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**ZONING ADMINISTRATOR  
STAFF REPORT/ADMINISTRATIVE PERMIT**

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**JANUARY 14, 2016  
AP\_2015-0022**

**APPLICANT:** GARD COOKSON  
33430 HIGHWAY 128  
CLOVERDALE, CA 95425

**OWNER:** GARD AND WHITNEY COOKSON  
33430 HIGHWAY 128  
CLOVERDALE, CA 95425

**REQUEST:** An Administrative Permit for the temporary use for the gatherings of up to 200 persons for private events (weddings, receptions, birthday parties, etc.) to be held inside and outside a barn that was recently converted for assembly uses, parking, and catering for a maximum of five (5) events during a six (6) month period.

**LOCATION:** 6± miles northwest of Cloverdale, lying on the south side of Highway 128, 1,000± feet west of its intersection with Mountain House Road (CR 111). Located at 33430 Highway 128, Yorkville; APN 049-380-38.

**TOTAL ACREAGE:** 21.89± Acres

**ZONING:** UR-40

**ADJACENT ZONING:** RL-160, UR-40, and AG-40

**GENERAL PLAN:** RMR-40

**SURROUNDING USES:** Agricultural and rural residential

**SURROUNDING LOT SIZES:** North: 96± acres  
East: 19± acres  
South: 19-162± acres  
West: 49± acres

**SUPERVISORIAL DISTRICT:** 5

**OTHER RELATED APPLICATIONS ON SITE:**

- MS\_122-70 - Minor Subdivision that created the subject parcel.
- U\_3-99 - Use Permit to allow for a transient habitation-lodging limited services involving the provision of room and/or board for three (3) bedroom short term rental units.
- UM\_2014-0004 - Modification to U\_3-99 for two additional bedroom short term rental units.
- BU\_2014-0464 - Building permit to remodel a barn to provide for occupancy of up to 99 persons.
- BL\_2014-0201 - Business license application for five (5) bedroom short term rental units.

**OTHER RELATED APPLICATIONS IN VICINITY:**

- U\_77-80 - Use Permit for a winery on property located to the southeast of the subject property.

- U\_23-81 - Use Permit for temporary mobile home while constructing a single family residence
- MS\_8-94 - Minor Subdivision that created two parcels located approximately 500 feet to the southeast of the subject parcel.
- U\_5-94 - Use Permit that was approved by the Board of Supervisors on appeal for a transient habitation resort and recreational facility for up to 14 cottages, office and conference center on one of the parcels created by MS\_8-94.
- U\_6-94 - Use Permit that was approved by the Board of Supervisors on appeal for a transient habitation resort and recreation facility consisting of a lodge, wedding and conference facility with winery and tasting facility located on the remainder parcel of MS\_8-94.

**PROJECT DESCRIPTION:** The applicant is requesting the approval of Administrative Permit #AP\_2014-0022 for the temporary use for the gatherings of up to 200 persons for private events (weddings, receptions, birthday parties, etc.) of the converted barn, surrounding patio area and a parking area to accommodate approximately seventy-five (75) vehicles adjacent to the barn. The administrative permit would accommodate five (5) events in a six (6) month period.

In addition to the barn, there is a single family residence that includes five (5) bedrooms with bathrooms to accommodate guests.

#### **PROJECT DISCUSSION:**

Staff has visited the site and observed the following:

- The access driveway off of Highway 128 provides good visibility for those driving from the north and south along Highway 128. Staff recommends that temporary no parking signs be placed along Highway 128 and the access driveway located between the parking area and Highway 128. The applicant has noted that there will be parking attendants.

Staff spoke with a Caltrans representative and Caltrans is recommending a possible upgrade to the existing driveway.

