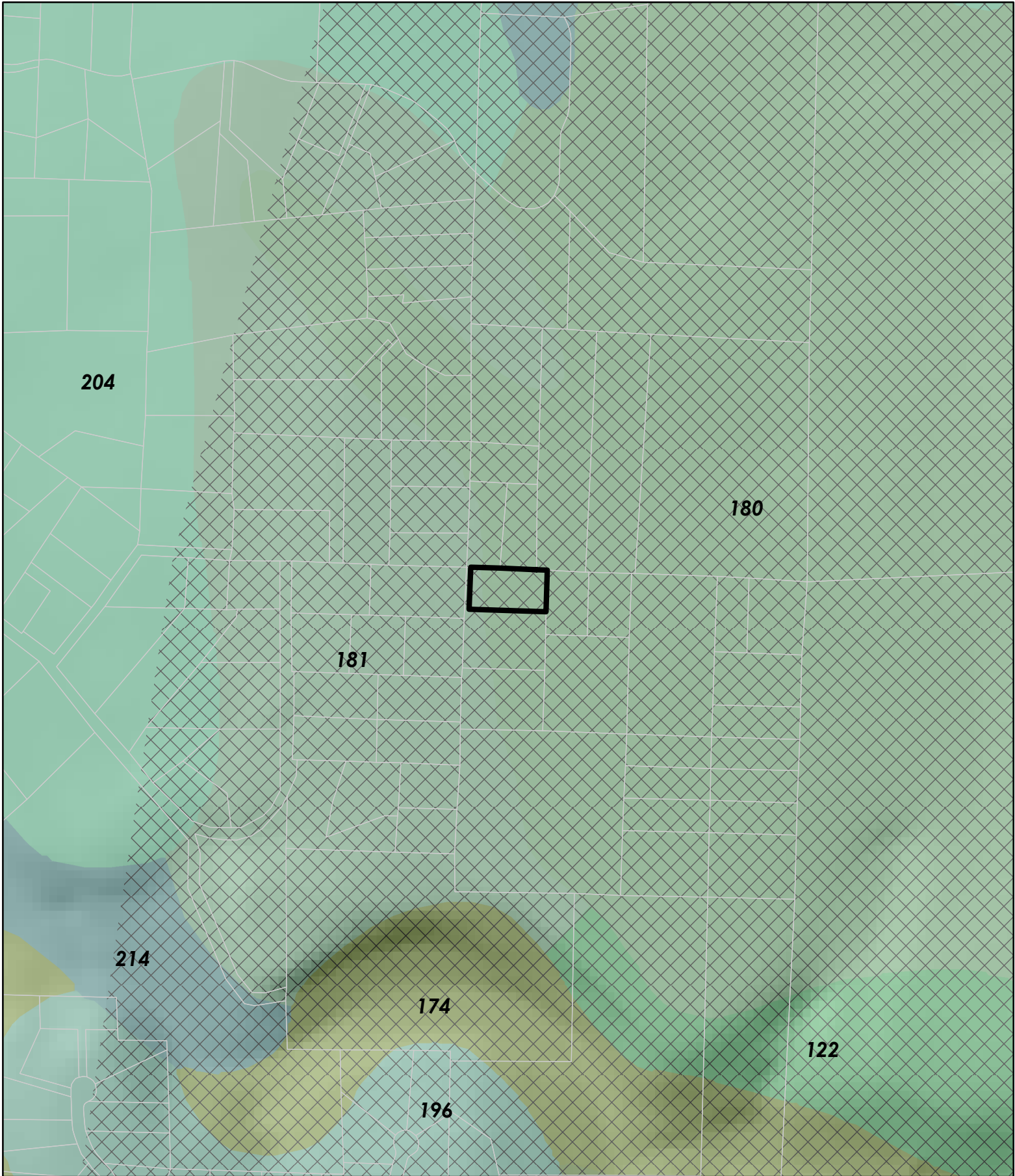
CASE: U 2023-0011
OWNER: CHILDS, Reuben
APN: 069-190-06
APLCT: Reuben Childs
AGENT:
ADDRESS: 32151 O'Bayley Dr.

