



COUNTY OF HUMBOLDT
PLANNING AND BUILDING DEPARTMENT
CURRENT PLANNING DIVISION

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Hearing Date: April 7, 2016
To: Humboldt County Planning Commission
From: Robert Wall, Interim Director of Planning and Building Department
Subject: **2014 Housing Element Implementing Ordinances for Mobile Home Park and Special Occupancy Park Conversions**

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Please contact Paula Mushrush at (707) 268-3798, or by email at pmushrush@co.humboldt.ca.us, if you have any questions about the scheduled public hearing item.

cc: Coastal Commission

AGENDA ITEM TRANSMITTAL

Meeting Date	Subject	Contact
April 7, 2016	Mobilehome and Special Occupancy Park Conversion Ordinances Implementing the 2014 Housing Element	Paula Mushrush

Project Description: This item involves consideration of ordinances and Local Coastal Program (LCP) Amendments implementing the 2014 Housing Element for Mobilehome Park and Special Occupancy Park Conversions. The applicable Housing Element implementation measure is H-1M29:

“H-1M29. Procedures for Conversion of Mobilehome Parks and Recreational Vehicle Parks. The County shall amend County Code to adopt a mobilehome park conversion ordinance pursuant to Government Code §65863.7, and to require similar procedures acceptable to the Planning Commission for conversion of Recreational Vehicle Parks to other uses. Responsible Agency: Planning and Building Department. Timeframe: By January 1, 2016.”

The purpose of the Manufactured Home Park Conversion and Special Occupancy Park Conversion ordinances is to ensure that adequate notice is given to park residents before any conversion of these parks to other uses occurs. The ordinances will help address the social and fiscal impacts of the proposed conversion and provide relocation and other assistance when warranted. The Ordinances will add sections 313-106.9 and 313-113.2 to Title III, Division I, Chapter 3 (Coastal Zoning Regulations), and sections 314-106.9 and 314-113.2 of Title III, Division I, Chapter 4 (Inland Zoning Regulations) to the Humboldt County Code.

Project Location: The implementing ordinances and LCP Amendments apply to all the unincorporated areas of the County.

Present Plan Land Use Designation: N/A

Present Zoning: N/A

Case Number: N/A

Assessor Parcel Number: N/A

Applicant N/A

Owner N/A

Agent N/A

Environmental Review: An Addendum to the SEIR for the 2009/2010 Housing Element Update has been prepared. The LCP amendments are statutorily exempt from environmental review per Section 15265 of the California Environmental Quality Act (CEQA) Guidelines; Coastal Commission approval of those amendments is the equivalent form of environmental review.

Major Issues: None.

State Appeal Status: The LCP amendments are subject to certification by the California Coastal Commission.

Mobilehome and Special Occupancy Park Conversion Ordinances Implementing the 2014 Housing Element

RECOMMENDED COMMISSION ACTION:

1. Open the public hearing item and receive a staff report.
2. Receive public comment.
3. Close the public comment portion of the meeting and deliberate on the proposed implementing ordinances.
4. Make the following motions to approve the item.

RESOLUTION, MANUFACTURED HOME PARK CONVERSION ORDINANCE: "I move to make all the required findings, based on evidence in the staff report to approve the proposed Manufactured Home Park Conversion Ordinance in Attachment 3 (subject to the following modifications....) by adopting the attached Resolution."

RESOLUTION, SPECIAL OCCUPANCY PARK CONVERSION ORDINANCE: "I move to make all the required findings, based on evidence in the staff report to approve the proposed Manufactured Home Park Conversion Ordinance in Attachment 5 (subject to the following modifications) by adopting the attached Resolution."

Executive Summary: Between February 2014 and April 2014 the Planning Commission took public comments and deliberated on the 2014 Housing Element. The Planning Commission's recommendations were forwarded to the Board of Supervisors, which adopted the Housing Element in May, 2014. One of the Element's implementation measures directs the County to adopt an ordinance consistent with State law establishing procedures for conversion of existing mobilehome parks to other uses. The intent of the State law is to protect tenants of mobilehome parks from negative impacts due to immediate relocation or dislocation and to allow counties to avoid potential large-scale socioeconomic impacts from park conversions. Attachment 3 of this staff report contains the draft Manufactured Home Park conversion Ordinance for both Inland and Coastal areas. Attachment 4 is the related State Law.

During the Planning Commission and Board of Supervisors hearings on the Housing Element, testimony was presented suggesting that a similar ordinance to protect long-term tenants of Recreational Vehicle Parks from dislocation would also be helpful. Testimony suggested that there is no substantial difference between a mobilehome in a mobilehome park and long-term occupancy of Recreational Vehicles (RV's) in an RV park. The draft ordinance applied to RV Parks for both inland and coastal areas is in Attachment 5 of this staff report.

Staff notified the Housing Element interest group and 79 park owners about the ordinances and conducted a workshop on February 23, 2016. The minutes and follow-up comments are included in Attachment 6 of this staff report. In addition staff presented the ordinance to the GEAMAC on January 12, 2016. The minutes from their meeting are included in Attachment 6.

Staff recommends the Planning Commission adopt the attached Resolution recommending Board approval of the Manufactured Home Park Conversion Ordinance to come into line with state law and consider a similar ordinance regarding the conversion of RV Parks ("special occupancy parks").

ALTERNATIVES: The Planning Commission could modify the draft mobilehome park conversion ordinance provided the changes are consistent with state law. The Commission could also

modify the language of the draft special occupancy park conversion ordinance or could recommend that the Board not adopt that ordinance.

**RESOLUTION OF THE PLANNING COMMISSION
OF THE COUNTY OF HUMBOLDT
Resolution Number 16-**

**Recommending adoption by the Board of Supervisors of the Planning Commission approved
Manufactured Home Park Conversion Ordinance**

WHEREAS, the 2014 Housing Element Appendix documents considerable opportunities for public input on the policies and implementation measures in the Housing Element, including workshops, scoping meetings and public hearings; and

WHEREAS, the 2014 Housing Element was adopted on May 13, 2014 in compliance with the requirements of state law regarding Housing Elements; and

WHEREAS, the 2014 Housing Element includes an implementation measure to develop a Manufactured Home Park Conversion Ordinance in accordance with state law; and

WHEREAS, the proposed ordinance is consistent with the 2014 Housing Element; and

WHEREAS, the proposed ordinance will add sections 313-106.9 to Title III, Division I, Chapter 3 (Coastal Zoning Regulations), and section 314-106.9 of Title III, Division I, Chapter 4 (Inland Zoning Regulations) to the Humboldt County Code.

NOW, THEREFORE, be it resolved, determined, and ordered by the Humboldt County Planning Commission that:

1. All the above citations are true and correct; and
2. The proposed ordinance is in the public interest because they implement the 2014 Housing Element Update; and
3. The proposed ordinance is consistent with the General Plan, all other Elements of the General Plan, including § 1452.2 of the General Plan (Findings Required for Plan Amendments).
4. The proposed ordinance is consistent with all the other sections of zoning ordinances, including Humboldt County Code § 312-50.3 (Required Findings for All Amendments).
5. The 2014 addendum, adopted May 13, 2014 to the SEIR for the 2010 Housing Element Update certified on August 31, 2009 identified that this program would support the preservation of existing mobile home and recreational vehicle parks but would not change the patterns, timing, or intensity of residential development in the unincorporated area.
6. The coastal zoning ordinance amendment is statutorily exempt from environmental review per Section 15265 of the California Environmental Quality Act (CEQA) Guidelines; Coastal Commission approval of those amendments is an equivalent form of environmental review.
7. The proposed implementing ordinance is hereby approved.

BE IT FURTHER RESOLVED that this Commission recommends that the Board of Supervisors of the County of Humboldt:

1. Hold public hearings in the manner prescribed by law.
2. Adopt the Planning Commission's findings.
3. Certify compliance with the requirements of CEQA as required by state law.
4. Adopt the Planning Commission recommended implementing mobilehome park conversion ordinance.
5. Agree to carry out the Local Coastal Program Amendments in accordance with the Coastal Act and to issue Coastal Development Permits subject to the approved Local Coastal Program.
6. Direct the Planning staff to submit the adopted changes to the Coastal Commission.

Adopted after review and consideration of all the evidence on _____.

The motion was made by Commissioner ____ and seconded by Commissioner ____.

AYES: Commissioners:
 NOES: Commissioners:
 ABSTAIN: Commissioners:
 ABSENT: Commissioners:
 DECISION:

Robert Morris, Chair

I, Suzanne Hegler, Clerk to the Planning Commission of the County of Humboldt, do hereby certify the foregoing to be a true and correct record of the action taken on the above entitled matter by said Commission at a meeting held on the date noted above.

Suzanne Hegler, Clerk

**RESOLUTION OF THE PLANNING COMMISSION
OF THE COUNTY OF HUMBOLDT
Resolution Number 16-**

**Recommending adoption by the Board of Supervisors of the Planning Commission approved
Special Occupancy Park Conversion Ordinance**

WHEREAS, the 2014 Housing Element Appendix documents considerable opportunities for public input on the policies and implementation measures in the Housing Element, including workshops, scoping meetings and public hearings; and

WHEREAS, the 2014 Housing Element was adopted on May 13, 2014 in compliance with the requirements of state law regarding Housing Elements; and

WHEREAS, the 2014 Housing Element includes an implementation measure to develop Special Occupancy Park Conversion Ordinances, covering parks where recreational vehicles are being used as residences; and

WHEREAS, the proposed ordinance is consistent with the 2014 Housing Element; and

WHEREAS, the proposed ordinance will add sections 313-113.2 to Title III, Division I, Chapter 3 (Coastal Zoning Regulations), and section 314-113.2 of Title III, Division 1, Chapter 4 (Inland Zoning Regulations) to the Humboldt County Code.

NOW, THEREFORE, be it resolved, determined, and ordered by the Humboldt County Planning Commission that:

1. All the above citations are true and correct; and
2. The proposed ordinance is in the public interest because they implement the 2014 Housing Element Update; and
3. The proposed ordinance is consistent with the General Plan, all other Elements of the General Plan, including § 1452.2 of the General Plan (Findings Required for Plan Amendments).
4. The proposed ordinance is consistent with all the other sections of zoning ordinances, including Humboldt County Code §312-50.3 (Required Findings for All Amendments).
5. The 2014 addendum, adopted May 13, 2014 to the SEIR for the 2010 Housing Element Update certified on August 31, 2009 identified that this program would support the preservation of existing mobile home and recreational vehicle parks but would not change the patterns, timing, or intensity of residential development in the unincorporated area.
6. The ordinance in the coastal zone is statutorily exempt from environmental review per Section 15265 of the California Environmental Quality Act (CEQA) Guidelines; Coastal Commission approval of those amendments is an equivalent form of environmental review.
7. The proposed implementing ordinance is hereby approved.

BE IT FURTHER RESOLVED that this Commission recommends that the Board of Supervisors of the County of Humboldt:

1. Hold public hearings in the manner prescribed by law.
2. Adopt the Planning Commission's findings.
3. Certify compliance with the requirements of CEQA as required by state law.
4. Adopt the Planning Commission recommended implementing special occupancy park conversion ordinances and Local Coastal Program amendments.
5. Agree to carry out the Local Coastal Program Amendments in accordance with the Coastal Act and to issue Coastal Development Permits subject to the approved Local Coastal Program.
6. Direct the Planning staff to submit the adopted changes to the Coastal Commission.

Adopted after review and consideration of all the evidence on _____.

The motion was made by Commissioner ____ and seconded by Commissioner ____.

AYES: Commissioners:
NOES: Commissioners:
ABSTAIN: Commissioners:
ABSENT: Commissioners:
DECISION:

Robert Morris, Chair

I, Suzanne Hegler, Clerk to the Planning Commission of the County of Humboldt, do hereby certify the foregoing to be a true and correct record of the action taken on the above entitled matter by said Commission at a meeting held on the date noted above.

Suzanne Hegler, Clerk

ATTACHMENT 1

SUMMARY OF PROPOSED AMENDMENTS

Manufactured Home Park Conversion

The purpose of the Manufactured Home Park Conversion procedure is to ensure that any conversion of manufactured parks, which includes mobilehome parks, to other uses is preceded by adequate notice, that the social and fiscal impacts of the proposed conversion are adequately defined prior to consideration of the proposed conversion, and that relocation and other assistance is provided to park residents when warranted, consistent with California Government Code, Section 65863.7 and 66427.4.