- There is a relatively flat and easily accessible parking area for approximately 75 vehicles which meets the off-street parking requirement of one space per 3 people. The parking area was recently mowed and staff recommendations for fire and dust suppression are included in the conditions.
- The applicant will be providing the event attendees with a shuttle service from the parking area to the event building and has provided ADA parking adjacent to the event building.
- Bathroom facilities are located within the event building. DEH had approved the bathroom facilities and the sanitary septic sewer system when signing off Building Permit #BU\_2014-0464 for the conversion of the barn to an assembly hall having a maximum occupancy of 99.
- There is an adequate well water supply for the events and the water supply for the proposed project shall be to the satisfaction of the Mendocino County Health Department
- The event building has a maximum occupancy figure of 99 people and there is also a patio area that will be used by attendees. The applicant has indicated that the patio area might be tented for certain events.
- There is space both inside and outside of the event building for caterers to prepare meal items. All caterers that are utilized must be Mendocino County Health Department approved caterers.

Staff has solicited comments from the following departments and agencies: Department of Transportation (DOT), Division of Environmental Health (DEH), Building Division, Assessor, CalFire, Caltrans, California Highway Patrol, and the Anderson Valley Fire District. As of November 16, 2015, CHP and Mendocino County DOT had not responded. Since the property is on State 128, it is not under Mendocino County DOT jurisdiction.

Any conditions that the various departments and/or agencies recommended have been incorporated into the Conditions of Approval of #AP\_2015-0022.

## PUBLIC COMMENTS:

Staff has reached out to the property owners of adjacent properties and has included their comments below:

- Mr. and Mrs. Frye, owners of property located south of the Cookson property, indicated support of the proposed administrative permit to allow for five special events in any six month period with up to 200 attending.
- Mr. Erik Frye wrote the following:

*"I support the temporary use for the gathering of up to 200 persons for special events on the Cookson's property next to us; we are located at 33422 Highway 128, Yorkville. Weddings are a good thing compared with the land uses occurring on our other contiguous neighbors' properties."*

- Mrs. Rege who, along with Mr. Rege, are the owners of property located to the northwest of the subject property, have indicated a concern over the number of cars that would be crossing a portion of their property to reach the proposed parking area on the subject property. There is concern about being detained from accessing their home on days of the special events when vehicles are arriving and departing. They are also concerned about the use of the access driveway for commercial events. She wasn't aware that this permit would only permit up to five events over a six month period and thought that it would allow for an unlimited number of events.

The Cookson's have since spoken to the Rege's and seem to have resolved the issue. The Cookson's have assured the Rege's that there will be a window of time for attendees to arrive and that there will be no parking permitted on the access driveway.

- Lorna Opatz, who owns the winery to the North of the subject property, wrote the following:

*"Thank you for the notice and detail regarding our neighbor Gard Cookson's above-referenced permit application. We are Pete and Lorna Opatz, neighbors located directly across Highway 128 from the applicant. We are pleased to see individuals in our county making the investment for a more prosperous neighborhood. We hope that Mendocino County finds their use acceptable and that this business provides all of the community the benefit from increased tax revenues and the opportunity to showcase our beautiful county."*

Hale Allen, who owns approximately 2,500 acres of grazing lands in the area to the south and west of the subject property, provides the following comments:

*"With regard to the Cookson special events permit, we are opposed to having this kind of special event in our neighborhood. It is most unsuited to our area which is rural/farming/grazing and not urban, or even suburban. The Cookson acreage is very small and is chock-a-block to four other residences who can only suffer from such an intended invasion. It is not fair to allow the possible total disruption of people's lives for a completely new and commercial lifestyle. We did not oppose the expansion of their B&B, but this 200 hundred person event idea is a horse of a totally different color. (And, as if the purported use isn't bad enough, what's to prevent it from becoming even more disruptive with new/different owners)"*

Two items regarding Mr. Allen's comments; 1) Mr. Allen's home is not located adjacent to the Cookson property but is located closer to two other properties that were approved for special events in 1994 (U\_5-94 and U\_6-94) and 2) three property owners who have residences immediately adjacent to the Cookson property are supportive of the special events proposal.

On November 19, 2015, staff had a phone conversation with Mr. Allen and I explained to him that an Administrative Permit was a "Temporary Permit" that was renewed on a yearly basis and that the Permit allowed for only five special events in a six month period.

