

Sincerely,

Roger

-----Original Message-----

From: Wendy Roberts <[wendy@mcn.org](mailto:wendy@mcn.org)>

To: golfingrog <[golfingrog@cs.com](mailto:golfingrog@cs.com)>

Sent: Fri, Mar 1, 2013 10:36 pm

Subject: RE: Your email of 2/19

Thank you Roger.

I have received detailed answers and thank you for your followup.

I understand that my query and the answers provided were not entered into the record at last week's MCCSD meeting and ask that this be corrected so that both items and this message will be on record.

I continue to have extremely grave concerns about the wisdom of this approach to resolving the shortfall in reserve funds.

IMO, responsibility for the shortfall is squarely on the backs of prior boards who lacked either the courage or the foresight (or both) to impose the gradual rate increases needed to build adequate reserves. The problem has been known and discussed for years. It now belongs to everyone of us...not just those who are trying to preserve our own economic sustainability and that of the town.

I do not take exception to the fees for new construction or even for previously unlicensed Inn and B&B rooms that operated without payment of required MCCSD fees and monthly assessments.

As written, the impact of this fee structure on SUR/VHR owners is targeted and simply unfair given that this use does not go with the title and that it involves no change in the nature of the use or the impact on water or sewer services. If anything, a 100% occupied residence is almost certainly going to use more water and have more of an impact on the system than one occupied 30-60% of the time, as is typical of SURs and VHRs.

Over time, the impact of the business change of use fees on our historic main street is likely to be disastrous. I trust you are aware of the long list of empty business spaces at this time and the uphill battle to establish a business that can survive in Mendocino even in better economic circumstances than currently prevail. No building...certainly no historic building in a harsh coastal environment can long survive while sitting empty and without regular maintenance.

As someone committed to historic preservation, I have not seen anything proposed with a greater potential to undermine efforts to preserve this town. I am sympathetic to the need to correct a long-standing error. This is not the right approach.

Regards,  
WR

Wendy and Don Roberts  
45121 Little Lake Street  
P.O. Box 666  
Mendocino, CA 95460

707 937-4702  
707 684-9695 (Wendy cell)  
707 684-9696 (Don cell)

[www.mendocinotower.com](http://www.mendocinotower.com)  
Visit Mendocino Tower on Facebook

Re MCCSD Fees.txt

-----Original Message-----

From: Harold Hauck <hhauck@mcn.org>  
To: 'Steve Acker' <mccsd@mcn.org>; Roger Schwartz <golfingrog@cs.com>  
Cc: Wendy Roberts <wendy@mcn.org>  
Sent: Wed, Feb 20, 2013 1:48 pm  
Subject: FW: MCCSD Fees

Roger and Steve,  
As requested, I am forwarding this email to both of you. Perhaps we should provide an email address and phone number on the Home page in addition to the Contact Us page.  
Harold

From: Wendy Roberts [mailto:wendy@mcn.org]  
Sent: Tuesday, February 19, 2013 9:46 PM  
To: 'Harold Hauck'  
Subject: MCCSD Fees

Dear Harold,  
I apologize for directing this to you, but there don't seem to be any e-mails on the MCCSD website for Superintendent Acker or Board President Schwartz. Please forward the following comments and questions concerning MCCSD fees.

To: Superintendent Acker  
Board President Schwartz  
MCCSD Legal Counsel Jim Jackson

Fr: Wendy Roberts

It strikes me as important that residents, Planning Commissioners and our Supervisors fully understand answers to the following questions when considering the Mendocino Town Plan Draft, particularly as it pertains to low income housing, visitor serving facilities and preservation of our historic district. This letter is intended to formally request answers to the questions listed below and to express my concerns about the level of the fees and how they appear to be being applied.

While I appreciate the Board's intent of generating revenue for a facilities reserve, I do not agree with the apparent strategy of placing the burden for deferred maintenance on the backs of those who engage in new projects or the creative re-use of existing structures. I am particularly concerned that:

a) creation of small, affordable housing units through remodels and/or new construction will be seriously undermined if the rumored \$9,000 fee is assessed on each such unit.

b) excessive "change of use fees" will be used for the political purpose of deterring property owners from applying for a Vacation Home Rental or Single Unit Rental License when, in fact, there is no evidence that this change in use has any negative impact on either water use or sewage treatment.

c) excessive "change of use fees" will discourage establishment of businesses that are absolutely essential if our historic buildings are to remain occupied and generate the revenue

needed for essential maintenance.

d) without guidelines that are more clearly articulated than appears to be the case, fees will not be applied in a fair and consistent manner and that the result will be a stifling of business and housing development and unproductive investment of ratepayer dollars in prolonged disputes and legal actions.