The Government Code 65863.7 (e) requires that "the legislative body, or its delegated advisory agency, shall review the report, prior to any change of use, and may require, as a condition of the change, the person or entity to take steps to mitigate any adverse impact of the conversion, closure, or cessation of use on the ability of displaced mobilehome park residents to find adequate housing in a mobilehome park. The steps required to be taken to mitigate shall not exceed the reasonable costs of relocation."

The proposed Inland and Coastal Manufactured Home Park Conversion Ordinance amends the zoning to include procedures for mobilehome park conversion to other uses.

Special Occupancy Park Conversion, when used for long-term recreational vehicle use

During the Planning Commission and Board of Supervisors hearings on the Housing Element, testimony was also presented that a similar ordinance would be helpful to protect long-term tenants of Recreational Vehicle Parks from dislocation as well. Testimony was presented that there is no substantial difference between a mobilehome in a mobilehome park and long-term occupancy of Recreational Vehicles (RV's) in an RV park.

The purpose of the Special Occupancy Park Conversion ordinance is to ensure that any conversion of special occupancy parks which include five or more spaces for permanent recreational vehicles to other uses is preceded by adequate notice, that the social and fiscal impacts of the proposed conversion are adequately defined prior to consideration of the proposed conversion, and that relocation and other assistance is provided to permanent recreational vehicle residents when warranted.

While this is not required by state law, long-term recreational vehicle use has been identified as a form of affordable housing. This law would only apply to those RV parks that have more than 5-units where someone lives continually for more than nine months. The proposed Inland and Coastal Special Occupancy Park Conversion Ordinance includes procedures for these types of parks proposed for conversion to other uses.

ATTACHMENT 2

REQUIRED FINDINGS

To approve these zoning ordinance amendments, Section 312-50.3 of the Zoning Ordinance (Required Findings For All Amendments) requires the Planning Commission and Board of Supervisors make all of the following required findings.

1. The amendment is in the public interest; and
2. The amendment is consistent with the County General Plan; and
3. If the amendment requires a Local Coastal Plan Amendment, the amendment is in conformity with the policies of Chapter 3 (commencing with Section 30200) of the Coastal Act; and
4. The proposed amendment does not reduce the residential density for any parcel below that utilized by the Department of Housing and Community Development in determining compliance with housing element law (the mid point of the density range specified in the plan designation) unless certain site-specific findings are made.

In addition, the California Environmental Quality Act (CEQA) states that one of the following findings must be made prior to approval of any development which is subject to the regulations of CEQA. The project either:

- a) is categorically or statutorily exempt; or
- b) will not have a significant effect on the environment and a negative declaration has been prepared; or
- c) has had an environmental impact report (EIR) prepared and all significant environmental effects have been eliminated or substantially lessened, or the required findings in Section 15091 of the CEQA Guidelines have been made.

STAFF ANALYSIS OF THE EVIDENCE SUPPORTING THE REQUIRED FINDINGS

The following table identifies the evidence which supports finding that the proposed implementing ordinances are consistent with Section 312-50.3 of the Zoning Ordinance (Required Findings For All Amendments).

Section(s)	Applicable Requirements	Evidence Supporting Finding
1) Public Interest	The amendment is in the public interest.	State law Section 65580 of the Government Code describes the availability of housing is of "vital statewide importance", and "the early attainment of decent housing and a suitable living environment for every Californian, including farmworkers, is a priority of the highest order." It goes on to say the early attainment of this goal requires "the cooperative participation of government and the private sector in an effort to expand housing opportunities and accommodate the housing needs of

Section(s)	Applicable Requirements	Evidence Supporting Finding
		<p>Californians of all economic levels." And that "the provision of housing affordable to low- and moderate-income households requires the cooperation of all levels of government."</p> <p>The proposed ordinances meet this state housing goal by helping ensure that occupants of mobilehome parks and special occupancy parks, particularly low- and moderate income households, will be notified in advance of a future conversion of their living area to other uses, the social and economic effects are made known, and relocation and other assistance provided to park residents, when warranted. The ordinance affords protections set forth in state law and is directed to address the housing needs of low- and moderate-income households.</p>
<p>2) Consistency with the General Plan §1330</p>	<p>Zoning or the implementation of the plan is required to be consistent with the plan.</p>	<p>The new implementing ordinances and LCP Amendments are required to implement the adopted 2014 Housing Element Update and to conform it to requirements of state law.</p> <p>The program involves zoning changes to ensure consistency with the 2014 Housing Element Update.</p>
<p>3) Consistency with the Coastal Act: Administrative Regulations – Title 14, § 13551 and Public Resources Code, § 30200</p>	<p>The proposed amendments must conform to the policies contained in Chapter 3 of the Coastal Act. Chapter 3 sets forth policies regarding all the following items: Access (including provisions for access with new development projects, public facilities, lower cost visitor facilities, and public access)</p>	<p>The proposed ordinance in the coastal zone does not contain any measures that will directly result in or otherwise encourage new development.</p>
<p>Administrative Regulations – Title 14, § 13551 and Public Resources Code, § 30200</p>	<p>Recreation (including protection of water-oriented activities, ocean- front land protection for recreational uses, aqua- cultural uses, and priority of development purposes)</p>	<p>The Manufactured Home Park Conversion and Special Occupancy Park Conversion Ordinances outline a process for park closures. They will not change the patterns, timing, or intensity of development in the unincorporated area.</p> <p>While these will not directly impact recreation opportunities, they may slow down the conversion of Recreational Vehicle parks to other uses to some degree.</p>

Section(s)	Applicable Requirements	Evidence Supporting Finding
Administrative Regulations – Title 14, § 13551 and Public Resources Code, § 30200	Marine Resources (including protecting biological productivity, prevent hazardous waste spills, diking, filling and dredging, fishing, revetments and breakwaters, and water supply and flood control)	The Manufactured Home Park conversion and Special Occupancy Park conversion ordinances outline a process for park closures. These ordinances will not change the patterns, timing, or intensity of development in the unincorporated area. Therefore these ordinances will not impact marine resources.
Administrative Regulations – Title 14, § 13551 and Public Resources Code, § 30200	Land Resources (including environmentally sensitive habitats, agricultural lands, timberlands, and archaeological resources)	This program would support the preservation of existing mobile home and recreational vehicle parks but would not change the patterns, timing, or intensity of residential development in the unincorporated area. Therefore these ordinances will not impact land resources.
Administrative Regulations – Title 14, § 13551 and Public Resources Code, § 30200	Development (including scenic resources, public works facilities, safety, and priority of coastal dependent developments)	The Manufactured Home Park conversion and Special Occupancy Park conversion ordinances outline a process for park closures. They would not change the patterns, timing, or intensity of development in the unincorporated area, so they will have no impact on scenic resources, public works facilities, safety, and priority of coastal dependent developments.
Administrative Regulations – Title 14, § 13551 and Public Resources Code, § 30200	Industrial Development (including location and expansion, use of tanker facilities, oil and gas development and transport (both onshore and off), and power plants.	The Manufactured Home Park conversion and Special Occupancy Park conversion ordinances outline a process for park closures. They would not change the patterns, timing, or intensity of development in the unincorporated area, so they will have no impact on industrial development including the location and expansion, use of tanker facilities, oil and gas development and transport (both onshore and off), and power plants.
The LCP Amendment shall be carried out in accordance with the Coastal Act (Public Resources Code, § 30200).	The LCP Amendments will be carried out in accordance with the Coastal Act (pursuant to Section 30510(a) of the Act.	The ordinance in the coastal zone is being carried out in accordance with the Coastal Act (pursuant to Section 30510(a) of the Act). This section of the coastal act identifies the procedural requirements of ordinance changes and other local coastal plan amendments.

Section(s)	Applicable Requirements	Evidence Supporting Finding
4) Housing Element Residential Development Potential	The proposed amendment shall not reduce the residential density for any parcel below the mid point of the density range specified in the plan designation unless certain site-specific findings are made.	The proposed ordinances will apply to existing mobilehome parks and special occupancy parks. The residential land inventory in the Housing Element does not consider any sites with existing housing to have additional residential development potential, so the proposed ordinances will have no effect on the development potential of any site.

5. Environmental Impact: Below is an Addendum to the SEIR for the 2009/2010 Housing Element Update. This Addendum describes the evidence supporting the finding that the proposed project will not adversely impact the environment. Section 15164 of the California Environmental Quality Act (CEQA) Guidelines allow Addendums to a previously certified EIR to be used in lieu of a supplemental or subsequent EIR if some changes or additions are necessary but none of the conditions described in Section 15162 calling for preparation of a subsequent EIR have occurred.

1) PURPOSE AND BACKGROUND

Overview of 2014 Housing Element and Implementing Ordinances. The 2014 Housing Element updated the 2009/2010 Humboldt County Housing Element, a required Element of the General Plan. The Housing Element consists of a narrative which describes the purpose of the Housing Element, the requirements of state law, the relationship of the Housing Element to the rest of the General Plan, background information regarding past elements and current and projected housing conditions. The core of the Housing element is a series of goals, policies, standards, and implementation measures for the preservation, improvement, and development of housing. It meets detailed requirements of state housing element law, including requirements for a residential land inventory sufficient to meet the County's share of the state prescribed regional housing need.

The update was necessary to comply with State Housing Element Law. It added several new goals, policies, standards, and implementation measures to address changes in state law and to facilitate the development of new affordable housing and conservation of existing of affordable housing.

The proposed ordinances implement measure H-IM29 of the 2014 Housing Element (Procedures for Conversion of Mobilehome Parks and Recreational Vehicle Parks), which establishes procedures for the conversion of mobilehome parks and special occupancy parks to other uses to ensure the tenants are provided adequate time and resources to manage the relocation of their home to a new site.

Purpose of Addendum. This Addendum to the final certified 2009/2010 Housing Element Supplemental Environmental Impact Report (SEIR) reaches a similar conclusion as the previous environmental document, that there is no substantial evidence to warrant the preparation of a subsequent EIR. The decision-making body is required to consider this addendum prior to making a decision on the project.

Description of the 2009/2010 Housing Element SEIR. The referenced SEIR was prepared for the August 29, 2009 Humboldt County Housing Element Update (State Clearing House Number 2009022077) to identify and evaluate potential environmental impacts of the adoption of the Element, adoption of associated implementing ordinances, and amendments to the General

Plan to incorporate the new Housing Element text. That document is included as Attachment 7 of this staff report. An SEIR is an informational document intended to disclose the potential environmental impacts of a project for review by members of the public and concerned public agencies.

The SEIR for the 2009/2010 Housing Element was certified by the Board of Supervisors in 2009. The SEIR evaluated the environmental impacts of the Housing Element in accordance with CEQA Guidelines Section 15163. The SEIR was prepared to provide a program-level analysis of the environmental effects of the new Housing Element Programs, including:

- the proposed establishment of Housing Opportunity Zones;
- incentives for affordable and special needs housing;
- requirements for a mixture of housing sizes and types in residential subdivisions in Housing Opportunity Zones;
- protecting multifamily uses in the affordable multifamily land inventory;
- residential density bonuses;
- programs to support the establishment of single room occupancy housing units;
- the identification of appropriate zones for emergency shelters, supportive and transitional housing;
- retaining legal non-conforming housing;
- establishing consistent density standards for the residential Multifamily Land Use Designation; and
- updating standards for alternative owner-built/owner-occupied housing

The Board made specific findings, based on substantial evidence, regarding the reasons for approving the Housing Element, in light of the potential significant adverse effects on the environment. In certifying the SEIR, The Board adopted a State of Overriding Conditions that identified the following impacts as significant and unavoidable assuming implementation and full buildout of the 2009/2010 Housing Element and its associated land inventory during the five-year planning period:

- Aesthetics
- Agricultural Resources
- Air Quality
- Biological Resources
- Cultural Resources
- Geology/Soils
- Hydrology/Water Quality
- Population and Housing
- Public Services (Water Supplies)
- Transportation/Traffic
- Mandatory Findings of Significance (Environment, Habitat, Species, Plants)
- Mandatory Findings of Significance (Cumulative Impacts)

Following the adoption of the 2009/2010 Housing Element, the Board of Supervisors certified a Subsequent EIR on August 23, 2011, for the implementation of the 2009/2010 Housing Element Multifamily Rezoning program (State Clearing House Number 2009022077); which included a General Plan Amendment, Zone Reclassification, and Local Coastal Plan Amendment of a set of candidate sites for rezoning, which will increase the inventory of multifamily housing development potential in the County by a minimum of 980 units.