**ENVIRONMENTAL REVIEW:** The project is categorically exempt under as Class 4e of CEQA Guidelines which states: "Minor temporary use of land having negligible or no permanent effects on the environment."

**GENERAL PLAN CONSISTENCY FINDING:** The proposed project is consistent with applicable goals and policies of the General Plan as subject to the conditions being recommended by staff. The subject property General Plan Land Use Designation of RMR-Remote Residential provides for small scale farming as well as residential and recreational uses. The property includes a five (5) acre vineyard as well as a five bedroom B & B.

Goal CP-AV-8 for the Anderson Valley is to expand and diversify existing economic ventures and the Yorkville area is part of the Anderson Valley Community Planning Area.

The proposed use of the special events is consistent with the recreational use. Section 20.168.010 (A) of the Mendocino County Code allows for Entertainment Events or Religious Assembly as a temporary use in this zoning district with an administrative permit.

**PROJECT FINDINGS:** The Zoning Administrator approves #AP\_2015-0022 subject to the conditions of approval recommended by staff, further finding:

1. That adequate utilities, access roads, drainage and other necessary facilities have been or are being provided.
2. That the proposed use will not constitute a nuisance or be detrimental to the health, safety, peace, morals, comfort or general welfare of persons residing or working in or passing through the neighborhood of such proposed use, or be detrimental or injurious to property and improvements in the neighborhood or to the general welfare of the county.
3. That such use preserves the integrity of the zoning district.

**CONDITIONS:**

**A General:**

1. This permit shall become effective after all applicable appeal periods have been expired or appeal processes exhausted. Failure of the permittee to make use of this permit within two years or failure to comply with payment of any fees within specified time periods shall result in the automatic expiration of this permit.
2. In the event that the use of the facility should cease operation for a period exceeding one year or more, the use shall be deemed invalid and a new use permit will be required for the operation as approved by AP\_2015-0022.
3. This Administrative Permit will run through January 31, 2017. The applicant has sole responsibility for renewing this permit at least 30 days prior to the expiration date. The County will not provide a notice prior to the expiration date.
4. The use and occupancy of the premises shall be established and maintained in conformance with the provisions of Title 20 of the Mendocino County Code unless modified by conditions of this Administrative Permit.
5. The use and occupancy of the premises shall be established and maintained in conformance with the provisions of Title 20 of the Mendocino County Code unless modified by conditions of the administrative permit.
6. That the application along with supplement exhibits and related material shall be considered elements of this entitlement and that compliance there with be mandatory, unless a modification has been approved by the Zoning Administrator.
7. This permit shall be subject to revocation or modification by the Zoning Administrator upon a finding of any one (1) or more of the following grounds:
  - a. That such permit was obtained or extended by fraud.
  - b. That one or more of the conditions upon which such permit was granted have been violated.

- c. That the use for which the permit was granted is so conducted as to be detrimental to the public health, welfare or safety, or as to be a nuisance.

Any such revocation shall proceed as specified in Title 20 of the Mendocino County Code.

8. This permit is issued without determination having been made upon the number, size or shape of parcel(s) encompassed within the permit described boundaries. Should, at any time, a legal determination be made that the number, size or shape of parcels within the permit described boundaries are different than that which is legally required by this permit, this permit shall become null and void.
9. This permit is subject to the securing of any additional permits that may be required by County, State, and Federal Agencies having jurisdiction. Any requirements imposed by an agency having jurisdiction shall be considered a condition of this permit.

#### Business License

1. Prior to commencement of operations, the applicant shall submit a copy of their Mendocino County Business License to the Department of Planning and Building Services. This license shall be kept active and if in the event that the license is inactive for a period of one (1) year or longer, the administrative permit and business license will automatically expire.

