

Sec. 20.308.125 Definitions (V).

- (A) "Vacation Home Rental" means a single family residential dwelling unit intended for single family occupancy designed to be let or hired as an entire unit for occupancy by transient guests for compensation or profit; not a Visitor Accommodation and Service Facility as defined in this Division. Where a site contains a single-family residence and a visitor accommodation and service facility, the conversion of a single-family residence to a vacation home rental shall be considered an addition or expansion of unit(s) to the visitor accommodation and service facility. The conversion may be allowed with a coastal development permit, provided that the conversion meets the allowable density of the visitor accommodation and service facility and all other provisions of this Division.

(Ord. No. 3785 (part), adopted 1991)

Sec. 20.316.015 Vacation Home Rental.

A single-family residential dwelling unit intended for single-family occupancy designed to be let or hired as an entire unit for occupancy by transient guests for compensation or profit; not a Visitor Accommodations and Services as defined in this Division. Where a site contains a single-family residence and a visitor accommodation and service facility, the conversion of a single-family residence to a vacation home rental shall be considered an addition or expansion of unit(s) to the visitor accommodation and service facility. The conversion may be allowed with a coastal development permit, provided that the conversion meets the allowable density of the visitor accommodation and service facility and all other provisions of this Division.

(Ord. No. 3785 (part), adopted 1991)



-MENDOCINO COUNTY COASTAL ELEMENT-



CHAPTER 3 -- THE LAND USE PLAN: RESOURCES AND DEVELOPMENT ISSUES AND POLICIES

3.7 RECREATION AND VISITOR-SERVING FACILITIES

[Policies](#)

Coastal Act Requirements

The Coastal Act gives priority to recreational use and encourages the provision of support facilities, especially those available to the public at a low cost.

Section 30210. ...recreational opportunities shall be provided for the people consistent with public safety needs and the needs to protect public rights, rights of private property owners, and natural resource areas from overuse.

Section 30212.5. Wherever appropriate and feasible, public facilities, including parking areas or facilities, shall be distributed throughout an area so as to mitigate against the impacts, social and otherwise, of overcrowding or overuse by the public of any single area.

Section 30213 (Part). Lower cost visitor and recreational facilities...shall be protected, encouraged, and, where feasible, provided. Developments providing public recreational opportunities are preferred.

Section 30220. Coastal areas suited for water-oriented recreational activities that cannot readily be provided at inland water areas shall be protected for such uses.

Section 30221. Oceanfront land suitable for recreational use shall be protected for recreational use and development unless present and foreseeable future demand for public or commercial recreational activities that could be accommodated on the property is already adequately provided for in the area.

Section 30222. The use of private lands suitable for visitor-serving commercial recreational facilities designed to enhance public opportunities for coastal recreation shall have priority over private residential, general industrial, or general commercial development, but not over agriculture or coastal-dependent industry.

Section 30223. Upland areas necessary to support coastal recreational uses shall be reserved for such uses, where feasible.

Section 30250(c). Visitor-serving facilities that cannot feasibly be located in existing developed areas shall be located in existing isolated developments or at selected points of attraction of visitors.



-MENDOCINO COUNTY COASTAL ELEMENT-



Section 30252(6). The location and amount of new development should maintain and enhance public access to the coast by assuring that the recreational needs of new residents will not overload nearby coastal recreational areas by correlating the amount of development with local park acquisition and development plans with the provision of on-site recreational facilities to serve the new development.

Definitions

Bed and Breakfast Accommodations: Any building or portion thereof or group of buildings containing two but no more than four guest rooms or suites each used, designed or intended to be used, let or hired out for occupancy by transient guests for compensation or profit wherein breakfast may be provided for compensation or profit. A use permit shall be required for the establishment of bed and breakfast accommodations.

Hostel: Any building or portion thereof or group of buildings containing five or more guest rooms or suites, or providing sleeping accommodations for five or more transient guests for the purpose of providing low cost public travel accommodations to recreational travelers. The hostel shall provide a kitchen and sanitary facilities for use by the transient guests.

Hotel: Any building or portion thereof containing five or more guest rooms or suites each used, designed or intended to be used, let or hired out for occupancy by transient guests for compensation or profit wherein meals may be provided for compensation or profit.

Inn: Any building or portion thereof or group of buildings containing five or more guest rooms or suites each used, designed or intended to be used, let or hired out for occupancy by transient guests for compensation or profit, and where regular meals may be provided for compensation or profit.

Motel: Any building or portion thereof or group of buildings containing five or more guest rooms or suites where such rooms or suites are directly accessible from an outdoor parking area and where each is used, designed or intended to be used, let or hired out for occupancy by transient guests for compensation or profit.

Resort: Certain selected sites located within the Coastal Zone have been allocated for a dispersed type of Visitor Serving Facility such as: dude ranches, dispersed overnight cabin accommodations, health spas and other similar uses. New Visitor Serving Facilities in the "Resort" category shall not be allowed on resource lands in Agriculture, Forest Lands or Rangeland classifications. No use permit shall be granted in Resource Land designations (AG, RL & FL) until a specific finding has been made that the proposed use is compatible with the long term protection of resource lands.

Vacation Home Rental: A single family residential dwelling unit intended for single family occupancy designed to be let or hired as an entire unit for occupancy by transient guests for compensation or profit; not a Visitor Service Facility or Accommodation as defined in this plan.



-MENDOCINO COUNTY COASTAL ELEMENT-



Visitor Accommodations and Services: In general they are defined as uses orientated to serving the needs of the touring public which may include overnight accommodations, incidental food, drink and other sales and services. (See Chapter 2 for discussion of uses and categories of visitor accommodations.)

Issues: Recreation and Visitor Serving Facilities

The diversity and relatively unspoiled character of the Mendocino coast's natural and man-made environment invite the visitor to spend a day or week there. A basic attraction is sightseeing by driving along Highway 1, admiring the dramatic vistas of sea and shoreline. Tourists are attracted by the coast's natural habitats, the tide pools, estuaries and coves, its "uncrowded" rural character, and the charm of its villages and towns. Popular activities include hiking and walking, picnicking, bicycling, fishing, abalone diving, birdwatching, whale-watching and photography. Leading attractions at specific points include the Town of Mendocino, the Skunk Train ride from Fort Bragg to Willits, fishing activity at Noyo Harbor, and the 12 state parks.

On a peak summer weekend day, when all accommodations are filled, there could be 2,600 visitor parties on the coast, 90 percent of whom will spend the night there. Many coastal motels, inns and hotels are reserved in advance and booked throughout the summer. Campgrounds near Mendocino and Fort Bragg are full during the peak season, while those farther from the heart of tourist activity usually are fully occupied only over long holiday weekends. There is some evidence that the tourist season is being extended into the spring and autumn, as visitors take advantage of uncrowded accommodations and cheaper off-season rates.

It is difficult to project increases in tourist activity because of such unpredictable factors as the availability and price of gasoline. Based on data from the Department of Parks and Recreation as well as traffic trends on Highway 1, tourism is projected to increase 3 percent per year (not compounded) for the next 20 years. By the year 2000, peak day use could increase 60 percent to 4,160 parties. During the year starting May 1, 1979 when gas shortages often were a deterrent to travel, state park attendance increased 1.5-2.0 percent.

The state parks are the largest, best known and most heavily used recreational sites along the coast. State parks account for approximately 20 miles of shoreline, or about 17 percent of the County total. Table 3.7-1 summarizes characteristics of the state parks and lists potential additional development. This Table includes reference to updated information about Westport-Union Landing State Beach Park which may be found on page 138. A current study by the Department of Parks and Recreation (DPR) indicates that the existing parks have the potential for 500 or more additional campsites. It seems unlikely that this many campsites could be built in the near future. A related question is whether private enterprise can meet the need and what assurance private campground owners might be given that new investment will not be undermined by state park competition. DPR has no explicit policy on this point, but does maintain lists of nearby private campgrounds and available facilities; budget requests must justify the need for new campsites in the area. State Park campgrounds are shown as principal permitted or conditional uses on the Land Use Plan Maps. Chapter 4 lists policies for each location.



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Other public recreation sites along the coast are the Wildlife Conservation Board fishing or boating access points at Kibesillah, Noyo, and Navarro, and the Caltrans Chadbourne Gulch scenic easement. There are 15 private campgrounds in the coastal zone, 5 of which have shoreline access (Wages Creek, Doyle Creek, Albion Flat, Anchor Bay, Gualala River Redwood Park).

Presently there are approximately 2,206 overnight accommodation units, including motels, inns, state park campgrounds and private campgrounds, in the coastal zone, however, there are many overnight accommodations existing outside but adjacent or close to the coastal zone such as Fort Bragg and Point Arena. If the number of accommodations were to increase at the same rate as visitors (60 percent in 20 years), an additional 1,324 units would be needed, for a total 3,530 units. Table 3.7-2 illustrates existing and projected distribution of overnight accommodations by CAC area and by type of unit based on this proposed plan.

Because the Act designates visitor serving facilities as a "priority use", it logically follows that the plan must retain sufficient sites to meet projected demand. However, meeting the sections of the Act that call for preservation of special communities and for limiting highway improvements result in allocating the increase in visitor accommodations to distribute a higher proportion of trips south of the Navarro River and a smaller share between Russian Gulch and the Navarro River. Increases in visitor accommodations in the latter area must be curtailed, but it remains to be seen how much of the demand can be shifted to the south coast. More quality restaurants, more inns and more shoreline access are proposed to establish the south coast as a visitor destination area-one that is closer to home for most potential patrons.

Both the large number of desirable sites for overnight accommodations and the difficulty of predicting demand by type (inn, motel, campground) at a particular location make any plan's compliance with the Act's intent uncertain. If too many sites are withheld from other development because they might be needed for visitor accommodations, some owners may never have development opportunities. Several land use classifications for accommodations are shown:

1. Commercial areas Rural Villages and Fishing Villages within which visitor accommodations are a conditional use, (Highway 1 between the Noyo Bridge and Boice Lane, for example), are designated C, RV or FV on the Land Use Maps.
2. Sites on which visitor accommodations are the primary permitted use. At some locations, visitor accommodations should be the priority use as required by the Act, and the Coastal Element must ensure that such outstanding sites are not preempted by other uses. These sites are marked by an * on the plan maps for existing uses and by an *C for proposed new uses.
3. Areas within which visitor accommodations are a conditional use (designated *C on plan). In these areas the appropriateness of overnight accommodations will depend on the design of the project, its impact on adjoining uses and coastal resources, and the number of similar accommodations in operation nearby at the time.



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Visitor accommodations outside commercial areas will have widely varying impacts on adjoining development. An inn may be barely distinguishable from a single family house, while an RV campground generally should be screened or be out of the coastal viewshed. The visitor accommodation areas shown on the Land Use Maps allow the following types of accommodations.

- Inn, Hostel, or bed and breakfast Inn
- Motel or inn, or hotel
- Campground and recreational vehicle park
- Restaurant, boat launching or rental, or visitor-oriented commercial shops
- Resort

To ensure that sufficient sites are reserved to meet the Coastal Act's requirement as a priority use, to meet identified needs, and to ensure that sites are equitably distributed along the Mendocino Coast, the types of visitor serving development suitable to each location are designated on the land use maps based on site characteristics and compatibility with surrounding development.



-MENDOCINO COUNTY COASTAL ELEMENT-



CHAPTER 3 -- THE LAND USE PLAN: RESOURCES AND DEVELOPMENT ISSUES AND POLICIES

3.7 RECREATION AND VISITOR-SERVING FACILITIES

[Narrative](#)

Coastal Element Policies: Recreation and Visitor Serving Facilities

- 3.7-1 The land use plan designates the existing visitor serving facilities and reserves appropriate sites for future or potential visitor serving facilities.
- 3.7-2 Because unrestricted development of visitor facilities would destroy those qualities that attract both residents and tourists, limitations on visitor facilities by type and location shall be as set by Policy 3.7-1 and illustrated by Table 3.7-2 which reflects a tabulation based on land use maps (see footnotes) to avoid highway congestion, degradation of special communities, and disruption of enjoyment of the coast.
- 3.7-3 Visitor serving facilities and proposed sites where the Coastal Commission has approved the issuance of permits are designated on the land use maps, and are reserved for those visitor accommodations as defined in Chapter 2. Provision has also been made for the following visitor services: boat launching or rental, visitor-oriented and handicraft shops. Precise intensity of visitor accommodations and development standards shall be specified by zoning regulations so the developments will be compatible with the natural setting and surrounding development. Visitor serving facilities which might occur in commercially designated areas have not been specifically designated, except for the Mendocino Town Plan. (See Appendix 10 for listing of privately operated visitor serving facilities.)
- 3.7-4 Proposed sites or areas for additional visitor serving facilities are designated and reserved by a number indicating a category of VSF described in this section subject to the granting of a conditional use permit (*C). Precise intensity of the proposed visitor accommodations and development standards shall be specified in the Zoning Regulations and regulated so that the use will be compatible with existing uses, public services and environmental resources. Any visitor serving facility not shown on the LUP Maps shall require an LUP amendment except in Rural Village (RV) and Commercial (C) Land Uses.

No development more intense than a single family residence shall be allowed on such a site, and then only if it is sited in such a location and manner that a visitor serving facility may still be placed on the site.



-MENDOCINO COUNTY COASTAL ELEMENT-



- 3.7-4.1 Transference from one location to another of a visitor serving facility designation shown on the Land Use Plan maps shall require a Land Use Plan amendment. If an existing facility is being relocated, operation of the existing facility shall not continue beyond commencement of operations at the new site.
- 3.7-5 The locations designated and types of use permitted are intended to result in accommodations of all price ranges, including lower cost ones such as campgrounds and hostels. Lower-cost visitor and recreational facilities for persons and families of low and moderate income shall be protected, encouraged and, where feasible, provided. Developments providing public recreational opportunities are preferred.
- 3.7-6 The Department of Parks and Recreation is requested to complete all funded acquisitions. No unfunded state park acquisitions in the coastal zone are designated by the Land Use Plan, but acquisition necessary to provide shoreline access at locations shown is consistent with the plan and provision of access at such locations will not require a plan amendment.
- 3.7-7 Within two (2) years of the certification of the Local Coastal Plan the State Department of Parks and Recreation shall develop a comprehensive land use plan and management program to their lands on the Mendocino Coast prior to any additional development or relinquishment of DPR lands. Such plan shall include a tree removal program on all Department of Parks and Recreation lands where so designated on the LUP Maps. Exempted from this requirement for a development plan is any development necessary to ensure the health and safety of the general public. Exempt from the requirement for a comprehensive land use plan and management program is the repair, replacement, or rehabilitation of existing facilities at the 30.5-acre Point Cabrillo Light Station, including the establishment of visitor accommodations and services within existing structures. (*Revised 8-30-2005; Resolution 05-153*)



-MENDOCINO COUNTY COASTAL ELEMENT-



Figure 1

← Rural, undeveloped areas		Already developed areas →		
↑ High ↓ Low	↑ Priority of Use ↓	Agriculture (Prime coastal dependent), forestry (productive timberland), coastal dependent public recreation [30213, 30241, 30242, 30243, 30250(a), 30250(b)].	Coastal dependent public ¹ recreation [30213, 30220, 30221]	Coastal dependent industry and commerce, commercial fishing, coastal dependent public recreation and special communities [30213, 30234, 30250(a), 30250(b), 302.53-5, 30255]
		Water dependent ¹ public recreation [30220, 30221, 30223]		
		Non-coastal or non-water ¹ dependent public recreation [30220, 30221]		
		Visitor-serving ¹ commercial recreation, lower cost [30222, 30213, 30250(c)]		
		Visitor-serving ¹ commercial recreation, higher cost [30222, 30250(c)]		
				Private residential, general ² industrial or commercial development [30222, 30250, 30255]

1. Recreational uses of the coast that do not require extensive alteration of the natural environment have priority in intertidal and waterfront areas over recreational uses that would result in substantial alteration of the natural environment [30233, 30235, 30255].
2. Concentration of development policies [30250(a)] limit development in rural areas, except public recreation and visitor-serving uses.

ATTACHMENT E

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.

from Nash to Wendy Roberts
10/7/2010
Inland Vacation Home Rentals

ATTACHMENT F

CARRE BROWN
1st District
Supervisor

JOHN MCCOWEN
2nd District
Supervisor
Chair

**GEORGEANNE
CROSKEY**
3rd District
Supervisor

DAN GJERDE
4th District
Supervisor

DAN HAMBURG
5th District
Supervisor
Vice-Chair



CARMEL J. ANGELO
Chief Executive Officer/
Clerk of the Board

KATHARINE L. ELLIOTT
County Counsel

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501 Low Gap Road, Room 1070
Ukiah, CA 95482
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MENDOCINO COUNTY BOARD OF SUPERVISORS

ACTION MINUTES –May 16, 2017

**BEFORE THE BOARD OF SUPERVISORS
COUNTY OF MENDOCINO - STATE OF CALIFORNIA
FAIR STATEMENT OF PROCEEDINGS
(PURSUANT TO CALIFORNIA GOVERNMENT CODE §25150)**

AGENDA ITEM NO. 1 – OPEN SESSION (PLEDGE OF ALLEGIANCE AND ROLL CALL 9:04 A.M.)

Present: Supervisor Carre Brown, Chair John McCowen, Supervisor Dan Gjerde, and Supervisor Dan Hamburg. Chair McCowen presiding. Supervisor Georgeanne Croskey absent by pre-arrangement.

Staff Present: Ms. Carmel J. Angelo, Chief Executive Officer; Ms. Katharine L. Elliott, County Counsel; and Ms. Karla Van Hagen, Deputy Clerk of the Board II.

The Pledge of Allegiance was led by: Mr. Thomas Allman.

AGENDA ITEM NO. 3 – PUBLIC EXPRESSION

Presenter/s: Mr. Thomas Allman, Sheriff; Mr. Ross Liberty; Ms. Natalie Shepard; Ms. Angie Wynacht; Mr. Ricardo Quintana; Ms. Joy Beeler; Ms. Melissa Morin; Ms. Joan Ross; Mr. Phil Baldwin; Ms. Little Fawn Bolland; and Mr. Michael Hunter.

AGENDA ITEM NO. 4 – APPROVAL OF CONSENT CALENDAR

Presenter/s: Chair McCowen.

Public Comment: None.

Board Action: Upon motion by Supervisor Hamburg, seconded by Supervisor Gjerde, IT IS ORDERED that consent items 4(a) – 4(x) and 4(z) - 4(ah); are approved/rejected as follows: The motion carried by the following vote:

Aye: 4 - Supervisor Brown, Supervisor McCowen, Supervisor Gjerde, and Supervisor Hamburg.

No: 0 – None.

Absent: 1 – Supervisor Croskey.