In certifying the Subsequent EIR, the Board of Supervisors made findings similar to the SEIR for the 2009/2010 Housing Element, indicating that the benefits of the multifamily rezone outweigh its unavoidable environmental effects. Unavoidable impacts for all of the impact categories listed for the 2009/2010 Housing Element were identified in the Subsequent EIR for the multifamily rezone.

Addendum to the 2009/2010 Housing Element SEIR for the 2014 Housing Element. As mentioned earlier, an Addendum to the 2009/2010 Housing Element SEIR compared the policies, standards, and programs contained in the proposed 2014 Housing Element to the 2009/2010 Housing Element to determine if there is substantial evidence which would require the preparation of a subsequent EIR. The Addendum for the 2014 Housing Element directly referenced the proposed ordinances when it stated, "This program would change the County's regulations for the conversion of existing mobile home and recreation vehicle parks but would not change the patterns, timing, or intensity of residential development in the unincorporated area."

Based on that analysis, the Board of Supervisors concluded there is no substantial evidence to warrant the preparation of a subsequent EIR. Since this project is implementing the 2014 Housing Element, this Addendum reaches the same conclusion, that there is no substantial evidence to warrant the preparation of a subsequent EIR.

2) PROJECT DESCRIPTION

This Addendum considers ordinances and Local Coastal Program (LCP) Amendments implementing measure H-1M29 of the 2014 Housing Element:

"H-1M29.Procedures for Conversion of Mobilehome Parks and Recreational Vehicle Parks.

The County shall amend County Code to adopt a mobilehome park conversion ordinance pursuant to Government Code §65863.7), and to require similar procedures acceptable to the Planning Commission for conversion of Recreational Vehicle Parks to other uses. Responsible Agency: Planning and Building Department. Timeframe: By January 1, 2016."

The purpose of the Manufactured Home Park Conversion procedure is to ensure that any conversion of manufactured parks, which includes mobilehome parks, to other uses is preceded by adequate notice, that the social and fiscal impacts of the proposed conversion are adequately defined prior to consideration of the proposed conversion, and that relocation and other assistance is provided to park residents when warranted. The purpose of Special Occupancy Park Conversion ordinance would establish similar procedures for conversion of Special Occupancy Parks to protect permanent recreational vehicle residents from immediate relocation or dislocation.

3) STATEMENT OF FINDINGS

An Addendum to a previous EIR is appropriate when all of the required findings described below can be made.

1. No substantial changes are proposed in the project which will require revisions of the previous EIR due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects [§15162(a)(1)].

Adoption of the ordinances implementing H-1M29 will not require revisions to the SEIR because no new significant environmental effects or substantial increase in the severity of previously identified significant effects will occur. No substantial changes to the project are being proposed. The adoption of the proposed ordinance changes do not involve

new development or physical changes to the environment that would increase previously identified cumulative impacts.

Statements of overriding considerations were made in conjunction with the SEIR. Overriding considerations included: cumulative impacts related to Aesthetic Impacts, Agricultural Resources, Air Quality, Biological Resources, Cultural Resources, Geology/Soils, Hydrology/Water Quality, Population And Housing, Public Services (Water Supplies), Transportation/Traffic, Mandatory Findings of Significance (Environment, Habitat, Species, Plants), Mandatory Findings of Significance (Cumulative Impacts).

The new ordinances will not cause a substantial increase in the severity of the identified countywide cumulative impacts. No physical changes to the environment will occur with adoption of these ordinances. Therefore, the proposed ordinances will not have new significant environmental effects or substantially increase the severity of previously identified significant effects.

2. No substantial changes occur with respect to the circumstances under which the project is undertaken which will require revisions of the previous EIR due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects [§15162(a)(2)].

Adoption of the proposed ordinances will not require major revisions to the SEIR because no substantial changes have occurred with respect to the circumstances under which the project was undertaken. The adoption of the proposed ordinances does not include new development or physical changes to the environment that would cause new significant effects or increase the severity of previously identified cumulative impacts.

Although statements of overriding considerations were made in conjunction with the SEIR, substantial changes in the circumstances under which the project was undertaken have not occurred since it was adopted. As discussed under number "1" previously, no substantial increases in the severity of the cumulative impacts will occur. No physical changes to the environment will occur with adoption of the proposed ordinances. Therefore, the proposed ordinances will not have new significant environmental effects or substantially increase the severity of previously identified significant effects due to changes in circumstances.

3. No new information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the Board of Supervisors certified the previous EIR, shows any of the following:

a. The project will have one or more significant effects not discussed in the previous EIR [§15162(a)(3)(A)]:

No new information of substantial importance has been introduced that would increase the severity of the identified cumulative impacts or cause new significant effects not discussed in the SEIR. The adoption of the proposed ordinances will not involve new development or physical changes to the environment that would increase previously identified cumulative impacts. The proposed ordinances will not have any significant project or cumulative effects since they do not propose nor allow new development or other changes to the physical environment. Circumstances have not significantly changed since the SEIR was certified.

b. Significant effects previously examined will be substantially more severe than shown in the previous EIR [§15162(a)(3)(B)];

No new information of substantial importance has been introduced that would increase the severity of the impacts discussed in the SEIR. As discussed under number "1" previously, adoption of the proposed ordinances does not propose nor allow new development or other changes to the physical environment. Therefore, no increases in the previously identified impacts will occur.

c. Mitigation measures or alternatives previously found not to be feasible would in fact be feasible and would substantially reduce one or more significant effects of the project, but the project proponents decline to adopt the mitigation measure or alternative [§15162(a)(3)(C)];

No new information of substantial importance has been introduced that would make mitigation measures or alternatives previously found not to be feasible that were discussed in the SEIR to now be feasible. The adoption of the proposed ordinances will not involve physical changes to the environment that would increase previously identified cumulative impacts. Statements of overriding consideration were adopted for the previously identified cumulative impacts. Additional mitigation measures and alternatives that were previously considered would not reduce the identified impacts for the same reasons stated in the SEIR.

d. Mitigation measures or alternatives which are considerably different from those analyzed in the previous EIR would substantially reduce one or more significant effects on the environment, but the project proponents decline to adopt the mitigation measure or alternative [§15162(a)(3)(D)].

No new information of substantial importance has been introduced that would require mitigation measures or alternatives which are considerably different from those that were discussed in the SEIR and/or that would substantially reduce one or more significant effects on the environment. Statements of overriding consideration were adopted for the previously identified impacts. No new or previously rejected mitigation measures or alternatives would reduce potential impacts.

The proposed mobilehome and special occupancy park conversion ordinances would not change any previous conclusions associated with effects disclosed in the SEIR. Impacts previously found not to be less than significant would not be elevated to significant as a result of the proposed ordinances. No new significant impacts or more severe impacts resulting from the proposed ordinances have been identified, and no changes to the SEIR analysis of effects found not to be significant would occur.

Therefore, based on the information provided above, there is no substantial evidence to warrant the preparation of a subsequent EIR. The decision-making body shall consider this addendum to the final certified 2009/2010 Housing Element SEIR prior to making a decision on the project.

Attachment 3

**Proposed Manufactured Home Park Conversion Ordinance
Coastal and Inland**

Add New Section:

313-106.9 MANUFACTURED HOME PARK CONVERSION (Coastal)

106.9.1 **Purpose.** The purpose of the Manufactured Home Park Conversion procedure is to ensure that any conversion of manufactured home parks, which includes mobilehome parks, to other uses is preceded by adequate notice, that the social and fiscal impacts of the proposed conversion are adequately defined prior to consideration of the proposed conversion, and that relocation and other assistance is provided to park residents when warranted, consistent with California Government Code, Section 65863.7 and 66427.4.

106.9.2 **Applicability.** This Chapter applies to applications for closure of manufactured home parks. Reasons for closure may include conversion to another land use and/or financial considerations of the park owner.

106.9.3 **Definitions.** The below definitions pertain to this Section.

106.9.3.1 "Applicant" means a person or entity who has filed an application for change of use of a manufactured home park.

106.9.3.2 "Change of use", is defined in Section 798.10, and Government Code §65863.7, and includes closure, cessation or change of use of the manufactured home park. It includes the use of the park for a purpose other than the rental, or the holding out for rent, of two or more mobilehome sites to accommodate mobilehomes used for human habitation, and does not mean the adoption, amendment, or repeal of a park rule or regulation. A change of use may affect an entire park or any portion thereof. "Change of use" includes, but is not limited to, a change of the park or any portion thereof to a condominium, stock cooperative, planned unit development, or any form of ownership wherein spaces within the park are sold.

106.9.3.3 "Manufactured home park closure" includes any closure, cessation or change of use of the park. A closure includes ceasing to rent manufactured home lots for human habitation and displacement of manufactured home park residents, or when 25 percent of more of the manufactured home units or lots within a park become vacant.

106.9.3.5 "Eligible manufactured home resident" or "permanent resident" means a manufactured home resident whose manufactured home was located in a manufactured home park or resident of a recreational vehicle renting space in a manufactured home park on the date of an application for change of use. Eligible manufactured home resident includes the spouse, parents, children and grandchildren of the permanent resident when those persons resided in the manufactured home on the date of the application.

106.9.3.6 "Legal owner" means any person or entity having an ownership interest in a manufactured home other than the registered owner, such as a lender or mortgagor.

106.9.3.7 "Manufactured home" has the meaning set forth in Section 798.3 of the California Civil Code. Mobilehomes are included in this definition.

106.9.3.8 "Manufactured home owner" means the registered owner or registered owners of a manufactured home, regardless of the number of such owners or the form of such ownership.

106.9.3.9 "Manufactured home park" or "park" has the same meaning set forth in Section 798.4 and 798.6 of the California Civil Code.

106.9.3.10 "Manufactured home park owner" or "park owner" means the person, persons or entity that owns a manufactured home park and includes any person authorized by the park owner to seek approval of an application for change of use or respond to a rent review petition filed pursuant to this chapter.

106.9.3.13 "Manufactured home renter" or "renter" is a person who occupies a manufactured home within a manufactured home park pursuant to a bona fide lease or rental agreement and who, during his or her tenancy, was not the owner of that manufactured home.

106.9.4 **Permit Requirements for a Change of Use.** The conversion of an existing manufactured home park to another use shall require a special permit to be reviewed and approved by the Planning Commission. It is the park owner's responsibility to comply with the notice requirements of subsections g (1) and (2) of Civil Code Section 798.56. Because the Civil Code Section 798.56(g)(2) notice cannot be given until after the approval of both the project and the sufficiency of the relocation impact report (RIR), the park owner is encouraged to consult with staff early in the process about the contents of the RIR.

106.9.5 **Relocation Impact Report.** An application for a special permit for a conversion of an existing manufactured home park to another use shall include a relocation impact report (RIR) with all the following information.

106.9.5.1 A general description of any proposed change of use, or change without new use;

106.9.5.2 A timetable for conversion of the park;

106.9.5.3 A legal description of the park;

106.9.5.4 The number of spaces in the park, length of occupancy by the current occupant of each space and current rental rate for each space;

106.9.5.5 The date of manufacture and size of each manufactured home, description of outbuildings and accessory structures construction on the lots and the cost to move them;

106.9.5.6 The name and mailing address of each eligible manufactured home tenant, manufactured home resident, resident manufactured home owner and legal owner of a manufactured home in the park;

106.9.5.7 A list of comparable manufactured home parks within a thirty mile radius of the applicant's manufactured home park. For each comparable park, the list should, if possible, state the criteria of that park for accepting relocated manufactured homes, rental rates and the name, number and size of spaces, address and

telephone number of the park representative having authority to accept relocated homes, including any written commitments from manufactured home park owners willing to accept displaced manufactured homes;

106.9.5.8 The purchase price of other housing of similar in size to the manufactured homes within a reasonable distance, and the rental rates and moving costs involved in moving to an apartment or other rental unit within a reasonable distance including, but not limited to, fees charged by moving companies and any requirement for payment of the first and last month's rent and security deposits;

106.9.5.9 Estimates as to the minimum cost of moving each manufactured home, including tear-down and set-up of manufactured homes and moving of improvements such as porches, carports, patios and other moveable amenities installed by the residents;

106.9.5.10 An in-place appraisal conducted by a qualified appraiser. The appraisals shall identify those manufactured homes which cannot be moved due to type, age or other considerations. Appraisal information shall be provided on the effect upon the homeowner's investment in the manufactured home, such as the change in value of effected manufactured homes that would result from the proposed change in use.