I look forward to your timely response to the following questions:

1. What MCCSD fees will apply when an existing structure is licensed as a single Unit Rental (SUR) or Vacation Home Rental (VHR)?
2. On what would these fees be based, since this change would not result in any demonstrable increase in the volume of sewage produced or water required and, in fact, would likely result in a decrease relative to a fully occupied residential property?
3. Should the owner of a property discontinue it's use as an SUR (or VHR), would any additional MCCSD fees apply?
4. According to the current draft of the MTP, the SUR/VHR license will not go with the title when the property is sold.
  - a) Will the new owner be subject to any MCCSD fees when the property ceases to be a SUR/VHR as a result of the sale?
  - b) Should the new owner wish to apply to continue the former use, what MCCSD fees will apply?
5. What MCCSD fees apply to the construction of a new residential unit through remodel of an existing structure? Do these fees vary based on the size of the unit?
6. What MCCSD fees apply to construction of a wholly new residential unit? Do these fees vary based on the size of the unit?
7. What MCCSD fees will apply for each B&B or Inn room in an existing building in order to bring unlicensed rooms into compliance?
8. What MCCSD fees will apply for each newly constructed B&B or Inn room?

Thank you for considering the concerns I have expressed and for providing the requested information prior to the MTP hearing before the Planning Commission on 2/28.

Regards,

Wendy Roberts  
P.O. Box 666  
Mendocino, CA 95460

707 937-4702

Mendocino City Community Services District

Post Office Box 1029

Mendocino, California 95460

Business Phone (707) 937-5790 Treatment Plant (707) 937-5751 Fax (707) 937-3837

February 27, 2013

Wendy Roberts  
P.O. Box 666  
Mendocino, CA 95460

Re: Information on questions about MCCSD fees

Dear Wendy:

I received your list of questions regarding the current fees and charges for Changes of Use. Here is the information that you requested. Thank you for your ongoing interest in the policies of MCCSD.

Our policies related to "Right of use Fees" and "Ground Water Extraction are based on Groundwater Extraction Permit Ordinance No. 07-1 and Right of Use Ordinance No. 07-2. I have included both ordinances

A Groundwater Extraction Permit is to permit groundwater extraction (allotment/deed restriction, meter).

A Right of Use Fee is based on the loading to the treatment plant.

A Groundwater Extraction Permit is required for any new development, change in use, expansion of existing use, prior to the issuance of a Mendocino County Use Permit; or Coastal Development Permit, prior to the issuance of a Mendocino County Building Permit for other than minor repair and maintenance, prior to the issuance of a Mendocino County Well Permit, or following the sale of real property within the boundaries of the MCCSD.

Except as set forth in Section 4 of Ordinance 07-1, all applicants are required to submit a hydrological study prior to the issuance of a Groundwater Extraction Permit. Section 4 allows exceptions to the Hydrological Study Requirement for a) no increase in water extraction, b) limited increase in water extraction, c) modification in structure of depth of an existing well or drilling a new well, d) prior to issuance of a Mendocino County User Permit or a Coastal Development Permit, e) prior to issuance of a Mendocino county building Permit, and following the sale of real property.

A **change in use** is defined as “*any change of use of the property to a different use category as defined in the Water Use Standard*”.

A Right of Use (connection) fee is charged to all persons that connect to the sewer system or expand existing uses or change the use of properties previously connected to the sewer system. See Ordinance No. 07-2, Establishing Right of Use Fees.

The District has adopted the concept of the equivalent single-family dwelling ESD which is based on a single family residence under the District’s User Category Index. A residence places a theoretical load on the District’s wastewater treatment system of 200 gallons per unit or one ESD. Other uses are rated a fraction or multiple of one ESD based on their estimated load on the District’s wastewater system

### **Questions With Answers**

1. What MCCSD fees will apply when an existing structure is licensed as a Single Unit Rental (SUR) or Vacation Home Rental (VHR)?

