

**Caitlin Schafer - Fwd: Comments on ADU ordinance (7/18/19 Planning Commission Agenda)**

---

**From:** PBS PBS  
**To:** Julia Acker  
**Date:** 7/17/2019 11:34 AM  
**Subject:** Fwd: Comments on ADU ordinance (7/18/19 Planning Commission Agenda)

---

Planning & Building Services Staff

County of Mendocino

*Main Office:*

860 N. Bush St, Ukiah CA 95482

*Phone:* [\(707\) 234-6650](tel:(707)234-6650)

*Coast Office:*

120 W. Fir St, Fort Bragg CA 95437

*Phone:* [\(707\) 964-5379](tel:(707)964-5379)

*Web:* [www.co.mendocino.ca.us/planning/](http://www.co.mendocino.ca.us/planning/)

>>> Chris Wuest <[chriswuestb15@gmail.com](mailto:chriswuestb15@gmail.com)> 7/16/2019 6:46 PM >>>

Chris Wuest  
 46680 Iversen Lane  
 Gualala 95445  
[\(707\)884-9282](tel:(707)884-9282)  
[chriswuestb15@gmail.com](mailto:chriswuestb15@gmail.com)

July 16, 2019

Re:

GENERAL PLAN AMENDMENT OA\_2018-0009/GP\_2018-0003  
 PLANNING COMMISSION MEETING JULY 18, 2019

To the Mendocino County Planning Commission,

I am unable to attend the July 18 hearing in person and would therefor like to enter the following comments and remarks regarding the above referenced draft ordinance into the record.

With regard to Coastal Resource Protection (Section 20.458.045)

A. "On parcels zoned FL and TPZ, an ADU may only be permitted in locations where **no timber removal is necessary.**"

As the comments by the Coastal Commission in the Letter from 6/13/2019 point out,

*“Development of an ADU would likely not require a large enough area of tree removal to constitute a unit of commercial size” but such development (and cumulative structural development) could compromise use of the remainder of the parcel for commercial timber operations. We therefore recommend adding additional requirements to ensure that long-term productivity of soils and timberlands are protected and that ADUs are developed compatible with the **commercial growing and harvesting of timber**.*

The text of the draft ordinance does not allow for removal of timber that **does not compromise commercial** growing and harvesting of timber or removal of timber where commercial growing and harvesting of timber has already been made economically pointless due to a variety of other factors (primarily the presence of ESHA's.)

For example, my wife has a vested interest in a TPZ parcel that has so many ESHA's (Bishop Pine forest, wetlands, streams, special species) that commercial growing and harvesting of timber has become pointless (unless paying more for a timber harvest plan and helicopter logging than what one could reasonably expect from the sale of the timber sounds appealing.) Residential and recreational use of the property is all that is left regardless of the zoning. Even finding an area suitable for a residence has already become difficult.

If logging becomes economically no longer viable, no revenues from timber harvesting will occur., hurting the County tax base. Trees will die naturally and the fire danger increases. Harvesting a few trees to allow for an ADU and inserting that process into the economic activities of the county would be economically much more beneficial than preserving them for a timber harvest that is unlikely to happen in the coastal zone.

Language in the ordinance that would prohibit ADU's **“where timber removal for the ADU would preclude future commercial timber harvest in units of commercial size”** would be a more reasonable approach if the protection of timber harvests is truly desired.

Otherwise it appears that the provision is simple one more “excessive” regulation preventing ADU's in a specific context.

Consider the Forest Act “up to 3 ac conversion” allowance. Obviously that was judged sufficient by the State to protect timber lands and therefor should be applied fairly across the board.

With the 150' (no exceptions) rule, a detached ADU in a separate location has already been ruled out.

Adding the categorical “no timber removal” prohibition on land that is by definition primarily timber, seems illogical, excessive, and contradictory to the original intent of allowing ADU's in the first place.

B. With regard to the protection of the timber lands in the coastal zone as a visual and environmental resource, there seem to be already several conflicting philosophies at work:

1. The intent of the California State Legislature

*“(b) It is the intent of the Legislature that an accessory dwelling unit ordinance adopted by a local agency has the effect of providing for the creation of accessory dwelling units and that provisions in this ordinance relating to matters including unit size, parking, fees, and other requirements, are not so arbitrary, excessive, or burdensome so as to unreasonably restrict the ability of homeowners to create accessory dwelling units in zones in which they are authorized by local ordinance.”*

The intent of the proposed ordinance is to create more (affordable) housing for the resident population. Restricting the use of ADU's for VHR's in general would accomplish this goal much better and would primarily benefit the residents of the County than to restrict ADU's on AG and TPZ parcels, being as VHR's or at all.

2. The Coastal Act and the proposed ordinance want to protect **commercial logging operations** (for legitimate reasons even if they might not be in the public interest.)

3. There seems to be a high desire to maintain an intact forest for visual reasons alone as indicted by the preference for hiding housing in the wooded areas of a parcel, preventing ADU's from being visible, too far away from the primary residence, too close to an ESHA, not allowed as VHR's.

4. The inclusion of VHR's in the ADU regulations obviously aims at promoting tourism and allowing some property owners (but not all equally) to benefit from it.

Letting everyone have a share of the tourist trade by allowing VHR ADU's in all zoning districts would bring a certain fairness to the local property owners but would likely have a detrimental effect on the housing policies.

If there is a desired discrimination, the ordinance should make a connection between the two opposing policy intentions and set out criteria for resolving it rather than using "resource protection" as an excuse for creating different classes of ownership.

I am expecting my County government to prioritize the needs of the County residents over the desires of the Coastal Commission and to stand up for fairness and clarity.

C. With regard to:

- An ADU may not be permitted on a parcel within 200 feet of lands that are designated AG, RL, FL or TPZ unless.....
- 

This does not clearly qualify which parcels are affected.

Please clarify the language to state that this refers to a [parcel zoned residential](#) (see Coastal Commission comment highlighted below:)

*"Standard for [residential development](#) adjacent to agricultural and timber lands: Certified LUP Policies 3.2-9 and 3.3-8 require that site plans in a [residential area](#) not result in a residential structure being closer than 200 feet from a parcel designated for agricultural and forest lands use, respectively, unless there is no other feasible building site on the parcel. To carry out these policies, we recommend adding a criteria to proposed §20.504.020 prohibiting ministerial CDPs for ADUs (in [residential zones](#)) located within 200 feet of agricultural and forest land parcels."*

I appreciate your consideration and look forward to an improved draft sent onward to the Board of Supervisors.

Sincerely,  
Chris Wuest

---