106.9.5.11 Identification of a qualified relocation specialist to assist residents in finding relocation spaces and alternate housing;

106.9.5.12 A Relocation Plan as specified in Section 106.9.7 below.

106.9.6 **Notice Requirements.** The following notice requirements are in addition to any notice regularly required for special permits. The applicant shall verify that a good faith effort has been made to ensure that each manufactured home owner and tenant has received or will receive each of the following notices and documents. No hearing on a proposed manufactured home park closure shall be scheduled until the applicant has provided verification of notification.

106.9.6.1 Notice of Intent. A Notice of Intent by the applicant to convert or close the manufactured home park shall be sent by the applicant by certified mail at least 60 days prior to submittal of the special permit application to the County. After the Notice of Intent has been issued, the applicant shall inform all new or prospective residents and/or manufactured home owners that the applicant has requested County approval, or intends to request County approval, of a change of use or that a change of use request has been granted, in compliance with Civil Code Section 798.56(g).

106.9.6.2 Written Notice & Relocation Impact Report. A written notice, in addition to the regular public hearing notice shall be delivered at least 15 days before the scheduled application for a special permit, informing residents that the applicant will be appearing before the Planning Commission to request permits for a change of use of the manufactured home park. A copy of the Relocation Impact Report shall be included with this notice.

106.9.6.3 Notice of termination of tenancy. The applicant shall provide all residents

proposed to be displaced and the owners of manufactured homes proposed to be displaced a written "notice of termination of tenancy" that provides the affected residents or owners a minimum of six months' notice to vacate following the effective date of the approved special permit. The notice shall be sent by certified mail to each manufactured home owner and tenant within 10 calendar days following the effective date of the approved special permit.

106.9.7 **Conditions of Approval.** Approval of a special permit shall include reasonable conditions of approval which shall not exceed the reasonable costs as set forth in this ordinance. Manufactured homeowners who are not permanent residents are not eligible for relocation benefits. The special permit shall identify relocation options for each displaced manufactured home occupant in a Relocation Plan, as follows:

106.9.7.1 Relocation assistance for manufactured home owners whose homes can be relocated. The applicant shall pay all costs related to moving the manufactured home, fixtures, and accessories to comparable manufactured home park within a reasonable distance. Relocation shall include disassembly and moving costs, manufactured home set-up costs, utility hook-up fees, moving of the manufactured home owner's possessions, any move-in deposit and the reasonable housing expenses for displaced manufactured home residents for a period not exceeding 30 days from the date of actual displacement until the date of occupancy at the new site. The comparable manufactured home park, or manufactured home owner-approved receiving site, and the relocated manufactured home shall conform to all applicable Federal, State, and County regulations. In addition, the applicant shall provide displaced manufactured home owners with the payment of a lump sum equal to the difference of rent between the old and new manufactured home park spaces for a period of 12 months, if the new rent exceeds the old rent.

106.9.7.2 Relocation assistance for manufactured home owners whose homes cannot be relocated. In cases in which it is not feasible to relocate the manufactured home to a comparable manufactured home park, including those in which the condition of the manufactured home is such that it cannot be safely relocated, or in cases where the manufactured home does not meet minimum requirements to be accepted into another manufactured home park, the applicant shall provide the following relocation assistance to each manufactured home owner who is also a permanent resident:

106.9.7.2.1 The applicant shall be required to pay for the in-place value of the manufactured home and cost of disposal of the manufactured home in an approved facility; and

106.9.7.2.2 Each displaced manufactured home household will received a lump sum difference between current space rent and rent for a housing unit of a size appropriate, according to California Health and Safety code Section 50052.5 (h), to accommodate the displaced household for a period of 12 months. Lump sum funds due the resident may be paid directly to the new park owner as pre-paid rent upon request by the displaced household.

106.9.7.3 Relocation Assistance for non-manufactured home residents. For permanent residents whose residential units do not meet the definition of a manufactured

home, such as a recreational vehicle, the applicant shall pay the same benefits as a manufactured home resident.

106.9.7.4 Relocation assistance for manufactured home renters. The applicant shall pay a sum equal to three months of fair market rent for the area as determined by HUD pursuant to Section 1437(c)(1) of Title 42 of the United States Code or four thousand dollars, whichever is greater, to each displaced household.

106.9.7.5 Relocation Counselor. The applicant shall offer to provide to all displaced manufactured home owners and residents the services of a Relocation Counselor to provide information about the available housing resources and to assist with the selection of suitable relocation alternatives.

106.9.7.5.1 The Relocation Counselor shall be familiar with the region's housing market and qualified to assist residents to evaluate, select, and secure placement in the replacement housing, to arrange the moving of all of the household's personal property, and to render financial advice on qualifying for various housing types.

106.9.7.5.2 No later than 30 calendar days after the issuance of the special permit for the manufactured home park closure, the Relocation Counselor shall make personal contact with each displaced resident of the manufactured home park and commence to determine the applicable relocation costs and assistance to be provided. The relocation Counselor shall give to each person eligible to receive relocation assistance a written notice of his or her options for relocation assistance as determined by the special permit.

106.9.8 **Vacancy of Manufactured home Park of 25 Percent or More.**

106.9.8.1 Whenever 25 percent or more of the total number of manufactured home sites within a manufactured home park are uninhabited for more than 90 consecutive days, and such condition was not caused by a natural or physical disaster beyond the control of the manufactured home park owner, then such condition shall be deemed a "manufactured home park closure" for the purposes of this ordinance. The manufactured home park owner shall file an application for the manufactured home park closure, in compliance with this Section. A manufactured home site is considered to be "uninhabited" when no rent is being paid for use of the site and it is either (i) unoccupied by a manufactured home or (ii) occupied by a manufactured home in which no person resides.

106.9.8.2 A manufactured home resident or other interested party who has reason to believe that 25% or more of the total number of manufactured home sites within a manufactured home park are uninhabited may file a written statement to that effect with the Director of Planning and Building. The Director or his designee shall investigate and make a determination as to whether an unauthorized manufactured home park closure is underway. Once the Director determines whether an unauthorized manufactured home park closure is underway, a written notice that describes such determination shall be sent by the County to the manufactured home park owner, manufactured home park manager, and the person who filed the written complaint.

106.9.9 **Request for Exemption from Relocation Assistance Requirements.**

106.9.9.1 Any person who files an application for a special permit for the closure of a manufactured home park may, simultaneous with and as part of the filing of such application, request an exemption from some or all of the relocation assistance requirements described above in Section 106.9.7 (Conditions of Approval). The request shall be processed in conjunction with the application for the special permit, and shall be distributed to each resident household and manufactured home owner at the time of application submittal, as specified in Section 106.9.6.2.

106.9.9.2 The applicant may request an exemption if the relocation assistance required exceeds the reasonable costs of relocation for displaced manufactured home park residents, as prescribed by Government Code Section 65863.7 (e), or as part of bankruptcy the court has taken action that would prohibit or preclude the payment of relocation assistance benefits, in whole or in part.

106.9.9.3 Any request for exemptions submitted in compliance with this section shall contain at a minimum, the following information:

106.9.9.3.1 Statements of profit and loss from operations of the manufactured home park for the five-year period immediately preceding the date of the application of exemption, certified by a certified public accountant. All such statements shall be maintained in confidence to the extent permitted by the California Public Records Act.

106.9.9.3.2 An estimate of the total cost of relocation assistance which would be required in compliance with Section 106.9.7 (Conditions of Approval). This estimate shall be based on surveys, appraisals and reports that document the number of residents of the park who are able to relocate their manufactured homes and those who would sell their manufactured homes, and the costs related to providing the relocation assistance.

106.9.9.3.3 If the applicant contends that continued use of the property as a manufactured home park necessitates repairs and/or improvements that are not the result of the park owner or applicant's negligence or failure to properly maintain the said property, and that the costs thereof makes continuation of the manufactured home park economically feasible, then the report shall include a report by a civil engineer or licensed general contractor outlining the costs.

106.9.9.3.4 If the proposed closure is due to conversion of the land to another use an estimate of the value of the manufactured home park, an estimate of the value as is, and estimate of value after the change will be required. These estimates shall be prepared by a certified real estate appraiser.

106.9.9.3.5 Any request for exemption filed pursuant to Subsection 106.9.9.1, above, shall be accompanied by adequate documentation regarding the title, case number, and court in which the bankruptcy proceeding was held, and copies of all pertinent judgments, orders and decrees of the said court.

106.9.9.4 When making its determination as to whether to waive or modify a portion or all of any type of benefit that would otherwise be applicable, the Commission may take into account the financial history of the manufactured home park, its

condition and the condition of the amenities and improvements thereon, the cost of any necessary repairs, improvements or rehabilitation of said park, the estimated costs of relocation, the fair market value of the property for any proposed alternative use, the fair market value of the property for continued use as a manufactured home park, and any other pertinent evidence requested or presented. The Commission shall expressly indicate in its decision any waiver and the extent thereof.

106.9.9.5 Where a court has determined in connection with a proceeding in bankruptcy that the closure or cessation of the use of said property as a manufactured home park is necessary, and such court has taken action which would prohibit or preclude payment of relocation benefits, whether in whole or in part, the Commission shall have the authority to waive all or a portion of any type of benefit to the extent necessary to comply with the judgment, order, or decree of the court.

Add New Section:

314-106.9 MANUFACTURED HOME PARK CONVERSION (Inland)

106.9.1 **Purpose.** The purpose of the Manufactured home Park Conversion procedure is to ensure that any conversion of manufactured home parks to other uses is preceded by adequate notice, that the social and fiscal impacts of the proposed conversion are adequately defined prior to consideration of the proposed conversion, and that relocation and other assistance is provided to park residents when warranted, consistent with California Government Code, Section 65863.7 and 66427.4.

106.9.2 **Applicability.** This Chapter applies to applications for closure of manufactured home parks. Reasons for closure may include conversion to another land use and/or financial considerations of the park owner.

106.9.3 **Definitions.** The below definitions pertain to this Section.

106.9.3.1 "Applicant" means a person or entity who has filed an application for change of use of a manufactured home park.

106.9.3.2 "Change of use", is defined in Civil Code 798.10, and Government Code §65863.7, and includes closure, cessation or change of use of the manufactured home park. It includes the use of the park for a purpose other than the rental, or the holding out for rent, of two or more mobilehome sites to accommodate mobilehomes used for human habitation, and does not mean the adoption, amendment, or repeal of a park rule or regulation. A change of use may affect an entire park or any portion thereof. "Change of use" includes, but is not limited to, a change of the park or any portion thereof to a condominium, stock cooperative, planned unit development, or any form of ownership wherein spaces within the park are sold.

106.9.3.3 "Manufactured home park closure" includes any closure, cessation or change of use of the park. A closure includes ceasing to rent manufactured home lots for human habitation and displacement of manufactured home park residents or when 25 percent of more of the manufactured home units or lots within a park become vacant.

106.9.3.5 "Eligible manufactured home resident" or "permanent resident" means a manufactured home resident whose manufactured home was located in a manufactured home park or resident of a recreational vehicle renting space in a manufactured home park on the date of an application for change of use. Eligible manufactured home resident includes the spouse, parents, children and grandchildren of the permanent resident when those persons resided in the manufactured home on the date of the application.

106.9.3.6 "Legal owner" means any person or entity having an ownership interest in a manufactured home other than the registered owner, such as a lender or mortgagor.

106.9.3.7 "Manufactured home" has the meaning set forth in Section 798.3 of the California Civil Code. Mobilehomes are included in this definition.

106.9.3.8 "Manufactured home owner" means the registered owner or registered owners of a manufactured home, regardless of the number of such owners or the form of such ownership.

106.9.3.9 "Manufactured home park" or "park" has the same meaning set forth in Section 798.4 and 798.6 of the California Civil Code.

106.9.3.10 "Manufactured home park owner" or "park owner" means the person, persons or entity that owns a manufactured home park and includes any person authorized by the park owner to seek approval of an application for change of use or respond to a rent review petition filed pursuant to this chapter.

106.9.3.13 "Manufactured home renter" or "renter" is a person who occupies a manufactured home within a manufactured home park pursuant to a bona fide lease or rental agreement and who, during his or her tenancy, was not the owner of that manufactured home.