 Assessors Parcels



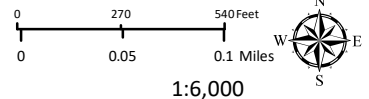
1:6,000
TOPOGRAPHIC MAP
CONTOUR INTERVAL IS 40 FEET

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CASE: U 2023-0011
OWNER: CHILDS, Reuben
APN: 069-190-06
APLCT: Reuben Childs
AGENT:
ADDRESS: 32151 O'Bayley Dr.

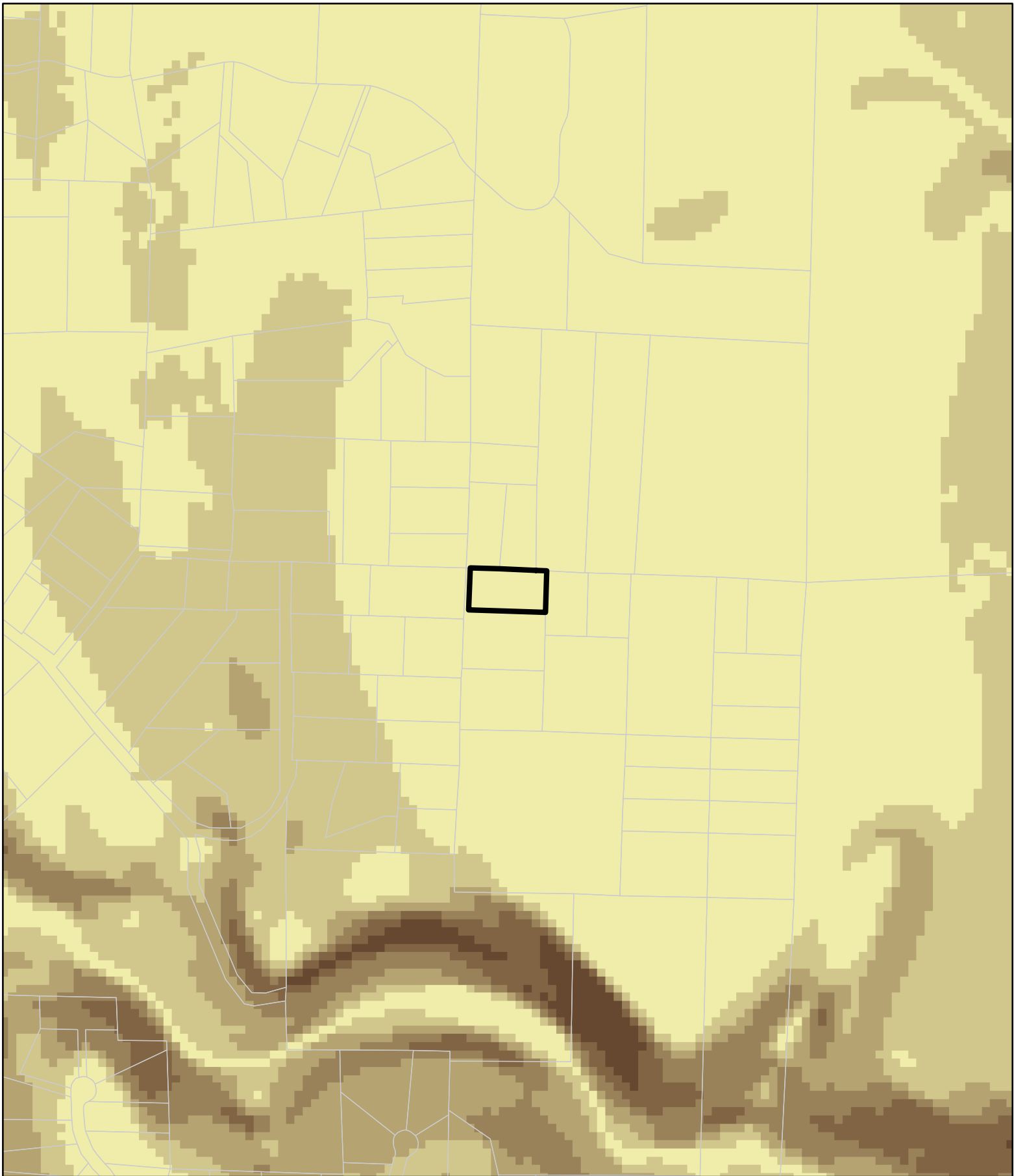