4A) CLAIM OF BRIAN HURT, D.B.A. GRIST CREEK AGGREGATES (SERVED UPON MENDOCINO COUNTY AIR QUALITY MANAGEMENT DISTRICT)

Rejected;

4B) APPROVAL OF RECOMMENDED APPOINTMENTS/REAPPOINTMENTS

Approved;

1. RedHawk Pallesen, Mendocino County Fish and Game Commission, Member at Large (Coastal).

4C) MAY 2, 2017, REGULAR BOARD MEETING

Approved;

4D) APPROVAL OF AGREEMENT WITH DEREK COLE FOR AN AMOUNT NOT TO EXCEED \$50,000 FOR LEGAL REPRESENTATION OF MATTERS RELATED TO THE APPEAL OF PERMITS ISSUED BY THE DISTRICT, IN ADDITION TO OTHER LEGAL ACTIONS RELATED TO ENFORCEMENT - SPONSOR: AIR QUALITY MANAGEMENT DISTRICT

Approved and Chair is authorized to sign same;

Enactment No: Agreement 17-022

4E) APPROVAL OF PURCHASE FOR ONE (1) TOYOTA TACOMA SR, 4 WHEEL DRIVE (4 WD) PICKUP IN THE AMOUNT OF \$30,000 FOR THE ASSESSOR CLERK RECORDER ASSESSOR DIVISION; AND APPROVAL OF BUDGET TRANSFER FROM BUDGET UNIT 1122, LINE ITEM 865802 OPERATING TRANSFER OUT TO BUDGET UNIT 1120, LINE ITEM 827802 OPERATING TRANSFER IN AND BUDGET UNIT 1120, LINE ITEM 864370 EQUIPMENT; AND ADDITION OF THE VEHICLE TO THE COUNTY'S LIST OF FIXED ASSETS - SPONSOR: ASSESSOR/CLERK-RECORDER

Approved;

4F) APPROVAL OF MENDOCINO COUNTY'S CERTIFICATION OF THE MAY 2, 2017, SPECIAL ALL MAIL ELECTION FOR SOUTHERN HUMBOLDT HEALTHCARE DISTRICT; THIS DISTRICT IS SHARED WITH HUMBOLDT COUNTY - SPONSOR: ASSESSOR/CLERK-RECORDER

Approved;

4G) ADOPTION OF PROCLAMATION RECOGNIZING MAY 2017 AS NATIONAL BIKE MONTH; AND MAY 19, 2017, AS BIKE TO WORK DAY IN MENDOCINO COUNTY - SPONSOR: SUPERVISOR GJERDE

Adopted and Chair is authorized to sign same;

4H) ADOPTION OF PROCLAMATION RECOGNIZING MAY 2017 AS LYME DISEASE AWARENESS MONTH IN MENDOCINO COUNTY - SPONSORS: SUPERVISORS BROWN AND MCCOWEN

Adopted and Chair is authorized to sign same;

4J) ACCEPTANCE OF UPDATE AND RECOMMENDATIONS REGARDING ALLOCATION AND PROGRAMMING OF PUBLIC, EDUCATIONAL AND GOVERNMENTAL (PEG) ACCESS TELEVISION FEES AND SERVICES IN MENDOCINO COUNTY - SPONSOR: SUPERVISOR McCOWEN AND SUPERVISOR GJERDE - PEG AD HOC COMMITTEE

Approved;

4J) ACCEPTANCE OF REPORT OUT OF COMMITTEE CLEARING REFERRAL REGARDING CALIFORNIA GOVERNMENT CODE SECTION 26909 FOR THE REPLACEMENT OF ANNUAL AUDITS OF SPECIAL DISTRICTS WITH A FINANCIAL REVIEW - SPONSOR: SUPERVISORS GJERDE AND BROWN - GENERAL GOVERNMENT COMMITTEE

Approved;

4K) ADOPTION OF RESOLUTION OPPOSING REVIEW OF DESIGNATIONS OF GREATER FARALLONES AND CORDELL BANK NATIONAL MARINE SANCTUARIES - SPONSORS: SUPERVISORS HAMBURG AND GJERDE

Adopted and Chair is authorized to sign same;

Enactment No: Resolution 17-058

RESOLUTION 17-058

RESOLUTION OF THE MENDOCINO COUNTY BOARD OF SUPERVISORS OPPOSING REVIEW OF DESIGNATIONS OF GREATER FARALLONES AND CORDELL BANK NATIONAL MARINE SANCTUARIES

4L) APPROVAL OF LETTER OF SUPPORT TO THE CALIFORNIA COASTAL CONSERVANCY FOR THE PROPOSITION 1 GRANT PROPOSAL TO BE SUBMITTED BY THE EEL RIVER RECOVERY PROJECT - SPONSOR: SUPERVISOR BROWN

Approved and Chair is authorized to sign same;

4M) APPROVAL OF A LETTER OF APPRECIATION TO ASSEMBLYMEMBER JIM WOOD REGARDING HIS ADVOCACY EFFORTS FOR STATE FUNDING OF ILLEGAL CANNABIS CULTIVATION SITE CLEANUP - SPONSOR: SUPERVISOR McCOWEN

Approved and Chair is authorized to sign same;

4N) APPROVAL OF MENDOCINO COUNTY RESOURCE CONSERVATION DISTRICT'S CONFLICT OF INTEREST CODE - SPONSOR: COUNTY COUNSEL

Approved;

4O) APPROVAL OF AMENDMENTS TO CONFLICT OF INTEREST CODE FOR MENDOCINO CITY COMMUNITY SERVICES DISTRICT - SPONSOR: COUNTY COUNSEL

Approved;

4P) APPROVAL OF AMENDMENTS TO LEGGETT VALLEY UNIFIED SCHOOL DISTRICT CONFLICT OF INTEREST CODE - SPONSOR: COUNTY COUNSEL

Approved;

4Q) APPROVAL OF AMENDMENTS TO CONFLICT OF INTEREST CODE FOR ANDERSON VALLEY UNIFIED SCHOOL DISTRICT - SPONSOR: COUNTY COUNSEL

Approved;

4R) APPROVAL OF AMENDMENTS TO CONFLICT OF INTEREST CODE FOR NOYO HARBOR DISTRICT - SPONSOR: COUNTY COUNSEL

Approved;

4S) AUTHORIZATION TO ACQUIRE REPLACEMENT DUMP TRUCK FOR THE DEPARTMENT OF TRANSPORTATION (FIXED ASSETS) DUE TO VEHICLE COLLISION, INCLUDING APPROVAL OF INSURANCE REIMBURSABLE APPROPRIATIONS ADJUSTMENTS IN THE AMOUNT OF \$166,223 AS FOLLOWS: APPROPRIATION AND REVENUE INCREASE IN THE TRANSPORTATION BUDGET UNIT 3010, LINE ITEMS 864370 AND 827802 IN THE AMOUNT OF \$166,223; AND ADD VEHICLE TO THE LIST OF FIXED ASSETS - SPONSOR: EXECUTIVE OFFICE

Approved;

4T) ADOPTION OF RESOLUTION AWARDING CONTRACT TO DAN GEORGE ROOFING AND APPROVAL OF AGREEMENT IN THE AMOUNT OF \$102,000 FOR ROOF REPAIRS AND ROOF COATING OF BUILDING NUMBER 32 AT 841 LOW GAP ROAD IN UKIAH FOR THE TERM OF FEBRUARY 17, 2017 THROUGH OCTOBER 30, 2017; AND AUTHORIZATION FOR THE FACILITIES AND FLEET DIVISION MANAGER TO ACT AS PROJECT MANAGER AND APPROVE CHANGE ORDERS FOR THE PROJECT, PURSUANT TO PUBLIC CONTRACT CODE SECTION 20142 - SPONSOR: EXECUTIVE OFFICE

Adopted and Chair is authorized to sign same;

Enactment Nos: Resolution 17-059; Agreement 17-023

RESOLUTION 17-059

RESOLUTION OF THE MENDOCINO COUNTY BOARD OF SUPERVISORS AWARDING CONTRACT TO DAN GEORGE ROOFING FOR ROOF REPAIRS AND ROOF COATING AT BUILDING 32, THE HEALTH & HUMAN SERVICES AGENCY TRAINING CENTER, CENTRAL SERVICES AND WAREHOUSE BUILDING

4U) ADOPTION OF PROCLAMATION DECLARING MAY 21-27, 2017, AS EMERGENCY MEDICAL SERVICES (EMS) WEEK IN MENDOCINO COUNTY) - SPONSOR: HEALTH AND HUMAN SERVICES AGENCY

Adopted and Chair is authorized to sign same;

4V) APPROVAL OF AMENDMENT TO AGREEMENT NO. SS S16 051 WITH COMMUNIQUE INTERPRETING IN THE AMOUNT OF \$30,000 (FOR A NEW TOTAL OF \$80,000) TO PROVIDE SIGN LANGUAGE INTERPRETATION SERVICES FOR FAMILY AND CHILDREN'S SERVICES (FCS) CLIENTS IN FISCAL YEAR 2016-17 - SPONSOR: HEALTH AND HUMAN SERVICES AGENCY

Approved and Chair is authorized to sign same;

Enactment No: Agreement 17-024

4W) APPROVAL OF PURCHASE OF POLYCOM VIDEO CONFERENCING KIT AND WORK STATION SERVICE AGREEMENT IN THE AMOUNT OF \$8,150.88 FROM BUDGET UNIT 5010 FOR THE FAMILY AND CHILDREN'S SERVICES FORT BRAGG OFFICE; AND ADDITION OF THE EQUIPMENT TO COUNTY'S LIST OF FIXED ASSETS - SPONSOR: HEALTH AND HUMAN SERVICES AGENCY

Approved;

4X) APPROVAL OF AMENDMENT TO AGREEMENT NO. SS S16 078 PURCHASING AGENT NO. 17 41 WITH REDWOOD TOXICOLOGY LABORATORY, INC., IN THE AMOUNT OF \$20,000 (FOR A NEW TOTAL OF \$70,000) TO PROVIDE LABORATORY TESTING AND SUPPLIES FOR FAMILY AND CHILDREN'S SERVICES (FCS) IN FISCAL YEAR 2016-17 - SPONSOR: HEALTH AND HUMAN SERVICES AGENCY

Approved and Chair is authorized to sign same;

Enactment No: Agreement 17-025

~~4Y) APPROVAL OF AGREEMENT WITH REDWOOD COMMUNITY SERVICES, INC., DBA ARBOR OUTPATIENT DRUG-FREE CLINIC, IN THE AMOUNT OF \$105,000 TO PROVIDE DRUG-MEDI-CAL SERVICES TO TRANSITIONAL AGE YOUTH POPULATION FOR FISCAL YEARS 2016-17 AND 2017-18 - SPONSOR: HEALTH AND HUMAN SERVICES AGENCY - WITHDRAWN~~

~~4Z) APPROVAL OF INTERGOVERNMENTAL TRANSFER (IGT), TRANSFER OF PUBLIC FUNDS AGREEMENT 16 93687 WITH THE CALIFORNIA DEPARTMENT OF HEALTH CARE SERVICES (DHCS), IGT ASSESSMENT FEE AGREEMENT 16 93718 WITH DHCS, AND THE FOURTH AMENDMENT TO THE PARTNERSHIP HEALTHPLAN OF CALIFORNIA (PHC) HEALTH PLAN PROVIDER AGREEMENT - SPONSOR: HEALTH AND HUMAN SERVICES AGENCY~~

Approved and Chair is authorized to sign same;

Enactment Nos: Agreements 17-026, 17-027, and 16-035-A1

~~4AA) ADOPTION OF RESOLUTION AUTHORIZING CHANGES TO THE POSITION ALLOCATION TABLE AS FOLLOWS: PUBLIC DEFENDER, BUDGET UNIT 2080 - DELETE ONE (1) FULL TIME EQUIVALENT (FTE) LEGAL SECRETARY II AND ADD ONE (1) FTE LEGAL ASSISTANT - SPONSOR: HUMAN RESOURCES~~

Adopted and Chair is authorized to sign same;

Enactment No: Resolution 17-060

RESOLUTION 17-060

RESOLUTION OF THE MENDOCINO COUNTY BOARD OF SUPERVISORS AMENDING THE POSITION ALLOCATION TABLE PROVIDING FOR THE NUMBER AND COMPENSATION OF OFFICERS, DEPUTIES AND EMPLOYEES IN THE VARIOUS OFFICES OF THE COUNTY OF MENDOCINO

~~4AB) ADOPTION OF RESOLUTION APPROVING NOTICE OF COMPLETION AND RELEASE OF CONTRACT SURETY, DEPARTMENT OF TRANSPORTATION CONTRACT NUMBER 150114, MENDOCINO VILLAGE AMERICANS WITH DISABILITIES ACT ACCESS AND SIDEWALK SEGMENT ON KASTEN STREET, COUNTY ROAD 407L, MILEPOST 0.00 (MENDOCINO AREA) - SPONSOR: TRANSPORTATION~~

Adopted and Chair is authorized to sign same;

Enactment No: Resolution 17-061

RESOLUTION 17-061

RESOLUTION OF THE MENDOCINO COUNTY BOARD OF SUPERVISORS APPROVING NOTICE OF COMPLETION AND RELEASE OF CONTRACT SURETY, DEPARTMENT OF TRANSPORTATION CONTRACT NUMBER 150114, MENDOCINO VILLAGE AMERICANS WITH DISABILITIES ACT ACCESS AND SIDEWALK SEGMENT ON KASTEN STREET, COUNTY ROAD 407L, MILEPOST 0.00 (MENDOCINO AREA)

4AC) ADOPTION OF RESOLUTION APPROVING DEPARTMENT OF TRANSPORTATION AGREEMENT NUMBER 160004, PROFESSIONAL SERVICES AGREEMENT WITH SHN CONSULTING ENGINEERS & GEOLOGISTS, INC., IN THE AMOUNT OF \$131,000 FOR VEGETATION MONITORING AND MAINTENANCE FOR THE SCHOOL WAY BRIDGE OVER THE RUSSIAN RIVER REPLACEMENT PROJECT ON SCHOOL WAY, COUNTY ROAD 236, MILEPOST 0.87, AND AUTHORIZING THE DIRECTOR OF TRANSPORTATION TO SIGN ANY AND ALL AMENDMENTS TO THE AGREEMENT NOT EXCEEDING \$15,000 (REDWOOD VALLEY AREA) - SPONSOR: TRANSPORTATION

Adopted and Chair is authorized to sign same;

Enactment Nos: Agreement 17-028, Resolution 17-062

RESOLUTION 17-062

RESOLUTION OF THE MENDOCINO COUNTY BOARD OF SUPERVISORS APPROVING DEPARTMENT OF TRANSPORTATION AGREEMENT NUMBER 160004, PROFESSIONAL SERVICES AGREEMENT WITH SHN CONSULTING ENGINEERS & GEOLOGISTS, INC. IN THE AMOUNT OF \$131,000 FOR VEGETATION MONITORING AND MAINTENANCE FOR THE SCHOOL WAY BRIDGE OVER THE RUSSIAN RIVER REPLACEMENT PROJECT ON SCHOOL WAY, COUNTY ROAD 236, MILEPOST 0.87, AND AUTHORIZING THE DIRECTOR OF TRANSPORTATION TO SIGN ANY AND ALL AMENDMENTS TO THE AGREEMENT NOT EXCEEDING \$15,000 (REDWOOD VALLEY AREA)

4AD) ADOPTION OF RESOLUTION APPROVING DEPARTMENT OF TRANSPORTATION AGREEMENT NUMBER 170007, STANDARD SERVICES AGREEMENT WITH DAVID W. THORPE, IN THE AMOUNT OF \$126,648 FOR AIRPORT SUPERVISOR SERVICES AT LITTLE RIVER AIRPORT (LITTLE RIVER AREA) - SPONSOR: TRANSPORTATION

Adopted and Chair is authorized to sign same;

Enactment Nos: Agreement 17-029, Resolution 17-063

RESOLUTION 17-063

RESOLUTION OF THE MENDOCINO COUNTY BOARD OF SUPERVISORS APPROVING DEPARTMENT OF TRANSPORTATION AGREEMENT NUMBER 170007, STANDARD SERVICES AGREEMENT WITH DAVID W. THORPE, IN THE AMOUNT OF \$126,648, FOR AIRPORT SUPERVISOR SERVICES AT LITTLE RIVER AIRPORT (LITTLE RIVER AREA)

4AE) ADOPTION OF RESOLUTION AUTHORIZING DEPARTMENT OF TRANSPORTATION TO ADVERTISE FOR BIDS AND AWARD FIVE DEPARTMENT OF TRANSPORTATION CONTRACTS TO CONSTRUCT 2016 AND 2017 STORM DAMAGE PERMANENT REPAIRS ON MOUNTAIN VIEW ROAD, COUNTY ROAD 510, MILEPOST 22.02; BRANSCOMB ROAD, COUNTY ROAD 429, MILEPOST 17.21; COMPTCHE UKIAH ROAD, COUNTY ROAD 223, MILEPOST 17.25; ORR SPRINGS ROAD, COUNTY ROAD 223, MILEPOST 39.20; BELL SPRINGS ROAD, COUNTY ROAD 324, MILEPOST 17.70 (COUNTYWIDE) - SPONSOR: TRANSPORTATION

Adopted and Chair is authorized to sign same;

Enactment No: Resolution 17-064

RESOLUTION 17-064

RESOLUTION OF THE MENDOCINO COUNTY BOARD OF SUPERVISORS AUTHORIZING DEPARTMENT OF TRANSPORTATION TO ADVERTISE FOR BIDS AND AWARD FIVE DEPARTMENT OF TRANSPORTATION CONTRACTS TO CONSTRUCT 2016 AND 2017 STORM DAMAGE PERMANENT REPAIRS ON MOUNTAIN VIEW ROAD, COUNTY ROAD 510, MILEPOST 22.02; BRANSCOMB ROAD, COUNTY ROAD 429, MILEPOST 17.21; COMPTCHE UKIAH ROAD, COUNTY ROAD 223, MILEPOST 17.25; ORR SPRINGS ROAD, COUNTY ROAD 223, MILEPOST 39.20; BELL SPRINGS ROAD, COUNTY ROAD 324, MILEPOST 17.70 (COUNTY WIDE)

4AF) ADOPTION OF RESOLUTION AUTHORIZING DEPARTMENT OF TRANSPORTATION TO ADVERTISE FOR BIDS AND AWARD TWELVE DEPARTMENT OF TRANSPORTATION CONTRACTS TO CONSTRUCT 2016 AND 2017 STORM DAMAGE PERMANENT REPAIRS ON PEACHLAND ROAD, COUNTY ROAD 128, MILEPOST 0.35, MILEPOST 0.95, AND MILEPOST 1.14; EEL RIVER ROAD, COUNTY ROAD 240B, MILEPOST 7.85 AND MILEPOST 8.10; LAYTONVILLE DOS RIOS ROAD, COUNTY ROAD 322, MILEPOST 3.34, MILEPOST 3.66, AND MILEPOST 4.19; PINE RIDGE ROAD, COUNTY ROAD 220, MILEPOST 4.52 AND MILEPOST 5.30; BLACKHAWK DRIVE, COUNTY ROAD 371, MILEPOST 2.00; LOW GAP ROAD, COUNTY ROAD 212, MILEPOST 19.40 (COUNTYWIDE) - SPONSOR: TRANSPORTATION

Adopted and Chair is authorized to sign same;

Enactment No: Resolution 17-065

RESOLUTION 17-065

RESOLUTION OF THE MENDOCINO COUNTY BOARD OF SUPERVISORS AUTHORIZING DEPARTMENT OF TRANSPORTATION TO ADVERTISE FOR BIDS AND AWARD OF TWELVE DEPARTMENT OF TRANSPORTATION CONTRACTS TO CONSTRUCT 2016 AND 2017 STORM DAMAGE PERMANENT REPAIRS ON PEACHLAND ROAD, COUNTY ROAD 128, MILEPOST 0.35, MILEPOST 0.95, AND MILEPOST 1.14; EEL RIVER ROAD, COUNTY ROAD 240B, MILEPOST 7.85 AND MILEPOST 8.10; LAYTONVILLE DOS RIOS ROAD, COUNTY ROAD 322, MILEPOST 3.34, MILEPOST 3.66, AND MILEPOST 4.19; PINE RIDGE ROAD, COUNTY ROAD 220, MILEPOST 4.52 AND MILEPOST 5.30; BLACKHAWK DRIVE, COUNTY ROAD 371, MILEPOST 2.00; LOW GAP ROAD, COUNTY ROAD 212, MILEPOST 19.40 (COUNTYWIDE)

4AG) ACCEPTANCE OF THE MARCH 31, 2017 REPORT OF MENDOCINO COUNTY POOLED INVESTMENTS - SPONSOR: TREASURER-TAX COLLECTOR

Approved;

4AH) AUTHORIZATION FOR THE CHIEF EXECUTIVE OFFICER TO SIGN A MEMORANDUM OF UNDERSTANDING WITH THE CITY OF UKIAH TO PROVIDE IN KIND SERVICES RELATED TO THE PROPOSITION 1 PLANNING GRANT TO DEVELOP A RUSSIAN RIVER WATERSHED STORMWATER RESOURCE PLAN - SPONSOR: WATER AGENCY

Approved;

THE BOARD OF SUPERVISORS JOINTLY CONVENED AS THE MENDOCINO COUNTY AIR QUALITY MANAGEMENT IN CONSIDERATION OF AGENDA ITEMS 4(A) AND 4(B); AND AS THE MENDOCINO COUNTY WATER AGENCY IN CONSIDERATION OF ITEM 4(AH)

5A) DISCUSSION AND POSSIBLE ACTION REGARDING APPROVAL OF THE MENDOCINO COUNTY LODGING BUSINESS IMPROVEMENT DISTRICT (BID) ANNUAL REPORT; ADOPTION OF RESOLUTION DECLARING THE INTENTION OF THE MENDOCINO COUNTY BOARD OF SUPERVISORS TO LEVY AND COLLECT AN ASSESSMENT FROM LODGING BUSINESSES IN THE BID (WITHIN THE BOUNDARIES OF THE UNINCORPORATED PORTION OF THE COUNTY OF MENDOCINO AND THE INCORPORATED AREA OF THE CITY OF FORT BRAGG, THE CITY OF UKIAH, AND THE CITY OF WILLITS); FIXING THE DATE, TIME, AND PLACE OF A PUBLIC HEARING TO BE HELD IN FRONT OF THE BOARD TO LEVY THE PROPOSED ASSESSMENT FOR FISCAL YEAR 2017/2018) - SPONSOR: PLANNING AND BUILDING SERVICES

Presenter/s: Ms. Adrienne Thompson, Administrative Services Manager, Planning and Building Services; Ms. Wendy Roberts; and Mr. Steve Dunnichliff, Deputy Chief Executive Officer.

