

## Grand jury closed 19 investigations

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The 14-page grand jury report on the Mendocino Town Plan opens with this statement: "A grand jury investigation found that the County of Mendocino has failed, since 2001, to administer licensing of vacation home rentals and single unit rentals (VHR/SUR) in the Town of Mendocino as required by the Mendocino Town Plan. This is the legal document governing all land use and development in the Town of Mendocino."

The investigation found that the Board of Supervisors had accepted a staff update on March 8, 1999 that showed there were 19 licenses available of the 53 permitted. The board directed staff to update the tables and allow license applicants on the chronological waiting list to proceed with their applications. As a result, nine new licenses were issued.

"In response to political pressure, the BOS reluctantly [in 1999] established a Mendocino Citizens Advisory Committee [7 members] to explore and advise the county on five areas, including VHR/SUR licensing."

The other areas were, incentives for residential development to increase affordable housing, home occupations and cottage industry, parking and circulation and the formation of a Municipal Advisory Council.

This grand jury investigation focused only on VHR/SUR licensing.

In November 2000, the Clerk of the Board's office received the CAC's report in which they recommended that no more vacation home rental licenses be approved in residential sections, that current permitted VHRs in residential sections be eliminated by attrition and the number located in commercial or mixed-use zones be allowed to total 10.

"This appears to have resulted in a de facto [never formally endorsed by the BOS] VHR/SUR licensing moratorium," the grand jury report states.

On Oct. 2, 2001, Board of Supervisors Chairwoman Patti Campbell directed Fifth District Supervisor David Colfax to work with staff and CAC members to coordinate the follow-up action in response to the recommendations.

"Since 2002 staff have discouraged applicants from paying the fee to add their names to the required waiting list by advising them that they are highly unlikely to secure a license," says the grand jury.

In response to its inquiries, the grand jury received a planning staff memorandum dated June 3, 2008 that contends the waiting list is maintained and applicants are not discouraged. However, the last time the list was revised was Nov. 22, 2002 with no new names added since then. There were five SURS and seven VHRs on the 2002 list. None have been licensed.

The report states that by the end of 2005, the list was about half the number of units authorized, which is specifically "forbidden" by the certified Local Coastal Plan and "inconsistent" with the Coastal Act requirement to "provide public access to coastal resources."

The investigation found the Planning Department failed to maintain a chronological waiting list of

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applicants, denied or discouraged prospective applicants from pursuing a license, distributed copies of the Town Plan and Zoning Code with incorrect certification dates and had not revised the tables prepared in 1992 to correct mapping errors that omitted eight units licensed prior to that time.

The grand jury found this resulted in a loss of income to property owners, the town and the 10 percent transient occupancy tax (TOT) to the county and "a drastic reduction in licensed visitor-serving accommodations that are suitable for families."

In February, the planning team began a review to update the tables and other data in anticipation of updating the Mendocino Town Plan.

According to the "Planning Team Work Program" the data tables are to be released to the public today, Sept. 18, and before the Board of Supervisors for direction on Sept. 23. Following this, the schedule is set to establish the scope of the update in October, propose a Local Coastal Plan in January 2009 and consult with the California Coastal Commission in February.

## Summary

### of recommendations

- Planning Team complete the review process and establish the number of available licenses.
- Planning Team develop a process for maintaining and implementing the required waiting list so licenses are reassigned as they are available.
- Applicants on the current list be contacted and offered the first right to apply for the license.
- Residential zoning not be allowed as a factor in granting use permits.

- Revise the terms applicable to minor use permits.
- Require the correct "date of effective certification" on all documents.
- Board of Supervisors direct staff to use only certified plans and code to review development and land use permit applications in the coastal zone.
- The county develop and implement an enforcement plan to reduce the operation of unlicensed visitor-serving facilities of all types.

## How to learn more

The Mendocino County Grand Jury completed and filed 19 investigative reports again this year. Dennis Scoles was the foreman.

There is an abundance of county information compiled and available in the 153 pages that make up this year's final grand jury report. The county Website has complete reports posted going back to 1998-09.

If you have a grievance you want to submit, you can download the complaint form online, complete it, and send it to the Mendocino County Grand Jury, P. O. Box 629, Ukiah. CA. 95482. Visit [www.co.mendocino.ca.us/grandjury](http://www.co.mendocino.ca.us/grandjury) for the form and to read all the investigative grand jury reports in full. The phone number is 463-4320.

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