106.9.4 **Permit Requirements for a Change of Use.** The conversion of an existing manufactured home park to another use shall require a special permit to be reviewed and approved by the Planning Commission. It is the park owner's responsibility to comply with the notice requirements of subsections g (1) and (2) of Civil Code Section 798.56. Because the Civil Code Section 798.56(g)(2) notice cannot be given until after the approval of both the project and the sufficiency of the relocation impact report (RIR), the park owner is encouraged to consult with staff early in the process about the contents of the RIR.

106.9.5 **Relocation Impact Report.** An application for a special permit for a conversion of an existing manufactured home park to another use shall include a relocation impact report (RIR) with all the following information.

106.9.5.1 A general description of any proposed change of use, or change without new use;

106.9.5.2 A timetable for conversion of the park;

106.9.5.3 A legal description of the park;

106.9.5.4 The number of spaces in the park, length of occupancy by the current occupant of each space and current rental rate for each space;

106.9.5.5 The date of manufacture and size of each manufactured home, description of outbuildings and accessory structures construction on the lots and the cost to move them;

106.9.5.6 The name and mailing address of each eligible manufactured home tenant, manufactured home resident, resident manufactured home owner and legal owner of a manufactured home in the park;

106.9.5.7 A list of comparable manufactured home parks within a thirty mile radius of the applicant's manufactured home park. For each comparable park, the list should, if possible, state the criteria of that park for accepting relocated manufactured homes, rental rates and the name, number and size of spaces, address and

telephone number of the park representative having authority to accept relocated homes, including any written commitments from manufactured home park owners willing to accept displaced manufactured homes;

106.9.5.8 The purchase price of other housing of similar in size to the manufactured homes within a reasonable distance, and the rental rates and moving costs involved in moving to an apartment or other rental unit within a reasonable distance including, but not limited to, fees charged by moving companies and any requirement for payment of the first and last month's rent and security deposits;

106.9.5.9 Estimates as to the minimum cost of moving each manufactured home, including tear-down and set-up of manufactured homes and moving of improvements such as porches, carports, patios and other moveable amenities installed by the residents;

106.9.5.10 An in-place appraisal conducted by a qualified appraiser. The appraisals shall identify those manufactured homes which cannot be moved due to type, age or other considerations. Appraisal information shall be provided on the effect upon the homeowner's investment in the manufactured home, such as the change in value of effected manufactured homes that would result from the proposed change in use.

106.9.5.11 Identification of a qualified relocation specialist to assist residents in finding relocation spaces and alternate housing;

106.9.5.12 A Relocation Plan as specified in Section 106.9.7 below.

106.9.6 **Notice Requirements.** The following notice requirements are in addition to any notice regularly required for special permits. The applicant shall verify that a good faith effort has been made to ensure that each manufactured home owner and tenant has received or will receive each of the following notices and documents. No hearing on a proposed manufactured home park closure shall be scheduled until the applicant has provided verification of notification.

106.9.6.1 Notice of Intent. A Notice of Intent by the applicant to convert or close the manufactured home park shall be sent by the applicant by certified mail at least 60 days prior to submittal of the special permit application to the County. After the Notice of Intent has been issued, the applicant shall inform all new or prospective residents and/or manufactured home owners that the applicant has requested County approval, or intends to request County approval, of a change of use or that a change of use request has been granted, in compliance with Civil Code Section 798.56(g).

106.9.6.2 Written Notice & Relocation Impact Report. A written notice, in addition to the regular public hearing notice shall be delivered at least 15 days before the scheduled application for a special permit, informing residents that the applicant will be appearing before the Planning Commission to request permits for a change of use of the manufactured home park. A copy of the Relocation Impact Report shall be included with this notice.

106.9.6.3 Notice of termination of tenancy. The applicant shall provide all residents proposed to be displaced and the owners of manufactured home proposed to

be displaced a written "notice of termination of tenancy" that provides the affected residents or owners a minimum of six months' notice to vacate following the effective date of the approved special permit. The notice shall be sent by certified mail to each manufactured home owner and tenant within 10 calendar days following the effective date of the approved special permit.

106.9.7 **Conditions of Approval.** Approval of a special permit shall include reasonable conditions of approval which shall not exceed the reasonable costs as set forth in this ordinance. Manufactured home park owners who are not permanent residents are not eligible for relocation benefits. The special permit shall identify relocation options for each displaced manufactured home occupant in a Relocation Plan, as follows:

106.9.7.1 Relocation assistance for manufactured home owners whose homes can be relocated. The applicant shall pay all costs related to moving the manufactured home, fixtures, and accessories to comparable manufactured home park within a reasonable distance. Relocation shall include disassembly and moving costs, manufactured home set-up costs, utility hook-up fees, moving of the manufactured home owner's possessions, any move-in deposit and the reasonable housing expenses for displaced manufactured home residents for a period not exceeding 30 days from the date of actual displacement until the date of occupancy at the new site. The comparable manufactured home park, or manufactured home owner-approved receiving site, and the relocated manufactured home shall conform to all applicable Federal, State, and County regulations. In addition, the applicant shall provide displaced manufactured home owners with the payment of a lump sum equal to the difference of rent between the old and new manufactured home park spaces for a period of 12 months, if the new rent exceeds the old rent.

106.9.7.2 Relocation assistance for manufactured home owners whose homes cannot be relocated. In cases in which it is not feasible to relocate the manufactured home to a comparable manufactured home park, including those in which the condition of the manufactured home is such that it cannot be safely relocated, or in cases where the manufactured home does not meet minimum requirements to be accepted into another manufactured home park, the applicant shall provide the following relocation assistance to each manufactured home owner who is a permanent resident:

106.9.7.2.1 The applicant shall be required to pay for the in-place cost of disposal of the manufactured home in an approved facility; and

106.9.7.2.2 Each displaced manufactured home household will received a lump sum difference between current space rent and rent for a housing unit of a size appropriate, according to California Health and Safety code Section 50052.5 (h), to accommodate the displaced household for a period of 12 months. Lump sum funds due the resident may be paid directly to the new park owner as pre-paid rent upon request by the displaced household.

106.9.7.3 Relocation Assistance for non-manufactured home residents. For permanent residents whose residential units do not meet the definition of a manufactured home, such as a recreational vehicle, the applicant shall pay the same benefits as a manufactured home resident.

106.9.7.4 Relocation assistance for manufactured home renters. The applicant shall pay a sum equal to three months of fair market rent for the area as determined by HUD pursuant to Section 1437(c)(1) of Title 42 of the United States Code or four thousand dollars, whichever is greater, to each displaced household.

106.9.7.5 Relocation Counselor. The applicant shall offer to provide to all displaced manufactured home owners and residents the services of a Relocation Counselor to provide information about the available housing resources and to assist with the selection of suitable relocation alternatives.

106.9.7.5.1 The Relocation Counselor shall be familiar with the region's housing market and qualified to assist residents to evaluate, select, and secure placement in the replacement housing, to arrange the moving of all of the household's personal property, and to render financial advice on qualifying for various housing types.

106.9.7.5.2 No later than 30 calendar days after the issuance of the special permit for the manufactured home park closure, the Relocation Counselor shall make personal contact with each displaced resident of the manufactured home park and commence to determine the applicable relocation costs and assistance to be provided. The relocation Counselor shall give to each person eligible to receive relocation assistance a written notice of his or her options for relocation assistance as determined by the special permit.

106.9.8 **Vacancy of Manufactured home Park of 25 Percent or More.**

106.9.8.1 Whenever 25 percent or more of the total number of manufactured home sites within a manufactured home park are uninhabited for more than 90 consecutive days, and such condition was not caused by a natural or physical disaster beyond the control of the manufactured home park owner, then such condition shall be deemed a "manufactured home park closure" for the purposes of this ordinance. The manufactured home park owner shall file an application for the manufactured home park closure, in compliance with this Section. A manufactured home site is considered to be "uninhabited" when no rent is being paid for use of the site and it is either (i) unoccupied by a manufactured home or (ii) occupied by a manufactured home in which no person resides.

106.9.8.2 A manufactured home resident or other interested party who has reason to believe that 25% or more of the total number of manufactured home sites within a manufactured home park are uninhabited may file a written statement to that effect with the Director of Planning and Building. The Director or his designee shall investigate and make a determination as to whether an unauthorized manufactured home park closure is underway. Once the Director determines whether an unauthorized manufactured home park closure is underway, a written notice that describes such determination shall be sent by the County to the manufactured home park owner, manufactured home park manager, and the person who filed the written complaint.

106.9.9 **Request for Exemption from Relocation Assistance Requirements.**

106.9.9.1 Any person who files an application for a special permit for the closure of a

manufactured home park may, simultaneous with and as part of the filing of such application, request an exemption from some or all of the relocation assistance requirements described above in Section 106.9.7 (Conditions of Approval). The request shall be processed in conjunction with the application for the special permit, and shall be distributed to each resident household and manufactured home owner at the time of application submittal, as specified in Section 106.9.6.2.

106.9.9.2 The applicant may request an exemption if the relocation assistance required exceeds the reasonable costs of relocation for displaced manufactured home park residents, as prescribed by Government Code Section 65863.7 (e), or as part of bankruptcy the court has taken action that would prohibit or preclude the payment of relocation assistance benefits, in whole or in part.

106.9.9.3 Any request for exemptions submitted in compliance with this section shall contain at a minimum, the following information:

106.9.9.3.1 Statements of profit and loss from operations of the manufactured home park for the five-year period immediately preceding the date of the application of exemption, certified by a certified public accountant. All such statements shall be maintained in confidence to the extent permitted by the California Public Records Act.

106.9.9.3.2 An estimate of the total cost of relocation assistance which would be required in compliance with Section 106.9.7 (Conditions of Approval). This estimate shall be based on surveys, appraisals and reports that document the number of residents of the park who are able to relocate their manufactured homes and those who would sell their manufactured homes, and the costs related to providing the relocation assistance.

106.9.9.3.3 If the applicant contends that continued use of the property as a manufactured home park necessitates repairs and/or improvements that are not the result of the park owner or applicant's negligence or failure to properly maintain the said property, and that the costs thereof makes continuation of the manufactured home park economically feasible, then the report shall include a report by a civil engineer or licensed general contractor outlining the costs.

106.9.9.3.4 If the proposed closure is due to conversion of the land to another use an estimate of the value of the manufactured home park, an estimate of the value as is, and estimate of value after the change will be required. These estimates shall be prepared by a certified real estate appraiser.

106.9.9.3.5 Any request for exemption filed pursuant to Subsection 106.9.9.1, above, shall be accompanied by adequate documentation regarding the title, case number, and court in which the bankruptcy proceeding was held, and copies of all pertinent judgments, orders and decrees of the said court.

106.9.9.4 When making its determination as to whether to waive or modify a portion or all of any type of benefit that would otherwise be applicable, the Commission may take into account the financial history of the manufactured home park, its condition and the condition of the amenities and improvements thereon, the cost of any necessary repairs, improvements or rehabilitation of said park, the estimated costs of relocation, the fair market value of the property for any

proposed alternative use, the fair market value of the property for continued use as a manufactured home park, and any other pertinent evidence requested or presented. The Commission shall expressly indicate in its decision any waiver and the extent thereof.

106.9.9.5 Where a court has determined in connection with a proceeding in bankruptcy that the closure or cessation of the use of said property as a manufactured home park is necessary, and such court has taken action which would prohibit or preclude payment of relocation benefits, whether in whole or in part, the Commission shall have the authority to waive all or a portion of any type of benefit to the extent necessary to comply with the judgment, order, or decree of the court.

Attachment 4

Excerpt from California Government Code, Sections 65863.7 and 66427.4

GOVERNMENT CODE

TITLE 7. PLANNING AND LAND USE [65000 - 66499.58]

(Heading of Title 7 amended by Stats. 1974, Ch. 1536.)

DIVISION 1. PLANNING AND ZONING [65000 - 66103]

(Heading of Division 1 added by Stats. 1974, Ch. 1536.)

CHAPTER 4. Zoning Regulations [65800 - 65912]

(Chapter 4 repealed and added by Stats. 1965, Ch. 1880.)

ARTICLE 2. Adoption of Regulations [65850 - 65863.13]

(Article 2 added by Stats. 1965, Ch. 1880.)

65863.7.

(a) Prior to the conversion of a mobilehome park to another use, except pursuant to the Subdivision Map Act (Division 2 (commencing with Section 66410) of Title 7), or prior to closure of a mobilehome park or cessation of use of the land as a mobilehome park, the person or entity proposing the change in use shall file a report on the impact of the conversion, closure, or cessation of use upon the displaced residents of the mobilehome park to be converted or closed. In determining the impact of the conversion, closure, or cessation of use on displaced mobilehome park residents, the report shall address the availability of adequate replacement housing in mobilehome parks and relocation costs.