Public Comment: None.

Board Action: Upon motion by Supervisor Gjerde, seconded by Supervisor Brown, IT IS ORDERED that the Board of Supervisors approves the Mendocino County Lodging Business Improvement District (BID) Annual Report as amended; adopts Resolution declaring the intention of the Mendocino County Board of Supervisors to levy and collect an assessment from lodging businesses in the BID (within the boundaries of the unincorporated portion of the County of Mendocino and the incorporated area of the City of Fort Bragg, the City of Ukiah, and the City of Willits); sets a public hearing on June 20, 2017; and authorizes Chair to sign same.. The motion carried by the following vote. *[Amendment to Section 5.140.210, "Should that organization demonstrate its viability as a representative of lodging, as provided for in its bylaws..."]*

Aye: 4 - Supervisor Brown, Supervisor McCowen, Supervisor Gjerde, and Supervisor Hamburg.

No: 0 – None.

Absent: 1 – Supervisor Croskey.

Enactment No: Resolution 17-066

RESOLUTION 17-066

RESOLUTION OF THE MENDOCINO COUNTY BOARD OF SUPERVISORS DECLARING ITS INTENTION TO LEVY AND COLLECT AN ANNUAL ASSESSMENT FROM BUSINESSES IN THE MENDOCINO COUNTY LODGING BUSINESS IMPROVEMENT DISTRICT WITHIN THE BOUNDARIES OF THE UNINCORPORATED PORTION OF THE COUNTY OF MENDOCINO AND THE INCORPORATED AREAS OF THE CITY OF FORT BRAGG, THE CITY OF UKIAH, AND THE CITY OF WILLITS FROM SPECIFIED HOTEL BUSINESSES, AND FIXING THE DATE, TIME AND PLACE OF A PUBLIC HEARING TO BE HELD BY THE BOARD OF SUPERVISORS OF THE COUNTY OF MENDOCINO TO LEVY THE PROPOSED ASSESSMENT FOR FISCAL YEAR 2017-2018

5B) DISCUSSION AND POSSIBLE ACTION INCLUDING INTRODUCTION AND WAIVE READING OF AN ORDINANCE AMENDING CHAPTER 5.140 OF MENDOCINO COUNTY CODE (MENDOCINO COUNTY LODGING BUSINESS IMPROVEMENT DISTRICT) - SPONSOR: PLANNING AND BUILDING SERVICES

Presenter/s: Mr. Steve Dunncliff, Deputy Chief Executive Officer.

Public Comment: Ms. Wendy Roberts.

Board Action: Upon motion by Supervisor Brown, seconded by Supervisor Gjerde, IT IS ORDERED that the Board of Supervisors introduces and waives reading of an Ordinance amending Chapter 5.140 of Mendocino County Code (Mendocino County Lodging Business Improvement District). The motion carried by the following vote:

Aye: 4 - Supervisor Brown, Supervisor McCowen, Supervisor Gjerde, and Supervisor Hamburg.

No: 0 – None.

Absent: 1 – Supervisor Croskey.

5C) NOTICED PUBLIC HEARING - DISCUSSION AND POSSIBLE ACTION INCLUDING INTRODUCTION AND WAIVE FIRST READING OF AN ORDINANCE ADOPTING CHAPTER 22.17 - FLOODPLAIN ORDINANCE AND DELETING CHAPTER 20.120 FLOODPLAIN COMBINING DISTRICT - SPONSOR: PLANNING AND BUILDING SERVICES

Presenter/s: Mr. Nash Gonzalez, Interim Director, Planning and Building Services.

Public Comment: None.

Board Action: Upon motion by Supervisor Brown, seconded by Supervisor Hamburg, IT IS ORDERED that the Board of Supervisors introduces and waives first reading of an Ordinance adopting Chapter 22.17 - Floodplain Ordinance and deleting Chapter 20.120 - Floodplain Combining District, and provides direction to staff to initiate a Local Coastal Program Amendment which addresses the repeal of Chapter 20.420 (Coastal Floodplain Combining District Ordinance). The motion carried by the following vote:

Aye: 4 - Supervisor Brown, Supervisor McCowen, Supervisor Gjerde, and Supervisor Hamburg.

No: 0 – None.

Absent: 1 – Supervisor Croskey.

5D) INFORMATIONAL UPDATE ON THE STATUS OF THE MENDOCINO TOWN LOCAL COASTAL PLAN AMENDMENT (LCPA) AND POSSIBLE DIRECTION OR CONSIDERATION OF COASTAL COMMISSION COMMENTS REGARDING THE SUBMITTED MENDOCINO TOWN LCPA - SPONSOR: PLANNING AND BUILDING SERVICES

Presenter/s: Mr. Nash Gonzalez, Interim Director, Planning and Building Services.

Public Comment: None.

Board Action: No action taken.

5E) DISCUSSION AND POSSIBLE ACTION REGARDING THE PRESENTATION OF THE DEPARTMENT OF PLANNING AND BUILDING SERVICES DEVELOPMENT ACTIVITY REPORT FOR THE MONTH OF APRIL, 2017) - SPONSOR: PLANNING AND BUILDING SERVICES

Presenter/s: Ms. Adrienne Thompson, Administrative Services Manager, Planning and Building Services.

Public Comment: None.

Board Action: No action taken.

5F DISCUSSION AND POSSIBLE ACTION INCLUDING APPROVAL OF WORKFORCE INNOVATION AND OPPORTUNITY ACT REGIONAL AND LOCAL PLANS) - SPONSOR: PLANNING AND BUILDING SERVICES

Presenter/s: Ms. Debra Dockins, Staff Services Administrator, Planning and Building Services.

Public Comment: None.

Board Action: Upon motion by Supervisor Gjerde, seconded by Supervisor Hamburg, IT IS ORDERED that the Board of Supervisors approves the 2017 2020 Regional Workforce Innovation and Opportunity Act Plan for Sonoma, Lake, Marin, Mendocino, Napa and Solano Counties; approves the 2017 2020 Local Workforce Innovation and Opportunity Act Plan for Sonoma, Lake, Marin, Mendocino, Napa and Solano Counties; and authorizes Chair to sign same. The motion carried by the following vote:

Aye: 4 - Supervisor Brown, Supervisor McCowen, Supervisor Gjerde, and Supervisor Hamburg.

No: 0 – None.

Absent: 1 – Supervisor Croskey.

BOARD RECESS: 10:33 A.M. - 10:46 A.M.

5G) DISCUSSION AND POSSIBLE ACTION INCLUDING INTRODUCTION AND WAIVE READING OF ORDINANCE AMENDING SECTION 15.04.030(F) OF THE MENDOCINO COUNTY CODE – SPEED ZONING ON COUNTY ROADS, ADDING PARAGRAPH 15.04.030(F) (11), ESTABLISHING A FORTY FIVE MILES PER HOUR PRIMA FACIE SPEED LIMIT ON POINT CABRILLO DRIVE, COUNTY ROAD 564, FROM MILEPOST 0.00 TO MILEPOST 0.75 (CASPAR AREA) AND CLARIFYING AND CORRECTING ROAD NUMBERS AND REPEALING A PREVIOUSLY VACATED ROAD - SPONSOR: TRANSPORTATION

Presenter/s: Mr. Howard Dashiell, Director, Transportation.

Public Comment: None.

Board Action: Upon motion by Supervisor Hamburg, seconded by Supervisor Brown to introduce and waive reading of Ordinance amending section 15.04.030(F) of the Mendocino County Code – Speed Zoning on County Roads, adding paragraph 15.04.030(F) (11), establishing a forty five miles per hour (MPH) prima facie speed limit on Point Cabrillo Drive, County Road (CR) 564, from milepost (MP) 0.00 to MP 0.75. (Caspar Area) and clarifying and correcting road numbers and repealing a previously vacated road. Motion withdrawn by Supervisor Hamburg.

Board Directive: GENERAL CONSENSUS OF THE BOARD to continue this item. Director Dashiell shall return this item to the Board along with the Traffic Study previously presented to the Board in approximately one month. Director Dashiell will consult with County Counsel regarding proper procedure for return of this item.

5H) DISCUSSION AND POSSIBLE ACTION REGARDING INFORMATIONAL PRESENTATION FROM THE CALIFORNIA DEPARTMENT OF TRANSPORTATION REGARDING THE MARCH 2017 AND APRIL 2017 ROCK SLIDES AND CLOSURES ON HIGHWAY 101 NORTH OF LEGGETT - SPONSOR: EXECUTIVE OFFICE

Presenter/s: Ms. Carmel J. Angelo, Chief Executive Officer; Mr. Dan Bornman, Area Construction Engineer, California Department of Transportation.

Public Comment: Mr. Howard Dashiell, Director, Transportation.

Board Action: No action taken.

ADJOURNED TO CLOSED SESSION FOLLOWED BY LUNCH RECESS: 11:35 A.M.

9A) PURSUANT TO GOVERNMENT CODE SECTION 54957.6 - CONFERENCE WITH LABOR NEGOTIATOR AGENCY NEGOTIATORS: CARMEL J. ANGELO, HEATHER COFFMAN, HEIDI DUNHAM, ALAN FLORA, CHERIE JOHNSON AND DONNA WILLIAMSON; EMPLOYEE ORGANIZATION(S): ALL

9B) PURSUANT TO GOVERNMENT CODE SECTION 54957 - PUBLIC EMPLOYEE PERFORMANCE EVALUATION - INTERIM AGRICULTURAL COMMISSIONER - WITHDRAWN

9C) PURSUANT TO GOVERNMENT CODE SECTION 54956.9D(2) - CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION: SIGNIFICANT EXPOSURE TO LITIGATION - ONE CASE

RECONVENED IN OPEN SESSION: 1:38 P.M.

AGENDA ITEM NO. 9 – REPORT OUT OF CLOSED SESSION

Presenter: Chair McCowen.

Board Action: In respect to agenda items 9(a) direction was given to staff; in respect to item 9(c), direction was given to staff and to the Ad Hoc Committee.

5I) DISCUSSION AND POSSIBLE ACTION REGARDING INFORMATIONAL UPDATE ON STATUS OF THE RECENTLY IMPLEMENTED MENDOCINO COUNTY CANNABIS CULTIVATION PROGRAM IN THE DEPARTMENT OF AGRICULTURE - SPONSOR: AGRICULTURE

Presenter/s: Mr. Arif Kever, Assistant Agricultural Commissioner, Agriculture; and Ms. Mary Lynn Hunt, Senior Planner, Planning and Building Services.

Public Comment: Mr. Paul Hansbury.

Board Action: No action taken.

6A) DISCUSSION AND POSSIBLE ACTION REGARDING A PRESENTATION FROM THE MENDOCINO COUNTY FIRE SAFE COUNCIL REGARDING CONSIDERATION OF FUNDING REQUESTS - SPONSOR: SUPERVISOR HAMBURG

Presenter/s: Supervisor Hamburg; and Mr. George Britton.

Public Comment: Mr. Marc Komer; Mr. John Andersen; Ms. Lillian Hoika; Mr. Sandy Tanaka; and Mr. Francois Christian.

Board Action: Upon motion by Supervisor Gjerde, seconded by Supervisor Hamburg, IT IS ORDERED that the Board of Supervisors include \$24,500 of funding for the Fire Safe Council in the draft 2017 18 budget; postpones Cannabis Tax allocation discussion for at least one year; and defers discussion regarding the addition of a member of the Board of Supervisors to the Fire Safe Council until the new third District Supervisor assignments are discussed. The motion carried by the following vote:

Aye: 4 - Supervisor Brown, Supervisor McCowen, Supervisor Gjerde, and Supervisor Hamburg.

No: 0 – None.

Absent: 1 – Supervisor Croskey.

6B) DISCUSSION AND POSSIBLE ACTION REGARDING A REPORT OUT FROM THE GENERAL GOVERNMENT COMMITTEE IN RESPECT TO REFERRALS ON INCLUSIONARY HOUSING AND ACCESSORY DWELLING UNITS, AND POSSIBLE DIRECTION REGARDING INCLUSIONARY HOUSING, ACCESSORY DWELLING UNITS AND SHORT TERM RENTALS - SPONSOR: SUPERVISORS GJERDE AND BROWN - GENERAL GOVERNMENT COMMITTEE

Presenter/s: Mr. Nash Gonzalez, Interim Director, Planning and Building Services; Mr. Matthew Kiedrowski, Deputy County Counsel; and Mr. Michael Oliphant, Senior Building Inspector, Planning and Building Services.

Public Comment: None.

Board Directive: GENERAL CONSENSUS OF THE BOARD that the Mendocino Town Plan Ad Hoc Committee continue to work with staff and the Coastal Commission on the Mendocino Town Plan Local Coastal Plan.

Board Directive: BY ORDER OF THE CHAIR the Board of Supervisors shall create an Ad Hoc Committee consisting of Supervisor Gjerde and Supervisor Hamburg to work with staff on issues related to Local Coastal Plan Amendments for Flood Plain and Accessory Dwelling Unit issues and to clarify with Coastal Commission staff the requirements deemed necessary to resolve the Flood Plain issue; and allow for the development of accessory units with both issues to be included in a single Local Coastal Plan amendment, if feasible.

Board Directive: GENERAL CONSENSUS OF THE BOARD that the County shall limit short term rental business licenses to one per person for properties located in residential zoning districts, and to no more than one short term rental unit per parcel for new short term rentals; require two residential units on the property to allow a short term rental (on parcels that are legally allowed to have a second unit, for properties zoned residential RR 10 or less); existing short term rental business licenses with more than one issued to a person, or more than one to a parcel, or where only one residential unit exists on the property shall be “grandfathered” in as legal non-conforming. These restrictions shall apply in both the inland and coastal zoning districts.

Board Directive: GENERAL CONSENSUS OF THE BOARD that Planning and Building staff shall bring forward an agenda item to adopt a moratorium to apply to both the inland and coastal zoning districts to prevent issuing new business licenses on short term rentals, pending the issuance of a new business license Ordinance for short term rentals.

Board Directive: GENERAL CONSENSUS OF THE BOARD to accept Planning and Building Services staff recommendation to create four sets of plans for Accessory Dwelling Units to be made available to the public, free of charge.

Board Directive: GENERAL CONSENSUS OF THE BOARD to refer to General Government Committee the issue of how to make people aware of a possible alternative of including an accessory dwelling unit in a minor subdivision as a means of complying with the Inclusionary Housing Ordinance and return to the Board with a recommendation to either amend the Ordinance or adopt an alternative method of informing the public.

5J) CHIEF EXECUTIVE OFFICER'S REPORT - SPONSOR: EXECUTIVE OFFICE

Presenter/s: Ms. Carmel J. Angelo, Chief Executive Officer.

Public Comment: None.

Board Action: No action taken.

~~5K) DISCUSSION AND POSSIBLE ACTION INCLUDING REVIEW, ADOPTION, AMENDMENT, CONSIDERATION OR RATIFICATION OF LEGISLATION PURSUANT TO THE ADOPTED LEGISLATIVE PLATFORM – SPONSOR: EXECUTIVE OFFICE - WITHDRAWN~~

6c) SUPERVISORS' REPORTS REGARDING BOARD SPECIAL ASSIGNMENTS, STANDING AND AD HOC COMMITTEE MEETINGS, AND OTHER ITEMS OF GENERAL INTEREST

Presenter/s: Board of Supervisors.

Public Comment: None.

Board Action: No action taken.

AGENDA ITEM NO. 10 – COMMUNICATIONS

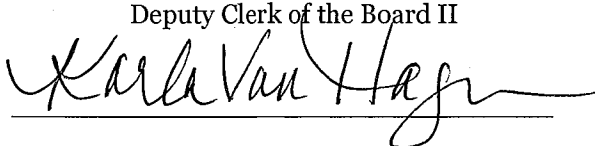
- 10a) Calfire Fire Services 2016 Incident Totals. For more information, please contact Mr. George Gonzalez, Unit Chief at george.gonzalez@fire.ca.gov.
- 10b) State Water Resources Control Board - Notice of Temporary Urgency Change Petitions for Permits 12947A, 12949, 12950, and 16596 (Applications 12919A, 15736, 15737, and 19351) of Sonoma County Water Agency. For more information, please contact Mr. Don Seymour, Principal Engineer at dseymour@scwa.ca.gov.
- 10c) Broadband Alliance of Mendocino County - April Broadband Alliance Monthly Report. For more information, please contact Ms. Trish Steel at (707) 354 3224, or via email at chairman@mendocinobroadband.org.
- 10d) California State Board of Equalization - Mendocino County Assessment Practices Survey Report. For more information, please contact Mr. David J. Gau, Executive Director at (916) 327 4975.
- 10e) California Fish and Game Commission - Notice of Central Valley Chinook Salmon Sport Fishing. For more information, please visit <http://www.fgc.ca.gov/regulations/2017/index.aspx#cv>.
- 10f) California Fish and Game Commission - Notice of Proposed Regulatory Action Relative to Amending Sections 29.80 and 122, title 14, California Code of Regulations. For more information, please contact Mr. Tom Mason at (562) 342 7107.
- 10g) California Fish and Game Commission - Notice of Receipt of Petition to List Cascades Frog as Threatened or Endangered. For more information, please contact Ms. Valerie Termini, Executive Director at (916) 653 4899.

- 10h) California Fish and Game Commission - Notice of Proposed Regulatory Action Relative to Amending Section 300, Title 14, California Code of Regulations, Relating to Upland Bird Regulations. For more information, please contact Ms. Valerie Termini, Executive Director at (916) 653 4899.

THERE BEING NOTHING FURTHER TO COME BEFORE THE BOARD, THE MENDOCINO COUNTY BOARD OF SUPERVISORS ADJOURNED AT 4:14 P.M.