-  Assessors Parcels
-  Bishop Pine



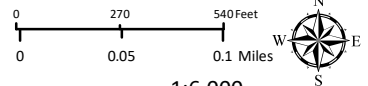
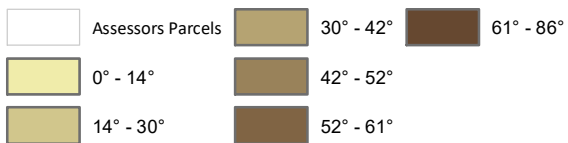
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WESTERN SOIL CLASSIFICATIONS

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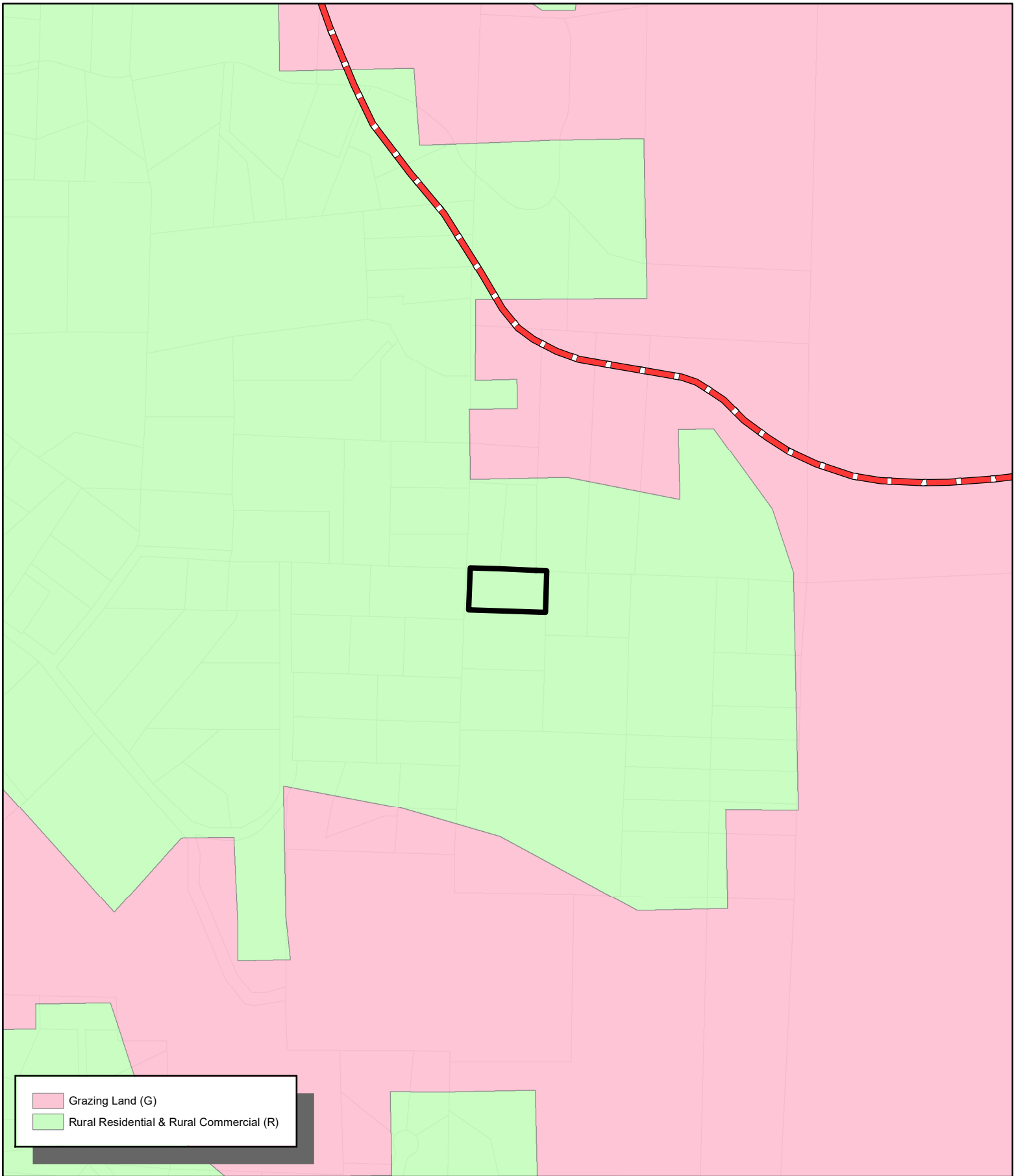