(b) The person proposing the change in use shall provide a copy of the report to a resident of each mobilehome in the mobilehome park at least 15 days prior to the hearing, if any, on the impact report by the advisory agency, or if there is no advisory agency, by the legislative body.

(c) When the impact report is filed prior to the closure or cessation of use, the person or entity proposing the change shall provide a copy of the report to a resident of each mobilehome in the mobilehome park at the same time as the notice of the change is provided to the residents pursuant to paragraph (2) of subdivision (g) of Section 798.56 of the Civil Code.

(d) When the impact report is filed prior to the closure or cessation of use, the person or entity filing the report or park resident may request, and shall have a right to, a hearing before the legislative body on the sufficiency of the report.

(e) The legislative body, or its delegated advisory agency, shall review the report, prior to any change of use, and may require, as a condition of the change, the person or entity to take steps to mitigate any adverse impact of the conversion, closure, or cessation of use on the ability of displaced mobilehome park residents to find adequate housing in a mobilehome park. The steps required to be taken to mitigate shall not exceed the reasonable costs of relocation.

(f) If the closure or cessation of use of a mobilehome park results from the entry of an order for relief in bankruptcy, the provisions of this section shall not be applicable.

(g) The legislative body may establish reasonable fees pursuant to Section 66016 to cover any costs incurred by the local agency in implementing this section and Section 65863.8. Those fees shall be paid by the person or entity proposing the change in use.

(h) This section is applicable to charter cities.

(i) This section is applicable when the closure, cessation, or change of use is the result of a decision by a local governmental entity or planning agency not to renew a conditional use permit or zoning variance under which the mobilehome park has operated, or as a result of any other zoning or planning decision, action, or inaction. In this case, the local governmental agency is the person proposing the change in use for the purposes of preparing the impact report required by this section and is required to take steps to mitigate the adverse impact of the change as may be required in subdivision (e).

(j) This section is applicable when the closure, cessation, or change of use is the result of a decision by an enforcement agency, as defined in Section 18207 of the Health and Safety Code, to suspend the permit to operate the mobilehome park. In this case, the mobilehome park owner is the person proposing the change in use for purposes of preparing the impact report required by this section and is required to take steps to mitigate the adverse impact of the change as may be required in subdivision (e).

(Amended by Stats. 2009, Ch. 500, Sec. 47. Effective January 1, 2010.)

GOVERNMENT CODE

TITLE 7. PLANNING AND LAND USE [65000 - 66499.58]

(Heading of Title 7 amended by Stats. 1974, Ch. 1536.)

DIVISION 2. SUBDIVISIONS [66410 - 66499.38]

(Division 2 added by Stats. 1974, Ch. 1536.)

CHAPTER 2. Maps [66425 - 66450]

(Chapter 2 added by Stats. 1974, Ch. 1536.)

ARTICLE 1. General Provisions [66425 - 66431]

(Article 1 added by Stats. 1974, Ch. 1536.)

66427.4.

(a) At the time of filing a tentative or parcel map for a subdivision to be created from the conversion of a mobilehome park or floating home marina to another use, the subdivider shall also file a report on the impact of the conversion upon the displaced residents of the mobilehome park or floating home marina to be converted. In determining the impact of the conversion on displaced mobilehome park or floating home marina residents, the report shall address the availability of adequate replacement space in mobilehome parks or floating home marinas.

(b) The subdivider shall make a copy of the report available to each resident of the mobilehome park or floating home marina at least 15 days prior to the hearing on the map by the advisory agency or, if there is no advisory agency, by the legislative body.

(c) The legislative body, or an advisory agency that is authorized by local ordinance to approve, conditionally approve, or disapprove the map, may require the subdivider to take steps to mitigate any adverse impact of the conversion on the ability of displaced mobilehome park or floating home marina residents to find adequate space in a mobilehome park or floating home marina, respectively.

(d) This section establishes a minimum standard for local regulation of conversions of mobilehome parks and floating home marinas into other uses and shall not prevent a local agency from enacting more stringent measures.

(e) This section shall not be applicable to a subdivision that is created from the conversion of a rental mobilehome park or rental floating home marina to resident ownership.

(Amended by Stats. 2013, Ch. 432, Sec. 3. Effective January 1, 2014.)

Attachment 5

**Proposed Special Occupancy Park Conversion Ordinance for
Parks with long-term Recreational Vehicle Residents
Coastal and Inland**

Add New Section:

313-113.2 SPECIAL OCCUPANCY PARK CONVERSION (Coastal)

113.2.1 **Purpose.** The purpose of the Special Occupancy Park Conversion procedure is to ensure that any conversion of special occupancy parks which include spaces for permanent recreational vehicles to other uses is preceded by adequate notice, that the social and fiscal impacts of the proposed conversion are adequately defined prior to consideration of the proposed conversion, and that relocation and other assistance is provided to permanent recreational vehicle residents when warranted.

113.2.2 **Applicability.** This Chapter applies to applications for closure of special occupancy parks which include spaces for permanent recreational vehicles. Reasons for closure may include conversion to another land use and/or financial considerations of the park owner.

113.2.3 **Definitions.** The below definitions pertain to this Section.

113.2.3.1 "Applicant" means a person or entity who has filed an application for change of use of a special occupancy park which includes spaces for permanent recreational vehicles.

113.2.3.2 "Change of use" includes closure, cessation or change of use of the park. It means the use of the park for a purpose other than the rental, or the holding out for rent, of two or more permanent recreational vehicle sites to accommodate mobilehomes used for human habitation, and does not mean the adoption, amendment, or repeal of a park rule or regulation. A change of use may affect an entire park or any portion thereof. "Change of use" includes, but is not limited to, a change of the park or any portion thereof to a condominium, stock cooperative, planned unit development, or any form of ownership wherein spaces within the park are sold.

113.2.3.3 "Special occupancy park closure" includes any closure, cessation or change of use of the park as described in Section 113.2.3.2. A closure includes ceasing to rent recreational vehicle lots for permanent human habitation and the cessation of use would result in the displacement of recreational vehicle park residents, or when 25 percent or more of the recreational vehicle units or lots within a park become vacant.

113.2.3.4 "Eligible recreational vehicle resident" or "permanent resident" means a permanent recreational vehicle resident whose recreational vehicle was located in a special occupancy park on the date of an application for change of use. Eligible recreational vehicle resident includes the spouse, parents, children and grandchildren of the eligible permanent vehicle resident when those persons resided in the recreational vehicle on the date of the application.

113.2.3.5 "Legal owner" means any person or entity having an ownership interest in a permanent recreational vehicle other than the registered owner, such as a lender or mortgagor.

113.2.3.6 "Permanent recreational vehicle" means recreational vehicles that continuously occupy a space within a special occupancy park for nine months or more.

113.2.3.7 "Recreational vehicle owner" means the registered owner or registered owners of a permanent recreational vehicle, regardless of the number of such owners or the form of such ownership.

113.2.3.8 "Special occupancy park owner" or "park owner" means the person, persons or entity that owns a special occupancy park and includes any person authorized by the park owner to seek approval of an application for change of use.

113.2.3.9 "Recreational vehicle renter" or "renter" is a person who occupies a permanent recreational vehicle within a special occupancy park pursuant to a bona fide lease or rental agreement and who, during his or her tenancy, was not the owner of that recreational vehicle.

113.2.4 **Permit Requirements for a Change of Use.** The conversion of an existing special occupancy park with spaces for permanent recreational vehicles to another use shall require a special permit to be reviewed and approved by the Planning Commission.

113.2.5 **Relocation Impact Report.** An application for a special permit for a conversion of an existing recreational vehicle park with spaces for permanent recreational vehicles to another use shall include a relocation impact report (RIR) with all the following information.

113.2.5.1 A general description of any proposed change of use, or change without new use;

113.2.5.2 A timetable for conversion of the park;

113.2.5.3 A legal description of the park;

113.2.5.4 The number of permanent recreational vehicle spaces in the park, length of occupancy by the current occupant of each space and current rental rate for each space;

113.2.5.5 The date of manufacture and size of each recreational vehicle, description of outbuildings and accessory structures construction on the lots and the cost to move them;

113.2.5.6 The name and mailing address of each eligible permanent recreational vehicle tenant, permanent recreational vehicle resident, permanent resident recreational vehicle owner and legal owner of a permanent recreational vehicle in the park;

113.3.5.7 A list of comparable special occupancy parks with permanent recreational vehicle spaces within a thirty mile radius of the applicant's special occupancy park. For each comparable park, the list should, if possible, state the criteria of that park for accepting relocated recreational vehicles, rental rates and the name, number and size of spaces, address and telephone number of the park representative having authority to accept relocated recreational vehicles, including any written commitments from recreational vehicle park owners willing to accept displaced recreational vehicles;

- 113.2.5.8 The rental rates and moving costs involved in moving to an apartment or other rental unit within a reasonable distance including, but not limited to, fees charged by moving companies and any requirement for payment of the first and last month's rent and security deposits;
- 113.2.5.9 Estimates as to the minimum cost of moving each permanent recreational vehicle, including tear-down and set-up of recreational vehicles and moving of improvements such as porches, carports, patios and other moveable amenities installed by the residents;
- 113.2.5.10 An appraisal conducted by a qualified appraiser. The appraisals shall identify those permanent recreational vehicles which cannot be moved due to type, age or other considerations. Appraisal information shall be provided on the effect upon the investment in the recreational vehicle, such as the change in value of effected recreational vehicles that would result from the proposed change in use.
- 113.2.5.11 Identification of a qualified relocation specialist to assist residents in finding relocation spaces and alternate housing;
- 113.2.5.12 A Relocation Plan for permanent recreational vehicles as specified in Section 113.2.7 below.
- 113.2.6 **Notice Requirements.** The following notice requirements are in addition to any notice regularly required for special permits. The applicant shall verify that a good faith effort has been made to ensure that each permanent recreational vehicle owner and tenant has received or will receive each of the following notices and documents. No hearing on a proposed special occupancy park closure shall be scheduled until the applicant has provided verification of notification.
- 113.2.6.1 Notice of Intent. A Notice of Intent by the applicant to convert or close the recreational vehicle park shall be sent by the applicant to all permanent recreational vehicle owners and tenants by certified mail at least 60 days prior to submittal of the special permit application to the County.
- 113.2.6.2 Written Notice & Relocation Impact Report. A written notice, in addition to the regular public hearing notice shall be delivered at least 15 days before the scheduled application for a special permit, informing all permanent recreational vehicle owners and tenants that the applicant will be appearing before the Planning Commission to request permits for a change of use of the special occupancy park. A copy of the Relocation Impact Report shall be included with this notice.
- 113.2.6.3 Notice of termination of tenancy. The applicant shall provide all permanent recreational vehicle owners and tenants proposed to be displaced a written "notice of termination of tenancy" that provides the affected residents or owners a minimum of six months' notice to vacate following the effective date of the approved special permit. The notice shall be sent by certified mail to each permanent recreational vehicle owner and tenant within 10 calendar days following the effective date of the approved special permit.
- 113.2.7 **Conditions of Approval.** Approval of a special permit shall include reasonable

conditions of approval which shall not exceed the reasonable costs as set forth in this ordinance. Recreational vehicle owners who are not permanent residents are not eligible for relocation benefits. The special permit shall identify relocation options for each displaced permanent recreational vehicle occupant in a Relocation Plan, as follows:

113.2.7.1 Relocation assistance for permanent recreational vehicle owners whose vehicles can be relocated. The applicant shall pay all costs related to moving the permanent recreational vehicle, fixtures, and accessories to comparable special occupancy park within a reasonable distance. Relocation shall include moving costs, utility hook-up fees, moving of the permanent recreational vehicle resident's possessions, any move-in deposit and the reasonable housing expenses for displaced permanent recreational vehicle residents for a period not exceeding 30 days from the date of actual displacement until the date of occupancy at the new site. The comparable special occupancy park, or permanent recreational vehicle owner-approved receiving site, and the relocated recreational vehicle shall conform to all applicable Federal, State, and County regulations. In addition, the applicant shall provide displaced permanent recreational vehicle owners with the payment of a lump sum equal to the difference of rent between the old and new permanent recreational vehicle park spaces for a period of 12 months, if the new rent exceeds the old rent.