Attest: KARLA VAN HAGEN
Deputy Clerk of the Board II


JOHN MCCOWEN, Chair



NOTICE: PUBLISHED MINUTES OF THE MENDOCINO COUNTY BOARD OF SUPERVISORS MEETINGS

- Effective March 1, 2009, Board of Supervisors minutes will be produced in "action only" format. As an alternative service, public access to recorded Board proceedings will be available on the Board of Supervisors' website in indexed audio format
- LIVE WEB STREAMING OF BOARD MEETINGS is now available via the County's YouTube Channel. If technical assistance is needed, please contact The Mendocino County Executive Office at (707) 3463-4441.
- Minutes are considered draft until adopted/approved by the Board of Supervisors
- The Board of Supervisors' action minutes are also posted on the County of Mendocino website at: www.co.mendocino.ca.us/bos
- To request an official record of a meeting of the Mendocino County Board of Supervisors, please contact the Executive Office at (707) 463-4441
- Please reference the departmental website to obtain additional resource information for the Board of Supervisors and Clerk of the Board: www.co.mendocino.ca.us/bos

Thank you for your interest in the proceedings of the Mendocino County Board of Supervisors

ORDINANCE NO. 4391

**AN URGENCY ORDINANCE OF THE MENDOCINO COUNTY BOARD OF SUPERVISORS
ADOPTING INTERIM RESTRICTIONS ON THE ESTABLISHMENT OF SHORT-
TERM/VACATION RENTALS OF RESIDENTIAL PROPERTY PENDING THE STUDY AND
CONSIDERATION OF LAND USE AND OTHER REGULATIONS PERTAINING TO SUCH
RENTALS**

WHEREAS, the owners of residential real property in Mendocino County are increasingly renting residential dwelling units to individuals, groups, or entities for periods of thirty (30) calendar days or less (a "Vacation Rental" or "Short-Term Rental"); and

WHEREAS, many Vacation Rentals are currently operating throughout Mendocino County; and

WHEREAS, there is concern that a substantial and increasing share of the County's existing housing stock is being used as Vacation Rentals, thereby reducing the share of the County's housing stock that is available for either purchase or lease by persons desiring to work and reside within Mendocino County, which generally makes the remaining housing stock more expensive; and

WHEREAS, the lack of available and affordable housing for Mendocino County's workforce creates an impediment to recruiting employees for both private and public sector jobs and negatively affects business and economic development within the County; and

WHEREAS, the increasing use of the County's housing stock for Vacation Rentals reduces the number of residents in the County's many neighborhoods, potentially damaging the character of the County; and

WHEREAS, Vacation Rentals do provide benefits in that they provide an alternative type of overnight accommodation that may allow additional families or groups to vacation within the County, thus increasing tourism, stimulating the economy and filling otherwise empty vacation homes; and

WHEREAS, the County does not currently specifically regulate Vacation Rental properties or Vacation Rental businesses within either its Inland or Coastal Zoning Codes, but does regulate such businesses within the area of the Mendocino Town Plan; and

WHEREAS, without implementing regulations on Vacation Rentals, such rentals will continue to increase in number and continue to impact the number and affordability of housing units available for purchase or rental by persons desiring to reside within Mendocino County; and

WHEREAS, the absence of comprehensive regulations and procedures governing Vacation Rentals poses a current and immediate threat to the health, safety and welfare of the citizens of Mendocino County; and

WHEREAS, the Mendocino County Board of Supervisors desires to develop appropriate regulations for Vacation Rentals in both the Inland and Coastal areas of the County; and

ATTACHMENT G

WHEREAS, the County needs a reasonable period of time to properly and carefully consider the scope, nature and form of appropriate regulations on Vacation Rentals; and

WHEREAS, it is the desire of the Mendocino County Board of Supervisors to maintain the status quo and temporarily halt new Vacation Rental uses within the areas governed by the Inland and Coastal Zoning Codes, while, as set forth in Government Code Section 65858, County staff and the Board of Supervisors study the Vacation Rental issue and develop regulations appropriate for County and its residents.

NOW, THEREFORE, THE MENDOCINO COUNTY BOARD OF SUPERVISORS ORDAINS AS FOLLOWS:

Section 1. Findings.

(A) The Board of Supervisors finds that the above recitals are true and correct and incorporated herein by this reference.

(B) The Board of Supervisors finds that the increasing number of Vacation Rentals poses a current and immediate threat to the public health, safety and welfare of Mendocino County, and that adequate regulation is necessary.

Section 2. Moratorium.

(A) Notwithstanding any provision of the Mendocino County Code, this ordinance shall apply to all Vacation Rentals within the areas of the County governed by the Inland and Coastal Zoning Codes as of the date of adoption of this ordinance.

(B) For purposes of this ordinance, "Vacation Rental" or "Short-Term Rental" is defined as the use of all of a dwelling, detached bedroom, or guest cottage (as those terms are defined in Mendocino County Code chapters 20.008 or 20.308) for renting by the owner or operator to another person or group of persons for occupancy, dwelling, lodging or sleeping purposes for a period of thirty (30) consecutive calendar days or less. "Vacation Rental" includes, but is not limited to, a Vacation Home Rental as defined in Mendocino County Code section 20.308.125. "Vacation Rental" does not include month-to-month tenancies, but only includes rentals of properties under an agreement (written or oral) for a specified period of time of thirty (30) calendar days or less.

(C) No person (as defined in Mendocino County Code sections 20.008.048 or 20.308.095) shall commence or establish the operation of any Vacation Rental within the areas of Mendocino County governed by the Inland and Coastal Zoning Codes during the period this ordinance is in effect.

(D) The County and its agents, employees and departments shall not make any determination that would authorize or approve any application for any permit, license or entitlement which has as its result the approval or allowance of the operation of a Vacation Rental within the County's residential zoning districts during the term of this ordinance without compliance with the terms of this ordinance.

(E) This ordinance shall not apply to any Vacation Rental existing before August 1, 2017, if the person operating the Vacation Rental applies for a business license, including all related approvals (such as a zoning clearance or use permit), and is not denied thereafter. For

ATTACHMENT G

purposes of this ordinance, a Vacation Rental may be determined by the Director of Planning and Building Services to have existed before adoption of this ordinance if the owner thereof can produce copies of one or more of the following:

- (1) A copy of a Mendocino County business license indicating that the holder thereof is operating a Vacation Rental business at the address located on the business license, which license must have been issued on a date prior to August 1, 2017.
- (2) Fully executed rental agreements, dated prior to August 1, 2017, for not less than three (3) separate rentals of the Vacation Rental property within the twelve (12) month period prior to August 1, 2017.
- (3) A copy of a federal or state income tax return covering all or a portion of the twelve (12) month period prior to August 1, 2017, indicating that the taxpayer was operating a Vacation Rental business during such period.
- (4) Copies of printed or online advertising, or contracts therefore, indicating that the owner actively advertised a Vacation Rental business during the twelve (12) month period prior to August 1, 2017, which copies shall indicate dates of publication or execution, as applicable.

The Director of Planning and Building Services, in his or her sole discretion but without any obligation, may consider other similarly reliable evidence offered by the owner of the Vacation Rental business to prove that the Vacation Rental existed prior to August 1, 2017.

Any and all such evidence presented as proof of operation of a Vacation Rental must relate directly to the real property for which the owner seeks to operate or continue operation of a Vacation Rental Business.

(F) Owners of Vacation Rentals that are determined by the Director of Planning and Building Services as having operated prior to August 1, 2017, pursuant to subdivision (E) of this section, and which had not previously obtained a Mendocino County business license, may be allowed to obtain such business license and register to pay the County's Transient Occupancy Tax, subject to the payment to the County of all applicable unreported taxes, assessments, penalties and interest; provided, however, that Vacation Rentals within the portion of the County governed by the Inland Zoning Code are allowed subject to the provisions of Chapter 20.164, Accessory Use Regulations, related to Room and Board.

(G) Vacation Rentals established on or after August 1, 2017, are deemed to be a public nuisance. A violation of this ordinance shall be and is hereby declared to be contrary to the public interest and may be enforced by the Department of Planning and Building Services pursuant to the provisions of Chapter 1.08 of the Mendocino County Code, or, at the discretion of the County, by pursuing a cause of action for injunctive relief or any other applicable civil remedies. Evidence of current advertisement for a Vacation Rental shall constitute prima facie evidence of operation of a Vacation Rental.

(H) If an owner of a Vacation Rental has been issued a business license and has been registered for the County's Transient Occupancy Tax either prior to August 1, 2017, or pursuant to subdivision (F) of this section, and the property of the Vacation Rental undergoes a change in ownership during the moratorium enacted pursuant to this Ordinance, the new owner may apply for a business license and register to pay the County's Transient Occupancy Tax to

ATTACHMENT G

reflect the change in ownership and may continue such use in compliance with all conditions and requirements.

Section 3. The Board of Supervisors finds and determines that the immediate preservation of the public health, safety and welfare requires that this ordinance be enacted as an urgency ordinance pursuant to Government Code Section 65858. The Board of Supervisors hereby directs the Department of Planning and Building Services to study and prepare for the consideration of the Board of Supervisors changes to the County's General Plan or zoning code with respect to the regulation of Vacation Rentals, which process will take a minimum of 45 days to complete. Without this urgency ordinance, approval of new Vacation Rentals may be sought that would detrimentally affect the health, safety and welfare of the County and which may conflict with the use regulations and development standards ultimately adopted with respect to Vacation Rentals. Therefore, this ordinance is necessary for the immediate preservation of the public peace, health and safety and its urgency is hereby declared.

Section 4. This ordinance 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.

Section 5. This ordinance is an urgency ordinance adopted pursuant to Government Code Section 65858 and shall become effective immediately upon its adoption by a vote of at least four-fifths of the Board of Supervisors and shall be in effect for forty-five days from the date of adoption, unless extended by the Board of Supervisors as provided for in Government Code Section 65858.

Section 6. The Department of Planning and Building Services is authorized and directed to prepare the report required by paragraph (d) of Government Code Section 65858 describing the measures taken to alleviate the condition which led to the adoption of this ordinance.

Section 7. If any section, subsection, sentence, clause phrase or portion of this ordinance is for any reason held invalid or unconstitutional, such decision shall not affect the validity of the remaining portions of this ordinance. The Board of Supervisors hereby declares that it would have passed this ordinance and each section, subsection, sentence, clause and phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared invalid or unconstitutional.

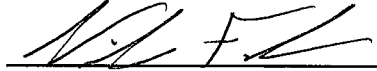
PASSED AND ADOPTED by the Board of Supervisors of the County of Mendocino, State of California, on this 1st day of August, 2017, by the following roll call vote:

AYES:	Supervisors Brown, McCowen, Croskey, Gjerde, and Hamburg
NOES:	None
ABSENT:	None


ATTACHMENT G

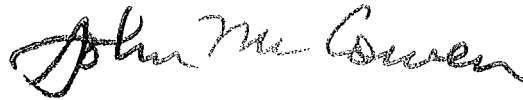
WHEREUPON, the Chair declared the Ordinance passed and adopted and **SO ORDERED.**

ATTEST: CARMEL J. ANGELO
Clerk of the Board


Deputy

APPROVED AS TO FORM:
KATHARINE L. ELLIOTT,
County Counsel

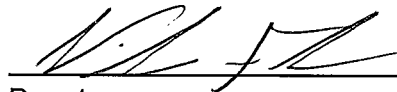




JOHN MCCOWEN, Chair
Mendocino County Board of Supervisors

I hereby certify that according to the provisions of Government Code section 25103, delivery of this document has been made.

BY: CARMEL J. ANGELO
Clerk of the Board


Deputy



COUNTY OF MENDOCINO

DEPARTMENT OF PLANNING AND BUILDING SERVICES

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MEMORANDUM

DATE: SEPTEMBER 12, 2017

TO: BOARD OF SUPERVISORS

FROM: JESSE DAVIS, PLANNER III
 MATTHEW KIEDROWSKI, DEPUTY COUNTY COUNSEL

RE: SHORT-TERM/VACATION HOME RENTALS

On August 1, 2017, the Mendocino County Board of Supervisors passed and adopted urgency Ordinance No. 4391, approving interim restrictions on the establishment of short-term/vacation home rentals of residential property pending the study and consideration of land use and existing regulations pertaining to such activity. This urgency ordinance was in response to the concern that a substantial and increasing share of the County's housing stock is being utilized for the purpose of short-term/vacation home rentals, thereby reducing the share of units available for long-term lease by permanent residents. The Board of Supervisors directed the Department of Planning and Building Services to study and prepare for their consideration changes to the County's General Plan or zoning code with respect to the regulation of short-term/vacation home rentals.

This report serves to provide limited background regarding short-term/vacation home rental activity in Mendocino County. The Department of Planning and Building Services recommends that the recently adopted urgency ordinance be extended by the Board of Supervisors in order for staff to develop and propose comprehensive regulations regarding short-term/vacation home rentals in a setting where additional rentals are not being established. These future regulations should seek to limit the reallocation of housing stock from the long-term to the short-term markets, without discouraging the use of home-sharing by owner-occupiers.

SHORT-TERM/VACATION HOME RENTAL BACKGROUND:

Mendocino County permits short-term rentals in any zoning district where residential use-types are allowed. Within the Inland Zoning Division (Division I) short-term rentals are processed under the *Room and Board* accessory use, while in the Coastal Zoning Division (Division II) short-term rentals are processed under the *Vacation Home Rental* use, or a more limited form of the *Room and Board* accessory use. Mendocino Town (Division III) is the most restrictive Zoning Division with regard to short-term/vacation home rentals. In the Mendocino Town area short-term rentals can proceed as a *Single-Unit Rental* or as a *Vacation Home Rental*, but they are subject to issuance of a Minor Use Permit. Historically, the Mendocino Town area has maintained a ratio requirement of thirteen (13) long-term residential dwelling units to either one (1) *Single-Unit rental* or vacation home rental (Chapter 20.748 –Division III). This ratio has precipitated a wait-list for permission to permit a *single-unit* or *vacation home rental* within the Mendocino Town area. Under the recently prepared Town Plan, which is still subject to final review and approval by the Planning Commission and Board of Supervisors, new total limits will be placed on the total number of *Vacation Home Rentals* and *Single-Unit Rentals*, and the current ratio requirement will be eliminated.

At all times a business license is required to operate a short-term rental, which must be renewed annually through the Mendocino County Tax Collector. Operators of short-term/vacation home rentals are subject to the collection of Transit Occupancy Tax.

Currently, Mendocino County prohibits short-term rentals from occurring within following structure types:

- 'Guest Cottage'
- 'Detached Bedrooms'
- 'Family Care Unit'
- 'Class-K Structure' (*Within 1 Year of Permitting*)
- 'Airstream Trailers', Busses, Recreational Vehicles, etc.
- 'Second Residential Units'/'Accessory Dwelling Units' (*Single-Unit Rentals Division III ONLY*)

Due to the absence of a comprehensive ordinance, short-term rentals are permitted by the Department of Planning and Building Services by regulations spanning multiple sections within a Division's Zoning Ordinance. Between the three Zoning Divisions significant differences exist in how short-term rentals are permitted and regulated. Although vacation home rentals have been a historic part of the County's coastal communities, the recent proliferation of rental listing platforms have made it easier for homeowners to undertake short-term rentals within more remote inland areas, where few visitor serving accommodations exist. At the same time, these platforms have increased the density of rental offerings along the coast.

Especially within the Coastal Zone, there is concern that a substantial and increasing share of the existing housing stock is being used as short-term rentals, thereby reducing the share available for either purchase or lease on a long-term basis.

This year, the Department of Planning and Building Services has received a total of 100 business license applications to conduct short-term rentals. 46 of those have been approved, 26 are on 'Hold' pending staff review, 26 are 'In Progress', and 2 have been 'Withdrawn' or 'Denied'.

Inland Zoning Division (Division I) Overview: Under the Inland Zoning Division (Division I) business licenses for short-term rentals can proceed as a *Room and Board* accessory use. To qualify under this definition, the applicant may only rent 1-2 individual rooms. Due to the lack of a *Vacation-Home Rental* use type in the Inland Zone, the *Room and Board* use definition is extended to include rentals of the entire home, so long as it is intended to be let or hired as an entire, single unit for occupancy. One major difference between the Inland and Coastal Zoning Code is that *Room and Board* accessory use requires that applicants obtain a major use permit if the site location is accessed via a private road.

Coastal Zoning Division (Division II) Overview: Under the Coastal Zoning Division (Division II), short-term rentals are processed under the *Vacation Home Rental* use or a more limited form of the *Room and Board* accessory use. Renting more than one individual room on the coast disqualifies an applicant from the *Room and Board* definition. If the applicant rents more than two individual rooms, they need to be processed under *Bed and Breakfast Accommodation* use type. Given the diversity of visitor accommodation types on the coast, staff recommends reviewing and making modifications to Chapter 20.332 - Coastal Visitor Accommodations and Services Use Types. Unlike the *Room and Board* accessory use within the Inland Zoning Division (Division I), site locations on a private road are not subject to a major use permit in the Coastal Division (Division II).

Mendocino Town Zoning Division (Division III) Overview: Mendocino Town (Division III) is the most restrictive Zoning Division with regard to short-term/vacation home rentals. In the Mendocino Town area short-term rentals can proceed as a *Single-Unit Rental* or as a *Vacation Home Rental*, but they are subject to issuance of a Minor Use Permit. Historically, the Mendocino Town area has maintained a ratio requirement of thirteen (13) long term residential dwelling units to either one (1) single unit rental or vacation home rental (Chapter 20.748 –Division III). However, under the recently revised Mendocino Town Plan, new limits will be placed on the total number of Vacation Home Rentals and Single-Unit Rentals. The ratio requirement will be eliminated, but other restrictions, such as the prohibition against *Single-Unit Rentals* within an accessory dwelling unit will persist.

ORDINANCE RECOMMENDATIONS/NEXT STEPS

The Board of Supervisors has previously given direction to amend the Inland Zoning Code to require a minor use permit instead of a major use permit for the *Room and Board* use type; staff is working on preparing an amendment for review by the Planning Commission and eventual review and approval by the Board of Supervisors.

Comprehensive Short-Term Rental Ordinance: Staff will undertake a review of other jurisdictions in California that have established comprehensive short-term rental ordinances and bring back to the Board of Supervisors an agenda item to discuss possible regulations. Comprehensive regulations regarding short-term rentals should address the land use impacts associated with such activities and ensure that positive spillover effects on local businesses are better captured, while negative spillover effects, such as the cost of housing, noise or congestion are mitigated. The comprehensive ordinance should address topics such as event restrictions, short-term rental guest limits, parking & noise requirements, public notification procedures, nuisance complaint processes, and intensity of use. However, the full extent of topics addressed by any ordinance will need to be determined after extensive public outreach.

As earlier mentioned, these future regulations should seek to limit the reallocation of housing stock from the long-term to the short-term markets, without discouraging the use of home-sharing by owner-occupiers. The development of these regulations should be undertaken in close cooperation with the Treasury-Tax Collector. Without implementing comprehensive regulations, short-term rentals will likely continue to increase in number and density, further impacting the number and affordability of housing units available for purchase or long-term rental by permanent residents within Mendocino County.

ATTACHMENT I



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DEPARTMENT OF PLANNING AND BUILDING SERVICES
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MEMORANDUM

DATE: APRIL 10, 2018

TO: BOARD OF SUPERVISORS

FROM: PLANNING AND BUILDING SERVICES

SUBJECT: #OA 2017-0003: CHAPTER 20.164 - ACCESSORY USE REGULATIONS
(SHORT-TERM VACATION RENTALS & SECON RESIDENTIAL /
ACCESSORY DWELLING UNITS

STAFF REQUESTS DIRECTION FOR ORDINANCE AMENDMENTS
ADDRESSING SHORT-TERM VACATION RENTALS AND SECOND-
RESIDENTIAL UNITS/ACCESSORY DWELLING UNITS WITHIN THE
INLAND ZONING CODE (TITLE 20, DIVISION 1) CHAPTER 20.164 -
ACCESSORY USE REGULATIONS

INTRODUCTION

The Department of Planning & Building Services seeks direction from the Board of Supervisors prior to submitting a package of updates as an Ordinance Amendment to County Inland Zoning Code (Title 20 – Division 1 of the Mendocino County Code), Chapter 20.164 - Accessory Use Regulations. This package of updates would address short-term vacation rentals, as well as Second Residential/Accessory Dwelling Units (ADUs) within the Inland Zoning Division.

By aligning County regulations with recently passed state laws, this ordinance amendment would provide clarity to those developing accessory residential structures. Additionally, by addressing short-term vacation rentals, this ordinance amendment would limit the reallocation of existing and future housing stock to short-term markets by encouraging home-sharing via the Room & Board accessory use type, and requiring discretionary review of Vacation Home Rentals that disproportionately limit permanent housing for area residents.