Assuming that the existing structure is a single family residence, then a change to a Single Unit Rental (SUR) or Vacation Home Rental (VHR) would be a Change of use as defined in Ordinance 07-2. The right of use fee would be the current fee of \$9200. The right of use fee originally paid would be credited. The amount owed would be \$9200 less the amount of right of use that had been previously paid.

If this existing single family residence did not have a groundwater extraction permit (GWEP) because it existed before groundwater management came into effect a GWEP application would have to be made. There is \$100 application fee. A water allotment would be assigned, 200gal/day for a two bedroom house. A meter would be put on the well. A deed restriction would be recorded limiting the parcel to the assigned allotment. A single family residence has the same water allotment as a Vacation Home Rental. There would be no change in the water allotment.

2. On what would these fees be based, since this change would not result in any demonstrable increase in the volume of sewage produced or water required and, in fact, would likely result in a decrease relative to a fully occupied residential property?

The right of use fees is the buy in cost to infrastructure of the whole waste water system. The value of the system \$13.8M was determined by an engineering study. The plant has a maximum capacity of 300,000 gal/day. One ESD is equal to a single family dwelling which has an allotment of 200gal/day. 300,000 gal/day divided by 200gal/day is 1500. 1500 is the maximum ESDs available. \$13.8M divided by 1500 is \$9200 per ESD. The right of use fees go into the Capital Replacement Fund.

3. Should the owner of a property discontinue its use as an SUR (or VHR), would any additional MCCSD fees apply?

A change back to a single family residence from an SUR (or VHR) would be a change of use. The fee would be \$9200 less \$9200 right of use previously paid or \$0.

4. According to the current draft of the MTP, the SUR/VHR license will not go with the title when the property is sold.

a) Will the new owner be subject to any MCCSD fees when the property ceases to be a SUR/VHR as a result of the sale?

b) Should the new owner wish to apply to continue the former use, what MCCSD fees will apply?

a) If a property is sold, the new owner would be required to obtain a groundwater extraction permit. The Right of Use remains with the property. If the property was classified as a VSA and now a residence, the new owner would be required to obtain a change of use permit and a groundwater extraction Permit (\$100). The Right of Use fee would be \$9200 less \$9200 right of use previously paid or \$0.

b) Change of use.

The Groundwater Extraction Permit would reflect approval under Section 4(a) no increase in water extraction and can be administratively approved without the need for a Hydrological Study.

5. What MCCSD fees apply to the construction of a new residential unit through remodel of an existing structure? Do these fees vary based on the size of the unit?

If the existing structure was a residence and remodeled as a residence there would be no change in use. If this existing single family residence did not have a groundwater extraction permit (GWEP) because it existed before groundwater management came into effect a GWEP application would have to be made. There is \$100 application fee. A water allotment would be assigned, 200gal/day for a two bedroom house. A meter would be put on the well. A deed restriction would be recorded limiting the parcel to the assigned allotment.

The fees for a residence are per residence.

6. What MCCSD fees apply to construction of a wholly new residential unit? Do these fees vary based on the size of the unit?

A right of use fee of \$9200, and a \$100 GWEP application fee. A new residence requires a hydrological study. 1 residence = 200 gpd = 1 ESD = \$9,200.00. Right of use for a residence = 1ESD. The groundwater allotment depends on the number of bedrooms.

7. What MCCSD fees will apply for each B&B or Inn room in an existing building in order to bring unlicensed rooms into compliance?

Dwelling Unit (with kitchen) .8 ESD = 160 gpd loading @9,200 = \$7,360 Right of Use.  
Sleeping unit (without kitchen) .6 ESD = 120 gpd loading @ \$9200 = \$5,520.  
With laundry, 1.0 and .8.

Depending on the current and present use, if the additional use does not fall within the exception to the Hydrological Study Requirement, in Section 4(b) of Groundwater Extraction Permit Ordinance 07-1, then a hydrological study would be required. A right of use would be charged for the type of use

8. What MCCSD fees will apply for each newly constructed B&B or Inn room?

If a newly constructed B&B or inn room did not fall within the 4(b) exception, then a hydrological study would be required. Right of Use based on the Ordinance. Groundwater Extraction allotment based on the Groundwater Extraction Ordinance.

Thank you for your interest

Sincerely,

Steven Acker  
District Superintendent  
Mendocino City Community Services District  
Email [MCCSD@mcn.org](mailto:MCCSD@mcn.org)