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From: Robert B. Douglas <rdouglas@humboldt.edu>
Sent: Wednesday, November 16, 2022 4:07 PM
To: pbscommissions
Cc: Spencer Brewer; Glenn Schein; Heather Douglas
Subject: Public comment Item 6b November 17th, 2022

November 16, 2022
Mendocino County Planning Commission
County of Mendocino
501 Low Gap Road
Ukiah, CA 95482

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

Re: Public comment Item 6b November 17th, 2022

Dear Honorable Commissioners:

Thank you for the opportunity to make some suggestions regarding the proposed resolution creating a new interpretation of Mendocino County Code (MCC) Sections 20.164.015(L) and 20.024.135.

First, we would like to provide a little background on our history with the short-term rental (STR) issue and our involvement with a local coalition of tax-paying, inland property owners seeking equity and modernization of outdated county codes for STRs which are overly burdensome and inconsistently applied.

We have lived in Fort Bragg for 22 years and are involved in the community, volunteer for many community events, and are professionals working in natural resource management and healthcare—industries that regularly hire full-time and seasonal employees. Thus, we know how difficult it can be for new employees to find affordable housing and for employers to recruit and retain qualified and talented workers.

Eight years ago we purchased a small, one bedroom cabin (728 square feet) on 2.5 acres of coast redwood forest that was originally built in 1963 as a family vacation cabin adjacent to State Forest. It is located in the inland zone on a short, privately maintained road. We purchased this property as an investment to provide financial security for our family. In 2015, we applied for a business license to operate as an STR but was put on hold because our property lacked frontage on a public road, and thus, an approved Major Use permit (estimated to be at least \$4,000 at that time) was required before a business license could be issued. In contrast, if our property was located just a mile to the west—in the coastal zone—we would have automatically received a business license without any requirement for a use permit or additional review.

When a moratorium on STRs was proposed by the Board of Supervisors (BOS) in 2017, we heard similar stories from other inland property owners who were unable to procure business licenses for operating STRs because they too required a cost-prohibitive Major Use permit. Despite this difficulty, many of us continued to pay Transient Occupancy and Business Improvement District taxes (now totaling five figures over the past seven years) with the hope that the BOS would revisit revising MCC for STRs and address the equity issue for inland property owners on private roads (see Staff Report

to the BOS regarding STRs dated September 12, 2017). Many of us were left in limbo as we were told by Planning and Building Services to wait for the BOS to discuss draft proposals, which included grandfathering tax paying operations such as ours. Unfortunately, events such as the Redwood Valley fire and new Cannabis regulations resulted in this issue being tabled for five years.

Based on this history, the BOS should revisit MCC surrounding STRs where they last left it without the Planning Commission further complicating the issue by advocating a new interpretation of MCC, which, if enacted, could worsen the economic situation of many local people who rely on supplemental income from STRs to live in Mendocino County, and further, result in a significant loss of revenue to Mendocino County, local contractors, and businesses reliant on tourism.

Furthermore, the Planning Commission asserts that this proposed resolution is categorically exempt from the California Environmental Quality Act (CEQA) pursuant to Article 5, "Preliminary Review" Section 15060(c)(1) because it "will not result in a direct or reasonably foreseeable indirect change in the environment," and pursuant to Section 15060(c)(2) because it "is not a project as defined in Section 15378." This latter definition repeats the same language in Section 15060(c)(1) as a condition for an activity to **not** be considered a project. Therefore, such a determination by the Planning Commission implies that a preliminary analysis (i.e. initial study) was conducted by the Lead Agency which addressed environmental factors potentially affected by this resolution including but not limited to aesthetics, biological resources, hydrology, noise, recreation, utilities, cultural resources, transportation, land use/planning, air quality, greenhouse gas emissions, etc. It is customary for the Lead Agency to conduct a preliminary analysis in writing detailing its assumptions, explanations, and justifications as to how each environmental factor is likely to be affected (and to what degree of significance) by this resolution to support the conclusion that it is categorically exempt. These analyses are conducted to also demonstrate due diligence on the part of the Lead Agency to rebut legal challenges, if necessary, that may be filed within 30 days of filing a Notice of Determination with the Office of Planning and Research and the Mendocino County Clerk-Recorder. A "fair argument" can be made that the proposed resolution would increase road traffic, energy usage, noise, greenhouse gas emissions, and impacts to biological resources (to name just a few), with changes in property usage from transient habitation to full time occupancy, which would result "in a direct or reasonably foreseeable indirect changes to the environment."

We respectfully request the Planning Commission to: 1) withdraw its resolution from consideration and let the BOS revisit this issue where they last left it in 2017; and 2) make public on the County's website the written CEQA checklist that is kept on file to demonstrate how the Lead Agency logically concluded that the proposed resolution is categorically exempt.

We hope you will consider our requests and thank you for your time.

Heather and Robert Douglas