#### **B Conditions which must be met prior to use and/or occupancy and for the duration of this permit:**

1. The number of events will be limited to 5 days during a six (6) month period. (February 1, 2016 through July 31, 2016) and (August 1, 2016 through January 31, 2017). Each event shall be limited to a maximum of 200 people with hours limited to between 10 AM to 10 PM. Outside lighting for private events shall be downcast and shielded, and shall be limited in illumination power to only the amount required for nighttime navigation and safety of the immediate area surrounding the event area.
2. NO PARKING” signs shall be posted the day of the event along Highway 128 and the access driveway which is located between the parking area and Highway 128. Parking will be limited to the on-site parking area and the applicant must maintain open ingress and egress for emergency services.
3. Signs for the events shall not exceed 4 square feet and shall be erected no earlier than two days prior to each event and shall be removed no later than two days following each event.
4. Caltrans (Eureka Regional Office) must approve the driveway approach along Highway 128. A letter of verification satisfying their requirements must be submitted prior to the first event.
5. Amplified music shall not be played at a level that exceeds 55 dBA at the property lines of the subject parcel and that amplified music is not permitted after 10:00 p.m.
6. All food preparation to be provided by the site renters must be prepared and handled by Mendocino County Public Health Department licensed food caterers.
7. All events must be private and not open to the general public.
8. If portable chemical toilets are to be present, they must be under a maintenance contract with a pumping service licensed by the Mendocino County Health Departments. All portable chemical toilets must meet setback requirements of 30 feet from all property lines. Portable hand washing sinks must also be provided within ten (10) feet of the portable toilets.
9. The water supply for the proposed project shall be inspected and tested as potable to the satisfaction of the Mendocino County Health Department.

- 10 The applicant shall provide adequate trash receptacles during each event and shall be responsible for cleanup and proper disposal of any litter created by each event. A "Public Event Waste Management Plan" must be submitted to the Department of Planning and Building Services prior to the first event.
- 11 Access roads, interior circulation routes and parking areas shall be treated with a dust suppressant and maintained in such a manner as to ensure dust generation consistent with Mendocino County Air Quality Management Regulations. If parking is to occur within a grassy opening, the grass must be mowed prior to each event to reduce fire hazards.
- 12 Allow for a minimum of 20 feet wide access to parking areas.
- 13 The applicants shall use appropriate management techniques to insure that the total number of individuals attending is limited to 200.
- 14 The applicant shall secure any permits or clearance that may be necessary from the Anderson Valley Fire District regarding fire safety.
- 15 No campfires or cooking fires shall be allowed.
- 16 Approved fire extinguishers shall be placed in appropriate areas for fire suppression.
- 17 No permanent signs advertising the site or event are authorized by this permit.
- 18 The applicant shall post "No Trespassing" signs along the perimeter boundaries of the event site to prevent people from attending the events from trespassing onto adjoining neighbors' property.
- 19 The applicant shall provide written notice to the California Highway Patrol, Mendocino County Sheriff, Anderson Valley Fire District and those neighboring property owners who are identified on the list for receiving public notice compiled by the Department of Planning and Building Services a minimum of two weeks prior to each event. The notice shall advise of the date, time, and type of event, and the anticipated number of attendees. Copies of these notices shall be submitted to the Department of Planning and Building Services.
- 20 The applicants shall provide proof that there is either an access easement or other agreement that is in effect allowing for access to APN 049-380-38 over APN 049-380-43.