113.2.7.2 Relocation assistance for permanent recreational vehicle owners whose recreational vehicles cannot be relocated. In cases in which it is not feasible to relocate the permanent recreational vehicle to a comparable special occupancy park, including those in which the condition of the permanent recreational vehicle is such that it cannot be safely relocated, or where the recreational vehicle does not meet minimum requirements to be accepted into another special occupancy park, the applicant shall provide the following relocation assistance to each permanent recreational vehicle owner who is also a permanent resident:

113.2.7.2.1 The applicant shall be required to pay for the fair-market value of the recreational vehicle and the cost of disposal of the permanent recreational vehicle in an approved facility; and

113.2.7.2.2 Each displaced permanent recreational vehicle household will received a lump sum difference between current space rent and rent for a housing unit of a size appropriate, according to California Health and Safety code Section 50052.5 (h), to accommodate the displaced household for a period of 12 months. Lump sum funds due the resident may be paid directly to the new park owner as pre-paid rent upon request by the displaced household.

113.2.7.3 Relocation Counselor. The applicant shall offer to provide to all displaced permanent recreational vehicle owners and residents the services of a Relocation Counselor to provide information about the available housing resources and to assist with the selection of suitable relocation alternatives.

113.2.7.5.1 The Relocation Counselor shall be familiar with the region's housing market and qualified to assist residents to evaluate, select, and secure placement in the replacement housing, to arrange the moving of all of the household's personal

property, and to render financial advice on qualifying for various housing types.

113.2.7.5.2 No later than 30 calendar days after the issuance of the special permit for the recreational vehicle park closure, the Relocation Counselor shall make personal contract with each displaced resident of the permanent recreational vehicles and commence to determine the applicable relocation costs and assistance to be provided. The relocation Counselor shall give to each person eligible to receive relocation assistance a written notice of his or her options for relocation assistance as determined by the special permit.

113.2.8 **Vacancy of Special Occupancy Park of 25 Percent or More.**

113.2.8.1 Whenever 25 percent or more of the total number of permanent recreational vehicle sites within a special occupancy park containing spaces for permanent recreational vehicles are uninhabited for more than 90 consecutive days, and such condition was not caused by a natural or physical disaster beyond the control of the special occupancy park owner, then such condition shall be deemed a "special occupancy park closure" for the purposes of this ordinance. The special occupancy park owner shall file an application for the special occupancy park closure, in compliance with this Section. A permanent recreational vehicle site is considered to be "uninhabited" when no rent is being paid for use of the site and it is either (i) unoccupied by a recreational vehicle or (ii) occupied by a recreational vehicle in which no person resides.

113.2.8.2 A permanent recreational vehicle resident or other interested party who has reason to believe that 25% or more of the total number of the permanent recreational vehicle sites within special occupancy park are uninhabited may file a written statement to that effect with the Director of Planning and Building. The Director or his designee shall investigate and make a determination as to whether an unauthorized special occupancy park closure is underway. Once the Director determines whether an unauthorized special occupancy park closure is underway, a written notice that describes such determination shall be sent by the County to the special occupancy park owner, special occupancy park manager, and the person who filed the written complaint.

113.2.9 **Request for Exemption from Relocation Assistance Requirements.**

113.2.9.1 Any person who files an application for a special permit for the closure of a special occupancy park may, simultaneous with and as part of the filing of such application, request an exemption from some or all of the relocation assistance requirements described above in Section 113.2.7 (Conditions of Approval). The request shall be processed in conjunction with the application for the special permit, and shall be distributed to each permanent recreational vehicle owner and tenant at the time of application submittal, as specified in Section 113.2.6.2.

113.2.9.2 The applicant may request an exemption if the relocation assistance required exceeds the reasonable costs of relocation for displaced permanent recreational vehicle park residents, or as part of bankruptcy the court has taken action that would prohibit or preclude the payment of relocation assistance benefits, in whole or in part.

113.2.9.3 Any request for exemptions submitted in compliance with this section shall

contain at a minimum, the following information:

113.2.9.3.1 Statements of profit and loss from operations of the special occupancy park for the five-year period immediately preceding the date of the application of exemption, certified by a certified public accountant. All such statements shall be maintained in confidence to the extent permitted by the California Public Records Act.

113.2.9.3.2 An estimate of the total cost of relocation assistance which would be required in compliance with Section 113.2.7 (Conditions of Approval). This estimate shall be based on surveys, appraisals and reports that document the number of residents of the park who are able to relocate their permanent recreational vehicles and those who would sell their permanent recreational vehicles, and the costs related to providing the relocation assistance.

113.2.9.3.3 If the applicant contends that continued use of the property as a special occupancy park necessitates repairs and/or improvements that are not the result of the park owner or applicant's negligence or failure to properly maintain the said property, and that the costs thereof makes continuation of the special occupancy park economically infeasible, then the report shall include a report by a civil engineer or licensed general contractor outlining the costs.

113.2.9.3.4 If the proposed closure is due to conversion of the land to another use an estimate of the value of the special occupancy park, an estimate of the value as is, and estimate of value after the change will be required. These estimates shall be prepared by a certified real estate appraiser.

113.2.9.3.5 Any request for exemption filed pursuant to Subsection 113.2.9.1, above, shall be accompanied by adequate documentation regarding the title, case number, and court in which the bankruptcy proceeding was held, and copies of all pertinent judgments, orders and decrees of the said court.

113.2.9.4 Where a court has determined in connection with a proceeding in bankruptcy that the closure or cessation of the use of said property as a special occupancy park is necessary, and such court has taken action which would prohibit or preclude payment of relocation benefits, whether in whole or in part, the Commission shall have the authority to waive all or a portion of any type of benefit to the extent necessary to comply with the judgment, order, or decree of the court.

Add New Section:

314-113.2 SPECIAL OCCUPANCY PARK CONVERSION (Inland)

113.2.1 **Purpose.** The purpose of the Special Occupancy Park Conversion procedure is to ensure that any conversion of special occupancy parks which include spaces for permanent recreational vehicles to other uses is preceded by adequate notice, that the social and fiscal impacts of the proposed conversion are adequately defined prior to consideration of the proposed conversion, and that relocation and other assistance is provided to permanent recreational vehicle residents when warranted.

113.2.2 **Applicability.** This Chapter applies to applications for closure of special occupancy parks which include spaces for permanent recreational vehicles. Reasons for closure may include conversion to another land use and/or financial considerations of the park owner.

113.2.3 **Definitions.** The below definitions pertain to this Section.

113.2.3.1 "Applicant" means a person or entity who has filed an application for change of use of a special occupancy park which includes five or more spaces for permanent recreational vehicles.

113.2.3.2 "Change of use" includes closure, cessation or change of use of the park. It means the use of the park for a purpose other than the rental, or the holding out for rent, of two or more permanent recreational vehicle sites to accommodate mobilehomes used for human habitation, and does not mean the adoption, amendment, or repeal of a park rule or regulation. A change of use may affect an entire park or any portion thereof. "Change of use" includes, but is not limited to, a change of the park or any portion thereof to a condominium, stock cooperative, planned unit development, or any form of ownership wherein spaces within the park are sold.

113.2.3.3 "Special occupancy park closure" includes any closure, cessation or change of use of the park as described in Section 113.2.3.2. A closure includes ceasing to rent recreational vehicle lots for permanent human habitation and the cessation of use would result in the displacement of recreational vehicle park residents or when 25 percent of more of the recreational vehicle units or lots within a park become vacant.

113.2.3.4 "Eligible recreational vehicle resident" or "permanent resident" means a permanent recreational vehicle resident whose recreational vehicle was located in a special occupancy park on the date of an application for change of use. Eligible resident includes the spouse, parents, children and grandchildren of the eligible resident when those persons resided in the recreational vehicle on the date of the application.

113.2.3.5 "Legal owner" means any person or entity having an ownership interest in a permanent recreational vehicle other than the registered owner, such as a lender or mortgagor.

113.2.3.6 "Permanent recreational vehicle" means recreational vehicles that continuously occupy a space within a special occupancy park for nine months or more.

113.2.3.7 "Recreational vehicle owner" means the registered owner or registered owners of a permanent recreational vehicle, regardless of the number of such owners or the form of such ownership.

113.2.3.8 "Special occupancy park owner" or "park owner" means the person, persons or entity that owns a special occupancy park and includes any person authorized by the park owner to seek approval of an application for change of use.

113.2.3.9 "Recreational vehicle renter" or "renter" is a person who occupies a permanent recreational vehicle within a special occupancy park pursuant to a bona fide lease or rental agreement and who, during his or her tenancy, was not the owner of that recreational vehicle.

113.2.4 **Permit Requirements for a Change of Use.** The conversion of an existing special occupancy park with spaces for permanent recreational vehicles to another use shall require a special permit to be reviewed and approved by the Planning Commission.

113.2.5 **Relocation Impact Report.** An application for a special permit for a conversion of an existing recreational vehicle park with spaces for permanent recreational vehicles to another use shall include a relocation impact report (RIR) with all the following information.

113.2.5.1 A general description of any proposed change of use, or change without new use;

113.2.5.2 A timetable for conversion of the park;

113.2.5.3 A legal description of the park;

113.2.5.4 The number of permanent recreational vehicle spaces in the park, length of occupancy by the current occupant of each space and current rental rate for each space;

113.2.5.5 The date of manufacture and size of each recreational vehicle description of outbuildings and accessory structures construction on the lots and the cost to move them;

113.2.5.6 The name and mailing address of each eligible permanent recreational vehicle tenant, permanent recreational vehicle resident, permanent resident recreational vehicle owner and legal owner of a permanent recreational vehicle in the park;

113.2.5.7 A list of comparable special occupancy parks with permanent recreational vehicle spaces within a thirty mile radius of the applicant's special occupancy park. For each comparable park, the list should, if possible, state the criteria of that park for accepting relocated recreational vehicles, rental rates and the name, number and size of spaces, address and telephone number of the park representative having authority to accept relocated recreational vehicles, including any written commitments from recreational vehicle park owners willing to accept displaced recreational vehicles;

- 113.2.5.8 The rental rates and moving costs involved in moving to an apartment or other rental unit within a reasonable distance including, but not limited to, fees charged by moving companies and any requirement for payment of the first and last month's rent and security deposits;
- 113.2.5.9 Estimates as to the minimum cost of moving each permanent recreational vehicle, including tear-down and set-up of recreational vehicles and moving of improvements such as porches, carports, patios and other moveable amenities installed by the residents;
- 113.2.5.10 An appraisal conducted by a qualified appraiser. The appraisals shall identify those permanent recreational vehicles which cannot be moved due to type, age or other considerations. Appraisal information shall be provided on the effect upon the investment in the recreational vehicle, such as the change in value of effected recreational vehicles that would result from the proposed change in use.
- 113.2.5.11 Identification of a qualified relocation specialist to assist residents in finding relocation spaces and alternate housing;
- 113.2.5.12 A Relocation Plan for permanent recreational vehicles as specified in Section 113.2.7 below.
- 113.2.6 **Notice Requirements.** The following notice requirements are in addition to any notice regularly required for special permits. The applicant shall verify that a good faith effort has been made to ensure that each permanent recreational vehicle owner and tenant has received or will receive each of the following notices and documents. No hearing on a proposed special occupancy park closure shall be scheduled until the applicant has provided verification of notification.
- 113.2.6.1 Notice of Intent. A Notice of Intent by the applicant to convert or close the recreational vehicle park shall be sent by the applicant to all permanent recreational vehicle owners and tenants by certified mail at least 60 days prior to submittal of the special permit application to the County.
- 113.2.6.2 Written Notice & Relocation Impact Report. A written notice, in addition to the regular public hearing notice shall be delivered at least 15 days before the scheduled application for a special permit, informing all permanent recreational vehicle owners and tenants that the applicant will be appearing before the Planning Commission to request permits for a change of use of the special occupancy park. A copy of the Relocation Impact Report shall be included with this notice.
- 113.2.6.3 Notice of termination of tenancy. The applicant shall provide all permanent recreational vehicle owners and tenants proposed to be displaced a written "notice of termination of tenancy" that provides the affected residents or owners a minimum of six months' notice to vacate following the effective date of the approved special permit. The notice shall be sent by certified mail to each permanent recreational vehicle owner and tenant within 10 calendar days following the effective date of the approved special permit.
- 113.2.7 **Conditions of Approval.** Approval of a special permit shall include reasonable

conditions of approval which shall not exceed the reasonable costs as set forth in this ordinance. Recreational vehicle owners who are not permanent residents are not eligible for relocation benefits. The special permit shall identify relocation options for each displaced permanent recreational vehicle occupant in a Relocation Plan, as follows:

113.2.7.1 Relocation assistance for permanent recreational vehicle owners whose vehicles can be relocated. The applicant shall pay all costs related to moving the permanent recreational vehicle, fixtures, and accessories to comparable special occupancy park within a reasonable distance. Relocation shall include moving costs, utility hook-up fees, moving of the permanent recreational vehicle resident's possessions, any move-in deposit and the reasonable housing expenses for displaced permanent recreational vehicle residents for a period not exceeding 30 days from the date of actual displacement until the date of occupancy at the new site. The comparable special occupancy park, or permanent recreational vehicle owner-approved receiving site, and the relocated recreational vehicle shall conform to all applicable Federal, State, and County regulations. In addition, the applicant shall provide displaced permanent recreational vehicle owners with the payment of a lump sum equal to the difference of rent between the old and new permanent recreational vehicle park spaces for a period of 12 months, if the new rent exceeds the old rent.