CASE: U 2023-0011
OWNER: CHILDS, Reuben
APN: 069-190-06
APLCT: Reuben Childs
AGENT:
ADDRESS: 32151 O'Bayley Dr.



1:6,000
ESTIMATED SLOPE

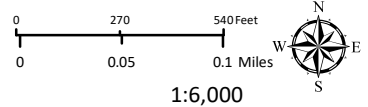
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Grazing Land (G)
 Rural Residential & Rural Commercial (R)

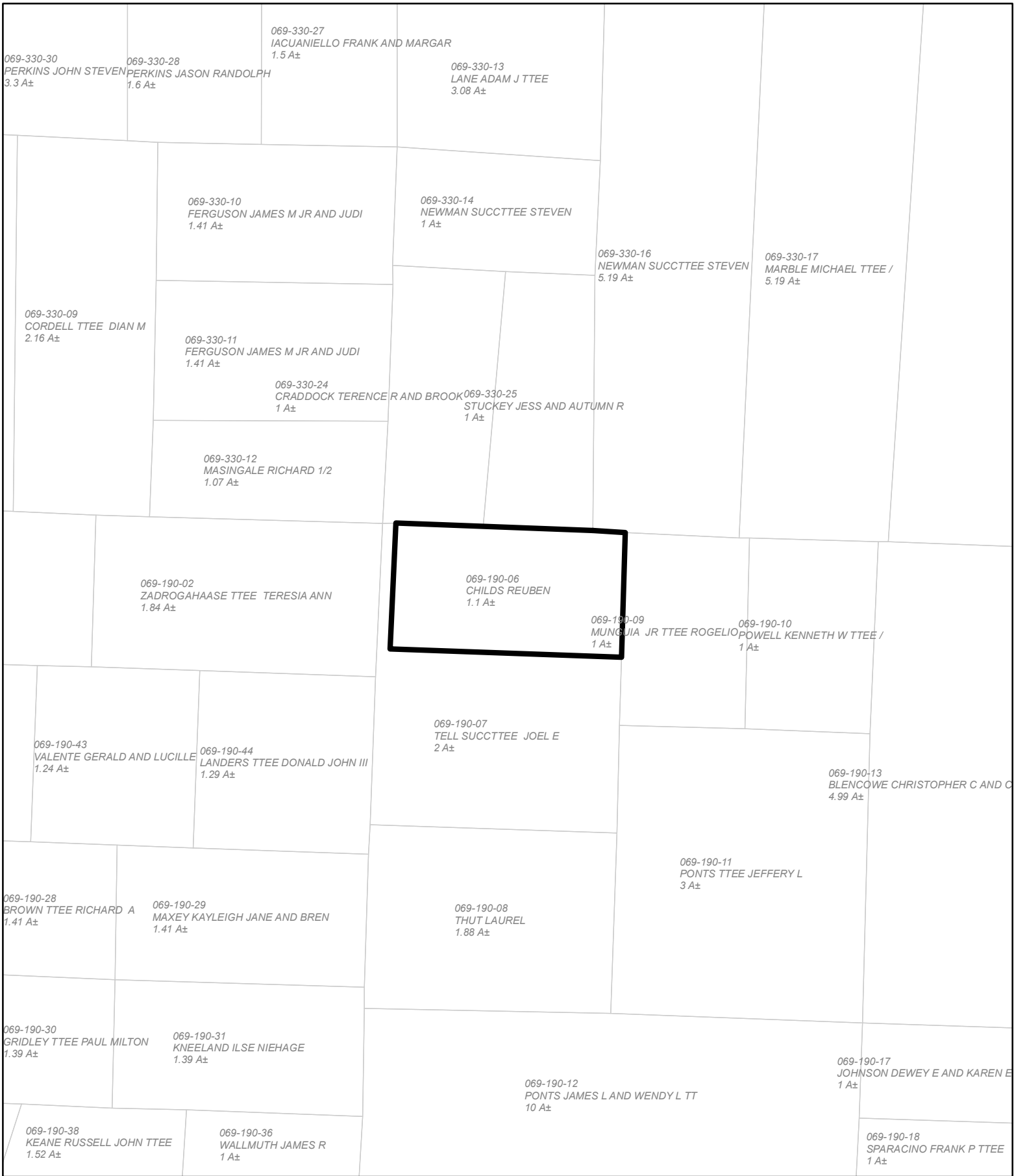
Coastal Zone Boundary
 Assessors Parcels