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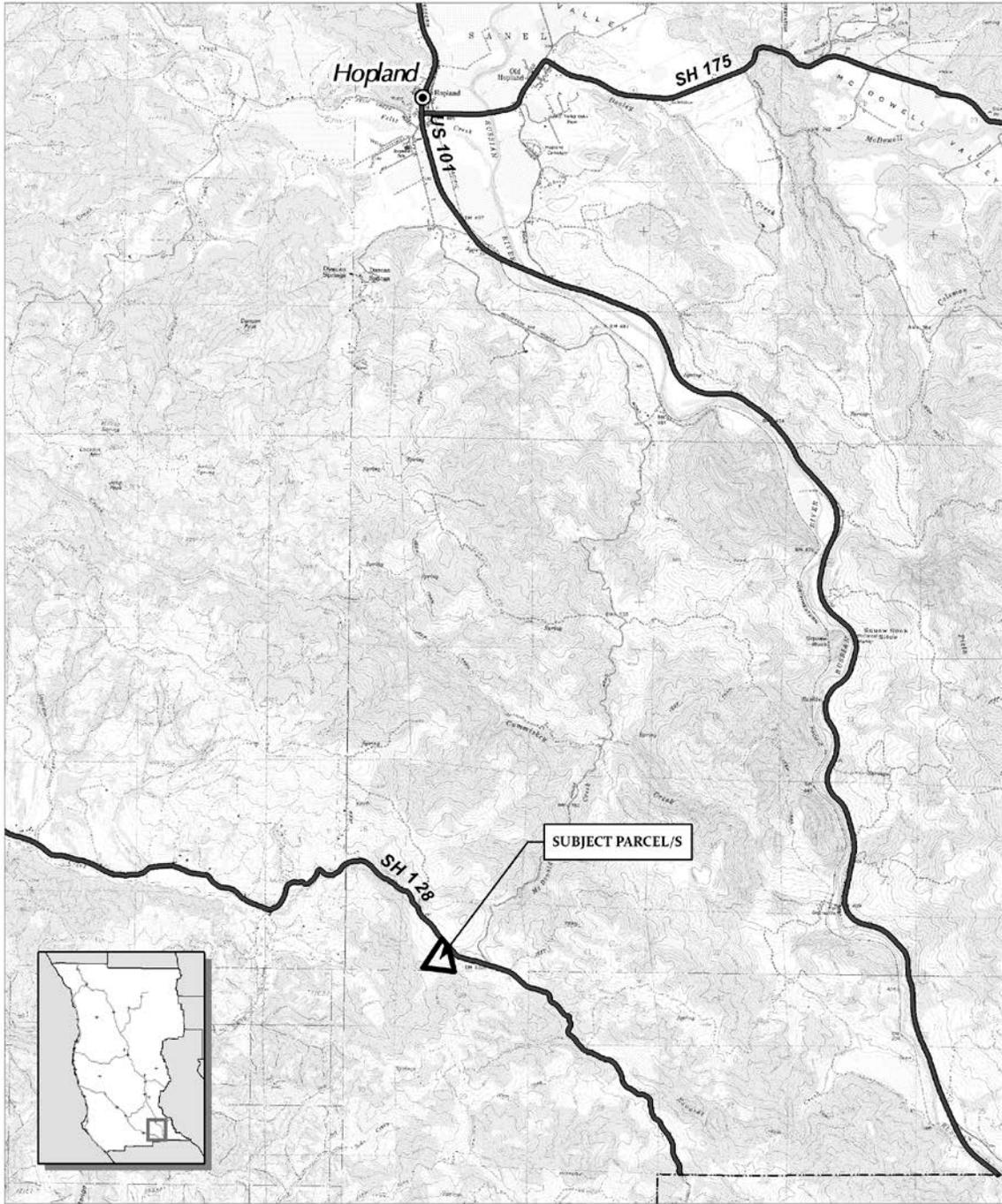
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FRED TARR  
PLANNER II

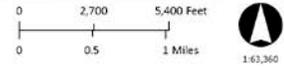
## ATTACHMENTS

- A. Location Map
- B. 2014 NAIP Imagery
- C. Site Plan
- D. Adjacent Owner
- E. Zoning
- F. General Plan Classifications
- G. Parking Plan



CASE: AP 2015-0022  
OWNER: COOKSON, Gard & Whitney  
APN: 049-380-38  
APLCT: Gard Cookson  
ADDRESS: 33430 Hwy. 128, YV

Major Towns & Places  
Highways



LOCATION MAP

Map produced by the Mendocino County Planning & Building Services, September, 2015.  
All spatial data is approximate. Map provided without warranty of any kind.