ACCESSORY RESIDENTIAL STURCTURES

In January 2017, Senate Bill 1069 (SB1069) and Assembly Bill 2299 (AB2299), which pertain to the creation of accessory dwelling units, went into effect. These laws were intended to address California's ongoing housing affordability crisis by reducing local regulatory barriers to construct new accessory dwelling units. Additionally, Governor Brown signed Assembly Bill 2406 (AB2406), which pertains to creation of Junior Accessory Dwelling Units (JADU).

In Mendocino County, ADUs are allowed throughout the Inland Zoning Division in all districts that permit a single-family dwelling. ADUs are a critical form of infill-development that can offer important housing choices within existing neighborhoods. While the County's existing regulations substantially align with much of this recently passed legislation, updates can be made to ensure greater consistency and encourage the development of accessory residential structure to improve access for Mendocino County residents.

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Proposed updates to the *County Inland Zoning Code (Title 20 – Division 1 of the Mendocino County Code)*, *Chapter 20.164 - Accessory Use Regulations*, include updating and aligning important terminology, as well as clarifying parking requirements and exemptions for these accessory uses. Additionally, staff would plan to clarify that certain accessory residential structures may be used for short-term rentals, which is why staff prefers to address these items concurrently.

With regard to Assembly Bill 2406, however, it is necessary to clarify the permitting process for Junior Accessory Dwelling Units (JADUs) by adding a new section to *Chapter 20.164*. Currently, JADUs are not described within any local regulation or planning document. Adoption of a JADU ordinance is optional, but JADUs have been incorporated by neighboring localities, including Sonoma County, and present a useful pathway to diversify Mendocino County's limited housing stock.

The updated regulatory package does little to address accessory use challenges in the Coastal Zone. Nor does it address the most prohibitive factors to developing accessory residential housing in Mendocino County, which is the lack of utility services and infrastructure. For example, residents in Redwood Valley encounter difficulties when developing accessory residential housing due to development moratoriums maintained by the local water district. Within Mendocino County infrastructure constraints are a substantial and consistent barrier to the development of new housing.

The Coastal Zone faces similar land capacity challenges, as well as a more complicated legal environment. In 1985, the Board of Supervisors of Mendocino County reluctantly concluded that the development of accessory dwelling units in the unincorporated Coastal Zone, in excess of those allowed by the Coastal Element may have adverse impacts on the public health, safety, and welfare, including water supply, septic capability and traffic. Staff continues to work with the California Coastal Commission to determine how best to address the County's housing challenges along the coastline.

SHORT TERM RENTALS

On August 1, 2017, the Mendocino County Board of Supervisors passed and adopted Ordinance No. 4391, approving interim restrictions on the establishment of new short-term/vacation home rentals on residential property, pending the study and consideration of land use and existing regulations pertaining to such activity. This urgency ordinance was passed in response to concerns that a substantial and increasing share of the County's housing stock was being utilized for the purpose of short-term/vacation home rentals, thereby reducing the share of units available for long-term lease by permanent residents or job-seekers.

Ordinance No. 4391, however, expired 45 days later because it was unable to sustain the votes necessary for a required extension. On September, 12, 2017, the Board of Supervisors further directed the Department of Planning and Building to develop a draft policy update for review and discussion by the Planning Commission and Board of Supervisors. Staff has conducted research regarding these issues, and now seeks formal direction from the Board of Supervisors to present an Ordinance Amendment to the Planning Commission for review.

For the Inland Zoning Division, if the subject parcel does not have frontage on a 'Public Road' a discretionary review of the project is required, regardless of the intensity of use of the short-term rental. Because short-term rentals within the Division 1 can only proceed as a Room and Board accessory use they are subject to additional regulations. Per Chapter 20.164 - Accessory Use Regulations, Sec. 20.164.015 - Residential and Agricultural Use Types (L) Room & 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."

Room and Board is the only accessory use that requires discretionary review under Chapter 20.164. Per direction of the Board of Supervisors, these discretionary reviews are being processed at the cost of a minor use permit, rather than a major use permit. While reduced, this cost remains a significant barrier to entry for home-owners located on private roads. Additionally, it presents a significant logistical challenge for staff in terms of processing, response, and customer service without significant or demonstrated reasoning as to why the regulation exists.

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At all times a business license is required to operate a short-term vacation rental, which must be renewed annually through the Mendocino County Tax Collector. Operators of short-term/vacation home rentals are subject to the collection of Transit Occupancy Tax (ToT) under *Title 5, Chapter 5.20 - Tax Imposed on Transients*.

Presently, Mendocino County prohibits or discourages commercial activity from occurring within following structure types:

- 'Guest Cottage'
- 'Family Care Unit'
- 'Class-K Structure' (*Within 1 Year of Permitting*)
- 'Airstream Trailers', Busses, Recreational Vehicles, etc.
- 'Second Residential Units'/'Accessory Dwelling Units' (*Division III ONLY*)

Especially within the Coastal Division, there is concern that a substantial and increasing share of the existing housing stock is being used as short-term rentals, thereby reducing the share available for either purchase or lease on a long-term basis. It is unclear, however, if this substantial and increasing share of short-term rentals results from homeowners taking advantage of excess capacity within their own homes, or by renting their whole home, effectively removing that residential unit for long-term use. Critics of home-sharing argue that short-term vacation rentals raise housing costs for local residents, and there is growing evidence to confirm this effect, albeit with substantial caveats. On the other hand, there is also evidence that home-sharing increases value by allowing owners to better utilize excess capacity that would otherwise remain vacant. Furthermore, the effect of short-term vacation rentals on long-term rental market prices would appear less impactful in zip-codes with a larger share of owner-occupiers, a result consistent with absentee landlords taking their homes away from the long-term rental market and listing them on Airbnb.¹

NEXT STEPS

In preparation, staff has established a comprehensive draft of regulatory proposals to address short-term vacation rentals within the Inland Zoning Division, but seeks additional input and clarification from the Board of Supervisors on many important details. At the same time, updates to other elements in the Accessory Chapter are suggested, especially given the interplay between Short-Term Vacation Rentals and Accessory Residential Structures. Staff proposes that discretionary reviews continue to occur, but only for *Vacation Home Rentals* that disproportionately limit permanent housing. This would include requiring '*Vacation Home Rentals*' to obtain a Minor Use Permit if the residence is utilized by short-term occupants for more than 120 days per year or more. This limitation will require close coordination between the Department of Planning and Building Services and the Treasurer-Tax Collector. It also recognizes that Vacation-Home Rentals, in which the owner is not present, do limit long-term housing options for permanent residents, and by that standard should be evaluated akin to a 'Transient Habitation' rather than 'Accessory Residential.'

By addressing these topics under a combined update, this ordinance amendment would establish appropriate standards for accessory dwelling units, as well as the short-term rental of dwellings within Division 1 of Mendocino County. Doing such would provide accommodation in areas where visitor services are limited, and bolster supplemental income opportunities for long-term permanent residents by allowing them the ability to undertake short-term rental activities. Furthermore, this proposed ordinance exists to minimize potential negative secondary effects on surrounding residential neighborhoods through a revised short-term rental application and notification process. This proposed ordinance amendment would allow home-owners additional economic opportunity, while providing for the health and safety of guests in a manner similar to other localities. Staff intends that any of the proposed amendments would be consistent with the 2009 Mendocino County General Plan, and the allowed uses would still only be permitted in areas already otherwise allowed for by the General Plan.

It is requested that the Board of Supervisors provide recommendations to staff on draft regulations for the review of the Planning Commission regarding accessory residential structures and short-term vacation

¹ Ibid.

ATTACHMENT I

rental uses. At such time as the Planning Commission completes their review, the ordinances will then return to the Board for their final decision.

ATTACHMENTS

- DRAFT: CHAPTER 20.008- Definitions
- DRAFT: Chapter 20.164 - Accessory Use Regulations
- DRAFT: Chapter 20.165 - Accessory Use (Short-Term Vacation Rental)-PROPOSED
- California Department of Housing and Community Development: Accessory Dwelling Unit Memorandum-December 2016

Highlighted document not included in Planning Commission Packet for
12.2.2021

CHAPTER 20.008- DEFINITIONS

[ADD] CHAPTER 20.008 – DEFINITIONS: Sec. 20.008- Definitions (A): “Accessory Dwelling Unit” An attached or detached residential dwelling unit in compliance with Sec. 20.164.015, which provides complete independent living facilities for one (1) or more persons, and includes separate permanent provisions for entry, living, sleeping, eating, cooking and sanitation on the same parcel as a single-family dwelling. *See Chapter 20.164 Accessory Use Regulations.*

[MODIFY] CHAPTER 20.008 – DEFINITIONS: Sec. 20.0008.026 - Definitions (D): "Detached bedrooms" means a separate incidental structure containing one (1) room only without a kitchen or sanitation facilities, designed for and **primarily** intended to be used as a sleeping or living facility for family members to be used in conjunction with a main structure which includes kitchen and sanitation facilities. A detached bedroom shall be located no farther than one hundred Fifty (150) feet from the main structure, and shall not exceed five hundred (500) square feet of floor area.

[ADD] CHAPTER 20.008 – DEFINITIONS: Sec. 20.0008.027 - Definitions (E): “Efficiency Kitchen” means a small food preparation area for a junior accessory dwelling unit that includes the following: (A) A sink with a maximum waste line diameter of 1.5 inches. (B) A cooking facility with appliances that do not require electrical service greater than 120 volts, or natural or propane gas. (C) A food preparation counter and storage cabinets that are of reasonable size in relation to the size of the junior accessory dwelling unit.

[MODIFY] CHAPTER 20.008 – DEFINITIONS: Sec. 20.008.030 - Definitions (G): "Guest Cottage" means a detached building (not exceeding six hundred forty (640) square feet of gross floor area), of permanent construction, without wet bar or kitchen or any provision for appliances for the storage and preparation of food, clearly subordinate and incidental to the primary dwelling on the same lot., ~~and intended for use without compensation by guests of the occupants of the primary dwelling.~~

[ADD] CHAPTER 20.008 – DEFINITIONS: Sec. 20.0008.036 - Definitions (J): “Junior Accessory Dwelling Unit”: “Junior accessory dwelling unit.” A living space not exceeding five hundred (500) square feet in size and contained entirely within a fully permitted single-family dwelling. A junior accessory dwelling unit shall include an efficiency kitchen, and may include separate sanitation facilities or share sanitation facilities with the existing structure. *See Chapter 20.164 Accessory Use Regulations.*

[MODIFY] CHAPTER 20.008 – DEFINITIONS: Sec. 20.008.050 - Definitions (R): "Room and Board" means the renting of not more than two (2) rooms for occupancy by transient guests for compensation or profit, **and that the owner is present for the duration of their guest's stay.**

[DELETE] CHAPTER 20.008 – DEFINITIONS Sec. 20.008.052 – Definitions (S): "Second residential unit (implementation of SB 1534)" means either a detached or attached dwelling unit, including a mobile home, which provides complete independent living facilities for one (1) or more persons. It shall include permanent provisions for living, sleeping, eating, cooking and sanitation on the same parcel or parcels as the primary unit is situated.

[ADD] CHAPTER 20.008 – DEFINITIONS Sec. 20.008.052 - Definitions (S): **Short-Term Vacation Rental:** Occupancy of a dwelling unit or sleeping unit under the Room and Board or Vacation Home Rental use type definition for not more than 30 consecutive days.

[ADD] CHAPTER 20.008 – DEFINITIONS: Sec. 20.008.058 - Definitions (V): "Vacation Home Rental" means a single family residential dwelling unit intended for single family occupancy designed to be let or hired as an entire unit for occupancy by transient guests for compensation or profit; *See Chapter 20.164 Accessory Use Regulations.*

DRAFT

CHAPTER 20.164 - ACCESSORY USE REGULATIONS

Sec. 20.164.005 - Declaration.

It is the intent of this Chapter to establish the relation among the principal and accessory uses and the criteria for regulating accessory uses.

(Ord. No. 3639 (part), adopted 1987)

Sec. 20.164.010 - Accessory Uses Encompassed by Principal Use.

- (A) In addition to the principal uses expressly included in the zoning districts such use types shall be deemed to include such accessory uses which are specifically identified by these accessory use regulations; and such other accessory uses which are necessarily and customarily associated with, and are appropriate, incidental, and subordinate to, such principal uses. When provided by these regulations, it shall be the responsibility of the Director of the Department of Planning and Building Services to determine if a proposed accessory use is necessarily and customarily associated with, and is appropriate, incidental, and subordinate to the principal use, based on the Director's evaluation of the resemblance of the proposed accessory use to those uses specifically identified as accessory to the principal uses and the relationship between the proposed accessory use and the principal use. Such determinations which are made by the Director shall be subject to the administrative appeal procedure commencing at Section 20.208.005.
- (B) An accessory structure may be constructed prior to construction of the main structure on the premises; provided that the structure shall not be used for temporary or permanent occupancy as a residence, without compliance with Section 20.168.025(B) (Construction Support).
- (C) An accessory use may be allowed on the same parcel as the principal use, or on an adjacent parcel in the same ownership as the parcel which has an established principal use.

(Ord. No. 3639 (part), adopted 1987)

Sec. 20.164.015 - Residential and Agricultural Use Types.

Subject to the restrictions and limitations specified, the following accessory buildings and uses shall be permitted in zones where residential and agricultural use types are permitted:

- (A) Private garages.
- (B) Children's playhouses, patios, porches, gazebos, etc.
- (C) Radio and television receiving antennas.
- (D) Windmills.
- (E) Silos.
- (F) Shops (nonbusiness purposes).
- (G) Barns.
- (H) Private swimming pools and hot tubs (not subject to setback requirements in the side or rear yards of any district).
- (I) **Guest Cottage.** One guest cottage is permitted for each legal parcel. In lieu of a guest cottage a detached bedroom may be substituted.

ATTACHMENT I

- (J) **Detached Bedrooms.** Not more than two (2) detached bedrooms are permitted upon each parcel. If a guest cottage is constructed, the guest cottage and one (1) detached bedroom may be constructed instead of the two (2) detached bedrooms.
- (K) **Accessory Dwelling Unit.** An accessory dwelling unit shall be permitted in all zoning districts which allow single-family dwellings subject to the following standards and criteria:
- (1) The lot contains an existing single-family dwelling unit or a building permit for the single-family dwelling unit (primary residence) has been applied for.
 - (2) An adequate water system as approved by the Division of Environmental Health is available to serve the accessory dwelling unit.
 - (3) An adequate sewage disposal system as approved by the Division of Environmental Health is available to serve the accessory dwelling unit.
 - (4) The accessory dwelling unit shall conform to height, setback, lot coverage, architectural review, site plan review, off-street parking, fees, charges and other zoning requirements generally applicable to residential construction within the zone in which the second residential unit is located. Total area of floor space for a detached accessory dwelling unit may not exceed 1,200 square feet.
 - (5) The accessory dwelling unit shall comply with appropriate local building code requirements.
 - (6) An accessory dwelling unit shall not be allowed if more than one (1) dwelling unit (including farm employee housing, farm labor housing, temporary family care unit) is located on the parcel, or if there currently exists two (2) accessory residential units (any combination of guest cottages and detached bedrooms) on the parcel.
 - (7) Where dwelling group or parcel clustering is approved, no accessory dwelling unit shall be allowed.
 - (8) Nothing in this Section shall prohibit a detached bedroom, guest house or family care unit from being converted into an accessory dwelling unit, consistent with the other provisions of this Section.
 - (9) Accessory Dwelling Units may be either attached to the existing dwelling or they may be detached, separate structures.
 - (10) Attached or detached accessory dwelling units are not intended for sale but may be rented.
 - (11) **Parking Requirements:**
 - A. One parking space is required per Accessory Dwelling Unit and may be provided through tandem parking.
 - B. Parking is allowed in rear and side setback areas. No parking is allowed in front setback areas.
 - C. When a garage or covered parking structure is demolished in conjunction with the construction of an Accessory Dwelling Unit, the replacement parking spaces may be located in any configuration on the same lot parcel as the Accessory Dwelling Unit, including but not limited to covered spaces, uncovered spaces, or tandem spaces.
 - (12) **Parking Exemptions.** Parking requirements are not applicable for Accessory Dwelling Units in any of the following instances:
 - a. Located within one-half mile of a public transportation stop along a prescribed route according to a fixed schedule; or
 - b. Located within one block of a car share parking spot

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- (L) **Room and Board.** The renting of not more than two (2) rooms for occupancy by transient guests for compensation or profit, provided that the owner is present for the duration of their guest's stay. *See Chapter 20.165 Short-Term Vacation Rentals.*
- (M) **Travel Trailer or Camper.** The maintaining of one (1) travel trailer or camper in dead storage where it is not used for occupancy or business purposes. The connection of any utility or service such as electrical, water, gas or sewage to the travel trailer or camper shall be prima facie evidence that it is being used for habitation or business purposes.
- (N) **Home Occupations.** Subject to Chapter 20.156.
- (O) **Household Pets.** The keeping of dogs and cats and other household pets, but not including kennels.
- (P) **Roadside Sales of Agricultural Products.** Operation of a single roadside stand for a display and sales of only those products produced on the premises, or on other property owned or leased by the vendor, as permitted by this Division, provided that the stand does not exceed an area of two hundred (200) square feet, and is located not nearer than fifteen (15) feet to any, street or highway, and provided further that such stands shall be permitted only in the S-R, R-R, A-G, U-R, R-L, F-L, and T-P districts.
- (Q) **Wild Animal Keeping.** The keeping of not more than one (1) wild animal for which a Wild Animal Permit is required and has been issued pursuant to Title 14 of the California Administrative Code.
- (R) **Other Necessary and Customary Uses.** Accessory nonresidential uses and nonresidential structures, in addition to those identified above, which are necessarily and customarily associated with, and are appropriate, incidental, and subordinate to a principal use, as determined by the Director of the Department of Planning and Building Services.
- (S) The parking of two (2) large vehicles or construction equipment upon private property. Additional vehicles and equipment are allowed to the extent that such vehicles and equipment are of a type and number customarily used by residents of the surrounding neighborhood for their own agricultural or home use on their own property.
- (T) Family Care Home.
- (U) **Farm Employee Housing.** Upon issuance of an Administrative Permit, farm employee housing shall be permitted in the A-G, R-L, F-L and T-P zoning districts subject to the provisions of Chapters 20.008 and 20.016.
- (V) Day Care Home - Small Family.
- (W) Day Care Home - Large Family. Upon issuance of an Administrative Permit, a home providing day care for children under 18 years of age, but excluding overnight care. The number of children permitted shall be based on provisions of the California Health and Safety Code. The facility shall be reviewed to assess impacts such as traffic and pedestrian safety, adequate sanitation facilities, fire safe standards, and neighborhood compatibility. Notice of a pending permit for such a facility shall be provided per the Health and Safety Code and conditions may be imposed to provide consistency with pertinent sections of this Division.
- (X) **Vacation Home Rental"** means a single family residential dwelling unit intended for single family occupancy designed to be let or hired as an entire unit for occupancy by transient guests for compensation or profit; *See Chapter 20.165 Accessory Use Regulations.*
- (Y) **Junior Accessory Dwelling Unit.** A living space not to exceed five hundred (500) square feet in size and contained entirely within an already permitted single-family dwelling. A junior accessory dwelling unit shall include an efficiency kitchen, and may include separate sanitation facilities or share sanitation facilities with the existing structure. JADUs are subject to the following standards and criteria: No more than one junior accessory dwelling unit may be located on a parcel.

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- A. The single-family dwelling must be owner-occupied. The owner may reside in either the junior accessory dwelling unit or the remaining portion of the single-family dwelling. Only one JADU is permitted per residential lot.
- B. A junior accessory dwelling unit shall not be sold, and rentals for terms shorter than 30 days shall be prohibited.
- C. A separate entrance to the junior accessory dwelling unit shall be provided, and interior access to the remainder of the single-family dwelling shall be maintained.
- D. The JADU may share a bath with the primary residence or have its own bath.
- E. The permitted junior accessory dwelling unit is required to include an efficiency kitchen.
- F. For the purposes of fire and life protections ordinances and regulations, the JADU is to be considered part of the single-family residence, and therefore would be allowed in addition to an primary Single Family Dwelling, 'Accessory Dwelling Unit', and 'Guest Cottage'/'Detached Bedroom' accessory residential structure allotment.