113.2.7.2 Relocation assistance for permanent recreational vehicle owners whose recreational vehicles cannot be relocated. In cases in which it is not feasible to relocate the permanent recreational vehicle to a comparable special occupancy park, including those in which the condition of the permanent recreational vehicle is such that it cannot be safely relocated, where the recreational vehicle does not meet minimum requirements to be accepted into another special occupancy park, or cases in which there are no available spaces at a special occupancy park within 30 miles, the applicant shall provide the following relocation assistance to each permanent recreational vehicle owner who is also a permanent resident:

113.2.7.2.1 The applicant shall be required to pay for the fair-market value of the recreational vehicle and the cost of disposal of the permanent recreational vehicle in an approved facility; and

113.2.7.2.2 Each displaced permanent recreational vehicle household will received a lump sum difference between current space rent and rent for a housing unit of a size appropriate, according to California Health and Safety code Section 50052.5 (h), to accommodate the displaced household for a period of 12 months. Lump sum funds due the resident may be paid directly to the new park owner as pre-paid rent upon request by the displaced household.

113.2.7.3 Relocation Counselor. The applicant shall offer to provide to all displaced permanent recreational vehicle owners and residents the services of a Relocation Counselor to provide information about the available housing resources and to assist with the selection of suitable relocation alternatives.

113.2.7.3.1 The Relocation Counselor shall be familiar with the region's housing

market and qualified to assist residents to evaluate, select, and secure placement in the replacement housing, to arrange the moving of all of the household's personal property, and to render financial advice on qualifying for various housing types.

113.2.7.3.2 No later than 30 calendar days after the issuance of the special permit for the recreational vehicle park closure, the Relocation Counselor shall make personal contract with each displaced resident of the permanent recreational vehicles and commence to determine the applicable relocation costs and assistance to be provided. The relocation Counselor shall give to each person eligible to receive relocation assistance a written notice of his or her options for relocation assistance as determined by the special permit.

113.2.8 Vacancy of Special Occupancy Park of 25 Percent or More.

113.2.8.1 Whenever 25 percent or more of the total number of permanent recreational vehicle sites within a special occupancy park containing spaces for permanent recreational vehicles are uninhabited for more than 90 consecutive days, and such condition was not caused by a natural or physical disaster beyond the control of the special occupancy park owner, then such condition shall be deemed a "special occupancy park closure" for the purposes of this ordinance. The special occupancy park owner shall file an application for the special occupancy park closure, in compliance with this Section. A permanent recreational vehicle site is considered to be "uninhabited" when no rent is being paid for use of the site and it is either (i) unoccupied by a recreational vehicle or (ii) occupied by a recreational vehicle in which no person resides.

113.2.8.2 A permanent recreational vehicle resident or other interested party who has reason to believe that 25% or more of the total number of the permanent recreational vehicle sites within special occupancy park are uninhabited may file a written statement to that effect with the Director of Planning and Building. The Director or his designee shall investigate and make a determination as to whether an unauthorized special occupancy park closure is underway. Once the Director determines whether an unauthorized special occupancy park closure is underway, a written notice that describes such determination shall be sent by the County to the special occupancy park owner, special occupancy park manager, and the person who filed the written complaint.

113.2.9 Request for Exemption from Relocation Assistance Requirements.

113.2.9.1 Any person who files an application for a special permit for the closure of a special occupancy park may, simultaneous with and as part of the filing of such application, request an exemption from some or all of the relocation assistance requirements described above in Section 113.2.7 (Conditions of Approval). The request shall be processed in conjunction with the application for the special permit, and shall be distributed to each permanent recreational vehicle owner and tenant at the time of application submittal, as specified in Section 113.2.6.2.

113.2.9.2 The applicant may request an exemption if the relocation assistance required exceeds the reasonable costs of relocation for displaced permanent recreational vehicle park residents, or as part of bankruptcy the court has taken action that would prohibit or preclude the payment of relocation assistance benefits, in

whole or in part.

113.2.9.3 Any request for exemptions submitted in compliance with this section shall contain at a minimum, the following information:

113.2.9.3.1 Statements of profit and loss from operations of the special occupancy park for the five-year period immediately preceding the date of the application of exemption, certified by a certified public accountant. All such statements shall be maintained in confidence to the extent permitted by the California Public Records Act.

113.2.9.3.2 An estimate of the total cost of relocation assistance which would be required in compliance with Section 113.2.7 (Conditions of Approval). This estimate shall be based on surveys, appraisals and reports that document the number of residents of the park who are able to relocate their permanent recreational vehicles and those who would sell their permanent recreational vehicles, and the costs related to providing the relocation assistance.

113.2.9.3.3 If the applicant contends that continued use of the property as a special occupancy park necessitates repairs and/or improvements that are not the result of the park owner or applicant's negligence or failure to properly maintain the said property, and that the costs thereof makes continuation of the special occupancy park economically infeasible, then the report shall include a report by a civil engineer or licensed general contractor outlining the costs.

113.2.9.3.4 If the proposed closure is due to conversion of the land to another use an estimate of the value of the special occupancy park, an estimate of the value as is, and estimate of value after the change will be required. These estimates shall be prepared by a certified real estate appraiser.

113.2.9.3.5 Any request for exemption filed pursuant to Subsection 113.2.9.1, above, shall be accompanied by adequate documentation regarding the title, case number, and court in which the bankruptcy proceeding was held, and copies of all pertinent judgments, orders and decrees of the said court.

113.2.9.4 When making its determination as to whether to waive or modify a portion or all of any type of benefit that would otherwise be applicable, the Commission may take into account the financial history of the special occupancy park, its condition and the condition of the amenities and improvements thereon, the cost of any necessary repairs, improvements or rehabilitation of said park, the estimated costs of relocation, the fair market value of the property for any proposed alternative use, the fair market value of the property for continued use as a special occupancy park, and any other pertinent evidence requested or presented. The Commission shall expressly indicate in its decision any waiver and the extent thereof.

113.2.9.5 Where a court has determined in connection with a proceeding in bankruptcy that the closure or cessation of the use of said property as a special occupancy park is necessary, and such court has taken action which would prohibit or preclude payment of relocation benefits, whether in whole or in part, the Commission shall have the authority to waive all or a portion of any type of benefit to the extent necessary to comply with the judgment, order, or decree of the court.

Attachment 6

Minutes from the January 12, 2016 Greater Eureka Area Municipal Advisory Committee (GEAMAC) meeting and notes from February 23, 2016 Public Workshop

Greater Eureka Area Municipal Advisory Committee

Meeting Minutes January 12th, 2016

- 1) The meeting was called to order by Chairman Ziemer at 3: 03 p.m. at the Humboldt Community Services District office.
- 2) Those present completed the pledge of allegiance.
- 3) The Roll was called with the following members present:
Riley Topolewski (COE), Darrel Petersen, Glenn Ziemer, Richard Yeider and Greg Gardiner(Telephonically).
- 4) Minutes of the November 18th, 2015 meeting were reviewed with a motion for approval by Peterson/Yeider. The motion passed unanimously.
- 5) Public Comment - None.
- 6) Old Business- None
- 7) New Business:
Community Development Department Staff member, Paula Mushrush presented two draft ordinances, a Manufactured Home Park Conversion Ordinance, and a Special Occupancy Park Conversion Ordinance. Committee members sought clarification on a number of elements of the drafts, and Ms. Mushrush developed detailed notes to rely to other staff members for consideration and possible modification.

The meeting was adjourned at 4:05 p.m.

WORKSHOP AGENDA
2014 Housing Element Implementation Measure H-IM29*
Manufactured Home & Special Occupancy Park Conversion
Humboldt County Library
February 24, 2016
Wednesday 6:00 – 8:30 pm

- 6:00 – 6:15** **Welcome**
- Introductions
 - Purpose of Meeting
 - Review Agenda
 - Input – during and after the Meeting
- 6:15 – 7:00** **Review Manufactured Home Ordinance**
- Purpose
 - When is Report is due & to whom
 - Relocation Report items
 - Notice Requirements
 - Conditions of Approval: Types of Assistance
 - Requests for Exemptions
- 7:00 – 7:15** **Review Special Occupancy**
- Purpose
 - When Report is due & to whom
 - Relocation Report Items
 - Notice Requirements
 - Conditions of Approval: Types of Assistance
 - Requests for Exemptions
- 7:15 – 7:45** **Outstanding Questions**
- 7:45 – 8:00** **Closing**
- Submit comment cards
 - Planning Commission Meeting
 - Tentative April 7, 2016
 - Board of Supervisors Meeting

*** H-IM29. Procedures for Conversion of Mobilehome Parks and Recreational Vehicle Parks.** The County shall amend County Code to adopt a mobilehome park conversion ordinance pursuant to Government Code §65863.7, and to require similar procedures acceptable to the Planning Commission for conversion of Recreational Vehicle Parks to other uses. Responsible Agency: Planning and Building Department. Timeframe: By January 1, 2016.

Notes from the February 24, 2016 Workshop

In attendance: Joshua Lindsey, Isabel Brown, Patty Wheeler, Kermit Thobaben, John Bradley, Richard Motherwell, Time Walsh, June Walsh, Ruth Motherwell, Hillary Mosher, Bill Spencer, Jan Turner, Patti Rose

- 1 mobile home park owner/manager
- 3 RV park owner/manager
- 6 mobile home park residents
- 3 others

MANUFACTURED HOME (MH) PARK CONVERSION ORDINANCE

Can the planning commission deny an application for a special permit? Yes. Planning commission would need a reason to deny.

What if a MH can't be moved? What if it has to be disposed of and not bought – what happens to the owner? Why would they not pay for the home?

This ordinance doesn't seem fair to the homeowner.

The amount of mitigation to the homeowner, not commensurate with losses.

Need to add in that the park owner pays Fair Market Value (FMV) to the homeowner, or the cost to replace.

Closing parks affects affordable housing.

If this ordinance is too strict it could be onerous for a developer to want to develop a new park.

Need to look at the ordinance to ensure that there is payment to the homeowner for the MH.

For a rural region paying to move it 30 miles is too short.

Who decides the value? (Should include the space under it) –“in-place” value.

The reference to the cost to move an RV shall be the same benefit as a mobile home is maybe too much, clarify this.

Paying cost of relocation for both should be clarified.

Homes older than 1980 cannot be moved without a special permit.

SPECIAL OCCUPANCY (RV) PARK CONVERSION ORDINANCE

Mobilehome owners wished that RVs were not allowed in the parks.

Moving RVs into MH parks makes them considered MHs. Clarify what if an RV in a MH park is actually a MH or an RV

Look at the in-place value of a home, not moved value.

Look at the 30 mile stipulation.

RV parks are legally different than MH parks (ie: evictions)

Is Humboldt County the only one with an RV Park Ordinance? Yes

How do you determine "reasonableness"

Calls Subsequent to Meeting

Consider adding that the MH park residents would have "right of first refusal" on sale of a park.

Cost of moving an RV is negligible.

This ordinance will stifle RV park start-ups, and hurt tourism.

9-months is too short for an RV to be considered permanent, because several rent to tourists in the summer, and to others (ie. students in the winter)

Consider having 2 types of RV parks. Palm Springs has 3 types

- 30-day – tourism
- 210 days – snowbirds
- 365 – permanent homes

In order to not confuse the two issues staff should consider the MH and RV items on separate nights.

Attachment 7

SEIR for the 2009/2010 Housing Element Update (CD)