CASE: U 2023-0011
OWNER: CHILDS, Reuben
APN: 069-190-06
APLCT: Reuben Childs
AGENT:
ADDRESS: 32151 O'Bayley Dr.




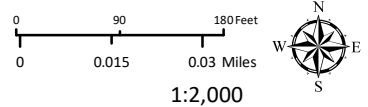
IMPORTANT FARMLANDS

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 DO NOT USE THIS MAP TO DETERMINE LEGAL PROPERTY BOUNDARIES



CASE: U 2023-0011
OWNER: CHILDS, Reuben
APN: 069-190-06
APLCT: Reuben Childs
AGENT:
ADDRESS: 32151 O'Bayley Dr.

 Assessors Parcels



1:2,000

ADJACENT PARCELS

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DO NOT USE THIS MAP TO DETERMINE LEGAL PROPERTY BOUNDARIES

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).

Wendy:

In response to your e-mail, presently the Zoning Ordinance does not have a specific provision for vacation home rentals in the Inland portion of the County like in the Coastal Zone. For years the County has interpreted vacation home rental as an accessory residential use and has utilized the provision under the use of room and board in the code. Simply, said uses could be established with a business license provided they are located on a public road. However, if they are accessed or located on a private road that would necessitate a major use permit.

MCC Section 20.164.015 (L) Room and Board states:

"The renting of no more than two (2) rooms for occupancy by transient guests for compensation or profit, provided the parcel has frontage on a publicly maintained road. A major use permit is required if the parcel does not have frontage on a publicly maintained road."

Vacation home rentals are not viewed as motels or hotels as they simply involve the rental of a private residence, so they are typically not treated as transient habitation uses, but as residential accessory uses as noted above. Perhaps, the County will need to consider vacation home rentals and how they are to be regulated when the new Zoning Code is prepared.

As for your second question regarding the enforcement of CC&R's, these are considered private restrictions and are a civil matter which the County does not enforce.

10/17/2010
from Nash to Wendy Roberts
Inland Vacation Home Rentals

Resolution Number _____

County of Mendocino
Ukiah, California

MARCH 7, 2024

U_2023-0011 REUBEN CHILDS

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

WHEREAS, the applicant, Reuben Childs, filed an application for a Major Use Permit with the Mendocino County Department of Planning and Building Services to operate a short-term rental in an existing single-family residence per Mendocino County Code Section 20.164.015(L): Room and Board; located 3.5± miles northeast of Fort Bragg City center, lying on the south side of O'Bayley Drive (private), 0.7± miles west of its intersection with State Route 1 (SR 1) via Mill Creek Drive (CR 425), located at 32151 O'Bayley Drive, Fort Bragg; APN: 069-190-06; General Plan RR; Zoning RR-1; Supervisorial District 4; (the "Project"); and