Sec. 20.164.020 - Civil, Commercial, Industrial or Extractive Use Types.

- (A) Accessory structures and uses necessarily and customarily associated with, and appropriate, incidental, and subordinate to the principal civic, commercial, industrial or extractive uses shall be permitted where these use types are permitted.
- (B) **Accessory Recycling.** The recycling of recyclable materials may be permitted as an accessory and incidental use as follows:
 - (1) Storage containers or processing activities located on the premises of a commercial, industrial or civic use when used solely for the recycling of recyclable material generated by such use, accepted in trade for new, used or rehabilitated materials, or customarily accepted for recycling by the particular use.
 - (2) Refuse disposal sites may include recycling facilities and resource recovery as accessory uses.

(Ord. No. 3639 (part), adopted 1987; Ord. No. 3867 (part), adopted 1993)

CHAPTER 20.165 - ACCESSORY USE (SHORT-TERM VACATION RENTAL)

PURPOSE

The purpose of this ordinance is to establish appropriate standards for the short-term rental of single-family dwellings in Mendocino County; to provide accommodation in areas where visitor accommodations are limited, and bolster supplemental income opportunities for long-term permanent residents by allowing them the ability to undertake Room & Board activities. Furthermore, this ordinance exists to minimize potential negative secondary effects on surrounding residential neighborhoods through the application and notification process; allow home-owners additional economic opportunity; provide for the health and safety of guests; and ensure the payment of required transient occupancy taxes and associated fees.

OVERVIEW

In Mendocino County, short-term rentals are allowed in any zoning district where residential use-types are permitted. Short-Term Vacation Rentals can be undertaken either as a 'Vacation Home Rental' or as 'Room and Board.' A business license to operate the short-term rental business is required and must be renewed annually. Rentals for more than 30 consecutive nights (by the same visitors) are not subject to short-term rental regulations or subject to hotel (transient occupancy) taxes. 'Vacation Home Rentals' are required to obtain a Minor Use Permit if the residence is to be utilized for more than 120 days per year.

GENERAL REQUIREMENTS

- A. No person shall operate a short-term rental unless they have first obtained a business license from the County of Mendocino.
- B. No person shall operate a short-term rental without the consent of the property owner.
- C. Upon issuance of a short-term rental permit, the County will notify all owners of property within three hundred (300) feet of the permitted property, as well as any lot owner's association or other organization responsible for the maintenance of private road access, if appropriate. The notice will be in writing and contain the location of the short-term rental dwelling unit and full contact information of the permittee or designated on-site manager.
- D. The applicant must submit in writing that any association or entity responsible for the enforcement of the constraints, conditions, covenants, or restrictions pertinent to the subject property, does not prohibit short-term rental activities. The statement shall provide contact information for the entity, or a letter of approval allowing the applicant to proceed.

HEALTH AND SAFETY REQUIREMENTS

- A. No permittee shall allow any conferences, retreats, weddings, fundraisers, or similar gatherings at the short-term rental dwelling unit, unless specifically permitted.
- B. No permittee shall, for compensation, provide lodging for more than eight people at any property operating as a short-term rental business.
- C. Each short-term rental shall be in compliance with all applicable laws and regulations, including but not limited to, the California Residential Code, California Fire Code, and all County-issued permits. In addition, no permittee shall provide lodging in any of the following residential use types:
 - 1. Family Care Unit
 - 2. Travel Trailer or Camper

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3. Farm Employee Housing
 4. Private Garages or Storage Structures
 5. Junior Accessory Dwelling Units
 6. Class-K "Owner-Build" within one year of the issuance of a certificate of occupancy
- D. Smoke alarms pursuant to the 2013 California Residential Code or its successor are required in the following locations:
- a. In each sleeping room.
 - b. Outside each separate sleeping area in the immediate vicinity of the bedroom(s).
 - c. At least one alarm on each story, including basements and habitable attics.
- E. Carbon monoxide alarms pursuant to the 2013 California Residential Code or its successor are required in the following locations:
- a. In each sleeping room.
 - b. Outside each separate sleeping area in the immediate vicinity of the bedroom(s).
- F. Liability insurance is required for the short-term rental business to operate within Mendocino County. Each owner shall maintain at least \$500,000 in liability insurance on the vacation rental while the vacation rental is occupied.
- G. The permittee shall ensure that renters are aware of and follow any applicable parking regulations and noise ordinances of any property operating as a short-term rental business.

TAXES AND FEES

- A. Each owner shall be in compliance with County Code, including all required payments of transient occupancy tax for each short-term rental they operate.
- B. Each owner shall keep true and accurate records of the number of nights the vacation rental is rented and the amounts paid by tenants. Each owner shall retain such records for at least two years.

CONDITIONAL USE-PERMIT

- A. Beginning on January 1, 2019, the permittee of a 'Vacation Home-Rental' shall not, provide lodging for more than an aggregate of one-hundred and eighty (120) days per calendar year without first obtaining a minor-use permit. Without an issued minor use permit, the permittee shall be prohibited from operation in excess of 120 days per calendar year.
 - a. The County may impose conditions on the permit as necessary to protect the public health, safety, and welfare:
 - i. The conditions that the County may impose on the Vacation Home Rental include, but are not limited to:
 1. Requiring a manager/designated contact who resides locally to respond to complaints;
 2. Reducing the number of guests that are allowed to lodge at the dwelling unit, or limiting access during specific times of year.
 3. Reducing the number of vehicles allowed.
 4. Ensuring adequate emergency plan and evacuation standards are prepared.

GOOD NEIGHBOR POLICIES AND NOTIFICATION

- A. Notice of the short-term rental shall be mailed or delivered, at least ten (10) days prior to the approval, to all persons, including businesses, corporations, or other public or private entities, shown on the last equalized assessment role as owning real property within three hundred (300)

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feet of the project which is the subject of the proposed use.

- a. The notice will include a description of the proposed use, information regarding the regulations governing short-term rentals in Mendocino County, and the process for submitting complaints pertaining to Planning and Building codes and ordinances in the unincorporated areas of Mendocino County.
- B. If at any time the Department of Planning and Building determines that a law related to a Permit is being violated, the Department of Planning and Building may issue a notice of violation or an administrative citation(s) pursuant to Mendocino County Code Chapter 1.08 and notify other interested public agencies or County departments of such violations. After the violation(s) have been cured, the correction must be confirmed.
- C. The Department of Planning and Building determines that the Permittee is in violation of one (1) or more laws related to the Permit, and that the Permittee is unlikely or unable to correct such violation(s). The Department of Planning and Building may make a determination that a Permittee is unlikely to correct a violation if:
 - (a) The Permittee has failed to correct any single code violation within ten (10) days of the initial notice, or such other time period otherwise specified in the pertinent notice of violation, administrative citation, or related writing; or
 - (b) The Permittee has received three (3) or more notices of violation or administrative citations, on separate occasions, within a twelve (12) month period, which may or may not pertain to the same violation, recurring violation, or different violation; or
 - (c) The extent of, severity of, or conditions surrounding one (1) or more violations make it clear that the Permittee was not acting in good faith to abide by the laws related to the Permit.



MENDOCINO COUNTY *MEMORANDUM*

Date: May 16, 2017

To: Board of Supervisors

From: Supervisor Dan Gjerde

Subject: Discussion points for report out of General Government Committee
RE: Inclusionary Housing, Accessory Dwelling Units and Short-Term Rentals

This memo is a follow-up to the General Government meeting of May 8, where Supervisor Carre Brown and I, along with the public and county staff, discussed three policies related to housing.

Inclusionary Housing

The first item referred to the committee by the full board was a request to review the County's Inclusionary Housing Ordinance. The committee reviewed the details of the ordinance and decided to seek clarification from the full board for further guidance. For example, is there an interest among board members to amend a particular policy? If so, what would that be? During discussion, County planning staff noted that since its adoption only a handful of small subdivisions have been approved and those small-scale subdivisions have not triggered the requirement for the creation of even one below-market for-sale home. Instead, these small-scale subdivisions have resulted in developer payments into a special County fund, where a nominal amount of money, believed to be less than \$20,000, is now accumulated to eventually be used to subsidize a for-sale house at some point in the future.

Considering the substantial subsidy needed to facilitate the construction of each below-market for-sale home, especially when public funds are part of the financing, triggering prevailing wage, I did float an option the board may want to consider. The option could look like this: For minor subdivisions of 5 parcels or less, where inclusionary housing is not required to be built as part of the project, developers would have an additional option. The developer could either pay the in-lieu fee, as is currently the case, or they could construct at least one accessory dwelling unit or what are sometimes called granny units. While the accessory dwelling unit would be rented at market-rate, small market-rate rentals tend to be relatively affordable, and this option would more promptly result in the creation of additional housing. The Inclusionary Ordinance could specify that accessory dwelling units built under this program could not be rented short-term (not less than 30 days), and might also limit their size, to provide the greatest possible assurance that they would be relatively affordable to long-term residents.

Accessory Dwelling Units

As the board is well aware, in the 2016 legislative session the State adopted AB2299 and SB1069, which encouraged the construction of accessory dwelling units. These laws took effect starting in January 2017, and they made clear that cities and counties should not prevent the construction of accessory dwelling units due to requirements for off-street parking, among other things. To implement this law, the General Government Committee agrees the County should amend its land use code to reflect new State law.

The General Government Committee also recommends that the County of Mendocino amend its Local Coastal Program to allow for the construction of accessory dwelling units. The board can see from the attached memo from Coastal Commission Executive Director Jack Ainsworth that local governments are invited to amend their plans in order to fulfill the policy objectives of AB2299 and SB1069 through an expedited amendment. The General Government Committee recommends that the board designate one or two supervisors to join county planning staff to meet with Coastal Commission staff. The purpose would be to gain clarification on the points raised by Executive Director Ainsworth's extensive memo. In sum, the memo describes a process whereby local governments could approve accessory dwelling units without the need for a coastal development permit, through a waiver process, at least in some circumstances. The meeting would clarify the range of circumstances whereby an amended Mendocino County Local Coastal Program might not require a CDP, likely due to location of parcel and size of the accessory dwelling unit. Once clarification was obtained, a draft ordinance could be written and presented for consideration and a recommendation by the Planning Commission.

Short-Term Rentals

The board has expressed support for creating additional workforce housing. The board has heard concerns raised by residents, especially residents of the Mendocino Coast, that the advent of websites like Airbnb have turned the housing market upside down, in that a substantial share of the County's housing stock is now converted to short-term rentals. And each week additional housing is taken off the long-term market. The General Government Committee is recommending that the County regulate the short-term rental market, in order to preserve housing for Mendocino County's workforce.

The Committee would like direction from the full board. Here are some key decision points:

- Short-term rentals, per County Code, require a County Business License and the collection of the County Transient Occupancy Tax and the Business Improvement District Fee. Should the County limit the number of Short-Term Rental Business Licenses to one per person for properties located in residential zoning districts (unless issued prior to adoption of this ordinance)?
- If yes, should new the Short-Term Rental Business Licenses issued for properties located in residential zoning districts be limited to no more than one unit on a parcel?
- If yes, should new Short-Term Rental Business Licenses issued for properties located in residential zoning district be limited to properties with at least two living units, preserving the other unit(s) for long-term occupancy?

Attached you will find a recent memo from the Coastal Commission on recent LCP amendments regarding short-term rentals. In a conversation with Coastal Commission Executive Director Jack Ainsworth, he indicated to me the Commission would consider a county policy on short-term rentals at the same time as a policy on accessory dwelling units, processing them as a single amendment under the commission's expedited process.

Enclosure

cc: Carmel J. Angelo, Chief Executive Officer/Clerk of the Board

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TO: Planning Directors of Coastal Cities and Counties

FROM: John Ainsworth, Executive Director

RE: New Accessory Dwelling Unit Legislation

DATE: April 18, 2017

New State requirements regarding local government regulation of “accessory dwelling units” (ADUs) became effective on January 1, 2017. The Legislature amended Government Code section 65852.2 to modify the requirements that local governments may apply to ADUs, most notably with respect to parking. The Legislature further specified that local ADU ordinances enacted prior to 2017 that do not meet the requirements of the new legislation are null and void. (Gov. Code, § 65852.2, subd. (a)(4).) Significantly, however, the Legislature further directed that the statute shall not be interpreted to “supersede or in any way alter or lessen the effect or application of the California Coastal Act . . . except that the local government shall not be required to hold public hearings for coastal development permit applications for accessory dwelling units.” (Gov. Code, § 65852.2, subd. (j).) The Legislature also enacted Government Code section 65852.22, which establishes streamlined review of “junior” ADUs in jurisdictions that adopt ordinances that meet certain specified criteria. Unlike Government Code section 65852.2, the junior ADU statute does not specifically address or refer to the Coastal Act.

The Coastal Act requires the Coastal Commission to encourage housing opportunities for low and moderate income households and calls for the concentration of development in existing developed areas. (Pub. Resources Code, §§ 30250, subd. (a); 30604, subd. (f).) The creation of new ADUs in existing residential areas is a promising strategy for increasing the supply of lower-cost housing in the coastal zone in a way that avoids significant adverse impacts on coastal resources.

Some local governments have requested guidance from the Coastal Commission regarding how to implement the ADU and junior ADU statutes in light of Coastal Act requirements. This memorandum is intended to provide general guidance for local governments with fully certified local coastal programs (LCPs). The Coastal Commission is generally responsible for Coastal Act review of ADUs in areas that are not subject to fully certified LCPs. Local governments that have questions about specific circumstances not addressed in this memorandum should contact the appropriate district office of the Coastal Commission.

1) Update Local Coastal Programs

The Coastal Commission strongly recommends that local governments amend their LCPs to address the review of coastal development permit (CDP) applications for ADUs in light of the new



legislation. Currently certified provisions of LCPs, including specific LCP ADU sections currently in place, are not superseded by Government Code section 65852.2 and continue to apply to CDP applications for ADUs. Any conflicts between those LCP provisions and the new statutory requirements as they apply to *local permits other than CDPs*, however, may cause confusion that unnecessarily thwarts the Legislature's goal of encouraging ADUs. Government Code section 65852.2 expressly allows local governments to adopt local ordinances that include criteria and standards to address a wide variety of concerns, including potential impacts to coastal resources, and thus the coastal resource context applicable to any particular local government jurisdictional area needs to be addressed in any proposed LCP ADU sections. Coastal Commission staff anticipates that LCP amendments to implement the ADU legislation will reconcile Coastal Act requirements with the ADU statutes, thus allowing accomplishment of the Legislature's goals both with respect to coastal protection and encouragement of ADUs.

When evaluating what specific changes to make to an LCP, consider whether amendments to the land use plan component of the LCP are necessary in order to allow proposed changes to the implementation plan component. LCP amendments that involve purely procedural changes, that do not propose changes in land use, and/or that would have no impact on coastal resources may be eligible for streamlined review as minor or de minimis amendments. (Pub. Resources Code, § 30514, subd. (d); Cal. Code Regs., § 13554.)

2) Review of ADU Applications

- A) **Check CDP History for the Site.** The ADU statutes apply to residentially zoned lots that currently have a legally established single-family dwelling. Determine whether a CDP was previously issued for development of the lot and whether that CDP limits, or requires a CDP or CDP amendment for, changes to the approved development or for future development or uses of the site. In such cases, previous CDP requirements must be understood in relation to the proposed ADU, and they may restrict the proposal. If an ADU application raises questions regarding a Coastal Commission CDP, including if an amendment to a CDP issued by the Coastal Commission may be necessary, instruct the applicant to contact the appropriate district office of the Coastal Commission.
- B) **Determine Whether the Proposed ADU Qualifies As Development.** The Coastal Act's permitting requirements apply to development performed or undertaken in the coastal zone. (Pub. Resources Code, § 30600, subd. (a).) Minor changes to an existing legally established residential structure that do not involve the removal or replacement of major structural components (e.g., roofs, exterior walls, foundations) and that do not change the size or the intensity of use of the structure do not qualify as development with the meaning of the Coastal Act. A junior ADU that complies with the requirements of an ordinance enacted pursuant to Government Code section 65852.22 generally will not constitute development because it will not change the building envelope and because it must contain at least one bedroom that was previously part of the primary residence. Such minor changes do not require a Coastal Act approval such as a CDP or waiver unless specified in a previously issued CDP for existing development on the lot. If questions arise regarding whether a

proposed ADU qualifies as development, please contact the appropriate district office of the Coastal Commission.

C) If the Proposed ADU Qualifies As Development, Determine Whether It Is Exempt.

Improvements such as additions to existing single-family dwellings are generally exempt from Coastal Act permitting requirements except when they involve a risk of adverse environmental effects as specified in the Coastal Commission's regulations. (Pub. Resources Code, § 30610, subd. (a); Cal. Code Regs., tit. 14, § 13250.) Improvements that qualify as exempt development under the Coastal Act and its implementing regulations do not require Coastal Act approval unless required pursuant to a previously issued CDP. (Cal. Code Regs., tit. 14, § 13250, subd. (b)(6).)

An improvement does not qualify as an exempt improvement if the improvement or the existing dwelling is located on a beach, in a wetland, seaward of the mean high tide line, in an environmentally sensitive habitat area, in an area designated as highly scenic in a certified land use plan, or within 50 feet of the edge of a coastal bluff. Improvements that involve significant alteration of land forms as specified in section 13250 of the Commission's regulations also are not exempt. In addition, the expansion or construction of water wells or septic systems are not exempt. Finally, improvements to structures located between the first public road and the sea or within 300 feet of a beach or the mean high tide line are not exempt if they either increase the interior floor area by 10 percent or more or increase the height by more than 10 percent. (Cal. Code Regs., tit. 14, § 13250, subd. (b).)

To qualify as an exempt improvement to a single-family dwelling, an ADU must be contained within or directly attached to the existing single-family structure. "[S]elf-contained residential units," i.e., detached residential units, do not qualify as part of a single-family residential structure and construction of or improvements to them are therefore not exempt development. (Cal. Code Regs., tit. 14, § 13250, subd. (a)(2).) Again, if questions arise regarding CDP exemption requirements, please contact the appropriate district office of the Coastal Commission.

D) If the Proposed ADU Is Not Exempt From CDP Requirements, Determine Whether A CDP Waiver is Appropriate. If a proposed ADU qualifies as an improvement to a single-family dwelling but is not exempt, a local government may waive the requirement for a CDP if the LCP includes a waiver provision and the proposed ADU meets the criteria for a CDP waiver. Such provisions generally allow a waiver if the local government finds that the impact of the ADU on coastal resources or coastal access would be insignificant. (See Cal. Code Regs., tit. 14, § 13250, subd. (c).) In addition, they generally allow a waiver if the proposed ADU is a detached structure and the local government determines that the ADU involves no potential for any adverse effect on coastal resources and that it will be consistent with the Chapter 3 policies of the Coastal Act. (See Pub. Resources Code, § 30624.7.) Some LCPs do not provide for waivers, but may allow similar expedited approval procedures. Those other expedited approval procedures may apply. If an LCP does not include provisions

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regarding CDP waivers or other similar expedited approvals, the local government may submit an LCP amendment to authorize those procedures.

- E) **If a Waiver Would Not Be Appropriate, Review CDP Application for Consistency With Certified LCP Requirements.** If a proposed ADU constitutes development, is not exempt, and is not subject to a waiver or similar expedited Coastal Act approval authorized in the certified LCP, it requires a CDP. The CDP must be consistent with the requirements of the certified LCP and, where applicable, the public access and recreation policies of the Coastal Act, except that no local public hearing is required. (Gov. Code, § 65852.2, subd. (j).) Provide the required public notice for any CDP applications for ADUs, and process the CDP application according to LCP requirements. Once a final decision on the CDP application has been taken, send the required final local action notice to the appropriate district office of the Coastal Commission. (Cal. Code Regs., tit. 14, §§ 13565-13573.) If the ADU qualifies as appealable development, a local government action to approve a CDP for the ADU may be appealed to the Coastal Commission. (Pub. Resources Code, § 30603.)

