



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

JULIA KROG, DIRECTOR  
TELEPHONE: 707-234-6650  
FAX: 707-463-5709  
FB PHONE: 707-964-5379  
FB FAX: 707-961-2427  
[pbs@mendocinocounty.org](mailto:pbs@mendocinocounty.org)  
[www.mendocinocounty.org/pbs](http://www.mendocinocounty.org/pbs)

---

MEMORANDUM

**DATE:** MARCH 7, 2024  
**TO:** PLANNING COMMISSION  
**FROM:** SHELBY MILLER, PLANNING STAFF  
**SUBJECT:** U\_2023-0011

---

The purpose of this Memorandum is to include the CEQA finding that was inadvertently omitted from the Resolution. The subject project was determined to be Categorical Exempt per Title 14 California Code of Regulations §15301 Existing Facilities, Class 1(a).

**ATTACHMENTS:**

- Revised “redline” Resolution

**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 within the meaning of the California Environmental Quality Act (CEQA), and the Project was determined to ~~meet the criteria for a be~~ Categorically Exempt per Title 14 California Code of Regulations §15301 Existing Facilities, Class 1(a) 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.

3. **Environmental Determination: The applicant proposes the use of the primary residence as a short term rental. The project is Categorically Exempt from the provisions of CEQA pursuant to Class 1 of Article 19 of the California Environmental Quality Act Guidelines. The Class 1 exemption finds that “the operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing public or private structures, facilities, mechanical equipment, or topographical features, involving negligible or no expansion of use beyond that existing at the time of the lead agency’s determination.” The proposed project meets the criteria of Section 15301 and has been determined to not have an adverse impact on the environment within the meaning of CEQA**

BE IT FURTHER RESOLVED that the Planning Commission hereby grants the requested 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 11<sup>th</sup> 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 (1) 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.