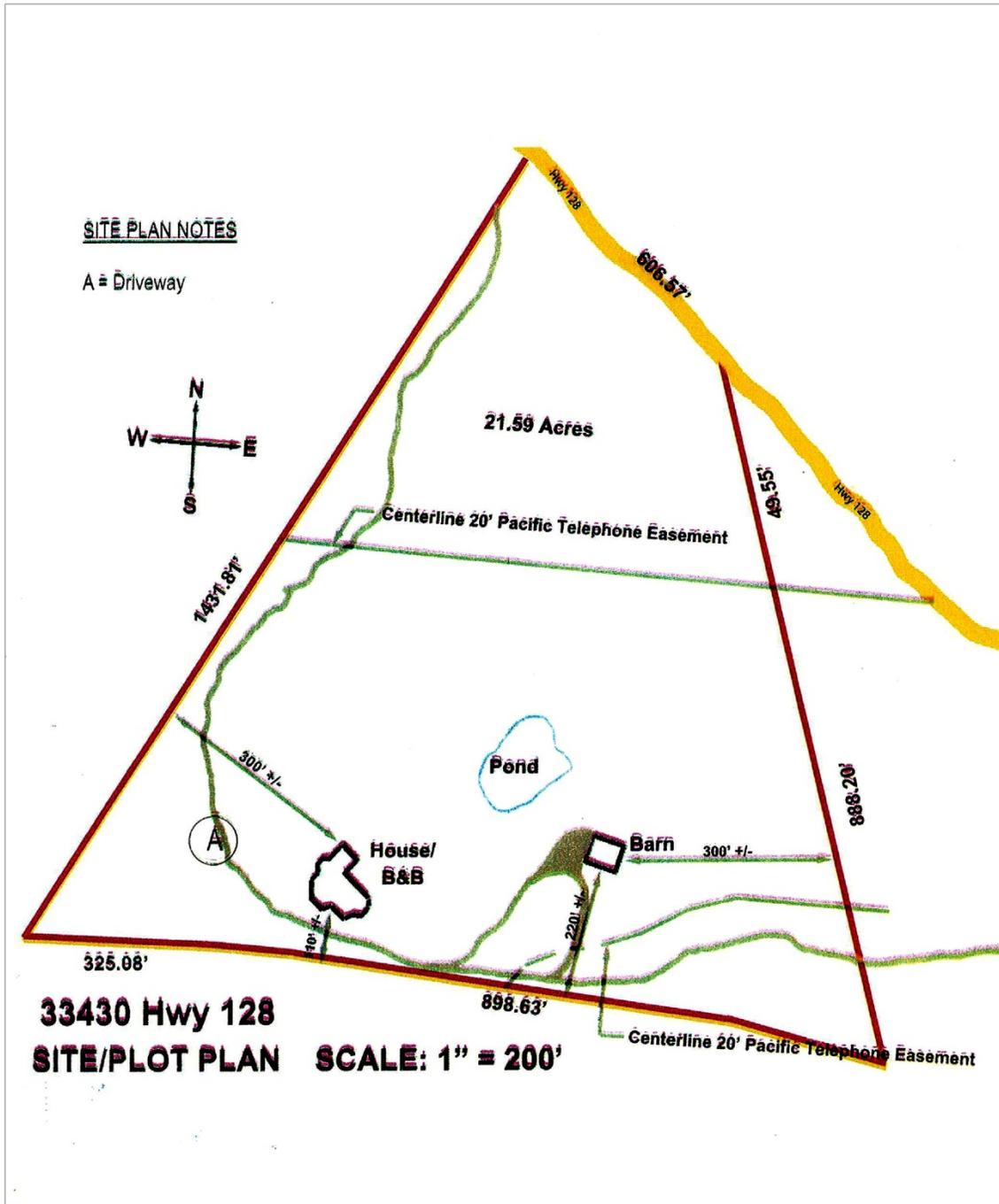
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Public Roads