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December 6, 2016

TO: Coastal Planning/Community Development Directors

SUBJECT: Short-Term/Vacation Rentals in the California Coastal Zone

Dear Planning/Community Development Director:

Your community and others state and nationwide are grappling with the use of private residential areas for short-term overnight accommodations. This practice, commonly referred to as vacation rentals (or short-term rentals), has recently elicited significant controversy over the proper use of private residential stock within residential areas. Although vacation rentals have historically been part of our beach communities for many decades, the more recent introduction of online booking sites has resulted in a surge of vacation rental activity, and has led to an increased focus on how best to regulate these rentals.

The Commission has heard a variety of viewpoints on this topic. Some argue that private residences should remain solely for the exclusive use of those who reside there in order to foster neighborhood stability and residential character, as well as to ensure adequate housing stock in the community. Others argue that vacation rentals should be encouraged because they often provide more affordable options for families and other coastal visitors of a wide range of economic backgrounds to enjoy the California coastline. In addition, vacation rentals allow property owners an avenue to use their residence as a source of supplemental income. There are no easy answers to the vexing issues and questions of how best to regulate short-term/vacation rentals. The purpose of this letter is to provide guidance and direction on the appropriate regulatory approach to vacation rentals in your coastal zone areas moving forward.

First, please note that vacation rental regulation in the coastal zone must occur within the context of your local coastal program (LCP) and/or be authorized pursuant to a coastal development permit (CDP). The regulation of short-term/vacation rentals represents a change in the intensity of use and of access to the shoreline, and thus constitutes development to which the Coastal Act and LCPs must apply. We do not believe that regulation outside of that LCP/CDP context (e.g., outright vacation rental bans through other local processes) is legally enforceable in the coastal zone, and we strongly encourage your community to pursue vacation rental regulation through your LCP.

The Commission has experience in this arena, and has helped several communities develop successful LCP vacation rental rules and programs (e.g., certified programs in San Luis Obispo and Santa Cruz Counties going back over a decade; see a summary of such LCP ordinances on our website at:

https://documents.coastal.ca.gov/assets/la/Sample_of_Commission_Actions_on_Short_Term_Rentals

[.pdf](#)). We suggest that you pay particular attention to the extent to which any such regulations are susceptible to monitoring and enforcement since these programs present some challenges in those regards. I encourage you to contact your [local district Coastal Commission office](#) for help in such efforts.

Second, the Commission has not historically supported blanket vacation rental bans under the Coastal Act, and has found such programs in the past not to be consistent with the Coastal Act. In such cases the Commission has found that vacation rental prohibitions unduly limit public recreational access opportunities inconsistent with the Coastal Act. However, in situations where a community already provides an ample supply of vacation rentals and where further proliferation of vacation rentals would impair community character or other coastal resources, restrictions may be appropriate. In any case, we strongly support developing reasonable and balanced regulations that can be tailored to address the specific issues within your community to allow for vacation rentals, while providing appropriate regulation to ensure consistency with applicable laws. We believe that appropriate rules and regulations can address issues and avoid potential problems, and that the end result can be an appropriate balancing of various viewpoints and interests. For example, the Commission has historically supported vacation rental regulations that provide for all of the following:

- Limits on the total number of vacation rentals allowed within certain areas (e.g., by neighborhood, by communitywide ratio, etc.).
- Limits on the types of housing that can be used as a vacation rental (e.g., disallowing vacation rentals in affordable housing contexts, etc.).
- Limits on maximum vacation rental occupancies.
- Limits on the amount of time a residential unit can be used as a vacation rental during a given time period.
- Requirements for 24-hour management and/or response, whether onsite or within a certain distance of the vacation rental.
- Requirements regarding onsite parking, garbage, and noise.
- Signage requirements, including posting 24-hour contact information, posting requirements and restrictions within units, and incorporating operational requirements and violation consequences (e.g., forfeit of deposits, etc.) in rental agreements.
- Payment of transient occupancy tax (TOT).
- Enforcement protocols, including requirements for responding to complaints and enforcing against violations of vacation rental requirements, including providing for revocation of vacation rental permits in certain circumstances.

These and/or other provisions may be applicable in your community. We believe that vacation rentals provide an important source of visitor accommodations in the coastal zone, especially for larger families and groups and for people of a wide range of economic backgrounds. At the same time we also recognize and understand legitimate community concerns associated with the potential adverse impacts associated with vacation rentals, including with respect to community character and noise

and traffic impacts. We also recognize concerns regarding the impact of vacation rentals on local housing stock and affordability. Thus, in our view it is not an ‘all or none’ proposition. Rather, the Commission’s obligation is to work with local governments to accommodate vacation rentals in a way that respects local context. Through application of reasonable enforceable LCP regulations on such rentals, Coastal Act provisions requiring that public recreational access opportunities be maximized can be achieved while also addressing potential concerns and issues.

We look forward to working with you and your community to regulate vacation rentals through your LCP in a balanced way that allows for them in a manner that is compatible with community character, including to avoid oversaturation of vacation rentals in any one neighborhood or locale, and that provides these important overnight options for visitors to our coastal areas. These types of LCP programs have proven successful in other communities, and we would suggest that their approach can serve as a model and starting place for your community moving forward. Please contact your [local district Coastal Commission office](#) for help in such efforts.

Sincerely,

A handwritten signature in black ink that reads "Steve Kinsey". The signature is written in a cursive, flowing style.

STEVE KINSEY, Chair
California Coastal Commission

ATTACHMENT K

Resolution No. PC 2022-0018

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

ATTACHMENT K

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.

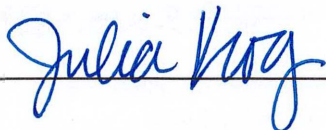
BE IT FURTHER RESOLVED that the Planning Commission action shall be final on the 11th day after the date of the Resolution unless an appeal is taken pursuant to Mendocino County Code section 20.208.015.

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: 

BY: JULIA KROG
Director



ALISON PERNELL, Chair
Mendocino County Planning Commission



ATTACHMENT L

GLENN MCGOURTY
1st District
Supervisor
Chair

MAUREEN MULHEREN
2nd District
Supervisor
Vice-Chair

JOHN HASCHAK
3rd District
Supervisor

DAN GJERDE
4th District
Supervisor

TED WILLIAMS
5th District
Supervisor



DARCIE ANTLE
Chief Executive Officer/
Clerk of the Board

CHRISTIAN M. CURTIS
County Counsel

COUNTY ADMINISTRATION CENTER
501 Low Gap Road, Room 1070
Ukiah, CA 95482
(707) 463-4441 (t)
(707) 463-5649 (f)
cob@mendocinocounty.org

MENDOCINO COUNTY BOARD OF SUPERVISORS
ACTION MINUTES – April 25, 2023

BEFORE THE BOARD OF SUPERVISORS
COUNTY OF MENDOCINO - STATE OF CALIFORNIA
FAIR STATEMENT OF PROCEEDINGS
(PURSUANT TO CALIFORNIA GOVERNMENT CODE §25150)

AGENDA ITEM NO. 1 – OPEN SESSION (PLEDGE OF ALLEGIANCE AND ROLL CALL 9:00 A.M.)

Present: Supervisor Glenn McGourty, Supervisor Maureen Mulheren, Supervisor John Haschak, Supervisor Dan Gjerde, and Supervisor Ted Williams.

Staff Present: Steve Dunncliff, Deputy Chief Executive Officer; Christian M. Curtis, County Counsel; Atlas M.A. Pearson, Senior Deputy Clerk of the Board; Lillian Bearden, Deputy Clerk of the Board; and Kim Saylor, Deputy Clerk of the Board.

The Pledge of Allegiance was led by: Supervisor Gjerde.

AGENDA ITEM NO. 2 – PUBLIC EXPRESSION

Presenter/s: Priscilla Tarver.

AGENDA ITEM NO. 3 – CONSENT CALENDAR – REMOVED FOR SEPARATE CONSIDERATION:

ITEMS 3D) AND 3F) WERE HEARD CONCURRENTLY

3D) ACCEPTANCE OF A WRITTEN REPORT FROM THE AUDITOR-CONTROLLER/TREASURER-TAX COLLECTOR FOR THE 2021/2022 FISCAL YEAR END CLOSE, INCLUDING ANY CARRYFORWARD AMOUNT - SPONSOR: SUPERVISOR MCGOURTY

3F) DIRECTION FOR AUDITOR-CONTROLLER/TREASURER - TAX COLLECTOR TO PROVIDE ACCOUNT DESCRIPTORS AND RESPECTIVE BALANCE FOR ALL COUNTY SPECIFIC ASSETS AND LIABILITIES PRIOR TO THE CREATION OF THE ANNUAL COMPREHENSIVE FINANCE REPORT (ACFR) FOR FISCAL YEARS ENDED JUNE 30, 2020, JUNE 30, 2021, AND JUNE 30, 2022, WITHIN 10 DAYS OF ACTION - SPONSORS: SUPERVISOR WILLIAMS AND SUPERVISOR MCGOURTY)

Presenters: Chamise Cubbison, Auditor-Controller/Treasurer-Tax Collector; Sara Pierce, Deputy Chief Executive Officer; Izen Locatelli, Chief Probation Officer; and Steve Dunncliff, Deputy Chief Executive Officer.

Public Comment: None.

Board Action: Upon motion by Supervisor Mulheren, seconded by Supervisor Williams, IT IS ORDERED that the Board of Supervisors continues items 3d) and 3f) to the May 23, 2023, Board of Supervisors Meeting as Regular Items; Continues item 3f) to the May 9, 2023, Board of Supervisors Meeting agenda as a Consent Item to provide a written report in advance of the regular item on May 23, 2023; and directs the Executive Office to work with the Auditor-Controller/Treasurer-Tax Collectors Office on the reporting out of those items which were received prior to this meeting, to seek a consultant to facilitate budget conversations and department responsibilities between the Executive Office, Fiscal Services Staff, and the Auditor-Controller/Treasurer-Tax Collectors Office, and report findings back to the Board at a future meeting. The motion carried by the following vote:

Aye: 5 – Supervisor McGourty, Supervisor Gjerde, Supervisor Williams, Supervisor Mulheren, and Supervisor Haschak

No: 0 – None

Absent: 0 – None

AGENDA ITEM NO. 3 – APPROVAL OF CONSENT CALENDAR

Presenter/s: Chair McGourty.

Public Comment: Patrick Hickey; and Julia Krog.

Board Action: Upon motion by Supervisor Williams, seconded by Supervisor Mulheren, IT IS ORDERED that Consent Calendar items 3a) – 3c), 3e), and 3g) – 3t) are hereby approved as follows. The motion carried by the following vote:

Aye: 5 – Supervisor Haschak, Supervisor Gjerde, Supervisor Mulheren, Supervisor McGourty, and Supervisor Williams

No: 0 – None

Absent: 0 – None

3A) APPROVAL OF MINUTES OF APRIL 11, 2023 REGULAR MEETING - SPONSOR: EXECUTIVE OFFICE

Approved and Chair is authorized to sign same;

3B) APPROVAL OF MINUTES OF APRIL 12, 2023 REGULAR CLOSED SESSION MEETING - SPONSOR: EXECUTIVE OFFICE

Approved and Chair is authorized to sign same;

3C) APPROVAL OF APPROVAL OF RECOMMENDED APPOINTMENTS/REAPPOINTMENTS - SPONSOR: EXECUTIVE OFFICE

Approved;

1. Tony Orth, Long Term Director, Mendocino County Resource Conservation District; and
2. Kimbal Dodge, Trustee, Cemetery District of the Redwoods.

3E) ADOPTION OF RESOLUTION AUTHORIZING THE TRANSFER OF FUNDS IN THE AMOUNT OF \$24,304.25 FROM THE WILLIAM J. AND MELVINA K. TONEY REVOCABLE TRUST TO THE HISTORICAL SOCIETY OF MENDOCINO COUNTY TO COVER CAPITAL EXPENSES RELATED TO THE SOCIETY'S PROPERTY - SPONSOR: SUPERVISOR MCGOURTY

Adopted and Chair is authorized to sign same;

Enactment No: Resolution 23-076

RESOLUTION NO. 23-076

RESOLUTION OF THE MENDOCINO COUNTY BOARD OF SUPERVISORS AUTHORIZING THE TRANSFER OF FUNDS FROM THE WILLIAM J. AND MELVINA K. TONEY REVOCABLE TRUST DEPOSITED INTO THE MENDOCINO COUNTY MUSEUM ENDOWMENT FUND TO THE HISTORICAL SOCIETY OF MENDOCINO COUNTY

3G) ADOPTION OF RESOLUTION TERMINATING THE EXISTENCE OF A LOCAL EMERGENCY DUE TO DROUGHT CONDITIONS IN MENDOCINO COUNTY – SPONSOR: EXECUTIVE OFFICE

Adopted and Chair is authorized to sign same;

Enactment No: Resolution 23-077

RESOLUTION NO. 23-077

RESOLUTION OF THE MENDOCINO COUNTY BOARD OF SUPERVISORS TERMINATING THE EXISTENCE OF A LOCAL EMERGENCY DUE TO DROUGHT CONDITIONS

3H) APPROVAL OF RETROACTIVE AGREEMENT WITH MENDOCINO COUNTY FIRE SAFE COUNCIL FOR IGNITION RESISTANT PHASE 2 PROJECT MANAGEMENT SERVICES IN THE AMOUNT OF \$20,000 FOR THE TERM OF AUGUST 25, 2022 THROUGH JUNE 30, 2023 - SPONSOR: EXECUTIVE OFFICE

Approved and Chair is authorized to sign same;

Enactment No: Agreement 23-059

3I) APPROVAL OF AGREEMENT WITH REDWOOD VALLEY GRANGE IN THE AMOUNT OF \$8,781.71 FROM ONE-TIME PACIFIC GAS AND ELECTRIC DISASTER SETTLEMENT FUNDS; AS REIMBURSEMENT FOR PURCHASE AND INSTALLATION OF A NEW HEATING, VENTILATION AND AIR CONDITIONING SYSTEM FOR THE REDWOOD VALLEY GRANGE NO. 382, EFFECTIVE UPON FULL EXECUTION THROUGH JUNE 30, 2023 – SPONSOR: EXECUTIVE OFFICE

Approved and Chair is authorized to sign same;

Enactment No: Agreement 23-060

3J) ADOPTION OF RESOLUTION AUTHORIZING THE ELECTIONS OFFICE TO NOT LIST PROPONENTS AND OPPONENTS OF LOCAL MEASURES ON THE COUNTY BALLOTS FOR FUTURE ELECTIONS – SPONSOR: ASSESSOR CLERK-RECORDER

Adopted and Chair is authorized to sign same;

Enactment No: Resolution 23-078

RESOLUTION NO. 23-078

RESOLUTION OF THE MENDOCINO COUNTY BOARD OF SUPERVISORS AUTHORIZING THE ELECTION OFFICE TO NOT PRINT THE LIST OF PROPONENTS AND OPPONENTS OF LOCAL MEASURES

3K) APPROVAL OF DATABASE INFORMATION AGREEMENT WITH PARCELQUEST FOR TWENTY PERCENT (20%) OF THE GROSS ANNUAL REVENUE GENERATED FROM THE SALE AND/OR LICENSING OF DATA AND MAPS FOR THE COUNTY AREA - SPONSOR: ASSESSOR CLERK-RECORDER

Approved and Chair is authorized to sign same;

Enactment No: Agreement 23-061

3L) APPROVAL OF AMENDMENT TO AGREEMENT NO. BOS-22-166, WITH REDWOOD COMMUNITY SERVICES, INC. IN THE AMOUNT OF \$1,600,000 FOR A NEW AGREEMENT TOTAL OF \$10,123,000, TO PROVIDE SPECIALTY MENTAL HEALTH SERVICES TO ELIGIBLE MEDI-CAL BENEFICIARIES OF MENDOCINO COUNTY, EFFECTIVE JULY 1, 2022 THROUGH JUNE 30, 2023 – SPONSOR: BEHAVIORAL HEALTH AND RECOVERY SERVICES

Approved and Chair is authorized to sign same;

Enactment No: Agreement 22-166-A1

3M) APPROVAL OF THE COUNTY OF MENDOCINO CANNABIS DEPARTMENT UPDATE FROM APRIL 2023 – SPONSOR: CANNABIS

Approved;

3N) AUTHORIZATION FOR THE MENDOCINO COUNTY LIBRARY TO ACCEPT AWARD OF \$19,862 FROM THE CALIFORNIA STATE LIBRARY FOR THE LUNCH AT THE LIBRARY PROGRAM 2023 TO PROVIDE LIBRARY SERVICES TO YOUTH AT COMMUNITY MEAL SITES – CULTURAL SERVICES AGENCY

Approved;

3O) APPROVAL OF REVENUE GRANT AGREEMENT WITH STATE OF CALIFORNIA NATURAL RESOURCES AGENCY DEPARTMENT OF PARKS AND RECREATION FOR GENERAL FUND SPECIFIED GRANT FOR BOWER PARK RESTORATION, IN THE AMOUNT OF \$2,200,000, EFFECTIVE UPON FULL EXECUTION THROUGH JUNE 30, 2026; AND AUTHORIZATION FOR THE FACILITIES AND FLEET DIVISION MANAGER TO ESTABLISH A CAPITAL IMPROVEMENT PROJECT FOR THE GRANT, AND TO ACT AS PROJECT MANAGER; FURTHER, AUTHORIZE THE PURCHASING AGENT OR DESIGNEE TO SIGN AMENDMENTS THAT DO NOT CHANGE THE TOTAL CONTRACTED AMOUNT – SPONSOR: GENERAL SERVICES AGENCY

Approved and Chair is authorized to sign same;

Enactment No: Interim Agreement *23-062

3P) APPROVAL OF RENEWING THE FINDING MADE IN RESOLUTION NO. 22-247 THAT THE DETERIORATING CONDITION OF THE ADMINISTRATION CENTER SERVER ROOM COOLING SYSTEM CONSTITUTES AN EMERGENCY THAT REQUIRES IMMEDIATE ACTION TO PREVENT OR MITIGATE THE LOSS OR IMPAIRMENT OF COUNTY PROPERTY AND ABILITY TO PROVIDE ESSENTIAL PUBLIC SERVICES AND DETERMINING THERE IS A NEED TO CONTINUE WITH THE CONTRACT TO RESOLVE THE EMERGENCY – SPONSOR: GENERAL SERVICES AGENCY

Approved;

3Q) ADOPTION OF RESOLUTION AMENDING POSITION ALLOCATION TABLE AS FOLLOWS: BUDGET UNIT 1950; ADD 1.0 FTE ADMINISTRATIVE ANALYST II \$75,316.80 - \$91,540.80 – SPONSOR: HUMAN RESOURCES

Adopted and Chair is authorized to sign same;

Enactment No: Resolution 23-079

RESOLUTION NO. 23-079

RESOLUTION OF THE MENDOCINO COUNTY BOARD OF SUPERVISORS AMENDING THE POSITION ALLOCATION TABLE PROVIDING THE NUMBER AND COMPENSATION OF OFFICERS, DEPUTIES AND EMPLOYEES IN THE VARIOUS OFFICES OF THE COUNTY OF MENDOCINO

3R) APPROVAL OF AGREEMENT (SECOND AMENDMENT TO PA AGREEMENT NO. 21-243) WITH CLIENTFIRST CONSULTING GROUP, LLC, DBA CLIENTFIRST TECHNOLOGY CONSULTING IN THE AMOUNT OF \$39,570 FOR A NEW TOTAL OF \$87,680 TO PROVIDE CONTINUED CONSULTING SERVICES RELATED TO PUBLIC SAFETY MICROWAVE RADIO COMMUNICATION SYSTEM IMPROVEMENTS, AND EXTENDING THE END DATE FROM JUNE 30, 2023, TO JUNE 30, 2024 – SPONSOR: INFORMATION TECHNOLOGY

Approved and Chair is authorized to sign same;

Enactment No: Agreement 23-063

3S) ADOPTION OF RESOLUTION AUTHORIZING THE PROCESSING OF A CONSOLIDATED COASTAL DEVELOPMENT PERMIT, LCP_2023-0002 (TROUT UNLIMITED, DRY DOCK GULCH HABITAT RESTORATION), BY THE CALIFORNIA COASTAL COMMISSION, FOR TROUT UNLIMITED TO RESTORE AND ENHANCE ALCOVE HABITAT FOR JUVENILE AND ADULT SALMONIDS IN DRY DOCK GULCH IN THE MENDOCINO AREA – SPONSOR: PLANNING AND BUILDING SERVICES

Adopted and Chair is authorized to sign same;

Enactment No: Resolution 23-080

RESOLUTION NO. 23-080

RESOLUTION OF THE MENDOCINO COUNTY BOARD OF SUPERVISORS AUTHORIZING THE PROCESSING OF A CONSOLIDATED COASTAL DEVELOPMENT PERMIT BY THE CALIFORNIA COASTAL COMMISSION FOR TROUT UNLIMITED TO RESTORE AND ENHANCE ALCOVE HABITAT FOR JUVENILE AND ADULT SALMONIDS IN DRY DOCK GULCH IN THE MENDOCINO AREA

3T) ADOPTION OF RESOLUTION APPROVING DEPARTMENT OF TRANSPORTATION AGREEMENT NUMBER 230004, WITH NORTH STATE TRUCK EQUIPMENT, INC. DBA: DIESEL EMISSIONS SERVICE, IN THE AMOUNT OF \$350,000 FOR THE TERM BEGINNING UPON EXECUTION OF THE AGREEMENT THROUGH JUNE 30, 2026 TO REMAIN CALIFORNIA AIR RESOURCE BOARD COMPLIANT COUNTYWIDE – SPONSOR: TRANSPORTATION/SOLID WASTE

Adopted and Chair is authorized to sign same.

