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**To:** <bos@mendocinocounty.org>

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**Subject:** File # 17-0815 September 12, 2017 BOS Agenda Item 5e. Public Hearing - Discussion and Possible Adoption of Urgency Ordinance Extending Interim Restrictions on the Establishment of Short-Term/Vacation Rentals of Residential Property Pending the Study

Mendocino County Board of Supervisors

Chair, Supervisor John McCowen

Vice-Chair, Supervisor Dan Hamburg

Supervisor Carre Brown

Supervisor Georgeanne Croskey

Supervisor Dan Gjerde

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Ukiah, CA 95482

RE: September 12 BOS Agenda Item 5e. Public Hearing - Discussion and Possible Adoption of Urgency Ordinance Extending Interim Restrictions on the Establishment of Short-Term/Vacation Rentals of Residential Property Pending the Study

Honorable Board of Supervisors,

Today you are looking to extend the Short Term Rental Moratorium in an effort to deal with affordable housing and other related issues. The below minor 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 in the September 12th Department of Planning and Building Memorandum attached to this agenda item (Item # 3, Staff Report).

I propose attached to File # 17-0815 Item 5e, a small language change in the Moratorium extension that would clarify intent and letter of the Ordinance.

During recent Mendocino County Board of Supervisors meetings, I watched as the private road issue was discussed at length at the time of the Cannabis Cultivation agenda item and supervisors concluded that private roads should be civil issues. The discussions even pointed to the disparity as it was applied to short-term type rentals on Inland Zone non-county maintained, private roads.

The proposed exception/change can easily be incorporated into the ordinance under consideration on September 12th and changed on that date, without delaying the moratorium extension.

The limited language change would allow for a number of TOT paying, existing Inland Zone owner property owners, who applied for their Business Licenses prior to the August 1 Moratorium, to totally be in compliance with both the intent and letter of Moratorium No. 4391 and the extension Moratorium Ordinance.

Section 2 (E) currently reads:

*"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 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."*

I am simply proposing removing "including all related approvals (such as a zoning clearance or use permit)" from that section.

Clearly, the intent of the County is to bring existing property owners into compliance with paying TOT/BID and operating under approved Business Licenses. The Board of Supervisors on August 1st gave 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; this direction was taken because you noted the burden and discrepancy in the Inland Code (20.164-015(L). However, Use Permits, whether minor or major, are the condition that are problematic and needed to be relieved and eliminated for Inland Zone property owners. This condition does not exist in the Coastal Zone on non-publicly maintained private roads.

Additionally, the County staff is addressing this complex set of issues with a Comprehensive Short-Term Rental Ordinance that will undoubtedly take effect after these Moratorium Ordinances sunset. This negligible change would allow a handful of existing, good faith and tax paying operators to fully comply with a functional Business License for which they applied prior to August 1.

Based on Board of Supervisors discussions on August 1st, it seemed clear that the issue of use permits requirements for inland short

term property owners on private roads was one that was perhaps both unintended, outdated and burdensome; it's consequences were not crystal in Section 2, E and F of the Moratorium Ordinance.

We ask the following change. Section 2 (E) to read:

*"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."*

Thank you for your attention to resolution of this matter,

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