2014 NAIP IMAGERY

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NO SCALE

SITE PLAN

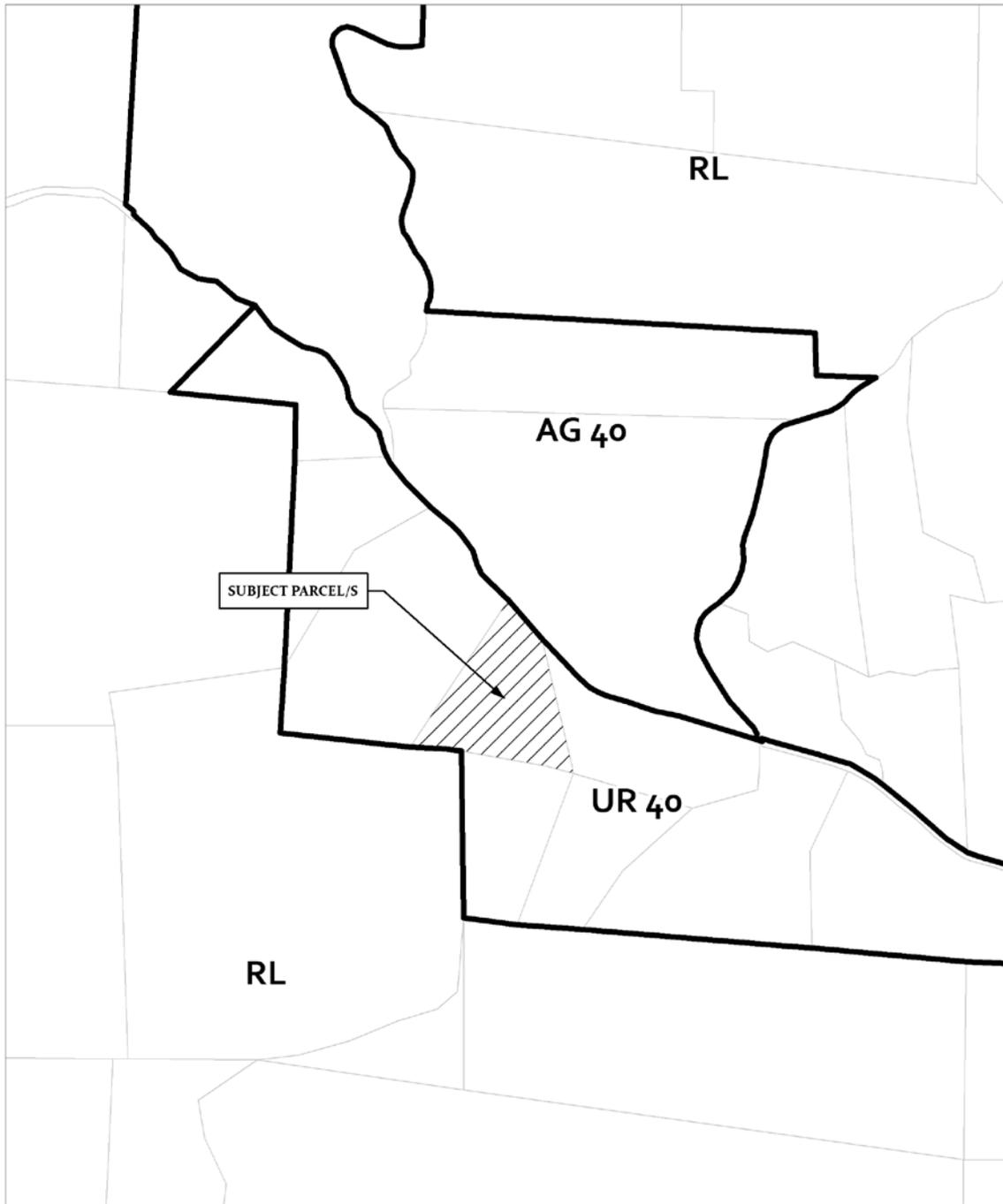


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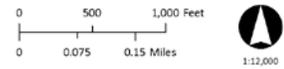
ADJACENT OWNERS

