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What next for illegal rural homes?

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On Tuesday, April 24, the hotly contested "Intent Section" of the Mendocino County general plan, which gave residents of zone-violating backwoods settlements two years to apply for a use permit, will expire.

As of Wednesday the county will have only one legal option for dealing with zoning violators—abatement, which is a euphemism for turning people out of their homes.

Tomorrow at 11 a.m. the Board of Supervisors will discuss what to do about the uncounted (estimates range as high as 5,000) dwellings clustered in rural areas throughout the county. One group of county residents will advocate for a zoning amnesty with far fewer strings attached

than under the Intent Section program.

Amnesty advocates argue that the acute shortage of low-income housing in Mendocino County, combined with the high cost of enforcing zoning ordinances against people who in many cases have lived in zone-violating homes for ten years or more, makes wholesale abatement impossible.

Deputy County Counsel Ron Ball, one of the county's lawyers, has circulated a memo among the supervisors outlining six options for zoning enforcement after the Intent Section expires. Five of the possibilities would require amending the general plan.

The only option possible under existing law is to abate zoning violations which are not eligible for a use permit or other means of legalization.

Because of the county's tight budget Ball predicts spotty enforcement, and only as complaints are received.

At the other end of the scale on Ball's list of options is adopting a policy under which the current number of dwellings on a parcel is accepted as the legal density, regardless of the zoning code. No use permit would be required.

That is little different from the amnesty proposal the supervisors will hear tomorrow. Under that idea, residents of zone-violating homes would have one year to apply to the county. No legal action could be taken while the amnesty application was being processed.

Residents of the illegal homes would sign a "hold harmless" agreement freeing the county government from liability for non-code homes

damaged by wind, weather, or seismic movement. The county would then record the number of homes on the parcel as the legal density.

The other options outlined in Ball's memo include simply extending the Intent Section, or gradually reducing the number of dwellings on a parcel until it conforms with the surrounding density.

Proponents of amnesty argue in a written statement being circulated that the troubles of prominent Intent Section applicants have undermined the section's purpose.

The most notable example is Salmon Creek Farm. The residents of Salmon Creek are fighting a condition of their use permit that requires dwellings be abated upon change of

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ownership. Supervisor Dan Hamburg has cited the Salmon Creek decision as a main reason why the Intent Section was used so seldom by the very people it was intended to help.

The supervisors begin their planning session at 9 a.m. tomorrow in the supervisors chambers at the county courthouse. Director of Planning and Building Services Victor Holanda will make a presentation on the Intent Section at 11 a.m..