

November 15, 2022

TO: COUNTY OF MENDOCINO PLANNING COMMISSION

COMMENT FOR MEETING: November 16, 2022

PER ITEM#: 6) 6b. (Continued From November 3, 2022 #6a) Discussion and Possible Action including Presentation by Planning Commission Ad Hoc Committee on Short Term Rentals and Possible Adoption of a Resolution 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 a single-family residence as transient habitation.

Dear Mendocino Planning Commissioners,

While the Mendocino Planning Commission today is considering applying some new interpretations to MCC sections (as stated in the Director Memo), it is incumbent to look at the full spectrum of the ordinance, specifically 20.164.015 (L)

In both Inland and Coastal Codes, 20.164.015 (L) Room & Board (Short Term Rental) is the only incidence of use limited by location being on a private non-publicly maintained road in the whole of Mendocino County.

In terms of Inland private roads, to clarify and provide continuity, reflecting the actions of Mendocino County in regards to logistically and logically how the exact same roads are actually used and impacted, it is requested to eliminate any type of Use Permit or Administrative approval or permit of any kind for Room and Board, Short Term Rentals on Inland private non-publically maintained roads.

Let's not forget that Room & Board / Short Term Rentals are permitted uses in the Inland Code and permitted on private non-publicly maintained roads in the Coastal Zone.

Businesses allowed throughout the Inland Zone, including on private non publicly maintained roads, without the requirement of any type of Use or Administrative Permit, neighbor approval, or limitation as to private road include:

Day Care (for 8 children), School, Family Care Home, Beauticians, Barbers, CPA's, Mail Order, Fix It Shops, and Sawmills which potentially, due to use, has more impact than an existing residence that is used for a vacation home, room and board, or short term rental. These uses are allowed uses as part of our neighborhoods.

In the December 2, 2021 the Planning Commission Meeting Packet under "8. Matters from Commission. 8a. Discussion and Possible Action to Create an Ad Hoc Committee of the Planning Commission Related to Short Term Rentals."

On page 35/36 in the packet, page 2 of the April 10, 2018 Memorandum from Mendocino Planning and Building to the Board of Supervisors:

"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."

Requiring any Use Permit for short term rentals only in the Inland Zone, only for Inland "Room and Board" Business Licenses, and only for properties on private non-publicly maintained roads with requirement of an arduous process of lengthy application, exposure and approval from a selection of 40 departments, notices, meetings, EIR's, expensive staff time, costly fees, all for properties without any building changes or changes to the primary use, consistent with the Zone use, and that have already been through this exhaustive process, including road approval at time of the property subdivision and construction, is unnecessarily over burdening to an applicant without reason.

The Board of Supervisors in 2017 were in discussions on Short Term Rental / Room and Board topics. Time available to thoroughly address the subject as they desired was limited as time sensitive cannabis regs were immediate and emergent fires followed so it was delayed. Their intention was to address the subject as a whole and grandfather in those that were paying TOT/BID taxes in advance of new regulations. The extensive work that was done and the costly hours of staff investment in relation to a short term rental draft at that time is no less important.

Since that time, additional uses, impacts, and business categories have been approved on these exact same roads with no limitation. New business Cannabis Regulations have been developed without limitation or neighbor notifications on private roads with many officials on record stating that private roads are Civil Matters. ADU's have no limitation or neighbor notification on private roads. The Board of Supervisors also recently also discussed Tiny Houses with no reference or limitation on private non-publicly maintained roads.

Businesses allowed throughout the Inland Zone, including on private roads, without the requirement of any type of Use or Administrative Permit, neighbor approval, or limitation as to private road include:

Day Care (for 8 children), School, Family Care Home, Beauticians, Barbers, CPA's, Mail Order, Fix It Shops, and Sawmills which potentially, due to use, has more impact than an existing residence that is used for a vacation home, or short term rental. These uses are allowed uses as part of our neighborhoods.

In clarifying your interpretation today of 20.164.015 (L) it is requested to please strike as indicated below:

(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 serious consideration of this matter.

Sincerely,
Suzanne Lemley Schein
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