WHEREAS, the Secretary for Resources has found that certain classes of project 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 March 7, 2024, 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 intention 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). The subject parcel lies within the Zoning District of Rural Residential. Upon the issuance of a Major Use Permit, the single-family residence short-term rental project, as prescribed by MCC Section 20.164.015(L) Room and Board, is permitted in the RR district.
- 2. Use Permit Findings:**
 - a. Use Permit Findings MCC 20.196.020 (A): Under the General Plan designation of Rural Residential, residential uses are a permitted use. The subject parcel contains one (1) single-family residence, one (1) ADU, and two (2) off-street parking garages. The ADU will be used as a long-term rental, which is a principally permitted use in the RR designation. Per MCC Section 20.164.015(L) Room and Board, the use of the single-family residence as a short-term rental not located on a publicly maintained road is permitted upon a Major Use Permit. In a memo dated October 7, 2010, the following determination was made by the Mendocino County Planning Director: "Vacation home rentals are not viewed as motels or hotels as they simply involve the rental of a private

residence, so they are typically not treated as transient habitation uses, but as residential accessory uses as noted above”.

Considering the applicant intends to use the ADU for a long-term residential use, the renting of the single-family residence on a short-term basis shall be subordinate to the primary use of the land for residential purposes. As conditioned, the project adheres to the General Plan. As such, the application has been found to be consistent with the Use Permit Finding 20.196.020(A).

- b. Use Permit Findings MCC 20.196.020 (B): The project site is located within unincorporated Mendocino County and is accessed via a gravel-surfaced 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 potable water well, one septic tank, and a utility company for electric and gas services. Additional conditions have been recommended by the Mendocino County Division of Environmental Health relating to water availability and septic capacity to ensure proper drainage. The project is found to be consistent with Use Permit Finding 20.196.020(B).
- c. Use Permit Findings MCC Section 20.196.020(C): The proposed project would allow transient occupants to inhabit a single-family residence for a short-term period. Given the relatively small parcel size of 1.1± acres, and that the nearest adjacent residence is 100± feet to the south, this project has the potential to result in nuisances. The proposed project would allow up to three (3) bedrooms to be rented overnight at a time. Conditions of Approval have been included to address concerns to the health, safety, peace, morals, comfort, and general welfare of neighboring property owners in the vicinity. If operated in conformance with the recommended Conditions of Approval, the project is found to be consistent with the Use Permit Finding 20.196.020(C).
- d. Use Permit Findings MCC Section 20.196.020(D): Per the previously noted memo dated October 7, 2010, the proposed project would consist of the short-term rental use of the single-family residence on the property. Per MCC Section 20.164.015(L) Room and Board, the use of the single-family residence as a short-term rental not located on a publicly maintained road is permitted upon the issuance of a Major Use Permit.

The applicant intends to use the ADU for a long-term residential use and rent the single-family residence on a short-term basis. This proposed 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. 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: JULIA KROG
 Director of Planning & Building Services

 CLIFF PAULIN, Chair
 Mendocino County Planning Commission

EXHIBIT A

CONDITIONS OF APPROVAL

U_2023-0011 – REUBEN CHILDS

MARCH 7, 2024

Major Use Permit for the use an existing three-bedroom single-family residence containing as a short-term rental per Mendocino County Code Section 20.164.015(L) Room and Board.

APPROVED PROJECT DESCRIPTION: Major Use Permit to use an existing three-bedroom single-family residence as a short-term rental per MCC 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 March 7, 2024, 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. 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.
6. 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.
7. The short-term rental of the single-family residence shall exclude camping. The overnight occupancy for paying guests is restricted to the said single-family residence.

8. The short-term rental use is intended for paying transient guest accommodations and shall not be used for "special events", including weddings, or other large gatherings.
9. 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 O'Bayley Drive.
10. Parking shall be permitted only in designated parking areas accessed from the driveway. No parking shall occur on O'Bayley Drive.
11. 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.
12. No campfires other than in designated fire rings/pits. Fire rings/pits will have at least a 10-foot circumference of clearance, with bare mineral soil around them.
13. The utilization of the accessory dwelling unit, or mother-in-law unit, for short-term rentals is strictly prohibited.
15. The access driveway off of O'Bayley Drive must be addressed consistent with the Mendocino County Addressing Ordinance (Chapter 18.16) and clearly 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. Per Mendocino County General Plan DE-225.2, applicant is required to supply regional evacuation route information in the event of an emergency in the single-family residence and accessory dwelling unit.
21. 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 secure all required permits for the proposed project as required by the Mendocino County Division of Environmental Health.