Enactment No: Resolution 23-081; Agreement 23-064

RESOLUTION NO. 23-081

RESOLUTION OF THE MENDOCINO COUNTY BOARD OF SUPERVISORS APPROVING DEPARTMENT OF TRANSPORTATION AGREEMENT NUMBER 230004, WITH NORTH STATE TRUCK EQUIPMENT, INC., DBA DIESEL EMISSIONS SERVICE, IN THE AMOUNT OF \$350,000 FOR THE TERM BEGINNING UPON EXECUTION OF THE AGREEMENT THROUGH JUNE 30, 2026, TO REMAIN CALIFORNIA AIR RESOURCE BOARD COMPLIANT.

BOARD RECESS 10:25 A.M. – 10:35 A.M.

AGENDA ITEM NO. 4 – REGULAR CALENDAR

4A) NOTICED PUBLIC HEARING - DISCUSSION AND POSSIBLE ACTION INCLUDING ADOPTION OF RESOLUTION AMENDING THE EXHIBIT X - MASTER FEE SCHEDULE EFFECTIVE JUNE 24, 2023 UNLESS CODE OR POLICY REQUIRE LONGER, INCLUDING BUT NOT LIMITED TO, THE ANIMAL CARE SERVICES, ASSESSOR-CLERK-RECORDER, CANNABIS MANAGEMENT UNIT, CLERK OF THE BOARD, CULTURAL SERVICES AGENCY, DEPARTMENT OF TRANSPORTATION, EXECUTIVE OFFICE-GENERAL SERVICES AGENCY, PLANNING & BUILDING SERVICES, SHERIFF'S OFFICE, AND SOCIAL SERVICES - SPONSOR: EXECUTIVE OFFICE

Presenter/s: Stella Bratsis, Administrative Analyst II, Executive Office; Tim Hallman, Acting Deputy Chief Executive Officer; Richard Molinari, Director, Animal Care Services; Atlas Pearson, Senior Deputy Clerk of the Board, Janelle Rau, Director, General Services Agency; Steve Dunncliff, Deputy Chief Executive Officer; Deborah Fader Samson, Director, Cultural Services Agency; and Chamise Cubbison, Auditor-Controller/Treasurer-Tax Collector.

Public Comment: Carrie Shattuck; and Michael Katz.

Board Action: Upon motion by Supervisor Williams, seconded by Supervisor Haschak, IT IS ORDERED that the Board of Supervisors accepts full cost recovery for Animal Care Services and directs Director Molinari to provide vouchers to subsidize costs for services and notify the public of the process; and adopts Resolution amending Exhibit X - Master Fee Schedule effective June 24, 2023, unless code or policy require longer, including but not limited to, the Animal Care Services, Assessor-Clerk-Recorder, Cannabis Management Unit, Clerk of the Board, Cultural Services Agency, Department of Transportation, Executive Office-General Services Agency, Planning & Building Services, Sheriff's Office, and Social Services, as revised by during the meeting; and authorizes Chair to sign same.

Aye: 5 – Supervisor McGourty, Supervisor Gjerde, Supervisor Williams, Supervisor Mulheren, and Supervisor Haschak

No: 0 – None

Absent: 0 – None

4B) DISCUSSION AND POSSIBLE ACTION INCLUDING APPROVAL OF THE RECOMMENDED COMMUNITY CORRECTIONS PARTNERSHIP (CCP) BUDGET FOR FISCAL YEAR (FY) 2023-24 IN THE AMOUNT OF \$6,877,827, EXCLUDING GROWTH FUNDS; AUTHORIZATION FOR THE CHIEF PROBATION OFFICER TO UPDATE THE APPROVED BUDGET BY THE AMOUNT OF GROWTH FUNDS RECEIVED, IF ANY, LESS MANDATED ALLOCATION TO THE LOCAL INNOVATION SUBACCOUNT, BY DESIGNATING THE FUNDS AS CONTINGENCY OR RESERVE; AND AUTHORIZATION FOR THE CHIEF PROBATION OFFICER TO IMPLEMENT THE CCP BUDGET - SPONSOR: PROBATION

Presenter/s: Izen Locatelli, Chief Probation Officer; and Katie Ford, Assistant Chief Probation Officer.

Public Comment: None.

Board Action: Upon motion by Supervisor Williams, seconded by Supervisor Haschak, IT IS ORDERED that the Board of Supervisors approves the recommended Community Corrections Partnership (CCP) Budget for Fiscal Year (FY) 2023-24 in the amount of \$6,877,827, excluding growth funds; authorizes the Chief Probation Officer to update the approved budget by the amount of Growth Funds received, if any, less mandated allocation to the Local Innovation Subaccount, by designating the funds as Contingency or Reserve; and authorizes the Chief Probation Officer to implement the CCP budget. The motion carried by the following vote:

Aye: 5 – Supervisor McGourty, Supervisor Gjerde, Supervisor Williams, Supervisor Mulheren, and Supervisor Haschak

No: 0 – None

Absent: 0 – None

4c) DISCUSSION AND POSSIBLE ACTION INCLUDING ACCEPTANCE OF THE MENDOCINO COUNTY JUVENILE JUSTICE PLAN (MCJJP) DATED MARCH 2023, REPRESENTING MENDOCINO COUNTY'S COMPREHENSIVE MULTI-AGENCY JUVENILE JUSTICE PLAN (CMJJP); APPROVAL OF THE JUVENILE JUSTICE CRIME PREVENTION ACT (JJCPA) BUDGET FOR FISCAL YEAR (FY) 2023-24; AND AUTHORIZATION FOR THE CHIEF PROBATION OFFICE TO IMPLEMENT THE JJCPA BUDGET - SPONSOR: PROBATION

Presenter/s: Izen Locatelli, Chief Probation Officer; and Katie Ford, Assistant Chief Probation Officer.

Public Comment: None.

Board Action: Upon motion by Supervisor Williams, seconded by Supervisor Mulheren, IT IS ORDERED that the Board of Supervisors accepts the Mendocino County Juvenile Justice Plan (MCJJP) dated March 2023 which represents Mendocino County's Comprehensive Juvenile Justice Plan (CMJJP); approves the Juvenile Justice Crime Prevention Act (JJCPA) budget for Fiscal Year (FY) 2023-24; and authorizes the Chief Probation Officer to implement the JJCPA budget. The motion carried by the following vote:

Aye: 5 – Supervisor McGourty, Supervisor Gjerde, Supervisor Williams, Supervisor Mulheren, and Supervisor Haschak

No: 0 – None

Absent: 0 – None

ADJOURNED TO CLOSED SESSION: 12:28 P.M.

AGENDA ITEM NO. 6 – CLOSED SESSION

6A) PURSUANT TO GOVERNMENT CODE SECTION 54956.9(d)(2) - CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION: SIGNIFICANT EXPOSURE TO LITIGATION: ONE CASE

RECONVENED IN OPEN SESSION: 1:33 P.M.

AGENDA ITEM NO. 6 – REPORT OUT OF CLOSED SESSION

Presenter: Chair McGourty..

Public Comment: None.

Board Action: With respect to agenda item 6a), no reportable action was taken.

4d) DISCUSSION AND POSSIBLE ACTION INCLUDING CREATION OF A BOARD OF SUPERVISORS STANDING COMMITTEE COMPRISED OF SUPERVISORS MCGOURTY AND HASCHAK ON THE TOPIC OF ECONOMIC DEVELOPMENT - SPONSORS: SUPERVISOR MCGOURTY AND SUPERVISOR HASCHAK

Presenter/s: Supervisor McGourty; Supervisor Haschak; Mary Anne Petrillo, West Business Development Center; Josh Metz, Regional Government Services; Christian M. Curtis, County Counsel; and Steve Dunncliff, Deputy Chief Executive Officer.

Public Comment: Supervisor McGourty; Supervisor Haschak; Pamela Patterson; Paul Garza; Peter McNamee; and Jim Mayfield.

Board Action: Upon motion by Supervisor Williams, seconded by Supervisor Haschak, IT IS ORDERED that the Board of Supervisors creates a Board of Supervisors Standing Committee comprised of Supervisors McGourty and Haschak on the topic Economic Development. The motion carried by the following vote:

Aye: 4 –Supervisor Williams, Supervisor McGourty, Supervisor Gjerde, and Supervisor Haschak

No: 1 – Supervisor Mulheren

Absent: 0 – None

4F) DISCUSSION AND POSSIBLE ACTION INCLUDING ACCEPTANCE OF THE UPDATE OF THE STATUS OF THE PROPERTY ADJACENT TO THE FORT BRAGG BRANCH LIBRARY; AND DIRECTION TO STAFF REGARDING A MEMORANDUM OF UNDERSTANDING WITH THE FORT BRAGG FRIENDS OF THE LIBRARY AND THE TRANSFER AND MERGING OF PROPERTY TO PREPARE FOR THE BRANCH EXPANSION PROJECT AT NO COST TO THE GENERAL FUND - SPONSOR: CULTURAL SERVICES AGENCY

Presenters: Deborah Fader Samson, Director, Cultural Services Agency; Christian M. Curtis, County Counsel; Janelle Rau, Director, General Services Agency; and Steve Dunncliff, Deputy Chief Executive Officer.

Public Comment: Marie Jones; Carolyn Schneider; Janice Marcell; and Don Hess.

Board Action: Upon motion by Supervisor Williams, seconded by Supervisor Haschak, IT IS ORDERED that the Board of Supervisors provides direction to staff to begin working on a memorandum of understanding with the Fort Bragg Friends of the Library and the transfer and merging of property to prepare for the branch expansion project at no cost to the general fund, contingent upon the County's ability to receive State library grant funds and use them to contract out for project management and professional services related to the project. The motion carried by the following vote:

Aye: 5 –Supervisor Williams, Supervisor McGourty, Supervisor Mulheren, and Supervisor Haschak

No: 0 –

Absent: 0 – None

BOARD RECESS 3:13 P.M. – 3:25 P.M.

4E) NOTICED PUBLIC HEARING - DISCUSSION AND POSSIBLE ACTION TO CONSIDER AN APPEAL OF THE PLANNING COMMISSION ADOPTION OF RESOLUTION NO. PC_2022-0018, WHICH CLARIFIED INTERPRETATION OF MENDOCINO COUNTY CODE AS IT RELATES TO THE OCCUPANCY OF AN ENTIRE DWELLING UNIT AS TRANSIENT HABITATION AND CONSIDER WHETHER THE RESOLUTION IS EXEMPT FROM CEQA UNDER THE COMMON SENSE EXEMPTION - SPONSOR: PLANNING AND BUILDING SERVICES

Presenter/s: Julia Krog, Director, Planning and Building Services; Matthew Kiedrowski, Deputy County Counsel; Christian M. Curtis, County Counsel; Paul Clark, Appellant; and Collin Morrow, Appellant's Attorney.

Public Comment: Patrick Hickey; Ian Ross; Don Shandley; Cally Dym; Nora Quatrochi; Annemarie Weibel; Gale Beauchamp; Christopher Boettcher; Grover; and Suzanne Leshine.

Board Action: Upon motion by Supervisor Mulheren, seconded by Supervisor Williams, IT IS ORDERED that the Board of Supervisors upholds the appeal of Planning Commission Resolution No. PC_2022-0018 and overturns the interpretation of Mendocino County Code made by that resolution, restoring the prior interpretation of Mendocino County Code Section 20.164.015(L) made by the Planning and Building Services Director. The motion carried by the following vote:

Aye: 4 –Supervisor Williams, Supervisor McGourty, Supervisor Mulheren, and Supervisor Haschak

No: 1 – Supervisor Gjerde

Absent: 0 – None

4G) CHIEF EXECUTIVE OFFICER'S REPORT - SPONSOR: EXECUTIVE OFFICE

Presenter/s: Cherie Johnson, Deputy Chief Executive Officer; and Tony Rakes, Division Manager, Information Technology.

Public Comment: None.

Board Action: No Action Taken.

4H) DISCUSSION AND POSSIBLE ACTION INCLUDING REVIEW, ADOPTION, AMENDMENT, CONSIDERATION OR RATIFICATION OF LEGISLATION PURSUANT TO THE ADOPTED LEGISLATIVE PLATFORM - SPONSOR: EXECUTIVE OFFICE

Withdrawn.

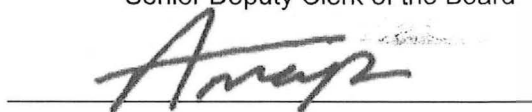
4I) SUPERVISORS' REPORTS REGARDING BOARD SPECIAL ASSIGNMENTS, STANDING AND AD HOC COMMITTEE MEETINGS, AND OTHER ITEMS OF GENERAL INTEREST – SPONSOR: EXECUTIVE OFFICE

Presenters: Supervisor Haschak; Supervisor Mulheren; Supervisor Williams; and Chair McGourty.

THERE BEING NOTHING FURTHER TO COME BEFORE THE BOARD, THE MENDOCINO COUNTY BOARD OF SUPERVISORS ADJOURNED AT 5:32 P.M.

Attest: ATLAS M.A. PEARSON
Senior Deputy Clerk of the Board


GLENN MCGOURTY, Chair



NOTICE: PUBLISHED MINUTES OF THE MENDOCINO COUNTY BOARD OF SUPERVISORS MEETINGS

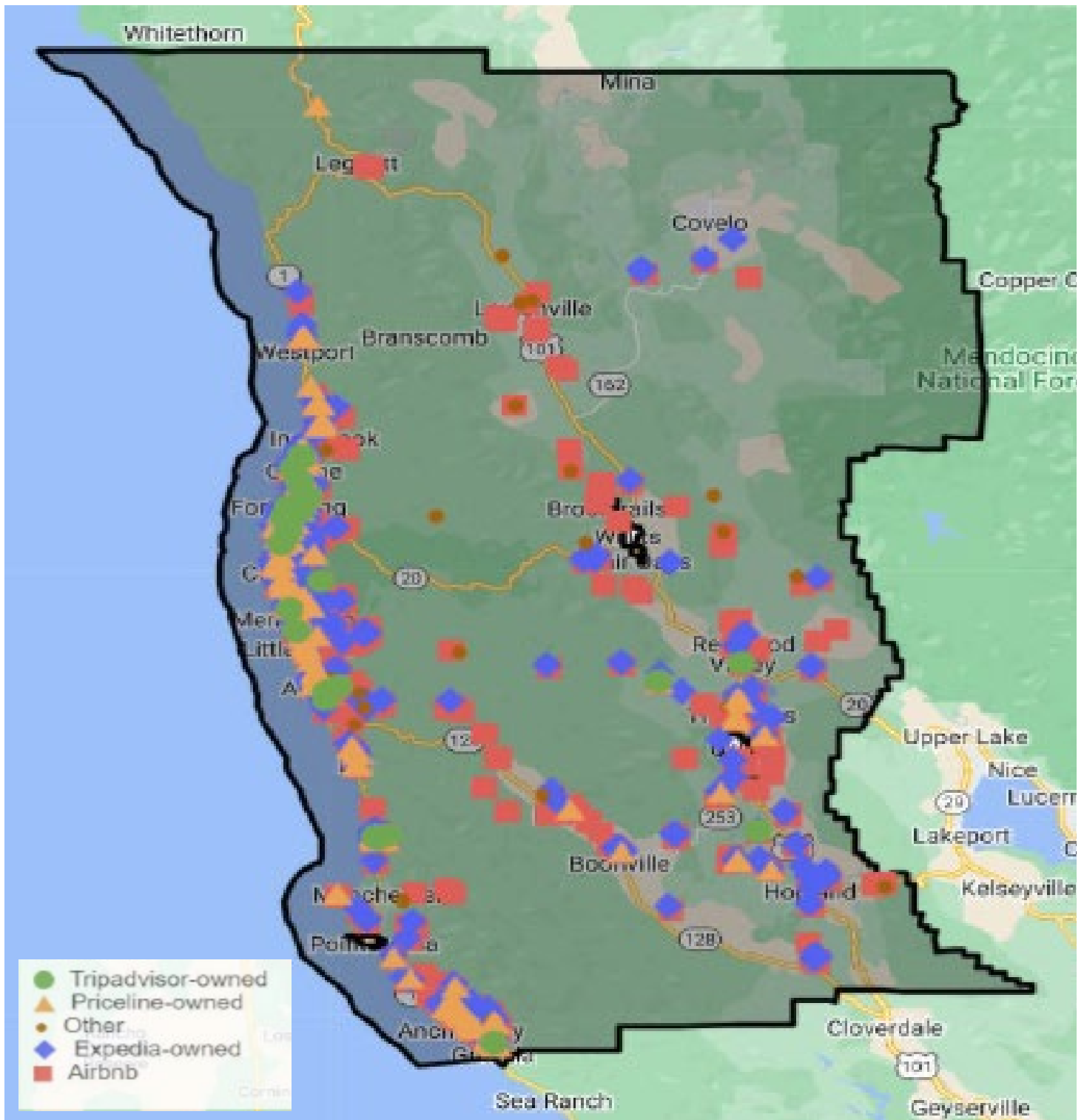
- Effective March 1, 2009, Board of Supervisors minutes will be produced in "action only" format. As an alternative service, public access to recorded Board proceedings will be available on the Board of Supervisors' website in indexed audio format
- LIVE WEB STREAMING OF BOARD MEETINGS is now available via the County's YouTube Channel. If technical assistance is needed, please contact The Mendocino County Executive Office at (707) 463-4441.
- Minutes are considered draft until adopted/approved by the Board of Supervisors
- The Board of Supervisors' action minutes are also posted on the County of Mendocino website at: www.mendocinocounty.org/government/board-of-supervisors
- To request an official record of a meeting of the Mendocino County Board of Supervisors, please contact the Executive Office at (707) 463-4441
- Please reference the departmental website to obtain additional resource information for the Board of Supervisors and Clerk of the Board: www.mendocinocounty.org/government/board-of-supervisors

Thank you for your interest in the proceedings of the Mendocino County Board of Supervisors

ATTACHMENT M

Granicus Host Compliance's Estimated Short-Term Rentals in Mendocino County

As of June 2023, Granicus Host Compliance identified **1,551** listings*



* Granicus Host Compliance's pricing is based on the count of listings and rental units that would need be to analyze and monitored for compliance. In terms of listings, this number is 1,569 as we will expand our search area by several hundred yards beyond the borders of Mendocino County to capture all relevant listings. Source: Granicus Host Compliance Proprietary Data

