

Brooke Larsen

From: Glenn Schein <gaschein@mcn.org>
Sent: Wednesday, November 16, 2022 3:09 PM
To: pbscommissions
Subject: Public Comment Item 6b November 17th, 2022 Mendocino Planning Commission Meeting

November 16, 2022 (2:59 PM via email)

**Mendocino County Planning Commission
County of Mendocino
501 Low Gap Road
Ukiah, CA 95482**

**Commissioners:
Alison Pernell, Diane Wiedemann, Clifford Paulin, Elora Babbini, Jones Marie**

Honorable Commissioners,

Today you are looking to clarify language in an effort to deal with affordable housing and other related issues. The below language change would have no impact on housing stock, the health, safety or welfare of Mendocino County residents, and specifically addresses some of the inequity of inland zone property owners rights as noted meetings and correspondence dating back well over five years.

I propose the below language change in your final draft *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 SINGLE-FAMILY RESIDENCE DWELLING UNIT AS TRANSIENT HABITATION*

Over the years during County Board of Supervisors and Planning Commission meetings, I watched as private road issues were discussed at length. During countless Cannabis Cultivation agenda items the supervisors stated and concluded that private roads should be civil issues. Some discussions even directly pointed to the disparity as it was applied to short-term type rentals on Inland Zone non-county maintained, private roads. Members of this Commission and the Board of

Supervisors have personally stated to me that they knew this inequity was ill-advised, definitely problematic and certainly unfair.

The proposed change can easily be incorporated into today's resolution and finally help to bring equity to this issue.

Non-publicly maintained (private) roads in Mendocino County are a normal evolution and a natural force of increasing human activity in rural Mendocino County; these roads have all been sanctioned and approved by the County during a variety of land divisions. The County has and had the ability to encumber or create requirements for each of these roads during prior permitting processes. The County has no similar restrictions for the sizes and/or activities of a family residing on these same private roads. The impact of Room and Board rentals on private (non-publicly maintained) is more often less onerous and burdensome than would be an average full time rental. Business Licenses for many entities with greater impacts than Room and Board do not require this type of Use Permits on private roads. Coastal private, non-publicly maintained roads have no such Use Permit requirement or restriction. Some Inland private roads even traverse in and out of the Inland and Coastal Zones.

This limited language change would easily allow for a number existing Inland Zone property owners paying TOT/BID taxes, who have applied for their Business Licenses (or have licenses on hold), to totally be in compliance with both the intent and letter of County codes. These are Mendocino County residents (some retired and desirous of staying put here in Mendocino County) who rely on their Short Term Rental income. These are not out of County investors potentially creating housing stock issues. If you need proof they are community residents this could be easily verified with their Homeowners' Property Tax Exemption in the Mendocino County tax office.

On August 1, 2017 the Board moved to eliminate Major Use Permits for Short Term Rentals and Room and Board rentals situated on non-publicly maintained roads. Yes, five years ago.

I am simply proposing removing "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." from your resolution and section 20.164.015(L). Clearly, the intent of the County should be to bring existing property owners into compliance with paying all TOT/BID taxes and operating under approved Business Licenses. Over

five years ago the Board of Supervisors gave direction to amend the Inland Zoning Code to eliminate major use permits for the Room and Board use type; this direction was taken because they noted the burden and discrepancy in the Inland Code (20.164-015(L)). However, these Use Permit requirements, whether minor or major, are conditions that are problematic and need to be relieved and eliminated for Inland Zone property owners just operating short term rentals. This condition does not exist for the identical uses in the Coastal Zone on non-publicly maintained private roads or public roads. This condition does not exist for even more potentially impactful and burdensome business on Inland non-publicly maintained roads. Please review the list of businesses that can be granted a business license and operate on Inland private roads without any use permits.

Based on Board of Supervisors direction and discussions on August 1st, 2017, and in subsequent meetings, it seems clear that the issue of use permit requirements for inland short term property owners (including room and board) on private roads was one that was perhaps both outdated and burdensome and was to be amended and eliminated.

We ask the following change:

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.";

Thank you for your attention and resolution of this matter,

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