

RESOLUTION OF THE PLANNING COMMISSION, COUNTY OF MENDOCINO, STATE OF CALIFORNIA, PROVIDING CLARIFICATION REGARDING INTERPRETATION OF THE APPLICABILITY OF MENDOCINO COUNTY CODE SECTION 20.164.015(L) AND 20.024.135 AS THEY RELATE TO OCCUPANCY OF AN ENTIRE DWELLING UNIT AS TRANSIENT HABITATION

WHEREAS, Division I of Title 20 of Mendocino County Code ("Inland Zoning Code") does not offer specific regulations for occupancy of an entire dwelling unit as transient habitation ("Vacation Rental"); and

WHEREAS, "transient habitation" is defined in section 20.024.135 as "establishments primarily engaged in the provision of lodging services on a less than monthly basis with incidental food, drink and other sales and services intended for the convenience of guests"; and

WHEREAS, section 20.164.010 of the Inland Zoning Code provides that the Director of the Department of Planning and Building Services ("Director") may make determinations as to whether a proposed accessory use is necessarily and customarily associated with, and is appropriate, incidental, and subordinate to a principal use; and

WHEREAS, section 20.164.015 contains a list of accessory buildings and uses that shall be permitted in zones where residential and agricultural use types are permitted, and includes the following use of "Room and Board":

(L) Room and Board: "The renting of not 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."; and

WHEREAS, the Director has previously interpreted section 20.164.015(L) to apply to a Vacation Rental as defined herein, finding that such use is an accessory use that is necessarily and customarily associated with and is appropriate, incidental and subordinate to the principally permitted residential use of the property.

WHEREAS, Chair Pernell of the Planning Commission created an ad hoc commission on December 2, 2021, to review the interpretation of the Planning and Building Services Director regarding Section 20.164.015(L) and Vacation Rentals.

NOW, THEREFORE, BE IT RESOLVED, that the Planning Commission finds and determines as follows;

- A. The Planning Commission finds that the above recitals are true and correct and incorporated herein by this reference.
- B. The Planning Commission finds that a Vacation Rental, as defined in this resolution, is not appropriate, incidental and subordinate to a principal residential or agricultural use type and therefore is not an allowable accessory use pursuant to section 20.164.010.
- C. The Planning Commission finds that section 20.164.015 - Residential and Agricultural

Use Types (L) Room & Board shall be interpreted as follows:

- The "Room and Board" accessory use type is limited to the rental of not more than two rooms within an entire dwelling unit that is also occupied as a primary residence. A detached bedroom is considered a room of a dwelling unit.
- A Vacation Rental of an entire dwelling unit is not incidental or subordinate to a principal residential or agricultural use.

D. The Planning Commission further finds that Section 20.024.135(B) Transient Habitation—Lodging (Limited) shall be interpreted to include a Vacation Rental as defined by this resolution, whether such Vacation Rental is the primary single-family residence on the property, or an accessory dwelling unit. A Vacation Rental is permitted in the following zoning districts with approval of a Major Use Permit: S-R Suburban Residential District; R-R Rural Residential District; A-G Agricultural District; U-R Upland Residential District; R-L Rangeland District; F-L Forestland District; TPZ Timberland Production Zoning District; R-1 Single-Family Residential District; R-2 Two-Family Residential District; R-3 Multiple-Family Residential District; R-C Rural Community District; C-1 Limited Commercial District, and P-F Public Facilities District.

E. This interpretation shall apply to all Vacation Rentals within the areas of the County governed by the Inland Zoning Code as of the effective date of this resolution; provided, however, that all Vacation Rentals that have received a business license and all related approvals, including but not limited to a major use permit, from Mendocino County prior to the date of this resolution shall be considered legal non-conforming uses pursuant to Mendocino County Code Chapter 20.204.

F. This resolution is categorically exempt from the California Environmental Quality Act under (a) Section 15060(c)(2) of the State CEQA Guidelines because it will not result in a direct or reasonably foreseeable indirect physical change in the environment; and (b) Section 15060(c)(3) of the State CEQA Guidelines because it is not a project within the meaning of CEQA since it has no potential for resulting in physical changes in the environment.

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 pursuant to Mendocino County Code section 20.208.015.

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: Brooke Larsen

BY: JULIA KROG
Director

Julia Krog

ALISON PERNELL, Chair
Mendocino County Planning Commission

Alison Parnell