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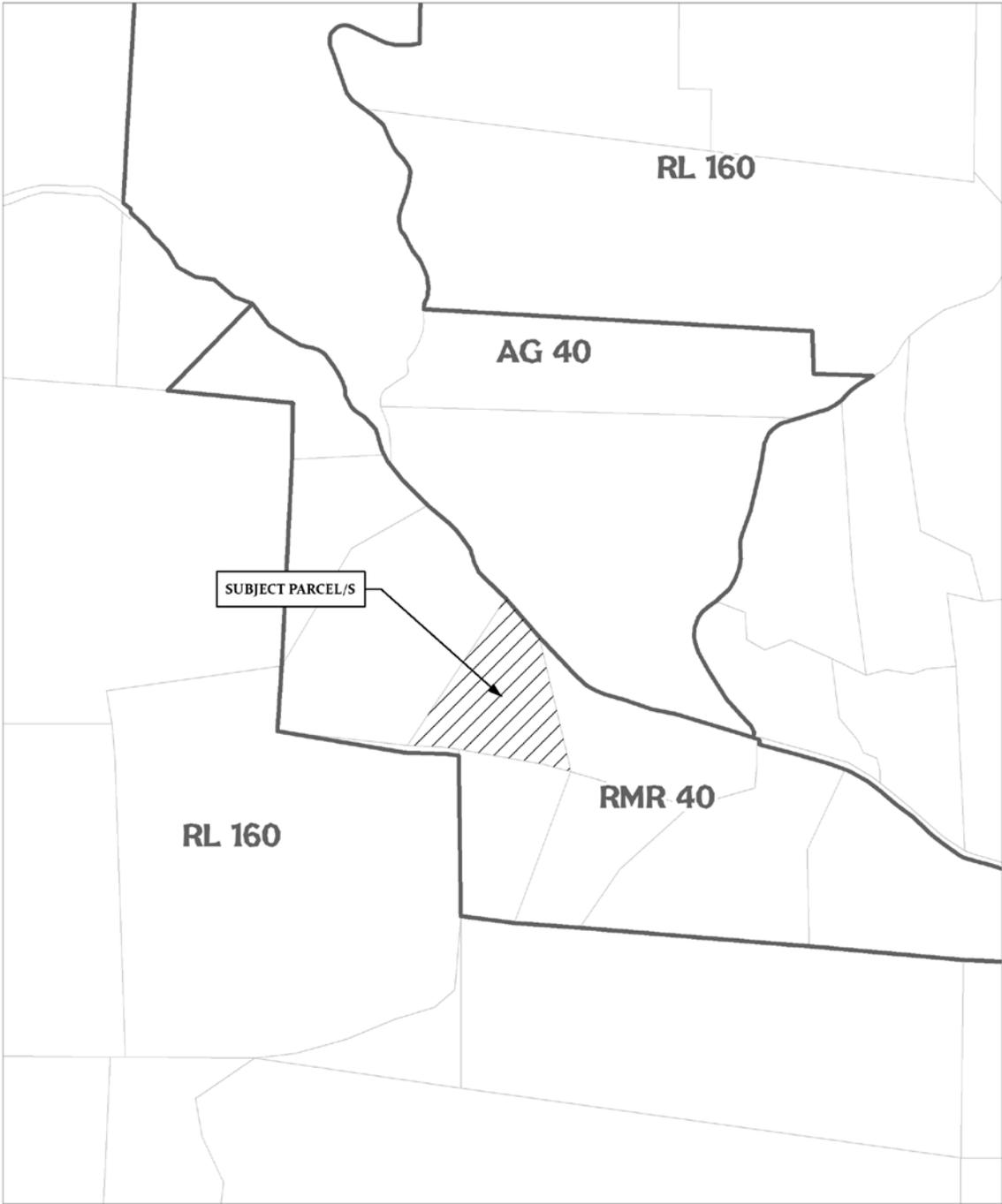
CASE: AP 2015-0022  
OWNER: COOKSON, Gard & Whitney  
APN: 049-380-38  
APLT: Gard Cookson  
ADDRESS: 33430 Hwy. 128, YV

 Zoning Master



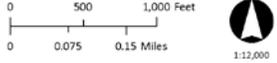
ZONING DISPLAY MAP

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 General Plan Master



GENERAL PLAN CLASSIFICATIONS

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NO SCALE

ACCESS & PARKING PLAN